



THE CITY RECORD

Official Journal of The City of New York

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THE CITY RECORD

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

BOROUGH PRESIDENT - QUEENS

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Public hearing will be held by the Borough President of Queens, Melinda Katz, on **Thursday, October 31, 2019**, starting at 10:30 A.M., in the Borough President's Conference Room, located on the **2nd Floor, at 120-55 Queens Boulevard**, Kew Gardens, NY 11424, on the following items.



CD Q02 - BSA #1-09 BZ - IN THE MATTER OF an application submitted by the Law Office of Frederick A. Becker, on behalf of 39-01 QB LLC pursuant to Section 73-11 of the NYC Zoning Resolution for a waiver of the Rules of Procedure, an extension of time to obtain a Certificate of Occupancy, an amendment to a previous approval and an extension of term for a Special Permit previously approved to allow a physical culture establishment (PCE) in an M1-4 District, located at **39-01 Queens Boulevard**, Block 191 Lot 5, Sunnyside, Borough of Queens.

CD Q03 - BSA # 2019-157BZ - IN THE MATTER OF an application submitted by Eric Palatnik, P.C. on behalf of White Castle System, Inc., pursuant to Section 73-03 and 73-243 of the NYC Zoning Resolution, for a Special Permit to allow a (Use Group 6) eating and drinking establishment (White Castle) with an accessory drive-thru in a C1-2/R4 District, located at **88-02 Northern Boulevard**, Block 1436, Lot 01, Zoning Map 9d, Jackson Heights, Borough of Queens.

CD Q04 - BSA # 2019-158BZ - IN THE MATTER OF an application submitted by Eric Palatnik, P.C. on behalf of White Castle System, Inc., pursuant to Section 73-03 and 73-243 of the NYC Zoning Resolution, for a Special Permit to allow a (Use Group 6) eating and drinking establishment (White Castle) with an accessory drive-thru facility in a C1-2/R6 District, located at **89-03 57th Avenue** (corner of Queens Boulevard), Block 1845, Lot 41, Zoning Map 13c, Elmhurst, Borough of Queens.

CD Q02 - BSA #2019-206 BZ - IN THE MATTER OF an application submitted by Akerman, LLP on behalf of HW LIC One LLP pursuant to Section 73-66 of the NYC Zoning Resolution for a Special Permit to allow a building in an R6/C2-3 District located at **51-22 Roosevelt Avenue** that exceeds the maximum height allowable in the flight obstruction path area for LaGuardia Airport, Block 1320, Lot 12, Zoning Map 9b, Woodside, Borough of Queens.

CD Q01 - ULURP #190266 ZRQ - IN THE MATTER OF an application submitted by Akerman, LLP on behalf of Mega Realty Holding LLC and Pancyprian Association, Inc., pursuant to Section 201 of the NYC Charter, to amend Appendix F of the NYC Zoning Resolution establishing a Mandatory Inclusionary Housing Area in Astoria, Community District 1, Borough of Queens. (Related application ULURP #190267 ZMQ)

CD Q01 – ULURP #190267 ZMQ — IN THE MATTER OF an application submitted by Akerman, LLP on behalf of Mega Realty Holding LLC and Pancyprian Association, Inc., pursuant to Sections 197-c and 201 of the NYC Charter for an amendment of the Zoning Map Section No. 9c:

1. changing from an R4 District to an R6A District property bounded by 45th Street, Ditmars Boulevard, 46th Street, and a line 525 southwesterly of Ditmars Boulevard;
2. changing from an M1-1 District to an R4 District property bounded by 45th Street, a line 100 feet northeasterly of 23rd Avenue, a line midway between 45th Street and 46th Street, a line 125 northeasterly of 23rd Avenue, 46th Street, Astoria Boulevard North, and 23rd Avenue;
3. changing from an M1-1 District to an R6A District property bounded by 45th Street, a line 525 feet southwesterly of Ditmars Boulevard, 46th Street, a line 125 feet northeasterly of 23rd Avenue, a line midway between 45th Street and 46th Street, and a line 100 feet northeasterly of 23rd Avenue;
4. establishing within the proposed R6A District a C2-3 District bounded by 45th Street, a line 100 feet northeasterly of 23rd Avenue, a line midway between 45th Street and 46th Street, and 23rd Avenue; and
5. establishing within the proposed R6A District a C2-3 District bounded by 45th Street, a line 275 feet northeasterly of 23rd Avenue, a line midway between 45th Street and 46th Street, and a line 100 feet northeasterly of 23rd Avenue;

Borough of Queens. Community District 1, as shown on a diagram (for illustrative purposes only) dated August 26, 2019, and subject to the conditions of CEQR Declaration E-549. (Related application ULURP #190266 ZRQ)

CD Q07 – ULURP #190320 ZSQ — IN THE MATTER OF an application submitted by Eric Palatnik, P.C. on behalf of 18-17 130th Street LLC and 18-19 130th Street LLC pursuant to Section 126-46 of the NYC Zoning Resolution, to modify the front yard requirements of Z.R. Section 126-331 (Minimum required front yards), and the side yard requirements of ZR Section 126-232 (Minimum required side yards) in connection with a proposed 2-story enlargement of an existing 1-story warehouse building in an M1-1 District within the Special College Point District on property located at **18-17 130th Street**, Block 4136, Lots 11 & 12, Zoning Map nos. 10a & 7b, College Point, Borough of Queens, Community District 7.

CD Q07 – ULURP #190029 ZMQ — IN THE MATTER OF an application submitted by the Law Office of Jay Goldstein PLLC on behalf of 8850 Management LLC pursuant to Sections 197-c and 201 of the NYC Charter for an amendment of the Zoning Map, Section No. 7d, by establishing within an existing R3A District a C1-2 District bounded by 15^h Avenue, 149th Street, 15^h Road, a line 100 feet westerly of 149th Street, a line 75 feet northerly of 15^h Road, a line 150 feet westerly of 149th Street, Borough of Queens, Community District 7, as shown on a diagram (for illustrative purposes only) dated August 26, 2019, and subject to the conditions of CEQR Declaration E-546.

NOTE: Individuals requesting Sign Language Interpreters should contact the Borough President's Office, (718) 286-2860, or email planning@queensbp.org no later than **FIVE BUSINESS DAYS PRIOR TO THE PUBLIC HEARING**

o28-31

CITY COUNCIL

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the Council, has scheduled the following public hearings, on the matters indicated below:

The Subcommittee on Zoning and Franchises, will hold a public hearing, in the Council Committee Room, City Hall, New York, NY 10007, commencing at 9:30 A.M., on November 4, 2019:

MANHATTAN CB 10 LA HERMOSA C 190434 ZMM

Application submitted by La Hermosa Christian Church, pursuant to Sections 197-c and 201 of the New York City Charter, for the amendment of the Zoning Map, Section No. 6b:

1. eliminating from within an existing R7-2 District a C1-4 District, bounded by West 111th Street, Fifth Avenue, a line midway between Central Park North and West 111th Street, and a line 100 feet westerly of Fifth Avenue;
2. eliminating from within an existing R8 District a C1-4 District, bounded by a line midway between Central Park North and West 111th Street, Fifth Avenue, Central Park

- North, and a line 100 feet westerly of Fifth Avenue (straight line portion) and its southerly prolongation;
3. changing from an R7-2 District to a C1-9 District, property bounded by West 111th Street,
 - a. Fifth Avenue, a line midway between Central Park North and West 111th Street, and a line 200 feet westerly of Fifth Avenue; and
 4. changing from an R8 District to a C1-9 District, property bounded by a line midway between Central Park North and West 111th Street, Fifth Avenue, Central Park North, and a line 200 feet westerly of Fifth Avenue (straight line portion) and its southerly prolongation;

as shown on a diagram (for illustrative purposes only), dated May 6, 2019, and subject to the CEQR declaration of E-538.

LA HERMOSA

MANHATTAN CB 10 N 190433 ZRM

Application submitted by La Hermosa Christian Church, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F, for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter underlined is new, to be added;
Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

* * *

**APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

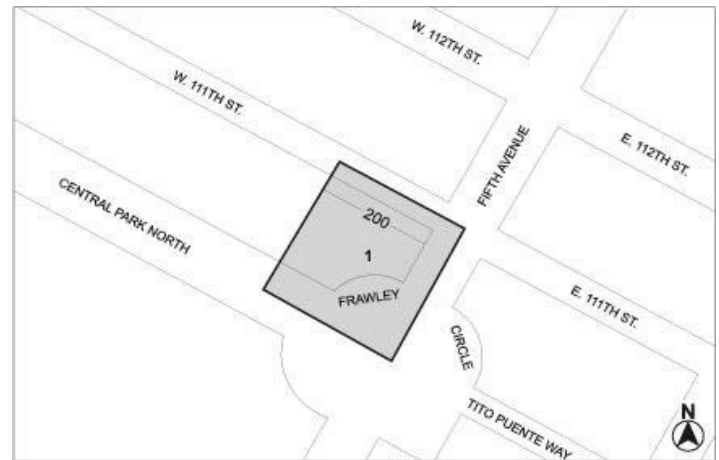
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MANHATTAN

* * *

Manhattan Community District 10

Map 1- [date of adoption]



■ Mandatory Inclusionary Housing Area (see Section 23-154(d)(3))
Area 1 — [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District

LA HERMOSA

MANHATTAN CB 10 C 190435 ZSM

Application submitted by La Hermosa Christian Church, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit, pursuant to Section 74-851 of the Zoning Resolution, to modify the street wall location requirements of Section 35-64 (Special Tower Regulations for Mixed Buildings), and the tower lot coverage requirements, tower floor area distribution requirements, and height and setback requirements of Section 23- 651 (Tower-on-a-Base), in connection with a proposed mixed use development, on property located, at 5 West 110th Street (Block 1594, Lots 30 and 41), in a C1-9 District.

* Note: the site is proposed to be rezoned, by eliminating C1-4 Districts, from within existing R7-2 and R8 Districts, and by changing existing R7-2 and R8 Districts, to a C1-9 District.

Plans for this proposal are on file, with the City Planning Commission, and may be seen, at 120 Broadway, 31st Floor, New York, NY 10271-0001.

LA HERMOSA

MANHATTAN CB 10 C 190436 ZSM

Application submitted by La Hermosa Christian Church, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit, pursuant to Section 74-533 of the Zoning Resolution, to waive the required number of accessory off-street parking spaces, for dwelling units, in a development within a Transit Zone, that includes at least 20 percent of all dwelling units, as income-restricted housing units, in connection with a proposed mixed-use development, on property located, at 5 West 110th Street (Block 1594, Lots 30 and 41), in a C1-9 District*.

* Note: the site is proposed to be rezoned by eliminating C1-4 Districts, from within existing R7-2 and R8 Districts, and by changing existing R7-2 and R8 Districts, to a C1-9 District.

Plans for this proposal are on file, with the City Planning Commission, and may be seen, at 120 Broadway, 31st Floor, New York, NY 10271-0001.

515 BLAKE AVENUE

BROOKLYN CB 5 C 190409 HAK

Application submitted by the NYC Department of Housing Preservation and Development (HPD)

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
a. The designation of property, located at (Block 3766, Lot 1) as an Urban Development Action Area; and
b. 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, to be selected by HPD;

to facilitate the construction of four new buildings, containing approximately 195 redeveloped homeless shelter units and approximately 324 affordable housing units and commercial and community facility space.

515 BLAKE AVENUE

BROOKLYN CB 5 C 190410 ZMK

Application submitted by the NYC Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 17d:

- 1. eliminating from within an existing R6 District a C2-3 District, bounded by a line 150 feet northerly of Blake Avenue, Hinsdale Street, Blake Avenue, and Snediker Avenue;
2. changing from an R6 District to an R6A District, property bounded by a line 150 feet southerly of Sutter Avenue, Hinsdale Street, a line 100 feet northerly of Blake Avenue, and Snediker Avenue;
3. changing from an R6 District to an R7D District, property bounded by a line 100 feet northerly of Blake Avenue, Hinsdale Street, Blake Avenue, and Snediker Avenue;
4. changing from a C4-3 District to an R7D District, property bounded by Sutter Avenue, Hinsdale Street, a line 150 feet southerly of Sutter Avenue, and Snediker Avenue;
5. establishing within a proposed R7D District a C1-4 District, bounded by a line 100 feet northerly of Blake Avenue, Hinsdale Street, Blake Avenue, and Snediker Avenue; and
6. establishing within a proposed R7D District a C2-4 District, bounded by Sutter Avenue, Hinsdale Street, a line 150 feet southerly of Sutter Avenue, and Snediker Avenue;

as shown on a diagram (for illustrative purposes only), dated May 20, 2019.

515 BLAKE AVENUE

BROOKLYN CB 5 N 190411 ZRK

Application submitted by the NYC Department of Housing Preservation and Development, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F, for the purpose of establishing a Mandatory Housing Inclusionary area.

Matter underlined is new, to be added;
Matter struck out is to be deleted;
Matter within # # is defined in Section 12-10; and
* * * indicates where unchanged text appears in the Zoning Resolution.

* * *

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN

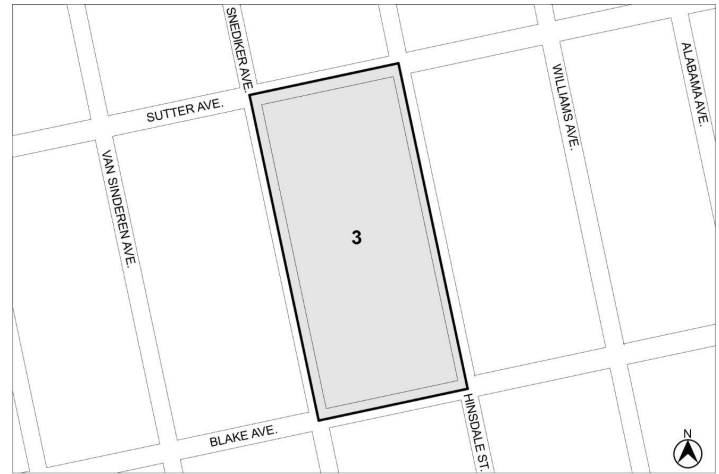
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Brooklyn Community District 5

* * *

Map 3 - [date of adoption]

[PROPOSED MAP]



Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)

Area 3 — (date of adoption) MIH Program Option 1

Portion of Community District 5, Brooklyn

* * *

515 BLAKE AVENUE

BROOKLYN CB 5 C 190421 ZSK

Application submitted by the NYC Department of Housing Preservation & Development, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit, pursuant to the following Section 74-743(a) of the Zoning Resolution, to allow the distribution of total allowable floor area, without regard for zoning district lines, in connection with a proposed mixed-use development, within a large-scale general development, bounded by Sutter Avenue, Hinsdale Street, a line 50 feet northerly of Blake Avenue, a line midway between Snediker Avenue and Hinsdale Street, Blake Avenue, and Snediker Avenue (Block 3766, Lot 1), in R6A*, R7D/C1-4*, and R7D/C2-4* Districts.

* Note: The site is proposed to be rezoned by eliminating a C2-3 District, from within an existing R6 District, and by changing R6 and C4-3 Districts, to R6A, R7D/C1-4, and R7D/C2-4 Districts, under a concurrent related application for a Zoning Map change (C 190410 ZMK).

6003 8th AVENUE REZONING

BROOKLYN CB 12 C 190305 ZMK

Application submitted by 6003 8 Ave LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 22a:

- 1. eliminating from an existing R6 District a C1-3 District, bounded by 60th Street, a line 150 feet southeasterly of Eighth Avenue, a line midway between 60th Street and 61st Street, and Eighth Avenue; and
2. changing from an R6 District to a C4-2 District, property bounded by 60th Street, a line 150 feet southeasterly of Eighth Avenue, a line midway between 60th Street and 61st Street, and Eighth Avenue;

Borough of Brooklyn, Community District 12, as shown on a diagram (for illustrative purposes only), dated May 20, 2019.

Accessibility questions: Land Use Division (212) 482-5154, by: Wednesday, October 30, 2019, 3:00 P.M.



CITY PLANNING COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a resolution has been adopted by the City Planning Commission, scheduling a public hearing on the following matter, to be held, at NYC City Planning Commission, Hearing Room, Lower Concourse, 120 Broadway, New York, NY, on Wednesday, November 13, 2019, at 10:00 A.M.

**BOROUGH OF MANHATTAN
No. 1
105 DUANE STREET POPS**

CD 1

C 190510 ZSM

IN THE MATTER OF an application submitted by Tribeca Equity Partners, L.P., pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit, pursuant to Section 74-91 of the Zoning Resolution, to modify the provisions of Section 37-70 (Public Plaza), in connection with the proposed design changes to an existing residential plaza, on property, located at 105 Duane Street (Block 151, Lots 1, 20 and 22), in C6-4 and C6-4A Districts.

Plans for this proposal are on file with the City Planning Commission and, may be seen, at 120 Broadway, 31st Floor, New York, NY 10271-0001.

YVETTE V. GRUEL, Calendar Officer
City Planning Commission
120 Broadway, 31st Floor, New York, NY 10271
Telephone (212) 720-3370



o29-n13

CITYWIDE ADMINISTRATIVE SERVICES

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT A REAL PROPERTY ACQUISITIONS AND DISPOSITIONS PUBLIC HEARING, in accordance with Section 824 of the New York City Charter, will be held, on November 13, 2019, at 10:00 A.M., at Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan.

IN THE MATTER OF a lease for the City of New York, as tenant, of space on part of the 7th Floor of a building, located at 33-00 Northern Boulevard (Block 214, Lot 1004) in the Borough of Queens for the Department of Transportation, to use as an office, or for such other use as the Commissioner of the Department of Citywide Administrative Services may determine.

The proposed lease shall commence from Substantial Completion of alterations and improvements through December 31, 2026, at an annual rent of \$722,000 for the first five (5) years and \$817,000 until December 31, 2026, payable in equal monthly installments, at the end of each month. The first four (4) months of base rent shall be abated.

The lease may be terminated by the Tenant one time on the fifth (5th) year anniversary, provided the Tenant gives the Landlord fifteen (15) months prior written notice. In the event the lease is terminated by the Tenant, the Tenant shall pay to the Landlord a termination fee of \$425,000.

The Landlord shall, at its sole cost and expense, prepare final architectural plans and engineering plans, in accordance with a preliminary plan and scope of work, and make alterations and improvements.

Further information, including public inspection of the proposed lease may be obtained, at One Centre Street, Room 2000 North, New York, NY 10007. To schedule an inspection, please contact Chris Fleming, at (212) 386-0315.

Individuals requesting Sign Language Interpreters/Translators 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 TEN (10) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call VERIZON relay services.



o30

COMMUNITY BOARDS

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the following matters have been scheduled for public hearing by Community Board:

BOROUGH OF MANHATTAN

COMMUNITY BOARD NO. 04 - Wednesday, November 6th, 2019, 6:30 P.M., Mt. Sinai West, 1000 10th Avenue, New York, NY 10019.

Manhattan Community Board 4's Statement of District Needs and Budget Requests, for Fiscal Year 2020.

Accessibility questions: Jesse Bodine (212) 736-4536, jbodine@cb.nyc.gov, by: Wednesday, October 30, 2019, 4:00 P.M.



o25-31

BOARD OF CORRECTION

■ MEETING

Please take note, that the next meeting of the Board of Correction, will be held, on October 31st, 2019, at 9:00 A.M. The location of the meeting will be 125 Worth Street, New York, NY 10013, in the auditorium, on the 2nd Floor.

At that time, there will be a discussion of various issues concerning New York City's correctional system.

o25-31

EQUAL EMPLOYMENT PRACTICES

COMMISSION

■ MEETING

The next meeting of the Equal Employment Practices Commission, will be held in the Commission's Conference Room/Library, at 253 Broadway, Suite 602, on Thursday, October 31, 2019, at 9:00 A.M.

Accessibility questions: Mohini Ramsukh (212) 615-8938, Mramsukh@eepc.nyc.gov, by: Wednesday, October 30, 2019, 12:00 P.M.



o24-30

HOUSING AUTHORITY

■ MEETING

The next Board Meeting of the New York City Housing Authority is scheduled for Wednesday, October 30, 2019, at 10:00 A.M., in the Board Room on the 12th Floor of 250 Broadway, New York, NY (unless otherwise noted). Copies of the Calendar will be available on NYCHA's website or may be picked up, at the Office of the Corporate Secretary, at 250 Broadway, 12th Floor, New York, NY, no earlier than 24 hours before the upcoming Board Meeting. Copies of the Minutes will also be available on NYCHA's website or may be picked up, at the Office of the Corporate Secretary, no earlier than 3:00 P.M. on the Thursday following the Board Meeting.

Any changes to the schedule will be posted here and on NYCHA's website, at <http://www1.nyc.gov/site/nycha/about/board-calendar.page> to the extent practicable, at a reasonable time before the meeting.

The meeting is open to the public. Pre-Registration, at least 45 minutes before the scheduled Board Meeting, is required by all speakers. Comments are limited to the items on the Calendar. Speaking time will be limited to three minutes. The public comment period will conclude upon all speakers being heard or, at the expiration of 30 minutes allotted by law for public comment, whichever occurs first.

The meeting will be streamed live on NYCHA's website, at <http://nyc.gov/nycha>, and <http://on.nyc.gov/boardmeetings>.

For additional information, please visit NYCHA's website or contact (212) 306-6088.

Accessibility questions: Office of the Corporate Secretary by phone, at (212) 306-6088 or by email, at corporate.secretary@nychanyc.gov, by: Wednesday, October 16, 2019, 5:00 P.M.



o9-30

HOUSING AND COMMUNITY RENEWAL

■ PUBLIC HEARINGS

New York State Division of Housing and Community Renewal
Office of Rent Administration

NOTICE OF MAXIMUM BASE RENT PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN, pursuant to §26-405a(9) of the New York City Rent and Rehabilitation Law that the New York State Division of Housing and Community Renewal (DHCR) will conduct a public hearing to be held, at 250 Broadway, 19th Floor, New York State Assembly Hearing Room, New York, NY 10007 on Thursday, November 21, 2019, for the purpose of collecting information relating to all factors which the DHCR may consider in establishing a Maximum Base Rent (MBR) for rent controlled housing accommodations, located in the City of New York, for the 2020-2021 biennial MBR cycle, pursuant to the **Housing Stability and Tenant Protection Act of 2019** (effective as of June 14, 2019). The morning session of the hearing, will be held from 10:00 A.M. to 12:30 P.M.; the afternoon session will run from 2:00 P.M. to 4:30 P.M.

