

Empire Offshore Wind LLC

Empire Wind 1 Project
Article VII Application

Appendix K
Local Ordinances

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TABLE OF CONTENTS

Introduction.....	1
New York City (NYC) Zoning Resolution.....	1
Article IV, Chapter 2, Manufacturing District – Use Regulations.....	1
§ 42-14 – Use Group 17.....	1
§ 42-21 – Performance Standards Regulating Noise.....	4
§ 42-22 – Performance Standards Regulating Vibration.....	5
§ 42-23 – Performance Standards Regulating Smoke, Dust and Other Particulate Matter	7
§ 42-24 – Performance Standards Regulating Odorous Matter.....	9
§ 42-25 – Performance Standards Regulating Toxic Noxious Matter.....	9
§ 42-27 – Performance Standards Regulating Fire and Explosive Hazards	9
§ 42-28 – Performance Standards Regulating Humidity, Heat or Glare.....	12
Article IV, Chapter 2, Manufacturing District – Bulk Regulations.....	12
§ 43-12 – Maximum Floor Area Ratio.....	12
§ 43-24 – Measurement of Yard Width or Depth	13
§ 43-26 – Minimum Required Rear Yards	13
§ 43-43 – Maximum Height of Front Wall and Required Front Setbacks	13
Article VI, Chapter 2, Special Regulations Applying in the Waterfront Areas	15
§ 62-30 – Special Bulk Regulations	15
§ 62-326 – Buildings in Manufacturing District.....	16
§ 62-33 – Special Yard Regulations on Waterfront Blocks	16
Article VI, Chapter 4, Special Regulations Applying in Flood Hazard Areas.....	16
§ 64-12 –Applicability.....	16
§ 64-22 – Special Use Regulations for Flood-resistant Buildings.....	17
§ 64-31 – Special Bulk Regulations for All Buildings.....	18
§ 64-321 – Measurement of height for flood-resistant buildings	21
§ 64-322 – Special floor area modifications for flood-resistant buildings	21
§ 64-323 Special regulations for required yards and open spaces for zoning lots with flood-resistant buildings.....	22
NYC Administrative Code	23
Title 19, Transportation.....	23
§ 19-102 – Unlawful use or opening of street.....	23
§ 19-103 – Permits.....	23
§ 19-104 – Revocable consents.....	25
§ 19-107 – Temporary closing of streets.....	25
§ 19-108 – Display of permit.....	26
§ 19-109 – Protection at work site	27
§ 19-111 – Curbs.....	27
§ 19-112 – Ramps on curbs.....	27
§ 19-113 – Construction generally.....	28
§ 19-115 – Paving, generally.....	28
§ 19-117 – Licensing of vaults	28
§ 19-118 – Construction	29
§ 19-119 – Vault openings; protection of	29
§ 19-121 – Construction and excavation sites; storage of materials and equipment on street	30
§ 19-122 – Removal of debris.....	31

§ 19-127 – Use of hand trucks on the streets.....	31
§ 19-137 – Land Contour Work	31
§ 19-139 – Excavations for private purposes.....	33
§ 19-142 – Workers on excavations	33
§ 19-144 – Issuance of permit to open street within five years after completion of city capital construction project requiring resurfacing or reconstruction of such street.....	34
§ 19-146 – Prevention of disturbances of street surface.....	34
§ 19-147 – Replacement of pavement and maintenance of street hardware.....	35
§ 19-152 – Duties and obligations of property owner with respect to sidewalks and lots.....	35
§ 19-153 – Inspection, testing and repair of electrical-related infrastructure.....	41
Title 24, Environmental Protection and Utilities.....	42
§ 24-109 – Registrations.....	42
§ 24-123 – General requirements for applications for work permits, certificates of operation, and renewal of certificates of operation	45
§ 24-125 – Standards for granting work permits.....	46
§ 24-141 – Emission of odorous air contaminants.....	47
§ 24-142 – Emission of air contaminants; standard smoke chart.....	47
§ 24-143 – Emission of air contaminant from internal combustion engine; visibility standard	48
§ 24-146 – Preventing dust from becoming air-borne; spraying of insulating material and demolition regulated.....	48
§ 24-148 – Architectural coatings; solvents.....	50
§ 24-149.6 – Stationary engines	50
§ 24-151 – Emission of air contaminant; concealment and masking restricted.....	50
§ 24-152 – Malfunctions, breakdowns, and removal from service; emergency action plan...51	51
§ 24-153 – Emissions of air contaminant; environmental ratings.....	51
§ 24-155 – Maintenance of equipment and apparatus.....	52
§ 24-156 – Use of fuel burning equipment without using apparatus prohibited.....	52
§ 24-159 – Use of less than fully automatic equipment using fuel oil and use of any fuel burning equipment using residual fuel oil; supervision by licensed person.....	52
§ 24-163 – Operation of motor vehicle; idling of engine restricted.....	52
§ 24-168 – Use of proper fuel in fuel burning equipment.....	54
§ 24-218 – General prohibitions.....	54
§ 24-220 – Noise mitigation plan.....	55
§ 24-221 – Alternative noise mitigation plan.....	56
§ 24-222 – After-hours and weekend limits on construction work	57
§ 24-223 – After hours work authorizations.....	57
§ 24-224 – Construction work without noise mitigation plan unlawful.....	59
§ 24-226 – Air compressors.....	59
§ 24-227 – Circulation devices.....	59
§ 24-228 – Construction devices	60
§ 24-229 – Containers and construction material.....	61
§ 24-230 – Paving breakers.....	61
§ 24-236 – Motor vehicles	61
§ 24-415 – Conditions to granting permit for conduit construction; security	62
§ 24-508 – Construction of sewers by the owners of private property.....	62
§ 24-509 – Construction of sewers.....	63
§ 24-513 – Constructors; license and bond.....	64
§ 24-514 – Sewer rents	64
§ 24-518 – Obstructing substances	66
§ 24-519 – Volatile, flammable liquids.....	66
§ 24-520 – Steam and hot water	66

§ 24-523 – Industrial waste; sewer surcharges.....	67
§ 24-551 – Stormwater construction permit required.....	74
§ 24-552 – Review of stormwater pollution prevention plan or SWPPP.....	74
§ 24-554 – SWPPP to be retained on site	74
§ 24-555 – Recordkeeping.....	74
§ 24-556 – Compliance with terms and conditions of SWPPP required.....	74
§ 24-559 – Post-construction stormwater management facilities.....	75
§ 24-560 – Stormwater maintenance permit.....	75
§ 24-571 – Authority to enter and inspect.....	75
§ 24-572 – Compliance with the Multi-Sector General Permit (MSGP)	76
§ 24-573 – Recordkeeping.....	76
Title 27, Construction and Maintenance.....	76
Title 28, New York City Construction Codes.....	76
Title 29, New York City Fire Code.....	77
Rules of the City of New York.....	77
Title 1, Department of Buildings.....	77
Title 15, Department of Environmental Protection.....	77
Chapter 23 – Construction of Private Sewers or Private Drains	122
Chapter 28 – Citywide Construction Noise Mitigation	142
Chapter 31 – Rules Governing House/Site Connections To the Sewer System.....	161
Chapter 57 – Rules Concerning Drilling and Excavation	181
Title 34, Department of Transportation	184
Chapter 2 – Highway Rules.....	184
Chapter 4 – Traffic Rules and Regulations.....	250
Title 62, City Planning.....	265
Chapter 4 – Procedures for New York City Waterfront Revitalization Program (WRP) Consistency Review by the City Coastal Commission and the Department of City Planning.....	265
Title 66, Department of Small Business Services.....	268

ACRONYMS AND ABBREVIATIONS

AMR	Automatic meter reading
ANSI	American National Standards Institute
AWWA	American Water Works Association
BOEM	Bureau of Ocean Energy Management
CFR	Code of Federal Regulations
cfs	cubic feet per second
CGL	commercial general liability insurance
CRIA	community reassessment, impact and amelioration
dB	decibel
dB(A)	decibels, A-scale
DEP	Department of Environmental Protection
DOB	Department of Buildings
DOT	Department of Transportation
Empire, or the Applicant	Empire Offshore Wind, LLC
EW 1	Empire Wind 1
gpm	gallons per minute
HVAC	high-voltage alternating-current
Hz	Hertz
ISO	Insurance Services Office
lbs	pounds
lbs/sq. ft.	pounds per square foot
km	kilometer
kV	kilovolt
Lease Area	Designated Renewable Energy Lease Area OCS-A 0512
mg/liter	milligrams per liter
MTU	Meter transmission unit
M3	Manufacturing 3
Local Ordinances	local ordinances, laws, resolutions, regulations, standards, and other requirements
NOI	Notice of Intent
NYC	New York City
NYCRR	New York Codes, Rules and Regulations
NYSDEC	New York State Department of Environmental Conservation
NYISO	New York Independent System Operator, Inc.

NYSPSC or Commission	New York State Public Service Commission
OCMC	Office of Construction Mitigation and Coordination
OSHA	Occupational Safety and Health Administration
Project	EW 1 Project transmission facilities in New York
p.p.m	parts per million
Project	EW 1 Project transmission facilities in New York
POI	Point of Interconnection at the Gowanus 345-kV Substation
PSL	New York Public Service Law
RCNY	Rules of the City of New York
SBMT	South Brooklyn Marine Terminal
SWPPP	Stormwater Pollution Prevention Plan
TC	Temporary Connection
ULURP	Uniform Land Use Review Procedure
U.S.	United States
WPA	Work Project Administration

INTRODUCTION

Empire Offshore Wind LLC (Empire, or the Applicant) proposes to construct and operate the Empire Wind 1 (EW 1) Project as one of two separate offshore wind projects to be located within the Bureau of Ocean Energy Management (BOEM) designated Renewable Energy Lease Area OCS-A 0512 (Lease Area). This document is being submitted to the New York State Public Service Commission (NYSPSC or Commission) for the portions of the EW 1 Project transmission system located within the State of New York (collectively the Project) pursuant to Article VII of the New York Public Service Law (PSL).

The Project will interconnect to the New York State Transmission System operated by the New York Independent System Operator, Inc. (NYISO) at the Gowanus 345-kilovolt (kV) Substation (the point of interconnection, or POI). The Gowanus 345-kV Substation is owned by the Consolidated Edison Company of New York, Inc. The Project's onshore facilities, including the onshore cable route, onshore substation, and the POI, are located entirely within Brooklyn, Kings County, New York.

The Article VII components of the EW 1 Project include:

- Two three-core 230-kV high-voltage alternating-current (HVAC) submarine export cables located within an approximately 15.1-nautical mile (nm, 27.9-kilometer [km])-long submarine export cable corridor from the boundary of New York State waters 3 nautical miles (5.6 km) offshore to the cable landfall in Brooklyn, New York;
- A 0.2-mile (mi, 0.3-km)-long onshore cable route and substation including:
 - Two three-core 230-kV HVAC EW 1 onshore export cables buried underground from the cable landfall either directly to the cable terminations or to a vault within the onshore substation;
 - An onshore substation located at the South Brooklyn Marine Terminal (SBMT), which will increase the voltage to 345 kV for the onshore interconnection cables; and
 - Two 345-kV cable circuits, each with three single-core HVAC onshore interconnection cables, buried underground from the onshore substation to the POI.

In accordance with 16 New York Codes, Rules and Regulations (NYCRR) § 86.8, **Exhibit 7: Local Ordinances** provides a list of all local ordinances, laws, resolutions, regulations, standards, and other requirements (Local Ordinances) applicable to the proposed facility and provides a statement on the Project's compliance with each applicable Local Ordinance. This Appendix provides the full text of each substantive Local Ordinance that is addressed in **Exhibit 7**.

NEW YORK CITY (NYC) ZONING RESOLUTION

Article IV, Chapter 2, Manufacturing District – Use Regulations

§ 42-14 – Use Group 17

Use Group 17 consists primarily of manufacturing uses that:

- (1) can conform to high performance standards by controlling objectionable influences; and
- (2) in so doing, can limit their impact on adjacent residential areas; and

(3) normally generate a great deal of traffic, both pedestrian and freight.

A Service or wholesale establishments

- Building materials or contractors' yards, open or enclosed, including sales, storage, or handling of building materials, with no limitation on lot area per establishment, except that lumber yards shall be limited to 20,000 square feet of lot area per establishment, and provided that any yard in which such use is conducted is completely enclosed on all sides by a solid opaque fence or wall (including opaque solid entrance and exit gates) of suitable uniform material and color, at least eight feet in height and constructed in accordance with rules and regulations to be promulgated by the Commissioner of Buildings
- Produce or meat markets, wholesale

B Manufacturing establishments

- Adhesives, excluding manufacture of basic components
- Advertising displays
- Aircraft, including parts
- Apparel or other textile products from textiles or other materials, including hat bodies, or similar products
- Automobiles, trucks, or trailers, including parts or rebuilding of engines
- Beverages, non-alcoholic
- Boats less than 200 feet in length, building or repair, open or enclosed, provided that such use or portion thereof may be conducted outside a completely enclosed building only if located at a distance greater than 200 feet from a Residence District boundary, or if effectively screened by a wall or fence at least eight feet in height with no boat building located less than 30 feet from a Residence District boundary
- Bottling work, for all beverages
- Brushes or brooms
- Cameras or other photographic equipment, except film
- Canvas or canvas products
- Carpets
- Ceramic products, including pottery, small glazed tile, or similar products
- Chemicals, compounding or packaging
- Cork products
- Cosmetics or toiletries
- Cotton ginning, or cotton wadding or linters
- Electrical appliances, including lighting fixtures, irons, fans, toasters, electric toys, or similar appliances
- Electrical equipment assembly, including home radio or television receivers, home movie equipment, or similar products, but not including electrical machinery
- Electrical supplies, including wire or cable assembly, switches, lamps, insulation, dry cell batteries, or similar supplies
- Film, photographic
- Food products, except slaughtering of meat or preparation of fish for packing
- Fur goods, not including tanning or dyeing
- Glass products from previously manufactured glass
- Hair, felt, or feather products, except washing, curing or dyeing

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- Hosiery
 - Ice, dry or natural
 - Ink or inked ribbon
 - Jute, hemp, sisal or oakum products
 - Laboratories, research, experimental or testing
 - Leather products, including shoes, machine belting, or similar products
 - Luggage
 - Machines, business, including typewriters, accounting machines, calculators, card-counting equipment, or similar products
 - Machinery, miscellaneous, including washing machines, firearms, refrigerators, air-conditioning, commercial motion picture equipment, or similar products
 - Machine tools, including metal lathes, metal presses, metal stamping machines, woodworking machines, or similar products
 - Mattresses, including rebuilding or renovating
 - Metal finishing, plating, grinding, sharpening, polishing, cleaning, rust-proofing, heat treatment, or similar processes
 - Metal stamping or extrusion, including costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products
 - Motorcycles, including parts
 - Musical instruments, including pianos or organs
 - Novelty products
 - Optical equipment, clocks or similar precision instruments
 - Orthopedic or medical appliances, including artificial limbs, braces, supports, stretchers, or similar appliances
 - Paper products, including envelopes, stationery, bags, boxes, shipping containers, bulk goods, tubes, wallpaper printing, or similar products
 - Perfumes or perfumed soaps, compounding only
 - Pharmaceutical products
 - Plastic products, including tableware, phonograph records, buttons, or similar products
 - Printing or publishing, with no limitation on floor area per establishment
 - Rubber products, such as washers, gloves, footwear, bathing caps, atomizers, or similar products, excluding manufacture of natural or synthetic rubber
 - Scenery construction
 - Shoddy
 - Silverware, plate or sterling
 - Soap or detergents, packaging only
 - Sporting or athletic equipment, including balls, baskets, cues, gloves, bats, racquets, rods, or similar products
 - Statuary, mannequins, figurines, or religious art goods, excluding foundry operations
 - Steel products, miscellaneous fabrication or assembly, including steel cabinets, doors, fencing, metal furniture, or similar products
 - Textiles, spinning, weaving, manufacturing, dyeing, printing, knit goods, yarn, thread or cordage
 - Tobacco, including curing or tobacco products
 - Tools or hardware, including bolts, nuts, screws, doorknobs, drills, hand tools or cutlery, hinges, house hardware, locks, non-ferrous metal castings, plumbing appliances, or similar products
 - Toys
 - Umbrellas
-

- Upholstering, bulk, excluding upholstering shops dealing directly with consumers
- Vehicles, children's, including bicycles, scooters, wagons, baby carriages, or similar vehicles
- Venetian blinds, window shades, or awnings, with no limitation on production or on floor area per establishment
- Wax products
- Wood products, including furniture, boxes, crates, baskets, pencils, cooperage works, or similar products

C Miscellaneous uses

- Agriculture, including greenhouses, nurseries or truck gardens
- Docks for passenger ocean vessels, other than gambling vessels
- Docks for sightseeing, excursion or sport fishing vessels, other than gambling vessels, with no limitation on vessel or dock capacity
- Docks for vessels not otherwise listed other than docks for gambling vessels
- Public transit, railroad or electric utility substations, open or enclosed, with no limitation as to size
- Railroads, including rights-of-way, freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations, but not including passenger stations
- Truck weighing stations, open or enclosed
- Trucking terminals or motor freight stations with no limitation on lot area per establishment

D Special uses in M1-5A and M1-5B Districts

[provision not applicable]

E Accessory uses

§ 42-21 – Performance Standards Regulating Noise

§ 42-211 -- Definitions

For the purposes of this Section, the following terms are defined:

- Decibel -- A “decibel” is a unit of measurement of the intensity of sound (the sound pressure level).
- Impact noise analyzer -- An “impact noise analyzer” is an instrument used in conjunction with the sound level meter to measure the peak intensities of short duration sounds.
- Octave band -- An “octave band” is one of a series of eight bands which cover the normal range of frequencies included in sound measurements. Such octave bands serve to define the sound in terms of its pitch components.
- Octave band analyzer -- An “octave band analyzer” is an instrument used in conjunction with a sound level meter to measure sound in each of eight octave bands.
- Sound level meter -- A “sound level meter” is an instrument standardized by the American Standards Association, which is used for measurement of the intensity of sound and is calibrated in decibels.

