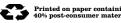


THE CITY RECORD

Official Journal of The City of New York



VOLUME CXXXV NUMBER 210

WEDNESDAY, OCTOBER 29, 2008

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THE CITY RECORD

MICHAEL R. BLOOMBERG, Mayor

MARTHA K. HIRST, Commissioner, Department of Citywide Administrative Services. ELI BLACHMAN, Editor of The City Record.

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

STATEN ISLAND BOROUGH PRESIDENT

■ PUBLIC MEETING

Staten Island Borough Board, Conference Room 122 at 5:30 P.M. on Wednesday, November 5, 2008 at Borough Hall -Stuyvesant Place, Staten Island, New York 10301.

o27-n5

BUSINESS INTEGRITY COMMISSION

MEETING

Pursuant to Section 104 of the Public Officers Law, notice is hereby given of an open meeting of the Commissioners of the New York City Business Integrity Commission. The meeting will be held on Friday from 10:00 A.M. to 12:00 P.M. on November 7, 2008 at Spector Hall, 22 Reade Street, 1st Floor, New York, New York.

o27-30

CITY PLANNING COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS have been adopted by the City Planning Commission scheduling public hearings on the following matters to be held in Spector Hall, 22 Reade Street, New York, New York on Wednesday, October 29, 2008, commencing at 10:00 A.M.

> BOROUGH OF BROOKLYN No. 1 BED-STUY GATEWAY BID

N 090095 BDK

IN THE MATTER OF an application submitted by the Department of Small Business Services on behalf of the Bed-Stuy Gateway Business Improvement District pursuant to Section 25-405 of the Administrative Code of the City of New York, as amended, concerning the formation of the Bed-Stuy Gateway Business Improvement District.

> BOROUGH OF MANHATTAN Nos. 2 & 3 **WEST 143RD STREET APARTMENTS** No. 2

C 080501 HAM

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development

- 1. pursuant to Article 16 of the General Municipal Law
 - the designation of property located at 148 a) West 143rd Street (Block 2011, Lot 57), as an Urban Development Action Area; and
 - an Urban Development Action Area Project for such area; and
- 2. pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate development of a six-story residential building, tentatively known as West 143rd Street Apartments, with approximately 34 residential units.

C 080502 PQM

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 148 West 143rd Street (Block 2011, Lot 57).

BOROUGH OF QUEENS No. 4 **BOARD OF ELECTIONS WAREHOUSE**

C 090056 PCQ

IN THE MATTER OF an application submitted by the Board of Elections and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 37-18 Northern Boulevard (Block 214, Lot 40) for use as a warehouse facility.

YVETTE V. GRUEL, Calendar Officer **City Planning Commission** 22 Reade Street, Room 2E New York, New York 10007 Telephone No. (212) 720-3370

o14-29

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street New York, New York, on Wednesday, November 19, 2008, commencing at 10:00 A.M.

BOROUGH OF THE BRONX No. 1 FOOD CENTER DRIVE

C 070443 MMX

IN THE MATTER OF an application, submitted by the Economic Development Corporation and the Department of Small Business Services, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code, for an amendment to the City Map involving:

- the establishment of Food Center Drive and Hunt's Point Landing east of Halleck Street:
- the elimination, discontinuance and closing of Hunt's Point Avenue between Halleck Street and the U.S. Bulkhead Line, Farragut Street between Hunt's Point Avenue and the U.S. Bulkhead Line, Viele Avenue between Halleck Street and Hunt's Point Avenue, and a portion of Ryawa Avenue between Halleck Street and Hunt's Point Avenue;
- the widening of Halleck Street between Hunt's Point Avenue and Viele Avenue;
- the modification and delineation of sewer corridors necessitated thereby;
- the adjustment of grades necessitated thereby; and any acquisition or disposition of real properties related thereto,

in accordance with Map No. 13120 dated June 20, 2008 and signed by the Borough President.

BOROUGHS OF MANHATTAN AND THE BRONX No. 2

CD 11 M **CD 1 X**

RANDALL'S ISLAND CONNECTOR C 080533 PCY

IN THE MATTER OF an application submitted by the Department of Transportation, the Department of Parks and Recreation and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for site selection and acquisition of easements (Block 2543, p/o Lot 1 and Block 2583, p/o Lot 2) for use as a pedestrian and bicycle pathway.

BOROUGH OF MANHATTAN CROSBY STREET HOTEL

C 080505 ZSM

IN THE MATTER OF an application submitted by Crosby Street Hotel LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the requirements of Section 42-14 (D)(2)(b) to allow Use Group 5 uses (hotel use) and/or Use Group 6 uses (retail uses) to be located below the floor level of the second story of $% \left\{ 1\right\} =\left\{ 1\right\} =\left$ a proposed 11-story building on property located at 79 Crosby Street a.k.a. 246 Lafavette Street (Block 496, Lots 1 & 29), in an M1-5B District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

No. 4 CLINTON DISTRICT THEATER BONUS N 080184(B)ZRM

CD 4 IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure for an amendment of the Zoning Resolution of the City of New York, concerning Article IX Chapter 6 (Special Clinton District)

Matter in <u>underline</u> is new, to be added; Matter in strikeout is old, to be deleted; Matter within # # is defined in Section 12-10; * * indicates where unchanged text appears in the **Zoning Resolution**

Article IX - Special Purpose Districts

Chapter 6

Special Clinton District

96-20

PERIMETER AREA

96-25

Floor Area Bonus for New Legitimate Theater Use

Within Subarea 2 of the 42nd Street Perimeter Area as shown in Appendix A of this Chapter, for #developments# or #enlargements# located within the area bounded by West $42^{
m nd}$ Street, Dyer Avenue, West $41^{
m st}$ Street and Eleventh Avenue that have fully utilized a #floor area# increase pursuant to Section 23-90 (INCLUSIONARY HOUSING), additional square feet of #floor area# may be ere foot of new legitimate theater #use#, the #floor area ratio# may be increased from 12.0 to a maximum of 15.0, provided that for every three square feet of bonused #floor area#, one square foot of such bonused #floor area# shall be used for new "performance space", which, for the purposes of this Section 96-25 shall mean space to be used as a legitimate theater or for non-profit performing arts use. <u>Such bonused #floor area# shall be permitted only upon</u> certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the following conditions shall exist have been met:

(a) the total #floor area ratio# on the #zoning lot# shall

(b)(a) all #floor area# for any performance space for which a bonus is received pursuant to this Section shall be limited to floor space exclusively associated with legitimate theater or non-profit performing arts #use#, including auditorium, orchestra, balconies, stage and theater equipment space, wings, dressing rooms, rehearsal space, lobbies, lounges, ticket offices, rest rooms, and circulation space. Any other use of the bonused performance space shall not comprise more than 25% of the total #floor area# of such performance space;

(e)(b) the theater such performance space shall be designed, arranged and used exclusively for live performances and rehearsals of drama, music or dance and shall have at least 99 100 fixed seats and no more than 299 seats. If there is more than one performance space, each shall have at least 100 seats, and adjacent performance spaces may be designed in a manner that allows for their combination into a single performance space provided such combined space has no more than 299 seats. Performance space for which a bonus is received pursuant to this Section shall only be used for non-profit performing arts use provided the #development# or #enlargement# contains at least two performance spaces used exclusively for performances of legitimate theater;

a letter from the Department of Cultural Affairs shall be submitted certifying that:

<u>(c)</u>

a signed lease shall be <u>has been</u> provided from a the prospective theater operator of the performance space, or a written commitment from the owner of the theater performance space if such owner is also the operator, for occupancy of the theater performance space and its operation as a legitimate theater or non-profit performing arts space for a period of not less than five years, pursuant to an operating plan and program therefor;

(2) the proposed operator of the performance space has the fiscal and managerial capacity to successfully operate such space;

(3) preliminary design plans have been provided to the Department of Cultural Affairs for the performance space, which include sufficient detail regarding core, shell, structural, and mechanical systems, necessary to ensure that such performance space will operate efficiently for its intended use, and

(e)(4)

a plan and program shall be accompanied by written commitment from such owner of the financial resources available to ensure timely completion of the identified scope of work; a written commitment has been provided ensuring that there are financial resources available for the timely completion of the identified scope of work, and

(5) the proposed operator of the performance space will have a program of regularly scheduled presentations that are open to the public

a legal commitment shall be has been provided for inspection and ongoing maintenance of the theater performance space to ensure its continued availability for theater #use# as a legitimate theater or non-profit performing arts space. Such inspection shall be conducted every five years by a licensed engineer or architect, and a report issued to the Chairperson of the <u>City Planning</u> Commission, and the Commissioner of the Department of Cultural Affairs and the applicable Community Board. and notice of such report shall be published in the City Record. Such report shall describe the condition of the theater performance space and identify any maintenance or repair work necessary to ensure the physical and operational soundness of the theater performance space and establish a plan and program for such work, including providing that adequate resources be made available to ensure timely completion of such maintenance or repair work; and

a legal commitment shall be has been provided for continuance of the #use# of all #floor area# in the bonused performance space for which a bonus has been received pursuant to this Section as a legitimate theater or non-profit performing arts space and providing that in the event of a change of operator, as defined by the Commissioner of the Department of Cultural Affairs, the owner or operator shall obtain a new letter certifying that the provisions of subparagraphs (1), (2) and (3) of paragraph (c) of this Section have been met as to the proposed operator and, where substantial renovation of the performance space, as defined by

the Commissioner of the Department of Cultural Affairs, is being proposed in conjunction with the change of operator, that the provisions of subparagraphs (3) and (4) have been met as to such substantial renovation. Such legal commitment shall also prohibit #use# as an #adult establishment# for the life of the related #development#.

Such legal commitments shall be in the form of a declaration of restrictions, filed and duly recorded in the Borough Office of the Register of the City of New York, binding upon the owner and any lessee of the theater performance space and their successors and assigns, a certified copy of which shall be submitted to the Chairperson of the City Planning Commission. The filing of such declaration and the posting of any bond or other security required by the Chairperson of the City Planning Commission under the terms of such declaration, and receipt of such a certified copy of such declaration, shall be preconditions to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement#.

The owner shall not apply for or accept a temporary certificate of occupancy for that portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the increased #floor area# permitted pursuant to this Section, and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion of the #development# or #enlargement#, until the Chairperson through consultation with the Commissioner of the Department of Cultural Affairs has certified that the theater performance space is substantially complete, which shall, for this purpose, mean that such theater performance space is usable by the public

The owner shall not apply for or accept a permanent certificate of occupancy for such portion of the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy for such portion, the #development# or #enlargement# until the theater performance space has been finally completed in accordance with the approved plans and such final completion has been certified by the Chairperson Commissioner of the Department of Cultural Affairs. The declaration of restrictions shall be noted on any Temporary or Final Certificate of Occupancy for the #building#.

Notwithstanding the foregoing, the Chairperson of the City Planning Commission may accept a declaration of restrictions, or, in the case of a certification issued by the Chairperson of the City Planning Commission prior to [effective date of text amendment], a modified declaration of restrictions, which shall allow the owner to apply for and accept, and the Department of Buildings to issue, temporary and permanent certificates of occupancy for the portion of the #development# or #enlargement# which utilizes the increased #floor area# permitted pursuant to this Section prior to substantial or final completion of the performance space, as the case may be, provided that, under the terms of such declaration of restrictions or modified declaration of restrictions, the owner shall not apply for or accept temporary certificates of occupancy for any such portion of the #development# or #enlargement# unless and until:

(a) the Commissioner of the Department of Cultural Affairs has certified that the core and shell of the performance space has been completed in accordance with a core and shell agreement accepted by the Commissioner; and

(b) ownership of the performance space has been transferred to the prospective operator

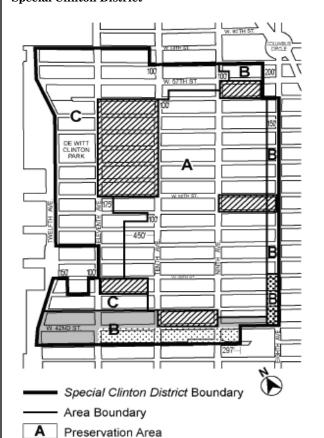
EXISTING MAP Special Clinton District

В

Perimeter Area

Other Area

Excluded Area



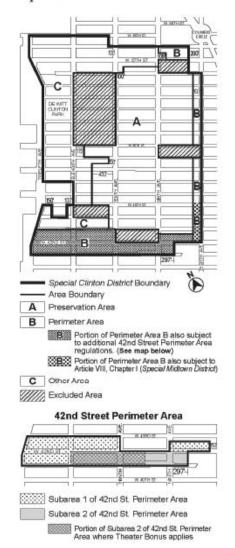
Portion of Perimeter Area also subject to Article VIII, Chapter I (Special Midtown District)

Subarea 1 of 42nd St. Perimeter Area

Subarea 2 of 42nd St. Perimeter Area

PROPOSED MAP

Special Clinton District



BOROUGH OF QUEENS No. 5

No. 5
NYPD VEHICLE STORAGE FACILITY

CD 13 C 090087 PSQ IN THE MATTER OF an application submitted by the Police Department and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection of property generally bounded by Rockaway Boulevard and North Boundary Road (Block 14260, p/o Lot 1) for use as evidence vehicle storage.

YVETTE V. GRUEL, Calendar Officer City Planning Commission 22 Reade Street, Room 2E New York, New York 10007 Telephone (212) 720-3370

☞ o29-n19

COMMUNITY BOARDS

■ PUBLIC HEARINGS

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 3 - Monday, November 3, 2008 at 7:00 p.m., Restoration Plaza, 1368 Fulton Street - lower level, Brooklyn, NY

Public Hearing on a request by Peaches' Restaurant regarding a letter of support for an Alcoholic Beverage Control Retail license at 393 Lewis Avenue.

New Destiny Housing Corp. request for a letter of support to develop vacant land at 287-293 Bainbridge Street of a mixed-income affordable rental project containing 30 units.

Bethany Baptist Church request to co-name MacDonough Street between Marcy Avenue and Malcolm X Boulevard to Rev. Dr. William A. Jones Way.

● o29-n3

FRANCHISE AND CONCESSION REVIEW COMMITTEE

MEETING

PUBLIC NOTICE IS HEREBY GIVEN THAT the Franchise and Concession Review Committee will hold a Public Meeting on Wednesday, November 5, 2008 at 2:30 P.M., at 22 Reade Street, 2nd Floor Conference Room, Borough of Manhattan.

NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, NY 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC MEETING. TDD users should call Verizon relay service.

HEALTH AND HOSPITALS CORPORATION

MEETING

In accordance with §7384 (10) of the Corporation's Enabling Act, The Board of Directors of MetroPlus Health Plan, Inc., invite you to attend the following annual public meeting:

MANHATTAN, TUESDAY, DECEMBER 2nd, 2008, 5:00 P.M., New York City Health and Hospitals Corporation, 125 Worth Street, 5th Floor Board Room, New York, NY 10013. Advance Registration Deadline: Friday, 11/28/08.

Following a report on the activities of the Corporation, the public is invited to make oral and/or written comments. Speaking time is five (5) minutes and speakers are asked to register in advance of the registration deadline by faxing Ms. Kathleen Nolan, Secretary to the Board, at (212) 908-8620, or calling her at (212) 908-8730. In person registration at the location on the day of the meeting begins at 4:00 P.M. and ends at 5:00 P.M. Wheelchair access is available. Speaking preference is given to those who preregister.

o27-31

LANDMARKS PRESERVATION COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25,309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Thursday, November 13, **2008,** at 9:30 A.M. in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

CERTIFICATE OF APPROPRIATENESS BOROUGH OF QUEENS 09-1155 - Block 8066, lot 1-20 Center Drive - Douglaston Historic District A ranch style house built 1961. Application is to construct an addition. Zoned R1-2.

CERTIFICATE OF APPROPRIATENESS BOROUGH OF QUEENS 09-3550 - Block 8012, lot 14-25-04 West Drive - Douglaston Historic District A new house designed by T.F. Cusanelli and built in 2008. Application is to install air-conditioning units.

CERTIFICATE OF APPROPRIATENESS BOROUGH OF BROOKLYN 08-6374 - Block 1964, lot 18-115 St. James Place - Clinton Hill Historic District An Italianate style rowhouse built c. 1865. Application is the construct rear yard and rooftop additions. Zoned R6.

CERTIFICATE OF APPROPRIATENESS BOROUGH OF BROOKLYN 09-0409 - Block 261, lot 47-42 Garden Place - Brooklyn Heights Historic District An Eclectic style house built in 1861-1879. Application is to construct a rear yard addition, and alter the rear facade.

CERTIFICATE OF APPROPRIATENESS BOROUGH OF BROOKLYN 09-3123 - Block 1222, lot 38-1298 Bergen Street - Crown Heights North Historic District A Renaissance Revival style rowhouse designed by F. K. Taylor and built c. 1898. Application is to construct a rear yard addition. Zoned R6.

CERTIFICATE OF APPROPRIATENESS BOROUGH OF MANHATTAN 08-7133 - Block 180, lot 22-345 Greenwich Street - Tribeca West Historic District A Renaissance Revival style store and loft building built in 1896. Application is to establish a master plan governing the future replacement of windows throughout the building.

CERTIFICATE OF APPROPRIATENESS BOROUGH OF MANHATTAN 09-0609 - Block 475, lot 7508-37 Greene Street - SoHo-Cast Iron Historic District A store building designed by Richard Berger and built in 1883-1884. Application is to construct a rooftop addition and

CERTIFICATE OF APPROPRIATENESS BOROUGH OF MANHATTAN 09-3639 - Block 634, lot 4-727 Washington Street - Greenwich Village Historic District A Renaissance Revival style rowhouse built in 1894 by Thom & Wilson, altered in 1940 by Alfred A. Tearle, and by Steven

Mensch in 1990. Application is to alter the facade and install

alter the rear facade. Zoned M1-5B.

lot line windows. Zoned C61.

Landmark, NoHo Historic District

BINDING REPORT BOROUGH OF MANHATTAN 09-1042 - Block 544, lot 16-425 Lafayette Street - Joseph Papp Public Theater-Individual

An Italianate style building, originally the Astor Library, designed by Alexander Saeltzer, Griffith Thomas, and Thomas Stent, and built in 1849-1881. Application is to alter the sidewalk, construct a stoop, and install signage, lighting, and rooftop mechanical equipment.

CERTIFICATE OF APPROPRIATENESS BOROUGH OF MANHATTAN 09-1235 - Block 529, lot 72-65 Bleecker Street - Bayard-Condict Building-Individual Landmark A Sullivanesque style office building designed by Louis Sullivan and built in 1897-99. Application is to alter the rear facade.

CERTIFICATE OF APPROPRIATENESS BOROUGH OF MANHATTAN 08-8125 - Block 511, lot 1-568 Broadway - SoHo - Cast Iron Historic District A Beaux-Arts style store and loft building built in 1895-97. Application is to replace windows.

ADVISORY REPORT

BOROUGH OF MANHATTAN 09-3721 - Block 777, lot 777-West 14th Street and 9th Avenue - Gansevoort Market Historic District

A street pattern laid out in 1811 and developed beginning in the 1840s. Application is install of street furniture and

CERTIFICATE OF APPROPRIATENESS BOROUGH OF MANHATTAN 09-3271 - Block 673, lot 1-220 12th Avenue - West Chelsea Historic District An American Round Arch style warehouse building designed by George B. Mallory and Otto M. Beck and built in 1890-91. Application is to install light fixtures.

CERTIFICATE OF APPROPRIATENESS BOROUGH OF MANHATTAN 09-2511 - Block 698, lot 18-515-521 West 26th Street - West Chelsea Historic District A vernacular brick factory building designed by Abraham Ratner and built in 1921; a daylight factory building designed

by Rouse & Goldstone and built in 1911; a brick daylight factory building with Arts and Crafts style elements designed by Harris H. Uris and built in 1913-14. Application is to construct rooftop additions. Zoned M1-5

CERTIFICATE OF APPROPRIATENESS BOROUGH OF MANHATTAN 09-3491 - Block 823, lot 68-46 West 22nd Street - Ladie's Mile Historic District A late Italianate style dwelling built in 1850, altered in 1872 by William H. Hume, and altered for commercial use in 1907 by John B. Franklin. Application is to install new storefront

CERTIFICATE OF APPROPRIATENESS BOROUGH OF MANHATTAN 08-8585 - Block 820, lot 31-11-13 West 18th Street - Ladies' Mile Historic District A building originally built in 1849 and altered in the early 20th Century Commercial style in 1921. Application is to legalize the installation of windows without Landmarks Preservation Commission permits.

CERTIFICATE OF APPROPRIATENESS BOROUGH OF MANHATTAN 09-3052 - Block 822, lot 30-5 West 20th Street – Ladies' Mile Historic District An Italianate style dwelling built in 1852 and altered in 1904 to accommodate storefronts at the first and second stories. Application is to replace windows.

CERTIFICATE OF APPROPRIATENESS BOROUGH OF MANHATTAN 07-0396 - Block 822, lot 70-54-62 West 21st Street - Ladies' Mile Historic District A neo-Renaissance style, designed by Maynicke and Franke and built in 1909-1910. Application is to legalize storefront loft building the installation of a flagpole, light fixtures and conduits without Landmarks Preservation Commission

CERTIFICATE OF APPROPRIATENESS BOROUGH OF MANHATTAN 09-4084 - Block 1287, lot 69-2 East 52nd Street, aka 651-653 Fifth Avenue - Morton and

Nellie Plant House An Italianate style townhouse designed by Robert W. Gidson and built in 1905. Application is to install awnings at the upper floors and to legalize the installation of three flagpoles without Landmarks Preservation Commission permits.

CERTIFICATE OF APPROPRIATENESS BOROUGH OF MANHATTAN 08-2049 - Block 1205, lot 34-320 Central Park West - Upper West Side/Central Park West Historic District

An Art Deco style apartment building designed by Emery Roth and built in 1930-31. Application is to establish a master plan governing the future replacement of windows.

CERTIFICATE OF APPROPRIATENESS BOROUGH OF MANHATTAN 08-8662 - Block 1388, lot 17-922 Madison Avenue - Upper East Side Historic District An Italianate/neo-Grec style residential building, designed by J.W. Marshall and built in 1871, and altered in 1928 by Harry Hurwit. Application is to legalize the installation of awnings without Landmarks Preservation Commission

CERTIFICATE OF APPROPRIATENESS BOROUGH OF MANHATTAN 09-1536 - Block 1378, lot 23-717 Madison Avenue - Upper East Side Historic District Two neo-Grec style rowhouses built in 1877 and altered in 1923 with the construction of two-story commercial extension designed by Charles E. Birge. Application is to replace the storefront infill and construct a full lot rear yard addition. Zoned C5-1.

☞ o29-n13

OFFICE OF THE MAYOR

■ PUBLIC HEARINGS

permits.

NOTICE OF PUBLIC HEARING ON PROPOSED LOCAL LAWS

PURSUANT TO STATUTORY REQUIREMENT, NOTICE IS HEREBY GIVEN that proposed local laws numbered and titled hereinafter have been passed by the Council and that a public hearing on such proposed local laws will be held in the Blue Room at City Hall, Borough of Manhattan, New York City, on Monday, November 3, 2008 at 9:30A.M.:

Int. 500 - A Local Law to amend the administrative code of the city of New York, in relation to renaming six thoroughfares and public places, Hillside Avenue, Borough of Queens, Douglas Road, Borough of Queens, Little Neck Road, Borough of Queens, Cherry Street, Borough of Queens, Willow Street, Borough of Queens, Boulevard, Borough of Queens and to amend the official map of the city of New York accordingly.