Pre-Registration of speakers is advised. Those who wish to pre-register may call the office of Michael Berrios, Executive Assistant, at (718) 262-4816, or email michael.berrios@nyshcr.org, and state the time they wish to speak, at the hearing and whom they represent. Pre-Registered speakers who have reserved a time to speak will be heard, at approximately that time. Speakers who register the day of the hearing will be heard in the order of registration, at those times not already reserved by Pre-Registered speakers. Speaking time will be limited to five minutes in order to give as many people as possible the opportunity to be heard. Speakers should be prepared to submit copies of their remarks to the DHCR official presiding over the hearing. The hearing will conclude when all registered speakers in attendance, at the hearing have been heard. DHCR will also accept written testimony submitted prior to the end of the hearing. Submissions may also be sent in advance to Michael Berrios, Executive Assistant, 6th Floor, Division of Housing and Community Renewal, Gertz Plaza, 92-31 Union Hall Street, Jamaica, NY 11433. To obtain a report on the DHCR recommendation for the 2020-2021 MBR cycle, interested parties should call (718) 262-4816, or email michael.berrios@nyshcr.org.

☛ o30-n20

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 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on Tuesday, November 12, 2019, a public hearing will be held, at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. The final order and estimated times for each application will be posted on the Landmarks Preservation Commission website, the Friday before the hearing. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting, should contact the Landmarks Commission no later than five (5) business days before the hearing or meeting.

448 Waverly Avenue - Clinton Hill Historic District
LPC-20-02108 - Block 1961 - Lot 66 - Zoning: R6B
CERTIFICATE OF APPROPRIATENESS

A Greek Revival style rowhouse, built c. 1840s. Application is to raise the top floor, construct a rooftop bulkhead, modify window openings, and replace a door.

450 Waverly Avenue - Clinton Hill Historic District
LPC-20-02109 - Block 1961 - Lot 67 - Zoning: R6B
CERTIFICATE OF APPROPRIATENESS

A Greek Revival style rowhouse, built c. 1840s. Application is to raise the top floor, construct a rooftop bulkhead, and modify window openings.

16 Grace Court Alley - Brooklyn Heights Historic District
LPC-20-01741 - Block 253 - Lot 34 - Zoning: R6
CERTIFICATE OF APPROPRIATENESS

A carriage house. Application is to construct rooftop and rear yard additions, raise the roof, replace windows and doors, and modify masonry openings.

265 Alexander Avenue - Mott Haven East Historic District
LPC-19-40231 - Block 2314 - Lot 27 - Zoning:
CERTIFICATE OF APPROPRIATENESS

A Queen Anne style row house with Victorian Gothic elements, designed by Richard Lomax and built in 1887-88. Application is to construct a rooftop addition.

297-299 Alexander Avenue - Mott Haven Historic District
LPC-20-00616 - Block 2314 - Lot 67 - Zoning: R6
CERTIFICATE OF APPROPRIATENESS

Two transitional French Neo-Grec and Queen Anne style rowhouses, designed by Charles W. Romeyn and built in 1881-1882. Application is to construct a rooftop addition.

140 Prospect Avenue - Douglaston Historic District
LPC-19-39089 - Block 8095 - Lot 61 - Zoning: R1-2
CERTIFICATE OF APPROPRIATENESS

An Arts and Crafts style house, built c. 1915. Application is to legalize the extension of a paved patio and construction of an outdoor kitchen island, without Landmarks Preservation Commission permit(s).

65 Spring Street - SoHo-Cast Iron Historic District Extension
LPC-19-37371 - Block 496 - Lot 35 - Zoning: M1-5B
CERTIFICATE OF APPROPRIATENESS

An altered Italianate style store and tenement building, designed by William E. Waring and built in 1878. Application is to replace storefront infill.

584 Broadway - SoHo-Cast Iron Historic District
LPC-19-38548 - Block 511 - Lot 8 - Zoning: M1-5B
CERTIFICATE OF APPROPRIATENESS

A commercial building, designed by Buchman & Deisler and built in 1897-98. Application is to install a flagpole and banner.

1 West 29th Street - Individual Landmark
LPC-19-39791 - Block 831 - Lot 33 - Zoning: C5-2 M1-6
CERTIFICATE OF APPROPRIATENESS

A Romanesque Revival style church with Gothic Revival style details, designed by Samuel A. Warner and built in 1854. Application is to install signage.

202 West 83rd Street - Upper West Side/Central Park West Historic District
LPC-20-01959 - Block 1230 - Lot 34 - Zoning: R8B
CERTIFICATE OF APPROPRIATENESS

A Neo-Grec style apartment building, designed by Thom & Wilson and built in 1880-81. Application is to install entrance infill.

204 West 83rd Street - Upper West Side/Central Park West Historic District
LPC-20-03937 - Block 1230 - Lot 35 - Zoning: R8B
CERTIFICATE OF APPROPRIATENESS

A Neo-Grec style apartment building, designed by Thom & Wilson and built in 1880-81. Application is to install entrance infill.

206 West 83rd Street - Upper West Side/Central Park West Historic District
LPC-20-03938 - Block 1230 - Lot 135 - Zoning: R8B
CERTIFICATE OF APPROPRIATENESS

A Neo-Grec style apartment building, designed by Thom & Wilson and built in 1880-81. Application is to install entrance infill.

208 West 83rd Street - Upper West Side/Central Park West Historic District
LPC-20-03939 - Block 1230 - Lot 36 - Zoning: R8B
CERTIFICATE OF APPROPRIATENESS

A Neo-Grec style apartment building, designed by Thom & Wilson and built in 1880-81. Application is to install entrance infill.

210 West 83rd Street - Upper West Side/Central Park West Historic District
LPC-20-03940 - Block 1230 - Lot 37 - Zoning: R8b
CERTIFICATE OF APPROPRIATENESS

A Neo-Grec style apartment building, designed by Thom & Wilson and built in 1880-81. Application is to install entry doors.

771 West End Avenue - Riverside - West End Historic District Extension II
LPC-19-40189 - Block 1887 - Lot 50 - Zoning: R8
CERTIFICATE OF APPROPRIATENESS

A Renaissance Revival style apartment building, designed by Schwartz & Gross and built in 1914-15. Application is to establish a Master Plan governing the future installation of windows.

256 West 75th Street - West End - Collegiate Historic District Extension
LP-1940833 - Block 1166 - Lot 161 - Zoning:
CERTIFICATE OF APPROPRIATENESS

A Queen Anne style rowhouse, designed by William J. Merritt and built in 1885-1886. Application is to construct rooftop and rear yard additions.

132 East 62nd Street - Upper East Side Historic District
LPC-20-01930 - Block 1396 - Lot 60 - Zoning: R8B C1-8X
CERTIFICATE OF APPROPRIATENESS

An Italianate style rowhouse, designed by John Sexton and built in 1871. Application is to legalize the installation of an areaway fence and gate, without Landmarks Preservation Commission permit(s).

**467 West 140th Street - Hamilton Heights Historic District
LPC-19-17107 - Block 2057 - Lot 133 - Zoning: R6A
CERTIFICATE OF APPROPRIATENESS**

A Beaux Arts style townhouse, designed by George Ebert and built in 1901-02. Application is to legalize and modify windows installed, without Landmarks Preservation Commission permit(s).

o28-n12

TEACHERS' RETIREMENT SYSTEM

■ PUBLIC HEARINGS

CORRECTED NOTICE

Please be advised, that the next Board Meeting of the Teachers' Retirement System of the City of New York (TRS), has been scheduled, for Wednesday, October 30, 2019, at 1:30 P.M.

The meeting will be held, at the Teachers' Retirement System, 55 Water Street, 16th Floor, Boardroom, New York, NY 10041.

The meeting will be streamed live at: <https://www.trsnyc.org/memberportal/About-Us/RetirementBWebCasts>.

The meeting is open to the public. However, portions of the meeting, where permitted by law, may be held in executive session.

o-30

TRANSPORTATION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held, at 55 Water Street, 9th Floor, Room 945 commencing, at 2:00 P.M. on Wednesday, October 30, 2019. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with, at least seven days prior notice), at 55 Water Street, 9th Floor SW, New York, NY 10041, or by calling (212) 839-6550.

#1 IN THE MATTER OF a proposed revocable consent authorizing 450 Partners LLC, to construct, maintain and use planters along the east sidewalk of Tenth Avenue and benches along the south sidewalk of West 33rd Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Approval Date by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #2480**

For the period from July 1, 2019 to June 30, 2029 - \$1,638/per annum
the maintenance of a security deposit in the sum of \$20,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

#2 IN THE MATTER OF a proposed revocable consent authorizing Central Park Tower Condominium, to construct, maintain and use two snowmelt systems under the north sidewalk of West 57th Street and under the south sidewalk of West 58th Street, both between Broadway and 7th Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Approval Date by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #2490**

From the Approval Date by the Mayor to June 30, 2020 - \$6,007/per annum
For the period July 1, 2020 to June 30, 2021 - \$6,100
For the period July 1, 2021 to June 30, 2022 - \$6,193
For the period July 1, 2022 to June 30, 2023 - \$6,286
For the period July 1, 2023 to June 30, 2024 - \$6,379
For the period July 1, 2024 to June 30, 2025 - \$6,472
For the period July 1, 2025 to June 30, 2026 - \$6,565
For the period July 1, 2026 to June 30, 2027 - \$6,658
For the period July 1, 2027 to June 30, 2028 - \$6,751
For the period July 1, 2028 to June 30, 2029 - \$6,844
For the period July 1, 2029 to June 30, 2030 - \$6,937

the maintenance of a security deposit in the sum of \$10,000 the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

#3 IN THE MATTER OF a proposed revocable consent authorizing Creative Lofts LLC, to construct, maintain and use a walled-in area on

the east sidewalk of Convent Avenue, between West 149th and West 150th Streets, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Approval Date by the Mayor and provides among other terms and schedule: **R.P. # 2489**

From the date of the final approval by the Mayor to June 30, 2030 - \$25/per annum

the maintenance of a security deposit in the sum of \$1,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

#4 IN THE MATTER OF a proposed revocable consent authorizing DW 540 Madison LLC, to continue to maintain and use a clock, together with an electrical conduit, on the south sidewalk of East 55th Street, west of Madison Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2019 to June 30, 2029 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #1675**

For the period from July 1, 2019 to June 30, 2029 - \$300/per annum
the maintenance of a security deposit in the sum of \$2,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

#5 IN THE MATTER OF a proposed revocable consent authorizing Horatio St. LLC, to continue to maintain and use a stoop and a fenced-in area on the north sidewalk of Horatio Street, east of Washington Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2015 to June 30, 2025 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #1927**

For the period July 1, 2015 to June 30, 2016 - \$1,880/per annum
For the period July 1, 2016 to June 30, 2017 - \$1,928
For the period July 1, 2017 to June 30, 2018 - \$1,976
For the period July 1, 2018 to June 30, 2019 - \$2,024
For the period July 1, 2019 to June 30, 2020 - \$2,072
For the period July 1, 2020 to June 30, 2021 - \$2,120
For the period July 1, 2021 to June 30, 2022 - \$2,168
For the period July 1, 2022 to June 30, 2023 - \$2,216
For the period July 1, 2023 to June 30, 2024 - \$2,264
For the period July 1, 2024 to June 30, 2025 - \$2,312

the maintenance of a security deposit in the sum of \$5,500 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

#6 IN THE MATTER OF a proposed revocable consent authorizing Maimonides Medical Center, to continue to maintain and use a two-level pedestrian bridge over and across 48th Street, between 10th Avenue and Fort Hamilton Parkway, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2014 to June 30, 2024 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #1894**

For the period July 1, 2014 to June 30, 2015 - \$9,836
For the period July 1, 2015 to June 30, 2016 - \$10,105
For the period July 1, 2016 to June 30, 2017 - \$10,374
For the period July 1, 2017 to June 30, 2018 - \$10,643
For the period July 1, 2018 to June 30, 2019 - \$10,912
For the period July 1, 2019 to June 30, 2020 - \$11,181
For the period July 1, 2020 to June 30, 2021 - \$11,450
For the period July 1, 2021 to June 30, 2022 - \$11,719
For the period July 1, 2022 to June 30, 2023 - \$11,988
For the period July 1, 2023 to June 30, 2024 - \$12,257

the maintenance of a security deposit in the sum of \$30,000 and the insurance shall be in the amount of Five Million Dollars (\$5,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Five Million Dollars (\$5,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

#7 IN THE MATTER OF a proposed revocable consent authorizing New York University, to continue to maintain and use a conduit under and across a public walkway, between West 3rd and West 4th Streets, east of LaGuardia Place, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2019 to June 30, 2029 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #1338**

For the period July 1, 2019 to June 30, 2020 - \$2,278
 For the period July 1, 2020 to June 30, 2021 - \$2,313
 For the period July 1, 2021 to June 30, 2022 - \$2,348
 For the period July 1, 2022 to June 30, 2023 - \$2,383
 For the period July 1, 2023 to June 30, 2024 - \$2,418
 For the period July 1, 2024 to June 30, 2025 - \$2,453
 For the period July 1, 2025 to June 30, 2026 - \$2,488
 For the period July 1, 2026 to June 30, 2027 - \$2,523
 For the period July 1, 2027 to June 30, 2028 - \$2,558
 For the period July 1, 2028 to June 30, 2029 - \$2,593

the maintenance of a security deposit in the sum of \$2,600 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

#8 IN THE MATTER OF a proposed revocable consent authorizing Pei Xin Yang and Xue Dan Que, to continue to maintain and use a fenced-in area on the southwest sidewalk of 246th Street, northwest of Service Road of Grand Central Parkway, in the Borough of Queens. The proposed revocable consent is for a term of ten years from July 1, 2019 to June 30, 2029 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #2051**

For the period from July 1, 2019 to June 30, 2029 - \$100/per annum

the maintenance of a security deposit in the sum of \$1,500 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

#9 IN THE MATTER OF a proposed revocable consent authorizing TGA 730 Third Avenue Owner LLC, to continue to maintain and use a conduit under and across East 46th Street, west of Third Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2018 to June 30, 2028 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #1309**

For the period July 1, 2018 to June 30, 2019 - \$8,086
 For the period July 1, 2019 to June 30, 2020 - \$8,215
 For the period July 1, 2020 to June 30, 2021 - \$8,344
 For the period July 1, 2021 to June 30, 2022 - \$8,473
 For the period July 1, 2022 to June 30, 2023 - \$8,602
 For the period July 1, 2023 to June 30, 2024 - \$8,731
 For the period July 1, 2024 to June 30, 2025 - \$8,860
 For the period July 1, 2025 to June 30, 2026 - \$8,989
 For the period July 1, 2026 to June 30, 2027 - \$9,118
 For the period July 1, 2027 to June 30, 2028 - \$9,247

the maintenance of a security deposit in the sum of \$9,300 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

#10 IN THE MATTER OF a proposed revocable consent authorizing The New School, to continue to maintain and use sidewalk lights, together with electrical conduits, in the west sidewalk of Fifth Avenue, south of West 13th Street, and in the south sidewalk of West 13th Street, west of Fifth Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2019 to June 30, 2029 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #2080**

For the period July 1, 2019 to June 30, 2020 - \$1,217
 For the period July 1, 2020 to June 30, 2021 - \$1,236
 For the period July 1, 2021 to June 30, 2022 - \$1,255
 For the period July 1, 2022 to June 30, 2023 - \$1,274
 For the period July 1, 2023 to June 30, 2024 - \$1,293
 For the period July 1, 2024 to June 30, 2025 - \$1,312
 For the period July 1, 2025 to June 30, 2026 - \$1,331
 For the period July 1, 2026 to June 30, 2027 - \$1,350
 For the period July 1, 2027 to June 30, 2028 - \$1,369
 For the period July 1, 2028 to June 30, 2029 - \$1,388

the maintenance of a security deposit in the sum of \$4,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

#11 IN THE MATTER OF a proposed revocable consent authorizing The Trustees of Columbia University, to construct, maintain and use a new guard booth and electrical conduit on and under the south sidewalk of West 120th Street, between Broadway and Amsterdam Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Approval Date by the Mayor and provides among other terms and conditions for compensation payable

to the City according to the following schedule: **R.P. #2465**

There shall be no compensation required for this Consent, in accordance with Title 34 Section 7-04(a)(33) of the Rules of the City of New York

the maintenance of a security deposit in the sum of \$6,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

#12 IN THE MATTER OF a proposed revocable consent authorizing Times Square Studios Limited, to continue to maintain and use a building projection over the sidewalk on the east side of Broadway, between West 43rd Street and West 44th Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2019 to June 30, 2029 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #1709**

For the period July 1, 2019 to June 30, 2020 - \$182,129
 For the period July 1, 2020 to June 30, 2021 - \$184,904
 For the period July 1, 2021 to June 30, 2022 - \$187,679
 For the period July 1, 2022 to June 30, 2023 - \$190,454
 For the period July 1, 2023 to June 30, 2024 - \$193,229
 For the period July 1, 2024 to June 30, 2025 - \$196,004
 For the period July 1, 2025 to June 30, 2026 - \$198,779
 For the period July 1, 2026 to June 30, 2027 - \$201,554
 For the period July 1, 2027 to June 30, 2028 - \$204,329
 For the period July 1, 2028 to June 30, 2029 - \$207,104

the maintenance of a security deposit in the sum of \$207,104 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

#13 IN THE MATTER OF a proposed revocable consent authorizing Felix Van De Maele, to continue to maintain and use stairs and planted areas on the north sidewalk of State Street, east of Smith Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2015 to June 30, 2025 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #1934**

For the period July 1, 2015 to June 30, 2016 - \$575
 For the period July 1, 2016 to June 30, 2017 - \$590
 For the period July 1, 2017 to June 30, 2018 - \$605
 For the period July 1, 2018 to June 30, 2019 - \$620
 For the period July 1, 2019 to June 30, 2020 - \$635
 For the period July 1, 2020 to June 30, 2021 - \$650
 For the period July 1, 2021 to June 30, 2022 - \$665
 For the period July 1, 2022 to June 30, 2023 - \$680
 For the period July 1, 2023 to June 30, 2024 - \$695
 For the period July 1, 2024 to June 30, 2025 - \$710

the maintenance of a security deposit in the sum of \$3,700 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

o9-30

COURT NOTICES

SUPREME COURT

RICHMOND COUNTY

■ NOTICE

**RICHMOND COUNTY
 I.A.S. PART 89
 NOTICE OF PETITION
 INDEX NUMBER CY4559/2019
 CONDEMNATION PROCEEDING**

IN THE MATTER OF the Application of the CITY OF NEW YORK Relative to Acquiring Title in Fee Simple to Property, located in Staten Island, including All or Parts of the bed of

AMBOY ROAD NORTHEAST AND SOUTHWEST OF PAGE AVENUE

located in an area generally bounded by Murray Street and Low Street.

PLEASE TAKE NOTICE that the City of New York (the "City"), intends to make an application to the Supreme Court of the State of New York, Richmond County, IA Part 89, for certain relief. The application will be made at the following time and place: At the Kings County Courthouse, located at 360 Adams Street, in the Borough of Brooklyn, City and State of New York, on Thursday, November 21, 2019, at 2:15 P.M., or as soon thereafter as counsel can be heard.

The application is for an order:

- a. authorizing the City to file an acquisition map in the Richmond County Clerk's Office;
- b. directing that, upon the filing of the order granting the relief sought in this petition and the filing of the acquisition map in the Richmond County Clerk's Office, title to the property sought to be acquired and described below shall vest in the City in fee simple absolute;
- c. providing that the compensation which should be made to the owners of the real property sought to be acquired and described above be ascertained and determined by the Court without a jury;
- d. directing that within thirty days of the entry of the order granting the petition vesting title, the City shall cause a notice of acquisition to be published in at least ten successive issues of The City Record, an official newspaper published in the City of New York, and shall serve a copy of such notice by first class mail on each condemnee or his, her, or its attorney of record;
- e. directing that each condemnee shall have a period of two calendar years from the vesting date for this proceeding, in which to file a written claim, demand or notice of appearance with the Clerk of this Court and to serve a copy of the same upon the Corporation Counsel of the City of New York, 100 Church Street, New York, New York, 10007.

The City, in this proceeding, intends to acquire in fee simple absolute in certain real property where not heretofore acquired for the same purpose, including to facilitate the reconstruction of Amboy Road from Murray Street to Page Avenue and from Page Avenue to Low street, and the installation of two laybay bus lines.

The real property to be acquired in fee simple absolute in this proceeding is more particularly bounded and described as follows:

BED OF AMBOY ROAD NORTHEAST OF PAGE AVENUE

All that certain plot, piece or parcel of land, with improvements thereof erected, situate, lying and being in the Borough of Staten Island, County of Richmond, City and State of New York, as bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northwesterly line of Amboy Road (80 feet wide) with the northeasterly line of Page Avenue (100 feet wide);

THENCE along said northwesterly line of Amboy Road, North 38 Degrees 39 Minutes 58 Seconds East a distance of 199.94 feet to a point;

THENCE South 50 Degrees 26 Minutes 55 Seconds East a distance of 11.53 feet to a point;

THENCE North 50 Degrees 13 Minutes 10 Seconds East a distance of 16.77 feet a point;

THENCE North 39 Degrees 42 Minutes 15 Seconds East a distance of 33.52 feet to a point;

THENCE South 50 Degrees 26 Minutes 55 Seconds East a distance of 24.50 feet to the centerline of Amboy Road;

THENCE along the centerline of Amboy Road, North 38 Degrees 39 Minutes 58 Seconds East a distance of 0.10 feet to a point;

THENCE South 51 Degrees 20 Minutes 10 Seconds East a distance of 40.00 feet to the northeasterly line of Amboy Road;

THENCE along the southeasterly line of Amboy Road, South 38 Degrees 39 Minutes 58 Seconds West a distance of 277.92 feet to the corner formed by the intersection of the southeasterly line of Amboy Road with the northeasterly line of Page Avenue;

THENCE North 17 Degrees 54 Minutes 11 Seconds West a distance of 47.93 feet to the centerline of Amboy Road;

THENCE Northeasterly along the centerline of Amboy Road, North 38 Degrees 39 Minutes 58 Seconds East a distance of 2.05 feet to a point;

THENCE North 51 Degrees 17 Minutes 16 Seconds West a distance of 40.00 feet to the point and place of Beginning.

Containing 19,848 Square Feet (0.46 Acres).

BED OF AMBOY ROAD SOUTHWEST OF PAGE AVENUE

All that certain plot, piece or parcel of land, with improvements thereof erected, situate, lying and being in the Borough of Staten Island, County of Richmond, City and State of New York, as bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northwesterly line of Amboy Road (opinion of dedication for a 50' to 60' as in use 1/22/1976), with the southwesterly line of Page Avenue (100 feet wide);

THENCE Southeasterly along the prolongation of the southwesterly line of Page Avenue, South 51 Degrees 17 Minutes 16 Seconds East a distance of 40.19 feet to the centerline of Amboy Road;

THENCE Southwesterly along the centerline of Amboy Road, South 44 Degrees 20 Minutes 07 Seconds West a distance of 18.76 feet to a point;

THENCE South 17 Degrees 54 Minutes 11 Seconds West a distance of 35.94 feet to a point;

THENCE through the bed of Amboy Road, South 48 Degrees 34 Minutes 01 Seconds West a distance of 142.54 feet to a point;

THENCE South 44 Degrees 36 Minutes 23 Seconds West a distance of 97.05 feet to a point;

THENCE North 43 Degrees 03 Minutes 07 Seconds West a distance of 54.26 feet to a point;

THENCE North 46 Degrees 56 Minutes 53 Seconds East a distance of 115.83 feet to a point;

THENCE North 49 Degrees 12 Minutes 59 Seconds West a distance of 11.93 feet to the northwesterly line of Amboy Road;

THENCE along the northwesterly line of Amboy Road, North 44 Degrees, 20 Minutes 07 Seconds East a distance of 153.32 feet to the point and place of Beginning.