§ 42-212 – Method of measurement

For the purpose of measuring the intensity or frequency of sound, the sound level meter, the octave band analyzer, and the impact noise analyzer shall be employed.

The “C” network and the “slow” meter response of the sound level meter shall be used. Sounds of short duration, as from forge hammers, punch presses, and metal shears, which cannot be measured accurately with the sound level meter, shall be measured with the impact noise analyzer as manufactured by the General Radio Company, or its equivalent, in order to determine the peak value of the impact. For sounds so measured, the sound pressure levels set forth in Section 42-213 (Maximum permitted decibel levels) may be increased by six decibels.

§ 42-213 – Maximum permitted decibel levels

In all *Manufacturing Districts*, the sound pressure level resulting from any activity, whether open or enclosed, shall not exceed, at any point on or beyond any *lot line*, the maximum permitted *decibel* levels for the designated *octave band* as set forth in the following table for the district indicated.

In the enforcement of this regulation, sounds produced by the operation of motor vehicles or other transportation facilities shall not be included in determining the maximum permitted *decibel* levels.

Maximum Permitted Sound Pressure Level (in decibels)

	District		
<i>Octave Band</i> (cycles per second)	M1	M2	M3
20 to 75	79	79	80
75 to 150	74	75	75
150 to 300	66	68	70
300 to 600	59	62	64
600 to 1,200	53	56	58
1,200 to 2,400	47	51	53
2,400 to 4,800	41	47	49
Above 4,800	39	44	46

§ 42-22 – Performance Standards Regulating Vibration

§ 42-221 – Definitions

For the purposes of this Section, the following terms are defined:

- Frequency -- A “frequency” is the number of oscillations per second of a vibration.
- Impact vibrations -- “Impact vibrations” are earth-borne oscillations occurring in discrete pulses at or less than 100 pulses per minute.

- Steady state vibrations – “Steady state vibrations” are earth-borne oscillations that are continuous. Discrete pulses that occur more frequently than 100 times per minute shall be considered to be steady state vibrations.
- Three-component measuring system -- A “three-component measuring system” is a device for recording the intensity of any vibration in three mutually perpendicular directions.

§ 42-222 – Method of measurement

For the purpose of measuring vibration, a three-component measuring system approved by the Commissioner of Buildings shall be employed.

§ 42-223 – Maximum permitted steady state vibration displacement

In all Manufacturing Districts, no activity shall cause or create a steady state vibration at any point on any lot line, with a displacement in excess of the permitted steady state vibration displacement for the frequencies as set forth in the following table for the district indicated.

Maximum Permitted Steady State Vibration Displacement (in inches)

	District		
<i>Frequency</i> (cycles per second)	M1	M2	M3
10 and below	.0008	.0020	.0039
10 - 20	.0005	.0010	.0022
20 - 30	.0003	.0006	.0011
30 - 40	.0002	.0004	.0007
40 - 50	.0001	.0003	.0005
50 - 60	.0001	.0002	.0004
60 and over	.0001	.0001	.0004

§ 42-224 – Maximum permitted impact vibration displacement

In all Manufacturing Districts, no activity shall cause or create an impact vibration, at any point on any lot line, with a displacement in excess of the permitted impact vibration displacement for the frequencies as set forth in the following table for the district indicated.

Maximum Permitted Impact Vibration Displacement (in inches)

	District		
<i>Frequency</i> (cycles per second)	M1	M2	M3
10 and below	.0016	.0040	.0078
10 - 20	.0010	.0020	.0044
20 - 30	.0006	.0012	.0022
30 - 40	.0004	.0008	.0014
40 - 50	.0002	.0006	.0010
50 - 60	.0002	.0004	.0008
60 and over	.0002	.0002	.0008

§ 42-23 – Performance Standards Regulating Smoke, Dust and Other Particulate Matter

§ 42-231 – Definitions

For the purposes of this Section, the following terms are defined:

- Combustion for indirect heating – “Combustion for indirect heating” is the burning of fuel in equipment, such as steam boilers, water or air heaters, stills, or brew kettles, where there is no contact between the products of combustion and the materials being heated.
- Dust – “Dust” is solid particulate matter capable of being air- or gas-borne.
- Particulate matter – “Particulate matter” is any finely divided liquid or solid matter capable of being air- or gas-borne.
- Process weight – “Process weight” is the total weight of all materials used in any process which discharges dust into the atmosphere. Such materials shall include solid fuels, but not liquid or gaseous fuels or combustion air.
- Smoke – “Smoke” is any visible emission into the open air from any source, except emissions of an uncontaminated water vapor.
- Smoke unit – A “smoke unit” is a measure of the quantity of smoke being discharged and is the number obtained by multiplying the smoke density in a Standard Smoke Chart number by the time of emission in minutes. For example, the emission of Standard Smoke Chart number 1 for one minute equals one smoke unit.
- Standard Smoke Chart numbers – “Standard Smoke Chart numbers” are the numbers on the Standard Smoke Chart of the Department of Air Pollution Control that coincide most nearly with the grids on the Standard Smoke Chart indicating graduations of light-obscuring capacity of smoke.

§ 42-232 – Maximum permitted emission of smoke

In all Manufacturing Districts, the density of emission of smoke during normal operations shall not exceed Standard Smoke Chart number 2, and the quantity of smoke shall not exceed a maximum of 10 smoke units per hour per stack in M1 Districts, 20 such units in M2 Districts, and 30 such units in M3 Districts. The method of measurement, additional limitations on the emission of smoke of a density not exceeding Standard Smoke Chart number 2, and the maximum permitted density and quantity of smoke during special operations such as building new fires, banking, or cleaning fires, soot blowing, or process purging, shall be determined in accordance with rules and regulations adopted by the Department of Environmental Protection.

§ 42-233 – Maximum permitted emission of dust**(a) Related to combustion for indirect heating**

In all Manufacturing Districts, the emission into the atmosphere of dust related to combustion for indirect heating from any source shall not exceed the maximum number of pounds of dust per million British thermal units heat input per hour as set forth herein:

(1) In M1 Districts

In M1 Districts, the maximum permitted emission shall be 0.50 pounds for minimum-size plants producing a heat input of 10 million or less British thermal units per hour and 0.15 for maximum size plants producing a heat input of 10,000 million or more British thermal units per hour. All intermediate values shall be determined from a straight line plotted on log graph paper.

(2) In M2 or M3 Districts

In M2 or M3 Districts, the maximum permitted emission for such minimum-size plants shall be 0.60 in M2 Districts and 0.70 in M3 Districts, and for such maximum-size plants shall be 0.16 in M2 Districts and 0.18 in M3 Districts. All intermediate values shall be determined from a straight line plotted on log graph paper.

(b) Related to processes

In all Manufacturing Districts, the emission into the atmosphere of process dust or other particulate matter which is unrelated to combustion for indirect heating or incineration shall not exceed 0.50 pounds per hour for 100 pounds of process weight or 50 pounds per hour for 100,000 pounds of process weight. All intermediate values shall be determined from a straight line plotted on log graph paper.

(c) Total limit on emission of dust or other particulate matter in M1 or M2 Districts

In M1 or M2 Districts the maximum amount of dust or other particulate matter from all sources including combustion for indirect heating, process dust, or combustion for incineration which may be emitted from a single stack or vent shall not exceed 33 pounds per hour in M1 Districts, nor 250 pounds per hour in M2 Districts.

(d) Method of measurement and dust from incineration

In all Manufacturing Districts, the method of measurement and permitted emission of dust related to combustion for incineration shall not exceed the maximum allowances established under rules and regulations adopted by the Department of Environmental Protection.

(e) Prevention of wind-blown air pollution

In all Manufacturing Districts, all storage areas, yards, service roads, or other untreated open areas within the boundaries of a zoning lot shall be improved with appropriate landscaping or paving, or treated by oiling or any other means as specified in rules and regulations adopted by the Department of Environmental Protection, so that dust or other types of air pollution borne by the wind from such sources shall be minimized.

§ 42-24 – Performance Standards Regulating Odorous Matter

§ 42-242 – In M3 Districts

In M3 Districts, the emission of odorous matter in such quantities as to produce a public nuisance or hazard at or beyond lot lines is prohibited.

§ 42-25 – Performance Standards Regulating Toxic Noxious Matter

§ 42-251 – Definitions

For the purposes of this Section, the following term is defined:

Toxic or noxious matter – “Toxic or noxious matter” is any solid, liquid, or gaseous matter, including but not limited to gases, vapors, dusts, fumes, and mists, containing properties which by chemical means are:

- (a) inherently harmful and likely to destroy life or impair health; or
- (b) capable of causing injury to the well-being of persons or damage to property.

§ 42-252 – Regulation of toxic or noxious matter

In all Manufacturing Districts, the emission of toxic or noxious matter into the atmosphere shall be in accordance with limits established by the Department of Environmental Protection. In addition to such emission limits, the emission of such matter shall be so controlled that no concentration at or beyond lot lines shall be detrimental to or endanger the public health, safety, comfort, and other aspects of the general welfare, or cause damage or injury to property.

§ 42-27 – Performance Standards Regulating Fire and Explosive Hazards

§ 42-271 – Definitions

For the purposes of this Section, the following terms are defined:

- Flammable or explosive – “Flammable or explosive” materials are materials which produce flammable or explosive vapors or gases under ordinary weather temperature, including liquids with an open cup flash point of less than 100 degrees F.
- Free burning – “Free burning” materials are materials constituting an active fuel.
- Intense burning – “Intense burning” materials are materials which by virtue of low ignition

- temperature, high rate of burning, and large heat evolution burn with great intensity.
- Moderate burning – “Moderate burning” materials are materials which in themselves burn moderately and may contain small quantities of a higher grade of combustibility.
 - Open cup flash point – The “open cup flash point” is the temperature at which a liquid sample produces sufficient vapor to flash but not ignite when in contact with a flame in a Tagliabue open cup tester.
 - Original sealed containers – “Original sealed containers” are containers with a capacity of not more than 55 gallons.
 - Slow burning – “Slow burning” materials are materials which will not ignite or actively support combustion during an exposure for five minutes to a temperature of 1,200 degrees F. and which, therefore, do not constitute an active fuel.

§ 42-272 – Classifications

For the purposes of this Section, materials are divided into four classifications or ratings based on the degree of fire and explosive hazard. The rating of liquids is established by specified open cup flash points as set forth in this Section, and the Board of Standards and Appeals shall determine the rating of solids under this Section.

- (a) Class I includes slow burning to moderate burning materials. This shall include all liquids with an open cup flash point of 182 degrees F. or more.
- (b) Class II includes free burning to intense burning materials. This shall include all liquids with an open cup flash point between 100 and 182 degrees F.
- (c) Class III includes materials which produce flammable or explosive vapors or gases under ordinary weather temperature. This shall include all liquids with an open cup flash point of less than 100 degrees F.
- (d) Class IV includes materials which decompose by detonation, including but not limited to all primary explosives such as lead azide, lead styphnate, fulminates, and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof, such as nitrocellulose, black powder, boron hydrides, hydrazine, and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles and ozonides; and strong oxidizing agents such as perchloric acid, perchlorates, chlorates, chlorites, or hydrogen peroxide in concentrations greater than 35 percent.

§ 42-273 – Regulations applying to Class I materials or products

In all Manufacturing Districts, Class I materials or products may be stored, manufactured, or utilized in manufacturing processes or other production.

§ 42-274 – Regulations applying to Class II materials or products

Class II materials or products may be stored, manufactured or utilized in manufacturing processes or other production only in accordance with the following provisions:

- (a) In M1 Districts

[provision not applicable]

(b) In M2 Districts

[provision not applicable]

(c) In M3 Districts

In M3 Districts, Class II materials or products may be stored, manufactured, or utilized without limitation.

(1) Special provisions applying along district boundaries

In M3 Districts and within 100 feet of the district boundary of a Residence District, a Commercial District or an M1 District, Class II materials or products shall be stored, manufactured, or utilized only in accordance with the provisions set forth in paragraph (a) of this Section for M1 Districts.

§ 42-275 – Regulations applying to Class III materials or products

Class III materials or products may be stored, manufactured or utilized in manufacturing processes or other production only in accordance with the following provisions:

(a) In M1 Districts

[provision not applicable]

(b) In M2 Districts

[provision not applicable]

(c) In M3 Districts

In M3 Districts, Class III materials or products may be stored, manufactured, or utilized without limitation.

(1) Special provisions applying along district boundaries

In M3 Districts and within 400 feet of a Residence District, a Commercial District or an M1 District, the provisions set forth in paragraph (a) of this Section for M1 Districts shall apply. In M3 Districts and within 300 feet of the district boundary of an M2 District, no more than 200,000 gallons of Class III materials or products may be stored, except that such limitation shall not apply to storage in underground tanks or storage of finished products in original sealed containers.

§ 42-276 – Regulations applying to Class IV materials or products

Class IV materials or products shall not be manufactured in any Manufacturing District and may be utilized in manufacturing processes or other production in any Manufacturing District only when authorized by a special permit granted by the Board of Standards and Appeals in accordance with the provisions of Article VII, Chapter 3. No storage of Class IV materials or products is permitted in any

Manufacturing District except such accessory storage as may be authorized by such special permit for the utilization of such materials or products in manufacturing processes or other production.

§ 42-277 – Regulations applying to oxygen manufacture, storage, or utilization

Oxygen, gaseous or liquid, shall not be manufactured in any Manufacturing District except when authorized by a special permit granted by the Board of Standards and Appeals in accordance with the provisions of Article VII, Chapter 3. Oxygen, gaseous or liquid, may be stored or utilized in all Manufacturing Districts in accordance with the provisions set forth in the Administrative Code and subject to the following limitations:

- (a) In M1 Districts

[provision not applicable]

- (b) In M2 Districts

[provision not applicable]

- (c) In M3 Districts

In M3 Districts, the total quantity of such oxygen stored is unlimited.

§ 42-28 – Performance Standards Regulating Humidity, Heat or Glare

§ 42-283 – Regulation applying to M3 Districts

When an M3 District adjoins any other district, any activity producing excessive humidity in the form of steam or moist air, or producing intense heat or glare, shall be carried out in such a manner as not to be perceptible at or beyond the district boundary.

Article IV, Chapter 2, Manufacturing District – Bulk Regulations

§ 43-12 – Maximum Floor Area Ratio

In all districts, as indicated, for any zoning lot, the maximum floor area ratio shall not exceed the floor area ratio set forth in the following table, except as otherwise provided in the following Sections:

- Section 43-121 (Expansion of existing manufacturing buildings)
- Section 43-122 (Maximum floor area ratio for community facilities)
- Section 43-13 (Floor Area Bonus for Public Plazas)
- Section 43-14 (Floor Area Bonus for Arcades)
- Section 43-15 (Existing Public Amenities for which Floor Area Bonuses Have Been Received)
- Section 43-16 (Special Provisions for Zoning Lots Divided by District Boundaries)
- Section 43-61 (Bulk Regulations for Residential Uses in M1-1D Through M1-5D Districts)
- Section 43-62 (Bulk Regulations in M1-6D Districts)

Any given lot area shall be counted only once in determining the floor area ratio.

Districts	Maximum Permitted Floor Area Ratio
M1-1	1.00
M1-2* M1-4 M2-1 M2-3 M3	2.00
M1-3 M1-5 M2-2 M2-4	5.00
M1-6	10.00

For zoning lots containing both community facility use and manufacturing or commercial use, the total floor area used for manufacturing or commercial use shall not exceed the amount permitted in the table in this Section or by the bonus provisions in Sections 43-13 or 43-14.

Notwithstanding any other provisions of this Resolution, the maximum floor area ratio in an M1-6 District shall not exceed 12.0.

§ 43-24 – Measurement of Yard Width or Depth

In all Manufacturing Districts, the width or depth of a yard or rear yard equivalent shall be measured perpendicular to lot lines.

§ 43-26 – Minimum Required Rear Yards

In all districts, as indicated, a rear yard with a depth of not less than 20 feet shall be provided at every rear lot line on any zoning lot except as otherwise provided in Sections 43-27 (Special Provisions for Shallow Interior Lots), 43-28 (Special Provisions for Through Lots) or 43-31 (Other Special Provisions for Rear Yards). Rear yards shall also be provided along portions of side lot lines as set forth in Section 43-261 (Beyond one hundred feet of a street line).

§ 43-43 – Maximum Height of Front Wall and Required Front Setbacks

M1 M2 M3

In all districts, as indicated, if the front wall or any other portion of a building or other structure is located at the street line or within the initial setback distance as set forth in the table in this Section, the height of such front wall or other portion of a building or other structure, except as otherwise set forth in this Section, shall not exceed the maximum height above curb level set forth in the table. Above such maximum height and beyond the initial setback distance, the building or other structure shall not penetrate the sky exposure plane set forth in the table.

The regulations of this Section shall apply, except as otherwise provided in Sections 43-42 (Permitted Obstructions), 43-44 (Alternate Front Setbacks) or 43-45 (Tower Regulations). In M1-1 Districts, for community facility buildings, the maximum height of a front wall shall be 35 feet or three stories, whichever is

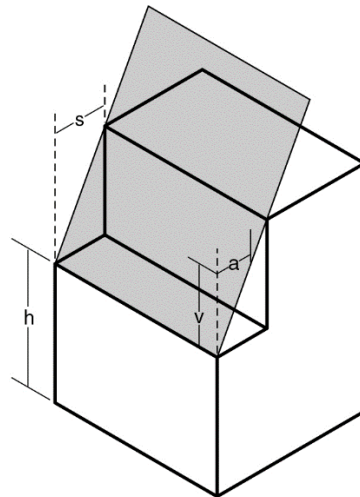
less, and the height above the street line shall be 35 feet, and in M1-4 Districts, for community facility buildings, the maximum height of a front wall shall be 60 feet or six stories, whichever is less.