Int. 608 - A Local Law to amend the administration code of the city of New York, in relation to renaming a portion of Shore Parkway in the Borough of Queens and to amend the official map of the city of New York accordingly.

Int. 776 - A Local Law to amend the administration code of the city of New York, in relation to renaming six thoroughfares in the Borough of Queens, Burlingham Court, James Court, McKee Avenue, Calhoun Road, Moncriff Drive and Lockwood Court, and to amend the official map of the city of New York accordingly.

Int. 815 - A Local Law to amend the administration code of the city of New York, in relation to renaming one thoroughfare in the Borough of Manhattan, River Terrace and to amend the official map of the city of New York accordingly.

Int. 824-A - A Local Law to amend the administration code of the city of New York, in relation to filing of registration statements by owners of dwellings.

Int. 845 - A Local Law to amend the New York city charter, in relation to term limits for elected officials.

> Michael R. Bloomberg Mayor

NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of City Legislative Affairs, 253 Broadway, 14th Floor, New York, NY 10007, (212) 788-3678, no later than five business days prior to the public hearing. TDD users call Verizon relay service.

● o29

VOTER ASSISTANCE COMMISSION

■ MEETING

Bi-Monthly Open Meeting, Thursday, October 30, 2008, 1:00 P.M. - 3:00 P.M. at NYC Department of Youth and Community Development/DYCD, 156 Williams Street, 2nd Floor, Julius Kellogg Auditorium.

028-30

COURT NOTICE

SUPREME COURT

■ NOTICE

RICHMOND COUNTY IA PART 74 NOTICE OF ACQUISITION INDEX NUMBER (CY) 4018/08

In the Matter of Application of the CITY OF NEW YORK. relative to acquiring title in fee simple absolute to certain real property where not heretofore acquired for the

GRANTWOOD RETENTION BASIN

located in the area generally bounded by Shotwell Avenue to the east, Tyron Avenue to the south, Grantwood Avenue to the west, and Woodrow Road to the north, in the Borough of Staten Island, City and State of New York.

PLEASE TAKE NOTICE, that by order of the Supreme Court of the State of New York, County of Richmond, IA Part 74 (Hon. Abraham G. Gerges, J.S.C.), duly entered in the office of the Clerk of the County of Richmond on October 9, 2008, the application of the City of New York to acquire certain real property, for the GRANTWOOD RETENTION BASIN, was granted and the City was thereby authorized to file an acquisition map with the Office of the Clerk of Richmond County. Said map, showing the property acquired by the City, was filed with the Clerk of Richmond County on October 9, 2008. Title to the real property vested in the City of New York on October 9, 2008.

PLEASE TAKE FURTHER NOTICE, that the City has acquired the following parcels of real property:

Block **Damage Parcel** Lot 5676 1

PLEASE TAKE FURTHER NOTICE, that pursuant to said Order and to §§503 and 504 of the Eminent Domain Procedure Law of the State of New York, each and every person interested in the real property acquired in the abovereferenced proceeding and having any claim or demand on account thereof is hereby required, on or before October 9, 2009 (which is one (1) calendar year from the title vesting date), to file a written claim with the Clerk of the Court of Richmond County, and to serve within the same time a copy thereof on the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, New York 10007. Pursuant to EDPL §504, the claim shall include:

- the name and post office address of the condemnee; B. reasonable identification by reference to the acquisition map, or otherwise, of the property affected by the acquisition, and the condemnee's interest therein;
- C. a general statement of the nature and type of damages claimed, including a schedule of fixture items which comprise part or all of the damages claimed: and.
- D. if represented by an attorney, the name, address and telephone number of the condemnee's attorney.

Pursuant to EDPL $\S 503(C),$ in the event a claim is made for fixtures or for any interest other than the fee in the real property acquired, a copy of the claim, together with the schedule of fixture items, if applicable, shall also be served upon the fee owner of said real property.

PLEASE TAKE FURTHER NOTICE, that, pursuant to §5-310 of the New York City Administrative Code, proof of title shall be submitted to the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, New York 10007 on or before October 9, 2010 (which is two (2) calendar years from the title vesting date).

October 20, 2008, New York, New York Dated:

MICHAEL A. CARDOZO Corporation Counsel of the City of New York

100 Church Street New York, New York 10007 Tel. (212) 788-0710

o24-n7

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE **SERVICES**

DIVISION OF MUNICIPAL SUPPLY SERVICES

AUCTION

PUBLIC AUCTION SALE NUMBER 09001-I

NOTICE IS HEREBY GIVEN of a bi-weekly public auction of City fleet vehicles consisting of cars, vans, light duty vehicles, trucks, heavy equipment and miscellaneous automotive equipment to be held on Wednesday, October 29, 2008 (SALE NUMBER 09001-I). This auction is held every other Wednesday unless otherwise notified. Viewing is on auction day only from 8:30 A.M. until 9:00 A.M. The auction begins at 9:00 A.M.

NOTE: LOCATION: 570 Kent Avenue, Brooklyn, NY (in the Brooklyn Navy Yard between Taylor and Clymer Streets).

A listing of vehicles to be offered for sale in the next auction can be viewed on our Website, on the Friday prior to the sale date at: http://www.nyc.gov/auctions

Terms and Conditions of Sale can also be viewed at this site.

For further information, please call (718) 417-2155 or $(718)\ 625-1313.$

o7-29

PUBLIC AUCTION SALE NUMBER 09001 - J & K

NOTICE IS HEREBY GIVEN of a bi-weekly public auction of City fleet vehicles consisting of cars, vans, light duty vehicles, trucks, heavy equipment and miscellaneous automotive equipment to be held on Wednesday, November 12, 2008 (SALE NUMBER 09001-J). This auction is held every other Wednesday unless otherwise notified. Viewing is on auction day only from 8:30 A.M. until 9:00 A.M. The auction begins at 9:00 A.M.

NOTE: The auction scheduled for Wednesday, November 26, 2008 (SALE NUMBER 09001-K) has been cancelled. LOCATION: 570 Kent Avenue, Brookyn, NY (in the Brooklyn Navy Yard between Taylor and Clymer Streets).

A listing of vehicles to be offered for sale in the next auction can be viewed on our website, on the Friday prior to the sale date at: http://www.nyc.gov/auctions

Terms and Conditions of Sale can also be viewed at this site.

For further information, please call (718) 417-2155 or (718) 625-1313.

● o29-n26

SALE BY SEALED BID

SALE OF: 1 LOT OF CASH REGISTERS, USED; ONE UNUSED; ONE (1) EDY'S GRAND SOFT ICE CREAM MACHINE, USED.

S.P.#: 09005

DUE: November 13, 2008

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/ blueprints; other information; and for opening and reading of bids at date and time specified above.

DCAS, Division of Municipal Supply Services, 18th Floor, Bid Room, Municipal Building, New York, NY 10007. For sales proposal contact Gladys Genoves-McCauley (718) 417-2156 for information.

☞ o29-n13

POLICE

OWNERS ARE WANTED BY THE PROPERTY CLERK DIVISION OF THE NEW YORK CITY POLICE DEPARTMENT.

The following listed property is in the custody, of the **Property Clerk Division without claimants**

Recovered, lost, abandoned property, property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves

Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

Inquiries relating to such property should be made in the Borough concerned, at the following office of the **Property Clerk.**

FOR MOTOR VEHICLES (All Boroughs):

- College Auto Pound, 129-01 31 Avenue,
- College Point, NY 11354, (718) 445-0100 Gowanus Auto Pound, 29th Street and 2nd
- Avenue, Brooklyn, NY 11212, (718) 832-3852 Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2029

FOR ALL OTHER PROPERTY

- Manhattan 1 Police Plaza, New York, NY 10038, (212) 374-4925.
- Brooklyn 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675
- Bronx Property Clerk 215 East 161 Street, Bronx, NY 10451, (718) 590-2806.
- Queens Property Clerk 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678.
- Staten Island Property Clerk 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484.

AUCTION

PUBLIC AUCTION SALE NUMBER 1144

NOTICE IS HEREBY GIVEN of a ONE (1) day public auction of unclaimed salvage vehicles, motorcycles, automobiles, trucks, and vans. Inspection day is November 5, 2008 from 10:00 A.M. - 2:00 P.M.

Salvage vehicles, motorcycles, automobiles, trucks and vans will be auctioned on November 6, 2008 at approximately 9:30

Auction will be held at the Erie Basin Auto Pound, 700 Columbia Street (in Redhook area of Brooklyn, 2 blocks from Halleck St.)

For information concerning the inspection and sale of these items, call the Property Clerk Division's Auction Unit information line (646) 610-4614.

o27-n6

PROCUREMENT

"The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination. The contracting opportunities for construction/construction services and construction-related services that appear in the individual agency listings below reflect that committment to excellence."

BUILDINGS

CONTRACTS UNIT

■ INTENT TO AWARD

Services (Other Than Human Services)

ANNUAL MAINTENANCE OF PURCHASING PLUS **SOFTWARE** – Sole Source – Available only from a single source - PIN# 81009ADM0044 - DUE 11-06-08 AT 3:00 P.M. To provide the Department of Buildings with Maintenance/Support Services for Purchasing Plus Software for a period of one (1) year from the date of issuance of the contract.

Any one firm that believe it can provide the required services may indicate in a letter to the contact name below by the date and time indicated.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/ blueprints; other information; and for opening and reading of bids at date and time specified above.

Department of Buildings, 280 Broadway, 6th Floor New York, NY 10007. Leesel Wong (212) 566-4183 lewong@buildings.nyc.gov

o24-30

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ SOLICITATIONS

Goods

PLUMBING SUPPLIES: MISC. FIXTURES, FITTINGS AND TRIM - Competitive Sealed Bids - PIN# 8570801236 -DUE 11-14-08 AT 10:30 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/

blueprints; other information; and for opening and reading of bids at date and time specified above.

Department of Citywide Administrative Services
Office of Vendor Relations, 1 Centre Street, Room 1800

New York, NY 10007. Jeanette Megna (212) 669-8610.

☞ o29

AWARDS

Goods

FOOLS: ELECTRICIAN – Competitive Sealed Bids PIN# 857801503 – AMT: \$381,780.00 – TO: Colonial Hardware Corporation, 33 Commerce Street, Springfield, NJ

COMPUTER SOFTWARE AND MAINTENANCE - DCA

- Intergovernmental Purchase - PIN# 8570900332 - AMT: \$249,500.00 - TO: Cognos Corporation, 15 Wayside Road, Burlington, MA 01803. NYS Contract# PT62192.

■ DELL PC, AGGREGATE PURCHASE - DHS - Intergovernmental Purchase - PIN# 8570900330 - AMT: \$233,000.00 - TO: Dell Marketing LP, One Dell Way MS 8707, Round Rock, TX 78682. NYS Contract# PT55666.

• NETWORKING HARDWARE/SOFTWARE - TLC Intergovernmental Purchase – PIN# 8570900389 – AMT: \$1,772,604.10 – TO: Verizon Network Integration Corp., 11 Wards Lane, 2nd Fl., Menands, NY 12204. NYS Contract# PT59009; PS59010.

Suppliers wishing to be considered for a contract with the Office of General Services of New York State are advised to contact the Procurement Services Group, Corning Tower Room 3711, Empire State Plaza, Albany, NY 12242 or by phone: 518-474-6717.

IT EQUIPMENT - DOITT — Intergovernmental Purchase — PIN# 8570900077 — AMT: \$182,215.26 — TO: Mainline Information Systems Inc., 1700 Summit Lake Dr., Tallahassee, Fl 32317.GSA Contract# GS-35F-0216L.

Suppliers wishing to be considered for a contract with the General Services Administration of the Federal Government are advised to contact the Small Business Utilization Center, Jacob K. Javits Federal Building, 26 Federal Plaza, Room 18-130, New York, NY 10278 or by phone: 212-264-1234.

■ VENDOR LISTS

Goods

ACCEPTABLE BRAND LIST - In accordance with PPB Rules, Section 2-05(c)(3), the following is a list of all food items for which an Acceptable Brands List has been established.

- 1. Mix, Biscuit AB-14-1:92
- Mix, Bran Muffin AB-14-2:91
- Mix, Corn Muffin AB-14-5:91
- Mix, Pie Crust AB-14-9:91 Mixes, Cake - AB-14-11:92A
- Mix, Egg Nog AB-14-19:93 Canned Beef Stew - AB-14-25:97
- Canned Ham Shanks AB-14-28:91
- Canned Corned Beef Hash AB-14-26:94
- 10. Canned Boned Chicken AB-14-27:91
- 11. Canned Corned Beef AB-14-30:91 12. Canned Ham, Cured - AB-14-29:91
- 13. Complete Horse Feed Pellets AB-15-1:92
- 14. Canned Soups AB-14-10:92D 15. Infant Formula, Ready to Feed - AB-16-1:93
- 16. Spices AB-14-12:95
- 17. Soy Sauce AB-14-03:94
- 18. Worcestershire Sauce AB-14-04:94

Application for inclusion on the above enumerated Acceptable Brand Lists for foods shall be made in writing and addressed to: Purchase Director, Food Unit, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-4207.

j4-jy17

EQUIPMENT FOR DEPARTMENT OF SANITATION -

In accordance with PPB Rules, Section 2.05(c)(3), an acceptable brands list will be established for the following equipment for the Department of Sanitation:

A. Collection Truck Bodies
B. Collection Truck Cab Chassis

C. Major Component Parts (Engine, Transmission, etc.)

Applications for consideration of equipment products for inclusion on the acceptable brands list are available from: Vendor Relations, Department of Citywide Administrative ervices , Division of Municipal S Street, 18th Floor, New York, NY 10007. (212) 669-8562.

j4-jy17

OPEN SPACE FURNITURE SYSTEMS - CITYWIDE - In accordance with PPB Rules, Section 2.05(c)(3), an Acceptable Brands List, #AB-17W-1:99, has been established for open space furniture systems.

Application for consideration of product for inclusion on this acceptable brands list shall be made in writing and addressed to: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007, (212) 669-8562.

j4-jy17

DESIGN & CONSTRUCTION

CONTRACT SECTION

■ SOLICITATIONS

 $Construction \, / \, Construction \, \, Services$

PV022-STR, THE METROPOLITAN MUSEUM OF ART, STAIRS REFURBISHMENT - Sole Source - Available only from a single source - PIN# 8502009PV0005P –
DUE 11-10-08 AT 4:00 P.M. – The Department of Design and
Construction intends to enter into a sole source contract with The Metropolitan Museum of Art for the above project. The contractor must have unique knowledge of the site and must guarantee the assumption of all costs above the estimated cost of construction. In addition, the contractor must make a

private financial contribution to fund the design and construction of the project. Any firm which believes that it is also qualified to provide these services or would like to provide such services in the future is invited to indicate by letter to: Steven Wong, Program Director, 30-30 Thomson Avenue, 5th Floor, Long Island City, New York 11101, (718) 391-2550.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Department of Design and Construction 30-30 Thomson Avenue, Long Island City, NY 11101. Steven Wong (718) 391-1530, wongs@ddc.nyc.gov

o28-n3

€ 029

CLEANING, TELEVISION INSPECTION AND DIGITAL AUDIO-VISUAL RECORDING OF SEWERS AT UNKNOWN LOCATIONS, CITYWIDE – Competitive

Sealed Bids – PIN# 8502009SE0002C – DUE 11-13-08 – PROJECT NO: SETVDDC09. Experience requirements. Bid documents are available at: http://www.nyc.gov/ddc. Apprenticeship program requirements do not apply to this project. Vendor Source ID#: 56215.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Bid documents deposit - \$35.00 per set. Company check or money order. No cash accepted. Late bids will not be accepted.

Dougs will not be accepted: Department of Design and Construction 30-30 Thomson Avenue, 1st Floor, Long Island City, NY 11101. Ben Perrone (718) 391-2614.

FINANCE

CONTRACTS

■ INTENT TO AWARD

Goods & Services

LICENSE AND MAINTENANCE FOR DOF SOFTCODE BAIL AUTOMATED RECEIPT SYSTEMS ("BARS")
SOFTWARE – Sole Source – Available only from a single source - PIN# 836081211635 – DUE 11-05-08 AT 3:00 P.M. – Contract Award is for a six year term.

Department of Finance intends to award contract to: Software, Inc., 490 Boston Post Road, Sudbury, MA 01776.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date

and time specified above.

Department of Finance, 1 Centre Street, NY, NY 10007. Robert Schaffer (212) 669-4477, schafferr@finance.nyc.gov

o28-n3

FIRE

■ INTENT TO AWARD

Services (Other Than Human Services)

UPGRADE AND ENHANCEMENT OF EMS COMPUTER AIDED DISPATCH (CAD) SOFTWARE – Sole Source – Available only from a single source -

PIN# 057090001909 – DUE 11-13-08 AT 4:00 P.M. – The Fire Department intends to enter into sole source negotiations with Northrop Grumman Information Technology, Inc. to provide the upgrade and enhancement of proprietary EMS Computer Aided Dispatch (CAD) software that is an integral part of Emergency Medical Dispatch ambulance dispatch operations. Qualified vendors may express interest in providing such services in writing by November 13, 2008 at 4:00 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Fire Department, 9 MetroTech Center, 5th Floor, Brooklyn NY 11201. Kristina LeGrand (718) 999-1234 legrankm@fdny.nyc.gov

o28-n3

HEALTH AND HOSPITALS CORPORATION

The New York City Health and Hospitals Corporation is regularly soliciting bids for supplies and equipment at its Central Purchasing Offices, 346 Broadway, New York City, Room 516, for its Hospitals and Diagnostic and Treatment Centers. All interested parties are welcome to review the bids that are posted in Room 516 weekdays between 9:00 a.m. and 4:30 p.m. For information regarding bids and the bidding process, please call (212) 442-3863.

j1-d31

■ SOLICITATIONS

Goods

ONE - 2009 FORD EXPLORER - CSB -

BID# RB09-281785 – DUE 11-18-08 AT 3:00 P.M. – White, 4 - Door, 4x4 XLT, 5-speed automatic.

ONE - 2009 E250 CARGO VAN – CSB – BID# RB09-279965 – DUE 11-18-08 AT 3:00 P.M. - 4.CL EFT, V8 Engine, Elect. 4 SPD Auto Trans.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date

and time specified above.

Kings County Hospital Center, 451 Clarkson Avenue,
Brooklyn, NY 11203. Charles Lopopolo (718) 245-4848.

COMPREHENSIVE PREVENTIVE MAINTENANCE, REPAIR AND EMERGENCY SERVICES FOR SMOKE **DETECTORS AND FIRE ALARMS** – CSB – BID# RB09-231807 – DUE 11-18-08 AT 3:00 P.M. – In the "D"

Building. Vendor to furnish all labor, materials and equipment necessary.

There will be a mandatory 'walk thru' on 11/6/08 and 11/10/08

at 11:00 A.M. Vendors to meet in the Conference Room E-Bldg., 2nd Floor. For bid pick-up please contact Rup Bhowmick, (718) 245-2122.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Kings County Hospital Center, 451 Clarkson Avenue, Brooklyn, NY 11203. Izhar Shams (718) 245-2950.

HAND HELD PCS W/5" SCREEN – CSB – BID# RB09-290394 – DUE 11-18-08 AT 3:00 P.M. – Built in Communications, OQO MOD 2 6GHz; 1 GB RAM, 64SSD; XP Pro; WLAN.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date

and time specified above. Kings County Hospital Center, 451 Clarkson Avenue, Brooklyn, NY 11203. Dino Civan (718) 245-4782.

Goods & Services

PREVENTIVE MAINTENANCE OF AIR COMPRESSORS AND VACUUM PUMPS Competitive Sealed Bids – PIN# 11209044 – DUE 11-12-08 AT 3:00 P.M. – A pre-bid conference will be held on 11/05/2008 at 10:00 A.M. at Harlem Hospital Center, 506 Lenox Avenue, New York, NY 10037, in the Old Nurses Residence, Third Floor Conference

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Lincoln Hospital Center, 234 East 149th Street, Bronx, NY

10451. Junior Cooper (718) 579-5096.

FY 09 PREVENTIVE MAINTENANCE OF AIR COMPRESSORS AND VACUUM PUMPS – Competitive Sealed Bids - PIN# 11209044 - DUE 11-12-08 AT 3:00 P.M. -At Harlem Hospital.

A pre-bid conference will be held on 11/05/2008 at 10:00 A.M. at Harlem Hospital Center, 506 Lenox Avenue, New York, NY 10037, in the Old Nurses Residence, Third Floor Conference

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date

and time specified above. Lincoln Hospital Center, 234 East 149th Street, Bronx New York 10451. Junior Cooper (718) 579-5096.

MAINTENANCE ON EMERGING GENERATORS;

MAINTENANCE ON EMERGING GENERATORS;
CATERPILLAR, MITSUBISHI AND WAUKESHA —
Competitive Sealed Bids — PIN# 21109034 — DUE 11-17-08
AT 3:00 P.M. — Site visit to be held on 11/7/08 at 10:30 A.M. at
Metropolitan Hospital, 1901 First Avenue, New York, NY
10029, in Room BD28C (Basement).

SHOWER AND TOILET DOORS — Competitive Sealed
Bids — PIN# 21109033 — DUE 11-14-08 AT 3:00 P.M.

Use the following address unless otherwise specified in notice. to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Metropolitan Hospital Center c/o Lincoln Hospital Center 234 East 149th Street, Bronx, NY 10451. Edwin Iyasere, Procurement Analyst II, (718) 579-5106.

TRIAGE TAGS – Competitive Sealed Bids – PIN# 11209046 – DUE 11-14-08 AT 3:00 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Harlem Hospital Center c/o Lincoln Hospital Center 234 East 149th Street, Bronx, NY 10451. Yolanda Johnson, Procurement Analyst II, (718) 579-5867.

Services

2 OFFICE TRAILER RELOCATIONS – Competitive Sealed Bids – PIN# 000041209020 – DUE 11-19-08 AT 3:00

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date

and time specified above.

Coler/Goldwater Memorial Hospital, Purchasing Department,
1 Main Street, Roosevelt Island, New York, NY 10044. Bid package, please contact: Starr Kollore at (212) 318-4260 or fax request to (212) 318-4253.

HEALTH AND MENTAL HYGIENE

SOLICITATIONS

Human / Client Service

BUPRENORPHINE INDUCTION AND TREATMENT -Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 09SA027400R0X00 – DUE 11-17-08 AT 4:00 P.M. – The Department is seeking proposals to establish buprenorphine induction services at Federally Qualified Health Centers. Use of buprenorphine presents an opportunity to expand capacity and coverage for medication-

assisted treatment options in NYC. Unlike methadone, which must be dispensed under a highly-regulated environment in a licensed treatment program, buprenorphine can be prescribed by physicians in a primary care setting, and dispensed to the patient at a pharmacy. Deliverable-based funding is available to support buprenorphine induction for up to one hundred (100) adults per center. Contractors will be reimbursed at a rate of \$500 per induction delivered, up to a maximum amount of \$50,000 per contractor.