Containing 15,842 Square Feet (0.36 Acres).

Surveys, maps or plans of the property to be acquired are on file in the office of the Corporation Counsel of the City of New York, 100 Church Street, New York, NY 10007.

PLEASE TAKE FURTHER NOTICE THAT, pursuant to Eminent Domain Procedure Law § 402(B)(4), any party seeking to oppose the acquisition must interpose a verified answer, which must contain specific denial of each material allegation of the petition controverted by the opponent, or any statement of new matter deemed by the opponent to be a defense to the proceeding.

Pursuant to CPLR § 403, said answer must be served upon the office of the Corporation Counsel at least seven (7) days before the date that the petition is noticed to be heard.

Dated: New York, NY
 October 17, 2019
 GEORGIA M. PESTANA
 Acting Corporation Counsel
 of the City of New York
 Attorney for the Condemnor
 100 Church Street
 New York, NY 10007
 Tel. (212) 356-2170

SEE MAP(S) IN BACK OF PAPER

o25-n8



CITYWIDE ADMINISTRATIVE SERVICES

■ SALE

The City of New York in partnership with PropertyRoom.com posts vehicle and heavy machinery auctions online every week at:
<https://www.propertyroom.com/s/nyc+fleet>

All auctions are open to the public and registration is free.

Vehicles can be viewed in person at:
 Insurance Auto Auctions, North Yard
 156 Peconic Avenue, Medford, NY 11763
 Phone: (631) 294-2797

No previous arrangements or phone calls are needed to preview.
 Hours are Monday and Tuesday from 10:00 A.M. – 2:00 P.M.

s4-f22

OFFICE OF CITYWIDE PROCUREMENT

■ NOTICE

The Department of Citywide Administrative Services, Office of Citywide Procurement is currently selling surplus assets on the Internet. Visit <http://www.publicsurplus.com/sms/nycdcas.ny/browse/home>

To begin bidding, simply click on 'Register' on the home page.

There are no fees to register. Offerings may include but are not limited to: office supplies/equipment, furniture, building supplies, machine tools, HVAC/plumbing/electrical equipment, lab equipment, marine equipment, and more.

Public access to computer workstations and assistance with placing bids is available at the following locations:

- DCAS Central Storehouse, 66-26 Metropolitan Avenue, Middle Village, NY 11379
- DCAS, Office of Citywide Procurement, 1 Centre Street, 18th Floor, New York, NY 10007

j2-d31

HOUSING PRESERVATION AND DEVELOPMENT

■ PUBLIC HEARINGS

All Notices Regarding Housing Preservation and Development Dispositions of City-Owned Property appear in the Public Hearing Section.

j9-30

POLICE

■ NOTICE

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

The following list of properties is in the custody of the Property Clerk Division without claimants: 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.

Items are recovered, lost, abandoned property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.

INQUIRIES

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):

- Springfield Gardens Auto Pound, 174-20 North Boundary Road, Queens, NY 11430, (718) 553-9555
- Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2030

FOR ALL OTHER PROPERTY

- Manhattan - 1 Police Plaza, New York, NY 10038, (646) 610-5906
- 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

j2-d31

PROCUREMENT

"Compete To Win" More Contracts!

Thanks to a new City initiative - "Compete To Win" - the NYC Department of Small Business Services offers a new set of FREE services to help create more opportunities for minority and women-owned businesses to compete, connect and grow their

business with the City. With NYC Construction Loan, Technical Assistance, NYC Construction Mentorship, Bond Readiness, and NYC Teaming services, the City will be able to help even more small businesses than before.

- **Win More Contracts at nyc.gov/competetowin**

"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 commitment to excellence."

HHS ACCELERATOR

To respond to human services Requests for Proposals (RFPs), in accordance with Section 3-16 of the Procurement Policy Board Rules of the City of New York ("PPB Rules"), vendors must first complete and submit an electronic prequalification application using the City's Health and Human Services (HHS) Accelerator System. The HHS Accelerator System is a web-based system maintained by the City of New York for use by its human services Agencies to manage procurement. The process removes redundancy by capturing information about boards, filings, policies, and general service experience centrally. As a result, specific proposals for funding are more focused on program design, scope, and budget.

Important information about the new method

- Prequalification applications are required every three years.
- Documents related to annual corporate filings must be submitted on an annual basis to remain eligible to compete.
- Prequalification applications will be reviewed to validate compliance with corporate filings, organizational capacity, and relevant service experience.
- Approved organizations will be eligible to compete and would submit electronic proposals through the system.

The Client and Community Service Catalog, which lists all Prequalification service categories and the NYC Procurement Roadmap, which lists all RFPs to be managed by HHS Accelerator may be viewed at <http://www.nyc.gov/html/hhsaccelerator/html/roadmap/roadmap.shtml>. All current and prospective vendors should frequently review information listed on roadmap to take full advantage of upcoming opportunities for funding.

Participating NYC Agencies

HHS Accelerator, led by the Office of the Mayor, is governed by an Executive Steering Committee of Agency Heads who represent the following NYC Agencies:

- Administration for Children's Services (ACS)
- Department for the Aging (DFTA)
- Department of Consumer Affairs (DCA)
- Department of Corrections (DOC)
- Department of Health and Mental Hygiene (DOHMH)
- Department of Homeless Services (DHS)
- Department of Probation (DOP)
- Department of Small Business Services (SBS)
- Department of Youth and Community Development (DYCD)
- Housing and Preservation Department (HPD)
- Human Resources Administration (HRA)
- Office of the Criminal Justice Coordinator (CJC)

To sign up for training on the new system, and for additional information about HHS Accelerator, including background materials, user guides and video tutorials, please visit www.nyc.gov/hhsaccelerator

OFFICE OF THE ACTUARY

LEGAL

■ INTENT TO AWARD

Services (other than human services)

ACTUARIAL VALUATION SOFTWARE - Sole Source - Available only from a single source - PIN#00820190001 - Due 11-8-19 at 5:00 P.M.

The New York City Office of the Actuary, intends to enter into a Sole Source procurement in accordance with Section 3-05 of the New York City Procurement Policy Board Rules with Winklevoss Technologies, LLC ("WINTTECH"), to procure ProVal, an actuarial valuation software, for the period 01/02/2020 to 01/02/2023 with a three (3) year renewal option. WINTTECH is the only provider of "ProVal."

Any qualified vendor that wishes to express interest in providing such a product and believes that, at present or in the future it can also provide this software, is invited to do so by submitting an expression of interest which must be received no later than November 8, 2019, at 5:00 P.M. to New York City Office of the Actuary, 255 Greenwich Street, 9th Floor, NY, NY 10007, Attn: Karen Blackman-Kong; kblackman-kong@actuary.nyc.gov.

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 the Actuary, 255 Greenwich Street, 9th Floor, New York NY 10007. Karen Blackman-Kong (212) 312-0181; Fax: (212) 312-0199; kblackman-kong@actuary.nyc.gov

o28-n1

ADMINISTRATION FOR CHILDREN'S SERVICES

OFFICE OF PROCUREMENT

SOLICITATION

Services (other than human services)

FFT AND FFT ADAPTATIONS FOR CHILD WELFARE

POPULATION - Negotiated Acquisition - Available only from a single source - PIN#06820N0003 - Due 11-12-19 at 10:00 A.M.

Pursuant to Section 3-04(b)(2)(ii) the Procurement Policy Board Rules (PPB), the Administration for Children's Services (ACS), plans to enter into negotiated acquisition contracts with two entities: Functional Family Therapy LLC and Functional Family Therapy Associates, to provide training, consultation, fidelity monitoring, and data tracking to ACS and ACS-contracted providers, of Functional Family Therapy (FFT) and adaptations of Functional Family Therapy for a child welfare population. These are the only vendors, known to ACS, capable of providing these services. However, any vendor who reasonably believes that they can provide these services, should submit an expression of interest via email, prior to the Due Date stated in this advertisement.

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.

Administration for Children's Services, 150 William Street, 9th Floor, New York, NY 10038. Michael Walker (212) 341-3617; Fax: (917) 551-7329; michael.walker2@acs.nyc.gov

o28-n1

AGING

AWARD

Human Services/Client Services

SENIOR CENTER SERVICES - Negotiated Acquisition - Available only from a single source - PIN# 12511N0003233N001 - AMT: \$1,343,672.00 - TO: West Side Federation for Sr and Supportive Housing Inc., 2345 Broadway, New York, NY 10024.

The Department for the Aging has negotiated a 19 month extension, from 12/1/19 to 6/30/21, with West Side Federation for Sr and Supportive Housing, to continue providing services for elderly persons and conduct a program for eligible elderly residents of Community District MN-7 in the Borough of Manhattan.

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SENIOR CENTER SERVICES - Negotiated Acquisition - Available only from a single source - PIN# 12511N0003146N001 - AMT: \$2,348,354.00 - TO: Cothoa Luncheon Club Inc., 2005 Amsterdam Avenue, New York, NY 10032.

The Department for the Aging has negotiated a 19 month extension, from 12/1/19 to 6/30/21, with The Jewish Association Cothoa Luncheon Club Inc., to continue providing services for elderly persons and conduct

a program for eligible elderly residents of Community District MN-12 in the Borough of Manhattan.

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CONTRACT PROCUREMENT AND SUPPORT SERVICES

AWARD

Human Services/Client Services

SENIOR CENTER SERVICES - Negotiated Acquisition - Available only from a single source - PIN# 12511N0003171N001 - AMT: \$1,325,316.00 - TO: Fort Greene Council, Inc., 966 Fulton Street, Brooklyn, NY 11238.

The Department for the Aging has negotiated a 19 month extension, from 12/1/19 to 6/30/21, with Fort Greene Council Inc., to continue providing services for elderly persons and conduct a program for eligible elderly residents of Community District BK-17 in the Borough of Brooklyn.

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SENIOR CENTER SERVICES - Negotiated Acquisition - Available only from a single source - PIN# 12511N0003236N001 - AMT: \$763,196.00 - TO: Union Settlement Association Inc., 237 East 104th Street, New York, NY 10029.

The Department for the Aging has negotiated a 19 month extension, from 12/1/19 to 6/30/21, with The Jewish Association for Services for Union Settlement Association Inc., for elderly persons and conduct a program for eligible elderly residents of Community District MN-11 in the Borough of Manhattan.

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SENIOR CENTER SERVICES - Negotiated Acquisition - Available only from a single source - PIN# 12511N0003193N001 - AMT: \$1,111,587.00 - TO: Brooklyn Section National Council of Jewish Women Inc., 1001 Quentin Road, Brooklyn, NY 11223.

The Department for the Aging has negotiated a 19 month extension, from 12/1/19 to 6/30/21, with Brooklyn Section National Council of Jewish Women Inc., to continue providing services for elderly persons and conduct a program for eligible elderly residents of Community District BK-15 in the Borough of Brooklyn.

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PROCUREMENT

AWARD

Human Services/Client Services

SENIOR CENTERS SERVICES - Negotiated Acquisition - Available only from a single source - PIN# 12511N0003234N001 - AMT: \$473,997.00 - TO: Union Settlement Association Inc., 237 East 104th Street, New York, NY 10029.

The Department for the Aging has negotiated a 19 month extension, from 12/1/19 to 6/30/21, with Union Settlement Association Inc., to continue providing services for elderly persons and conduct a program for eligible elderly residents of Community District MN-11 in the Borough of Manhattan.

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SENIOR CENTERS SERVICES - Negotiated Acquisition - Available only from a single source - PIN# 12511N0003119N001 - AMT: \$701,694.00 - TO: Bergen Basin Community Development Corporation Millennium Development, 2331 Bergen Avenue, Brooklyn, NY 11234.

The Department for the Aging has negotiated a 19 month extension, from 12/1/19 to 6/30/21, with Bergen Basin Community Development Corporation Millennium Development, to continue providing services for elderly persons and conduct a program for eligible elderly residents of Community District BK-18 in the Borough of Brooklyn.

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SENIOR CENTERS SERVICES - Negotiated Acquisition - Available only from a single source - PIN# 12511N0003124N001 - AMT: \$932,310.00 - TO: Bay Ridge Center, Inc., Bay Ridge Center, 411 Ovington Avenue, Brooklyn, NY 11209.

The Department for the Aging has negotiated a 19 month extension, from 12/1/19 to 6/30/21, with Bay Ridge Center, Inc., Bay Ridge Center, to continue providing services for elderly persons and conduct a program for eligible elderly residents of Community District BK-10 in the Borough of Brooklyn.

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SENIOR CENTERS SERVICES - Negotiated Acquisition - Available only from a single source - PIN# 12511N0003219N001 - AMT: \$660,340.00 - TO: St. Gabriels Episcopal Church, 331 Hawthorne Street, Brooklyn, NY 11223.

The Department for the Aging has negotiated a 19 month extension, from 12/1/19 to 6/30/21, with St. Gabriels Episcopal Church, to continue providing services for elderly persons and conduct a program for eligible elderly residents of Community District BK-09 in the Borough of Brooklyn.

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SENIOR CENTERS SERVICES - Negotiated Acquisition - Available only from a single source - PIN# 12511N0003125N001 - AMT: \$605,177.00 - TO: Young Mens and Young Women's Hebrew Association of Boro Park, 4912 14th Avenue, Brooklyn, NY 11219.

The Department for the Aging has negotiated a 19 month extension, from 12/1/19 to 6/30/21, with Young Womens Hebrew Association of Boro Park, to continue providing services for elderly persons and conduct a program for eligible elderly residents of Community District BK-12 in the Borough of Brooklyn.

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SENIOR CENTERS SERVICES - Negotiated Acquisition - Available only from a single source - PIN# 12511N0003167N001 - AMT: \$631,312.00 - TO: Fort Greene Council, Inc., 966 Fulton Street, Brooklyn, NY 11238.

The Department for the Aging has negotiated a 19 month extension, from 12/1/19 to 6/30/21, with Fort Greene Council, Inc., to continue providing services for elderly persons and conduct a program for eligible elderly residents of Community District BK-8 in the Borough of Brooklyn.

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BUILDINGS

■ AWARD

Goods and Services

EAM SOFTWARE MAINTENANCE - Request for Quote - PIN# 810-209001A - AMT: \$40,485.87 - TO: Compulink Technologies Inc., 260 West 39th Street, Suite 302, New York, NY 10018.

EAM SOFTWARE MAINTENANCE SUPPORT - INFOR XTREME

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CITYWIDE ADMINISTRATIVE SERVICES

■ SOLICITATION

Goods

RESUSCITATORS AND CERVICAL EXTRICATION COLLARS - FDNY - Competitive Sealed Bids - PIN# 8572000020 - Due 11-25-19 at 10:30 A.M.

A copy of the bid can be downloaded from the City Record Online, at www.nyc.gov/cityrecord. Enrollment is free. Vendor may also request the bid by contacting Vendor Relations via email, at dcasdmssbids@dcas.nyc.gov, or by telephone, at (212) 386-0044.

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.

Citywide Administrative Services, 1 Centre Street, 18th Floor South, NYC 10007. Brian Lee (212) 386-6344; blee@dcas.nyc.gov

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■ INTENT TO AWARD

Services (other than human services)

AUTO AUCTION SERVICES - Negotiated Acquisition - Other - PIN# 85611P0005001N001 - Due 10-31-19 at 11:00 A.M.

In accordance with Section 3-04(b)(2)(D) of the Procurement Policy Board Rules, the Department of Citywide Administrative Services is seeking to use the Negotiated Acquisition Method, to extend its current contract with Propertyroom.com Inc., to provide Auto Auction Services - Online auction of relinquished City fleet vehicles and equipment.

The contract term is from March 19, 2020 to March 18, 2021. This advertisement is for informational purposes only.

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.

Citywide Administrative Services, 1 Centre Street, 18th Floor, New York, NY 10007. Ozgur Manuka (212) 386-6284; omanuka@dcas.nyc.gov

o24-30

EDUCATION

CONTRACTS AND PURCHASING

■ SOLICITATION

Goods and Services

REQUIREMENTS CONTRACT FOR FURNISHING

DUMPSTERS - Competitive Sealed Bids - PIN# B3204040 - Due 12-19-19 at 4:00 P.M.

The Contractor shall provide all labor, material and supervision required and necessary to cleaning windows in Multiple story buildings, in designated schools and buildings under the jurisdiction of the Board of Education of City of New York City of New York when order. To do so in writing by the Chief Executive Officer or other authorized representative.

The New York City Department of Education (DOE), strives to give all businesses, including Minority and Women-Owned Business Enterprises (MWBEs), an equal opportunity to compete for DOE procurements. The DOE's mission is to provide equal access to procurement opportunities for all qualified vendors, including MWBEs, from all segments of the community. The DOE works to enhance the ability of MWBEs, to compete for contracts. DOE is committed to ensuring that MWBEs fully participate in the procurement process.

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.

Education, 65 Court Street, Room 1201, Brooklyn, NY 11201. Vendor Hotline (718) 935-2300; vendorhotline@schools.nyc.gov



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EMPLOYEES' RETIREMENT SYSTEM

■ AWARD

Human Services/Client Services

SPRUCE TECHNOLOGY INC. - Government to Government - PIN# SPRUCE - AMT: \$2,500,000.00 - TO: Spruce Technology Inc., 1149 Bloomfield Avenue, Suite G, Clifton, NJ 07012.

NYCERS has determined that, pursuant to its responsibilities, there is a need for preferred vendor standby information technology and communication services.

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HEALTH AND MENTAL HYGIENE

AGENCY CHIEF CONTRACTING OFFICER

■ SOLICITATION

Services (other than human services)

FAMILY STRENGTHENING TRAINING AND ADVISORY

CENTER - Competitive Sealed Proposals - Judgment required in evaluating proposals - PIN# 20A0001800R0X00 - Due 12-20-19 at 2:00 P.M.

The New York City Department of Health and Mental Hygiene (DOHMH), seeks one contractor, to operate a Family Strengthening Training and Advisory Center ("Center"). The Center would provide ongoing training, capacity building, and technical support to service providers working in family-serving community-based organizations and agencies. The training and technical support would focus on

parenting and peer support models, that providers would then use in their work with families. Training and technical support would be provided both in-person and on-line.

The Request for Proposal document will be available to access online at: <http://www1.nyc.gov/site/doh/business/opportunities/contracting-opportunities.page>, or for pick up, at the address listed below weekdays from 10:00 A.M. - 4:00 P.M.

There will be a Pre-Proposal Conference, at 9:00 A.M., on November 13, 2019, at 42-09 28th Street, Room 17-42, Long Island City, NY 11101. Attendance by proposers is optional, but strongly recommended. Please RSVP for the conference by 2:00 P.M. on November 12, 2019, by emailing the name, title, and affiliation of each attendee to RFP@health.nyc.gov. Please state "The Center Attendee" in the subject line.

Any questions regarding this solicitation must be submitted in writing by 2:00 P.M. on November 22, 2019, to RFP@health.nyc.gov.

Proposals must conform with the requirements indicated in the solicitation document and must be received by 2:00 P.M., on December 20, 2019.

This procurement is subject to participation goals for MBEs and/or WBEs as required by Section 6-129 of the New York City Administrative Code.

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, 42-09 28th Street, 17th Floor, CN30A, Long Island City, NY 11101. Ian Yap (347) 396-6692; rfp@health.nyc.gov

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HOUSING PRESERVATION AND DEVELOPMENT

ENFORCEMENT AND NEIGHBORHOOD SERVICES

AWARD

Construction / Construction Services

EMERGENCY DEMOLITION - Emergency Purchase - Specifications cannot be made sufficiently definite - PIN#80620E0003001 - AMT: \$251,160.00 - TO: StateWide Demolition Corp, 58 83 54th Street, Maspeth, NY 11378. Hand Demo/Erect/Rea/Grade/Replace

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EMERGENCY DEMOLITION CORP - Emergency Purchase - Specifications cannot be made sufficiently definite - PIN#80619E0041001 - AMT: \$414,277.00 - TO: StateWide Demolition Corp., 58 83 54th Street, Maspeth, NY 11376. Hand Demo/Erect/SawCut/Backfill/ Grade/Replace

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PRESERVATION

AWARD

Goods and Services

ONLINE SUBSCRIPTION - Small Purchase - PIN#80619U0002001 - AMT: \$24,999.00 - TO: West Publishing Corporation, PO Box 6292, Carol Stream, IL 60197.

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MAYOR'S OFFICE OF CRIMINAL JUSTICE

PROCUREMENT

SOLICITATION

Human Services / Client Services

AGVEP STIPEND ADMINISTRATION SERVICES - Negotiated Acquisition - Available only from a single source - PIN#00220N0002 - Due 11-22-19 at 5:00 P.M.

MOCJ/OPGV is seeking an appropriately qualified vendor to provide payroll processing and comprehensive custom software to support the administration of stipends for Anti-Gun Violence Employment Program (AGVEP) participants.

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.

Mayor's Office of Criminal Justice, 1 Centre Street, 1012N. Adeline Affonso-Wagner (646) 576-3467; mcolaiizzi@cityhall.nyc.gov

o24-30

PARKS AND RECREATION

VENDOR LIST

Construction Related Services

PREQUALIFIED VENDOR LIST: GENERAL CONSTRUCTION, NON-COMPLEX GENERAL CONSTRUCTION SITE WORK ASSOCIATED WITH NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION ("DPR" AND/OR "PARKS") PARKS AND PLAYGROUNDS CONSTRUCTION AND RECONSTRUCTION PROJECTS.

NYC DPR is seeking to evaluate and pre-qualify a list of general contractors (a "PQL") exclusively to conduct non-complex general construction site work involving the construction and reconstruction of NYC DPR parks and playgrounds projects not exceeding \$3 million per contract ("General Construction").

By establishing contractor's qualification and experience in advance, NYC DPR will have a pool of competent contractors from which it can draw to promptly and effectively reconstruct and construct its parks, playgrounds, beaches, gardens and green-streets. NYC DPR will select contractors from the General Construction PQL for non-complex general construction site work of up to \$3,000,000.00 per contract, through the use of a Competitive Sealed Bid solicited from the PQL generated from this RFQ.

The vendors selected for inclusion in the General Construction PQL, will be invited to participate in the NYC Construction Mentorship. NYC Construction Mentorship focuses on increasing the use of small NYC contracts, and winning larger contracts with larger values. Firms participating in NYC Construction Mentorship will have the opportunity to take management classes and receive on-the-job training provided by a construction management firm.

NYC DPR will only consider applications for this General Construction PQL from contractors who meet any one of the following criteria:

- 1) The submitting entity must be a Certified Minority/Woman Business enterprise (M/WBE)*;
- 2) The submitting entity must be a registered joint venture or have a valid legal agreement as a joint venture, with, at least one of the entities in the joint venture being a certified M/WBE*;
- 3) The submitting entity must indicate a commitment to sub-contract no less than 50 percent of any awarded job to a certified M/WBE for every work order awarded.