For zoning lots in M1-6 Districts that are both within 100 feet of the western street line of Seventh Avenue and between West 28th and West 30th Streets in the Borough of Manhattan, the following street wall regulations shall apply to street frontages not occupied by a public plaza. The street wall of a building shall be located on the street line and extend along the entire street frontage of the zoning lot up to a minimum height of 125 feet or the height of the building, whichever is less, and a maximum height of 150 feet. Above a height of 150 feet, no portion of a building may penetrate a sky exposure plane except for towers, pursuant to Section 43-45. The sky exposure plane shall begin at a height of 150 feet above the street line and rise over the zoning lot at a slope of 5.6 feet of vertical distance for each foot of horizontal distance on a wide street, and at a slope of 2.7 feet of vertical distance for each foot of horizontal distance on a narrow street. The provisions of Section 43-44 shall not apply. On the ground floor, recesses shall be permitted where required to provide access to the building, provided such recesses do not exceed three feet in depth as measured from the street line. Above the level of the second story, up to 30 percent of the aggregate width of street walls may be recessed beyond the street line. However, no recesses shall be permitted within 20 feet of an adjacent building and within 30 feet of the intersection of two street lines.

MAXIMUM HEIGHT OF FRONT WALL AND REQUIRED FRONT SETBACKS

Initial Setback Distance (in feet)		Maximum Height of a Front Wall, or other Portion of a Building or other structure within the Initial Setback Distance	Sky Exposure Plane				
			Height above Street Line (in feet)	Slope over Zoning Lot (expressed as a ratio of vertical distance to horizontal distance)			
				On Narrow Street		On Wide street	
On Narrow Street	On Wide Street			Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance
Within M1-1 Districts							
20	15	30 feet or 2 stories , whichever is less	30	1 to	1	1 to	1
Within M1-2, M1-4, M2-1, M2-3 or M3 Districts							

20	15	60 feet or 4 <i>stories</i> , whichever is less	60	2.7 to	1	5.6 to	1
Within M1-3, M1-5, M1-6, M2-2 or M2-4 Districts							
20	15	85 feet or 6 <i>stories</i> , whichever is less	85	2.7 to	1	5.6 to	1



a - Horizontal distance
h - Height of sky exposure plane above street line
s - Initial setback distance
v - Vertical distance

 Sky Exposure Plane

SKY EXPOSURE PLANE
(23 - 641, 24 - 522, 33 - 432, 43 - 43)

Article VI, Chapter 2, Special Regulations Applying in the Waterfront Areas

§ 62-30 – Special Bulk Regulations

All zoning lots within waterfront blocks shall comply with the bulk regulations of this Section. For the purposes of this Section, non-waterfront blocks included in Waterfront Access Plan BK-1 shall be considered to be waterfront blocks. Existing non-complying buildings or other structures shall be subject to the provisions of Article V (Non-conforming Uses and Non-complying Buildings).

A change of use involving a building or other structure lawfully existing on October 25, 1993, shall be permitted in accordance with the applicable district use regulations, as modified by the provisions of this Chapter. Any non-compliances created with respect to the provisions of this Section due solely to the change of use shall be deemed to be existing non-compliances. However, no enlargement or other alteration of such buildings or other structures may be made which would either create a new non-compliance or increase the degree of non-

compliance with respect to the provisions of this Section.

Modification of the bulk regulations of Sections 62-31, 62-32, 62-33 or 62-341 shall only be allowed by authorization or special permit of the City Planning Commission pursuant to Sections 62-837, 74-711, 74-74, 74-79, 78-00 or 79-00.

Provisions for modification of the bulk regulations on piers and floating structures are set forth in Sections 62-342 and 62-343.

In no event shall any bulk modification include modification of the provisions of paragraph (a) of Section 62-31 or the maximum floor area ratio for the applicable district set forth in Section 62-322.

§ 62-326 – Buildings in Manufacturing District

In Manufacturing Districts, for any zoning lot, the maximum floor area ratio shall be in accordance with the applicable district regulations, except that no floor area bonuses shall be permitted.

§ 62-33 – Special Yard Regulations on Waterfront Blocks

Yard regulations for zoning lots shall be governed by the provisions of this Section. For developments containing WD uses or, in C8 or Manufacturing Districts, developments comprised predominantly of uses in Use Groups 16, 17 or 18, or for developments on zoning lots that are not waterfront zoning lots, yards shall be provided in accordance with the applicable district regulations. For all other developments, yards shall be provided in accordance with the provisions of Sections 62-331 (Front yards and side yards) and 62-332 (Rear yards and waterfront yards), except that no yard regulations shall be applicable on piers or floating structures nor may piers or floating structures be used to satisfy any yard requirements.

§ 62-331 – Front yards and side yards

Front yards and side yards shall be provided on zoning lots within waterfront blocks in accordance with applicable district regulations, except that:

- (a) any rear lot line of a waterfront zoning lot that intersects the shoreline shall be deemed to be a side lot line and be subject to side yard regulations; and
- (b) side yard regulations shall be inapplicable along side lot lines that are coincident with or seaward of the shoreline. In lieu thereof, a waterfront yard shall be provided in accordance with the provisions of Section 62-332.

Article VI, Chapter 4, Special Regulations Applying in Flood Hazard Areas

§ 64-12 –Applicability

The optional provisions of this Chapter shall apply to zoning lots located wholly or partially within flood zones, as follows:

(a) For all zoning lots in the flood zone

The provisions of Sections 64-21 (Special Use Regulations for All Buildings), 64-31 (Special Bulk Regulations for All Buildings) and 64-41 (Special Parking Regulations for All Buildings), inclusive, may be applied to all zoning lots, regardless of whether buildings or other structures on such zoning lots comply with flood-resistant construction standards.

(b) For zoning lots containing flood-resistant buildings

The provisions of Sections 64-22 (Special Use Regulations for Flood-resistant Buildings), 64-32 (Special Bulk Regulations for Flood-resistant Buildings), 64-42 (Special Parking Regulations for Flood-resistant Buildings), and 64-60 (SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS), inclusive, may be applied only to #zoning lots# containing flood-resistant buildings, including cottage envelope buildings, as applicable, and Section 64-33 (Special Bulk Regulations for Cottage Envelope Buildings) may additionally be applied exclusively to zoning lots containing cottage envelope buildings. Where such provisions are utilized, the provisions of Section 64-50 (STREETSCAPE REGULATIONS), inclusive, shall apply.

(c) For portions of buildings:

The following provisions may be applied to portions of buildings as follows:

(1) the provisions of Section 64-311 (Special floor area modifications for all buildings) and 64-313 (Special height and setback regulations for all buildings) may be applied to portions of buildings, regardless of whether such portions comply with flood-resistant construction standards;

(2) the provisions of Section 64-32 (Special Bulk Regulations for Flood-resistant Buildings), inclusive, may be applied to portions of #buildings#, provided that such portions comply with #flood-resistant construction standards# for the entirety of its vertically contiguous segments. Where such provisions are utilized within portions of #buildings#, the provisions of Section 64-50 (STREETSCAPE REGULATIONS), inclusive, shall apply.

§ 64-22 – Special Use Regulations for Flood-resistant Buildings

The provisions of this Section, inclusive, are optional, and are only applicable to zoning lots located wholly or partially within flood zones. The provisions of this Section, inclusive, may be applied to zoning lots containing flood-resistant buildings, including cottage envelope buildings. For such zoning lots, the underlying use regulations shall apply, except where permitted to be modified by this Section, inclusive.

§ 64-221 – Measurement of height

In all districts, as an alternative to measuring heights from base plane, curb level, or other applicable datum, all height measurements in flood zones, including the number of stories permitted, as applicable, may be measured from the reference plane. However, this provision shall not apply to signs not affixed to buildings or other structures.

§ 64-222 – Ground floor use

In all districts, any applicable ground floor level requirements of this Resolution including, but not limited to, the location of such ground floor in relation to the adjoining sidewalk level, the height of a qualifying ground floor, restrictions of types of use, the minimum depth for certain uses, maximum width for certain uses, minimum transparency requirement, and parking wrap and screening requirements, may be modified as

follows:

- (a) In locations of the flood zone where flood-resistant construction standards prohibit dry-flood-proofing, thereby limiting uses other than parking, storage and building access from being located below the flood-resistant construction elevation, such ground floor level requirements need not apply.
- (b) In all other locations of the flood zone, all regulations of this Resolution restricting the location of a ground floor in relation to the adjoining sidewalk level need not apply, provided that all other ground floor level regulations shall be applied to the lowest story above grade that is not solely used for parking, storage or building access, and further provided that the finished floor level of such story shall be located either at or below the level of the flood-resistant construction elevation or five feet above curb level, whichever is higher. All associated transparency requirements may be measured from such level of the finished floor instead of the level of the adjoining sidewalk.

§ 64-31 – Special Bulk Regulations for All Buildings

The provisions of this Section, inclusive, are optional, and are only applicable to zoning lots located wholly or partially within flood zones. The provisions of this Section, inclusive, may be applied to zoning lots regardless of whether buildings or other structures on such zoning lots comply with flood-resistant construction standards. For such zoning lots, the underlying bulk regulations shall apply, except where permitted to be modified by this Section, inclusive.

§ 64-312 – Permitted obstructions in required yards, courts and open spaces for all zoning lots

The regulations for permitted obstructions in yards, courts and open space shall be modified in accordance with the provisions of this Section.

(a) Mechanical equipment

In all districts, the underlying allowances for accessory power systems as permitted obstructions in any open space#, yard, rear yard equivalent, or court, may be expanded to include all accessory mechanical equipment, provided that:

(1) all equipment shall be subject to the following enclosure and screening requirements, as applicable:

- (i) all power system equipment shall be enclosed within a building or other structure, or screened, as applicable, pursuant to the requirements set forth in the applicable underlying district allowances;
- (ii) all other types of equipment, including all mechanical, electrical and plumbing equipment, shall be completely enclosed within a building or other structure, except as necessary for mechanical ventilation; and

(2) the size and location of all accessory mechanical equipment, including all screening and enclosures containing such equipment, shall not exceed the size limitations specified in the underlying allowances, except that, where such equipment is elevated above the flood-resistant construction elevation, the permitted size and location of such accessory mechanical equipment may be modified as follows:

- (i) where any equipment is required to be located at least five feet from any lot line, such distance may be reduced to three feet for zoning lots that have less than the prescribed minimum lot area or lot width required by the applicable district regulations;

(ii) the maximum height of such permitted obstructions for the applicable district:

- (a) may be measured from the reference plane instead of the level of the adjoining grade or curb level, as applicable; or
- (b) for zoning lots containing residences and a lot area greater than or equal to one and one-half acres, may exceed the applicable height limitations, provided that:
 - (1) such equipment is contained within a building or other structure that is located at least 30 feet from any legally required window;
 - (2) any stack associated with heating, ventilation, and air conditioning (HVAC) systems exhausts at a height at least as tall as the tallest building containing residences on the zoning lot; and
 - (3) such building or other structure complies with one point of the streetscape mitigations set forth in Section 64-52 (Ground floor level mitigation options); and

(iii) the maximum area that such equipment may occupy within a required side yard, rear yard or rear yard equivalent, or any court containing legally required windows need not apply where the height of such obstructions do not exceed the applicable underlying height allowances, as modified by the provisions of paragraph (a)(2)(ii)(a) of this Section.

(b) Berms

In all districts, structural landscaped berms and associated flood gates, including emergency egress systems that are assembled prior to a storm and removed thereafter, shall be permitted obstructions in any required open space, yard or rear yard equivalent on the zoning lot, provided that the height of such berm does not exceed the highest flood-resistant construction elevation required on the zoning lot, or five feet above the lowest adjoining grade, whichever is higher.

(c) Flood control devices

In all districts, temporary flood control devices and associated permanent fixtures, including emergency egress systems that are assembled prior to a storm and removed thereafter shall be permitted obstructions in yards and rear yard equivalents, courts, open space, public plazas, arcades, pedestrian circulation spaces and all other publicly accessible open spaces. However, permanent fixtures for self-standing flood control devices installed in publicly accessible open areas, arcades, and pedestrian circulation spaces shall be flush-to-grade.

(d) Steps

In all Residence Districts, the provisions of paragraph (a)(17) of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be modified to allow steps within a required yard or rear yard equivalent, provided that such steps access any story located at or below the first story above the flood elevation.

§ 64-313 Special height and setback regulations for all buildings

The regulations for permitted obstructions to applicable height and setback regulations shall be modified in accordance with the provisions of this Section.

(a) Bulkheads and mechanical equipment in low-density Residence Districts In R3-2, R4, and R5 Districts, except R4-1, R4A, R4B and R5A Districts, for buildings other than single- and two-family residences, the underlying permitted obstructions regulations governing elevator or stair bulkheads (including shafts, and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks, and accessory mechanical equipment, other than solar or wind energy systems, may be modified as follows:

- (1) In R3-2 and R4 Districts, for #buildings#, or portions thereof, subject to the provisions of Article II, Chapter 3, the provisions of Section 23-621 (Permitted obstructions in certain districts) shall be modified to permit such obstructions, provided that:
 - (i) such obstructions shall be located not less than 10 feet from the street wall of a building;
 - (ii) all mechanical equipment shall be screened on all sides;
 - (iii) the lot coverage of all such obstructions and such screening shall not exceed 250 square feet or 10 percent of the lot coverage of the building, whichever is greater; and
 - (iv) such obstructions are limited to a height of 15 feet above the maximum height of perimeter walls;
- (2) In R3-2 and R4 Districts, for buildings, or portions thereof, subject to the provisions of Article II, Chapter 4, the provisions of paragraph (f) of Section 24-51 (Permitted Obstructions) shall apply, except that the maximum lot coverage may be increased from 20 percent to 30 percent of the lot coverage of the building, provided that such obstructions are limited to a maximum height of 25 feet;
- (3) In R5 Districts, the provisions of paragraph (g) of Section 23-62 (Permitted Obstructions), and paragraph (f) of Section 24-51 shall apply, as applicable, except that the maximum lot coverage may be increased from 20 percent to 30 percent of the lot coverage of the building, provided that such obstructions are limited to a maximum height of 25 feet.

(b) Bulkheads and mechanical equipment in medium- and high-density Residence Districts, and Commercial and Manufacturing Districts

In R6 through R10 Districts, and in all Commercial and Manufacturing Districts, the underlying permitted obstructions regulations of paragraph (g) of Section 23-62, paragraph (f) of Section 24-51, paragraph (f) of Section 33-42, or paragraph (e) of Section 43-42, As applicable, governing elevator or stair bulkheads (including shafts, and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks, and accessory mechanical equipment, other than solar or wind energy systems, may be modified as follows:

- (1) where the maximum permitted height of a building, or portion thereof is less than 120 feet:
 - (i) the maximum lot coverage may be increased from 20 percent to 30 percent of the lot coverage of the building, provided that such obstructions are limited to a maximum height of 25 feet; or
 - (ii) the maximum permitted height of such volume may be increased from 25 feet to 33 feet, provided that the lot coverage of all such obstructions does not exceed 20 percent of the lot coverage of the building;
- (2) where the maximum permitted height of a building, or portion thereof is 120 feet or greater:
 - (i) the maximum lot coverage may be increased from 20 percent to a maximum lot coverage of 30 percent of the lot coverage of the building, provided that such obstructions are limited to a maximum height of 40 feet; or

(ii) the maximum permitted height of such volume may be increased from 40 feet to 55 feet, provided that the lot coverage of all such obstructions does not exceed 20 percent of the lot coverage of the building.

(c) Dormers

For Quality Housing buildings, or portions thereof, as an alternative to the provisions of paragraph (c) of Section 23-621, dormers may be a permitted obstruction within a required front setback distance above a maximum base height, provided that the aggregate width of all dormers at the maximum base height does not exceed 40 percent of the width of the street wall of the highest story entirely below the maximum base height. Such dormers need not decrease in width as the height above the maximum base height increases.

§ 64-321 – Measurement of height for flood-resistant buildings

In all districts, as an alternative to measuring heights from base plane, curb level, or other applicable datum, all height measurements in flood zones, including the number of stories permitted, as applicable, may be measured from the reference plane, except as follows:

- (a) for Quality Housing Buildings, any minimum base height requirements shall continue to be measured from the base plane; and
- (b) the provisions of this Section shall not apply:
 - (1) to fences or other structures that are not buildings; and
 - (2) to buildings that are accessory to single- or two-family residences, except when mechanical equipment is located within such building.

§ 64-322 – Special floor area modifications for flood-resistant buildings

For all flood-resistant buildings, the definition of floor area may be modified in accordance with the provisions of this Section.

(a) Entryways

In all districts, for buildings other than residential buildings with enclosed entryways below the first story above the flood elevation, up to 100 square feet of such entryways may be excluded from the definition of floor area for each foot of difference between the first story above the flood elevation and the level of the adjoining sidewalk, provided such floor space complies with the flood-resistant construction standards for dry-floodproofing up to the flood-resistant construction elevation or higher. However, no more than a maximum of 500 square feet may be excluded from the definition of floor area for each entryway.

Such exempted floor space shall be considered floor area for the purposes of satisfying other ground floor use regulations of this Resolution, including, but not limited to, limitations on floor area for certain uses, parking wrap and screening requirements, and requirements for floor area at the ground floor.

(b) Modifications to attic allowances for residential buildings

In R2X, R3, R4, R4A, and R4-1 Districts outside of lower density growth management areas, the provisions of paragraph (a) of Section 23-142 (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts) shall be modified to allow the floor area ratio set forth in the table of such Section to be exceeded by 20 percent provided that any such increase in floor area is located in any portion of a building covered by a sloping roof that rises at least three and one-half inches in vertical distance for each foot of horizontal distance.

(c) Flood-proofed ground floors

(1) For buildings along primary street frontages, or portions thereof, as defined in Section 64-11, floor space located below the first story above the flood elevation and within 30 feet of the street wall along such primary street frontage may be excluded from the calculation of floor area, provided that:

- (i) such floor space complies with the flood-resistant construction standards for dry flood-proofing up to the flood-resistant construction elevation or higher;
- (ii) the level of the finished floor of such floor space is located no more than two feet above nor two feet below curb level;
- (iii) such floor space shall be limited to non-residential uses other than accessory parking or public parking garages and subject to the minimum depth requirements set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses);
- (iv) ground floor level street walls shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements); and
- (v) for developments, the level of the first story above the flood elevation is 13 feet or more above the level of the adjoining sidewalk.

However, such floor space shall be considered floor area for the purposes of satisfying other ground floor use regulations of this Resolution, including, but not limited to, limitations on floor area for certain uses, parking wrap and screening requirements, and requirements for non-residential floor area at the ground floor.