Proposer must operate at least one community health center (Federally Qualified Health Center) in NYC.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Health and Mental Hygiene, 93 Worth Street, Room 904-10,
New York, NY 10013. Louis Cuoco (212) 219-5520,

lcuoco@health.nyc.gov ACCO, 93 Worth Street, Room 812, New York, NY 10013.

o27-31

AGENCY CHIEF CONTRACTING OFFICER

SOLICITATIONS

☞ o29

Human / Client Service

NEW YORK/NY III SUPPORTED HOUSING CONGREGATE - Competitive Sealed Proposals - Judgment

required in evaluating proposals -PIN# 81608PO076300R0X00 – DUE 02-13-09 AT 3:00 P.M. – The Department is issuing a RFP to establish 3,000 units of citywide supportive housing in newly constructed or rehabilitated single-site buildings for various homeless populations pursuant to the New York III Supported Housing agreement. The subject RFP will be open-ended and proposals will be accepted on an on-going basis. Since February 16, 2007, the RFP has been available for pick up in person at the address listed below, between the hours of 10:00 A.M. and 4:00 P.M. on business days only. The RFP is also on line at http://www.nyc.gov/html/doh/html/acco/acco-rfp-nynycongregate-20070117-form. shtml. A pre-proposal conference was held on March 6, 2007 at 2:00 P.M. at 125 Worth Street, 2nd Floor Auditorium, New York, N.Y. Any questions regarding this RFP must be sent in writing in advance to Contracting Officer at the above address or fax to (212) 219-5865. All proposals must be hand delivered at the Agency Chief Contracting Officer, 93 Worth Street, Room 812, New York, NY 10013.

As a minimum qualification requirement for (1) the serious and persistent mentally ill populations, the proposer must be incorporated as a not-for-profit organization, and (2) for the young adult populations, the proposer must document site control and identify the source of the capital funding and being used to construct or renovate the building.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date

and time specified above.

Health and Mental Hygiene, 93 Worth Street, Room 812

New York, NY 10013. Huguette Beauport (212) 219-5883

hbeaupor@health.nyc.gov

o15-f12

HOMELESS SERVICES

OFFICE OF CONTRACTS AND PROCUREMENT

SOLICITATIONS

☞ o29

Human/Client Service

SAFE HAVEN OPEN-ENDED RFP - Competitive Sealed Proposals – Judgment required in evaluating proposals – PIN# 071-08S-04-1164 – DUE 08-27-10 – The Department of Homeless Services has issued an Open Ended Request for Proposals (PIN 071-08S-04-1164) as of August 27, 2007 seeking appropriately qualified vendors to develop and operate a stand-alone Safe Haven for chronic street homeless single adults and/or adult couples without minor children.

There is no due date for proposals under this RFP. Proposals will be reviewed by the Department as they are received and contracts will be awarded on an on-going basis until the Department's needs are met.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Department of Homeless Services, 33 Beaver Street
13th Floor, New York, NY 10004.

Suellen Schulman (212) 361-8400, sschulma@dhs.nyc.gov

a27-f12

CORRECTION: TRANSITIONAL RESIDENCES FOR HOMELESS/DROP-IN CENTERS - Competitive Sealed Proposals – Judgment required in evaluating proposals -PIN# 071-00S-003-262Z – DUE 01-02-09 AT 2:00 P.M. – CORRECTION: The Department of Homeless Services is soliciting proposals from organizations interested in developing and operating transitional residences for homeless adults and families including the Neighborhood Based Cluster Residence and drop-in centers for adults. This is an openended solicitation; there is no due date for submission.

Request for proposals is also available on-line at www.nyc.gov/cityrecord

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Department of Homeless Services, 33 Beaver Street 13th Floor, New York, NY 10004.

Marta Zmoira (212) 361-0888, mzoita@dhs.nyc.gov

f29-d31

JUVENILE JUSTICE

■ SOLICITATIONS

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Human/Client Service

CORRECTION: PROVISION OF NON-SECURE **DETENTION CENTERS** – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 13007DJJ001 – DUE 11-14-08 AT 3:00 P.M. – CORRECTION: The NYC Department of Juvenile Justice (DJJ) is seeking one or more appropriately qualified vendors to provide non-secure detention services for youth. Services shall include, but not be limited to, custody, basic youth care, food, clothing, shelter, education, health care, recreation, court related services, social work and case management services, social skills instruction, group sessions and monitoring and supervision of these services. In addition, the contract will require that a defibrillator shall be located in each program facility and that all staff requiring CPR training shall be certified in use of said defibrillator.

Each program facility will provide at least 10 and no more than 12 beds in accordance with the applicable regulations promulgated by the New York State Office of Children and Family Services (NYS OCFS), 9 N.Y.C.R.R. Section 180 et seq. The Department is seeking to provide services at facilities that will be operational at any time from January 1, 2007 to December 31, 2010. A vendor may submit an offer for more than one Facility Option. Current Agency vendors operating non-secure group homes that have contracts expiring in calendar year 2006 are urged to respond to this solicitation.

All program facilities shall be appropriately equipped to provide services for male or female youth as required by the Department, and be located in one of the five boroughs. The term of the contracts awarded from this solicitation will be for three years and will include an additional three-year option to renew. The anticipated maximum average annual funding available for each contract will be \$1,067,000, excluding start-up costs. Proposed start-up costs will be considered in addition to the proposed annual line item budget. Greater consideration will be given to applicants offering more competitive prices.

If your organization is interested in being considered for award of the subject contract, please hand deliver a written expression of interest addressed to my attention at 110 William Street, 13th Floor, New York, NY 10038. The expression of interest should specifically address the following:

- 1. Indicate each program facility for which the vendor is submitting.
- 2. Describe each proposed facility, its location, and proposed date of operation.
- 3. Attach appropriate documentation demonstrating the current use of each proposed facility and the vendor's site control of the facility for a period of at least 3 years.
- 4. For each proposed facility,
- a) Indicate the number of beds to be provided and demonstrate that the facility has the capacity to provide the indicated number of beds.
- b) Demonstrate that the facility will be appropriately equipped to provide services for male or female youth.
- 5. Demonstrate the vendor's organizational capability to:
 a) Provide the indicated number of beds at each proposed facility. (If the vendor is a current provider, also demonstrate the capability to provide the indicated number of beds in addition to those already provided.)

b) Ensure that each proposed facility will be fully operational by required date in accordance with the applicable regulations promulgated by the New York State Office of Children and Family Services (NYS OCFS), 9 N.Y.C.R.R. Section 180 et seq.

- 6. Demonstrate the quantity and quality of the vendor's successful relevant experience.
- 7. Attach for each proposed facility three-year annual line item operating budget. Include staffing details. Proposed start up costs should be included in addition to the proposed three-year annual line item operating budget.

All expressions of interest received in the manner set forth will be reviewed to determine if they are responsive to the material requirements of this solicitation. Expressions of interest determined to be non-responsive will not be further considered. Expressions of interest determined to be responsive will be considered in terms of the following factors:

- $\bullet\,$ Appropriateness of each proposed facility.
- Demonstrated site control of each proposed facility.
- Demonstrated level of organizational capability to provide the proposed number of beds and to ensure that each proposed facility if fully operational by the applicable requisite date.
- Demonstrated quantity and quality of successful relevant experience.
- Annual budget amount and cost effectiveness of the budget.

The Department will enter into negotiations with the vendor(s) determined to be the best qualified at the time of evaluation, based on consideration of the above-cited factors. A contract will be awarded to the responsible vendor(s) whose offer(s) is/are determined to be the most advantageous to the City, taking into consideration the price and the other factors set forth in this solicitation. In the case that a vendor is eligible for award of more than one program facility, the Department reserves the right, based upon the vendor's demonstrated organizational capability and the best interest of the City, respectively, to determine how many and for which program facility(ies) the vendor will be awarded a contract

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/ blueprints; other information; and for opening and reading of bids at date and time specified above.

Department of Juvenile Justice, 110 William Street 13th Floor, New York, NY 10038.

Chuma Uwechia (212) 442-7716, cuwechia@djj.nyc.gov

AWARDS

Human / Client Service

DISCHARGE PLANNING SERVICES – Renewal – PIN# 13008DJJ01 – AMT: \$1,227,650.00 – TO: Research Foundation of the City University of New York, 555 West 57th Street, 7th Fl., NY, NY 10019.

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PARKS AND RECREATION

CONTRACT ADMINISTRATION

■ SOLICITATIONS

Construction / Construction Services

RECONSTRUCTION OF THE RECREATION

BUILDING – Competitive Sealed Bids – PIN# 8462008X104C02 – DUE 12-02-08 AT 10:30 A.M. – Contract #X104-207M. Vendor Source ID#: 95217. This procurement is subject to participation goals for MBEs and/or WBEs as required by Local Law 129 of 2005. This contract is subject to Apprenticeship program requirements. A pre-bid meeting is schedule for Wednesday, November 19, 2008, at 11:00 A.M. at the site.

● PLUMBING WORK - Competitive Sealed Bids - PIN# 8462008X104C03 - DUE 11-25-08 AT 10:30 A.M. - Contract #X104-407M. Vendor Source ID#: 95218.

● HVAC WORK – Competitive Sealed Bids – PIN# 8462008X104C04 – DUE 11-25-08 AT 10:30 A.M. - Contract #X104-507M. Vendor Source ID#: 95219.

In Williamsbridge Oval, located at the intersection of Vancortlandt Avenue East of the Reservoir Oval, The Bronx.

Bid documents are available for a fee of \$25.00 in the Blueprint Room, Room #64, Olmsted Center, from 8:00 A.M. to 3:00 P.M. The fee is payable by company check or money order to the City of NY, Parks and Recreation. A separate check/money order is required for each project. The Company name, address and telephone number as well as the project contract number must appear on the check/money order. Bidders should ensure that the correct company name, address, telephone and fax numbers are submitted by your company/messenger service when picking up bid documents.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/ blueprints; other information; and for opening and reading of bids at date and time specified above.

Parks and Recreation, Olmsted Center, Room 64 Flushing Meadows Corona Park, Flushing, NY 11368. Juan Alban (718) 760-6771, Juan.Alban@parks.nyc.gov Olmsted Center, Room 60, Flushing Meadows-Corona Park, Flushing, NY 11368.

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PAYROLL ADMINISTRATION

OFFICE OF CONTRACTS AND PROCUREMENT

SOLICITATIONS

Services (Other Than Human Services)

LODI APPLICATION DEVELOPERS – Negotiated Acquisition – PIN# 09131000042215 – DUE 11-06-08 AT 5:00 P.M. – The Office of Payroll Administration (OPA) intends to enter into negotiations with Spherion Atlantic Enterprises, Inc. and MODIS, Inc. to continue to obtain services of Syed Raza, Venu Talluri, Kevin Yang and Girish Ukarande. The Consultants will continue to provide consulting, programming and training to support the Line of Duty Injury (LoDI) FICA Refund Claim. These firms have provided the four aforementioned consultants who have been with OPA on the LODI Project since its inception. The contract will commence on January 1, 2009 and will conclude on June 30, 2009.

As per PPB Rules, Section 3-04(b)(2)(I)(b)(d), OPA intends to use the Negotiated Acquisition process to insure continuity of this critical service. The contractor must have unique understanding or familiarity of City's complex Line of Duty Injury (LODI) application that consists of a combination of Web. Windows, Batch, Database, and other components which work together to achieve the desired results.

Any contractors who believe they are able to provide these specific services may submit expressions of interest in writing to Valerie Himelewski, ACCO, at 1 Centre Street, Room 200N, New York, New York 10007, or vhimelewski@payroll.nyc.gov.

There is a time-sensitive situation where a vendor must be retained quickly because the funds available from a source outside the City will be lost to the City. In addition, there is a compelling need for services that cannot be timely met through competitive sealed bidding or competitive sealed proposals.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/ blueprints; other information; and for opening and reading of bids at date and time specified above.

Office of Payroll Administration, 1 Centre Street, Room 200N New York, NY 10007. Valerie Himelewski (212) 669-3455 vhimelewski@payroll.nyc.gov

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SANITATION

AGENCY CHIEF CONTRACTING OFFICER

SOLICITATIONS

Construction / Construction Services

BID EXTENSION: INSTALLATION OF REMOVABLE SALT PILE COVERS AT 803 FORBELL STREET – Competitive Sealed Bids – PIN# 82708RR00085 – DUE 11-06-08 AT 11:00 A.M. – BID EXTENSION: CORRECTION: BID ESTIMATE \$1,500,000. There is a

\$80.00 fee for this bid document, certified check or money order, please make payable to "Comptroller, City of New York."

Last day for questions was Tuesday, October 14, 2008 at 3:00 P.M., please contact Frank Mitchell at (917) 237-5542, or e-mail at fmitchell@dsny.nyc.gov. In accordance with Schedule A of the bid document, if your bid is over \$500,000, you must submit a certified check or money order equal to 5 percent of the Bid amount of Bid Bond with Penal Sum equal to 10 percent of the Bid amount. This Procurement is subject to Local Law 129, M/WBE participation, see Schedule A of the Construction Contract Book for details. VSID#: 55491.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/ blueprints; other information; and for opening and reading of bids at date and time specified above.

Department of Sanitation, 51 Chambers Street, Room 806, New York, NY 10007. ACCO (917) 237-5357.

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BID EXTENSION: INSTALLATION OF REMOVABLE SALT PILE COVER AT 146TH STREET – Competitive Sealed Bids – PIN# 82708RR00086 – DUE 11-06-08 AT 11:00 A.M. – BID EXTENSION: CORRECTION: BID ESTIMATE \$1,500,000. There is a \$80.00 refundable deposit for this bid document, certified check or money order, please make payable to "Comptroller, City of New York."

Last day for questions was Tuesday, October 14, 2008 at 3:00 P.M., please contact Frank Mitchell at (917) 237-5542, or email at fmitchell@dsny.nyc.gov. In accordance with Schedule A of the bid document, if your bid is over \$500,000, you must submit a certified check or money order equal to 5 percent of the Bid amount of Bid Bond with Penal Sum equal to 10 percent of the Bid amount. "This Procurement is subject to Local Law 129, M/WBE participation, see Schedule A of the Construction Contract Book for details." VSID#: 55491.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/ blueprints; other information; and for opening and reading of bids at date and time specified above.

Department of Sanitation, 51 Chambers Street, Room 806, New York, NY 10007. ACCO (917) 237-5357.

SCHOOL CONSTRUCTION AUTHORITY

CONTRACT ADMINISTRATION

SOLICITATIONS

Services

LANDSCAPE ARCHITECTURE SERVICES FOR PLAYGROUNDS, ATHLETIC FIELDS AND PAVING – Competitive Sealed Bids – PIN# SCA09-00012R – DUE 11-05-08 AT 2:00 P.M. – In connection with Capital Improvement Projects at various schools in New York City.

Improvement Projects at various schools in New York City. Proposals will be accepted from the following firms: EKLA Elizabeth Kennedy Landscape Architects; HM White Site Architects; Lee Weintraub Landscape Architecture; Mark K. Morison Associates; Saratoga Associates; Semmens Associates P.C.; Synterra Ltd.; Thomas Balsley; W. Architecture and Landscape Architects.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/ blueprints; other information; and for opening and reading of bids at date and time specified above.

School Construction Authority, 30-30 Thomson Avenue Long Island City, New York 11101. Sal DeVita, Senior Management Specialist, (718) 472-8049, sdevita@nycsca.org

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Construction / Construction Services

SCIENCE LAB – Competitive Sealed Bids – PIN# SCA09-12245D-1 – DUE 11-12-08 AT 11:00 A.M. – PS 2 (X). Project Range: \$1,680,000.00 to \$1,770,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/ blueprints; other information; and for opening and reading of bids at date and time specified above.

School Construction Authority, Plans Room Window Room #1046, 30-30 Thomson Avenue, 1st Floor Long Island City, New York 11101, (718) 752-5849.

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TRIBOROUGH BRIDGE & TUNNEL AUTHORITY

SOLICITATIONS

Services

TRAFFIC VOLUME COUNTING AND/OR RELATED TRAFFIC DATA SERVICES – Competitive Sealed Bids – PIN# GES167000000 – DUE 11-12-08 AT 3:00 P.M. – A prebid conference is scheduled for 10/31/08 at 10:30 A.M. Reservations must be made with Rita Pabon, Contract Manager, at (646) 252-7082 no later than noon the preceding work day.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/ blueprints; other information; and for opening and reading of bids at date and time specified above.

Triborough Bridge and Tunnel Authority, 2 Broadway, Bid Suite, New York, NY 10004, Bid Reception Desk, (646) 252-6101, vprocure@mtabt.org. Call for fee. All bids must be delivered to the 2 Broadway, Bid Suite, located at the 3 Stone Street entrance. Please allow extra time for delivery.

AGENCY RULES

CONSUMER AFFAIRS

NOTICE

NOTICE OF ADOPTION

Notice of Adoption of Amendment to Rule Regarding the Posting of Signs by Immigration Assistance Service

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the Department of Consumer Affairs by Section 20-779 of Chapter 5, Title 20 of the Administrative Code of the City of New York and in accordance with the requirements of Section 1043 of the New York City Charter that the Department promulgates and adopts amendments to an existing rule regarding the posting of signs by immigration assistance service providers.

The amendment to the rule was proposed and published on August $20,\,2008.$ The required public hearing was held on September 19, 2008.

No text is being deleted and material being added is underlined.

RULE

Section 1. Section 5-263 of Title 6 of the Rules of the City of New York is amended to read as follows:

§5-263 Requirements Concerning Posting of Signs.

(a) The text in the signs required to be posted by §20-773 of the New York City Administrative Code shall be in type large enough to be clearly legible and visible from where a provider or its agent transact business with a consumer.

(b) Every provider shall conspicuously post where he or she transacts business with a consumer a sign, at least 11 inches by 17 inches with letters at least 1-inch high, reading as follows, in English and in every other language in which business is transacted with consumers:

If you have a complaint about this business, contact: The New York City Department of Consumer Affairs (Insert the Department's current address.) (Insert current telephone number and current web address to which complaints may be sent within a box in bold faced type.)

Business name: (insert legal name of business). Business address: (insert address of business). Business phone: (insert current business phone number).

Statement of Basis and Purpose: Section 20-779 of the Administrative Code of the City of New York authorizes the Commissioner to adopt such rules as are necessary for the purpose of implementing and carrying out the provisions of the law governing immigration assistance services. The purpose of that legislation as expressed in the legislative findings was to give immigrants a clear understanding of the work performed by immigration assistance service providers, to promote honesty and fair dealing among providers of immigration assistance services by establishing standards of conduct, to curb abusive practices by immigration services providers and to enable the Department of Consumer Affairs to prevent abuses and assist individual harmed by the unlawful conduct of such providers.

Since the law governing immigration assistance service providers became effective October 10, 2004, the Department has conducted compliance checks that have identified 125 locations in FY 2005 and 2006 where immigration assistance service providers were operating and issued 81 notices of violation to such providers. Although the 65 percent noncompliance rate that these inspections uncovered clearly revealed a substantial probability that users of these services were subject to abuse, the Department has received only six complaints from consumers from FY 05 to the present.

The Department has concluded that a significant reason for consumers' failure to contact the Department is that they lack the information that would encourage and enable th to do so.

To ensure that consumers doing business with licensees are fully aware of their opportunity to contact the Department about complaints against such businesses, the Department requires all licensees to post signs identifying the Department as the place to contact about complaints and listing the contact information for reaching the Department.

Although immigration service providers are not required to be licensees, they required to adhere to standards of conduct that are applicable to licensees who are required to post such

The Department has, therefore, concluded that it is necessary that providers of immigration services post the same signs as licensees to alert their clients where they can contact the Department about complaints to effectuate the purpose of the law to enable the Department to assist consumers harmed by providers who fail to comply with the requirements of the Local Law Number 31 of 2004 and other applicable statutes

The amendment to \$5-263 of Title 6 of the Rules of the City of New York relating to the requirements for posting signs by providers includes the same requirement for posting information about how clients can contact the Department as licensees are required to do. Since the clients of providers of immigration services are natives of other countries who may only be conversant in languages other than English, the rule also requires that providers post the information on the required sign in all the languages in which they transact

ENVIRONMENTAL PROTECTION

NOTICE

$NOTICE\ OF\ PUBLIC\ HEARING\ AND\ OPPORTUNITY\\ TO\ COMMENT$

PROPOSED AMENDMENTS TO CHAPTER 18 OF TITLE 15 OF THE RULES OF THE CITY OF NEW YORK:

RULES FOR THE PROTECTION FROM CONTAMINATION, DEGRADATION AND POLLUTION OF THE NEW YORK CITY WATER SUPPLY AND ITS SOURCES

IN COMPLIANCE WITH SECTION 1043(b) OF THE NEW YORK CITY CHARTER NOTICE IS HEREBY GIVEN of the intention of the Department of Environmental Protection to amend the provisions of Chapter 18 of 15 RCNY, the NYCDEP Rules for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources. These amendments incorporate changes in federal and State law since 1997, when the Watershed Regulations were adopted in their present form, and also address issues that have arisen during administration and enforcement of the Regulations over the past eleven years. The language to be deleted is bracketed and the new parts to be added are underlined.

The proposed rules would be promulgated pursuant to the authority of the Department of Environmental Protection as set forth in Section 1043(a) of the New York Charter, Section 24-302 of the New York City Administrative Code, and Section 1100 of the New York State Public Health Law. Consistent with Section 1100 of the New York State Public Health Law, the Department of Environmental Protection will not adopt the proposed amendments until they are approved by the New York State Department of Health.

Further notice is hereby given that the Department of Environmental Protection will hold hearings on the proposed rules on the following dates:

Location <u>Date</u> <u>Time</u> SUNY Delhi 12/02/08 6:00 p.m. - 10:00 p.m. 2 Main Street Delhi, NY 13753 (Tuesday) Belleayre Mountain 12/03/08 6:00 p.m. - 10:00 p.m. Discovery Room 181 Galli Curci Road (Wednesday) Highmount, NY 12441 Mildred E. Strang

Middle School 12/04/08 6:00 p.m. - 10:00 p.m. 2701 Crompond Road Yorktown Heights, NY 10598 (Thursday) $12/08/08 - 6:00 \ p.m. - 10:00 \ p.m.$

Putnam County Bureau of Emergency Services 112 Old Route 6 (Monday) Carmel, NY 10512 Onteora High School 12/09/08 6:00 p.m. - 10:00 p.m. 4166 Route 28 Boiceville, NY 12412 (Tuesday)

NYC DEP 12/11/08 6:00 p.m. – 10:00 p.m. 59-17 Junction Blvd. Flushing, NY 11373

Persons interested in pre-registering to speak should give written notice to Melissa Siegel, Department of Environmental Protection (DEP), Bureau of Legal Affairs, 19th Floor, 59-17 Junction Boulevard, Flushing, New York 11373. Please include a telephone number where you can be reached during normal working hours. Speakers will be limited to ten minutes. Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided are asked to notify Melissa Siegel in writing at the foregoing address at least 10 days prior to the hearing date.