* Firms that are in the process of becoming a New York City-Certified M/WBE, may submit a PQL application and submit a M/WBE Acknowledgement Letter, which states the Department of Small Business Services has begun the Certification process.

Application documents may also be obtained online at: <http://a856-internet.nyc.gov/nycvendoronline/home.asap.>; or <http://www.nycgovparks.org/opportunities/business>.

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 Annex, Flushing Meadows - Corona Park, Flushing, NY 11368. Alicia H. Williams (718) 760-6925; Fax: (718) 760-6885; dmlwbe.capital@parks.nyc.gov

j2-d31

PURCHASING AND ACCOUNTING

AWARD

Goods

LIFTING SHORES AND PIVOTING TOPS - Innovative Procurement - Other - PIN#230414846 - AMT: \$76,484.00 - TO: Activ Systems Inc., 1078 North Drive, Merrick, NY 11566.

TO PURCHASE 150 ADJUSTABLE HEAVY DUTY LIFTING SHORES AND 150 PIVOTING TOPS FOR THE BRONX RANAQUA RAMP PROJECT.

Contract awarded, pursuant to the Innovative Procurement Method, under PPB Rule 3-12 (M/WBE Purchase Method).

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TRANSPORTATION

FACILITIES

■ AWARD

Services (other than human services)

MOVING SERVICES - Innovative Procurement - Other - PIN#84120PO039FM - AMT: \$100,000.00 - TO: Interior Move Consultants, Inc., 5 West 19th Street, Suite 2C, New York, NY 10011.

Pursuant to Section 3-12 of the New York City Procurement Policy Board (PPB) rules, NYCDOT has procured Moving Services.

The New York City Department of Transportation (NYCDOT), on behalf of all New York City agencies and entities subject to the New York City Procurement Policy Board Rules, utilized the Innovative Procurement Method, under Section 3-12 of the PPB Rules.

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TRAFFIC

■ AWARD

Goods

SIMM, IMM AND PMM AMP MODULES - Innovative Procurement - Other - PIN#84120PO035TR - AMT: \$88,400.00 - TO: Garic Inc. Garic Technology Inc., 26 Broadway, Suite 961, New York, NY 10004.

Pursuant to Section 3-12 of the New York City Procurement Policy Board (PPB) Rules, NYCDOT has procured SIMM, IMM and PMM AMP Modules.

The New York City Department of Transportation (NYCDOT), on behalf of all New York City agencies and entities subject to the New York City Procurement Policy Board (PPB) rules, utilized the Innovative Procurement Method, under Section 3-12 of the Procurement Policy Board Rules.

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CONTRACT AWARD HEARINGS

NOTE: LOCATION(S) ARE ACCESSIBLE TO INDIVIDUALS USING WHEELCHAIRS OR OTHER MOBILITY DEVICES. FOR FURTHER INFORMATION ON ACCESSIBILITY OR TO MAKE A REQUEST FOR ACCOMMODATIONS, SUCH AS SIGN LANGUAGE INTERPRETATION SERVICES, PLEASE CONTACT THE MAYOR'S OFFICE OF CONTRACT SERVICES (MOCS) VIA EMAIL AT DISABILITYAFFAIRS@MOCS.NYC.GOV OR VIA PHONE AT (212) 788-0010. ANY PERSON REQUIRING REASONABLE ACCOMMODATION FOR THE PUBLIC HEARING SHOULD CONTACT MOCS AT LEAST THREE (3) BUSINESS DAYS IN ADVANCE OF THE HEARING, TO ENSURE AVAILABILITY.



YOUTH AND COMMUNITY DEVELOPMENT

■ PUBLIC HEARINGS

CORRECTED NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held, on Friday November 8, 2019, at 2 Lafayette Street, 14th floor Hearing Room, in the Borough of Manhattan, commencing, at 10:00 A.M on the following:

IN THE MATTER of (6) six proposed FY20 Advance & Earn contract awards between the Department of Youth and Community Development in collaboration with the Mayor's Office for Economic Opportunity (NYC Opportunity) and NYC Young Men's Initiative (YMI) will provide workforce development programming that will offer a continuum of education and employment services from literacy instruction through advanced training and job placement or college enrollment supported by comprehensive support services tailored to individual needs. **The term of these contracts shall be from November 1, 2019 to April 30, 2023 with an option to renew for up to two additional years.**

The Contract numbers, Contractors, Contract Amounts and Contractor addresses are indicated below.

Contract Number	Contractor	Contract Amount	Contractor Address
260200060825	The Door-A Center of Alternatives, Inc	\$4,765,650.00	121 6th Avenue, New York, NY 10013
260200060820	Child Development Ctr of the Mosholu Montefiore Community Center	\$4,533,750.00	3450 DeKalb Avenue Bronx, NY 10467
260200060822	Opportunities for a Better Tomorrow Inc	\$4,540,650.00	882 3rd Avenue, Brooklyn, NY 11232
260200060823	Samuel Field YM & YWHA, Inc.	\$4,525,650.00	58-20 Little Neck Parkway, Little Neck, NY 11362
260200060824	Stanley M Isaacs Neighborhood Center Inc.	\$4,615,650.00	415 E. 93rd Street, New York, NY 10128
260200060821	NYSARC INC NEW YORK CITY CHAPTER	\$4,765,650.00	83 Maiden Lane, New York, NY 10038

The proposed contractors were selected, pursuant to Section 3-16 (I) of the Procurement Policy Board (PPB) Rules.

A draft copy of the proposed contracts will be available for public inspection, at the Department of Youth and Community Development, Office of the ACCO, at 2 Lafayette Street, 14 Floor, from October 23, 2019 to November 8, 2019 during the hours of 9:00 A.M. to 5:00 P.M excluding Saturdays, Sundays and legal Holidays.



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AGENCY RULES

ENVIRONMENTAL PROTECTION

■ NOTICE

Notice of Adoption of Rules

Notice is hereby given, pursuant to the authority vested in the Commissioner of the New York City Department of Environmental Protection ("DEP") by section 1100 of the New York State Public Health Law and section 24-302 of the New York City Administrative Code, and in accordance with the requirements of section 1043(a) of the New York City Charter, that the DEP hereby amends sections 18-12, 18-15 through 18-17, 18-23, 18-26 through 18-29, 18-34 through 18-39, 18-41, 18-61, 18-82 and Appendices 18-A through 18-C and repealing in their entirety sections 18-83 through 18-84 of Chapter 18 of Title 15 of the Rules of the City of New York, the DEP *Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and its Sources* ("Watershed Regulations"). The proposed amendments have been approved by the New York State Department of Health, pursuant to section 1100 of the New York State Public Health Law and are being published in conformance with such law.

The proposed rules were published in the City Record on September 28, 2018. Notably, over several years prior to the public hearings listed below, DEP engaged in extensive discussions with stakeholders, including but not limited to: residents who live in the City's water supply watershed, the New York State Department of Health, the New York State Department of Environmental Conservation ("NYSDEC"), and environmental organizations. These discussions were productive and the resulting amendments to the Watershed Regulations will resolve several issues raised by residents while continuing to protect the City's water supply.

The Department held public hearings as follows:

6:00 P.M. on Tuesday, October 30, 2018. This hearing was held, at Belleayre Ski Center, Longhouse Lodge, 181 Galli Curci Road, Highmount, New York;

6:00 P.M. on Thursday, November 1, 2018. This hearing was held, at State University of New York, Evenden Tower, Room 104, Delhi, New York;

6:00 P.M. on Tuesday, November 6, 2018. This hearing was held, at the Putnam County Emergency Operations Center, 112 Old Route 6, Carmel, New York; and

10 A.M. on Thursday, November 8, 2018. This hearing was held, at the offices of the Department of Environmental Protections, 11th floor conference room, 59-17 Junction Boulevard, Flushing, New York.

No additional comments were provided, at the public hearings. Written comments were a correction to an inadvertent omission and typographical errors, submitted by the Coalition of Watershed Towns, and a short submission by NYSDEC addressing a specific technical formula and manual error, and are the only changes to the Watershed Regulations after the public hearings. In addition, a written complaint of general over regulation, without reference to any specific section of the Watershed Regulations, was submitted after the hearings.

The Department now adopts the following Rules.

Statement of Basis and Purpose of Rules

The purpose of the Watershed Regulations is to protect public health by preventing contamination to and degradation of the City's surface water supply. The amendments incorporate changes in federal and state law and address issues that have arisen during administration and enforcement of the Watershed Regulations.

The amendments to the Watershed Regulations include revisions to replace the existing approach for evaluating alterations and modifications of subsurface sewage treatment systems ("SSTS") – and for determining whether systems that have been discontinued for five years or more years can be brought back into service – with an approach that focuses primarily on how well the SSTS will serve the proposed use, consistent with public health and water quality concerns. These amendments also provide that where certain ancillary, non-residential use of a residence does not change the nature or rate of flow of sewage to its SSTS, the use is not subject to DEP's review and approval, allowing for example, a home office use or certain transient guest overnight accommodations.

These amendments also include various revisions which relate to the incorporation of the NYSDEC 2015 State Pollutant Discharge Elimination System ("SPDES") General Permit for Stormwater Discharges from Construction Activity. Additionally, the revisions establish a category of small, limited impact projects for which stormwater pollution prevention plans can be simpler, similar to the existing framework for individual residential stormwater permits. The amendments also eliminate the description of the phosphorus offset pilot program, which had a limited term and was completed.

These amendments revise the definition of "new" and "existing" regulated activities. As defined in prior versions of the Watershed Regulations, the term "new" applied to all regulated activities undertaken, constructed, installed, or implemented after May 1, 1997, and the term "existing" applied to those activities prior to May 1, 1997. The amended definition preserves the meaning of the terms "new" and "existing" as they are used in the current regulations with regard to certain non-complying regulated activities – *i.e.*, storage of hazardous substances, storage of petroleum products, and the siting of junkyards and solid waste management facilities which, if discontinued for two or more years, must comply with the Watershed Regulations or permanently desist. For other regulated activities, the word "existing" is used in its more conventional sense to refer to activities that exist or are in operation, at the time they are being considered under the amended regulations.

These revisions incorporate standards for holding tanks and portable toilets. DEP will not review and approve holding tanks or portable toilets; rather, these revisions establish standards consistent with applicable State guidance. The amendments remove the term "service connection" and clarify the definition of a "sewer connection" relieving past confusion in administering the existing regulations and expanding its definition to include the conveyance all sewage, industrial and other wastes and update the design standards used for sewer connections.

In addition, these amendments eliminate the "hardship" criterion necessary for obtaining a variance from the Watershed Regulations, which has not proven to further water quality goals. These amendments improve due process provisions for applicants when DEP seeks to modify, suspend or revoke an approval. This includes new procedures on how to seek a hearing, and how to appeal a DEP determination, before the City's Office of Administrative Trials and Hearings ("OATH").

These amendments include re-issued watershed maps included in Appendix 18-A, based upon updated information from DEP's LiDAR survey of the watershed. In addition, Appendices 18-B and 18-C are combined and certain revisions are incorporated to clarify the standards used for analysis of water quality samples.

The 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. Some of the plain language and clarification revisions were identified as part of the retrospective rules review conducted by the Mayor's Office of Operations.

In addition to these amendments, DEP, intends to work closely with NYSDEC as it updates its SPDES General Permit for Stormwater Discharges from Construction Activity, the current version of which will expire in January 2020, and NYSDEC's related Stormwater Management Design Manual. DEP, intends to further amend these rules to incorporate NYSDEC's 2020 Construction General Permit, and potentially to include other related changes, at that time, to ensure appropriate stormwater controls based on sound scientific information.

New material is underlined.

[Deleted material is in brackets.]

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

The text of the Rule follows.

Section 1. Subdivision (f) of section 18-12 of title 15 of the Rules of the City of New York is amended as follows:

§ 18-12 Purpose and Findings.

...

(f) The City reserves the right to re-examine these rules and regulations periodically to insure that they continue to further the goal and intent referred to in paragraph (d) of this subdivision and the purposes referred to in paragraph (e) of this subdivision. [Without limiting the foregoing, and without limiting the City's rights to continue, modify, amend, suspend, waive or revoke any or all of these rules and regulations, at any time in accordance with applicable law, the City, intends to re-examine these rules and regulations ten (10) years after the effective date hereof to ascertain whether, and to what extent, these rules and regulations should be modified or amended so that they continue to serve their intended purposes.]

§ 2. Subdivisions (b) and (d) of Section 18-12 of title 15 of the Rules of the City of New York are amended as follows:

§ 18-15 Local Representatives.

(a) 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 these offices or online in accordance with instructions that may be provided on the Department's website. Petitions 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 (b) or online in accordance with instructions that may be provided on the Department's website.

...

(b) Petitions for a hearing on a determination by the Department to revoke, suspend, or modify a determination or variance in accordance with § 18-26, 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 paragraph (2).

- (1) New York City Office of Administrative Trials and Hearings
[40 Rector Street] 100 Church Street, 12th floor
New York, NY [10006-1705] 10007
Telephone: [(212) 442-4900] (844) 628-4692

...

(d) Addresses and phone numbers contained [herein] in this section are informational and persons subject to these rules and regulations [shall] must utilize addresses and phone numbers specified herein, or successor addresses and phone numbers where appropriate.

§ 3. Paragraphs (2), (3), (19), (29), and (32) through (145) of subdivision (a) of Section 18-16 of title 15 of the Rules of the City of New York are amended as follows:

§ 18-16 Definitions.

...

(2) **Absorption field** means the area to which sewage is distributed for infiltration to the soil by means of a network of pipes. A gravelless absorption system is a type of absorption field.

(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.]

...

(19) **Construction or construction activity** means any building, demolition, renovation, replacement, restoration, rehabilitation or alteration of any [new or existing] structure or road, or land clearing, land grading, excavation, filling or stockpiling activities that result in soil disturbance.

(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.] Designated Main Street Areas were proposed [defined and designated] by [a local government] local governments in the East of Hudson Watershed in 1997 and approved by the Department, pursuant to these rules and regulations.

(32) **Discontinuation** means an interruption in the use of a regulated activity including a noncomplying regulated activity. The period of discontinuation shall commence on the date when regular or seasonal use ceases. Incidental or illegal use of an unoccupied structure shall not be sufficient to interrupt a period of discontinuation.

(32)(33) **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)(34) **Drainage Area** means all land and water area from which runoff may run to a common design point.

(34)(35) **Drainage basin** means the land area which contributes surface water to a reservoir or controlled lake.

(35)(36) **Driveway** means a route accessible by a motor vehicle between [a residential building] an individual residence and a public or private road to provide ingress and egress from the [residential building] individual residence.

(36)(37) **East of Hudson Watershed** means West Branch, Boyd's Corner, Bog Brook, East Branch, Croton Falls, Diverting, Titicus, Amawalk, Muscote, New Croton, Cross River, Middle Branch and Kensico Reservoirs, Kirk Lake, Lake Gleneida and Lake Gilead, and their respective drainage basins.

(37)(38) **Effective Date** means May 1, 1997.

(38)(39) **Effluent** means water or wastewater that flows out from a wastewater treatment plant or other treatment process.

(40) **Enhanced subsurface sewage treatment system** means a subsurface sewage treatment system that provides enhanced treatment of wastewater to reduce the amount of biochemical oxygen demand (BOD) and total suspended solids (TSS) of wastewater effluent prior to distribution to an absorption field. Enhanced subsurface sewage treatment systems include, but are not limited to, aerobic treatment units, peat filters, and textile filters.

(39)(41) **Epilimnion** means the uppermost, warmest, well-mixed layer of a lake during thermal stratification.

(40)(42) **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.

(41)(43) **Exfiltration** means wastewater that leaks out of a sewer system into the surrounding environment, through faulty joints, defective pipes, cracks in pipes, connections, or, at manholes.

(44) **Existing**, where used to describe storage of hazardous substances, storage of petroleum products, or the siting of junkyards and solid waste management facilities, means physically constructed, functioning and operational prior to [the effective date of these rules and regulations] May 1, 1997.

(43)(45) **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.

(44)(46) **Facility** means a structure, room or other physical feature designed to perform a particular function and that makes possible some activity.

(45)(47) **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.

(46)(48) **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.

(47)(49) **Gasoline station** means an establishment, at which gasoline is sold or offered for sale to the public for use in motor vehicles.

(50) **Gravelless absorption system** means an absorption field using a wastewater distribution system designed to be installed without gravel or stone aggregate. Gravelless absorption systems may involve the use of geotextile, sand, or other media.

(48)(51) **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.

(49)(52) **Hamlet** means a population center designated as a hamlet by a Town Board in the West of Hudson watershed and described as a hamlet in a Water Supply Permit duly issued by the New York State Department of Environmental Conservation or in any written agreement among the affected parties to the 1997 New York City Watershed Memorandum of Agreement, including the New York State Department of Environmental Conservation.

(50)(53) **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.

(51)(54) **Hazardous waste** means any solid waste, defined or listed as a hazardous waste in 6 NYCRR Part 371.

(52)(55) **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.

(56) **Hot spot runoff** means runoff from an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater, such as vehicle service and maintenance facilities, fleet storage areas, industrial sites, marinas, and facilities that generate or store hazardous materials. Runoff from residential, institutional, and office development, non-industrial rooftops, roads, and pervious surfaces is not generally hot spot runoff.

(57) **Hydrologic soil group** means the designation of soils based on the National Engineering Handbook, Part 630, Chapter 7, Hydrologic Soil Groups, U.S. Department of Agriculture, National Resources Conservation Service, 2009 in which soils are categorized into four runoff potential groups, ranging from A soils, with high permeability and little runoff production, to D soils, which have low permeability rates and produce much more runoff.

(53)(58) **Hypolimnion** means the lower, cooler layer of a lake during thermal stratification.

(54)(59) **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. 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, or other surfacing materials determined by the Department to be pervious for their intended purpose.

(55)(60) **Individual residence** means a building consisting of one or two residential [unit] units.

(56)(61) **Individual sewage treatment system** means an on-site subsurface sewage treatment system serving one or two family residential properties and receiving sewage without the admixture of industrial wastes or other wastes, as defined in the Environmental Conservation Law § 17-0701.

(57)(62) **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.

(58)(63) **Infiltration** means water, other than wastewater, that enters a sewer 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 and from treatment of runoff by stormwater infiltration practices.

(59)(64) **Inflow** means water other than wastewater that enters a sewer 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.

(60)(65) **In situ soil** means naturally occurring glacial soil; it does not include fill or stabilized fill.

[(61)](66) **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.

[(62)](67) **Intermediate sized sewage treatment system** means 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.

[(63)](68) **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.

[(64)](69) **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.

[(65)](70) **Land clearing** means the exposure of soil by devegetation or the exposure of soil to the forces of erosion.

[(66)](71) **Land grading** means the removal, addition or alteration of surface or subsurface conditions of land by excavation or filling.

[(67)](72) **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.

[(73)] **Mapped stream** means a protected stream as defined in 6 NYCRR § 608.1.

[(68)](74) **Metalimnion** means an intermediate zone between the epilimnion and hypolimnion where the water temperature drops rapidly with increasing depth.

[(69)](75) **Microfiltration** means a process in which treated effluent passes through a membrane filter having a nominal pore diameter of 0.2 microns or less.

[(70)](76) **Multi-family residence** means a building containing three (3) or more residential units.

[(71)](77) **Municipal solid waste landfill** means a landfill, as defined in 6 NYCRR § [360-1.2] 360.2, which is owned or operated by a municipality.

[(72)](78) **New**, where used to describe storage of hazardous substances, storage of petroleum products, and the siting of junkyards and solid waste management facilities, means [any regulated activity] undertaken, constructed, installed, or implemented after May 1, 1997.

[(73)](79) **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 and/or prior to the effective date of an amendment to these rules and regulations that made the activity noncomplying.

[(74)](80) **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.

[(75)](81) **NYCRR** means the Official Compilation of Codes, Rules and Regulations of the State of New York.

[(76)](82) **Offset** means a reduction in the discharge of phosphorus into a drainage basin which is surplus, quantifiable, permanent, and enforceable, as defined herein:

[(83)] **One hundred-year, twenty-four hour storm** means the storm, with a twenty-four hour duration, that statistically has a one percent chance of occurring in any given year, as set forth in the "New York State Stormwater Design Manual," New York State Department of Environmental Conservation (2015).

[(77)](84) **One-year, twenty-four hour storm** means the storm, with a twenty-four hour duration, that statistically has a 100 percent chance of occurring in any given year, [as specified in the most recent Watershed Water Quality Annual Report] as set forth in the "New York State Stormwater Design Manual," New York State Department of Environmental Conservation (2015).

[(78)](85) **Operator** means any person who leases, operates, controls or supervises a facility.

[(79)](86) **Owner** means any person who has legal or equitable title to a facility.

[(80)](87) **Pathogenic** means capable of causing disease from organisms, including but not limited to: bacteria, fungi, viruses, and protozoa (such as Giardia and Crypto- sporidium).

[(81)](88) **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.

[(82)](89) **Perennial stream** means a watercourse that flows throughout the year from source to mouth.

[(83)](90) **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.

[(84)](91) **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.

[(85)](92) **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 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(e) of Subchapter D.

[(86)](93) **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.

[(87)](94) **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.

[(88)](95) **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.

[(96)] **Portable toilet** means a non-waterborne sewage system with offsite residual disposal, as identified in 10 NYCRR Appendix 75-A.

[(89)](97) **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.

[(98)] **Qualifying municipal sewer use law** means a local law or ordinance that includes provisions substantially similar to Articles 1-3, 5- 7, 11-14 and the Appendix of the New York State Department of Environmental Conservation Model Sewer Use Law, dated 1994, or which the New York State Department of Environmental Conservation has otherwise accepted, pursuant to the SPDES permit for the wastewater treatment plant served by a municipal sewer system.

[(90)](99) **Radioactive material** means any material in any form that emits radiation spontaneously.

[(91)](100) **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] soil disturbance on land which has not been developed. The term "redevelopment-[project]" specifically applies to areas previously developed with impervious surfaces.

(92))(101) 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.

(93))(102) Remediation means the repair or replacement, other than routine repair or maintenance as described in § 18-38(a)(9))(b)(5)(iii) of Subchapter C, of a subsurface sewage treatment system [that is failing]. Remediation does not include alteration or modification as defined in these rules and regulations.

(103) Reserve absorption field means an area identified in the design for a subsurface sewage treatment system as suitable for infiltration of sewage to the soil by means of a network of pipes.

(94))(104) Reservoir means any natural or artificial impoundment of water owned or controlled by the City which is tributary to the City Water supply system.

(95))(105) Reservoir stem means any watercourse segment which is tributary to a reservoir and lies within 500 feet or less of the reservoir.

(96))(106) 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.

(97))(107) 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.

(98))(108) 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))(109) 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, industrial waste or other wastes shall be considered a sewer extension. Sewer connections designed to facilitate additional sewer connections, which are proposed on or after November 29, 2019, shall be considered sewer extensions.