(d) Floor area for existing buildings

For zoning lots containing buildings existing prior to [date of adoption], as an alternative to the floor area regulations of this Chapter, the amount of floor area allocated to a basement or cellar in such existing building may be determined in accordance with how those terms were defined prior to [date of adoption].

§ 64-323 Special regulations for required yards and open spaces for zoning lots with flood-resistant buildings

For zoning lots with flood-resistant buildings, the regulations for yards and open space shall be modified in accordance with the provisions of this Section.

(a) Level of required yards

In all districts, the underlying yard regulations shall be modified to allow the level of a yard or a rear yard equivalent to be located higher than curb level, provided that it does not exceed the flood-resistant construction elevation, and the level set forth by the following regulations:

- (1) in Residence Districts, the final grade of front yards and side yards shall not penetrate a plane that begins three feet above curb level at each lot line and has a slope extending perpendicular to lot lines of one foot vertical for each 2 feet 6 inches of horizontal distance;
- (2) in Commercial and in Manufacturing Districts, for portions of zoning lots where Sections 33-29 and 43-30 (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES) apply, the level of front yards and side yard# may be permitted to exceed curb level only pursuant to paragraph (a)(1) of this Section.

Nothing in this Section shall be construed so as to permit the creation of spaces below grade on all sides in a manner inconsistent with flood-resistant construction standards.

(b) Permitted obstructions

(1) Covered porches, balconies, and covered access areas

In all districts, a porch or access area covered by a roof or other permanent structure shall be permitted obstructions in any required open space or yard on the zoning lot. Where permanent structures such as balconies are located directly above a porch or access area, such balconies may exceed the width and depth standards of Section 23-13 (Balconies).

(2) Retaining walls

In Residence Districts, retaining walls shall be permitted in front yards and side yards provided any retaining wall parallel to, or within 15 degrees of being parallel to, the street shall not exceed a maximum height of three feet, as measured from the level of the adjoining grade or planted area below such wall, so that no more than three feet of such retaining wall is visible from the street; and

(3) Fences

In Residence Districts, portions of fences located in front yards with height greater than four feet above curb level shall be required to be no more than 50 percent opaque.

(c) Front yard planting requirement

In R1 through R5 Districts, where the distance between the street wall and the street line is 10 feet or less, or for zoning lots with front yards that are shallower than the minimum required pursuant to the applicable district regulations, stairs, ramps or lifts that access the first story above the flood elevation shall be exempted from the area of a front yard for the purpose of calculating the planting requirements of Section 23-451 (Planting requirement).

NYC ADMINISTRATIVE CODE

Title 19, Transportation

§ 19-102 – Unlawful use or opening of street

Except as otherwise provided by law, no person shall remove, open or otherwise disturb the pavement of, or excavate in, a public street, or use any part of a public street so as to obstruct travel therein (i) without a permit from the commissioner, and (ii) unless such removal, opening or other disturbance of the pavement or such excavation or use is carried out in accordance with the provisions of this subchapter and of section 24-521 of the code, the rules of the department in relation thereto and the terms and conditions of such permit.

§ 19-103 – Permits

- a. In addition to any of the requirements specified in this subchapter and except as hereinafter specifically provided, all permits issued by the commissioner pursuant to this subchapter shall be subject to the provisions of this section and any rules promulgated pursuant thereto. All applications for permits shall be submitted to the commissioner in such form and shall contain such information as the commissioner shall prescribe.
- b. Each permit shall be subject to such reasonable conditions as the commissioner may determine are necessary to protect public safety and to safeguard the interests of the city.

- c. The commissioner may require that an applicant for a permit deposit cash and/or a bond or other form of security with the city in an amount which the commissioner determines may be necessary to cover and pay all of the expenses, costs and liability that the city may incur as a result of the activity for which the permit is to be issued, to insure prompt compliance with the terms and conditions of the permit or to otherwise safeguard the interests of the city.
- d. The commissioner may suspend review of applications for permits pending (i) payment by an applicant of outstanding fines, civil penalties or judgments imposed or entered against such applicant by a court or the environmental control board pursuant to this subchapter, (ii) payment by an applicant of outstanding fees or other charges lawfully assessed by the commissioner against such applicant pursuant to this subchapter and/or (iii) satisfactory compliance by an applicant with a request for corrective action or order issued by the commissioner pursuant to this subchapter.
- e.
 - 1. The commissioner may, after giving the permittee notice and an opportunity to be heard, revoke or refuse to renew a permit:
 - (a) for failure to comply with the terms or conditions of such permit or the provisions of this subchapter or of section 24-521 of the code or the rules or orders of the department in carrying out the activity for which the permit was issued;
 - (b) whenever there has been any false statement or any misrepresentation as to a material fact in the application or accompanying papers upon which the issuance of the permit was based; or
 - (c) whenever a permit has been issued in error and the conditions are such that the permit should not have been issued.
 - 2. Notwithstanding the foregoing provision, if the commissioner determines that an imminent peril to life or property exists, the commissioner may revoke a permit without affording the permittee an opportunity to be heard prior to such revocation. The permittee shall have an opportunity to be heard, in accordance with the rules of the department, within five days after such revocation.
- f. The commissioner may refuse to issue a permit to an applicant (i) who has exhibited a pattern of disregard for the provisions of this subchapter, of section 24-521 of the code, the rules or orders of the department in relation thereto or the terms or conditions of permits issued pursuant to such provisions, or (ii) who has been found liable by a court or in a proceeding before the environmental control board for a violation of any provision of this subchapter, of section 24-521 of the code, of a rule or order of the department in relation thereto or of a term or condition of a permit issued pursuant to such provision, which violation caused an imminent peril to life or property.
- g. The commissioner, consistent with article twenty-three-A of the correction law, may refuse to issue a permit if the applicant or any officer, principal, director or stockholder of such applicant owning more than ten percent of the outstanding stock of the corporation has been convicted of a crime which in the judgment of the commissioner has a direct relationship to fitness or ability to perform the activity for which the permit is required.
- h.
 - 1. If the commissioner finds that a permittee or any employee, agent, independent contractor or other person engaged in performing an activity for which a permit has been issued has violated the terms or

conditions of such permit or any provision of this subchapter or of section **24-521** of the code relating to the activity for which the permit has been issued or any order issued by or rule promulgated by the commissioner pursuant thereto or that a condition exists in any street which is in violation of a provision of this subchapter or of section **24-521** of the code or any order issued by or rule promulgated by the commissioner pursuant thereto, unless the condition is an imminent threat to life or safety, the commissioner may (i) notify the permittee or other responsible person of the condition found by the commissioner to constitute such violation and request that action be taken to correct the condition in such a manner and within such period of time as shall be set forth in such request, and (ii) afford such permittee or other responsible person an opportunity to contest the commissioner's finding in a manner to be set forth in the rules of the department. The commissioner may assess a fee for the administrative expense and the expense of additional inspections which the department may incur as a result of such condition.

2. The provisions of this subdivision shall not be construed to limit the power of the commissioner to take any other action authorized pursuant to this subchapter with respect to any violation, including but not limited to, the commencement of an action or proceeding in a court or before the environmental control board or to require that the commissioner resort to the procedure set forth in this subdivision as a prerequisite to the commencement of an action or proceeding in a court or before the environmental control board or the taking of any other action authorized pursuant to this subchapter with respect to a violation.

- i. As used in this section, the term "permit" includes a license.

§ 19-104 – Revocable consents

The issuance of revocable consents by the commissioner pursuant to this subchapter shall be subject to the provisions of chapter fourteen of the charter and the rules adopted by the commissioner pursuant thereto.

§ 19-107 – Temporary closing of streets

- a.
 - (i) Except as otherwise provided by law, it shall be unlawful for any person to close any street, or a portion thereof, within the jurisdiction of the commissioner, to pedestrian or vehicular traffic without a permit from the commissioner.
 - (ii) The commissioner may temporarily close or may issue a permit to temporarily close to pedestrian or vehicular traffic any street, or a portion thereof, within his or her jurisdiction, when, in his or her judgment, travel therein is deemed to be dangerous to life, in consequences of there being carried on in such street activities such as building operations, repairs to street pavements, sewer connections, or blasting for the purpose of removing rock from abutting property, or upon advice from the police commissioner, fire commissioner or commissioner of the office of emergency management that such closure will promote or protect safety or life, or when such closure may be necessary for a public purpose. In such event, the commissioner shall make available to the community board and council member in whose district such street is located information regarding any such closure which continues beyond five business days, state the reason or reasons for such closure and the estimated date for the street, or any portion thereof, to reopen.
- b. In the event that a publicly mapped street that is used for vehicular or vehicular and pedestrian access, for

which vehicular access is fully closed for more than one hundred eighty consecutive days, the commissioner shall issue or cause to be issued a community reassessment, impact and amelioration (CRIA) statement that has been approved by the commissioner or other government entity initiating the street closure which shall be delivered to both the community board and the council member in whose district the street is located on or before the two hundred tenth day of the closure. Such CRIA statement shall contain the following: the objectives of the closure and the reasons why the continued street closure is necessary to attain those objectives, which in the case of a closure initiated by a local law enforcement agency for security reasons shall be satisfied by a statement from the local law enforcement agency that the street has been closed and will remain closed for security reasons; identification of the least expensive alternative means of attaining those objectives and the costs of such alternatives, or a statement and explanation as to the unavailability of such alternatives, which in the case of a closure initiated by a local law enforcement agency for security reasons shall be satisfied by a statement from the law enforcement agency that there are no alternative means available; how the continued street closure will impact access and traffic flow to and within the surrounding community, including but not limited to, access to emergency vehicles, residences, businesses, facilities, paratransit transportation and school bus services; and any recommendations to mitigate adverse impact and increase access to and within the area. In the case of a closure initiated for security reasons, the police department shall ensure that the CRIA statement does not reveal non-routine investigative techniques or confidential information or potentially compromises the safety of the public or police officers or otherwise potentially compromise law enforcement investigations or operations, provided that the issuance of the CRIA statement shall not be delayed beyond the required time period. The requirement for the issuance of a CRIA statement as described in this subdivision may be satisfied by delivery of an environmental assessment statement, environmental impact statement, or similar document required by law to be prepared in relation to the street closure. Prior to the issuance of a CRIA statement, the commissioner, in the case of a closure for which a permit issued by the department is required, shall hold at least one public forum, publicized in advance, in any affected community at which the community may register its input concerning any potential adverse impacts of the street closure, including but not limited to concerns regarding timeliness of emergency vehicle response and traffic congestion resulting in a potential increase in noise and any other adverse conditions caused by the closure. In the case of a street closure effectuated for security reasons by a local law enforcement agency, such law enforcement agency shall hold the public forum provided herein. Following the public forum(s), the council member in whose district the street closure is located may forward to the government entity which held the public forum(s) issues raised at the public forum(s) by the participants. The government entity which held the public forum(s) shall make its best efforts to respond to the issues raised, utilizing the expertise of other city agencies if appropriate, and shall provide such response to be appended to the CRIA statement. In the case that an environmental assessment statement, environmental impact statement, or similar document is substituted in lieu of the CRIA statement, as provided for above, the public forum provisions provided herein shall still apply.

- c. For purposes of this section, a “street closure” shall not include a street closure undertaken by a federal or state governmental entity.

§ 19-108 – Display of permit

A copy of any permit issued pursuant to this subchapter shall be kept on the site of the opening or use or at the designated field headquarters of the work with respect to which the permit was issued and shall be presented upon demand of a police officer or any authorized officer or employee of the department or of any other city agency.

§ 19-109 – Protection at work site

- a. Protective measures. Any person who removes, opens or otherwise disturbs the pavement of or excavates in a public street or uses any part of a public street so as to obstruct travel therein shall provide barriers, shoring, lighting, warning signs or other protective measures in accordance with the rules of the department, so as to prevent danger to persons and property, and such barriers, shoring, lighting warning signs or other protective measures shall be maintained in accordance with such rules until the work shall be completed, or the danger removed.
- b. Required signs. Legible signs shall be displayed at the site of such work in accordance with the rules of the department, indicating thereon the name of the permittee, the name of the person for whom the work is being done and the names of any contractors, when employed.
- c. Disturbance, prohibited. It shall be unlawful to throw down, displace or remove any barrier shoring, plate or warning sign or to extinguish or remove any light thereon or on any obstruction in any street, without the written consent of the commissioner or without the consent of the person superintending the work or materials protected thereby.

§ 19-111 – Curbs

All curbs for the support of sidewalks hereafter to be laid shall be of the material or materials, dimensions and construction required in department specifications for such work, which shall be prescribed by the commissioner and kept on file in his or her office.

§ 19-112 – Ramps on curbs

In the construction and installation of all new and reconstructed curbs at corner located street intersections and pedestrian crosswalks not located at street intersections, provision shall be made for the installation of the following: two ramps at corners located at street intersections and one ramp at pedestrian crosswalks not located at street intersections. Such ramps shall be no less than four feet wide and shall blend to a common level with the roadway. If a common level is unobtainable, then the lip of such ramps shall not exceed a maximum of five-eighths of an inch and shall have a rounded edge. The slope of such ramp shall not exceed eight per cent. This section shall apply to all construction of new curbs and to all replacement of existing curbs. The commissioner shall have discretion to waive one of the two mandatory ramps at corners located at street intersections where any of the following obstacles exists preventing construction of such ramp within an intersection: fire hydrants, light poles, traffic signals, fire alarms, or free-standing police alarms, underground vaults, tunnels, utility maintenance holes (manholes), chambers or where the gradient of the street on which the ramp is to be located or an intersecting street exceeds a gradient of 1:8. The commissioner may waive the construction of both such ramps where the existence of underground vaults, tunnels, utility maintenance holes (manholes) and chambers would either prevent the safe construction of such ramps or render impossible the construction of such ramps to proper specifications without removal of said underground installations. A certification to such effect shall be made part of the engineering design documents for such construction, and a copy thereof shall be filed with the city clerk. Curbs for non-pedestrian routes, such as, but not limited to, service paths for highways and pedestrian restricted traffic islands shall not be subject to the provisions of this section.

§ 19-113 – Construction generally

- a. Streets of twenty-two feet in width and upward shall have sidewalks on each side thereof.
- b. The materials and construction of streets, including the width of the sidewalks thereon, shall fully conform to department specifications for such work, all of which shall be prescribed by the commissioner and kept on file in his or her office.
- c. Department specifications for streets shall include a requirement that asphaltic concrete, other than I-4 mix or other heavy duty asphaltic concrete mix approved by the commissioner, shall contain not less than thirty percent reclaimed asphalt pavement, as measured by weight, and I-4 mix or other approved heavy duty asphaltic concrete mix shall contain not less than ten percent reclaimed asphalt pavement, as measured by weight. In setting forth such specifications, the department shall make best efforts to encourage the greatest use of reclaimed asphalt pavement possible. This subdivision shall not apply to asphaltic concrete used in a project where the content of asphaltic concrete is governed by a federal or state law, rule, regulation, guideline or specification that requires a different composition. The commissioner may waive compliance with this subdivision if the commissioner, after consulting with the commissioner of buildings and the owners or persons in charge of all asphalt plants located within the city, finds that a sufficient supply of reclaimed asphalt pavement is not available.

§ 19-115 – Paving, generally

All streets shall be paved and arched in full accordance with department specifications for such work, which shall be prescribed by the commissioner and kept on file in his or her office.

§ 19-117 – Licensing of vaults

- a. Limitation. It shall be unlawful for any person to erect or build, or cause or permit any vault to be made without a license issued by the commissioner pursuant to this section or a revocable consent issued pursuant to chapter fourteen of the charter and the rules adopted by the commissioner pursuant thereto. All vaults shall be constructed in accordance with the provisions of the building code of the city of New York. A license issued pursuant to this section shall not authorize the construction of a vault which extends further than the line of the sidewalk or curbstone of any street.
- b. Licenses. Every application for a license to erect a vault shall be in writing, signed by the person making the same, and shall state the intended length and width of such vault and the number of square feet of ground which is required therefor.
- c. Compensation. Upon receiving such license the applicant therefor shall forthwith pay to the commissioner such sum as the commissioner shall certify in the license to be a just compensation to the city for such privilege, calculated at the rate of not less than thirty cents, nor more than two dollars, per foot, for each square foot of ground mentioned as required for such vault.
- d. Measurement. In the case of a new vault, before the arching or covering thereof shall be commenced, the person to whom the license for such vault shall have been granted shall cause the same to be measured by a city surveyor. Such surveyor shall deliver to the commissioner, a certificate, signed by the surveyor, specifying the dimensions of the vault. The certificate shall be accompanied by a diagram showing the

square foot area of the vault, including its sustaining walls, and indicating its location relative to the building and curb lines and to the nearest intersecting street corner. In the case of an existing vault, the person claiming the right to the use thereof shall furnish a like certificate and diagram in respect thereof, but in such case the measurement shall exclude the sustaining walls.

- e. Refunds. If, from subsequent measurements, it shall appear that less space has been taken than that paid for, the licensee shall be entitled to receive a certificate from the commissioner showing the difference. Upon the presentation of such certificate of difference to the comptroller, the comptroller shall pay a rebate to the licensee, the amount of which shall be the difference in money between the space fee originally paid and the fee for space actually taken.
- f. Unauthorized encroachments. If it shall appear that the vault or cistern occupies a greater number of square feet than shall have been so paid for, the owner thereof shall, in addition to the penalty imposed for such violation pursuant to section 19-149 or 19-150 of this subchapter, forfeit and pay twice the sum previously paid for each square foot of ground occupied by the vault over and above the number of square feet paid for as aforesaid.
- g. Responsibility. The master builder who shall complete or begin the construction of a vault, and the owner or person for whom the same shall be excavated or constructed shall be subject to the provisions and payments of this section and sections 19-118, 19-119, and 19-120 of this subchapter and to the penalties for violations thereof, severally and respectively.
- h. Exemption. Openings over which substantial and securely fixed gratings of metal or other noncombustible material have been erected in accordance with the provisions of this section and sections 19-118, 19-119 and 19-120 of this subchapter, shall be exempted from payment of fees for licenses for vaults, provided such openings be used primarily for light and ventilation, and provided such gratings are of sufficient strength to sustain a live load of three hundred pounds per square foot and are constructed with at least forty percent of open work.