Persons who wish to comment on the proposal in writing must submit written comments to Melissa Siegel at the above address on or before December 31, 2008.

Registration to testify at the hearings will be accepted at the door until $9:30~\rm p.m.$ Preference in order of testimony will be given to those who pre-register.

A copy of the proposed rules may be obtained from the offices of the Department of Environmental Protection, Bureau of Legal Affairs, 19th Floor, 59-17 Junction Boulevard, Flushing, New York, 11373 and at www.nyc.gov/dep.

Written comments and a transcript of the public hearing will be available for public inspection within a reasonable time after receipt of a request, between the hours of 10:00 a.m. and 4:00 p.m. at the offices of the Department of Environmental Protection, Bureau of Legal Affairs, 19th Floor, 59-17 Junction Boulevard, Flushing, New York, 11373.

STATEMENT OF BASIS AND PURPOSE

Under authority granted to it by section 1100 of the Public Health Law and section 24-302 of the New York City Administrative Code, the New York City Department of Environmental Protection ("DEP") is amending sections 18-14 through 18-17, 18-23, 18-32, 18-35 through 18-40, 18-42, 18-48, 18-61, and 18-82 of its Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and its Sources ("Watershed Regulations"). The purpose of the Watershed Regulations is to protect public health by preventing contamination to and degradation of the City's surface water supply. These amendments incorporate changes in federal and State law since 1997, when the Watershed Regulations were adopted in their present form, and also address issues that have arisen during administration and enforcement of the Regulations over the past eleven years.

The proposed amendments to the Watershed Regulations include revisions to the provisions pertaining to stormwater pollution prevention plans so as to incorporate the New York tate Department of Environmental Conservation ("DEC") SPDES General Permit for Stormwater Discharges from Construction Activity, Permit No. GP-08-001. The Watershed Regulations also continue to require the water quality protection standards that DEP has determined are appropriate for stormwater pollution prevention plans in the watershed. Similarly, the proposed amendments incorporate the DEC SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems ("MS4s"), Permit No. GP-08-002, by making clear that miscellaneous point source discharges now covered by the Watershed Regulations include discharges from MS4s.

The proposed revisions also include provisions authorizing DEP to grant a variance for a new or expanded surface-discharging wastewater treatment plant within the 60-day travel time, in the Croton system only, under specified and limited circumstances. Additionally, DEP proposes to revise the definition of "Phosphorus restricted basin" to incorporate, with respect to basins of source water reservoirs, a phosphorus concentration standard of 15 micrograms per liter, consistent with the Phase II Total Maximum Daily Loads for Phosphorus for New York City's Drinking Water reservoirs proposed by New York State DEC and approved by EPA. These amendments also clarify the regulatory status of holding tanks and sewer systems, consistent with existing State standards.

In addition, the proposed amendments include technical corrections such as substituting more recent versions of publications cited in the Watershed Regulations, updating certain technical terminology, and modifying or changing the order of certain text to improve clarity and intelligibility.

As required by section 1100 of the Public Health Law, DEP will not adopt these amendments until the State Department of Health has approved them.

NYCDEP

Rules for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources

Section 1. Paragraphs (5) and (7) of subdivision (a) of section 18-14 of title 15 of the Rules of the City of New York are amended to read as follows:

§18-14 Applicability.

(a) These rules and regulations apply to all persons undertaking, or proposing to undertake, the activities in the categories listed below, where such activities are specifically regulated in these rules and regulations and occur in the New York City watershed:

Discharge or transport of human excreta and use of

Design, construction and operation of [sewerage] sewer systems and service connections.

Section 2. Section 18-15 of title 15 of the Rules of the City of New York is amended to read as follows:

Local Representatives.

Information about these rules and regulations and application and other forms required by these rules and regulations may be obtained from the following offices of the Department or on the Department's website at www.nyc.gov/dep. Applications for Department approval of a regulatory activity must be submitted to one of [the] these offices [of the Department listed in subdivision (b)]. Petitions appealing from adotymination issued by the Department of the programment of the contract of t appealing from a determination issued by the Department or requesting a hearing on a cease and desist order issued by the Department must be submitted to the offices listed in subdivision [(c)] (b).

> (1)New York City Department of Environmental Protection [Chief,] Regulatory and Engineering [Section] Programs 465 Columbus Avenue Valhalla, New York 10595 Telephone: [(914) 742-2069] (914) 742-2028

[New York City Department of Environmental Protection (2)5 Jay Street Katonah, New York 10536 Telephone: (914) 232-5171 City Tie-line: (212) 349-4017

(3)New York City Department of Environmental Protection [Deputy Chief,] Regulatory and Engineering Programs [P.O. Box 370] 71 Smith Avenue Route 28A Shokan] <u>Kingston</u>, New York [12481] <u>12401</u> Telephone: [(914) 657-6972] (<u>845</u>) <u>340-7215</u>

New York City Department of [(4)**Environmental Protection** P.O. Box 358 Grahamsville, New York 12740 Telephone: (845) 985-2275 $City \ \overline{\ Tie-line:}\ (212)\ 349-1930$

New York City Department of (5) Environmental Protection P.O. Box D Downsville, New York 13775 Telephone: (607) 363-7000]

[Applications for Department approval of a regulatory activity must be submitted to one of the following offices of the Department:

> New York City Department of Environmental Protection (1) Deputy Chief, Engineering 465 Columbus Avenue Valhalla, New York 10595 Telephone: (914) 773-4418

> New York City Department of Environmental Protection (2)Deputy Chief, Engineering P.O. Box 370 Route 28A Shokan, New York 12481 Telephone: (914) 657-6972

Petitions for appeal of a determination issued by the Department in accordance with §18-28 and petitions for a hearing on a cease and desist order issued by the Department in accordance with §18-29 must be submitted to the address listed in paragraph (1), with a copy to the address listed in

> New York City Office of Administrative Trials and Hearings 40 Rector Street New York, New York 10006-1705 Telephone: (212) 442-4900

- (2) New York City Department of Environmental Protection General Counsel 5917 Junction Boulevard 19th Floor [Corona] <u>Flushing</u>, New York 113(68)73-5107 Telephone: (718) 595-6555
- $\begin{tabular}{ll} $[(d)](\underline{c})$ For communications with the Department regarding any known or suspected violations of these rules and regulations or notification of potential contamination of the water supply occurring anywhere in the watershed: \\ \end{tabular}$

New York City Water Supply Watershed Police Telephone: [Croton/Kensico (914) 245-6694 Beerston (607) 865-4185] 1-888-H20-SHED (1-888-426-7433)

Section 3. Section 18-16 of title 15 of the Rules of the City of New York is amended to read as follows:

§18-16 **Definitions**.

- (a) The following terms shall have the stated meanings when used in this Chapter, except where otherwise specifically provided:
- $\begin{array}{c} \textbf{(1)} \quad \textbf{Absorption area} \ \mathrm{means} \ \mathrm{the} \ \mathrm{area} \ \mathrm{to} \\ \mathrm{which} \ \mathrm{wastewater} \ \mathrm{is} \ \mathrm{distributed} \ \mathrm{for} \ \mathrm{infiltration} \ \mathrm{to} \ \mathrm{the} \ \mathrm{soil}. \end{array}$
- (2) **Absorption field** means the area to which sewage is distributed for infiltration to the soil by means of a network of pipes.
- (3) Access road means an impervious private or public road, other than a driveway, which connects a parcel to an existing public or private road and which is necessary in order to enable the parcel to be developed. Access road does not include an internal road within a subdivision or within an area of common development involving two (2) or more parcels.
- $[(2)](\underline{4})$ **Affiliate** means any agency or person controlled by, controlling, or under common control with an applicant.
- [(3)](5) **Agency** means any local, state or federal department, agency, board, public benefit corporation, public authority, commission, district, or governing body, including any city, county, and other political entity of the State.
- [(4)](6) Agricultural activity means (i) an activity that occurs on "land used in agricultural production" as that term is defined in §301(4) of the Agriculture and Markets Law, or (ii) an activity which is covered by a whole farm plan approved by the Watershed Agricultural Council, or by a New York State Agricultural Environmental Management Plan, or by another federal, state, or other conservation plan determined by the Department to provide water quality protection equivalent to whole farm plans approved by the Watershed Agricultural Council.
- [(5)](7) Alteration or modification means any change in physical configuration, intensity of use, location, plans, design, site, capacity, treatment standard or method, or other change in a regulated activity or in a noncomplying regulated activity. This term shall not include remediation, routine repairs or maintenance of structures and equipment.
- [(6)](8) **Approval** means any final decision by an agency to issue a permit, certificate, license, lease, renewal or other entitlement or to otherwise authorize a proposed project or activity.
- [(7)](9) Area zoned for commercial or industrial uses means a commercial or industrial zoning district, hamlet zoning district, or highway business zoning district. Areas zoned for commercial or industrial uses shall not include agricultural zoning districts.
- [(8)](10) **Base [Flow]** means visible sustained or fair weather runoff of water, including groundwater.
- [(9)](11) **Best management practices (BMPs)** means methods, measures or practices determined to be the most practical and effective in preventing or reducing the contamination to or degradation of the water supply. Best management practices include, but are not limited to, structural and nonstructural controls and operations and maintenance procedures, that can be applied before, during or after regulated activities to achieve the purposes stated
- [(10)](12) Best treatment technology (BTT) means methods, measures or practices determined to be the most practical and effective in reducing amounts of phosphorus in both surface and subsurface point source discharges which occur within the New York City watershed. BTT will vary with the size of the wastewater treatment plant, but is generally understood to consist of secondary treatment and chemical removal (usually accomplished by the addition of aluminum salts, iron salts, polymers, or pH adjustments with lime), with media filtration as a final step if necessary to achieve higher removal rates.
- $[(11)]\underline{(13)}$ \boldsymbol{CFR} means the Code of Federal Regulations.

 $[(12)]\underline{(14)}~\mbox{\bf City}$ means the City of New York.

- $[(13)](\underline{15})$ Clear cutting means cutting all of the trees, not just selected trees, within a specified boundary designated by the owner of the property.
- [(14)](16) Coliform restricted basin means the drainage basin of a reservoir or controlled lake in which the coliform standards as set forth in $\$18-48[(a)(1)](\underline{c})$ or $[(b)(1)](\underline{d})$ of Subchapter D are exceeded as determined by the Department pursuant to its annual review conducted under $\$18-48[(c)](\underline{e})$ of Subchapter D.
- $[(15)] \underline{(17)} \ \textbf{Combined [sewerage]} \ \underline{\textbf{sewer}} \ \textbf{system}$ means a structure used for conveying both sewage and stormwater.
- [(16)](18) **Commissioner** means the Commissioner of the New York City Department of Environmental Protection or its successors.
- [(17)](19) Construction or construction activity means any building, demolition, renovation, replacement, restoration, rehabilitation or alteration of any new or existing structure or read
- [(18)](20) **Construction and demolition debris** means uncontaminated solid waste resulting from the

- construction, remodeling, repair and demolition of structures and roads; and uncontaminated solid waste consisting of vegetation resulting from land clearing and grubbing, utility line maintenance and seasonal and storm related cleanup.
- [(19)](21) **Contamination** means the introduction of any pollutant to the water supply.
- [(20)](22) **Controlled lake** means a lake from which the City may withdraw water pursuant to rights acquired by the City or as a right of ownership. The controlled lakes are: Kirk Lake, Lake Gleneida and Lake Giload
- [(21)](23) Croton System means Middle Branch, Bog Brook, East Branch, Croton Falls, Diverting, Titicus, Amawalk, Muscoot, New Croton, and Cross River Reservoirs, Kirk Lake, Lake Gleneida and Lake Gilead, and their respective drainage basins.
- [$(22](\underline{24})$ **Degradation** means a process of reduction or deterioration of the water quality of the water supply, including the process of eutrophication.
- [(23)](25) **Department** means the New York City Department of Environmental Protection or its successors.
- [(24)](26) **Design capacity** means the approved flow limit of the physical apparatus of a wastewater treatment plant as specified in its SPDES permit.
- stormwater runoff enters a watercourse or wetland or leaves the site of an activity for which a stormwater pollution prevention plan must be prepared pursuant to this Chapter.
- [(27)](28) **Design professional** means a professional engineer or a registered architect who is licensed to practice in the State of New York, or a land surveyor with an exemption under §7208(n) of the Education Law.
- [(25)](29) **Designated Main Street Area** means a defined area of limited size located within the East of Hudson Watershed which is an existing center of commercial, industrial, residential, or mixed use and which has been defined and designated by a local government in the East of Hudson Watershed and approved by the Department pursuant to these rules and regulations.
- [(26)](30) **Designated Village Center** means an area in the Croton System described by the metes and bounds of a village center, whether or not located in an incorporated village, designated by a local government(s) in a Comprehensive Croton Water Quality Protection Plan prepared and agreed to in accordance with \$18-82 of these rules and regulations by submitting to the Department a description of the metes and bounds of such proposed Designated Village Center, a map of the described area, and a statement of the features which qualify the area as a Designated Village Center. A Designated Village Center must be an existing center of commercial, residential or mixed uses.
- [(28)](31) **Discharge** means the intentional or unintentional disposal, deposit, injection, emission, application, dumping, spilling, leaking, washing off, release, running off, draining or placing of any solid, semi-solid, liquid, or any other non-gaseous waste or other substance into or onto any land or water or into any [sewerage] sewer system so that such waste or other substance may directly or indirectly enter into any watercourse, wetland, reservoir, reservoir stem, controlled lake or groundwater.
- [(29)](32) **Disturbed area** means the portion of a site for which the imperviousness of the ground has changed from pre-construction conditions as a result of any land clearing, land grading or construction activity. Disturbed areas may include lawns and landscaped areas.
- (33) **Drainage Area** means all land and water area from which runoff may run to a common design point.
- [(30)](34) **Drainage basin** means the land area which contributes surface water to a reservoir or controlled lake
- [(31)](35) **Driveway** means a route accessible by a motor vehicle between a residential building and a public or private road to provide ingress and egress from the residential building.
- [(32)](36) East of Hudson Watershed means West Branch, Boyd's Corner, Bog Brook, East Branch, Croton Falls, Diverting, Titicus, Amawalk, Muscoot, New Croton, Cross River, Middle Branch and Kensico Reservoirs, Kirk Lake, Lake Gleneida and Lake Gilead, and their respective drainage basins.
- [(33)](37) **Effective Date** means May 1, 1997 [the date these rules and regulations become effective, which shall be upon completion of any conditions set forth in the approval issued by the New York State Department of Health pursuant to \$1100(1) of the Public Health Law; upon publication of these rules and regulations pursuant to \$1100(2) of the Public Health Law; and upon completion of the requirements of the New York City Administrative Procedure Act].
- $[(34)]\underline{(38)}$ **Effluent** means water or wastewater that flows out from a wastewater treatment plant or other treatment process.
- [(35)](39) **Epilimnion** means the uppermost, warmest, well-mixed layer of a lake during thermal stratification.
- [(36)](40) **Erosion** means the wearing away or the movement of soil by such physical agents as wind or water, that is exacerbated by such practices as the disturbance of ground cover by stripping or removing vegetation, construction activity, or tilling.
- [(37)](41) **Exfiltration** means wastewater that leaks out of a [sewerage] <u>sewer</u> system into the surrounding environment, through faulty joints, defective pipes, cracks in pipes, connections, or at manholes.
- $[(38)]\underline{(42)}$ **Existing** means physically constructed, functioning and operational prior to the effective date of these rules and regulations.
- $[(39)]\underline{(43)}$ **Expansion** means an increase in the permitted flow limit for a wastewater treatment plant as specified in the SPDES permit and/or an increase in the design capacity of a wastewater treatment plant.
- $[(40)]\underline{(44)}$ Facility means a structure, room or other physical feature designed to perform a particular function

and that makes possible some activity.

- [(41)](45) **Fertilizer** means any commercially produced mixture, generally containing phosphorus, nitrogen and/or potassium, except compost, that is applied to the ground to increase the supply of nutrients to plants.
- [(41.5)](46) **Galley System** means any subsurface system for treating sewage that employs structural chambers in a horizontal or vertical arrangement for the storage of effluent until it can be absorbed into the soil, that is utilized following a septic tank as an alternative to a standard absorption field, and that did not have all discretionary approvals necessary for construction and operation before June 30, 2002.
- $[(42)]\underline{(47)}$ **Gasoline station** means an establishment at which gasoline is sold or offered for sale to the public for use in motor vehicles.
- $[(43)](\underline{48})$ **Groundwater** means any water beneath the land surface in the zone of saturation. The zone of saturation is where water fills all available pore spaces.
- [(44)](49) **Hamlet** means a population center designated as a hamlet by a Town Board in the West of Hudson watershed pursuant to a Water Supply Permit <u>duly</u> issued by the New York State Department of Environmental Conservation [for Project No. 0-9999-00051/00001].
- [(45)](50) **Hazardous substance** means any substance defined or listed in 6 NYCRR Part 597 except that hazardous substance does not mean any petroleum product, including those listed in 6 NYCRR §597.2, Table 1, and also does not mean any hazardous waste.
- [(46)](51) **Hazardous waste** means any solid waste, defined or listed as a hazardous waste in 6 NYCRR Part 371
- (52) **Holding tank** means a tank or vault, with no outlet, used for holding sewage before it is pumped out and transported elsewhere for treatment or disposal.
- $[(47)]\underline{(53)}$ Hypolimnion means the lower, cooler layer of a lake during thermal stratification.
- [(48)](54) **Impervious surface** means an area which is either impervious to water or which substantially prevents the infiltration of water into the soil at that location resistant to penetration by moisture. Impervious materials include, but are not limited to, paving, concrete, asphalt, roofs, or other hard surfacing material]. Impervious surfaces include, but are not limited to, paving, concrete, asphalt, rooftops, and other hard surfacing materials, and do not include dirt, crushed stone or gravel surfaces.
- $[(49)](\underline{55})$ Individual residence means a building consisting of one residential unit.
- [(50)](56) **Individual sewage treatment system** means an on-site subsurface sewage treatment system serving <u>one or two family</u> residential properties and receiving sewage without the admixture of industrial wastes or other wastes, as defined in the Environmental Conservation Law \$17-0701 [in quantities of less than 1,000 gallons per day].
- [(51)](57) **Industrial waste** means any liquid, gaseous, solid or waste substance or a combination thereof resulting from any process of industry, manufacturing, trade or business, or from the development or recovery of any natural resources, which may cause or might reasonably be expected to cause contamination to or degradation of the water supply.
- [(52)](58) **Infiltration** means water, other than wastewater, that enters a [sewerage] <u>sewer</u> system, including sewer service connections, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow <u>and from treatment of runoff by stormwater</u> infiltration practices.
- [(53)](59) **Inflow** means water other than wastewater that enters a [sewerage] <u>sewer</u> system, including sewer service connections, from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration
- $[(54)]\underline{(60)}$ In situ soil means naturally occurring glacial soil; it does not include fill or stabilized fill.
- [(55)](61) **Intake** means the points in the New York City water supply located prior to the point of disinfection where the water is no longer subject to surface runoff.
- [(56)](62) Intermediate sized sewage treatment system means [a subsurface sewage treatment system, typically with a treatment process utilizing a septic tank followed by subsurface disposal, treating sewage or other liquid wastes for discharge into the groundwater of the State and where a SPDES permit is required for such a system. Intermediate sized sewage treatment systems shall not include wastewater treatment plants as defined in these rules and regulations] an on-site subsurface sewage treatment system serving an industrial, institutional, municipal, commercial, or multi-family residential facility, and receiving sewage without the admixture of industrial wastes or other wastes, as defined in the Environmental Conservation Law §17-0701.
- [(57)](63) **Intermittent stream** means a watercourse that during certain times of the year goes dry or whose lowest annual mean discharge during seven consecutive days with a recurrence interval of ten years (MA7CD/10) is less than 0.1 cubic foot per second and which periodically receives groundwater inflow. A drainage ditch, swale or surface feature that contains water only during and immediately after a rainstorm or a snow melt shall not be considered to be an intermittent stream.
- [(58)](64) **Junkyard** means any place of storage or deposit, whether in connection with another business or not, where four or more unregistered, old, or second hand motor vehicles, no longer intended or in condition for legal use on the public highways, are held, whether for the purpose of resale of used parts, for the purpose of reclaiming for use some or all of the materials such as metal, glass, or fabric for the purpose of disposing of the same, or for any other purpose.
- $[(59)]\underline{(65)}$ **Land clearing** means the exposure of soil by devegetation or the exposure of soil to the forces of

- $[(60)]\underline{(66)}$ Land grading means the removal, addition or alteration of surface or subsurface conditions of land by excavation or filling.
- [(61)](67) **Limiting distance** means the shortest horizontal distance from the nearest point of a structure or object to the edge, margin or steep bank forming the ordinary high water mark of a watercourse, wetland, reservoir, reservoir stem or controlled lake or to the contour line coinciding with the reservoir spillway elevation.
- $[(62)] \underline{(68)} \ \textbf{Metalimnion} \ \text{means an intermediate}$ zone between the epilimnion and hypolimnion where the water temperature drops rapidly with increasing depth.
- [(63)](69) **Microfiltration** means a process in which treated effluent passes through a membrane filter having a [molecular weight cutoff rate of 500,000] <u>nominal pore diameter of 0.2 microns</u> or less.
- [(64)](70) Multi-family residence means a building containing three (3) or more residential units.
- [(65)](71) Municipal solid waste landfill means a landfill, as defined in 6 NYCRR §360-1.2, which is owned or operated by a municipality.
- $[(66)](\underline{72})$ \pmb{New} means any regulated activity that is not an existing or noncomplying regulated activity, as defined herein.
- [(67)](73) Noncomplying regulated activity means any regulated activity or existing activity which does not conform to the standards set forth in these rules and regulations, but has obtained all discretionary approvals necessary for construction and operation, prior to the effective date of these rules and regulations.
- $[(68)]\underline{(74)}$ **Nonpoint source pollution** means pollution sources which are diffuse and do not have a single point of origin or are not introduced into a receiving stream from a point source.
- $[(69)] \underline{(75)} \ \textbf{NYCRR} \ \text{means the Official Compilation} \\ of \ \textit{Codes}, \ \textit{Rules and Regulations of the State of New York}.$
- [(70)](76) **Offset** means a reduction in the discharge of phosphorus into a drainage basin which is surplus, quantifiable, permanent, and enforceable, as defined herein:
 - (i) Surplus means that the reduction in phosphorus is not otherwise required by federal, state or local law, including these rules and regulations, or pursuant to the terms of any judgment, decree or order of any court, administrative tribunal or governmental agency, or pursuant to any watershed protection program funded by the Department, except as provided in [subparagraph] subparagraphs 18-83(a)(3) and 18-84(a)(3).
 - (ii) Quantifiable means that a reasonable basis exists for calculating and verifying the amount of the reduction in phosphorus.
 - (iii) *Permanent* means that the reduction in phosphorus is ongoing and of unlimited duration, as opposed to a temporary reduction.
 - (iv) Enforceable means that the actions and performance standards proposed by the applicant leading to the reduction in phosphorus are incorporated into a legally valid and binding agreement which may be enforced by the City in a court of competent jurisdiction.
- [(71) **One hundred year flood plain** means the land susceptible to being inundated by a flood that has a one percent or greater chance of recurring in any given year.]
- (77) **One-year, twenty-four hour storm** means the storm, with a twenty-four hour duration, that has a 100 percent chance of occurring in any given year, as specified in the most recent Watershed Water Quality Annual Report.
- [(72)](78) **Operator** means any person who leases, operates, controls or supervises a facility.
- $[(73)] \overline{(79)}$ **Owner** means any person who has legal or equitable title to a facility.
- [(74)](80) **Pathogenic** means capable of causing disease from organisms, including but not limited to: bacteria, fungi, viruses, and protozoa (such as Giardia and Cryptosporidium).
- [(75)](81) **Person** means any individual, public or private corporation, political entity, agency, municipality, industry, co-partnership, association, firm, trust, estate or any other legal entity whatsoever, except that person shall not mean the State of New York or any State department, agency, board, public benefit corporation, public authority or commission.
- $[(76)] \underline{(82)} \ \textbf{Perennial stream} \ \text{means a watercourse} \\ \text{that flows throughout the year from source to mouth.}$
- [(77)](83) **Pesticide** means (i) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, fungi, weeds, or other forms of plant or animal life or viruses, except viruses on or in living humans, or other animals, which the Commissioner of the New York State Department of Environmental Conservation shall declare to be a pest or (ii) any substance or mixture of substances intended as a plant regulator, defoliant or desiccant.
- [(78)](84) **Petroleum product** means oil or petroleum of any kind and in any form including, but not limited to, oil, petroleum, fuel oil, oil sludge, oil refuse, oil mixed with other wastes and crude oils, gasoline and kerosene.
- [(79)](85) **Phosphorus restricted basin** means (i) the drainage basin of a source water reservoir in which the phosphorus load to the reservoir results in the phosphorus concentration in the reservoir exceeding 15 micrograms per liter, or (ii) the drainage basin of a reservoir other than a source water reservoir or of a controlled lake in which the phosphorus load to the reservoir or controlled lake results in the phosphorus [water quality values established by the New York State Department of Environmental Conservation and set forth in its Technical and Operational Guidance Series (TOGS) 1.1.1, Ambient Water Quality and Guidance Values (October 22, 1993) being exceeded,] concentration in the