(100))(110) 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.

(101))(111) 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 treatment facility.

(102))(112) 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.

(103))(113) Small quantity generator has the meaning set forth in 6 NYCRR § 370.2.

(104))(114) 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)] 360.2(a)(3).

(105))(115) 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; refuse-derived fuel processing facilities, pyrolysis facilities; C&D debris processing facilities; land application landspreading facilities; composting facilities; surface impoundments; waste used oil storage, reprocessing and rerefining facilities; recyclables handling and recovery facilities; and waste tire storage facilities; and regulated medical waste treatment facilities,] as defined in 6 NYCRR § [360-1.2] 360.2.

(106))(116) Source water reservoir means Ashokan, Cross River, Croton Falls, Kensico, New Croton, Rondout, and West Branch Reservoirs.

(107))(117) 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.

(108))(118) 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.

(109))(119) 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.

(120) Stormwater bioretention practice means a stormwater management practice that uses landscaping and soils to treat stormwater runoff by collecting it in shallow depressions, before filtering through a fabricated planting soil media.

(110))(121) 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. A stormwater conveyance measure that contains water only during and immediately after a rainstorm or a snowmelt is not considered a watercourse.

(111))(122) 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))(123) Stormwater management practice means a stormwater pond, stormwater wetland (also known as a constructed wetland), infiltration system, filter practice, or open channel used primarily for managing and/or treating stormwater, including a Department approved alternative stormwater management practice.

(113))(124) 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))(125) 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.

(115))(126) 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).

(116))(127) 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.

(117))(128) Subsurface discharge means discharge to an absorption area, i.e., a process designed to allow filtered, treated

sewage effluent to be discharged into the ground as a means of ultimate disposal.

[(118)](129) **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.

[(130)] **Superintendent, where used in connection with a municipality with a qualifying municipal sewer use law, means "superintendent" as defined in that law.**

[(119)](131) **Ten-year, twenty-four hour storm** means the storm, with a twenty-four hour duration, that statistically has a ten percent chance of occurring in any given year, [as specified in the most recent Watershed Water Quality Annual Report]-as set forth in the "New York State Stormwater Design Manual," New York State Department of Environmental Conservation (2015).

[(120)](132) **Terminal reservoir** means Kensico, West Branch, New Croton, Ashokan and Rondout Reservoirs.

[(121)](133) **Two-year, twenty-four hour storm** means the storm, with a twenty-four hour duration, that statistically has a fifty percent chance of occurring in any given year, as set forth in the "New York State Stormwater Design Manual," New York State Department of Environmental Conservation (2015).

[(122)](134) **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 Systems may be used on individual lots or in subdivisions in Ulster County 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.

[(123)](135) **Village** means a territory which has been incorporated as a village, pursuant to Article 2 of the New York State Village Law.

[(124)](136) **Village extension** means an area immediately adjoining a main road extending outside an existing village which has been designated as a village extension by a Town Board in the West of Hudson watershed and described in a Water Supply Permit duly issued by the New York State Department of Environmental Conservation or in any written agreement among the affected parties to the 1997 New York City Watershed Memorandum of Agreement, including the New York State Department of Environmental Conservation.

[(125)](137) **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 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.

[(126)](138) **Water Quality Volume (WQ_v)** means the storage needed to capture and treat 90% of the average annual stormwater runoff volume. WQ_v is calculated as follows:

$$WQ_v = \frac{(P)(R_v)(A)}{12}$$

where:

- WQ_v = water quality volume (in acre-feet)
- P = 90% Rain Event Number [(A map of the 90% Rainfall in New York State appears in the most recent Watershed Water Quality Annual Report.) as set forth in the "New York State Stormwater Design Manual," New York State Department of Environmental Conservation (2015).
- R_v = 0.05 + 0.009(I), where I is percent impervious cover
- A = site area in acres

[A minimum WQ_v of 0.2 inches per acre shall be met, at residential sites that have less than 17% impervious cover.]

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

[(128)](140) **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 watercourse.

[(129)](141) **Watershed** means the land area contributing surface water to the New York City water supply.

[(130)](142) **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.

[(131)] **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.]

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

[(133)](144) **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.

[(134)](145) **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, and 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)].

§ 4. Subdivisions (9) through (15) of Section 18-17 of title 15 of the Rules of the City of New York are repealed and Subdivisions (3) through (8) of Section 18-17 of title 15 of the Rules of the City of New York are amended as follows:

§18-17 **References.**

...

- (3) National Engineering Handbook, Part 630, Chapter 7, Hydrologic Soil Groups, U.S. Department of Agriculture, National Resources Conservation Service, 2009, U.S. Department of Agriculture 1400 Independence Ave., Washington, D.C. 20250. [Standard Methods for the Examination of Water and Wastewater, 12th edition, 1965, Table 18, "Qualitative Description of Odors," page 306, American Public Health Association, American Water Works Association, and Water Pollution Control Federation, 2626 Pennsylvania Avenue NW, Washington, D.C. 20037.
- (4) Standard Methods for the Examination of Water and Wastewater, 18th edition, 1992, American Public Health Association, American Water Works Association, and Water Environment Federation, 2626 Pennsylvania Avenue NW, Washington, D.C. 20037.
- (5) Methods for Chemical Analysis of Water and Wastes, 1979, Environmental Protection Agency (EPA), Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.
- (6) State Environmental Quality Review Act, New York State Environmental Conservation Law, Article 8 (ECL §8-0101 et seq.), Department of State, 162 Washington Avenue, Albany, New York 12231.
- (7) Public Water Supplies; Sewerage and Sewage Control, New York State Public Health Law, Article 11 (PHL §1100 et seq.), Department of State, 41 State Street, Albany, New York 12231.
- (8) Classifications and Standards of Quality and Purity, 6 NYCRR Parts 701 and 703, Department of State, 41 State Street, Albany, New York 12231.
- (9) Standards for Individual Water Supply and Wastewater Treatment Systems, 10 NYCRR Part 75 and Appendix 75-A, Department of State, 41 State Street, Albany, New York 12231.]
- [(10)](4) New York State Department of Environmental Conservation Technical and Operational Guidance Series (TOGS) 1.1.1, Ambient Water Quality Standards and Guidance Values and Groundwater Effluent Limitations (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, 625 Broadway, Albany, New York 12233.

[(11)](5) 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.

[(12)](6) 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, 625 Broadway, Albany, New York 12233.

[(13)](7) New York State Department of Environmental Conservation SPDES General Permit for [Storm Water]-Stormwater Discharges from Construction [Activities] Activity, Permit No. [GP-0-10-001] GP-0-15-002, [Dated] Effective January 29, [2010] 2015, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233.

[(14)](8) New York State Design Standards for [Wastewater Treatment Works,]-Intermediate Sized [Sewerage Facilities] Wastewater Treatment Systems, [1988] 2014, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233.

(9) New York State Stormwater Design Manual, 2015, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233.

(10) Model Sewer Use Law, 1994, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233.

[(15)](11) Recommended Standards for Wastewater Facilities, Great Lakes—Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers, [2004] 2014, Health Education Services, Health Education Services Division, P.O. Box 7126, Albany, New York 12224.

§ 5. Paragraph (4) of subdivision (c) of Section 18-23 of title 15 of the Rules of the City of New York are amended as follows:

§18-23 Application Procedures and Requirements.

- ...
- (c) An application shall contain the following information:
 - ...
 - (4) An application for review and approval of any regulated activity shall include the name, address, telephone number, email address, 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.

§ 6. Subdivisions (a), (b), and (c), paragraphs (1), (2), and (3) of subdivision (d), and subdivisions (e) through (h) of Section 18-26 of title 15 of the Rules of the City of New York are amended as follows:

§ 18-26 Modification, Suspension or Revocation of Approvals and Variances.

- (a) An approval or variance issued by the Department, pursuant to these rules and regulations may be modified, suspended or revoked, at any time upon the Department's initiative, on any of the grounds set forth in paragraphs (1) through (5) of this subdivision. [The grounds for modification, suspension or revocation include:]
 - ...
 - (b) The Department shall send a notice of intent to modify, suspend or revoke an approval or variance to the person named in the approval or variance by certified mail, return receipt requested or by personal service. The notice shall [state the alleged facts or conduct which appear to warrant the intended action] specify the ground or grounds on which the modification, suspension, or revocation is sought, as well as the alleged facts on which the modification, suspension, or revocation is based.
 - (c) Within fifteen calendar days of receipt of a notice of intent, the person named in the approval or variance may submit a written statement to the Department, giving reasons why the approval or variance should not be modified, suspended or revoked, or requesting a hearing, or both]. Failure by such person to timely submit a statement shall result in the Department's action becoming effective on the date specified in the notice of intent.
 - (d) Within fifteen calendar days of receipt of such person's statement, the Department shall either:

- (1) [If a statement without a request for a hearing is submitted, rescind or confirm] Rescind the notice of intent based on a review of the information provided by such person; [or]
- (2) [If a statement with a request for a hearing is submitted, notify such person of a date and place for a hearing, to be commenced not later than sixty calendar days from this notification] Confirm the Department's intent to modify, suspend, or revoke the approval or variance as stated in the notice of intent; or
- (3) Amend the Department's notice of intent, specifying the Department's revised intent to modify, suspend, or revoke the approval or variance.
- (e) [In the event such a hearing is held, the Commissioner shall, within thirty calendar days of receipt of the complete record, issue a written decision, stating the findings and reasons therefor, to the person named in the approval or variance. The decision shall:
 - (1) Continue the approval or variance in effect as originally issued;
 - (2) Modify the approval or variance or suspend it for a stated period of time or upon stated conditions; or
 - (3) Revoke the approval or variance, including, where ordered by the Commissioner, removal or modification of all or any portion of a project, whether completed or not.]

If the Department confirms or amends its intent to modify, suspend, or revoke the approval or variance, the person named in the approval or variance may request a hearing on the Department's determination by submitting a petition in writing to the Office of Administrative Trials and Hearings ("OATH"), and sending a copy of the petition to the Commissioner, within thirty (30) days of receipt of confirmation of the Department's intent, in accordance with the following:

- (1) Form and content of petition. The petition must state the name, address, and email address of the petitioner and must include a short and plain statement of the matters to be heard by OATH. The following documents must be included with the petition: the Department's notice of intent to modify, suspend, or revoke the approval or variance; the petitioner's statement giving reasons why the approval or variance should not be modified, suspended or revoked; the Department's confirmation or amendment of its intent; and a completed OATH intake sheet. Blank intake sheets are available from the Department.
- (2) Department response. Within twenty (20) days of receipt of the petition, the Commissioner may respond to the petition. If the Commissioner responds, the Commissioner must include the record on which the determination was based. A copy of any response shall be sent to the petitioner.
- (3) Proceedings before the OATH Trials Division. Upon receipt of the petition for a hearing, OATH shall promptly schedule a hearing, at a time and date which shall not be less than thirty (30) days, nor exceed one hundred twenty (120) days, from the date of receipt by OATH of the petition for a hearing unless the parties and the ALJ agree to another date. The hearing may be held in the district of the Department where the activity that is the subject of the order is located, except that hearings may be held, at the Department's offices in Kingston, New York for petitions relating to regulated activities in the East of Hudson watershed and, at the Department's offices in Kingston, New York for petitions relating to regulated activities in the West of Hudson watershed. The hearing may also be held by video conferencing or other electronic means, or as otherwise agreed to by the parties and the ALJ. Notice of such hearing shall be provided in writing to the petitioner and to the Department.
- (4) Burden of proof. The Department shall have the burden of proving, by a preponderance of the evidence, facts supporting the modification, suspension or revocation.
- (5) The hearing shall be held before an OATH ALJ. The ALJ shall cause a record of the hearing to be made, and shall make a recommendation to the Commissioner within thirty (30) days of the close of the hearing record, setting forth the appearances, the relevant facts and arguments presented, at the hearing, findings of fact and conclusions of law, and a recommendation as to whether approval or variance should be modified, suspended, or revoked and the reasons therefor. A transcript of the record of the hearing shall be made available, at the petitioner's request and expense.
- (f) Within thirty (30) days of receipt of the recommendation of the ALJ, the Commissioner shall issue a final decision approving, rejecting, or modifying the ALJ's recommendation and shall serve that decision on the parties to the proceeding. If the Commissioner does not act within that time, the ALJ's recommendation shall be deemed adopted by the Commissioner.

(g) Where the Department proposes to modify, suspend, or revoke an approval or variance, and the person named in the approval or variance requests a hearing on the proposed modification, suspension, or revocation, the original conditions of the approval or variance shall remain in effect until a decision has been issued by the Commissioner, pursuant to subdivision (e) of this section. At such time the modified conditions shall take effect.

(g)(h) Nothing in this section shall preclude or affect the [Commissioner's] Department's authority to use the remedy of summary abatement or to issue a cease and desist order under these rules and regulations, or any other law or regulation or to seek injunctive relief to enforce these rules and regulations, or any other law or regulation, in a court of competent jurisdiction.

§ 7. Paragraphs (3), (4), (5) and (6) of subdivision (a), and subdivision (b) are amended and a new subdivision (c) is added to Section 18-27 of title 15 of the Rules of the City of New York as follows:

§18-27 Noncomplying Regulated Activities.

(a) General requirements.

...

(3) Except where otherwise provided in these rules and regulations, no noncomplying regulated activity shall be substantially altered or modified without the prior review and approval of the Department. The Department shall review and approve such an alteration or modification in accordance with the standards and procedures set forth in Subchapter F (variances). However, a noncomplying regulated activity may be reduced in size or extent without such review and approval provided that such reduction does not cause any increase in any existing discharge or any increase in the potential for contamination to or degradation of the water supply. An application for a regulated activity, which does not involve a substantial alteration or modification of a noncomplying regulated activity, shall be review in accordance with the standards for that regulated activity.]

(4) In the event that any noncomplying regulated activity is discontinued for a period of one year or more, it shall permanently desist. However, a noncomplying regulated activities shall not be deemed discontinued in the following situations:

- (i) Seasonal use of a residence or business;
- (ii) Destruction of 75 percent or more of the market value of a noncomplying regulated activity and its related property, by flood, fire, or other natural disaster, provided that any replacement of a noncomplying regulated activity shall be identical in capacity, intensity, volume and type to the former noncomplying regulated activity and provided that such replacement shall take place within two years of such destruction, and provided further that such replacement shall comply with these rules and regulations, where possible;
- (iii) Transfer, sale, or lease of a residence or business provided further that the noncomplying regulated activity is not changed to a different noncomplying regulated activity, unless approved by the Department, and provided that such transfer, sale or lease occurs within three years of the offering for sale or lease of the residence or business.]

(5) Should any noncomplying regulated activity cause contamination to or degradation of the water supply, such that the activity is a threat to the life, health, or safety of water supply users, the Commissioner may order that such noncomplying regulated activity conform either in whole or in part to the requirements of these rules and regulations, immediately or within a limited period of time, at the Commissioner's discretion, or be discontinued immediately. Any person who receives such an order may request a hearing on such order in the manner provided in § 18-29.

(6) Any owner or operator of a noncomplying regulated activity [who was not required by these rules and regulations to notify the Department, pursuant to paragraph (1) of subdivision (b) of this section,] may request, in writing, a determination from the Department that such property or activity is a noncomplying regulated activity. The written request shall include [all of the information required in such paragraph] a description of the property or activity and its location, and the name, telephone number, and email address of a contact person. The Department shall determine, based upon the submission, whether the property or activity is a noncomplying regulated activity, and shall notify the owner or operator of such determination in writing.

(b) Commercial, industrial, institutional or governmental noncomplying regulated activities.

(1) Commercial, industrial, institutional or governmental owners or operators of a noncomplying regulated activity shall notify the Department, in writing, of the existence of the noncomplying regulated activity within one (1) year of the effective date of these rules and regulations. The notification shall include a description of the noncomplying regulated activity and its location, and the name and telephone number of a contact person.

(2) The Department shall publish a directory of all commercial, industrial, institutional or governmental noncomplying regulated activities located in the watershed based upon the information submitted, pursuant to paragraph (1) of this subdivision, and any additional information available to the Department.

(3) The directory shall be published in a newspaper of general circulation for two consecutive weekdays in each of two consecutive weeks.

(4) Within sixty days of the last date of such publication, any commercial, industrial, institutional, or governmental owner or operator of a noncomplying regulated activity shall notify the Department in writing of any objection to the information set forth in the directory. Furthermore, any owner or operator of a noncomplying regulated activity shall notify the Department in writing of the omission from the directory of his or her noncomplying regulated activity.

(5) Within 120 days of the last date of publication of the directory, the Department shall publish a revised directory, in accordance with the procedures provided for in paragraph (3) of this subdivision.

(6) If, within five years of the effective date of these rules and regulations, a commercial, industrial, institutional or governmental owner or operator of a noncomplying regulated activity discovers that his or her property should have been included in the final directory and was not included, such owner or operator shall write to the Department and request that the property be added to the directory. The request shall include all of the facts surrounding the omission from the listing and the reason why the property should be designated a noncomplying regulated activity, as well as all supporting documentary evidence, such as title searches, deeds, etc. Based upon the submission, the Department shall determine whether to add the property to the directory and shall notify the petitioner in writing of its decision.

(7) Upon written notification by the Department, a commercial, industrial, institutional, or governmental owner or operator of a noncomplying regulated activity may be required to submit any results of local, state or federally mandated or conducted tests or environmental audits. In addition, such owner or operator may be required to provide to the Department copies of any reports or applications submitted to local, state and federal agencies relating to the noncomplying regulated activity.

(8) Upon written notification by the Department, a commercial, industrial, institutional, or governmental owner or operator of a noncomplying regulated activity may be required to submit, within ninety days of receipt of mailing, for review and approval by the Department, a plan to protect the water supply from the potential for contamination or degradation posed by such activity. Such plan may include, but shall not be limited to, restriction or management of activities, use of best management practices, drainage control, development of procedures to address the potential contamination or degradation (including disposal procedures) and training of employees.

(i) The decisions whether to require submission of a plan and whether to approve a plan shall be based upon the risk of potential for contamination to or degradation of the water supply based upon such factors as: location, intensity of use, record of adequate maintenance and operation of any existing structure or facility, compliance with existing local, state, and federal laws and rules and regulations, and the burden upon the noncomplying regulated activity.]

(b) Subsurface Sewage Treatment Systems. The regulations applicable to discontinuation, and the standards for alteration or modification, of noncomplying regulated activities that are subsurface sewage treatment systems are set forth in Section 18-38(b).

(c) Storage of hazardous substances, storage of petroleum products, and the siting of junkyards and solid waste management facilities.

(1) No noncomplying regulated activity involving storage of hazardous substances, storage of petroleum products, or the siting of junkyards and solid waste management facilities shall be substantially altered or modified without the prior review and approval of the Department. The Department shall review and approve such an alteration or modification in accordance with the standards and procedures set forth in Subchapter F (variances).

(i) Such a noncomplying regulated activity may be reduced in size or extent, or replaced with a regulated activity that complies with the provisions of these rules and regulations, without such review and approval provided that such reduction does not cause any increase in any existing discharge or any increase in the potential for contamination to or degradation of the water supply.

(2) In the case of storage of hazardous substances, storage of petroleum products, and the siting of junkyards and solid waste management facilities, a noncomplying regulated activity must come into compliance with these rules and regulations if, for any reason, there is discontinuation for a period of two consecutive years. If it cannot come into compliance, it must permanently desist. A period of discontinuation shall commence on the date when regular or seasonal use ceases. Incidental or illegal use of an unoccupied structure shall not be sufficient to interrupt a period of discontinuation, and intent to resume a noncomplying regulated activity shall not confer the right to do so. The burden of proof for showing that a noncomplying regulated activity has not been substantially discontinued shall be on the owner or operator.

§ 8. Subdivisions (a), (b) and (d), paragraph (2)(i) of subdivision (f), and subdivision (g) of Section 18-28 of title 15 of the Rules of the City of New York are amended as follows:

§ 18-28 Appeals.

(a) An applicant may appeal a final determination issued by the Department under these rules and regulations by filing a petition in writing with the Department and with the New York City Office of Administrative Trials and Hearings, Trials Division (“OATH”) within thirty (30) days of the date the determination was mailed. The petition shall state the name, address, and email address of the petitioner and shall include a short and plain statement of the matters to be adjudicated, identifying the approval or variance sought by the petitioner with citation to the applicable provisions of these rules and regulations, the regulated activity for which the Department issued the determination, the proposed location of the activity, and the date of the Department’s determination. The petition should also indicate whether the petitioner is requesting a hearing. A copy of the determination being appealed shall be attached to the petition. In addition, a completed OATH intake sheet shall be included with the petition. Blank intake sheets are available from the Department.

(b) The following determinations of the Department are appealable:

...

(d) The following issues are [adjudicable] reviewable on appeal:

...

(4) Except where the Department has acted as lead agency, the ALJ shall not [adjudicate] review any issues related to compliance with the State Environmental Quality Review Act (SEQRA).

...

(f)(1) Appeals from determinations relating to individual sewage treatment systems or variances shall be decided on the record before the Department in its review of the application and any other written submissions allowed by the ALJ.

(2) A petitioner may request [an adjudicatory] a hearing on appeals from all other determinations issued by the Department. If a petitioner does not request a hearing, the petition shall be decided on the record before the Department in its review of the application and any other written submissions allowed by the ALJ.

(i) [Unless otherwise agreed to by the parties and the ALJ, the] The hearing [shall] may be held in the district of the Department in which the regulated activity was proposed to be located, except that hearings may be held, at the Department’s offices in Valhalla, New York for appeals relating to regulated activities in the East of Hudson watershed and, at the Department’s offices in Kingston, New York for appeals relating to regulated activities in the West of Hudson watershed. The hearing may also be held by video conferencing or other electronic means, or as otherwise agreed to by the parties and the ALJ.

(g) The ALJ shall submit a report to the Commissioner within 60 days after the record on appeal is closed with a recommendation as to whether the determination appealed from should be approved, modified or rejected. The Commissioner shall issue a final decision approving, rejecting, or modifying the ALJ’s recommendation within 30 days of receipt of the ALJ’s report. If the Commissioner does not act within that time, the ALJ’s recommendation shall be deemed approved by the Commissioner.

(h) This section shall not apply to determinations made by local governments administering provisions of these rules and regulations, pursuant to Subchapter G.

(i) An applicant shall have the option whether to file an [administrative] appeal under this section and nothing in this section shall preclude an applicant from challenging [a] the final determination issued by the Department in a court of competent jurisdiction, including instituting a proceeding under Article 78 of the Civil Practice Law and Rules, without first filing a petition for appeal, pursuant to this section.