§ 19-118 – Construction

All vaults shall be constructed of materials conforming to the requirements of the building code of the city of New York, and so that the outward side of the grating or opening into the street shall be either within twelve inches of the outside of the curbstone of the sidewalk, or within twelve inches of the coping of the area in front of the house to which such vault shall belong.

§ 19-119 – Vault openings; protection of

It shall be unlawful for any person to remove or insecurely fix, or cause, procure, suffer or permit to be removed or to be insecurely fixed, so that the same can be moved in its bed, any grate or covering or aperture of any vault or chute under any street. However, the owner or occupant of the building with which such vault is connected, may remove such grate or covering for the proper purpose of such vault or chute. The opening or aperture shall be inclosed, while such grate or covering be removed, with a strong box or curb at least twelve inches high, firmly and securely made. Openings of more than two square feet of superficial area shall be inclosed at such times with strong railings not less than three feet high, to be approved by the commissioner. Such grates or coverings shall not in any case be removed until after sunrise of any day and shall be replaced before one-half hour after sunset.

§ 19-121 – Construction and excavation sites; storage of materials and equipment on street

- a. Permit. It shall be unlawful for any person to obstruct, or cause to be obstructed, any portion of a street with construction materials or equipment, unless authorized by a permit issued by the commissioner.
- b. Conditions. In addition to any other conditions which may be set forth in such permit or in the rules of the department, the following conditions shall apply:
 1. Any permit granted pursuant to this section shall be posted in a conspicuous place on or near the material or equipment or kept on the site or in the designated field headquarters of the work with respect to which the permit was issued so as to be readily accessible to inspection.
 2. Sidewalks, gutters, crosswalks and driveways shall at all times be kept clear and unobstructed, and all dirt, debris and rubbish shall be promptly removed therefrom. The commissioner may authorize encumbrance of the sidewalk with equipment or material in a manner which will not prevent the safe passage of pedestrians on such sidewalk.
 3. The outer surface of such construction material or equipment shall be clearly marked with high intensity fluorescent paint, reflectors, or other marking which is capable of producing a warning glow when struck by the headlamps of a vehicle or other source of illumination.
 4. All construction material and equipment shall have printed thereon the name, address and telephone number of the owner thereof.
 5. In a street upon which there is a surface railroad, construction materials or equipment shall not be placed nearer to the track than five feet.
 6. The street under such construction material or equipment shall be shielded by wooden planking, skids or other protective covering approved by the commissioner.
 7. Construction material or equipment shall not obstruct a fire hydrant, bus stop or any other area as set forth in the rules of the department the obstruction of which would impair the safety or convenience of the public.
- c. Removal of unauthorized obstructions. The commissioner may remove any construction material or equipment placed in or upon any street in violation of this section, the rules of the department or the terms or conditions of a permit issued pursuant to this section. If the identity and address of the owner is reasonably ascertainable, notice of the removal shall be sent to the owner within a reasonable period of time after the removal. If such material or equipment is not claimed within thirty days after its removal, it shall be deemed to be abandoned. If the equipment is a vehicle, its disposition shall be governed by section twelve hundred twenty-four of the vehicle and traffic law. All other unclaimed material or equipment may be sold at public auction after having been advertised in the City Record and the proceeds paid into the general fund or such unclaimed material or equipment may be used or converted for use by the department or by another city agency or by a not-for-profit corporation engaged in the construction of subsidized housing. Material or equipment removed pursuant to this subdivision shall be released to the owner or other person lawfully entitled to possession upon payment of the costs of removal and storage as set forth in the rules of the department and any fines or civil penalties imposed for the violation or, if an action or

proceeding for the violation is pending in court or before the environmental control board, upon the posting of a bond or other form of security acceptable to the department in an amount which will secure the payment of such costs and any fines or civil penalties which may be imposed for the violation.

§ 19-122 – Removal of debris

Any person other than the commissioner of environmental protection or the commissioner of design and construction, who may hereafter pave or cause to be paved any street, shall remove the sand, dirt, rubbish or debris from such street and every part thereof, within seven days after the pavement shall have been completed. In addition to any penalties which may be imposed for violation of this section, either commissioner may cause such sand, dirt, rubbish or debris to be removed at the expense of the party neglecting or refusing so to do, who shall be liable for the amount expended by the city. This section shall be so construed as to apply to the removal of all sand, dirt, rubbish or debris collected in any part of any and all streets covered by any pavement so done or laid, or excavation that may have been made, or other work done in pursuance thereof.

§ 19-127 – Use of hand trucks on the streets

It shall be unlawful for any person to use hand trucks for commercial purposes upon any street unless each hand truck shall have attached thereon a sign or plate displaying the name and address of the owner of the hand truck, in letters not less than one inch in size.

§ 19-137 – Land Contour Work

a. As used in this section.

1. The term “land contour work” means clearing, grubbing, grading, filling or excavating vacant lots and other land areas but does not include minor work which does not change surface drainage patterns.
2. The term “clearing” means removing surface encumbrances from a land area, including but not limited to fences, trees, logs, stumps, brush, stones, vegetation and earth.
3. The term “grubbing” means the removal of root systems incident to surface growths of trees and vegetation.
4. The term “grading” means leveling, sloping, raising, lowering or otherwise changing the existing surface of land area.
5. The term “excavation” means removal of material, regardless of its nature, from below the existing ground surface.
6. The term “filling” means the deposition, leveling or compacting of organic or inorganic material at or in a vacant lot or land area for a purpose relating to the composition, contour, use, or proposed use of the land or for the purpose of disposing of material removed from another lot or land area.

b. It shall be unlawful for any person to perform or cause, procure, suffer or permit to be performed any land contour work, except as provided in subdivision c hereof, without a written permit from the commissioner.

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- c. Subdivision b hereof shall not apply:
1. To land contour work performed in connection with or in the course of the erection of one or more buildings or other structures or in connection with land uses pursuant to a permit therefor issued by the department of buildings, provided however that, (a) such permit specifically authorizes such land contour work, and (b) such land contour work is performed entirely within the lot lines of the building site for which such permit is issued. In such cases where water courses, drainage ditches, conduits or other means of carrying off water exist on the property and are to be altered or relocated, the commissioner of buildings shall consult with the commissioner of environmental protection concerning the means of disposal of surface water prior to issuance of a permit.
 2. To land contour work which consists only of making improvements to a land area on which a one or two-family house already exists and which does not result in any change in the surface runoff pattern of such land area.
 3. To land contour work for which a stormwater construction permit issued by the department of environmental protection is required pursuant to subchapter 2 of chapter 5-A of title 24 of the administrative code.
- d. No condition shall be created or maintained as the result of land contour work that will interfere with existing drainage unless a substitute therefor is provided which is satisfactory to the commissioner and the commissioner of environmental protection in accordance with criteria established by such commissioners in consultation with the department of health and mental hygiene. Watercourses, drainage ditches, conduits and other like or unlike means of carrying off water or disposing of surface water shall not be obstructed by refuse, waste, building materials, earth, stones, tree stumps, branches or by any other means that may interfere with surface drainage or cause the impoundment of surface waters either within or without the area on which contour work is performed. All excavations shall be drained and the drainage maintained as long as the excavation continues or remains. Where necessary, pumping shall be used. Fill material shall consist of inert, inorganic matter. It shall be unlawful to deposit garbage, waste paper, lumber or other organic material in land fill. The provisions of this section shall not prevent placement of organic matter for fill by the department of sanitation in locations under the jurisdiction of such department. The commissioner shall have the power, in consultation with the commissioner of buildings to adopt rules concerning the type of material that may be used for fill on land not mapped as park land. The commissioner shall enforce compliance with the provisions hereof, and shall make immediate complaint to the corporation counsel of any violation thereof. In addition, the commissioner of buildings shall similarly enforce compliance with the provisions hereof with respect to any land contour work performed pursuant to a permit issued by the commissioner of buildings, and in addition thereto shall inform the department of any failure to comply with a department of buildings violation order relating to the provisions hereof.
- e. 1. Whenever the department shall determine that a condition has been created, or has resulted by reason of land contour work which violates any provision of subdivision (d) hereof, the department may serve an order in the manner prescribed in paragraph two of this subdivision upon the owners of the land upon which such condition has been created or has occurred, to correct such condition within the time designated in such order. Upon the owner's failure to comply with any order of the department as and within the time specified therein by such department, such department may perform such work or cause the same to be performed, the cost of which shall be due and payable and shall constitute a lien

upon the land to which such order pertains, when the amount thereof shall have been finally computed by such department and an entry of the amount thereof shall have been entered in the office of the city collector in the book in which such charges against the premises are to be entered. A notice thereof, stating the amount due and the nature of the charge shall be mailed by the city collector, within five days after such entry, to the last known address of the person whose name appears on the records in the office of the city collector as being the owner or agent or as the person designated by the owner to receive tax bills, or where no name appears, to the premises addressed to either the owner or agent. If such charge is not paid within ninety days from the date of entry, it shall be the duty of the city collector to collect and receive interest thereon at the rate that would be applicable to a delinquent tax on such property, to be calculated to the date of payment from the date of entry. Such charge and the interest thereon shall continue to be, until paid, a lien on the premises on which such work was performed. Such charge and interest shall be collected and the lien thereon may be foreclosed in the manner provided by law for the collection and foreclosure of the lien of taxes, sewer rents, sewer surcharges and water rents due and payable to the city, and the provisions of law applicable to the collection and foreclosure of the lien of such taxes, sewer rents, surcharges and water rents shall apply to such charge. The provisions of section 11-307 of the code applicable to the payment of assessments shall also apply to charges heretofore or hereafter established pursuant to this section.

2. Service of an order upon an owner pursuant to the provisions of this section shall be made personally upon such owner or by certified mail addressed to the last known address of the person whose name appears upon the records in the office of the city collector as being the owner of the premises or as the agent of such owner or as the person designated by the owner to receive the tax bills or, if no such name appears, to the address set forth as the address of the owner in the last recorded deed with respect to such premises. A copy of such order shall also be filed in the clerk's office of each county where the property is situated and shall be posted in a conspicuous place on the premises.

§ 19-139 – Excavations for private purposes

Notice to public service corporations. The person by whom or for whose benefit any excavation is to be made in any street shall give notice thereof in writing, to any corporation whose pipes, mains or conduits are laid in the street about to be disturbed by such excavation, at least forty-eight hours before commencing the same; and shall, at his or her expense, sustain, secure and protect such pipes, mains or conduits from injury, and replace and pack the earth wherever the same shall have been removed, loosened or disturbed, under or around them, so that they shall be well and substantially supported. If any such person shall fail to sustain, secure and protect such pipes, mains or conduits from injury, or to replace and pack the earth under or around them, as the provisions of this section require, then the same may be done by the corporation to whom the same may belong, and the cost thereof, and all damages sustained by such corporation thereby shall be paid by such person, and, in default thereof, such corporation may maintain an action against him therefor.

§ 19-142 – Workers on excavations

A person to whom a permit may be issued, to use or open a street, shall be required, before such permit may be issued, to agree that none but competent workers, skilled in the work required of them, shall be employed thereon, and that the prevailing scale of union wages shall be the prevailing wage for similar titles as established by the fiscal officer pursuant to section two hundred twenty of the labor law, paid to those so employed. No permit shall be issued until such agreement shall have been entered into with the department, and all such permits hereafter issued shall include therein a copy of this provision. When permits are issued to utility

companies or their contractors, the power to enforce this provision shall be vested with the comptroller of the city of New York consistent with the provisions of section two hundred twenty of the labor law.

§ 19-144 – Issuance of permit to open street within five years after completion of city capital construction project requiring resurfacing or reconstruction of such street

- a. All persons having or proposing to install facilities in, on or over any street shall be responsible for reviewing the city's capital budget, capital plan and capital commitment plan. Such persons shall make provision to do any work, except emergency work, which requires the opening or use of any street prior to or during the construction of any capital project requiring resurfacing or reconstruction proposed in such budget or plan for such street.
- b. No permit to use or open any street, except for emergency work, shall be issued to any person within a five year period after the completion of the construction of a capital project set forth in such budget or plan relating to such street requiring resurfacing or reconstruction unless such person demonstrates that the need for the work could not have reasonably been anticipated prior to or during such construction.
- c. Notwithstanding the provisions set forth in subdivisions a and b of this section, the commissioner may issue a permit to open a street within such five year period upon a finding of necessity therefor, subject to such conditions as the commissioner may establish by rule, which shall include appropriate guarantees against the deterioration of the restored pavement and may include restoration of pavement to the curb line on both sides of the restoration and parallel to the curb line for 20 feet on each side of such restoration. Such conditions shall include, but are not limited to, the following requirements:
 1. All concrete-base roadways must be restored with concrete of the same depth and at least the same strength as the original base concrete;
 2. All cuts made to the roadway must be straight-edged and any angles must measure 90 degrees;
 3. Restoration of openings less than 10 feet apart must be restored as one continuous restoration; or
 4. If the distance between the edge of the cut and the curb is less than 3 feet the restoration must extend to the curb.

§ 19-146 – Prevention of disturbances of street surface

- a. It shall be unlawful for any person, without being previously authorized by a permit of the commissioner:
 1. To fill in or raise, or cause to be filled in or raised, any street or any part thereof;
 2. To take up, remove, or carry away, or cause to be taken up, removed or carried away, any asphalt or asphalt blocks, concrete, flagstones, turf, stone, gravel, sand, clay or earth from any street or part thereof.
- b. If any person shall violate this section, the commissioner shall take immediate steps to prevent such disturbances of the surface of the street, and shall forthwith restore such flagging or pavement, as nearly as may be practicable, to the condition in which it was before such taking or removal, at the expense of the party

removing the same, to be recovered as penalties are recovered.

§ 19-147 – Replacement of pavement and maintenance of street hardware

- a. General provisions. Whenever any pavement, sidewalk, curb or gutter in any street shall be taken up, the person or persons by whom or for whose benefit the same is removed shall restore such pavement, sidewalk, curb or gutter to its proper condition to the satisfaction of the commissioner of transportation.
- b. Rock refills. Whenever rock is excavated, not more than one-third of the total excavation shall be refilled with the broken stone, which must be in pieces not exceeding six inches in their largest dimension, mingled with clean earth and sand, and restored in such manner as to insure the thorough and compact filling of all spaces.
- c. Restoration in certain cases. Whenever any pavement in any street shall be taken up, or any paving stones in a street shall have been removed in violation of this subchapter or of section 24-521 of the code, the person or persons by whom or for whose benefit the pavement was taken up or paving stones removed shall forthwith return such stones to their former places, and shall otherwise restore the pavement to its normal condition to the satisfaction of the commissioner.
- d. Maintenance of street hardware. All utility maintenance hole (manhole) covers, castings, and other street hardware shall be maintained flush with the existing surrounding grade. All loose, slippery or broken utility maintenance hole (manhole) covers, castings and other street hardware shall be replaced at the direction of and to the satisfaction of the commissioner.
- e. Payment of cost. If the pavement, sidewalk, curb, gutter or street hardware is not properly restored, replaced or maintained to the satisfaction of the commissioner pursuant to subdivisions a, b, c and d of this section, the commissioner may restore, replace or maintain the pavement, sidewalk, curb, gutter or street hardware to its proper condition and the person or persons by whom or for whose benefit the same was removed shall be liable for the cost and expense of the restoration.
- f. Rules. The commissioner is hereby authorized to establish such rules as, in his or her judgment, shall be deemed necessary for the purpose of carrying out the provisions of this section.
- g. Reasonable notice of improper or inadequate restoration of pavement or maintenance of street hardware. Except where the condition of the pavement or hardware is an imminent danger to life or safety, reasonable notice of improper or inadequate restoration of pavement or maintenance of street hardware shall be given to a person by ordinary mail. In the case of utilities such notice may be oral or written and shall be given to a person or at a place designated by the utility and the utility shall respond within twenty-four hours.