- reservoir or controlled lake exceeding 20 micrograms per liter in both instances as determined by the Department pursuant to its annual review conducted under [18-48(c)] 18-48(e) of Subchapter D.
- [(80)](86) **Photic zone** means the region of a lake that receives light, where photosynthesis takes place. The photic zone extends down to a depth where photosynthetic activity and respiration are balanced due to the available light, or to one percent surface illumination.
- [(81)](87) **Point source** means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or vessel or other floating craft, or landfill leachate collection system, from which pollutants are or may be discharged.
- [(82)](88) **Pollutant** means unpermitted dredged spoil, solid waste, incinerator residue, sewage, effluent, garbage, sewage sludge, munitions, chemical waste, biological material, radioactive material, heat, wrecked or discarded equipment, rock, sand, and industrial and municipal waste discharged into water.
- [(83)](89) **Principal** means an agency or person that owns 10 percent or more of the voting stock or has the ability to control a corporation, partnership or other entity.
- [(84)](90) **Radioactive material** means any material in any form that emits radiation spontaneously.
- (91) Redevelopment project means the reconstruction or modification of any previously developed land such as residential, commercial, industrial, or road/highway, which involves soil disturbance. Redevelopment is distinguished from new development in that new development refers to construction on land which has not been substantially developed. The term "redevelopment project" specifically applies to areas previously developed with impervious surfaces.
- [(85)](92) **Regulated activity** means any activity to which these rules and regulations apply, as described in subdivisions (a)-(d) of §18-14 of Subchapter A of these rules and regulations.
- [(86)](93) **Remediation** means the repair or replacement, other than routine repair or maintenance as described in §18-38(a)(9)(iii) of Subchapter C, of a subsurface sewage treatment system that is failing.
- $[(87)]\underline{(94)}$ **Reservoir** means any natural or artificial impoundment of water owned or controlled by the City which is tributary to the City Water supply system.
- $[(88)]\underline{(95)}$ **Reservoir stem** means any watercourse segment which is tributary to a reservoir and lies within 500 feet or less of the reservoir.
- [(89)](96) **Residential lot(s)** means any parcel of land of five acres or less, any point on the boundary line of which is less than one-half mile from any point on the boundary line of another such lot in the same tract, unless any such lot may not legally be used for residential purposes. Without limiting the generality of the foregoing, the term "residential" shall include temporary, seasonal and permanent residential use.
- [(90)](<u>97</u>) **Sediment** means organic or mineral solids or colloids that are transported by the process of hydrologic, hydraulic, or atmospheric transport, including but not limited to erosion.
- [(91)](98) **Sewage** means the water-carried human or animal wastes from residences, buildings, industrial establishments or other places, together with such groundwater infiltration and surface water as may be present. The admixture of sewage with industrial waste or any other waste as herein defined, shall also be considered "sewage" within the meaning of these rules and regulations.
- (99) **Sewer connection or lateral** means the connection between a building, residence, or other structure and a sewer system except that any connection designed and intended to convey 2,500 gallons per day or more of residential sewage shall be considered a sewer extension.
- (100) **Sewer extension** means newly constructed sewer pipe lines or conduits, and pumping stations and other constructions appurtenant thereto, designed to serve one or more sewer connections and to convey sewage, industrial waste or other wastes to a sewer system.
- [(92)](101) [Sewerage] Sewer system means pipe lines or conduits, pumping stations, and force mains, and all other constructions, devices, and appliances appurtenant thereto, including sewer extensions, used for conducting sewage, industrial waste or other wastes to a [point of ultimate disposal] treatment facility.
- [(93)](102) Silvicultural activity means the removal of selected trees within a specified boundary designated by the owner of the property so that adequate numbers of trees are left to provide seed and partial shade for the development of new tree seedlings, and when such activity is in accordance with Federal, State and local laws.
- $[(94)](\underline{103})$ Small quantity generator has the meaning set forth in 6 NYCRR § 370.2(b)(154).
- [(95)](104) Solid waste means all putrescible and non-putrescible materials or substances that are discarded, abandoned, or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water treatment facilities, rubbish, tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles and offal, except where exempt from compliance with 6 NYCRR Part 360 as described in 6 NYCRR §360-1.2(a)(4).
- [(96)](105) Solid waste management facility means any facility employed beyond the initial solid waste collection process and managing solid waste including but not limited to: storage areas or facilities; transfer stations; rail-haul or barge-haul facilities; landfills; construction and demolition processing facilities; disposal facilities; solid waste incinerators; landspreading facilities; composting facilities; surface impoundments; waste oil storage, reprocessing and

- rerefining facilities; recyclables handling and recovery facilities; and waste tire storage facilities, as defined in 6 NYCRR § 360-1.2.
- (106) **Source water reservoir** means Ashokan, Cross River, Croton Falls, Kensico, New Croton, Rondout, and West Branch Reservoirs.
- [(97)](107) SPDES flow parameter violation means two or more violations of a permitted State Pollutant Discharge Elimination System (SPDES) flow parameter limit during a consecutive six month period. A facility that operates less than 6 months per year will be deemed to have a SPDES flow parameter violation if the permitted SPDES flow parameter limit is violated one or more times during any consecutive four month period.
- [(98)](108) State Pollutant Discharge Elimination System (SPDES) permit means a permit issued pursuant to Titles 7 and 8 of Article 17 of the Environmental Conservation Law.
- [(99)](109) **Stormwater** means that portion of precipitation that is in excess of the evaporative or infiltrative capacity of soils, or the retentive capacity of surface features, that flows off the land by surface runoff or by subsurface interflow to watercourses, wetlands, reservoirs, reservoir stems and controlled lakes, i.e., that portion of the water supplied to surface drainage that is not groundwater or base flow.
- (110) Stormwater conveyance measure means a swale, drainage ditch, pipe, spillway, or other structure located outside a stormwater management practice that is used solely to transport water between stormwater management practices or to a watercourse or wetland. A stormwater conveyance measure constructed to convey stormwater, on a temporary basis, during active construction, which will not be used as a stormwater conveyance measure after construction is complete, is not considered a watercourse under this Chapter.
- (111) Stormwater infiltration practice means a stormwater management practice designed to collect and temporarily store runoff and to distribute that runoff to the underlying soil for treatment.
- (112) Stormwater management practice means a stormwater pond, stormwater wetland, infiltration system, filter practice, or open channel used primarily for managing and/or treating stormwater, including a Department approved alternative stormwater management practice.
- [(100)](113) Stormwater Project Review Committee ("Committee") means a Committee formed in each Town or Village in the watershed to assist the Department in implementing subdivisions 18-39(b) and (c) of Subchapter C, and consisting of the following four Committee members: a representative of the Department, who shall act as chairperson; a representative of the New York State Department of Environmental Conservation from the region in which the activity requiring a stormwater pollution prevention plan is proposed to be located; a representative of the Town or Village in which the activity requiring a stormwater pollution prevention plan is proposed to be located or if no one is designated by the Town, or if the activity is proposed for a village, the Village, a representative of the appropriate County Planning Department, provided, however, that a Town, or if the activity is proposed for a village, the Village, may at any time designate a representative to replace the one designated by the County Planning Department; and a representative of the County Department of Health from the County in which the activity requiring a stormwater pollution prevention plan is proposed to be located, or in a County without a County Department of Health, a representative of the County Soil and Water Conservation Service.
- (114) Stormwater retrofit means any construction of a structural stormwater management practice in a previously developed area, the modification of a structural stormwater management practice, or the implementation of a nonstructural practice to improve stormwater management and/or stormwater treatment over current conditions.
- [(101)](115) **Stratification** means the physical condition caused primarily by temperature-created differences in water density, which results in the formation of a warm, surface layer (epilimnion), a zone of transition (metalimnion), and a cooler, deep layer of water (hypolimnion).
- $[(102)](\underline{116})$ **Subdivision** means any tract of land which is divided into five or more parcels of five acres or less, along an existing or proposed street, highway, easement or right-of-way, for sale or for rent as residential lots. A tract of land shall constitute a subdivision upon the sale, rental or offer for sale or lease of the fifth residential lot therefrom within any consecutive three year period.
- [(103)](117) **Subsurface discharge** means discharge to [a seepage unit or] an absorption [field] <u>area</u>, i.e., a process designed to allow filtered, treated sewage effluent to be discharged into the ground as a means of ultimate disposal.
- [(104)](118) Subsurface sewage treatment system means any underground system used for collecting, treating, and disposing of sewage into the ground including, but not limited to, individual and intermediate sized sewage treatment systems, as defined in these rules and regulations.
- (119) **Ten-year, twenty-four hour storm** means the storm, with a twenty-four hour duration, that has a ten percent chance of occurring in any given year, as specified in the most recent Watershed Water Quality Annual Report.
- [(105)](120) **Terminal reservoir** means Kensico, West Branch, New Croton, Ashokan and Rondout Reservoirs.
- $[(106)](\underline{121})$ **Two year, twenty-four hour storm** means the storm, with a twenty-four hour duration, that has a fifty percent chance of occurring in any given year.
- $[(107)](\underline{122})$ **Twenty-five year storm** means the storm that has a four percent chance of occurring in any given year.
- $(108)](\underline{123})$ Ulster County Fill System means a subsurface sewage treatment system used in Ulster County

which has been approved by the New York State Department of Health for use in Ulster County and which is built upon two (2) feet of in situ soil that has a percolation rate between 3 to 60 minutes/inch, and which uses at least four (4) feet of fill material, including at least three (3) feet between the bottom of the trench and the in situ soil, that has a percolation rate between 3 and 10 minutes/inch. Ulster County Fill [System] Systems [shall include the] may be used on individual lots or in subdivisions in Ulster County [Fill System when] and may also be used in a county other than Ulster if the New York State Department of Health has approved the system for use in such other county.

 $[(109)] \underline{(124)} \ \textbf{Village} \ \text{means a territory which has}$ been incorporated as a village pursuant to Article 2 of the New York State Village Law.

[(110)](125) **Village extension** means an area immediately adjoining a main road extending [a maximum distance of one quarter mile] outside an existing village which has been designated as a village extension by [the] a Town Board [of the Town in which the village is located] in the West of Hudson watershed pursuant to a Water Supply Permit <u>duly</u> issued by the New York State Department of Environmental Conservation [for Project No. 0-9999 00051/00001].

[(111)](126) **Wastewater treatment plant** means any facility which treats sewage or discharges treated effluent not intended to receive further treatment in the watershed, and which requires a permit under Titles 7 or 8 of Article 17 of the Environmental Conservation Law[,]. A wastewater treatment plant is installed for the purpose of treating, neutralizing, stabilizing or disposing of sewage by removal of contaminants accomplished by unit operations or processes or by a combination of such operations and processes, [including any combination of the following: preliminary treatment, flow equalization, primary settling, biological treatment, chemical treatment, secondary settling, filtration, aeration, disinfection, sludge processing, or any other processes as may be applicable to a given design for a wastewater treatment plant. Wastewater treatment plants shall not include intermediate sized sewage treatment systems as defined in these rules and regulations.

 $\frac{(127) \ \, \textbf{Water Quality Volume (WQ_{\underline{\textbf{v}}})} \ \, \text{means the storage needed to capture and treat 90\% of the average annual stormwater runoff volume. WQ_{\underline{\textbf{v}}} \ \, \text{is calculated as follows:} }$

 $\frac{WQ_V = (P)(R_V)(A)}{12}$

where:

A minimum WQ $_{\rm V}$ of 0.2 inches per acres shall be met at residential sites that have less than 17% impervious cover.

[(112)](128) **Water supply** means the New York City public water supply system, and includes all watercourses, wetlands, reservoirs, reservoir stems and controlled lakes tributary thereto.

[(113)](129) **Watercourse** means a visible path through which surface water travels on a regular basis, including an intermittent stream, which is tributary to the water supply. A drainage ditch, swale or surface feature that contains water only during and immediately after a rainstorm or a snowmelt shall not be considered to be a

 $[(114)](\underline{130})$ **Watershed** means the land area contributing surface water to the New York City water supply.

(131) Watershed Agricultural Council means the Watershed Agricultural Council for the New York City Watershed, Inc., a not-for-profit organization with its principal place of business at 33195 State Highway 10, Walton, New York 13856.

(132) Watershed Water Quality Annual Report means the report prepared annually by the Department in accordance with \$18-48 of these Rules and Regulations. The Watershed Water Quality Annual Report includes the results of its annual review of its reservoirs and controlled lakes as described in \$18-48 of these Rules and Regulations as well as the current New York State rainfall values for the one- and ten-year, twenty-four hour storms and a map of the 90% rainfall in New York State.

[(115)](133) **West of Hudson watershed** means the Ashokan, Cannonsville, Pepacton, Neversink, Rondout, and Schoharie Reservoirs and their drainage basins.

[(116)](134) **Wetland** means any area mapped as a wetland by the New York State Department of Environmental Conservation pursuant to the Environmental Conservation Law, which is at least 12.4 acres in size or has been designated as a wetland of unusual local importance.

[(117)](135) Winter highway maintenance materials means the solid compounds or the solutions that are commonly used for traction on, or for the abatement of, winter road ice, including, but not limited to, chloride compounds, mixtures of sand and chloride compounds, sand and coal combustion bottom ash and ash from solid waste incinerators that meet the requirements of 6 NYCRR §360-3.5(h).

Section 4. The first unnumbered paragraph, and paragraphs 7 through 16 of section 18-17 of title 15 of the Rules of the City of New York are amended to read as follows:

§18-17 **References.**

The following laws, guidance documents, regulations or technical material have been incorporated by reference in this Chapter 18. These references are available for inspection and copying at the Department of Environmental Protection, Bureau of Water Supply [and Wastewater Collection], Division of [Drinking] Water Quality [Control], 465 Columbus Avenue, Valhalla, New York, 10595, or can be directly obtained from the sources listed for the given reference.

[(7) New York State Fire Prevention and Building Code, New York State Executive Law (Executive Law §3700 *et seq.*), Department of State, 162 Washington Avenue Albany, New York 12231.

(8)](7) Public Water Supplies; Sewerage and Sewage Control, New York State Public Health Law, Article 11 (PHL §1100 et seq.), Department of State, [162 Washington Avenue] 41 State Street, Albany, New York 12231.

[(9)](8) Classifications and Standards of Quality and Purity, 6 NYCRR Parts 701 and 703, Department of State, [162 Washington Avenue] 41 State Street, Albany, New York 12231.

[(10)](9) Standards for Individual Water Supply and Wastewater Treatment Systems, 10 NYCRR Part 75 and Appendix 75-A, Department of State, [162 Washington Avenue] 41 State Street, Albany, New York 12231.

[(11)](10) New York State Department of Environmental Conservation Technical and Operational Guidance Series (TOGS) 1.1.1, Ambient Water Quality and Guidance Values (October 22, 1993, Reissue Date June 1998, as modified and supplemented by the January 1999 Errata Sheet and the April 2000 and June 2004 Addenda), New York State Department of Environmental Conservation, [50 Wolf Road] 625 Broadway, Albany, New York 12233.

[(12)](11) New York State Department of Environmental Conservation Technical and Operational Guidance Series (TOGS) 1.3.1, Total Maximum Daily Loads and Water Quality[-]_Based Effluent Limits (July 8, 1996, Revised February 1998), including Amendments A through E (July 8, 1996), New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233.

[(13)](12) New York State Department of Environmental Conservation Technical and Operational Guidance Series (TOGS) 1.3.1B, Total Maximum Daily Loads and Water Quality-Based Effluent Limits, Amendments-Low and Intermittent Stream Standards (July 8, 1996), New York State Department of Environmental Conservation, [50 Wolf Road] 625 Broadway, Albany, New York 12233.

[(14)](13) New York State Environmental Conservation SPDES General Permit for Storm Water Discharges from Construction Activities, Permit No. [GP-93-06] <u>GP-0-08-001</u>, Dated [July 14, 1993] <u>May 1, 2008</u>, New York State Department of Environmental Conservation, [50 Wolf Road] <u>625</u> <u>Broadway</u>, Albany, New York 12233.

[(15)](14) Design Standards for Wastewater Treatment Works, Intermediate Sized Sewerage Facilities, 1988, New York State Department of Environmental Conservation, [50 Wolf Road] <u>625</u> <u>Broadway</u>, Albany, New York 12233.

[(16)](15) Recommended Standards for Wastewater Facilities, Great Lakes—Upper Mississippi River [1990, Board of State Public Health and Environmental Managers] Board of State and Provincial Public Health and Environmental Managers, 2004, Health Education Services, P.O. Box 7126, Albany, New York 12224.

(16) New York State Environmental Conservation SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-0-08-002, Dated May 1, 2008, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233.

Section 5. Paragraphs (5) and (6) of subdivision (b), paragraph (4) of subdivision (c), and paragraphs (4), (5), and (6) of subdivision (d) of section 18-23 of title 15 of the Rules of the City of New York are amended to read as follows:

§18-23 Application Procedures and Requirements.

(b)(5) Any property owner may request that the Department perform a site visit and evaluation to determine and flag the presence of a watercourse, reservoir, reservoir stem or controlled lake on the owner's property. If the property owner supplies the Department with a surveyor's map of the property which includes a representation of the flagged watercourses, reservoirs, reservoir stems or controlled lakes identified by the Department, the Department shall confirm or [amend] annotate the findings upon the surveyor's map as soon as is practicable. A confirmed survey map shall be binding upon the Department for five years following the date of the confirmation.

(6) If an applicant for Department review and approval of a regulated activity requests that the Department conduct a site visit and evaluation to determine and flag the presence of a watercourse, reservoir, reservoir stem or controlled lake on the applicant's property the Department shall do so as soon as is practicable. If the applicant supplies the Department with a surveyor's map of the property which includes a representation of the flagged watercourses, reservoirs, reservoir stems or controlled lakes identified by the Department, the Department shall confirm or [amend] annotate the findings upon the surveyor's map within 20 business days of receipt thereof. A confirmed survey map shall be binding upon the Department for five years following the date of the confirmation. The absence of a Department confirmed surveyor's map will not cause an application to be considered incomplete.

(c)(4) An application for review and approval of any regulated activity shall include the name, address, telephone number, and fax number of the applicant or the applicant's authorized

representative, and of the design professional(s), if any, involved in preparing the application.

(d)(4) The Department shall notify the applicant in writing of its determination within twenty (20) days of determining that an application for review and approval of a conventional individual sewage treatment system to be installed on an individual lot which is not within a subdivision is complete pursuant to the procedures set forth in paragraph (d)(2) of this subdivision unless the Department and the applicant mutually agree in writing upon an extension of the twenty (20) day review period. If, during the twenty (20) day review period, the Department requests revisions to the application, the review period shall be suspended from the date such request is made until the date on which the Department receives such revisions, provided that the Department shall have no fewer than ten (10) days from the date of receipt to issue a determination.

(5) For all applications for review and approval, other than for a conventional individual sewage treatment system to be installed on an individual lot which is not within a subdivision, the Department shall notify an applicant in writing of its determination within forty-five (45) days of notifying the applicant that the application is complete pursuant to the procedures set forth in paragraph (d)(2) of this subdivision unless the Department and the applicant mutually agree in writing upon an extension of the forty-five (45) day review period. If, during the forty-five (45) day review period, the Department requests revisions to the application, the review period shall be suspended from the date such request is made until the date on which the Department receives such revisions, provided that the Department shall have no fewer than ten (10) days from the date of receipt to issue a determination.

(6) If the Department fails to notify an applicant in writing of its determination within the twenty (20) day time period <u>as</u> set forth in paragraph (d)(4) of this subdivision or the forty-five (45) day time period <u>as</u> set forth in paragraph (d)(5) of this subdivision, the applicant may notify the Department of its failure by means of certified mail, return receipt requested to the local Department representative identified in §18-15 of Subchapter A of these rules and regulations who is responsible for processing the application and a copy to the Engineering Section. The notice shall contain the applicant's name, location of the proposed project, the office in which the application was filed, and a statement that a decision is sought in accordance with this subdivision. Any notice failing to provide this information will not invoke this provision.

Section 6. Subdivision (e) of section 18-32 of the Rules of the City of New York, relating to the delegation of authority from DEC to the Department to enforce Hazardous Waste Standards, is repealed.

Section 7. Subdivisions (b) and (c) of section 18-35 of title 15 of the Rules of the City of New York are amended to read as

§18-35 Human Excreta and Holding Tanks.

(b) Holding tanks

(1) Where holding tanks for sewage, serving yearround one and two family residential properties, are allowed under applicable State laws and regulations, such holding tanks shall comply with the requirements of 10 NYCRR Appendix 75-A.

(2) Holding tanks for sewage, serving industrial, institutional, municipal, commercial, or multifamily residential facilities may be approved on a case by case basis, based on the Department's consideration of, among other things: (i) the intensity of the proposed use of the holding tank; (ii) whether a permanent wastewater treatment and disposal solution, such as a sewer connection, is planned and, if so, the timing of implementation of such a permanent solution; (iii) the potential water quality impacts associated with the proposed holding tank, and (iv) the costs of other potential interim wastewater treatment and disposal options. Such use of holding tanks must be in accordance with the standards set forth in the "Design Standards for Wastewater Treatment Works, Intermediate Sized Sewerage Facilities," New York State Department of Environmental Conservation (1988) and will be subject to reasonable conditions including, but not limited to, restrictions on occupancy of structures served by the holding tanks, inspections by Department staff, reporting requirements, and expiration and/or renewal dates.