§ 9. Subdivisions (a), (b), (d), (e), (f), (g), and (h) of Section 18-29 of title 15 of the Rules of the City of New York are amended as follows:

§ 18-29 Hearings on Cease and Desist Orders

(a) Any person who receives a cease and desist order may request a hearing on the order by submitting a petition in writing to the Commissioner and to the Office of Administrative Trials and Hearings, Trials Division (“OATH”) within seven (7) days of receipt of the cease and desist order. The petition for a hearing shall state the name, address, and email address of the petitioner and shall include a short and plain statement of the matters to be adjudicated, identifying the activity that is the subject of the order, the location of the activity, and the date of the cease and desist order. A copy of the order shall be attached to the petition. In addition, a completed OATH intake sheet shall be included with the petition. Blank intake sheets are available from the Department.

(b) Upon receipt of the petition for a hearing, OATH shall schedule a hearing promptly in the district of the Department where the activity that is the subject of the order allegedly occurred, and, at a time and date which shall not exceed fifteen (15) days from the date of receipt by OATH of the petition for a hearing unless the parties and the ALJ agree to another location and date, except that hearings may be held, at the Department’s offices in Valhalla, New York for petitions relating to regulated activities in the East of Hudson watershed and, at the Department’s offices in Kingston, New York for petitions relating to regulated activities in the West of Hudson watershed. The hearing may also be held by video conferencing or other electronic means. Notice of such hearing shall be provided in writing to the petitioner and to the Department.

(c) A petition for a hearing shall not stay compliance with the cease and desist order, and it shall continue to be the duty of the petitioner to discontinue the activity, pursuant to the terms of the order. Failure to do so shall be a violation of the order and these rules and regulations.

(d) At the hearing, the [petitioner] Department shall have the burden of proving [that the activity that is the subject of the order does not come within the provisions of §18-21(a)(5) and §18-27(a)(5)(3) of these rules and regulations] by a preponderance of the evidence, facts supporting the cease and desist order.

(e) The failure of the petitioner to appear, at the time, date and place set forth in the notice of hearing shall constitute a [default] waiver of the right to a hearing on the cease and desist order and the matter will be dismissed. [The Department shall provide a notice of default in writing to the petitioner within five (5) days of the petitioner’s failure to appear.]

(f) The hearing shall be held before an OATH ALJ. The ALJ shall cause a record of the hearing to be made, and shall make a report to the Commissioner within ten (10) days of the close of the hearing record, setting forth the appearances, the relevant facts and arguments presented, at the hearing, findings of fact and conclusions of law, and a recommendation as to whether the order should be continued, modified or vacated and the reasons therefor. [Transcripts] A transcript of the record of the hearing shall be made available, at the petitioner’s request and expense.

(g) Within ten (10) days of receipt of the recommendation of the ALJ, the Commissioner may continue, vacate, or modify the order. If the Commissioner does not act within that time, the ALJ’s recommendation shall be deemed adopted by the Commissioner.

(h) The results of the hearing on the cease and desist order [shall be without prejudice to] do not affect the right of a person to apply for an approval or variance for a regulated activity under these regulations [and shall also be without prejudice to the authority of the Department or any other person to]. In reviewing an application in connection with a regulated activity that has been the subject of a cease and desist order, however, the Department may take action on

account of any violation of law, rule, regulation or order arising out of the events, situations or circumstances which led to the issuance of the order.

§ 10. Subdivisions (b), (c), and (d) of section 18-34 of title 15 of the Rules of the City of New York are amended as follows:

§18-34 **Petroleum Products.**

(b) New aboveground and underground petroleum storage facilities, which require registration under 6 NYCRR Part [612] 613, or new tanks which expand the capacity of existing facilities which require registration under 6 NYCRR Part [612] 613, are prohibited 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. [Notwithstanding this prohibition, the expansion of an existing aboveground or underground petroleum storage facility shall be allowed within the aforesaid limiting distances provided that] If, however, the owner or operator of such facility demonstrates to the Department that the application of the limiting distances would preclude the continuation of an existing business, the facility may be expanded within the limiting distances set forth in this paragraph.

(c) New home heating oil tanks not requiring registration under 6 NYCRR Part [612] 613, 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, are prohibited from being installed underground and shall be located either aboveground or contained in a basement with a concrete or other impervious floor.

(d) New aboveground and underground petroleum storage tanks of 185 gallons or more, which are neither home heating oil tanks regulated under subdivision (c) of this section nor, located at facilities requiring registration under 6 NYCRR Part [612] 613, are prohibited within the limiting distance of 25 feet of a watercourse or wetland, or within the limiting distance of 300 feet of a reservoir, reservoir stem, or controlled lake[, except that such new tanks may be allowed within the aforesaid limiting distances provided that]. If, however, the applicant demonstrates to the Department that application of the limiting distances would preclude the continuation of an existing business or the continued identical use of the existing facility, the facility may be expanded within the limiting distances set forth in this paragraph.

§ 11. Subdivisions (c), (d), and (e) of section 18-35 of title 15 of the Rules of the City of New York are added as follows:

§18-35 **Human Excreta, [and] Holding Tanks, and Portable Toilets.**

(c) All new holding tanks and non-waterborne systems designed for sewage in quantities of less than 1,000 gallons per day from residential properties that are either permitted or not prohibited under 10 NYCRR Appendix 75-A may be used in the watershed provided that they are constructed and operated in accordance with the following standards:

- (1) Such holding tanks must have a capacity equal to, at least five (5) days' design flow, with a minimum capacity of 1,000 gallons.
- (2) Such holding tanks must be equipped with an alarm (audible and visible) located in a conspicuous place to indicate when pump-out is necessary.
- (3) Such holding tanks must be designed, installed and maintained in a manner to promote ease of access for pumping and cleanup.
- (4) If such holding tanks will be used in the winter, the tanks must be protected from freezing.

(d) New holding tanks designed for sewage in quantities of 1,000 gallons per day or more, or from non-residential properties, that are either permitted or not prohibited under state law, may be used in the watershed provided that they are constructed and operated in accordance with the following standards:

- (1) The owner of such a holding tank must have and maintain an agreement with a professional hauler for disposal of waste, at a facility that is permitted to accept septage, as defined in 6 NYCRR Part 364.
- (2) Such holding tanks must have a capacity equal to, at least twice the volume of waste to be generated between anticipated removal dates, with a minimum capacity of 1,000 gallons.
- (3) Such holding tanks must have a high-level alarm positioned to allow storage of, at least three days' volume of waste after activation.
- (4) If such holding tanks will be used in the winter, the tanks must be protected from freezing.

(e) Portable toilets shall not be located within the limiting

distance of 50 feet of a mapped stream, wetland, reservoir, reservoir stem, or controlled lake and, to the extent practicable, are not located within the limiting distance of 50 feet from a watercourse other than a mapped stream.

§ 12. Paragraphs (2), (3), (4), and (5) of subdivision (a), paragraph (2) (iii) of subdivision (d), paragraph (2)(iii) of subdivision (e), paragraphs (1), (2)(iv), 2(v), (5)(ii), and (5)(iv) of subdivision (f), and paragraph (2) of subdivision (g) of Section 18-36 of title 15 of the Rules of the City of New York are amended as follows:

§18-36 **Wastewater Treatment Plants.**

(a) *Minimum Requirements*

(1) Unless otherwise permitted by these rules and regulations, the design, construction, or operation of a wastewater treatment plant is prohibited where such design, construction, or operation causes a discharge, or storage which is reasonably likely to lead to a discharge, of sewage or sewage effluent into the environment (including into groundwater), and which is reasonably likely to cause degradation of surface water quality or of the water supply. 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.

(2) The design of new wastewater treatment plants, and the plans and specifications resulting from that design, require the review and approval of the Department. [The construction of a new] New wastewater treatment plants [shall] must be constructed in [conformance] accordance with the plans and specifications approved by the Department.

(3) The design for an expansion or an alteration or modification of [new and existing] wastewater treatment plants, and the plans and specifications resulting from that design, require the review and approval of the Department. [The construction of the] Any expansion or alteration or modification [shall] of a wastewater treatment plant must be constructed in accordance with the plans and specifications approved by the Department.

(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

(5) No new wastewater treatment plants with a surface discharge, or expansion or alteration or modification of [new and existing] wastewater treatment plants, shall cause a contravention of the water quality standards set forth in Subchapter D of these rules and regulations or the phosphorus water quality values set forth in the New York State Department of Environmental Conservation Technical and Operational Guidance Series (TOGS) 1.1.1, Ambient Water Quality Standards and Guidance Values and Groundwater Effluent Limitations (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)

(d) *Treatment requirements for wastewater treatment plants located within the 60 day travel time to intake*

(1) The map indicating the demarcation line for the watershed areas that are located within the 60 day travel time to intake appears in Appendix 18-A. Large detailed maps of such areas are available to be reviewed by the public during business hours, at the regional offices listed in § 18-15 of Subchapter A.

(2) Within the 60 day travel time to the intake the following requirements are applicable:

(iii) [New and existing wastewater] Wastewater treatment plants with subsurface discharges may commence or continue to operate provided that 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*

(1) The map indicating the demarcation line for the watershed areas that are located beyond the 60 day travel time to intake appears in Appendix 18-A. Large detailed maps of such areas are available to be reviewed by the public during business hours, at the regional offices listed in § 18-15 of Subchapter A.

(2) Beyond the 60 day travel time to the intake the following requirements are applicable:

...

(iii) [New and existing wastewater] Wastewater treatment plants with subsurface discharges may commence or continue to operate, provided that 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*

(1) This subdivision (f) shall apply to [new and existing] wastewater treatment plants.

(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) "New York State Design Standards for [Wastewater Treatment Works,] Intermediate Sized [Sewerage Facilities] Wastewater Treatment Systems," New York State Department of Environmental Conservation ([1988]2014); and
- (ii) "Recommended Standards for Wastewater Facilities," Great Lakes—Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers ([2004]2014).

...

(5) All wastewater treatment plants shall meet the following requirements to insure uninterrupted reliable operation:

- (i) All wastewater treatment plants shall provide standby power units sufficient to run the entire plant in order, to ensure uninterrupted reliable operation in the event of utility power failure and these units shall be equipped with an alarm and automatic start-up capability[;].
- (ii) All vital plant structures, mechanical and electrical equipment of [new or existing] wastewater treatment plants located or designed within the 100-year flood plain shall be protected from damage from a 100-year flood that may affect or disrupt its function or general performance. Such structures and equipment shall remain fully operational in a 25-year flood.

...

(iv) 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 "New York State Design Standards for [Wastewater Treatment Works,] Intermediate Sized [Sewerage Facilities] Wastewater Treatment Systems," New York State Department of Environmental Conservation ([1988]2014) and/or the "Recommended Standards for Wastewater Facilities," Great Lakes-Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers ([2004]2014), can be processed in the event that the largest such unit is off line;

...

(g) *Application Requirements*

...

(2) An application for review and approval of an expansion or of an alteration or modification of a [new or existing] wastewater treatment plant shall include all of the information required in subdivision (g)(1) of this section where applicable, and shall either:

§ 13. Subdivisions (b), (c), (d), (e), and (f), paragraph (3) of subdivision (g), and subdivisions (h), (j), (k), and (l) of Section 18-37 of title 15 of the Rules of the City of New York are amended as follows:

§18-37 Sewer Systems, [Service] Sewer Connections and Discharges to Sewer Systems.

...

(b) A new [service] sewer connection or sewer extension to a sewer system is prohibited where the wastewater treatment plant to which the sewer 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] sewer connection or sewer extension will cause or can be expected to cause such wastewater treatment plant to have a SPDES flow parameter violation as defined herein.

(c) All new service connections shall be tested 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," Great Lakes—Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers, §§33.92-33.95 ([2004]2014). A copy of the results of the tests shall be forwarded to the Department as soon as they are available.

(d) Except for the owner of an individual or two family residence, the owner of any property which will be served by a new sewer connection to a sewer system, or by any alteration or modification of a sewer connection to a sewer system, shall submit all plans or designs for such 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 sewer connection to a sewer system, or by an alteration or modification of a sewer connection to a sewer system, shall not be required to submit the plans or designs for such 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)(c) Sewer Connections.

(1) The owner of any [property which] individual residence that will be served by a new sewer connection [to a sewer system], or by an alteration or modification of a sewer connection [to a sewer system], shall notify the Department 48 hours prior to the installation of such 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)] specifically requested by the Department, the owner shall submit to the Department all plans or designs for such sewer connection or for such alteration or modification [prior to or simultaneously with the delivery of such notice to the Department].

(2) The owner of a structure other than an individual residence that will be served by a new sewer connection, or by an alteration or modification of a sewer connection, to a sewer system that is subject to a qualifying municipal sewer use law shall:

- (i) provide to the Department, at least 48 hours prior to the installation of such sewer connection or of such alteration or modification, a written permit from the superintendent of the sewer system authorizing such connection; and
- (ii) notify the Department 48 hours prior to the installation of such sewer connection or of such alteration or modification, and provide an opportunity to the Department to observe the work.

(3) The plans for a new sewer connection, or for an alteration or modification of a sewer connection, to a sewer system for a treatment facility with a SPDES permit, which is not subject to a qualifying municipal sewer use law, from a structure other than an individual residence, require review and approval of the Department. As a condition of approval, the Department will require the applicant to notify the Department 48 hours prior to the installation of such sewer connection or of such alteration or modification, and provide an opportunity to the Department to observe the work. An application for review and approval of such a new sewer connection or alteration or modification of a sewer connection must include:

- (i) A written statement from the owner or operator of the treatment facility certifying that the new sewer connection or alteration or modification of a sewer connection will not require a modification of the treatment facility's SPDES permit, and
- (ii) Plans and specifications for the sewer connection.

(4) New sewer connections, or alterations or modifications of sewer connections, to treatment facilities that do not have SPDES permits shall be reviewed in accordance with § 18-37 of these rules and regulations.

[(e)](d) The design, construction and plans for a new sewer system or sewer extension shall require the review and approval of the Department. Any proposed alteration or modification of a sewer system[, including a sewer 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 sewer system or sewer extension or a proposed alteration or modification of a sewer system.]

[(2)](e) Any approval of a new or an alteration or modification of an existing sewer system, [or] sewer extension, or sewer connection subject to Department approval, pursuant to subdivision 18-37(c)(3), issued by the Department [shall expire] expires and [thereafter be] is null and void unless construction is [commenced] completed 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 sewer system, [or] sewer extension; or sewer connection subject to Department approval, pursuant to subdivision 18-37(c)(3) or the portion of any sewer system or such sewer connection which is being altered or modified, shall be all applicable requirements of law, including the standards set forth in the following documents:

- (1) "New York State Design Standards for [Wastewater Treatment Works,] Intermediate Sized [Sewerage Facilities] Wastewater Treatment Systems," New York State Department of Environmental Conservation ([1988]2014);
- (2) "Recommended Standards for Wastewater Facilities," Great Lakes—Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers ([2004]2014);
- (3) 19 NYCRR Part 1222 (Plumbing Code of New York State).

(g) All sewer systems and sewer extensions 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] one or more of the following:

- (1) The SPDES authorized flow limit of the wastewater treatment plans to be exceeded; [or]
- (2) The strength of the sewage influent to the wastewater treatment plant to be diluted to a level that adversely affects the efficacy of the SPDES permitted and Department approved treatment process; or
- (3) A bypass of any portion of a treatment facility that would be prohibited, pursuant to 6 NYCRR Subpart 750-2.

(h) All sewer systems and sewer extensions 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 C.F.R. Part 403, shall submit three copies of the engineering report, plans and specifications, prepared by a licensed design professional, in compliance with 40 C.F.R. Parts 403, 406-471 and any applicable local regulations, to the Department for its review and approval.

(j) Application Requirements for Sewer Systems and Sewer Extensions. 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)](3) An engineering report presenting the proposed flow and supporting design calculations; and
- [(5)](4) Four (4) sets of plans showing:

- (iv) design details and specifications of system components including pipe sizes and pump capacities;
- (v) where applicable, a copy of the application for modification of the SPDES permit for the receiving wastewater treatment plant and, if available, any draft revisions to such SPDES permit; and
- (vi) construction phasing.

(5) An application for review and approval of a sewer system must include an operation and maintenance plan for the sewer system, which may be a component of the operation and maintenance plan for the treatment facility served by the sewer system; and

(6) An Environmental Assessment form and State Environmental Quality Review Act determination, if applicable.

(k) All approvals for sewer systems and extensions are conditioned on the applicant's submission of as-built drawings, prepared by a design professional, once construction is complete.

(l) As a condition of approval the Department may require evidence of financial security prior to construction, from any owner or operator of a new sewer system or sewer extension or a substantial alteration or modification to an existing sewer 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.

§ 14. Paragraphs (3), (6), (7), (8) and (9) of subdivision (a), and subdivisions (b) and (c) are amended and new subdivisions (d) and (e) are added to Section 18-38 of title 15 of the Rules of the City of New York as follows:

§ 18-38 **Subsurface Sewage Treatment Systems.**

(a) Minimum Requirements for new subsurface sewage treatment systems

...

(3) All new intermediate sized sewage treatment systems shall comply with the requirements set forth in New York State Design Standards for Intermediate Sized Wastewater Treatment [Works, Intermediate Sized-Sewerage Facilities] Systems, New York State Department of Environmental Conservation ([1988]2014), 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.

...

(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.

[(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.

- (i) Any proposed alteration or modification of any individual sewage treatment system that is an existing or a noncomplying regulated activity shall be performed in accordance with the requirements applicable to new subsurface sewage treatment systems under this section. Alterations or modifications of such individual sewage treatment systems that cannot meet these requirements, due to site constraints, shall be performed in accordance with these requirements to the extent possible. In addition, unless such an alteration or modification is limited to a replacement in kind, reduces the potential for contamination to or degradation of the water supply from an existing subsurface sewage treatment system, or reduces flow to an existing subsurface sewage treatment system, 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.
- (ii) Any proposed alteration or modification of any new individual sewage treatment system (i.e., any individual sewage treatment system constructed after May 1, 1997) shall be performed in accordance with the requirements applicable to new subsurface sewage treatment systems under this section. If such an alteration or modification reduces the potential for contamination to or

degradation of the water supply from a new subsurface sewage treatment system, or reduces flow to a new subsurface sewage treatment system, and such alteration or modification cannot meet these requirements due to site constraints, it shall be performed in accordance with these requirements to the extent possible.

- (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.]

[(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) If, at any time after the effective date of these rules and regulations 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 a 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) Any proposed remediation of any part of a subsurface sewage treatment system shall be implemented, 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 the septic tank or other remedial action, including the use of holding tanks, before 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.]

[(10)7] Any approval of a subsurface sewage treatment system issued by the Department [shall expire] expires and [thereafter be] is null and void unless construction is substantially completed [commenced] such that the system is functioning as designed within five (5) years of the date of issuance for systems located within approved subdivisions, or within two (2) years of the date of issuance for all other subsurface sewage treatment systems. Following expiration of the approval, the plans for the subsurface sewage treatment system may be resubmitted to the Department for consideration for a new approval.

(b) Minimum requirements for alteration and modification, repair and remediation, and discontinuation of subsurface sewage treatment systems

- ...
- (1) All subsurface sewage treatment systems, which are operating in accordance with their Federal, State, and local approvals, but which do not comply with the requirements for new subsurface sewage treatment systems set forth in this section, shall be allowed to continue to operate.
- (2) If the use of a subsurface sewage treatment system is, for any reason, subject to discontinuation for a period of five consecutive years or more, operation may resume if it comes into compliance with the standards for alterations or modifications of subsurface sewage treatment systems in accordance with § 18-38(b)(4) below. If, however, the system cannot come into compliance with these standards, the use must permanently desist. The owner or operator bears the burden of proof for showing that there has been no discontinuation in the use of a subsurface sewage treatment system.
- (3) Any proposed alteration or modification of any subsurface sewage treatment system requires the review and approval of the Department, except as provided in subparagraphs (i) through (iii) below.

- (i) The volume, character, or strength of the flow to a subsurface sewage treatment system may be reduced without review and approval provided that such reduction does not cause any increase in the existing discharge or any increase in the potential for contamination to or degradation of the water supply from that discharge. If the reduction in the volume, character, or strength results from an alteration or modification of a system component, or the addition of a new system component (such as installation of a peat filter or aerobic treatment unit), then such alteration, modification, or addition requires review and approval of the Department, except that:
- a. Any such review and approval shall be limited to the affected system component; and
- b. No such review and approval is required where the alteration, modification, or addition of the system component is otherwise exempt from review under this section (such as the replacement of a septic tank with a larger tank of an appropriate size for the subsurface sewage treatment system).
- (ii) Except as set forth in this subdivision, for an intermediate sized subsurface sewage treatment system that has a State Pollutant Discharge Elimination System (SPDES) permit, review and approval is not required for any proposed alteration or modification that does not deviate from the engineering design and site plan approved by the New York State Department of Environmental Conservation.
- a. Review and approval by the Department is required if the alteration or modification requires a modification of the SPDES permit for the SSTS for any reason including, but not limited to:
- i. the alteration or modification involves physical alteration or modification of the SSTS, or
- ii. the alteration or modification results in the system receiving sewage that either exceeds the treatment system design flow, or has a strength or characteristic beyond the design capability of the treatment system.
- b. If the Department has previously issued an approval for an intermediate sized subsurface sewage treatment system, review and approval by the Department is required for any alteration or modification that results in the system receiving sewage that either exceeds the design flow of the system as approved by the Department, or has a strength or characteristic beyond the design capability of the system as approved by the Department.
- (iii) In the following circumstances, where an ancillary, non-residential use of a residence served by an individual subsurface sewage treatment system does not result in an increase in or change in the nature of the flow of sewage, the subsurface sewage treatment system shall not be considered an intermediate-sized sewage treatment system, nor shall such use require review and approval by the Department:
- a. Where the residence is used to provide accommodations for transient lodgers and no food service is provided other than to overnight guests, unless such use requires a temporary residence permit, pursuant to 10 NYCRR Subpart 7-1.
- b. Where the individual residence is used for a home office or home business, provided that:
- i. The individual who operates the home office or home business occupies the home as his or her primary or secondary residence;
- ii. The home office or home business is of a type that is estimated to generate 50 gallons per day of water or less based on Table B-3 of the New York State Design Standards for Intermediate Sized Wastewater Treatment Systems, New York State Department of Environmental Conservation (2014); and
- iii. The conversion does not involve an increase in the individual residence's number of bedrooms.
- (4) Standards for Alterations or Modifications of Subsurface Sewage Treatment Systems
- (i) Any proposed alteration or modification of any subsurface sewage treatment system must be performed in accordance

with the requirements applicable to new subsurface sewage treatment systems under this section.

- (ii) Alterations or modifications of subsurface sewage treatment systems that cannot meet these requirements, due to site constraints, must be performed in accordance with the requirements applicable to new subsurface sewage treatment systems to the extent possible. Applications for proposed alterations or modifications of such subsurface sewage treatment systems must include the information described in subdivision 18-38(d)(4).
- (iii) Standard of review. The department will authorize use of a subsurface sewage treatment system that has been subject to a period of discontinuation for five consecutive years or more, or a proposed alteration or modification of a subsurface sewage treatment system, if the applicant demonstrates that such use, alteration, or modification does not present a threat to public health or water quality as determined by the Department.