§ 19-152 – Duties and obligations of property owner with respect to sidewalks and lots

- a. The owner of any real property, at his or her own cost and expense, shall (1) install, construct, repave, reconstruct and repair the sidewalk flags in front of or abutting such property, including but not limited to the intersection quadrant for corner property, and (2) fence any vacant lot or lots, fill any sunken lot or lots and/or cut down any raised lots comprising part or all of such property whenever the commissioner of the department shall so order or direct. The commissioner shall so order or direct the owner to reinstall, construct, reconstruct, repave or repair a defective sidewalk flag in front of or abutting such property,

including but not limited to the intersection quadrant for corner property or fence any vacant lot or lots, fill any sunken lot or lots and/or cut down any raised lots comprising part or all of such property after an inspection of such real property by a departmental inspector. The commissioner shall not direct the owner to reinstall, reconstruct, repave or repair a sidewalk flag which was damaged by the city, its agents or any contractor employed by the city during the course of a city capital construction project. The commissioner shall direct the owner to install, reinstall, construct, reconstruct, repave or repair only those sidewalk flags which contain a substantial defect. For the purposes of this subdivision, a substantial defect shall include any of the following:

1. where one or more sidewalk flags is missing or where the sidewalk was never built;
 2. one or more sidewalk flag(s) are cracked to such an extent that one or more pieces of the flag(s) may be loosened or readily removed;
 3. an undermined sidewalk flag below which there is a visible void or a loose sidewalk flag that rocks or seesaws;
 4. a trip hazard, where the vertical grade differential between adjacent sidewalk flags is greater than or equal to one half inch or where a sidewalk flag contains one or more surface defects of one inch or greater in all horizontal directions and is one half inch or more in depth;
 5. improper slope, which shall mean (i) a flag that does not drain toward the curb and retains water, (ii) flag(s) that must be replaced to provide for adequate drainage or (iii) a cross slope exceeding established standards;
 6. hardware defects which shall mean (i) hardware or other appurtenances not flush within 1/2" of the sidewalk surface or (ii) cellar doors that deflect greater than one inch when walked on, are not skid resistant or are otherwise in a dangerous or unsafe condition;
 7. a defect involving structural integrity, which shall mean a flag that has a common joint, which is not an expansion joint, with a defective flag and has a crack that meets such common joint and one other joint;
 8. non-compliance with DOT specifications for sidewalk construction; and
 9. patchwork which shall mean (i) less than full-depth repairs to all or part of the surface area of broken, cracked or chipped flag(s) or (ii) flag(s) which are partially or wholly constructed with asphalt or other unapproved non-concrete material; except that, patchwork resulting from the installation of canopy poles, meters, light poles, signs and bus stop shelters shall not be subject to the provisions of this subdivision unless the patchwork constitutes a substantial defect as set forth in paragraphs (1) through (8) of this subdivision.
- a-1. An owner of real property shall bear the cost for repairing, repaving, installing, reinstalling, constructing or reconstructing any sidewalk flag in front of or abutting his or her property, including but not limited to the intersection quadrant for corner property, deemed to have a substantial defect which is discovered in the course of a city capital construction project or pursuant to the department's prior notification program, wherein the department receives notification of a defective sidewalk flag(s) by any member of the general

public or by an employee of the department. However, with respect to substantial defects identified pursuant to the prior notification program, the sidewalk must be deemed to be a hazard prior to the issuance of a violation for any substantial defect contained in subdivision a of this section for any sidewalk flag on such sidewalk. For purposes of this subdivision, a hazard shall exist on any sidewalk where there is any of the following:

1. one or more sidewalk flag is missing or the sidewalk was never built;
 2. one or more sidewalk flag(s) is cracked to such an extent that one or more pieces of the flag(s) may be loosened or readily removed;
 3. an undermined sidewalk flag below which there is a visible void;
 4. a loose sidewalk flag that rocks or seesaws;
 5. a vertical grade differential between adjacent sidewalk flags greater than or equal to one half inch or a sidewalk flag which contains one or more surface defects of one inch or greater in all horizontal directions and is one half inch or more in depth; or
 6. cellar doors that deflect greater than one inch when walked on, are not skid resistant or are otherwise in a dangerous or unsafe condition.
- b. All such work shall be done in accordance with such specifications and regulations prescribed by the department.
- c. Whenever the department shall determine that a sidewalk flag should be installed, constructed, reconstructed, or repaved, or that a vacant lot should be fenced, or a sunken lot filled or a raised lot cut down, it may order the owner of the property abutting on such sidewalk flag or the owner of such vacant, sunken or raised lot by issuing a violation order to perform such work. Such order shall provide a detailed explanation of the inspection and the sidewalk defects according to sidewalk flags including a detailed diagram of the property and defects by type. The order shall also inform the owner of the existence of the borough offices within the department together with an explanation of the procedures utilized by the borough office as provided for in paragraph eighteen of subdivision a of section twenty-nine hundred three of the New York city charter as well as a complaint and appeal process, including the right to request a reinspection and then the right to appeal by filing a notice of claim with the office of the comptroller of the city of New York and thereafter a petition for appeal and commence a proceeding to review and/or correct the notice of account and/or the quality of the work performed under the direction of or by the department as provided herein and the procedures as to how to appeal by filing a notice of claim with the office of the comptroller of the city of New York and how to file a petition and commence a proceeding to review and/or correct the notice of account and/or the quality of the work performed as provided herein and the location, where the forms may be obtained. Such order shall specify the work to be performed, an estimate of the cost of the work to repair the defects and the order shall also specify a reasonable time for compliance, provided that the time for compliance shall be a minimum of 75 days. The department shall, by appropriate regulations, provide for a reinspection by a different departmental inspector than the inspector that conducted the first or original inspection upon request of the property owner to the appropriate borough office. Where appropriate, the department shall notify the property owner of the date of reinspection at least five days prior to the reinspection date. Such inspector conducting

the reinspection shall conduct an independent inspection of the property without access to the reports from the first inspection. The inspector conducting the reinspection shall file a new report and the department shall issue a new order to the owner specifying the results of the reinspection with a detailed diagram of the property and defects by type. Such order shall also advise the owner of the procedures utilized by the borough office as provided for in paragraph eighteen of subdivision a of section twenty-nine hundred three of the New York city charter and also of the right to challenge the notice of account and/or the quality of the work performed by filing a notice of claim with the office of the comptroller and thereafter a petition and commence a proceeding to review and/or correct the notice of account and/or the quality of the work performed under the direction of or by the department as provided in sections 19-152.2 and 19-152.3 of the code and specify the procedures as to how to appeal by filing a notice of claim with the office of the comptroller of the city of New York and how to file a petition and commence a proceeding to review and/or correct the notice of account and/or the quality of the work performed and the location where the forms may be obtained.

- d. If the department has been notified in writing of the existence of a defective, unsafe, dangerous or obstructed condition of a sidewalk pursuant to subdivision (c) of section 7-201 of the code, and the department determines that such condition constitutes an immediate danger to the public, it may notify the property owner that such condition constitutes an immediate danger to the public and direct such owner to repair same within ten days of the service of the notice.
- e. Upon the owner's failure to comply with such order or notice within 75 days of service and filing thereof, or within ten days if such period is fixed by the department pursuant to subdivision d of this section, the department may perform the work or cause same to be performed under the supervision of the department, the cost of which, together with administrative expenses, as determined by the commissioner, but not to exceed twenty percent of the cost of performance, shall constitute a debt recoverable from the owner by lien on the property affected or otherwise. Upon entry by the city collector, in the book in which such charges are to be entered, of the amount definitely computed as a statement of account by the department, such debt shall become a lien prior to all liens or encumbrances on such property, other than taxes. An owner shall be deemed to have complied with this subdivision if he or she obtains a permit from the department to perform such work as specified in the order within the time set forth therein and completes such work within ten days thereafter.
- f. Service of a notice or order by the department upon an owner pursuant to the provisions of this section shall be made upon such owner or upon his or her designated managing agent personally or by certified or registered mail, return receipt requested, addressed to the person whose name appears on the records of the city collector as being the owner of the premises. If the records of the city collector show that a party, other than the owner, has been designated to receive tax bills for such property, the notice shall be mailed to such party as well as to the owner of record, at his or her last known address, or, if it is a multiple dwelling, service upon the owner or managing agent may be made in accordance with section 27-2095 of the code. If the postal service returns the order with a notation that the owner refused to accept delivery of such notice, it may be served by ordinary mail and posted in a conspicuous place on the premises.
- g. A copy of such notice or order shall also be filed in the office of the clerk of each county where the property is situated, together with proof of service thereof.
- h. Nothing contained in this section shall impair or diminish the power of the city to install, construct, reconstruct, repave or repair sidewalk flags or to fence vacant lots or to fill sunken lots or to cut down

raised lots or to enter into contracts with the owners of premises abutting on streets for such installation, construction, reconstruction, repaving or repair of sidewalk flags or fencing of vacant lots or filling of sunken lots, or cutting down of any raised lots, in accordance with the rules of the procurement policy board. Nor shall anything contained in this section affect or impair any act done or right accrued or accruing, or acquired, or liability incurred prior to the effective date of this section, but the same may be enjoyed or asserted as fully and to the same extent as if this section had not been enacted.

- i. After the work has been performed or after inspection by the department in the case where the work was performed under the direction of the department a notice of such account, stating the amount due and the nature of the charge, shall be mailed by the city collector, within five days after such entry, to the last known address of the person whose name appears on the records of the city collector as being the owner or agent or as the person designated by the owner to receive tax bills or, where no name appears, to the premises, addressed to either the owner or the agent. Such notice shall also inform the addressee of the existence of a complaint and appeal process including the procedures utilized by the borough office as provided for in paragraph eighteen of subdivision a of section twenty-nine hundred three of the New York city charter the right to appeal the amount due and the quality of work performed under the direction of or by the department by filing a notice of a claim with the office of the comptroller of the city of New York and thereafter by filing a petition and commence a proceeding to review and/or correct the notice of such account and/or the quality of the work performed under direction of or by the department as provided in section 19-152.2 and 19-152.3 of the code and the location where the forms may be obtained. The owner shall only be responsible for the cost of reinstalling, constructing, reconstructing, repaving or repairing defective sidewalk flags ordered or directed by the department, not an entire sidewalk if the entire sidewalk lacks defects.
- j. If such charge is not paid within ninety days from the date of entry, it shall be the duty of the city collector to charge and receive interest thereon, to be calculated to the date of payment from the date of entry.
 - (1) Except as otherwise provided in paragraph (2) of this subdivision, interest shall be charged at the rate of interest applicable to such property for real property taxes pursuant to section 11-224 of the code.
 - (2) With respect to any parcel on which the annual tax is not more than two thousand seven hundred fifty dollars, other than a parcel which consists of vacant or unimproved land, interest shall be charged at the rate determined pursuant to subdivision p or at the rate of eight and one-half percent whichever is lower.
- k. Such charge and interest shall be collected and the lien thereof may be foreclosed in the manner provided by law for the collection and foreclosure of the lien of taxes, sewer rents, sewer surcharges and water charges due and payable to the city, and the provisions of chapter four of title eleven of the code shall apply to such charge and the interest thereon and the lien thereof.
- l. In addition to collecting the charge for the cost of installation, construction, repaving, reconstruction and repair of sidewalk, fencing of a vacant lot, filling of a sunken lot and/or cutting down any raised lot as a lien, the city may maintain a civil action for recovery of such charge against a property owner who is responsible under this section for such work in the first instance, provided, however, that in the event that the department performs the work without duly notifying such person in the manner prescribed in subdivision f, the cost to the city of performing such work shall be prima facie evidence of the reasonable cost thereof.

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- m. Upon application in writing of either (i) an owner of real property which is improved by a one, two, three, four, five or six family house: or (ii) an owner of real property which has an assessed valuation of no more than thirty thousand dollars, upon which a charge in excess of two hundred fifty dollars but not in excess of five thousand dollars has been entered pursuant to this section, the commissioner of finance may agree with the owner to divide the charge into four annual installments. Each installment shall be as nearly equal as may be. The first installment thereof shall be due and payable upon approval of the application and each succeeding installment shall be due and payable on the next ensuing anniversary date of the date of entry of the charge, together with interest thereon from the date of entry at the rate determined pursuant to subdivision p, or at the rate of eight and one-half percent per annum, whichever is lower. The commissioner may require owners of parcels making application pursuant to this subdivision to furnish satisfactory proof of their eligibility. In the event that the owner fails to make payment of any installment within thirty days of the due date, the commissioner may declare such installment agreement to be null and void and the balance of the charge shall become immediately due and payable with interest at the rate prescribed in subdivision j of this section to be calculated from the date of entry to the date of payment. The installments not yet due with interest to date of payment may be paid at any time. The city may not enforce a lien against any owner who has entered into an agreement with the commissioner of finance pursuant to this section provided that he or she is not in default thereunder. No installment shall be a lien or deemed an encumbrance upon the title to real property charged until it becomes due as herein provided. In the event that the city shall acquire, by condemnation or otherwise, any property upon which installments are not due, such installments shall become due as of the date of acquisition of title by the city and shall be set off against any award that may be made for the property acquired, with interest to the date of acquisition of title.
- n. All orders or notices served by the commissioner in connection with the installation, construction, reconstruction, repavement or repair of sidewalks, fencing of vacant lots, filling of sunken lots or cutting down of raised lots and all charges arising out of the performance of such work by the department subsequent to January first, nineteen hundred seventy-seven are hereby legalized, validated, ratified and confirmed as though such orders, notices and charges were made pursuant to this section.
- o. [Repealed.]
- p. On or before the first day of June, nineteen hundred eighty-six, and on or before the first day of June of each succeeding year, the director of the office of management and budget shall determine and certify the city's cost of debt service, expressed as a percentage and rounded to the nearest one-tenth of a percentage point and shall transmit copies of such certification to the city council and the commissioner of finance. The percentage so determined and certified shall be the rate of interest applicable for purposes of paragraph (2) of subdivision j and subdivision m during the ensuing fiscal year of the city, provided, however, that for the period beginning on February third, nineteen hundred eighty-five and ending on June thirtieth, nineteen hundred eighty-six, the applicable rate of interest shall be eight and one-half percent per annum. Any rate determined pursuant to this subdivision shall apply to charges, or any portion thereof, which remain or become due on or after the date on which such rate becomes effective and shall apply only with respect to interest computed or computable for periods or portions of periods occurring in the period in which such rate is in effect. For the purposes of this subdivision, the city's cost of debt service shall be the average rate of interest paid by the city during the first ten months of the fiscal year in which the determination is made on general obligation bonds issued by the city during such period with a maturity of four years or if no general obligation bonds with a maturity of four years are issued during such period, on general obligation bonds with a maturity of no less than three nor more than five years.
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- q. Notwithstanding any inconsistent provision of this section, the amount charged an owner for sidewalk reconstruction performed or caused to be performed by the department in connection with a city capital construction project for street or sewer reconstruction shall be determined according to the average city expenditure for such sidewalk reconstruction projects in the borough where such reconstruction is performed. Such average expenditure shall be computed by the commissioner.
- r. The department shall keep record of all complaints submitted and work ordered and performed under this section and shall issue a public report for a minimum of three years containing such information including the number of complaints heard each year according to category, the number of reinspections performed, and the dispositions of such reinspections.
- s. The provisions of sections 19-149, 19-150 and 19-151 shall not apply to orders issued pursuant to this section.

§ 19-153 – Inspection, testing and repair of electrical-related infrastructure

- a. The provisions of this section shall only apply to electrical-related infrastructure located in the city of New York capable of emitting stray voltage. For purposes of this section, the following terms shall have the following meanings:
 - 1. “Local electric corporation” shall mean an electric corporation as defined in paragraph 13 of section 2 of the public service law, or its successor provision, that owns and operates transmission and distribution systems for the provision of electrical service in the city of New York.
 - 2. “Stray voltage” shall mean any unintended electrical potentials between contact points that may be encountered by humans or animals.
 - 3. “Voltmeter” shall mean an instrument that measures differences of electric potential in volts.
 - 4. “Non-conductive protective material” shall mean any casing or material of sufficient composition or thickness to adequately obstruct the unintended flow of electricity.
- b. All local electric corporations shall, where practicable and appropriate for the protection of public safety, utilize non-conductive protective materials to insulate their electrical-related infrastructure to prevent stray voltage.
- c. All local electric corporations shall establish and implement written guidelines and procedures for the annual inspection or testing of each category of its electrical-related infrastructure used to provide electrical service and for the repair of such infrastructure if required. Such guidelines and procedures shall include the annual inspection of each category of its electrical-related infrastructure located on, above or below any sidewalk used to provide electrical service and the repair of such infrastructure if required. Such guidelines and procedures shall also include the annual testing of each category of its electrical-related infrastructure in any location other than on, above or below a sidewalk used to provide electrical service and the repair of such infrastructure if required. Each inspection and testing period shall be comprised of an uninterrupted twelve month period concluding on November 30 of each year. Such local electric corporations shall establish such inspection and testing schedules and procedures for at least the following categories of electrical-related infrastructure: transformers, switching and protective devices, regulators and capacitors,

overhead and underground cables, wires and conductors, above and below ground utility and connection boxes, manhole covers, metal plates, gratings and poles.

- d. Each piece of electrical-related infrastructure included in the list of categories of such infrastructure set forth in subdivision c of this section that has been found to emit stray voltage shall be repaired or made safe within twenty-four hours of discovery or knowledge of such condition by the local electric corporation that owns and operates the infrastructure, or a contractor or subcontractor thereof, in a manner that completely eliminates the emission of any such stray voltage.
- e. Upon completion of the annual inspection, testing and repair program mandated by subdivision c of this section, all local electric corporations shall provide the council, the department and the public service commission with a written report no later than January 15 of each year. Such report shall state that each piece of its electrical-related infrastructure has been inspected where required, tested where required, and, if necessary, repaired during the immediately preceding inspection and testing period. Such report shall indicate each location at which stray voltage was found and shall state that in each such instance, each repair was completed in accordance with accepted professional standards and that no public safety hazard exists. Such report shall include a detailed account of all types of non-conductive protective materials utilized to insulate such local electric corporation's electrical-related infrastructure during the period being reported upon, as well as any planned changes in the types of non-conductive protective materials to be employed during the next reporting period to meet the mandate set forth in subdivision b of this section with an explanation for any proposed change. Such report shall also include a complete list of all inspections, tests and repairs for the detection and elimination of stray voltage conducted outside the course of the inspection and testing schedules required by subdivision c of this section, such as those initiated in response to consumer complaints, including the nature and location of the condition complained of, whether the complaint was founded, what repair work was undertaken and to what category of electrical-related infrastructure and the amount of time taken from receipt of the complaint to completely eliminate any stray voltage.
- f. The department shall conduct random tests, by utilizing a voltmeter, of the electrical-related infrastructure of any local electric corporation for the purposes of detecting stray voltage and shall maintain written reports of the results of each such test. Commencing with the twelve month inspection and testing period beginning on December 1, 2004, the department shall conduct at least two hundred fifty such tests at random sites during each twelve month inspection and testing period. The reports created pursuant to this testing shall be forwarded to the public service commission and to the local electric corporation whose sites and department tests.
- g. All local electric corporations shall establish and implement an educational campaign aimed at informing the public of how to identify and protect themselves from the dangers of stray voltage potentially emanating from their electrical-related infrastructure. The campaign shall utilize the information from the annual report of inspections, tests and repairs required by this section to alert the public to the locations most frequently documented as having had stray voltage.