(3) All holding tanks, which are operating in accordance with any necessary federal, State, or local approvals on March 1, 2009, but which do not comply with the requirements set forth in this section, shall be allowed to operate as noncomplying regulated activities.

(4) Any proposed alteration or modification of any holding tank, including a noncomplying regulated activity, requires the review and approval of the Department. Department review and approval shall not be required for the routine repair and maintenance of holding tanks including, but not limited to, in-kind replacement of equipment.

(5) An application for review and approval of a holding tank to serve an industrial, institutional, municipal, commercial, or multi-family residential facility, including an alteration or modification of such a holding tank, shall include the following information:

(i) Tax map number.

(ii) Four (4) sets of plans showing:

(a) site location, including distances

- to wells, watercourses, wetlands, controlled lakes and reservoirs; and
- (b) site/tank plans including an alarm system, a back-up pump if pumping is required, and appropriate measures to prevent overflow.
- (iii) A report describing the reasons for and duration of the proposed use of the holding tank.
- (iv) A schedule for the tank to be pumped by an entity licensed by the New York State Department of Environmental Conservation under 6 NYCRR Part 364.
- (6) Any approval of a holding tank issued by the Department shall expire and thereafter be null and void unless construction is commenced within two (2) years of the date of issuance. Following expiration of the approval, the plans for the holding tank may be resubmitted to the Department for consideration for a new approval.
- (c) Emptying, discharging or transferring the contents of a [sewage vault] <u>holding tank</u> or other sewage receptacle into any watercourse, wetland, reservoir, reservoir stem, or controlled lake is prohibited.
- [(c) Transportable sewage receptacles shall have tightly fitting covers which shall be securely fastened during transport.]
- Section 8. Paragraphs (4), (6), and (9) of subdivision (a), paragraph (2) of subdivision (d), subparagraphs (ii) and (iii) of paragraph (2) of subdivision (e), paragraphs (2), (3), (4), subparagraph (iv) of paragraph (5), and paragraphs (6), (7) and (8) of subdivision (f), and paragraphs (3) and (4) of subdivision (g) of Section 18-36 of title 15 of the Rules of the City of New York are amended to read as follows:

§18-36 Wastewater Treatment Plants

- (a) Minimum Requirements.
- (4) The owner or operator of a new or existing wastewater treatment plant shall operate and maintain the wastewater treatment plant in accordance with the operations and maintenance manual for the plant. Such manual shall be prepared by the owner and approved by the Department. Such manual shall be prepared or revised, and submitted to the Department for approval, within ninety (90) days after construction, expansion, alteration or modification of a wastewater treatment plant is completed.
- (6) No part of any seepage unit or absorption [field] <u>area</u> for a subsurface discharge from a wastewater treatment plant shall be located within the limiting distance of 100 feet of a watercourse or wetland or within the limiting distance of 500 feet of a reservoir, reservoir stem, or controlled lake.
- Wastewater treatment plants with surface discharges to intermittent streams in the watershed shall be operated and maintained to meet the intermittent stream effluent limits set forth in the New York State Department of Environmental Conservation Technical and Operational Guidance Series (TOGS) 1.3.1, Total Maximum Daily Loads and Water Quality-Based Effluent Limits (July 8, 1996, Revised February 1998), including Amendments A through E (July 8, 1996), and New York State Department of Environmental Conservation Technical and Operational Guidance Series (TOGS) 1.3.1B, Total Maximum Daily Loads and Water Quality-Based Effluent Limits, Amendments-Low and Intermittent Stream Standards (July 8, 1996), provided however, that the effluent limit for a discharge of a pollutant to an intermittent stream shall in no case be less stringent than the effluent limit which would apply to the same discharge of the pollutant to the first downstream perennial
- (d) Treatment requirements for wastewater treatment plants located within the 60 day travel time to intake.
- (2) Within the 60 day travel time to the intake the following requirements are applicable:
 - (i) New wastewater treatment plants with surface discharges, or expansions of existing wastewater treatment plants with surface discharges, are prohibited except as provided in \$18-82(e). A variance from this provision may be sought in accordance with the requirements set forth in \$18-61(e);
 - (ii) Existing wastewater treatment plants with SPDES permitted surface discharges may continue to operate provided [the treated effluent is also subject to] the wastewater treatment plant provides sand filtration or a Department-approved alternative technology to sand filtration, disinfection, phosphorus removal, and microfiltration or a Department-approved equivalent technology to microfiltration, as required by these rules and regulations;
 - (iii) New and existing wastewater treatment plants with subsurface discharges may commence or continue to operate provided that [the treated effluent is also subject

to] the wastewater treatment plant provides sand filtration or a Department-approved alternative technology to sand filtration and phosphorus removal, and for SPDES permitted discharges greater than 30,000 gallons per day (gpd), disinfection, as required by these rules and regulations.

- (e) Treatment requirements for wastewater treatment plants located in the watershed and beyond the 60 day travel time to intake.
 - (2)(ii) All new surface discharges into a watercourse, and any existing wastewater treatment plants with SPDES permitted surface discharges may commence or continue to operate, provided that [the treated effluent is also subject to] the wastewater treatment plant provides sand filtration or a Department-approved alternative technology to sand filtration, disinfection, phosphorus removal, and microfiltration or a Department-approved equivalent technology to microfiltration, as required by these rules and regulations;
 - (iii) New and existing wastewater treatment plants with subsurface discharges may commence or continue to operate, provided that [the treated effluent is also subject to] the wastewater treatment plant provides sand filtration or a Department-approved alternative technology to sand filtration and phosphorus removal, and for SPDES permitted discharges greater than 30,000 gallons per day (gpd), disinfection, as required by these rules and regulations.
- (f) Design, operation and maintenance requirements.
- (2) The criteria used by the Department to approve the design for any new wastewater treatment plant or the portion of any new or existing wastewater treatment plant which is being expanded or altered or modified shall be all applicable requirements of law, including the standards set forth in the following documents:
 - (i) "Design Standards for Wastewater Treatment Works, Intermediate Sized Sewerage Facilities," New York State Department of Environmental Conservation (1988); and
 - (ii) "Recommended Standards for Wastewater Facilities," Great Lakes—Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers [(1990)](2004).
- (3) The Department shall not approve a wastewater treatment plant, or any proposed expansion of a wastewater treatment plant, [which discharges within the watershed, if there is] unless inflow or infiltration into, or exfiltration from, a [sewerage] sewer system connected to such wastewater treatment plant [which causes either:] has been eliminated to the extent practicable.
 - [(i) The State authorized flow limit of the wastewater treatment plant to be exceeded; or
 - (ii) The strength of the sewage influent to the wastewater treatment plant to be diluted to a level that adversely affects the efficacy of the State permitted and Department approved treatment process.]
- (4) [The Department shall not approve a wastewater treatment plant, or any proposed expansion of a wastewater treatment plant, if there is an indication of exfiltration from a sewerage system connected to such wastewater treatment plant.
- (5)] All wastewater treatment plants shall meet the following requirements to insure uninterrupted reliable operation:
 - (iv) [In wastewater treatment plants with a SPDES permitted surface discharge of 50,000 gpd or less, there shall be a minimum of two (2) sand filters, each rated to handle the full plant flow. In wastewater treatment plants with a SPDES permitted surface discharge greater than 50,000 gpd, there shall be a minimum of three (3) sand filters, each rated to handle one-half (1/2) of the full plant flow.] Sand filtration or a Department-approved alternative technology to sand filtration shall be implemented in units of sufficient number and size to ensure that the flow they are designed to accommodate, consistent with the "Design Standards for Wastewater Treatment Works, Intermediate Sized Sewerage Facilities," New York State Department of Environmental Conservation (1988) and/or the "Recommended Standards for Wastewater Facilities," Great Lakes—Upper
 Mississippi River Board of State and Provincial Public Health and Environmental Managers (2004), can be processed in the event that the largest such unit is off line;
- [(6)](5) The following requirements shall apply to all wastewater treatment plants with subsurface discharges or absorption [fields] <u>areas</u> located in the watershed:
 - The loading rate to the absorption trench may be 25 percent greater than that required under the design standards

listed in subdivision (f)(2) of this section;

- (ii) An additional area of at least 50 percent of the absorption [field] area shall be set aside as a reserve [field] area;
- (iii) At a minimum, one percolation and one deep hole test shall be performed in both the primary absorption [field] area and in the reserve absorption [field] area. An applicant shall notify the Department in writing at least 7 business days prior to performance of such tests, and specify the location and the time of the tests. At the option of the Department, a Department representative may witness these tests; and
- (iv) The use of pumping, mechanical dosing or other mechanical devices requires a pump chamber equipped with an alarm to indicate malfunction, a backup pump, and any other safety features required by the Department to prevent overflow.

[(7)]<u>(6)</u>

- [(8)](7) The transfer of any approval or permit issued by the Department for the construction and/or operation of any wastewater treatment plant shall require Department approval. The Department shall approve such transfer provided that the transferee demonstrates sufficient financial, technical, and professional capability to construct, operate and/or maintain the subject wastewater treatment plant in compliance with applicable laws, as cited in §18-36(a)(1), the provisions of these rules and regulations, and the terms and conditions of any approval or permit granted by the Department.
- $(g) \qquad \quad Application \ Requirements.$
- (3) [An application for review and approval of a plan for bringing an existing wastewater treatment plant into compliance with the requirements of this section shall include the operation and maintenance manual for the wastewater treatment plant.
- (4)] All approvals for new or expansion of existing wastewater treatment plants are conditioned on the applicant's submission of record drawings [and an operation and maintenance manual] once construction is complete.

Section 9. Section 18-37 of title 15 of the Rules of the City of New York is amended to read as follows:

- §18-37 [Sewerage] <u>Sewer</u> Systems, Service Connections and Discharges to [Sewerage] <u>Sewer</u> Systems.
- (a) Combined [sewerage] <u>sewer</u> systems are prohibited from discharging within the watershed.
- (b) A new service connection <u>or sewer extension</u> to a [sewerage] <u>sewer</u> system is prohibited where the wastewater treatment plant to which the [sewerage] <u>sewer</u> system has been connected and which discharges within the watershed has had a SPDES flow parameter violation in the prior twelve months, or where the additional flow from the new service connection <u>or sewer extension</u> will cause or can be expected to cause such wastewater treatment plant to have a SPDES flow parameter violation.
- (c) All new service connections shall be tested [as required by and] in accordance with the standards set forth in "Design Standards for Wastewater Treatment Works, Intermediate Sized Sewerage Facilities," New York State Department of Environmental Conservation (1988), and the standards in "Recommended Standards for Wastewater Facilities," [the] Great Lakes—Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers, §\$33.92-[33.94]33.95 [(1990)] (2004). A copy of the results of the tests shall be forwarded to the Department as soon as they are available.
- Except for the owner of an individual or two family residence, the owner of any property which will be served by a new [service] <u>sewer</u> connection to a [sewerage] <u>sewer</u> system, or by any alteration or modification of a [service] sewer connection to a [sewerage] sewer system, shall submit all plans or designs for such [service] sewer connection or such alteration or modification to the Department prior to or simultaneously with the delivery of the notice to the Department required under paragraph (d)(1) below. The owner of an individual or two family residence to be served by a new [service] sewer connection to a [sewerage] sewer system, or by an alteration or modification of a [service] sewer connection to a [sewerage] sewer system, shall not be required to submit the plans or designs for such [service] sewer connection or such alteration or modification to the Department, unless specifically requested by the Department. If so requested, such owner shall submit such plans or designs to the Department prior to or simultaneously with the delivery of the notice to the Department required under paragraph (d)(1) below or, if the request is made by the Department after such notice has been given, within ten (10) days after such request has been made.
 - (1) The owner of any property which will be served by a new [service] sewer connection to a [sewerage] sewer sewer connection or modification of a [service] sewer connection to a [sewerage] sewer system, shall notify the Department 48 hours prior to the installation of such [service] sewer connection or of such alteration or modification, and provide an opportunity to the Department to observe the work. If required or requested pursuant to subsection 18-37(d), the owner shall submit to the Department all plans or designs for such [service] sewer connection or for such alteration or modification prior to or simultaneously with the delivery of such notice to the Department.
- (e) The design, construction and plans for a new [sewerage]sewer system or sewer extension shall require the

(i)

review and approval of the Department. Any proposed alteration or modification of a [sewerage] <u>sewer</u> system, including a [sewerage] <u>sewer</u> system that is a noncomplying regulated activity, shall require the review and approval of the Department.

- (1) The Department may require an engineering report, construction plans and specifications, and any environmental assessments and determinations in compliance with Article 8 of the Environmental Conservation Law when reviewing any application pursuant to this subdivision for a new [sewerage] sewer extension, or a proposed alteration or modification of a [sewerage] sewer system.
- (2) Any approval of a new or an alteration or modification of an existing sewer system or sewer extension issued by the Department shall expire and thereafter be null and void unless construction is commenced within five (5) years of the date of issuance. Following expiration of the approval, the plans for the sewer system may be resubmitted to the Department for consideration for a new approval.
- (f) The criteria used by the Department to approve any new [sewerage] sewer system or sewer extension or the portion of any [sewerage] sewer system which is being altered or modified, shall be all applicable requirements of law, including the standards set forth in the following documents:
 - (1) "Design Standards for Wastewater Treatment Works, Intermediate Sized Sewerage Facilities," New York State Department of Environmental Conservation (1988);
 - (2) "Recommended Standards for Wastewater Facilities," [The] Great Lakes—Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers [(1990)](2004).
- (g) All [sewerage] <u>sewer</u> systems <u>and sewer extensions</u> connected to a wastewater treatment plant which discharges within the watershed shall be designed, operated and maintained in such manner as to prevent inflow, [or] infiltration [which causes either:], <u>or exfiltration to the extent practicable.</u>
 - [(i) The State authorized flow limit of the wastewater treatment plant to be exceeded; or
 - (ii) The strength of the sewage influent to the wastewater treatment plant to be diluted to a level that adversely affects the efficacy of the State permitted and Department approved treatment process.]
- (h) [All sewerage systems shall be designed, operated and maintained to prevent exfiltration from such systems.
- (i)] The owner or operator of a facility which disposes of wastes regulated pursuant to the Federal Categorical Pretreatment Standards, 40 CFR Part 403, shall submit three copies of the engineering report, plans and specifications, prepared by a licensed design professional, in compliance with 40 CFR Parts 403, 406-471 and any applicable local regulations, to the Department for its review and approval.
 - (i) Application Requirements: An application for review and approval of any sewer system or sewer extension shall include the following information:
 - (1) Tax map number and, where available, building permit number, for each property to be served by the proposed sewer system or sewer extension;
 - (2) Copy of the applicable municipal Sewer Use Ordinance, if any;
 - (3) Letter of flow acceptance from the owner of the receiving wastewater treatment plant, when available:
 - (4) An engineering report presenting the proposed flow and supporting design calculations; and
 - (5) Four (4) sets of plans showing:
 - (i) site location in relation to established sewer district;
 - (ii) distances to wells, watercourses, rock outcroppings, wetlands, controlled lakes and reservoirs;
 - (iii) system profile including all connections, manholes and required pump stations;
 - (iv) design details of system components including pipe sizes and pump capacities; and
 - (v) where applicable, a copy of the application for modification of the SPDES permit for the receiving wastewater treatment plant and any draft revisions to such SPDES permit.
- Section 10. Paragraphs (4), (5), (6), (7), (8) and (9) of subdivision (a), paragraphs (2), (3), (4), and (7) of subdivision (b), and the introductory sentence and clause (b) of subparagraph (iii) of paragraph (1) and paragraph (2) of subdivision (c) of Section 18-38 of title 15 of the Rules of the City of New York are amended to read as follows:

(a)(4) [All new subsurface sewage treatment systems, other than those covered by paragraphs

- (2) and (3) of this subdivision, shall comply with the applicable requirements of 10 NYCRR Part 75 and Appendix 75-A or the applicable published standards of the Design Standards for Wastewater Treatment Works, Intermediate Sized Sewerage Facilities, New York State Department of Environmental Conservation (1988), except where a local government or agency has enacted, or these rules and regulations specify, more stringent standards, in which case, the more stringent standards shall apply.
 - As a condition of approval the Department may require evidence of financial security prior to construction, from any owner or operator of a new subsurface sewage treatment system or a substantial alteration or modification to an existing subsurface sewage treatment system. Such financial security shall consist of a bond, or an equivalent guaranty, to be deposited with the Department, covering the full cost of the construction of such facility and an additional bond or an equivalent guaranty for the payment of labor and material furnished in the course of such construction. Upon completion of construction and payment of labor and materials, such bonds or other guaranties shall be released. Additionally, a bond or equivalent guaranty may be required for the maintenance and operation of the facility for a period of five years post-construction. No bond or guaranty is required where the owner or operator of such a facility is a village, town, county or city.
- (5)] No part of any absorption field for [a new conventional individual] any new subsurface sewage treatment system[, as described in Appendix 75-A of 10 NYCRR Part 75, or for the types of sewage treatment systems described in paragraphs (3) and (4) of this subdivision, or for an Ulster County Fill System,] shall be located within the limiting distance of 100 feet of a watercourse or wetland or 300 feet of a reservoir, reservoir stem or controlled lake. For a new conventional individual subsurface sewage treatment system or for a new Ulster County Fill System the Department may recommend a greater limiting distance from an absorption field to a watercourse, wetland, reservoir, reservoir stem or controlled lake.
- [(6)](5) Raised systems, as described in 10 NYCRR Part 75 and Appendix 75-A, are allowed on undeveloped lots not located in a subdivision or on undeveloped residential lots located in a subdivision which was approved prior to the effective date of these rules and regulations, where site conditions are not suitable for a conventional system provided that:
- [(7)](6) Where a watershed county has adopted a subdivision code that allows a raised system, as described in 10 NYCRR Part 75 and Appendix 75-A, or where any system that has been modified from the standards outlined in Appendix 75-A has been approved by the New York State Department of Health as an alternative system, or where the New York State Department of Health approved such raised or modified alternative systems for use in subdivisions located in the watershed, such raised or alternative systems are allowed in subdivisions that are approved subsequent to the effective date of these rules and regulations, provided that no part of such systems shall be located within 250 feet of a watercourse or wetland or 500 feet of a reservoir, reservoir stem or controlled lake.
- [(8)](7) Any proposed alteration or modification of any subsurface sewage treatment system, including a noncomplying regulated activity, requires the review and approval of the Department[, and shall also be subject to the following, where applicable:].
 - modification of any individual sewage treatment system [or any other kind of subsurface sewage treatment system described in paragraphs (3) and (4) of this subdivision located within the limiting distances set forth in this section] which is an existing or a noncomplying regulated activity shall be performed in accordance with the [New York State Fire Prevention and Building Code, Executive Law Section 370 et seq.] requirements applicable to new subsurface sewage treatment systems under this section. Alterations or modifications of such individual sewage treatment systems which cannot meet these requirements, due to site constraints, shall be performed in accordance with these requirements to the extent possible, and the applicant shall demonstrate adequate mitigation measures to avoid contamination to, or degradation of, the water supply which are at least as protective of the water supply as the requirements that cannot be met.

Any proposed alteration or

- (ii) Any proposed alteration or modification of any new individual sewage treatment system shall be performed in accordance with the requirements applicable to new subsurface sewage treatment systems under this section.
- (iii) Any proposed alteration or modification of any intermediate sized subsurface sewage treatment system is prohibited unless such alteration or modification complies with the requirements of this section.
- [(9)](8) All existing subsurface sewage treatment systems, which are operating in accordance with their Federal, State, and local approvals on the effective date of these rules and regulations, but which do not comply with the additional requirements set forth in this section, shall be allowed to continue to operate and shall be considered noncomplying regulated activities.
- (9) [However, if] If at any time after the effective date of these rules and regulations [such] a subsurface sewage treatment system fails or needs remediation, the owner or operator of the subsurface sewage treatment system shall comply with the following:
 - (i) Any proposed remediation of any part of [such existing] <u>a</u> subsurface sewage treatment system shall require the prior review and approval of the Department, and if approved, shall be completed as soon as possible in accordance with a schedule approved by the Department;
 - (ii) [Upon the failure of any subsurface sewage treatment system, it] Any proposed remediation of any part of a subsurface sewage treatment system shall be [remediated] designed and performed, to the extent possible, in accordance with the design standards set forth in this section, and shall require the prior review and approval of the Department. However, if the Department determines, based upon the application submitted by the owner or operator of the subsurface sewage treatment system, that such system cannot comply with this section, the owner or operator of the subsurface sewage treatment system shall cooperate with the Department to determine the most suitable location and design for the system on the specific site. The Department may require the owner to agree to a regular schedule for the pump out of [any failed subsurface sewage treatment system] the septic tank or other remedial action, including the use of holding tanks, until the proposed remediation is approved by the Department and implemented; and
 - (iii) The provisions of this paragraph shall not apply to the routine repair and maintenance of a subsurface sewage treatment system, including, but not limited to, the pump out of a septic tank, the replacement of a septic tank, whether in kind or with a larger tank of an appropriate size for the subsurface sewage treatment system, the repair of a broken lateral, the leveling of a distribution box, or the removal of a blockage.
- (b)(2) Mound systems, galley systems, [intermittent sand filters, and evapotranspiration/absorption] seepage pits, evaporation-transpiration (ET) and evaporation-transpiration absorption (ETA) systems are prohibited from use in the watershed. Sand filters are prohibited from use for individual sewage treatment systems in the watershed
- (3) An additional area of at least 100 percent of the primary absorption field [area] shall be set aside as a reserve absorption field [area] for any subsurface sewage treatment system.
- (4) [Primary and reserve absorption fields may not] No part of any primary or reserve absorption field shall be built under pavement or other impervious surfaces, and pavement and other impervious surfaces [may] shall not be built over such absorption fields after installation.
- (7) Whenever possible, gravity flow systems shall be used for subsurface sewage treatment systems. The use of [pumping, mechanical dosing or other mechanical devices] <u>electrically operated pumps</u> shall require a [pump] chamber equipped with an alarm to indicate malfunction and any other safety features required by the Department to

prevent sewage overflow. An intermediate sized sewage treatment system [or any other kind of subsurface sewage treatment system as described in paragraphs (3) and (4) of subdivision (a) of this section] that uses electrically operated pumps is required to have either a backup pump or a backup storage tank capable of holding two days' flow. An individual sewage treatment system that uses electrically operated pumps shall have a backup storage tank capable of holding one day's flow.