(5) If a subsurface sewage treatment system fails or needs remediation, the owner or operator of the subsurface sewage treatment system must comply with the following:

- (i) Any proposed remediation of any part of a 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) Any proposed remediation of any part of a subsurface sewage treatment system shall be implemented, 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 the septic tank or other remedial action, including the use of holding tanks, before 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.

(6) Any approval issued by the Department to use a subsurface sewage treatment system following a discontinuation expires and is null and void unless any required enhancements are implemented and such use is commenced within one (1) year of the date of issuance or such longer period as the Department may authorize in writing. Following expiration of the approval, the plans for the subsurface sewage treatment system may be resubmitted to the Department for consideration for a new approval.

(7) Any approval of an alteration or modification of a subsurface sewage treatment system issued by the Department expires and is null and void unless any required enhancements are implemented within two (2) years of the date of issuance. Following expiration of the approval, the plans for the subsurface sewage treatment system may be resubmitted to the Department for consideration for a new approval.

(8) Any property owner may request that the Department review and approve a proposed use of a subsurface sewage treatment system by demonstrating that it is capable of treating a specified volume and type of wastewater flow. The proposal may include proposed enhancements to the system. A determination by the Department that the subsurface sewage treatment system complies with the standards applicable to new subsurface sewage treatment systems or, if it cannot come into compliance the standards applicable to alterations or modifications of subsurface sewage treatment systems to the extent possible, pursuant to § 18-38(b)(4), for the proposed use and volume, shall be binding upon the Department for five years following the date of the determination.

(b)(c) Design, Operation, Treatment, and Maintenance Requirements

...

(2) Limitations on certain systems in the watershed.

- (i) Mound systems, galley systems, seepage pits, evaporation-transpiration (ET) and evaporation-transpiration absorption (ETA) systems are prohibited from use for subsurface sewage treatment systems installed in the watershed on or after June 30, 2002. [Sand filters are prohibited from use for individual sewage treatment systems in the watershed.]
- (ii) Drip and low profile dispersal systems, as described in New York State Design Standards for Intermediate Sized Wastewater Treatment Systems, New York State Department of Environmental Conservation (2014) are prohibited from use for subsurface sewage treatment systems installed in the watershed on or after September 25, 2019.
- (iii) Sand filters are prohibited from use for individual sewage treatment systems in the watershed.
- (iv) For new subsurface sewage treatment systems within the 60-day travel time, and for new subsurface sewage treatment systems that require State Pollutant Discharge Elimination System (SPDES) permits, trench length reductions will not be offered for use of any enhanced subsurface sewage treatment systems.
- (v) No trench length reductions shall be granted for use of any open-bottom gravelless absorption system, as described in 10 NYCRR Appendix 75-A.8(c)(3)(i). One linear foot of a gravelless absorption system is equivalent to one linear foot of conventional (24" wide) absorption trench.

...

(5) At least one percolation test and, at least one deep hole test [shall] must be performed in the primary absorption field. At least one percolation test and, at least one deep hole test [shall] must be performed in the reserve absorption field [area]. An applicant [shall] must notify the Department in writing, at least seven (7) days prior to performance of such tests, and specify the location and the time of the tests. Such soils testing must be performed during normal business hours on weekdays other than legal holidays. At the option of the Department, a Department representative may witness such tests.

...

(8) A reserve absorption field is intended to be left undisturbed to be used in the event that the primary absorption field fails in the future. If the reserve absorption field is used because the primary absorption field has failed, the owner should, but is not required to, identify a new reserve absorption field. If the reserve absorption field is used for purposes of expanding the subsurface sewage treatment system, a new reserve absorption field or Department-approved alternative must be identified.

(c)(d) Application Requirements

(1) An application for review and approval of any subsurface sewage treatment system shall include the following information:

- (i) Soil investigation report including:
 - b. deep hole test pit results or boring analysis indicating the depth of useable soil;
- (ii) Building permit number and tax map number where available.
- (iii) Four (4) sets of plans prepared by a design professional showing:
 - a. site location, including distances to wells, watercourses, rock outcroppings, wetlands, controlled lakes and reservoirs, and any property boundaries within 10 feet of any subsurface sewage treatment system component;
 - b. site/system plans, drawn to scale, with topography showing two-foot contour[s] intervals;
 - e. a report containing:
 - i. a description of the project characteristics; and
 - ii. a detailing of the design process.

...

(3) All approvals for new subsurface sewage treatment systems are conditioned on the applicant's submission of as-built drawings, prepared by a design professional, once construction is complete.

(4) An application for review and approval of an alteration or modification of a subsurface sewage treatment system, or of the resumption of use of a subsurface sewage treatment following discontinuation, that cannot satisfy the requirements applicable to new subsurface sewage treatment system must include all of the information in paragraph (1) of subdivision (d) of this section, except that the Department may, at its option, waive the requirement to submit a soil investigation report. For an intermediate sized sewage treatment system, the application must include the information in paragraph (2) of subdivision (d) of this section. An application must also contain:

- (i) Plans or other design information, consisting of:
 - a. If available, design plans for the subsurface sewage treatment plans, indicating all known regulatory approvals for such plans;
 - b. If design plans are not available, a description of the components of the system prepared by a licensed professional engineer;
- (ii) A proposal for enhancements to the system to meet the standards in § 18-38 applicable to a new subsurface sewage treatment system to the extent possible, including the information required under § 18-38(c); and
- (iii) Any additional information demonstrating any or all of the following:
 - a. A reduction in the potential for contamination to or degradation of the water supply from the subsurface sewage treatment system,
 - b. A reduction in flow to the subsurface sewage treatment system, or
 - c. Mitigation measures to avoid contamination to, or degradation of, the water supply.

(e) Construction Requirements

(1) The applicant must notify the Department, at least two business days before the start of construction of a subsurface sewage treatment system. The locations of the absorption field corners, septic tanks, pump or dosing chambers, and other treatment components must be staked out before the start of construction, so that the Department can, at its option, verify compliance with separation distance to wells, watercourses, and property lines. The ends of absorption trenches and the corners of absorption beds must be staked out before the start of construction. Stakes must be marked with applicable line and grade information and may not be disturbed during construction.

(2) If construction of a subsurface sewage treatment system ceases for more than seven days, the applicant must make best efforts to notify the Department, at least two business days before restarting construction.

(3) The applicant must notify the Department, at least one day before burying any component of a subsurface sewage treatment system.

(4) All notifications to the Department, pursuant to this subsection (d) must be made via the email address and/or telephone number listed on the approval.

§ 15. Paragraphs (6)(ii), (10), and (11)(ii) of subdivision (a), paragraphs (3) and (4) of subdivision (b), paragraphs (3) and (4) of subdivision (c), and paragraph (1)(ii) of subdivision (d) of Section 18-39 of title 15 of the Rules of the City of New York are amended as follows:

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

(a) *Impervious Surfaces*

(6) The following requirements are applicable to construction of an impervious surface for a new road or the widening of an existing road:

- (i) Construction of an impervious surface for a new road 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.
- (ii) Construction of an impervious surface for a new road 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 for paving an existing dirt or gravel road or where necessary to provide an access road [to two or more parcels or to a subdivision]. Construction of an impervious surface for paving such existing dirt or gravel road or for such a new access road

requires a stormwater pollution prevention plan which complies with the requirements of subdivisions (b), (c) and (d) of this section for the entire impervious surface. [Any] An access road constructed, pursuant to this paragraph shall be constructed as far as practicable from all watercourses and wetlands, as determined by the Department.

...

(10) Maintenance of an existing impervious surface [that is a noncomplying regulated activity] shall not require the review and approval of the Department.

(11) The following requirements are applicable to creation of an impervious surface in the East of Hudson watershed within a Designated Main Street Area:

- (ii) [Within thirty (30) days of the effective date of these rules and regulations, a local government may define by metes and bounds, tax maps or other geographic boundaries a proposed Designated Main Street Area within its boundaries, and apply to the Department for approval of such proposal. Within thirty (30) days of such application the Department may approve, disapprove, or approve with modifications, such Designated Main Street Area. If the Department disapproves the application, the local government shall have an additional thirty (30) days in which to submit a revised application for approval of the proposed Designated Main Street Area, and the Department shall approve or disapprove the application within thirty (30) days of receipt of such revised application. The Department will approve only a limited number of Designated Main Street Areas and local governments may not designate all areas of population concentrations in the East of Hudson watershed as Designated Main Street Areas.] The approved boundary [description] descriptions of [a] all Designated Main Street [Area] Areas shall be made available by the Department for public inspection, at its field offices in the East of Hudson watershed.

(b) *Stormwater Pollution Prevention Plans*

...

(3) Stormwater pollution prevention plans shall be prepared for the activities listed in [this paragraph] subparagraph (4) of this subdivision. Such plans shall also be subject to the prior review and approval of the Department. Such plans shall be prepared and implemented in accordance with the requirements of Part III of the New York State Department of Environmental Conservation SPDES General Permit No. [GP-0-10-001] GP-0-15-002 that are applicable to construction activities identified in Table 2 of Appendix B, and in accordance with the requirements of subdivision (c) of this section, except [for] that:

- (i) plans for redevelopment [projects and stormwater retrofits, which] shall be prepared and implemented in accordance with subdivision (b)(7)(8),
- (ii) plans for construction activities identified in Table 1 of Appendix B must be prepared and implemented in accordance with the requirements of Part III of the New York State Department of Environmental Conservation SPDES General Permit No. GP-0-15-002 that are applicable to construction activities identified in Table 1 of Appendix B. A construction activity will be deemed to "alter hydrology from pre to post development conditions" for purposes of Table 1 of Appendix B, if the post-development peak rate of flow for the activity has increased by more than 5% of the pre-developed condition for the one-year, twenty-four hour storm, the ten-year, twenty-four hour storm, or the one hundred-year, twenty-four hour storm as defined herein. A construction activity that is excluded from coverage under Table 1 of Appendix B because it alters hydrology from pre to post development conditions must comply with the requirements of subdivision (b)(3) above,
- (iii) plans for construction activities requiring Department review and approval of a stormwater pollution prevention plan under this section that involve disturbance of less than one (1) acre of total land area, other than construction of gasoline stations and construction, alteration, or modification of solid waste management facilities, and which will not result in hot spot runoff, must be prepared and implemented in accordance with subdivision (b)(9), and
- (iv) [No] 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.

(4) The activities for which a stormwater pollution prevention plan must be prepared under [this paragraph] subparagraph (3) of this subdivision are:

- (i) 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 SPDES General Permit No. [GP-0-10-001] GP-0-15-002;
- (vii) Construction of an impervious surface for a new road, for an access road, or for an existing dirt or gravel road, as required by paragraph (a)(6) of this section;
- (ix) Up to a 25 percent expansion of an existing impervious surface, at an existing commercial, institutional, municipal, [or] industrial, or multi-family residential 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;

[(4)](5) If 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 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.

[(5)](6) Any approval of a stormwater pollution prevention plan issued by the Department [shall expire] expires and [hereafter be] is null and void unless construction is completed within five (5) years of the date of issuance or within any extended period of time approved by the Department upon good cause shown. Following expiration of the approval, the application for the stormwater pollution prevention plan may be resubmitted to the Department for consideration for a new approval.

[(6)](7) As a condition of approval the Department may require evidence of financial security prior to construction from any owner or operator of a stormwater management system, pursuant to a stormwater pollution prevention plan. 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.

[(7)](8) Where portions of an activity that [requires] require a stormwater pollution prevention plan, pursuant to subdivision (b)(3) [is a] constitute redevelopment [project or a stormwater retrofit] as defined herein, those portions of such plan shall:

- (i) 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 SPDES General Permit No. [GP-0-10-001] GP-0-15-002 that are applicable to the construction activities identified in Table 2 of Appendix B;

(9) Where an activity requiring Department review and approval of a stormwater pollution prevention plan under this section that involves disturbance of less than one (1) acre of total land area, other than construction of a gasoline station or construction, alteration, or modification of a solid waste management facility, and which will not result in hot spot runoff, requires a stormwater pollution prevention plan, pursuant to subdivision (b)(3) above, the application must consist of:

- (i) A plan of the proposed activity, identifying the area of disturbance, the location of any existing or proposed impervious surfaces, and the location of any watercourses, wetlands, reservoirs, reservoir stems or controlled lakes on or adjacent to the property;
- (ii) A description and depiction of proposed erosion controls sufficient to prevent sedimentation of the receiving watercourse, wetland, reservoir, reservoir stem or

controlled lake on or adjacent to the property during construction. Erosion controls typically consist of sediment barriers, such as hay bales and silt fencing, temporary sediment traps and temporary stormwater flow diversions;

(iii) A schedule for construction, including grading and site stabilization; and

(iv) A description and depiction of proposed permanent stormwater management practices designed to filter, detain, or infiltrate runoff from impervious surfaces, thereby minimizing the post-construction increase in pollutant loading to the receiving watercourse, wetland, reservoir, reservoir stem or controlled lake.

(c) *Additional Requirements for Stormwater Pollution Prevention Plans.*

...

(3) 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 (WQv), except that a stormwater management practice may be designed to capture and treat the lesser of those volumes if it is a stormwater infiltration practice or it is a bioretention practice in hydrologic soil group A or B. Stormwater management practices which provide treatment shall be designed to accommodate the quantity of runoff flowing to the stormwater management practice, including runoff from off-site areas.

(4) Where a stormwater pollution prevention plan prepared, pursuant to this section includes a stormwater infiltration practice, to the maximum extent practicable, no portion of such stormwater infiltration practice shall be located within 100 feet of any portion of the absorption [area] field of a subsurface sewage treatment system.

...

(7) For purposes of the design criteria incorporated by reference in New York State Department of Environmental Conservation SPDES General Permit [GP-0-10-001] No. GP-0-15-002, "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:

- (ii) The information required in a Notice of Intent under New York State Department of Environmental Conservation SPDES General Permit No. [GP-0-10-001] GP-0-15-002.

§ 16. Subdivision (b) of Section 18-41 of title 15 of the Rules of the City of New York is amended as follows:

§18-41 **Solid Waste**

...

(b) Discharge of solid waste directly into any watercourse, wetland, reservoir, reservoir stem or controlled lake is prohibited. For purposes of this subdivision, solid waste includes materials that are otherwise exempt from compliance with 6 NYCRR Part 360, as described in 6 NYCRR [360-1.2(a)(4)] § 360.2(a)(3), unless those materials are irrigation return flows, materials that are used for artificial reefs in compliance with applicable State requirements, or authorized to be discharged to waters of the state, pursuant to a valid permit issued by the New York State Department of Environmental Conservation, pursuant to Environmental Conservation Law article 15, 17, 24, 25, or 34 or a water quality certification issued under Section 401 of the Federal Water Pollution Control Act. This subdivision shall not apply to discharge of treated leachate in accordance with the requirements of these rules and regulations and a valid SPDES permit.

§ 17. Paragraph (1) of subdivision (a) and paragraph (3)(iv) of subdivision (e) of Section 18-61 of title 15 of the Rules of the City of New York are amended as follows:

§18-61 Variances.

(1) An application for a variance for a regulated activity or for an alteration or modification of a noncomplying regulated activity shall:

- (i) Identify the specific provision of the rules and regulations from which the variance is sought or identify the nature and extent of the alteration or modification of the noncomplying regulated activity;
- (ii) Demonstrate that the variance requested is the minimum necessary to afford relief; and
- (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
- (iv) Demonstrate that for the proposed use or activity for which the variance is requested, compliance with the identified provision of the rules and regulations would create a substantial hardship due to site conditions or limitations.]

(e) *Variances Within the 60 Day Travel Time to Intake in the Croton System.*

(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:

- (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 Facilities," Great Lakes – Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers ([2004]2014); and

§ 18. Paragraph (4) of subdivision (e) and subdivisions (g) and (h) of Section 18-82 of title 15 of the Rules of the City of New York are amended as follows:

§18-82 Watershed Planning in the Croton System.

(e) The Croton Plan may allow for the siting of a new wastewater treatment plant with a surface discharge or the expansion of an existing wastewater treatment plant with a surface discharge in the Croton system within a phosphorus restricted basin or a basin located within the 60 day travel time, but not within a coliform restricted basin, pursuant to the following conditions:

(4) The discharge from the new wastewater treatment plant or the expansion of an existing wastewater treatment plant complies with one of the following conditions:

- (i) The total volume (or flow) of surface discharge from such new wastewater treatment plant or expansion of an existing wastewater treatment plant, together with the total volume of surface discharges from all other new wastewater treatment plants and expansions of

wastewater treatment plants which have been permitted in the subject County, pursuant to this subparagraph (i), shall not, in the aggregate, exceed 10 percent of the total volume (or flow) of surface discharge from wastewater treatment plants located in the Croton system, within the subject County, which previously discharged into the Croton system but have been permanently diverted, since the effective date of these rules and regulations, to a discharge point outside of the Watershed. The Department may approve applications to construct new wastewater treatment plants with surface discharges, pursuant to this subdivision prior to the permanent diversion of wastewater, and allow construction to begin on such new wastewater treatment plants, provided that the wastewater treatment plant may not commence operation until the diversion for which the credit is received has actually occurred; or]

- [(ii) In phosphorus restricted basins located outside of the sixty day travel time, provided that the Department has determined, pursuant to §18-84, based upon the results of the pilot programs set forth in §§18-82(g) and 18-83(a), or of other studies conducted within the watershed, that the phosphorus offsets sought by the pilot programs have been achieved, the Department may require that for each one (1) kilogram of projected increase in the phosphorus load resulting from the proposed new wastewater treatment plant, together with any accompanying non-point source runoff, is actually offset by, at least three (3) kilograms of reductions in phosphorus loading within the basin within which the proposed project is located, including reductions from measures identified in and implemented in accordance with the Croton Plan, pursuant to paragraph (c)(8) above, and otherwise eligible for an offset hereunder, whether the source of the offsets is in the same basin or within an upstream, hydrologically connected phosphorus restricted basin.]

(g) [In Putnam County, provided that Putnam County has committed in writing to participate in the development of the Croton Plan, pursuant to subdivision (d) above, the Department shall allow for a pilot program to evaluate the effectiveness of phosphorus offsets as a potential basis for allowing construction of new wastewater treatment plants within phosphorus restricted basins in the Croton system. Such pilot program shall be limited to a term of five (5) years, commencing on the effective date of these rules and regulations and expiring on the fifth anniversary thereof. During the term of the pilot program, the Department may approve within a Putnam County municipality which has committed in writing to participate in development of the Croton Plan, the construction of a new wastewater treatment plant with a surface discharge within a phosphorus restricted basin in the Croton system provided that the following conditions are met:

- (1) The applicant proposing a new wastewater treatment plant demonstrates that the County or municipality agrees to the plant's inclusion in the pilot program;
- (2) The applicant demonstrates, and commits to take action to insure, that for every one (1) kilogram of projected increase in the phosphorus load resulting from the new wastewater treatment plant and accompanying non-point source runoff, there will be an offset which achieves, at least three (3) kilograms of reduction in phosphorus within the basin in which the new wastewater treatment plant is located, whether the source of the offset is in the same basin or within an upstream hydrologically connected phosphorus restricted basin;
- (3) All new wastewater treatment plants proposed to be constructed, pursuant to this pilot program shall be reviewed and approved by the Department in accordance with §18-36 of these rules and regulations;

(4) No more than three (3) wastewater treatment plants with surface discharges may be located in the Croton system in Putnam County, pursuant to this pilot program. The total capacity, as constructed, for the three (3) proposed wastewater treatment plants shall not exceed a maximum of 150,000 gpd aggregate surface discharge; and

(5) Any wastewater treatment plant constructed, pursuant to this pilot program shall be designed and operated to meet a total phosphorus effluent limit of .2 mg/l.

(h) [Nothing in this Subpart is intended to constrain, limit or preclude an applicant from seeking, or the Department from issuing, approval of or a variance for a proposed regulated activity under any other applicable provision of these rules and regulations.

(i)(h) Nothing in this section or in the Croton Plan is intended to constrain or limit the authority of local governments under State law to make local land use and zoning decisions, and nothing in this section or the Croton Plan should be construed to have the effect of transferring such local land use and zoning authority from the participating local governments to the Department or any other entity.

§ 18. Section 18-83 of title 15 of the Rules of the City of New York, relating to Watershed Planning in the West of Hudson Watershed is repealed in its entirety.

§ 19. Section 18-84 of title 15 of the Rules of the City of New York, relating to the Permanent Phosphorus Offset Program is repealed in its entirety.

§ 20. Appendix 18-A of title 15 of the Rules of the City of New York is amended as follows:

**APPENDIX 18-A
WATERSHED MAPS**

(a) The watershed area for the New York City water supply lies in the parts of the following counties and towns that are delineated on Map 18-A.1:

§ 21. Appendix 18-B and Appendix 18-C of title 15 of the Rules of the City of New York are now combined into Appendix 18-B and are amended as follows:

**APPENDIX 18-B
SYSTEM SPECIFIC WATER QUALITY CHARACTERISTICS
AND APPLICABLE MONITORING CRITERIA**

(a) The system specific water quality characteristics of the reservoirs and reservoir stems, as of September 1990, are set forth in Tables 1 and 2 of this Appendix. It is the intention of the Department that the system specific characteristics be maintained, at the stated levels by implementation and enforcement of these rules and regulations.

TABLE 1

System Specific Characteristics: Reservoir Standards (mg/L)

	Croton System		Catskill/Delaware System (including Kensico)	
	Annual Mean	S/S/M*	Annual Mean	S/S/M*
Alkalinity (mg CaCo(3)/L)	≥40.00		≥10.00	
Ammonia Nitrogen	0.05	0.10	0.05	0.10
Chloride	30.00	40.00	8.00	12.00
Nitrite + Nitrite - N	0.30	0.50	0.30	0.50
Organic Nitrogen	0.50	0.70	0.50	0.70
Sodium	15.00	20.00	3.00	16.00
Sulfate	15.00	25.00	10.00	15.00
Total Diss. Solids	150.00	175.00	40.00	50.00
Total Organic Carbon	6.00	7.00	3.00	4.00
Total Susp. Solids	5.00	8.00	5.00	8.00
Chlorophyll-a	0.01	0.015	0.007	0.012

*S/S/M means Single Sample Maximum

TABLE 2

System specific characteristics: Reservoir Stem Standards (mg/L)

	Croton System		Catskill/Delaware System (including Kensico)	
	Annual Mean	S/S/M*	Annual Mean	S/S/M*
Alkalinity (mg CaCO3/L)	>40.00		>10.00	
Ammonia Nitrogen	0.10	0.2	0.05	0.25

Chloride	35.00	100.00	10.00	50.00
Nitrite + Nitrate - N	0.35	1.50	0.40	1.50
Organic Nitrogen	0.50	1.50	0.50	1.50
Sodium	15.00	20.00	5.00	10.00
Sulfate	15.00	25.00	10.00	15.00
Total Diss. Solids	150.00	175.00	40.00	50.00
Total Organic Carbon	9.00	25.00	9.00	25.00
Total Susp. Solids	5.00	8.0	5.00	8.00

*S/S/M means Single Sample Maximum

**[APPENDIX 18-C
TESTS FOR ANALYTICAL DETERMINATION
OF CONCENTRATIONS OF ELEMENTS]**

(b) The following [tests and] monitoring methods are used by the Department in assessing the impacts of a regulated activity on a reservoir, reservoir stem or controlled lake. An applicant may conduct sampling in waters owned by the City as set forth herein with prior authorization by the Department.