Title 24, Environmental Protection and Utilities

§ 24-109 – Registrations

- (a) No person shall cause or permit the following unless he or she has first registered with the department:

- (1) The spraying of any insulating material in or upon any building or other structure during its construction, alteration or repair.
- (2) The demolition of any building or other structure, or part thereof, unless the demolition of the building or structure is being conducted by or on behalf of a city agency pursuant to chapter one of title seventeen of the code or pursuant to an order issued by the department of buildings under article two hundred fifteen of chapter two of title twenty-eight of the code.
- (3) The installation, alteration, use or operation of an individual boiler or water heater that has a heat input equal to or greater than three hundred fifty thousand Btu per hour but less than four million two hundred thousand Btu per hour.
- (4) The installation, alteration, use or operation of any boilers, including water heaters, that are owned by the same person in a single building and would not individually require a registration or certificate of operation, if in the aggregate such boilers have a heat input equal to or greater than three hundred fifty thousand Btu per hour. Such boilers shall be registered together in a single registration.
- (5) The use or operation of fuel burning equipment or portable equipment with a heat input equal to or greater than three hundred fifty thousand Btu per hour but less than four million two hundred thousand Btu per hour, except as otherwise provided in this section.
- (6) The use or operation of any emergency generator that has an output equal to or greater than forty kilowatts.
- (7) The use or operation of any portable generator with an output equal to or greater than forty kilowatts.
- (8) The use or operation of a portable engine with an input equal to or greater than fifty horsepower but less than six hundred horse power, unless such engine is used to power self-propelled construction or landscaping equipment.
- (9) The use or operation of a stationary generator, other than an emergency generator, with an output equal to or greater than forty kilowatts but less than four hundred fifty kilowatts.
- (10) The use or operation of a stationary engine with an input of equal to or greater than fifty horsepower but less than six hundred horsepower.
- (11) The use or operation of an engine with an input equal to or greater than fifty horsepower that is used exclusively at a construction site, unless such engine is used to power self-propelled construction or landscaping equipment.
- (12) The use or operation of equipment with an environmental rating of C that produces a flow rate equal to or greater than one hundred standard cubic feet per minute but less than two thousand standard cubic feet per minute.
- (13) The use or operation of a cogeneration system that has a total input equal to or greater than three hundred fifty thousand Btu per hour but less than four million two hundred thousand Btu per hour.

- (14) The installation, use or operation of any flare.
 - (15) The installation, use or operation of any gasoline dispensing station.
 - (16) The installation, alteration, use or operation of any commercial char broiler.
 - (17) Any other emission source or activity not listed in paragraphs one through sixteen of this subdivision that the commissioner requires by rule to be registered with the department, provided that the commissioner shall not require by rule the registration of an engine used to propel a motor vehicle or any emission source or activity located in a one- or two-family dwelling.
- (b) Registration shall not be required for any fuel burning equipment for which a certificate of operation is required pursuant to subchapter four of this code.
- (c) Registration shall be filed on forms prescribed by the department.
- (1) An application for the registration of any boiler shall include documentation that the boiler has passed a combustion efficiency test. The commissioner shall specify by rule the requirements for such test.
 - (2)
 - (i) An application for the registration of any generator shall include documentation that the generator has passed a smoke test performed in accordance with the procedures set forth in “Method 9 - Visual determination of the opacity of emissions from stationary sources,” Appendix A-4 to 40 CFR part 60, or documentation in the form of certification by a professional engineer or registered architect that a stack test has been performed in accordance with the rules of the department.
 - (ii) The department may require that any portable generator being registered for the first time be made available for a smoke test to be conducted by the department before the application for registration will be processed. If the department conducts such smoke test, the documentation required in subparagraph (i) of this paragraph shall not be required.
 - (iii) The requirements of this paragraph shall not apply to any newly installed generator that is being registered for the first time and that is equipped with an engine certified to the tier four emissions standards established by the United States environmental protection agency as set forth in table one of 40 CFR § 1039.101 or to any subsequent United States environmental protection agency emissions standard for such engine that is at least as stringent, provided that the requirements of this paragraph shall apply to such generator upon renewal of such registration.
- (d) Registration shall be filed by the following persons:
- (1) In the case of registration pursuant to paragraph one of subdivision (a) of this section, by the contractor responsible for the spraying of the insulating material.
 - (2) In the case of registration pursuant to paragraph two of subdivision (a) of this section, by the contractor responsible for the demolition activity.
 - (3) In the case of registration pursuant to any other paragraph of subdivision (a) of this section, by the

owner of the equipment or his or her authorized agent.

- (e) After a registration has been approved, the department shall return an approved copy to the registrant. The approved copy shall be displayed in accordance with section 24-113 of this subchapter.
- (f) Any registrant, except a registrant of equipment described in paragraphs seven or eight of subdivision (a) of this section, shall notify the department within fifteen days of any change in the information submitted in the registration. If the change in information relates to a change in ownership of the equipment then the new owner shall notify the department of the change.
- (g) Registrations shall be valid for up to three years from the date of approval, unless cancelled by the department. Registrations shall be renewed in a timely manner prior to expiration. A registration that has been expired for a period of one year or more shall be considered cancelled by the department. Applications for registration renewals shall be submitted on a form prescribed by the department.
- (h) The application for a registration of new equipment shall indicate whether the new equipment is replacing existing registered equipment. The existing registration shall be cancelled upon registration of the new equipment.
- (i) The registrant shall notify the department when removing registered equipment, and the registration shall be cancelled upon such notification.

§ 24-123 – General requirements for applications for work permits, certificates of operation, and renewal of certificates of operation

- (a) Application for a work permit, for a certificate of operation or for the renewal of a certificate of operation shall be made by the owner of the equipment or apparatus on forms furnished by the department. If the applicant is a partnership or group other than a corporation, the application shall be signed by one individual who is a member of the group. If the applicant is a corporation, the application shall be signed by an officer of the corporation.
- (b) A separate application is required for each unit of equipment or apparatus, unless identical units of equipment or apparatus are to be installed, altered or operated in an identical manner in the same building.
- (c) Each application shall be signed by the applicant and by an architect, engineer or any other professional approved by the commissioner by rule. The architect, engineer or other professional shall certify the accuracy of the technical information concerning the equipment or apparatus contained in the application, plans and other papers submitted. In the case of an application for the certificate of operation required by this code, the certifying architect, engineer or other professional shall also certify that he or she inspected the equipment and that the equipment satisfies the provisions of this code. The signature of the applicant shall constitute an agreement that the applicant will assume responsibility for the installation, alteration or use of the equipment or apparatus concerned in accordance with the requirements of this code.
- (d) Application for the renewal of a certificate of operation shall be filed no later than forty-five days and no earlier than one hundred twenty days prior to the expiration of the certificate of operation.
- (e) Application for a work permit or for a certificate of operation is automatically cancelled if a certificate of

workers' compensation and a certificate of disability insurance is not filed with the department within sixty days after service on the applicant of a notice of failure to file such certificate, exclusive of the day of service.

- (f) Information exempt by law from disclosure as confidential commercial information that may be required, ascertained or discovered by the department shall not be disclosed by any department employee, except that the information may be disclosed by the commissioner if the department is subpoenaed for the information or if in the course of a court proceeding or department or administrative hearing, the information is relevant to the proceeding or hearing.

§ 24-125 – Standards for granting work permits

- (a) Except as provided in section 24-126 of this code, no work permit shall be granted unless the applicant certifies to the satisfaction of the commissioner that:
 - (1) The equipment is designed and will be installed or altered to operate in accordance with the provisions of this code and with any applicable rules the commissioner may promulgate pursuant to this code;
 - (2) The equipment has been certified by a registered design professional to meet the current applicable federal, state and city emission standards;
 - (3) Equipment that will have a stack, chimney, or breaching will be provided with:
 - (i) Sampling ports of a size, number and location as the commissioner may require, and
 - (ii) Safe access to each port, and
 - (iii) Such other sampling and testing facilities as the commissioner may require;
 - (4) Refuse burning equipment operated by the department contains control apparatus which meets any performance standards that may be prescribed by the commissioner;
 - (5) When required by the commissioner, fuel burning equipment that will use residual fuel oil will be installed with an air contaminant detector together with either a combustion shutoff or, when acceptable to the commissioner, an air contaminant recorder, except that no combustion shutoff shall be required on fuel burning equipment used to generate steam for off-premises sale or electricity; and
 - (6) All parts of the equipment can be readily cleaned and repaired.
- (b) In order to reduce the emission of air contaminants and to insure optimum combustion in fuel burning equipment and refuse burning equipment, such equipment shall be shown to the satisfaction of the commissioner to:
 - (1) Be of a proper size to handle the planned load, be located in a proper place and incorporate appropriate apparatus; and

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- (2) Burn fuel or other material determined by the commissioner to be appropriate for the specific size and type of equipment.
 - (c) The commissioner may require that any equipment or apparatus that requires a work permit, or any class or category of such equipment or apparatus, be included on a list of accepted equipment or apparatus maintained by the department. No acceptance for listing of equipment or apparatus shall be granted unless the applicant certifies to the satisfaction of the commissioner that such equipment or apparatus complies with all applicable provisions of this code and such other applicable rules as the commissioner may promulgate pursuant to this code.

§ 24-141 – Emission of odorous air contaminants

No person shall cause or permit the emission of an odorous air contaminant or steam or water vapor, if the air contaminant or steam or water vapor causes or may cause detriment to the health, safety, welfare or comfort of any person, or injury to plant and animal life, or causes or may cause damage to property or business, or if it reacts or is likely to react with any other air contaminant or natural air, or is induced to react by solar energy to produce a solid, liquid or gas or any combination thereof which causes or may cause detriment to the health, safety, welfare or comfort of any person, or injury to plant and animal life, or which causes or may cause damage to property or business.

§ 24-142 – Emission of air contaminants; standard smoke chart

- (a) No person shall cause or permit the emission of an air contaminant of:
 - (1) A density which appears as dark or darker than number two on the standard smoke chart or of an opacity which obscures vision to a degree equal to or greater than smoke of number two density on the standard smoke chart; or
 - (2) A density which appears as dark or darker than number one on the standard smoke chart, but less than number two on said chart, or of such opacity as to obscure vision to a degree equal to or greater than smoke of number one density on the standard smoke chart, but less than number two on said chart, if such an emission continues for longer than two minutes in the aggregate in any sixty minute period.
- (b)
 - (1) The density or opacity of an air contaminant shall be measured in accordance with the procedures set forth in “Method 9 - Visual determination of the opacity of emissions from stationary sources,” Appendix A-4 to 40 CFR part 60.
 - (2) The density or opacity of an air contaminant shall be measured at the point of its emission provided that:
 - (i) When the point of emission cannot be readily observed, it may be measured at an observable point on the plume nearest the point of emission; or
 - (ii) In the case of an air contaminant emitted from a source outside of the city of New York, it shall be measured after the plume crosses the jurisdictional boundary of the city of New York.

§ 24-143 – Emission of air contaminant from internal combustion engine; visibility standard

No person shall cause or permit the emission of a visible air contaminant from the internal combustion engine of:

- (a) A motor vehicle while the vehicle is stationary for longer than ten consecutive seconds; or
- (b) A motor vehicle after the vehicle has moved continuously for more than ninety yards.
- (c) The operator or registered owner of a vehicle in violation of this section shall be responsible for such violation.

§ 24-146 – Preventing dust from becoming air-borne; spraying of insulating material and demolition regulated

- (a) The purpose of this section is to protect public health and safety and the environment by minimizing the emission of dust into the air of the city.
- (b) No person shall cause or permit any material that may generate dust to be transported or stored without taking such precautions as may be ordered by the commissioner or as established by the rules of the department to prevent dust from becoming air-borne.
- (c) No person shall cause or permit a building or its appurtenances or a road to be constructed, altered or repaired without taking such precautions as may be ordered by the commissioner or as established by the rules of the department to prevent dust from becoming air-borne.
- (d) No person shall cause or permit any use, as defined by section 12-10 of the zoning resolution of the city of New York, to be implemented or maintained without taking reasonable precautions as established by the rules of the department, including, but not limited to, planting or covering, to prevent dust from becoming air-borne.
- (e) No person shall cause or permit the spraying of any insulating material, not otherwise prohibited by this code, in or upon any building or other structure during its construction, alteration or repair, unless he or she complies with the rules of the department regarding precautions for the spraying of insulating material.
- (f) No person shall cause or permit a building or other structure to be demolished, unless he or she complies with the following precautions:
 - (1) Demolition by toppling of walls shall not occur except when approved by the commissioner pursuant to section 24-109 of this code, or when conducted by or on behalf of a city agency pursuant to chapter one of title seventeen of the code or pursuant to an order issued by the department of buildings under article two hundred fifteen of chapter two of title twenty-eight of the code.
 - (2) Before the demolition of any section of wall, floor, roof, or other structure, necessary wetting procedures to lay the dust or other precautions to prevent dust from becoming air-borne, as set

forth in this section and the rules of the department, shall be employed. All debris shall be thoroughly wetted before loading and while dumping into trucks, other vehicles or containers. In all cases and at all stages of demolition, wetting procedures shall be adequate to lay the dust. Trucks shall be adequately covered or enclosed to prevent dust dispersion while in transit to point of disposal.

- (3) No structural members shall be dropped or thrown from any floor but shall be carefully lowered to ground level.
- (4) Debris shall not be dropped or thrown outside the exterior walls of the building from any floor to any floor below. In buildings twelve stories or greater in height any debris transported outside the exterior walls of the building shall be transported from the upper floors via enclosed, dust-tight chutes or via buckets or other containers. Where chutes or shaftways are used either inside or outside the building, a water soaking spray shall be employed to saturate the debris before it reaches the point of discharge from the chute or shaftway. Where buckets or other containers are used, the debris shall be adequately wetted to preclude dust dispersion when buckets or other containers are dumped.
- (5)
 - (i) In the event particulate matter becomes airborne for a continuous period of fifteen minutes, despite the application of the procedures set forth in this section and the rules of the department, or because freezing temperatures preclude the use of water for laying the demolition dust, the work of demolition shall cease at once until other adequate measures can be taken and procedures shall be evaluated by the commissioner before initiation thereof, provided, however, that if the demolition work is being conducted by or on behalf of a city agency pursuant to chapter one of title seventeen of the code or pursuant to an order issued by the department of buildings under article two hundred fifteen of chapter two of title twenty-eight of the code and freezing temperatures preclude the use of water, then the demolition work may continue as long as necessary to complete the demolition process.
 - (ii) An abatement order may be issued by the commissioner, or his or her authorized representative, at any time when it is found that work is being performed in violation of the provisions of this section, or any rules promulgated thereunder, and such work poses a threat to human health and safety. Upon issuance of an abatement order, the activity giving rise to the violation shall immediately stop unless otherwise specified. Such order may be given orally or in writing to the owner, lessee or occupant of the property involved, or to the agent of any of them, or to the person or persons performing the work. Except as provided in subparagraph (iii), a verbal order shall be followed promptly by a written order and shall include the reason for the issuance of an abatement order. The order may require all such work to be done as may be necessary, in the opinion of the commissioner, to remove the danger therefrom.
 - (iii) An abatement order issued pursuant to subparagraph (ii) of this paragraph may be appealed in accordance with the rules of the department, and the commissioner shall provide notice and an opportunity to be heard within fourteen days of the filing of such appeal. An abatement order shall be lifted if, upon appeal, the commissioner determines that the issuance of such order was not proper, or upon the submission of proof satisfactory to the commissioner that the requirements of such order have been satisfied. In the case of a verbal abatement order, if the commissioner determines that the condition that gave rise to the order has been immediately

corrected, such order shall be lifted at once and shall not be followed by a written order.

§ 24-148 – Architectural coatings; solvents

No person shall use an architectural coating that is covered by part two hundred five of title six of the New York codes, rules and regulations unless such architectural coating is in compliance with the volatile organic compound limits set forth in section 205.3 of such part.

§ 24-149.6 – Stationary engines

- (a) Any stationary reciprocating compression ignition internal combustion engine that is required to obtain a certificate of operation pursuant to section 24-122 of this code for the first time on or after January 1, 2018, shall be equipped with an engine certified to the tier four emissions standards established by the United States environmental protection agency as set forth in 40 CFR § 60.4201 or to any subsequent United States environmental protection agency emissions standard for such engine that is at least as stringent.
- (b) On or after January 1, 2025, the certificate of operation for a stationary reciprocating compression ignition internal combustion engine will be renewed only if the owner or operator of such engine can demonstrate in accordance with department rules that the engine meets the tier four emissions standards established by the United States environmental protection agency as set forth in 40 CFR § 60.4201 or any subsequent United States environmental protection agency emissions standard for such engine that is at least as stringent.
- (c) The owner or operator of a stationary reciprocating compression ignition internal combustion engine may apply to the commissioner for additional time to comply with the requirements subdivision (a) or (b) of this section. If the owner or operator can show that the timeframes set forth in subdivision (a) or (b) of this section would constitute an undue hardship, the commissioner may enter into a compliance agreement with the owner or operator. In determining whether the owner or operator has demonstrated undue hardship pursuant to this subdivision, the commissioner may consider whether there is a showing of financial hardship, public necessity, or other emergency condition that would make compliance with the requirements of this section impracticable.
- (d) This section shall not apply to any emergency stationary internal combustion engine, as such term is defined in 40 CFR § 60.4219, or to any emergency stationary reciprocating internal combustion engine, as such term is defined in 40 CFR § 63.6675.

§ 24-151 – Emission of air contaminant; concealment and masking restricted

- (a) No person shall cause or permit the installation or use of any device or use of any means which, without resulting in a reduction in the total amount of air contaminant emitted, conceals an emission of the air contaminant which would otherwise violate subchapter six of this code.
- (b) No person shall cause or permit the installation or use of any device or use of any means designed to mask the emission of an air contaminant which causes or may cause detriment to the health, safety or welfare of any person.

§ 24-152 – Malfunctions, breakdowns, and removal from service; emergency action plan

- (a) If any control apparatus required by this code is or will be inoperative for more than six hours, the commissioner shall be provided with a repair and resumption schedule for his or her approval by the owner of the equipment.
- (b) Whenever the emission of an air contaminant, which emission constitutes a violation of any provision of this code, occurs as a result of, malfunction, breakdown or removal from service of equipment or apparatus, the owner of the equipment from which the emission of an air contaminant occurs shall report the emission of the air contaminant and its attendant circumstances to the commissioner not later than thirty minutes from its discovery. The report shall be confirmed in writing, in a form prescribed by the commissioner not later than three days thereafter.
- (c) An owner of such equipment shall not continue it in operation during any malfunction, breakdown, or shutdown of the equipment or of the apparatus which serves the equipment, except with the express permission of the commissioner. Such permission shall be given only as may be necessary to protect the public health and safety. This subdivision shall not apply where the emission of air contaminant is of a type or within the limits permitted by this code.
- (d) This section shall not apply to refuse compacting equipment and fuel burning equipment that primarily serves residents of a building or structure that is occupied in whole or in part as the residence of one or more persons, or that is occupied for transacting business, for rendering professional services, or for rendering public or civic services.
- (e) Whenever the commissioner shall determine that equipment, for which a certificate of operation is required by this code, may emit or be capable of emitting dangerous or odorous air contaminants, either as a result of a malfunction or breakdown of such equipment or as a result of a malfunction or breakdown of the apparatus which serves such equipment, the commissioner may require the owner of such equipment to file with the department an acceptable emergency action plan. The emergency action plan shall detail all activity that will be taken to prevent or control emissions resulting from a malfunction or breakdown.