- (c) Application Requirements.
 - An application for review and approval of any subsurface sewage treatment [systems] $\underline{\rm system}$ shall include the following information:
 - (iii)(b) site/system plans showing two-<u>foot contours</u>;
 - An application for review and approval of an intermediate sized sewage treatment system [and for any other subsurface sewage treatment system as described in paragraph (4) of subdivision (a) of this section,] shall include all of the information in paragraph (1) of subdivision (c) of this section, and additionally shall contain:

Section 11. Paragraph (2), subparagraph (iii) of paragraph (4), the introductory sentence and subparagraphs (i), (ii), (iii), and (iv) of paragraph (5), the introductory sentence and subparagraphs (i), (iv), and (v) of paragraph (6) of subdivision (a), and the introductory sentence and subparagraphs (i), (iii), (a), and the introductory semence and subparagraphs (1), (iii), and (ix) of paragraph (3), paragraph (4), and paragraph (7) of subdivision (b), subdivision (c), paragraph (1) of subdivision (d), and subparagraph (iii) of paragraph (1) of subdivision (e) of section 18-39 of title 15 of the Rules of the City of New York are amended to read as follows:

§18-39 Stormwater Pollution Prevention Plans and **Impervious Surfaces.**

- $Impervious \ surfaces.$
- (2)Paragraph (1) shall not apply to the following
 - Construction of a new individual (i) residence or construction of an impervious surface for a driveway serving such a residence, which shall comply with paragraph (5) of this subdivision[, or noncommercial ancillary improvements or additions to an individual residence];
 - Non-commercial ancillary improvements (ii) or additions to an individual residence;
 - (iii) Construction of an impervious surface for a driveway serving a residence constructed or having obtained all discretionary approvals necessary for construction prior to March 1, 2009;
 - [(ii)](iv) Agricultural activities;
 - $[(iii)] \underline{(v)} \quad \begin{array}{ll} Construction \ of \ bridges \ or \ crossings \ of \\ watercourses \ or \ wetlands \ constructed \end{array}$ pursuant to a valid permit from the appropriate regulatory agencies. If a permit from a regulatory agency other than the Department is not required, the applicant shall comply with paragraph (9) of this subdivision;
 - [(iv)](vi) Creation of an impervious surface [to alter or modify] made necessary by the construction of a wastewater treatment plant or alteration or modification of a wastewater treatment plant approved by the Department;
 - $[(v)] \underline{(vii)} \quad Creation of an impervious surface that is \\ made necessary by the construction of a$ new facility or alteration or modification of an existing facility used in connection with the operation of a public water supply system; or
 - [(vi)](viii) Creation of an impervious surface, such as a culvert, needed as an integral component of diversion or piping of a watercourse, but only with the review and approval of the Department and only if the Department determines that such impervious surface will not have an adverse impact on water quality.
- (4) Paragraph (1) shall not apply to the creation of an impervious surface in connection with the following activities occurring in the East of Hudson watershed outside a Designated Main Street Area or in the West of Hudson watershed outside a village, hamlet, village extension, or an area zoned for commercial or industrial uses:
 - Expansion of an existing impervious surface within the limiting distance of 100 (iii) feet of a watercourse or wetland, at an existing commercial, institutional, municipal, [or] industrial, or multi-family residential facility, provided that the total area of all expanded impervious surfaces, including all impervious surfaces allowed under this provision after May 1, 1997, does not exceed 25 percent of the area of the existing impervious surface at that commercial, institutional, municipal, [or] industrial, or multi-family residential facility, which shall comply with subdivisions (b), (c) and (d) of this section.
- (5) The following requirements are applicable to construction of a new individual residence and of impervious surfaces for driveways serving new individual residences:
 - Whether or not a new individual residence will be located in a subdivision, construction of a new individual residence or of an impervious surface for a driveway

to serve such a residence within the limiting distance of 300 feet of a reservoir, reservoir stem, or controlled lake is prohibited;

- Construction of a new individual (ii) residence [in a subdivision] within the limiting distance of 100 feet of a watercourse or wetland, or of an impervious surface for a driveway within the limiting distance of 50 feet of an intermittent stream or wetland or within the limiting distance of 100 feet of a perennial stream to serve such a residence, is prohibited in a subdivision
- (iii) Construction of a new individual residence not in a subdivision, or in a subdivision approved before October 16, 1995 and not prohibited by paragraph (a)(5)(ii)(b) of this subdivision, within the limiting distance of 100 feet of a perennial stream or wetland requires an individual residential stormwater permit from the Department, pursuant to subdivision (e) of this section;
- Construction of an impervious surface for a driveway to serve a new individual $\underline{\text{(iv)}}$ residence not in a subdivision, or in a subdivision approved before October 16, 1995 and not prohibited by clause (b) of subparagraph (ii) of paragraph (5) of subdivision (a) of this section, within the limiting distance of 100 feet of a perennial stream or within the limiting distance of 50 feet of an intermittent stream or wetland, requires an individual residential stormwater permit from the Department, pursuant to subdivision (e)
- The following requirements are applicable to construction of an impervious surface for a new road [or driveway] or the widening of an existing road:
 - (i) Construction of an impervious surface for a new road [or driveway] within the limiting distance of 300 feet of a reservoir, reservoir stem or controlled lake is prohibited, except paving an existing dirt or gravel road is permitted. Construction of a new impervious surface by paving an existing dirt or gravel road requires a stormwater pollution prevention plan which complies with subdivisions (b), (c) and (d) of this section.
 - Construction of an impervious surface for [(iv) a driveway within the limiting distance of 50 feet of an intermittent stream or wetland, or within the limiting distance of 100 feet of a perennial stream is prohibited except where necessary to provide access to an existing home or a new individual residence allowed to be constructed within such limiting distances pursuant to paragraph (5) above. If construction of the individual residence served by the driveway would require a stormwater pollution prevention plan or an individual residential stormwater permit, construction of the impervious surface for the driveway shall also require a stormwater pollution prevention plan or an individual residential stormwater permit, respectively.]
 - Widening of an existing road located within the limiting distance of 50 feet of $[(v)]\underline{(iv)}$ an intermittent stream or wetland, within the limiting distance of 100 feet of a perennial stream, or within the limiting distance of 300 feet of a reservoir, reservoir stem or controlled lake shall be performed on the side of such existing road furthest from the watercourse, wetland, reservoir, reservoir stem or controlled lake, to the extent practical.
 - (b)(3) Stormwater pollution prevention plans shall be prepared for the activities listed in this paragraph. Such plans shall be prepared and implemented in accordance with the requirements of Part III of the New York State Department of Environmental Conservation General Permit No. [GP-93-06] <u>GP-0-08-001</u> that are applicable to construction activities identified in Table 2 of Appendix B, except for plans for redevelopment projects and stormwater retrofits, which shall be prepared and implemented in accordance with subdivision (b)(7). No activity shall be exempt from any such requirements as a result of the size or nature of the watercourse(s) to which stormwater from such activity discharges, except with prior written approval from the Department. Such plans shall also be subject to the prior review and approval of the Department. The activities for which a stormwater pollution prevention plan must be prepared under this paragraph are:
 - Plans for development or sale of land that will result in the disturbance of five (5) or more acres of total land area as described in the definition of "larger common plan of development or sale" in Appendix A of General Permit No. [GP-93-06] GP-0-08-
 - (ii) Construction of a subdivision;
 - (iii) Construction of a new industrial, institutional, municipal, commercial, or multi-family residential project that will result in creation of an impervious surface totaling over 40,000 square feet in size;
 - (ix) Up to a 25 percent expansion of an existing impervious surface at an existing commercial, institutional, municipal, or industrial facility which is within the

limiting distance of 100 feet of a watercourse or wetland, as required in subdivision (a)(4)(iii) of this section; or

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- If [the owner or operator of any activity which is subject to a Stormwater Pollution Prevention Plan pursuant to subsection (b)(3), alters or modifies such activity in a manner which would require an amended stormwater pollution prevention plan pursuant to Part III.C of the New York State Department of Environmental Conservation General Permit No. GP-93-06, if such activity were governed by General Permit No. GP-93-06, such] there is a significant change in design, construction, operation, or maintenance of an activity which is subject to a Stormwater Pollution Prevention Plan pursuant to subdivision (b)(3) which may have a significant effect on the potential for the discharge of pollutants to surface waters and which has not otherwise been addressed in the Stormwater Pollution Prevention Plan, or if the Stormwater Pollution Plan proves to be ineffective in eliminating or significantly minimizing erosion and sedimentation or the discharge of pollutants associated with sedimentation or the discharge of pollutants associated with construction activity, the Stormwater Pollution Prevention Plan must be amended. Such amended stormwater pollution prevention plan shall be submitted to the Department for prior review and approval and shall comply with the requirements of this section.
- (7) Where an activity that requires a stormwater pollution prevention plan pursuant to subdivision (b)(3) is a redevelopment project or a stormwater retrofit, such plan
 - be prepared and implemented, to the extent possible, in accordance with the requirements of Part III of the New York State Department of Environmental Conservation General Permit No. GP-0-08-001 that are applicable to construction activities identified in Table 2 of
 - be prepared and implemented, to the extent possible, in accordance with the (ii) additional requirements for stormwater pollution prevention plans set forth in subsection (c) below; and
 - provide an improvement in stormwater management and/or stormwater (iii) treatment as compared with conditions prior to the activity.
- Additional Requirements for Stormwater Pollution Prevention Plans.
- [When any activity listed in paragraph (3) of subdivision (b) of this section is proposed to be undertaken in a phosphorus restricted basin, the stormwater pollution prevention plan shall include an analysis of phosphorus runoff, before and after the land disturbance activity. Such plan shall require measures to capture and treat the 2-year, 24-hour storm runoff from the disturbed area created by such activity.
- When any activity listed in paragraph (3) of subdivision (b) of this section is proposed to be undertaken in the drainage basin of a terminal reservoir, as identified in the watershed maps in Appendix 18-A, the stormwater pollution prevention plan shall include analysis of coliform runoff, before and after the land disturbance activity.
- [(3) When any activity listed in paragraph (3) of subdivision (b) of this section is proposed to be undertaken in a coliform restricted reservoir basin, the stormwater pollution prevention plan shall include an analysis of coliform runoff, before and after the land disturbance activity. Such plan shall require measures to capture and treat the 2-year, 24-hour storm runoff from the disturbed area created by such activity.
- (4) All stormwater pollution prevention plans prepared pursuant to this section shall include an analysis of the 25-
- Stormwater Conveyance Measures. Stormwater pollution prevention plans prepared pursuant to this section shall provide for the maintenance of natural drainage systems, including perennial and intermittent streams, and the use of swales and drainage ditches in an open condition to the maximum extent practicable. A stormwater pollution prevention plan shall ensure that any closed stormwater conveyance measures are sized appropriately to convey, at a minimum, the 10-year, 24-hour storm flow.
- Stormwater Treatment Volume. All stormwater pollution prevention plans prepared pursuant to this section shall include measures to capture and treat the greater of the volume of runoff generated by the 1-year, 24-hour storm or the Water Quality Volume (WQ_V). Stormwater management practices which provide treatment shall be designed to accommodate the quantity of runoff flowing to the stormwater management practice, including runoff from offsite areas.
- Siting Restrictions.
 - Where a stormwater pollution prevention plan prepared pursuant to this section includes a stormwater infiltration practice, to the extent practicable, no portion of such stormwater infiltration practice shall be located within 100 feet of any portion of the absorption area of a subsurface sewage treatment system.
 - <u>(ii)</u> No portion of a stormwater management practice shall be located within the limiting distance of 100 feet of a wetland, except where necessary to treat stormwater from an impervious surface allowed to be constructed within or immediately adjacent to such wetland.
- (5) To the maximum extent practicable, an activity requiring a stormwater pollution prevention plan, and the stormwater pollution prevention plan prepared for such activity, shall be designed:
 - To minimize the alteration of the existing drainage areas and to maintain the volumes of flow at design points at preconstruction levels, except as necessary to alleviate downstream flooding problems or other adverse conditions in existence

- prior to construction, or to divert runoff from off-site and/or undisturbed areas away from areas proposed to be disturbed.
- (ii) To minimize loss of annual recharge to groundwater by maximizing the use of stormwater infiltration practices where suitable soil conditions exist.
- (6) If an activity requiring a stormwater pollution prevention plan will result in impervious surfaces covering twenty percent (20%) or more of any given drainage area, the stormwater pollution prevention plan shall provide for stormwater runoff from that drainage area to be treated by two different types of stormwater management practices in series, except that if the stormwater management practice provided is a stormwater infiltration practice, only one stormwater management practice is required.
- (7) For purposes of the design criteria incorporated by reference in New York State Department of Environmental Conservation General Permit GP-0-08-001, "detention time" shall mean the time runoff is detained in a stormwater management practice. It can be computed using either the center of mass method or the plug flow method.
- (d) Application requirements and procedures.
- (1) An application for approval of a stormwater pollution prevention plan shall include:
 - (i) The pollution prevention plan; and
 - (ii) The information required in a Notice of Intent under New York State Department of Environmental Conservation General Permit No. [GP-93-06; and] GP-0-08-001.
 - [(iii) A phosphorus and/or coliform analysis when required by this section.]
- $(e)(1) \quad \ \ An individual residential stormwater permit is required for:$
 - (iii) Construction of an impervious surface for a driveway located within the limiting distances of 50 feet of an intermittent stream or wetland or within 100 feet of a perennial stream[, provided that the driveway is necessary for access to an individual residence which is not located within a subdivision and where the individual residence accessed by the driveway would be required to obtain an individual residential stormwater permit pursuant to this section].

Section 12. Subdivision (a) of section 18-40 of the Rules of the City of New York is amended to read as follows:

§18-40 Miscellaneous Point Sources.

(a) Unless otherwise permitted by the rules and regulations, a discharge, or storage which is reasonably likely to lead to a discharge into the environment (including into groundwater), from industrial facilities, including vehicle washing facilities, or from a municipal separate stormwater sewer system requiring coverage under New York State Department of Environmental Conservation General Permit No. GP-0-08-002, and which is reasonably likely to cause degradation of surface water quality or of the water supply, is prohibited. It shall be an affirmative defense under this subsection that such discharge, or storage likely to lead to a discharge, is either permitted or not prohibited under federal law, and is either permitted or not prohibited under state law.

Section 13. Section 18-43 of title 15 of the Rules of the City of New York is amended to read as follows:

§ 18-43 **Pesticides.**

- [(a)] Unless otherwise permitted by these rules and regulations, the discharge or use, or storage of pesticides which is reasonably likely to lead to a discharge, of pesticides into the environment (including into groundwater), and which is reasonably likely to cause degradation of surface water quality or of the water supply, is prohibited. It shall be an affirmative defense under this subsection that such discharge, or storage likely to lead to a discharge, is either permitted or not prohibited under federal law, and is either permitted or not prohibited under state law.
- [(b) Reference is made to the Pesticide Standards set forth in Appendix 18-D to these rules and regulations. The Department states its intention to seek:
 - (1) Promulgation by the New York State Department of Environmental Conservation of appropriate State regulations, applying such standards to the watershed; and
 - (2) Delegation of appropriate authority, from the New York State Department of Environmental Conservation, to administer and enforce such rules and regulations in the watershed.]

Section 14. Section 18-48 of title 15 of the Rules of the City of New York is amended as follows:

§18-48 Water Quality Standards

- (a) The water in all reservoirs, Lake Gilead, and Lake Gleneida, shall meet the following standards of quality:
- (1) 6 NYCRR Parts 701 [(narrative standards)] and 703 (standards applicable to Class AA waters)[:], and
 - [(i) For purposes of determining compliance with this subchapter, the Department shall take water samples from the reservoirs; and
 - (ii) Where total coliform standards exceed the standards set forth in 6 NYCRR Parts 701 and 703, and are determined by the Department to be due to a non-perennial, non-anthropogenic source, such exceedances shall not be included in calculating whether a violation of these rules and regulations has occurred.]
 - (2) The New York State Department of Environmental Conservation Technical and Operational Guidance Series (TOGS) 1.1.1, Ambient Water Quality Standards and Guidance Values (October 22, 1993, Reissue Date June 1998,

as modified and supplemented by the January 1999 Errata Sheet and the April 2000 and June 2004 Addenda) which [sets forth] lists the ambient water quality standards and guidance values for principal organic chemicals and synthetic organic chemicals.

- (b) <u>In addition, the water in source water</u> reservoirs shall meet the following phosphorus standard:
 - (1) Total phosphorus concentrations shall be equal to or less than 15 micrograms per liter.
- (c) [The] In addition, the water within 500 feet of the aqueduct effluent chamber located at a terminal reservoir (Kensico, West Branch, New Croton, Ashokan and Rondout) shall meet the following coliform standard:
 - (1) Raw water fecal coliform concentrations shall be equal to or less than 20 colonies per 100 milliliters or total coliform concentration shall be equal to or less than 100 colonies per 100 milliliters in at least 90 percent of the measurements made over any consecutive six month period. For purposes of determining compliance with this [subchapter] paragraph, a minimum of five samples per week will be taken from each terminal reservoir. If both fecal and total coliform analyses are performed, the fecal coliform results shall take precedence over the total coliform analysis.
 - [(i) Where fecal coliform standards exceed the above standards, and are determined by the Department to be due to non-perennial, non-anthropogenic sources, such exceedances shall not be included in calculating whether a violation of these rules and regulations has occurred.]
- (d) For purposes of determining compliance with this subchapter, the Department shall take water samples from the controlled lakes and reservoirs and shall evaluate them in accordance with subdivisions (a), (b), and (c) of this section.
 - (1) Where total coliform concentrations exceed the standards set forth in 6 NYCRR Parts 701 and 703, and are determined by the Department to be due to non-perennial, non-anthropogenic sources, such exceedances shall not be included in calculating whether a violation of these rules and regulations has occurred.
 - (2) Where fecal coliform concentrations exceed the standards set forth in subparagraph (c) above, and are determined by the Department to be due to non-perennial, non-anthropogenic sources, such exceedances shall not be included in calculating whether a violation of these rules and regulations has occurred.
- [(c)](e) The Department shall, on an annual basis, conduct a review of [all reservoirs and controlled lakes] water quality data for the purpose of determining whether each reservoir and controlled lake meets or fails to meet the water quality standards set forth in subdivisions (a), [and] (b), and (c) of this section, as applicable. The results of the Department's review, together with the calculations used in arriving at the results for each reservoir, shall be published in a report which shall be made available to the public upon request.
- Section 15. Subparagraph (iii) of paragraph (1) of subdivision (a) and paragraph (1) of subdivision (d) of section 18-61 of title 15 of the Rules of the City of New York are amended, and a new subdivision (e) is added, to read as follows:

§18-61 Variances.

- (a)(1) An application for a variance for a regulated activity or for an alteration or modification of a noncomplying regulated activity shall:
- (iii) Demonstrate that the activity as proposed includes adequate mitigation measures to avoid contamination to or degradation of the water supply which are at least as protective of the water supply as the standards for regulated activities set forth in these rules and regulations and which shall mitigate adverse impacts to water quality from land clearing or impervious surfaces or other regulated activities related to or enabled by the regulated activity authorized by the variance; and
- (d) Variances within coliform and phosphorus restricted basins.
- (1) The Department may grant a variance from the prohibition of locating a new wastewater treatment plant or expanding an existing wastewater treatment plant in a coliform restricted basin, or in a phosphorus restricted basin, where the Department determines that conditions in the area to be served by the new or expanded wastewater treatment plant are resulting in the release or discharge of inadequately treated sewage into the water supply, and that there is no other feasible method of correcting such release or discharge of inadequately treated sewage except to provide a variance from such prohibition. Provided, however, that in such cases, the additional treatment capacity of the new or expanded wastewater treatment plant may only be of a size sufficient to service the area identified as the source of contamination and any immediate area of concern as limited or delineated by the Department.
- $\begin{array}{ccc} (\underline{e}) & Variances \ Within \ the \ 60 \ Day \ Travel \ Time \\ to \ Intake \ in \ the \ Croton \ System \end{array}$
- (1) The Department may grant a variance from the prohibition set forth in §18-36(d)(2)(i) against locating a new wastewater treatment plant or expanding an existing wastewater treatment plant in the Croton System, within the 60 day travel time to intake, where the Department has made the following determinations:
 - (i) One of the following situations is present:
 - (a) conditions in the area

to be served by the new or expanded wastewater treatment plant, including failed subsurface sewage treatment systems, are resulting in the release or discharge of inadequately treated sewage into the water supply; or

- (b) influent flow rates to an existing wastewater treatment plant exceed the permitted flow limit for the wastewater treatment plant as specified in its SPDES permit and/or the design capacity of the wastewater treatment plant and have caused, or can reasonably be expected to cause, the release of inadequately treated sewage.
- (ii) There is no other feasible method of correcting such release or discharge of inadequately treated sewage except by locating a new or expanding an existing surface-discharging wastewater treatment plant within the 60 day travel time to intake; and
- (iii) The applicant has demonstrated that there are no sources of inflow or infiltration to the sewer system of the new or expanded wastewater treatment plant, other than sources that are to be eliminated pursuant to a consent order or other commitment binding on the applicant, that can practicably be eliminated.
- (2) The applicant must demonstrate to the Department, that the total flow to the new or expanded wastewater treatment plant authorized pursuant to this subdivision will be limited as follows:
 - (i) if the applicant seeks to expand
 a wastewater treatment plant
 serving a sewer district, the flow
 to the expanded wastewater
 treatment plant may include
 only:
 - (a) flow from facilities within the sewer district that are connected to the wastewater treatment plant as of the date of the application for a variance (based on the flows reported by the wastewater treatment plant pursuant to its SPDES permit in the year preceding the application for the variance); and
 - (b) flow from facilities within the sewer district that are served by subsurface sewage treatment systems as of the date of the application for a variance; and
 - (c) additional flow from the sewer district of no more than ten percent (10%) of the average of the flows reported by the wastewater treatment plant pursuant to its SPDES permit in the year preceding the application for the variance; and
 - (d) reasonably anticipated flows from any area(s) outside the sewer district identified as source(s) of contamination pursuant to clause (a) of subparagraph (i) of paragraph (1) of subdivision (e) of this section.
 - (ii) if the applicant seeks to expand
 a wastewater treatment plant
 without a sewer district, the
 flow to the expanded
 wastewater treatment plant
 may include only:
 - (a) flows to the wastewater treatment plant as of the date of the application for a variance;
 - (b) reasonably anticipated flows from any area(s) identified as source(s) of contamination pursuant to clause (a) of subparagraph (i) of paragraph (1) of subdivision (e) of this section.
 - (iii) if the applicant seeks to
 construct a new wastewater
 treatment plant, the flow to the
 new wastewater treatment
 plant may include only
 reasonably anticipated flows
 from the area(s) identified as
 source(s) of contamination
 pursuant to clause (a) of

subparagraph (i) of paragraph (1) of subdivision (e) of this section.