(a)(c) Collection of Samples and Assessment of Impacts

(1) In conducting tests or making analytical determinations to ascertain conformity or nonconformity with the standards set forth in Subchapter D, samples should be collected from locations which are representative of the general quality of water in the watercourse, reservoir, reservoir stem or controlled lake.

(2) In assessing the impact of a proposed regulated activity on a watercourse, reservoir, reservoir stem, or controlled lake, or in determining compliance with the standards set forth in Subchapter D, the Department will examine the impacts of the proposed activity throughout the year and the impacts on the photic, metalimnion and hypolimnion zones of the reservoir, reservoir stem or controlled lake.

(3) Impacts on reservoirs will be determined on the basis of samples taken on a schedule which is sufficient to reflect temporal variability and to meet regulatory requirements.

(4) Sampling locations in reservoirs will include: dams, intakes, mid-pool stations, and main [tributaries] tributary arms into each reservoir. At every station, [an integrated] a sample of the photic zone shall be taken. At deeper stations, samples will be collected from the metalimnion and hypolimnion.

(5) Reservoir stem samples should be collected in the section of the reservoir stem that is free-flowing and unimpeded by the reservoir when the impoundment is, at full pool elevation.

(b)(d) Tests and Analytical Determinations. [Tests or analytical determinations to determine compliance or noncompliance with the water quality standards in Subpart 128-4 should be made in accordance with:

(1) Standard Methods for the Examination of Water and Wastewater, 12th edition, 1965, Table 18, Qualitative Description of Odors, page 306. American Public Health Association, American Water Works Association, and Water Pollution Control Federation, 2626 Pennsylvania Avenue NW, Washington, D.C. 20037.

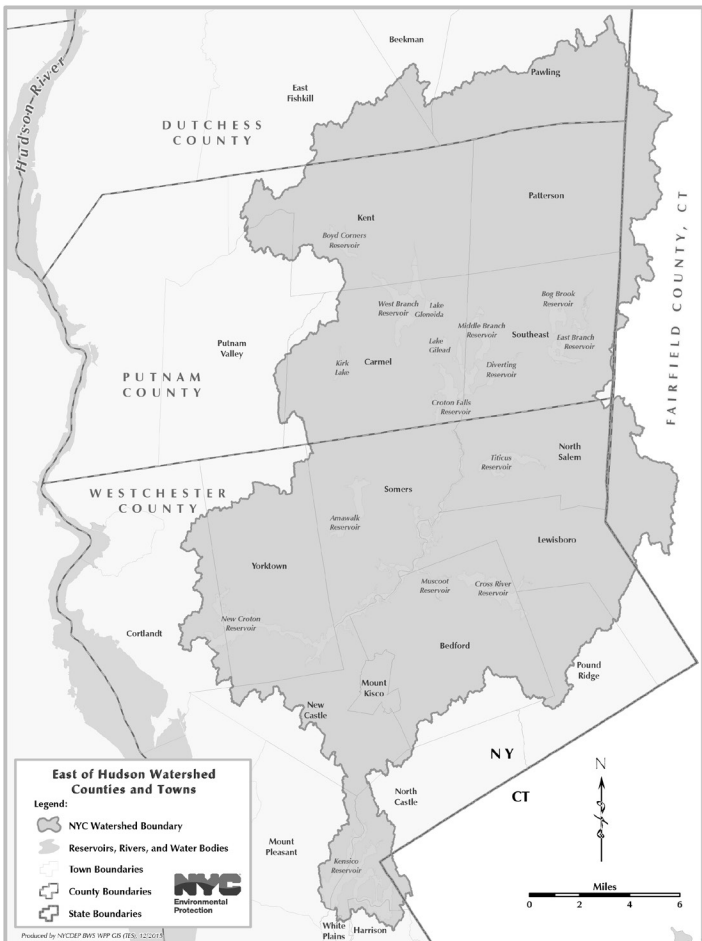
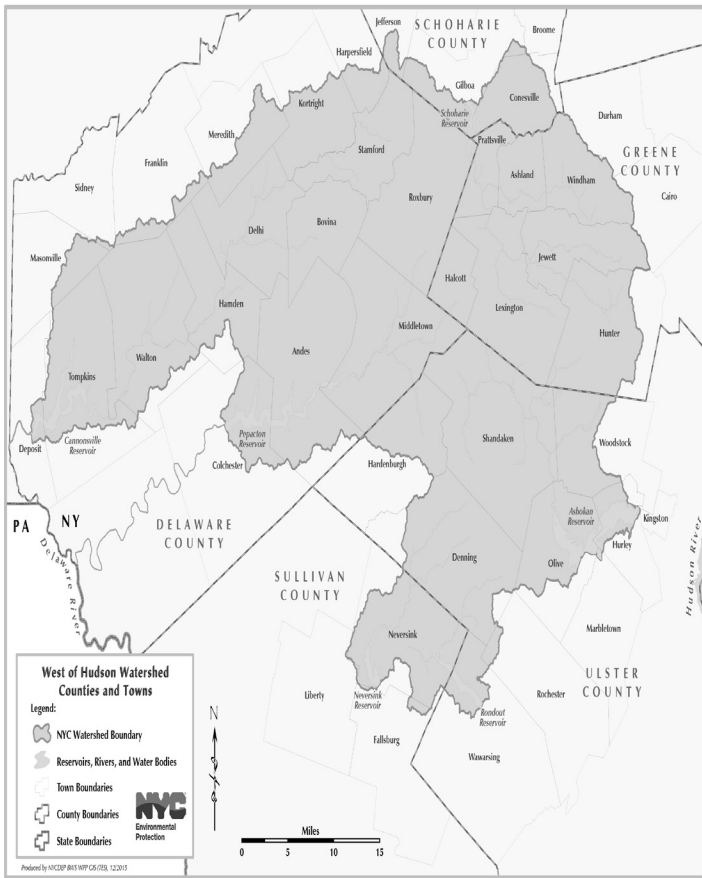
(2) Standard Methods for the Examination of Water and Wastewater, 18th edition, 1992, American Public Health Association, American Water Works Association, and Water Environment Federation, 2626 Pennsylvania Avenue NW, Washington, D.C. 20037.

(3) Methods for Chemical Analysis of Water and Wastes, 1979, Environmental Protection Agency (EPA), Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; and

(4) By other methods approved by the Commissioner as giving results equal or superior to methods listed in any of the above documents.

(c) All materials referenced in this Appendix are available for inspection and copying, at the Department of Environmental Protection, 465 Columbus Avenue, Valhalla, New York 10595.]

In determining compliance or noncompliance with the water quality standards in Subchapter D, the Department will only consider tests or analytical determinations made by laboratories certified by the New York State Department of Health.



NOTICE OF ADOPTION OF FINAL RULE

Notice is hereby given, pursuant to the authority vested in the Commissioner of the Department of Environmental Protection (“DEP” or the “Department”) by section 1043 of the New York City Charter and Sections 24-610(c) and 24-611 of the New York City Administrative Code (“Administrative Code”), that the Department promulgates and adopts a rule to establish penalties for violations of Title 24, Chapter 6 of the Administrative Code, also known as the Hazardous Substances Emergency Response Law.

Statement of Basis and Purpose of Final Rule

DEP is adopting a new Chapter 59 to amend Title 15 of the Rules of the City of New York (RCNY) to establish a penalty schedule for violations of sections 24-601 et seq. of the Administrative Code. This final rule is authorized by Section 1043 of the Charter of the City of New York and sections 24-610(c) and 24-611 of the Administrative Code.

The current Hazardous Substances Emergency Response Law Penalty Schedule, which is located in the rules of the Office of Administrative Trials and Hearings (OATH), at 48 RCNY § 3-111, will be repealed by OATH on the same day that this final rule takes effect.

The penalty schedule is being moved from OATH Environmental Control Board (ECB) to DEP’s rules. Although OATH ECB is empowered to impose penalties under the New York City Charter, and has until now promulgated penalty schedules, the regulatory and enforcement agencies have the necessary expertise to determine appropriate penalties for violations of the rules and of the laws within their jurisdiction based on the severity of each violation and its effect on City residents.

Moving the penalty schedule to DEP’s rules will also make it easier for the public to find the penalties.

Finally, the rule relocation will speed up the rulemaking process by eliminating the need for OATH ECB approval of proposed or amended penalties for agency rules that have already been established by the legislature and/or that have already undergone the City Administrative Procedure Act (CAPA) process by the enforcement agency. The public will still have the opportunity to comment on proposed penalties during that process.

Working with the City’s rulemaking agencies, the Law Department, the Mayor’s Office of Management and Budget, and the Mayor’s Office of Operations conducted a retrospective rules review of the City’s existing rules, identifying those rules that will be repealed or modified to reduce regulatory burdens, increase equity, support small businesses, and simplify and update content to help support public understanding and compliance. The repeal of 48 RCNY § 3-111 was identified as meeting the criteria for this initiative.

A public hearing regarding the final rule was held on September 11, 2019. No public comments were received regarding the rule.

The final rule is authorized by section 1043 of the Charter of the City of New York and sections 24-610(c) and 24-611 of the Administrative Code.

New material is underlined.
[Deleted material is in brackets.]

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

The text of the Rule follows.

Section 1. Title 15 of the rules of the city of New York is amended by adding a new chapter 59 to read as follows:

Chapter 59. Hazardous Substances Emergency Response Law Penalty Schedule.

§59-01 General.

(a) Whenever a respondent is found in violation of any of the following provisions of the NYC Administrative Code, any civil penalties imposed by a hearing officer, pursuant to 48 RCNY § 6-17(a) in accordance with § 1049-a(d)(1)(d) of the Charter or any civil penalties imposed for admissions of violations, pursuant to 48 RCNY § 6-09(c) or late admissions, pursuant to 48 RCNY § 3-17 will be imposed, pursuant to the penalty schedule set forth below.

(b) All citations, unless otherwise indicated are to the NYC Administrative Code.

(c) A second violation is a violation by the same respondent of the same section of law with a date of occurrence within three (3) years of the date of occurrence of the previous violation.

§59-02 Hazardous Substances Emergency Response Law Penalty Schedule.

* The following shall be considered environmentally sensitive

areas: wetlands and wetland buffer areas; National and State parks; critical habitats for endangered and threatened plant and animal species; wilderness and natural areas; marine sanctuaries; conservation areas; preserves; wildlife areas; scenic, wild or recreational rivers; seashore and lakeshore recreational areas; critical biological resource areas; National and State protected and critical environmental areas (CEAS) as defined in 6 NYCRR Section 617.2(i).

Section/Offense/ Penalty	Mitigating Factors (Cumulative)	Aggravating Factor (Cumulative, up to a Total Penalty of \$10,000)	Default
Admin. Code § 24-609(b) 1st offense Failed to comply with notification requirements upon release of hazardous substance \$4,000	1. Subtract \$500, if telephone within 24 hours. Telephone notification shall be found where respondent provided DEP with all of the telephone notification requirements as provided in 15 RCNY § 11-03(b) within 24 hours of when respondent knows or has reason to know of a release. 2. Subtract \$500, if respondent did provide written notification. Written notification shall be found where respondent provided DEP with all of the written notification requirements as provided in 15 RCNY § 11-03(c). 3. Subtract \$1,000, if began abating release within 3 hours of when respondent knew or had reason to know of a release.	1. Add \$2,500, if release occurred within 1,000 feet of any of the following: residence district as defined by the New York City Zoning Resolution; school, highway, parkway or any other three lane roadway; environmentally sensitive area*; hazardous/toxic substance(s) industry/facility required to file under the New York City Community Right-to-know Law, Title 24 Chapter 7 of the New York Administrative Code. 2. Add \$2,500, if amount of release was equal to or greater than twice the Reportable Quantity. 3. Add \$2,500, if release caused actual injury to wildlife and/or human health. 4. Add \$2,500 if willful or intentional release of the listed hazardous substance.	\$10,000
Admin. Code § 24-609(b) 2nd Offense \$9,000	SAME AS ABOVE	SAME AS ABOVE	\$10,000
Admin Code § 24-610(c) 1st Offense willfully violated or failed or refused to comply with Commissioner's Order \$3,000	1. Subtract \$1,000, if complied with that portion of Scope of Work Order relating to securing of premises/building. 2. Subtract \$500, if complied with that portion of Scope of Work Order relating to identification of all hazardous substances.	1. Add \$1,500, if failed to comply with that portion of Scope of Work Order relating to Bills of Lading and Hazardous Waste Manifests. 2. Add \$1,500, if total non-compliance, i.e. failed to comply with any part of Commissioner's Order. (In such cases, there could be no mitigating factors.)	\$10,000
Admin. Code § 24-610(c) 2nd Offense \$4,500	SAME AS ABOVE	SAME AS ABOVE	\$10,000

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SPECIAL MATERIALS

COMPTROLLER

■ NOTICE

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 629, New York, NY 10007, on 10/31/2019 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
1	2348	100
2	2349	103

Acquired in the proceeding entitled: **LOWER CONCOURSE NEIGHBORHOOD WATERFRONT PARK** subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

Scott M. Stringer
Comptroller

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CHANGES IN PERSONNEL

DEPARTMENT OF TRANSPORTATION
FOR PERIOD ENDING 09/06/19

NAME	TITLE	NUM	SALARY	ACTION	PROV EFF DATE	AGENCY
SMALLS	GARY	22315	\$99208.0000	APPOINTED	NO 08/13/19	841

SPALAS	NICK	90692	\$22.0700	APPOINTED	YES	08/18/19	841
SPINELLI	JOHNNY M	90692	\$22.0700	APPOINTED	YES	08/18/19	841
STEPHENS	REESHA C	10124	\$59190.0000	INCREASE	NO	08/18/19	841
STONE	TIMOTHY	90692	\$22.0700	RESIGNED	YES	06/27/19	841
STOPCHAK	MARIA	40610	\$50720.0000	INCREASE	YES	08/18/19	841
SUTHERLAND	BRYAN G	90692	\$22.0700	APPOINTED	YES	08/18/19	841
TESIC	HELENA	20202	\$49916.0000	RESIGNED	YES	08/22/19	841
THORSEN	KENNETH S	90692	\$22.0700	APPOINTED	YES	08/25/19	841
TORRES JR. JR	RAYMOND	90692	\$22.0700	APPOINTED	YES	08/18/19	841
UKYAB	TENZING	56057	\$50078.0000	INCREASE	YES	08/25/19	841
VARELA	JOSEPH M	90692	\$22.0700	APPOINTED	YES	08/18/19	841
VOLLARO	MARK L	90692	\$22.0700	APPOINTED	YES	08/18/19	841
WARREN	SIMONE A	31305	\$62570.0000	APPOINTED	YES	08/25/19	841
WHITLEY	LINDA A	1002C	\$70994.0000	RETIRED	NO	08/30/19	841
WILKINSON	ROHAN A	92406	\$380.6400	DECREASE	YES	08/21/19	841
WILLIAMS	SHAWN S	90692	\$22.0700	APPOINTED	YES	08/18/19	841

DEPARTMENT OF TRANSPORTATION
FOR PERIOD ENDING 09/06/19

NAME	TITLE	NUM	SALARY	ACTION	PROV EFF DATE	AGENCY
WOOD	DANIELLE M	90692	\$22.0700	APPOINTED	YES	08/18/19 841
WYNTER	SHELDON K	90692	\$22.0700	APPOINTED	YES	08/18/19 841
ZACK	REBECCA T	13388	\$168713.0000	INCREASE	YES	08/18/19 841
ZHANG	KEVIN	13643	\$91499.0000	INCREASE	NO	08/13/19 841

DEPT OF PARKS & RECREATION
FOR PERIOD ENDING 09/06/19

NAME	TITLE	NUM	SALARY	ACTION	PROV EFF DATE	AGENCY
ALBA	CAELIN C	60421	\$22.5700	INCREASE	YES	08/18/19 846
ALVAREZ	KANNY	56058	\$65602.0000	RESIGNED	YES	08/21/19 846
BARRETT	SHALONDA M	80633	\$15.0000	RESIGNED	YES	07/27/19 846
BERNSTEIN	IMELDA A	21315	\$90090.0000	DECREASE	NO	08/25/19 846
BHOLA	ELVIN L	92511	\$277.0400	APPOINTED	NO	08/11/19 846
BOYD	TOURIN L	80633	\$15.0000	RESIGNED	YES	08/10/19 846
CACERES	RICARDO O	81106	\$24.2900	RESIGNED	YES	08/18/19 846
CALDERIN	ELVIN M	71210	\$30.6300	INCREASE	YES	08/01/19 846
CAMERON	RAYMOND	80633	\$15.0000	RESIGNED	YES	07/27/19 846
CATANIA	MICHELLE A	60421	\$22.5700	APPOINTED	YES	08/11/19 846
CELLA	IAN P	91915	\$369.5300	APPOINTED	NO	08/11/19 846
CLARKE	CALVIN L	90641	\$38760.0000	RESIGNED	YES	08/29/19 846
COATES II	KEVIN R	80633	\$15.0000	RESIGNED	YES	08/07/19 846
COLEMAN	STARQUAI A	80633	\$15.0000	RESIGNED	YES	08/16/19 846
COLON	ELIZABET G	60421	\$22.5700	APPOINTED	YES	08/18/19 846
DOWD	JILL H	60421	\$22.5700	INCREASE	YES	08/18/19 846
DUKE	SHAMIA K	80633	\$15.0000	RESIGNED	YES	08/09/19 846
DUNCAN	BRIAN	34202	\$86685.0000	RETIRED	NO	08/31/19 846

Table with columns: NAME, SALARY, ACTION, DATE, AGENCY. Includes employees like ALEXANDE S, FAYZE, CRYSTAL A, etc.

DEPT OF PARKS & RECREATION FOR PERIOD ENDING 09/06/19

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes employees like JOHN F, ROBERT D, ALEXANDE, etc.

DEPT. OF DESIGN & CONSTRUCTION FOR PERIOD ENDING 09/06/19

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes employees like KEVIN, STEPHANI, CLAUDIA Y, etc.

Table with columns: NAME, SALARY, ACTION, DATE, AGENCY. Includes employees like JAMIE M, VIVIAN, DANIEL.

DEPT OF INFO TECH & TELECOMM FOR PERIOD ENDING 09/06/19

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes employees like KEITH E, RICHARD C, RICHARD C, etc.

DEPT OF INFO TECH & TELECOMM FOR PERIOD ENDING 09/06/19

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes employees like CARL J, NICHOLAS J, UMESH M, etc.

DEPT OF RECORDS & INFO SERVICE FOR PERIOD ENDING 09/06/19

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes employees like FRANCIS M, DENISE, LISA M, etc.

CONSUMER AFFAIRS FOR PERIOD ENDING 09/06/19

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes employees like FRANCIS M, DENISE, LISA M, etc.

DEPT OF CITYWIDE ADMIN SVCS FOR PERIOD ENDING 09/06/19

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes employees like ANDREW W, SHANNON, KEVIN, etc.

Table with columns: NAME, SALARY, ACTION, EFF DATE, AGENCY. Rows include GARCIA, GATES, GRAHAM, GRAHAM, GREEN, HAYNES, JADHAV, LEBRON, LEE, LEIGH, LIU, LIU, LOPEZ, MARIN, MARTIN, MILLS, MONTANEZ, MUNOZ, OLLIVIERRE-HECT, OMAGBEMI, OWENS, PAIGE, PESSOLANO, REYNOLDS, RODRIGUEZ, SANCHEZ GARCIA, SHUSTER, SILBERSTEIN, SIMMONS, SMITH, SOLOMON, VELASQUEZ, WASHINGTON, XIE.

DISTRICT ATTORNEY-MANHATTAN
FOR PERIOD ENDING 09/06/19

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Rows include ALHANOUGH, AMINOV, ASHBY, CAMPOS FIALLOS, FLETCHER, FLORES, GOLDBERG, GONZALEZ, GRECCO, HARBA, HART, KHANNA, LI, MEYERS, NORBERG, RICE, ROSENBERG, SPICUZZA JR, VESTER, WHELAN JR.

BRONX DISTRICT ATTORNEY
FOR PERIOD ENDING 09/06/19

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Rows include BLANCO, CAMPA PANTALEON, EDDET, GABBIDON, GANATRA, HAINES, HAMMOND, KHAN, SCERBAK, SEENAUGHT, WEST.

DISTRICT ATTORNEY KINGS COUNTY
FOR PERIOD ENDING 09/06/19

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Rows include ARMSTRONG, BASORA, CATARINA, DE CASTRO JR.

Table with columns: NAME, SALARY, ACTION, EFF DATE, AGENCY. Rows include FERGUSON, GREGORY, JOHNSON, JOO, MUNETON, PEGUERO, SANDOVAL, TOUSSAINT.

DISTRICT ATTORNEY QNS COUNTY
FOR PERIOD ENDING 09/06/19

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Rows include AROCA, ENG, HENRY, HORGAN, KAPPEL, KNIGHT, LANG, SANCHEZ, YI.

DISTRICT ATTORNEY RICHMOND COU
FOR PERIOD ENDING 09/06/19

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Rows include COCOLA, ENG-WALLACE, KANG, MCCOMISKEY, O'LEARY, SIGNORILE.

DISTRICT ATTORNEY-SPECIAL NARC
FOR PERIOD ENDING 09/06/19

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Rows include ASHBY, GABBIDON, KRUEGER, LEE-HIN, LOCKARD, LOPEZ, SCALICE, WEST, ZUMMO JR.

OFFICE OF THE MAYOR
FOR PERIOD ENDING 09/20/19

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Rows include BROWN, CICCCHETTI, CLEMENT, COLARUSSO, DEL SORBO, FERNANDEZ, GABRIEL, GARVIN, GLENN, GOLDENBERG, GONZALEZ-FUENTE, GREENBERG, HAMILTON, HARSTER, HINES, HUNT, JENSEN, JOHNSON, JORDAN, LEVENTHAL, LI, NEGASH, PARK, PEREZ, PINNEY, PULIDO.

Table with columns: NAME, NIRA, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employee records for RAHMAN, RICO, RODRIGUEZ, ROMERO, etc.

Table with columns: NAME, NIRA, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employee records for CONCEPCION, CRUZ, GLORIA, LAUREN, etc.

BOARD OF ELECTION FOR PERIOD ENDING 09/20/19

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists election board members like AKTER, ANDERSON, ARAYA, etc.

MAPS FOR AMBOY ROAD NORTHEAST AND SOUTHWEST OF PAGE AVENUE

Map layout including tables of assessed valuations, a detailed street map of Amboy Road and Page Avenue, notes, and official signatures. Includes a north arrow and scale bars.

MAPS FOR AMBOY ROAD NORTHEAST AND SOUTHWEST OF PAGE AVENUE