(3) A new or expanded wastewater treatment plant authorized pursuant to a variance under this subdivision, and its sewer system, shall meet the following conditions:

- (i) The wastewater treatment plant shall provide sand filtration or a Department-approved alternative technology to sand filtration, disinfection, phosphorus removal, and microfiltration or a Department-approved equivalent technology to microfiltration, as required by these rules and regulations; and
- (ii) The wastewater treatment plant shall be designed, operated, and maintained to meet a total phosphorus limit of 0.1 mg/l, and the applicant shall seek to have such limit included in the wastewater treatment plant's SPDES permit; and
- (iii) The applicant shall develop and implement a Department-approved Capacity,
 Management, Operation and Maintenance (CMOM) plan for the entire sewer system serving the wastewater treatment plant, and shall seek to have such plan incorporated into the wastewater treatment plant's SPDES permit. At a minimum, such CMOM plan shall include:

(a) a map of the entire collection system;

- (b) an assessment of the current capacity of the collection system;
- (c) a program and schedule for routine inspections and testing, and preventive operation and maintenance activities;
- (d) a list of any structural deficiencies identified in the system and a schedule for short-and long-term rehabilitation measures to address each identified deficiency;
- (e) an inflow study, and a plan and implementation schedule, to control and eliminate, to the extent practicable, stormwater contributions from sources such as catch basins, downspouts, and sump pumps; and
- (f) a program for training appropriate personnel on collection system operation and maintenance; and
- (iv)All wastewater pumping stations in the sewer system serving the new or expanded wastewater treatment plant, both new and existing, shall meet the alarm systems and emergency operation requirements applicable to new wastewater pumping stations as set forth in "Recommended Standards for Wastewater <u>Facilities," Great Lakes – Upper</u> Mississippi River Board of State Public Health and Environmental Managers (2004); and

<u>(v)</u>

In the event that the SPDES permitted flow limit of the wastewater treatment plant which has been constructed or expanded pursuant to a variance issued under this section is violated, the owner of the wastewater treatment plant shall investigate the cause of the violation and shall provide a report of its investigation to the Department within thirty (30) days of reporting such violation pursuant to the wastewater treatment plant's SPDES permit. In the event that the SPDES permitted flow limit of the wastewater treatment plant is violated two or more times during a consecutive twelve month period, the owner of the wastewater treatment plant shall submit a corrective action plan, including a schedule for implementation, to the Department for review and

approval within sixty (60) days of reporting the second such violation pursuant to the wastewater treatment plant's SPDES permit, and shall commence implementation of the approved plan in accordance with the approved schedule within thirty (30) days of receiving the Department's approval.

Section 16. Subparagraph (ii) of paragraph (2) of subdivision (c) of section 18-82 of title 15 of the Rules of the City of New York is amended to read as follows:

§18-82 Watershed Planning in the Croton System.

- (c) The Croton Plan shall consist of the following three elements:
- (2) Identification of investments to correct existing water quality problems in accordance with developed priorities. Such identification shall include the following elements:
 - Proposed measures to address water quality problems identified in paragraph (c)(1)(ii) above. Such measures may include subsurface sewage treatment system maintenance, rehabilitation and replacement programs, installation of community septic systems, the construction of sewer extensions or new [sewerage] sewer systems, stormwater controls, and the permanent diversion of wastewater to a discharge point outside of the watershed.

Section 17. Appendix D of chapter 18 of title 15 of the Rules of the City of New York, entitled "Hazardous Waste and Pesticide Standards," is repealed.

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SPECIAL MATERIALS

HOUSING PRESERVATION & DEVELOPMENT

NOTICE

Address

OFFICE OF PRESERVATION SERVICES CERTIFICATION OF NO HARASSMENT UNIT

REQUEST FOR COMMENT ON APPLICATION FOR CERTIFICATION OF NO HARASSMENT PURSUANT TO LOCAL LAW 19 OF 1983

DATE OF NOTICE: October 27, 2008

Application #

Inquiry Period

TO: OCCUPANTS, FORMER OCCUPANTS AND OTHER INTERESTED PARTIES OF

388 Dean Street, Brooklyn 87/ 1239 Dean Street, Brooklyn 91/	
203 West 139th Street, Manhattan 88/ 103 West 73rd Street, Manhattan 92/ 1327 3rd Avenue, Manhattan 93/ a/k/a 200 East 76th Street 226 West 132nd Street, Manhattan 94/	October 16, 2005 to Present October 17, 2005 to Present

The Department of Housing Preservation and Development has received an application for a certification that during the inquiry period noted for the premises above, that <u>no</u> harassment has occurred at such premises in the form of threats, use of physical force, deprivation of essential services such as heat, water, gas or electric, or by any other conduct intended to cause persons to vacate the premises or waive rights related to their occupancy. Upon the issuance of a Certification, an owner can legally convert the premises to non-single room occupancy use.

Comments as to whether harassment has occurred at the premises should be submitted to the Anti-Harassment Unit, 100 Gold Street, 3rd Floor, New York, NY 10038, by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement call (212) 863-8272.

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OFFICE OF PRESERVATION SERVICES CERTIFICATION OF NO HARASSMENT UNIT

REQUEST FOR COMMENT ON APPLICATION FOR CERTIFICATION OF NO HARASSMENT PURSUANT TO THE SPECIAL GREENPOINT-WILLIAMSBURG DISTRICT PROVISIONS OF THE ZONING RESOLUTION

DATE OF NOTICE: October 27, 2008

TO: OCCUPANTS, FORMER OCCUPANTS AND OTHER INTERESTED PARTIES OF

ldress Application # Inquiry Period

231 Bedford Avenue, Brooklyn 89/08 October 8, 2004 to Present 300 North 8th Street, Brooklyn 90/08 October 7, 2004 to Present

Prior to the issuance of a permit by the Department of Buildings for the alteration or demolition of residential buildings in certain areas of the **Special Greenpoint-Williamsburg District**, the Department of Housing Preservation and Development is required to certify that: 1) prior to evicting or otherwise terminating the occupancy of any tenant preparatory to alteration or demolition, the owner shall have notified HPD of the owner's intention to alter or demolish the building and 2) the eviction and relocation practices followed by the owner of the building satisfy all applicable legal requirements and that no harassment has occurred

The owner of the building located at the above-referenced address seeks the issuance of an HPD Certification. The owner has represented and certified to HPD of the owner's intention to alter or demolish the building and that the eviction and relocation practices followed by the owner satisfy all applicable legal requirements and that no harassment has occurred. For your information HPD considers harassment to include, but not be limited to, the threatened or actual use of physical force, deprivation of essential services such as heat, water, gas or electric, or any other conduct intended to cause persons to vacate the premises or waive rights related to their occupancy.

HPD requests that if you have any comments or evidence of unlawful eviction and relocation practices or harassment occurring at the above referenced premises that you notify the Anti-Harassment Unit, 3rd Floor, 100 Gold Street, New York, NY 10038, by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement call (212) 863-8272.

o27-n5

TRANSPORTATION

■ NOTICE

PUBLIC NOTICE OF A CONCESSION OPPORTUNITY FOR THE OPERATION, MANAGEMENT AND MAINTENANCE OF PEDESTRIAN PLAZAS LOCATED ON BROADWAY BETWEEN 41ST AND 36TH STREETS, BOROUGH OF MANHATTAN

Pursuant to the Concession Rules of the City of New York, the Department of Transportation ("DOT") intends to enter into a concession for the operation, management, and maintenance of pedestrian plazas located on Broadway between 41st and 36th Streets, Borough of Manhattan, including through DOT-approved events, sponsorships, and subconcessions, providing for the sale of any of the following: prepared food, flowers, locally grown produce or locally manufactured products, merchandise (such as souvenirs or T-shirts) that helps brand or promote the neighborhoods or the concessionaire, and other similar merchandise. The concessionaire shall issue solicitations in the basic form of a Request for Proposals to select entities to operate and manage such subconcessions. The selection of the entities to operate and manage the subconcessions will be subject to DOT's approval.

The concession agreement will provide for one (1) five-year term and four (4) one-year renewal options, exercisable at DOT's discretion. Any revenue received by the concessionaire in excess of both the amount attributable to maintenance of the pedestrian plazas and reasonable administrative costs shall be paid to DOT for the City's General Fund.

DOT has identified the Fashion Center Business Improvement District ("Fashion BID") as a potential concessionaire, but DOT will consider additional expressions of interest from other potential concessionaires for the operation, management, and maintenance of pedestrian plazas located on Broadway between 41st and 36th Streets, Borough of Manhattan.

Instructions and information for potential concessionaires concerning how they may express interest in the proposed concession and/or how they may obtain additional information concerning the proposed concession should be directed to Andrew Wiley-Schwartz, Assistant Commissioner for Public Spaces, at (212) 442-7462 or by email at awileyschwartz@dot.nyc.gov. To ensure the consideration by DOT of any expressions of interest resulting from this notification, please contact Mr. Wiley-Schwartz by Friday, October 31, 2008. Mr. Wiley-Schwartz may also be contacted with any questions relating to the proposed concession. Please note that the New York City Comptroller is charged with the audit of concession agreements in New York City. Any person or entity that believes that there has been unfairness, favoritism or impropriety in the concession process should inform the Comptroller, Office of Contract Administration, 1 Centre Street, New York, New York 10007, telephone number (212) 669-2323.

o20-3

LATE NOTICES

HEALTH AND MENTAL HYGIENE

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, November 6, 2008, in Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

IN THE MATTER of a proposed contract between the Department of Health and Mental Hygiene and the Contractor listed below, to add support services for five additional beds to a Supportive Housing Program for

Homeless Adults with Severe and Persistent Mental Illness in Manhattan. The contract term shall be from January 1, 2008 to June 30, 2010 and will contain two three-year options to renew from July 1, 2010 to June 30, 2013 and from July 1, 2013 to June 30, 2016.

Contractor/Address PIN# <u>Amount</u>

Addicts Rehabilitation Center 05MH007011R0X00 \$186,100 Foundation, Inc. 2015 Madison Avenue New York, New York 10035

The proposed contractor has been selected by means of the Competitive Sealed Proposal Method, pursuant to Section 3-03 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the New York City Department of Health and Mental Hygiene, Office of the Agency Chief Contracting Officer, 93 Worth Street, Room 812, New York, NY 10013, from October 29, 2008 to November 6, 2008, excluding Saturdays, Sundays and Holidays, from 10:00 A.M. to 4:00

Anyone who wishes to speak at this public hearing should request to do so in writing. The written request must be received by the Department within 5 business days after the publication of this notice. Written requests to speak should be sent to Joyce Scott, 93 Worth Street, Room 812, New York, NY 10013, or to jscott1@health.nyc.gov. If DOHMH does not receive any written requests to speak within the prescribed time, DOHMH reserves the right not to conduct the public

 ${\bf IN\ THE\ MATTER}$ of a proposed contract between the Department of Health and Mental Hygiene and the

Contractor listed below, for a Supportive Housing Program for Homeless Adults with Severe and Persistent Mental Illness in the Borough of Brooklyn. The contract term shall be from May 1, 2008 to June 30, 2010 and will contain two three-year options to renew from July 1, 2010 to June 30, 2013 and from July 1, 2013 to June 30, 2016.

PIN# Contractor/Address Amount

05MH007012R0X00 \$875,952 CAMBA. Inc. 1720 Church Avenue, 2nd floor Brooklyn, New York 11226

The proposed contractor has been selected by means of the Competitive Sealed Proposal Method, pursuant to Section 3-03 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the New York City Department of Health and Mental Hygiene, Office of the Agency Chief Contracting Officer, 93 Worth Street, Room 812, New York, NY 10013, from October 29, 2008 to November 6, 2008, excluding Saturdays, Sundays and Holidays, from 10:00 A.M. to 4:00

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IN THE MATTER of a proposed contract between the

Department of Health and Mental Hygiene and the Contractor listed below, for a Supportive Housing Program for Homeless Adults with Severe and Persistent Mental Illness in Manhattan. The contract term shall be from July 1. 2008 to June 30, 2011 and will contain two three-year options to renew from July 1, 2011 to June 30, 2014 and from July 1, 2014 to June 30, 2017.

PIN# Contractor/Address <u>Amount</u>

05MH007014R0X00 \$357,312 West Side Federation for Senior and Supportive Housing, Inc. 2345 Broadway, 2nd floor New York, New York 10025

The proposed contractor has been selected by means of the Competitive Sealed Proposal Method, pursuant to Section 3-03 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the New York City Department of Health and Mental Hygiene, Office of the Agency Chief Contracting Officer, 93 Worth Street, Room 812, New York, NY 10013, from October 29, 2008 to November 6, 2008, excluding Saturdays, Sundays and Holidays, from 10:00 A.M. to 4:00

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READER'S GUIDE

The City Record (CR) is, published each business day and includes notices of proposed New York City procurement actions, contract awards, and other procurement-related information. Solicitation notices for most procurements valued at or above \$100,000 for information technology and for construction and construction related services, above \$50,000 for other services, and above \$25,000 for other goods are published for at least one day. Other types of procurements, such as sole source, require notice in the City Record for five consecutive days. Unless otherwise specified, the agencies and offices listed are open for business Mondays thru Fridays from 9:00 A.M. to 5:00 P.M. except legal holidays.

NOTICE TO ALL NEW YORK CITY CONTRACTORS

The New York State Constitution ensures that all laborers, workers or mechanics employed by a contractor or subcontractor doing public work are to be paid the same wage rate that prevails in the trade where the public work is being done. Additionally, New York State Labor Law §§ 220 and 230 provide that a contractor or subcontractor doing public work in construction or building service must pay its employees no less than the prevailing wage. Section 6-109 (the Living Wage Law) of the New York City Administrative Code also provides for a "living wage", as well as prevailing wage, to be paid to workers employed by City contractors in certain occupations. The Comptroller of the City of New York is mandated to enforce prevailing wage. Contact the NYC Comptrollers Office at www.comptroller.nyc.gov, click on Labor Law Schedules to view rates.

New York City's "Burma Law" (Local Law No. 33 of 1997) No Longer

New York City's "Burma Law" (Local Law No. 33 of 1997) No Longer to be Enforced. In light of the United States Supreme Court's decision in Crosby v. National Foreign Trade Council, 530 U.S. 363 (2000), the City has determined that New York City's Local Law No. 33 of 1997 (codified in Administrative Code Section 6-115 and Charter Section 1524), which restricts City business with banks and companies doing business in Burma, is unconstitutional. This is to advise, therefore, that the language relating to Burma contained in existing New York City contracts may not be enforced.

CONSTRUCTION/CONSTRUCTION SERVICES OR CONSTRUCTION RELATED SERVICES

The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination.

VENDOR ENROLLMENT APPLICATION

New York City procures approximately \$7 billion worth of goods, services, construction and construction-related services every year. The NYC Procurement Policy Board Rules require that agencies primarily solicit from established mailing lists called bidder/proposer lists. To register for these lists—free of charge-, prospective suppliers should fill out and submit the NYC-FMS Vendor Enrollment application.

- Online at NYC.gov/selltonyc
- To request a hardcopy application, call the Vendor

Enrollment Center at (212) 857-1680.

Attention Existing Suppliers: Even if you already do business with NYC agencies, be sure to fill out an application. We are switching over to citywide, centralized Bidders Lists instead of the agency-specific lists previously used to issue notices about upcoming contract opportunities. To continue receiving notices of New York City contract opportunities, you must fill out and submit a NYC-FMS Vendor Enrollment application.

If you are uncertain whether you have already submitted an application, call us at (212) 857-1680.

SELLING TO GOVERNMENT TRAINING WORKSHOP

New and experienced vendors are encouraged to register for a free training course on how to do business with New York City. "Selling to Government" workshops are conducted by the Department of Small Business Services, 110 William Street, New York, NY 10038. Morning and afternoon sessions are convened on the first Tuesday of each month. For more information, and to register, call (212) 618-8845.

PRE-QUALIFIED LIST

New York City procurement policy permits agencies to develop and solicit from pre-qualified lists of vendors, under prescribed circumstance. When it is decided by an agency to develop a prequalified list, criteria for pre-qualification must be clearly explained in the solicitation and notice of the opportunity to pre-qualify for that solicitation must be published in at least five issues of the $\it CR$.

Information and qualification questionnaires for inclusion on such list may be obtained directly from the Agency Chief Contracting Officer at each agency, (see Vendor Information Manual). A completed qualification Questionnaire may be submitted to the Chief Contracting Officer at any time, unless otherwise indicated and action (approval or denial) shall be taken by the agency within 90 days from the date of submission. Any denial or revocation of pre-qualified status can be appealed to the Office of Administrative Trials and Hearings, (OATH), Section 3-11 of the Procurement Policy Board Rules describes the criteria for the general use of pre-qualified lists.

NON-MAYORAL ENTITIES

The following agencies are not subject to Procurement Policy Board rules and do not follow all of the above procedures: City University, Department of Education, Metropolitan Transportation Authority, Health & Hospitals Corporation, Housing Authority. Suppliers interested in applying for inclusion on bidders list should contact these entities directly (see Vendor Information Manual) at the addresses

PUBLIC ACCESS CENTER

The Public Access Center is available to suppliers and the public as a central source for supplier-related information through on-line computer access. The Center is located at 253 Broadway, 9th floor, in lower Manhattan, and is open Monday through Friday from 10:00 A.M to 3:00 P.M. For information, contact the Mayor's Office of Contract Services at (212) 788-0010.

ATTENTION: NEW YORK CITY MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES

Join the growing number of Minority and Women Owned Business Enterprises (M/WBEs) that are competing for New York City's business. In order to become certified for the program, your company must substantiate that it: (1) is at least fifty-one percent (51%) owned, operated and controlled by a minority or woman and (2) is either located in New York City or has a significant tie to New York City's business community. To obtain a copy of the certification application and to learn more about the program, contact the New York City Department of Small Business Services, 110 William Street, 2nd Floor, New York, New York 10038 (212) 513-6311.

PROMPT PAYMENT

It is the policy of the City of New York to pay its bills promptly. The Procurement Policy Board Rules generally require that the City pay its bills within 30 days after the receipt of a proper invoice. The City now pays interest on all late invoices. The grace period that formerly existed was eliminated on July 1, 2000. However, there are certain types of payments that are not eligible for interest. These are listed in Section 4-06 of the Procurement Policy Board Rules. The Comptroller and OMB determine the interest rate on late payments twice a year in and OMB determine the interest rate on late payments twice a year, in

PROCUREMENT POLICY BOARD RULES

The Rules may also be accessed on the City Website, http://NYC.GOV.Selltonyc

COMMON ABBREVIATIONS USED IN THE CR

The CR contains many abbreviations. Listed below are simple . Acceptable Brands List .Accelerated Procurement AC AMT. Amount of Contract Bidders List Competitive Sealed Bidding BL... CSB. (including multi-step)
CB from Pre-qualified Vendor List
Competitive Sealed Proposal CB/PQ. ...Competitive seated Proposal
(including multi-step)
..CP from Pre-qualified Vendor List
..The City Record newspaper
..Date bid/proposal documents available
..Bid/Proposal due date; bid opening date
..Emergency Procurement
..Intergovernmental Purchasing CP/PQ. CR. DA DUE EM.. IG. Locally Based Business Enterprise
.Minority/Women's Business Enterprise LBE M/WBE.Negotiated Acquisition
.....Date Intent to Negotiate Notice was published in CR
.....Award to Other Than Lowest Responsible & Responsive Procurement Identification Number Procurement Policy Board
Pre-qualified Vendors List
Source required by state/federal law or grant
Service Contract Short-Term Extension SCE. .Demonstration Project SS.....Sole Source Procurement
ST/FED.....Subject to State &/or Federal requirements

KEY TO METHODS OF SOURCE SELECTION

..Competitive Sealed Bidding

NA/12.

The Procurement Policy Board (PPB) of the City of New York has by rule defined the appropriate methods of source selection for City procurement and reasons justifying their use. The CR procurement notices of many agencies include an abbreviated reference to the source selection method utilized. The following is a list of those methods and the abbreviations used:

(including multi-step) Special Case Solicitations/Summary of Circumstances:Competitive Sealed Proposal (including multi-step)Specifications not sufficiently definite CP/2 CP/3 Judgement required in best interest of City Testing required to evaluate CB/PQ/4. CP/PQ/4. .CB or CP from Pre-qualified Vendor List/ Advance qualification screening needed ..Demonstration Project ..Sole Source Procurement/only one source ..Procurement from a Required Source/ST/FED Noroticet Acquisition SS. RS ..Procurement from a Required Source/S1/FED ..Negotiated Acquisition For ongoing construction project only: ..Compelling programmatic needs ..New contractor needed for changed/additional work ..Change in scope, essential to solicit one or limited number NA/8. NA/9..... NA/10.... of contractors Immediate successor contractor required due to termination/default NA/11...

...Solicitation Based on Waiver/Summary of Circumstances (Client Services/BSB or CP only) ..Prevent loss of sudden outside funding ..Existing contractor unavailable/immediate need ..Unsuccessful efforts to contract/need continues ..Intergovernmental Purchasing (award only) ..Federal State WA WA1 WA2. WA3. IG.... IG/F .State IG/S IG/O .Emergency Procurement (award only) An unforeseen EM .. danger to: EM/A Life EM/B.. .Safety EM/C .Property .A necessary service EM/D.Accelerated Procurement/markets with significant AC.. short-term price fluctuations SCE. .Service Contract Extension/insufficient time; necessary service; fair price Award to Other Than Lowest Responsible & Responsive Bidder or Proposer/Reason (award only) Bidger or Proposer Reaanti-apartheid preferencelocal vendor preferencerecycled preferenceother: (specify) OLB/a OLB/b OLB/c....

HOW TO READ CR PROCUREMENT NOTICES

Procurement Notices in the CR are arranged by alphabetically listed Agencies, and within Agency, by Division if any. The notices for each Agency (or Division) are further divided into three subsections: Solicitations, Awards; and Lists & Miscellaneous notices. Each of these subsections separately lists notices pertaining to Goods, Services, or Construction Construction

Notices of Public Hearings on Contract Awards appear at the end of the Procurement Section. At the end of each Agency (or Division) listing is a paragraph giving the specific address to contact to secure, examine and/or to submit bid or proposal documents, forms, plans, specifications, and other information, as well as where bids will be publicly opened and read. This address should be used for the purpose specified UNLESS a different one is given in the individual notice. In that event, the directions in the individual notice should be followed. The following is a SAMPLE notice and an explanation of the notice format used by the CR.

SAMPLE NOTICE:

POLICE

OLB/d

DEPARTMENT OF YOUTH SERVICES

■ SOLICITATIONS

Services (Other Than Human Services)

BUS SERVICES FOR CITY YOUTH PROGRAM - Competitive Sealed Bids - PIN# 056020000293 - DUE 04-21-03 AT 11:00 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor prequalification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time

NYPD, Contract Administration Unit, 51 Chambers Street, Room 310, New York, NY 10007. Manuel Cruz (646) 610-5225.

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ITEM EXPLANATION POLICE DEPARTMENT Name of contracting agency DEPARTMENT OF Name of contracting division YOUTH SERVICES ■ SOLICITATIONS Type of Procurement action Services (Other Than Human Services) Category of procurement BUS SERVICES FOR CITY YOUTH PROGRAM Short Title Method of source selection PIN # 056020000293 DUE 04-21-03 AT 11:00 am Procurement identification number Bid submission due 4-21-03 by 11:00 am; bid opening date/time is the same. Use the following address Paragraph at the end of Agency Division listing giving contact information or submit bid/information and Agency Contact address unless otherwise specified in notice, to secure, examine or submit bid/proposal

NYPD, Contract Administration Unit 51 Chambers Street, Room 310 New York, NY 10007.

Manuel Cruz (646) 610-5225.

Indicates New Ad

Date that notice appears in City Record

NUMBERED NOTES

documents; etc.

m27-30

Numbered Notes are Footnotes. If a Numbered Note is referenced in a notice, the note so referenced must be read as part of the notice. 1.All bid deposits must be by company certified check or money order made payable to Agency or Company.