§ 24-153 – Emissions of air contaminant; environmental ratings

- (a) No person shall cause, permit or allow the emission of an air contaminant from any equipment used in a process covered by part two hundred twelve of title six of the New York codes, rules and regulations where such emission exceeds the permissible emission rates specified in the environmental ratings for process emissions sources as set forth in such part.
- (b) The provisions of this section shall not be construed to allow or permit any person to emit an air contaminant in quantities which alone or in combination with other sources would contravene any air quality standards.
- (c) This section shall be supplemental to all other provisions of this code and in the event of conflict the more stringent section shall control.
- (d) The commissioner may require any owner of equipment used in a process to provide pertinent data concerning emissions so as to show compliance with the requirements of this section.

§ 24-155 – Maintenance of equipment and apparatus

The owner of equipment and apparatus shall maintain such equipment and apparatus in good operating order by regular inspection and cleaning and by promptly making repairs.

§ 24-156 – Use of fuel burning equipment without using apparatus prohibited.

- (a) Except as provided in subdivision (b) of this section, no person shall cause or permit the use of fuel burning equipment that is fitted with apparatus, other than experimental apparatus, unless the required apparatus is used.
- (b) If fuel burning equipment is fitted with apparatus and is designed to use more than one kind of fuel, the equipment shall not be used unless the apparatus appropriate for the particular fuel is used.

§ 24-159 – Use of less than fully automatic equipment using fuel oil and use of any fuel burning equipment using residual fuel oil; supervision by licensed person.

No person shall cause or permit the use of fuel burning equipment that uses fuel oil and is less than fully automatic, or the use of fuel burning equipment, whether fully automatic or not, that uses residual fuel oil, except under the direct supervision of a person having a certificate of fitness pursuant to section FC 113 of the New York City Fire Code.

§ 24-163 – Operation of motor vehicle; idling of engine restricted

- (a) No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes, except as provided in subdivision (f) of this section, while parking as defined in section one hundred twenty-nine of the vehicle and traffic law, standing as defined in section one hundred forty-five of the vehicle and traffic law, or stopping as defined in section one hundred forty-seven of the vehicle and traffic law, unless the engine is used to operate a loading, unloading or processing device. When the ambient temperature is in excess of forty degrees Fahrenheit, no person shall cause or permit the engine of a bus as defined in section one hundred four of the vehicle and traffic law to idle while parking, standing, or stopping (as defined above) at any terminal point, whether or not enclosed, along an established route.
- (b) The department of transportation shall post signs relating to prohibited idling that shall comply with the standards set forth in the Manual on Uniform Traffic Control Devices and, where practicable, include the maximum penalty that may be imposed for a violation of subdivision a of this section as follows:
 - (1) a sign shall be posted at each exit within the city of New York of each bridge and tunnel having only one terminus in the city of New York;
 - (2) signs shall be posted at a minimum of five locations in each borough where two or more truck routes, whether local or through routes, intersect;
 - (3) a sign shall be posted at each bus layover area (other than school bus layover areas), designated by the commissioner of transportation pursuant to section 4-10(c)(3) of title 34 of the rules of the city of New York;

- (4) a sign shall be posted at each multiple use bus terminal point;
 - (5) a sign shall be posted in close proximity to each school bus depot; and,
 - (6) signs shall be posted at other appropriate locations throughout the city as jointly determined by the commissioner and the commissioner of transportation, including but not limited to, locations for which the city receives a substantial number of complaints of idling motor vehicles.
- (c) For the purpose of this section only the term “school bus depot” shall mean any garage, lot or other facility where buses that transport children to or from schools are parked over night and the term “multiple use bus terminal point” shall mean a location that is both a terminal point of at least one bus route (other than a school bus route) and a bus stop (other than a school bus stop) on one or more other bus routes.
- (d) In any proceeding relating to a violation of the restrictions on idling it shall not be a defense that a sign required by this section was absent at the time of the violation.
- (e) In addition to the department and the police department, the department of parks and recreation and the department of sanitation shall have the authority to enforce subdivision a of this section and shall have the power to issue summonses, appearance tickets and/or notices of violation for violations of such subdivision.
- (f) No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than one minute if such motor vehicle is adjacent, as determined by rule, to any public school under the jurisdiction of the New York city department of education or to any non-public school that provides educational instruction to students in any grade from pre-kindergarten to the twelfth grade level, while parking as defined in section one hundred twenty-nine of the vehicle and traffic law, standing as defined in section one hundred forty-five of the vehicle and traffic law, or stopping as defined in section one hundred forty-seven of the vehicle and traffic law, unless the engine is used to operate a loading, unloading or processing device, and provided that idling of an engine of a school bus may be permitted to the extent necessary: (1) for mechanical work; (2) to maintain an appropriate temperature for passenger comfort; or (3) in emergency evacuations where necessary to operate wheelchair lifts. It shall be an affirmative defense that any such school was not easily identifiable as a school by signage or otherwise at the time a violation of this subdivision occurred.
- (g) A report shall be submitted to the city council on an annual basis by: (1) the office of administrative trials and hearings pursuant to section 1049-a of the charter that states the number of notices of violation for engine idling violations filed with such office, including the total amount of penalties imposed for such notices of violations; (2) the department of finance that states the number of summonses issued for engine idling violations pursuant to subdivision (p) of section 4-08 of title 34 of the rules of the city of New York, including the total amount of penalties imposed for such summonses; (3) the department of environmental protection that states the number of 311 idling complaints, disaggregated by borough and including any other information related to such complaints the department deems relevant; and (4) the department of environmental protection that states the number of complaints received by the department of environmental protection pursuant to subdivision (a) of section 24-182 regarding violations of this section, disaggregated by the following: (i) the number of violations issued by the department pursuant to such complaints and (ii) the number of complaints filed pursuant to subdivision (b) of section 24-182 with the office of administrative trials and hearings pursuant to section 1049-a of the charter.

§ 24-168 – Use of proper fuel in fuel burning equipment

- (a) No person shall cause or permit the use of a kind or grade of fuel in fuel burning equipment that is not designed to burn that kind or grade of fuel. Nothing in this subdivision shall be construed to prohibit the use of bioheating fuel in fuel burning equipment that is adapted for such use.
- (b) No person shall cause or permit the burning of refuse material in fuel burning equipment unless the equipment is designed to burn refuse material.
- (c) Except as provided in subdivision (f) of this section, no person shall cause or permit a boiler to burn residual fuel oil on or after January 1, 2020.
- (d) Except as provided in subdivision (f) of this section, no person shall cause or permit a boiler to burn fuel oil grade no. 4 on or after January 1, 2030, or for a boiler used to generate electricity and/or steam in an electric, steam, or combined electric and steam generation facility, on or after January 1, 2025.
- (e) No person shall cause or permit the use of a kind or grade of fuel in a diesel powered generator other than ultra low sulfur diesel.
- (f) Notwithstanding any other provision of this section, at the election of the owner or operator of a boiler used to generate electricity and/or steam in an electric, steam, or combined electric and steam generation facility, residual fuel oil may be burned in such boiler until December 31, 2021, if such owner or operator notifies the department of such election on or before June 30, 2019, in a form and manner established by the department, and provided further that on and after January 1, 2022, no person shall cause or permit such boiler to burn residual fuel oil or fuel oil grade no. 4.

§ 24-218 – General prohibitions

- (a) No person shall make, continue or cause or permit to be made or continued any unreasonable noise.
- (a-1) No person shall make, continue or cause to permit or be made or continued any unreasonable noise:
 - (1) for any commercial purpose or during the course of conducting any commercial activity; or
 - (2) through the use of a device, other than a device used within the interior living space of an individual residential unit, installed within or upon a multiple dwelling or a building used in part or in whole for non-residential purposes.
- (b) Unreasonable noise shall include but shall not be limited to sound, attributable to any device, that exceeds the following prohibited noise levels:
 - (1) Sound, other than impulsive sound, attributable to the source, measured at a level of 7 dB(A) or more above the ambient sound level at or after 10:00 p.m. and before 7:00 a.m., as measured at any point within a receiving property or as measured at a distance of 15 feet or more from the source on a public right-of-way.

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- (2) Sound, other than impulsive sound, attributable to the source, measured at a level of 10 dB(A) or more above the ambient sound level at or after 7:00 a.m. and before 10:00 p.m., as measured at any point within a receiving property or as measured at a distance of 15 feet or more from the source on a public right-of-way.
 - (3) Impulsive sound, attributable to the source, measured at a level of 15 dB(A) or more above the ambient sound level, as measured at any point within a receiving property or as measured at a distance of 15 feet or more from the source on a public right-of-way. Impulsive sound levels shall be measured in the A-weighting network with the sound level meter set to fast response. The ambient sound level shall be taken in the A-weighting network with the sound level meter set to slow response.
 - (c) Notwithstanding the provisions of subdivision b of this section, where a particular sound source or device is subject to decibel level limits and requirements specifically prescribed for such source or device elsewhere in this code, the decibel level limits set forth in this section shall not apply to such sound source or device.
 - (d) The decibel level limits set forth in this section shall not apply to sound attributable to construction devices and activities.
 - (e) Where the commissioner finds that sound from any refuse collection facility regulated by the department of sanitation exceeds the decibel level limits set forth in this section, the commissioner shall order the operator of such facility to submit a certification by a professional engineer as to whether or not the facility is in compliance with the noise standards required by the department of sanitation rules (16 RCNY Ch. 4) and if not in compliance, the mitigation measures that will be undertaken to bring such facility into compliance. The testing and certification must be submitted to the department and to the department of sanitation within forty-five days after the issuance of such order. A facility that complies with an order issued pursuant to this section and with any required mitigation measures shall be deemed to be in compliance with the decibel limits of this section. With respect to any refuse collection facility owned or operated by the department of sanitation such facility shall be deemed to be in compliance with the decibel level limits of this section if it is in compliance with a best management practices plan developed in conjunction with the department. A notice of violation may only be issued for a refuse collection facility pursuant to this section where the operator of such facility fails to comply with an order of the commissioner issued pursuant to this subdivision or the mitigation measures set forth in a certification.

§ 24-220 – Noise mitigation plan

- (a) Each person, corporation or other business entity performing construction work in the city shall adopt and implement a noise mitigation plan for each construction site in accordance with the provisions of this subchapter and such rules whenever any one or more of the construction devices or activities listed above or in the department's rules are employed or performed at the site.
- (b) Such plan shall be adopted prior to the commencement of construction at the site or, with respect to emergency work, as defined in the department's rules, within three days thereafter, and shall apply to all work at the site throughout the construction process. The plan shall provide in detail the noise mitigation strategies, methods, procedures and technology, as prescribed in the rules of the department or specifically approved by the commissioner in accordance with section 24-221 of this code, for each device or activity employed or performed at the site. Each permit holder or other person in charge of such construction site

will be accountable for compliance with such rules and shall ensure that each person performing construction work at the site shall be aware of the plan and shall be responsible for complying with those provisions that affect his or her work.

- (c) A copy of the plan shall be kept at the construction site and shall be displayed in a conspicuous manner on the exterior of the construction site and made accessible for inspection by the public and persons authorized to enforce the provisions of this code provided that where there are no exterior structures on the construction site such plan need only be kept at the site and made accessible for inspection by the public and persons authorized to enforce the provisions of this code.
- (d) The plan shall be amended whenever additional devices or activities unforeseen at the commencement of construction are employed at the site or at the direction of the commissioner in accordance with section 24-223 of this subchapter.
- (e) The plan shall be filed electronically with the department no later than 30 days after the commencement of construction if it conforms in all respects to the rules of the department with respect to construction devices and activities employed or performed at the construction site. A plan that deviates in any respect from such rules or an alternative noise mitigation plan required to be certified in conjunction with an undue hardship application pursuant to paragraph (5) of subdivision (e) of section 24-223 shall be subject to the prior approval of the commissioner in accordance with section 24-221 of this code.
- (f) This section shall not apply to construction work in connection with the alteration or repair of an existing one or two family owner-occupied dwelling classified in occupancy group J-3 or a convent or rectory.

§ 24-221 – Alternative noise mitigation plan

- (a) Upon application, the commissioner may approve an alternative noise mitigation plan for a particular construction site that deviates from strict compliance with the noise mitigation rules. Application for approval of such plan shall be electronically submitted to the department at least ten business days prior to the commencement of construction or as soon as practicable but no later than 24 hours prior to the commencement of construction in a form and manner and accompanied by such information and documentation as shall be set forth in the rules of the department. An application for approval may be submitted after the commencement of construction if an application includes a showing that all reasonable available mitigation measures have been implemented since the commencement of construction but aggregate sound levels from the site exceed or are reasonably anticipated to exceed one or more of the applicable limits in this chapter.

The commissioner may approve such alternative noise mitigation plan if he or she finds that:

- (1) strict compliance with the noise mitigation rules would not be possible or would create an undue hardship because of the location or unique characteristics of the site or of the construction devices or activities to be employed or performed at the site; and
 - (2) the alternative noise mitigation strategies, methods, procedures or equipment proposed are consistent with the purposes and policies of this code.
- (b) Where the commissioner rejects an alternative noise mitigation plan, an applicant may appeal such rejection

in accordance with the rules of the department. An alternative plan shall not be in effect unless and until it has been approved by the commissioner except that where a timely alternative plan has been filed with the commissioner for approval, a construction site in compliance with such alternative plan shall be deemed to be in compliance with this section unless and until such plan is rejected by the commissioner and for a reasonable time thereafter as determined by the commissioner.

- (c) Notwithstanding any other provision of this chapter, construction work performed in accordance with an approved alternative noise mitigation plan containing decibel level limits and requirements prescribed for specific sources or devices that is in full compliance with this section and the rules promulgated by the department thereunder shall be deemed to be in full compliance with all decibel level limits set forth in any other section of this chapter.

§ 24-222 – After-hours and weekend limits on construction work

Except as otherwise provided in this subchapter, it shall be unlawful to engage in or to cause or permit any person to engage in construction work other than on weekdays between the hours of 7 a.m. and 6 p.m. A person may however perform construction work in connection with the alteration or repair of an existing one or two family owner-occupied dwelling classified in occupancy group J-3 or a convent or rectory on Saturdays and Sundays between the hours of 10 a.m. and 4 p.m. provided that such dwelling is located more than 300 feet from a house of worship.

§ 24-223 – After hours work authorizations

- (c) Notwithstanding section 24-222 of this subchapter, an agency authorized to issue permits for construction work may, along with such permit, issue an after hours work authorization for the work site. Such after hours authorization may permit construction work to be performed at the site before 7 a.m. or after 6 p.m. on weekdays and/or on Saturdays and/or Sundays subject to the conditions and restrictions set forth in this section.
- (d) The agency issuing such authorization must obtain a certification from its permittee that the permittee has developed a noise mitigation plan for the site in accordance with this subchapter and that such plan is in compliance with the noise mitigation rules. In the case of emergency work such certification shall be submitted within 3 days after the commencement of the work.
- (e) If after hours work at the site is not being performed in compliance with such plan or where no plan is in effect, the department or the agency issuing such authorization, at the request of the commissioner or on its own account, may take appropriate action, including but not limited to the refusal to renew such after hours authorization.
- (f) During the time that an after hours authorization is in effect, notwithstanding full compliance with the noise mitigation plan the department shall issue an advisory or a violation where aggregate sound levels from the site exceed the following limits:
 - (1) 8dB(A), and on or after January 1, 2020, 7 dB(A) above the ambient sound level as measured in any residential receiving property dwelling unit with windows and doors that may affect the measurement closed, or
 - (2) the noise levels specified in section 24-228(a) of this code on a construction site that is not within 200 feet of a residential receptor, or

- (3) except as provided in paragraph (4) of this subdivision, 80dB(A), and on or after January 1, 2020, 75 dB(A) as measured 50 or more feet from the source or sources at a point outside the property line where the source or sources are located or as measured 50 or more feet from the source or sources on a public right-of-way when that source is within 200 feet of a residential receptor, or
 - (4) 85dB(A) as measured 50 or more feet from the source or sources at a point outside the property line where the source or sources are located, or as measured 50 or more feet from the source or sources on a public-right-of-way when the source is street construction.
- (e) Authorization for after hours construction work may only be issued in the following circumstances:
- (1) Emergency work. Agencies shall authorize such after hours construction work for emergency conditions, inside or outside the property line, involving a threat to public safety or causing or likely to cause the imminent interruption of service required by law, contract or franchise. An emergency authorization issued pursuant to this paragraph shall expire as determined by the agency but no later than the ninetieth day after its issuance and shall be renewable in accordance with agency procedures while the emergency continues.
 - (2) Public safety. Agencies may authorize such after hours work, inside or outside of the property line, where the agency determines that the work cannot reasonably or practicably be performed on weekdays between the hours of 7 a.m. and 6 p.m. because of traffic congestion and/or concern for worker and/or public safety. An authorization issued pursuant to this paragraph shall expire as determined by the agency but no later than the ninetieth day after its issuance and shall be renewable in accordance with agency procedures.
 - (3) City construction projects. Agencies may authorize after hours work by or on behalf of city agencies for projects that are judicially mandated or the subject of consent orders and/or where a project is necessary in the public interest including but not limited to facilities, equipment, and infrastructure for the provision of water, sewerage, sanitation, transportation and other services necessary for the health or safety of the public. An authorization issued pursuant to this paragraph for a city construction project shall remain in effect for the duration of the project.
 - (4) Construction activities with minimal noise impact. The commissioner shall promulgate rules setting forth a list of construction activities with minimal noise impact and specific noise mitigation measures applicable to such activities. Agencies may authorize the performance of such construction activities after hours in accordance with such rules.
 - (5) Undue hardship. Agencies may authorize after hours work if the commissioner certifies that the permit holder has substantiated a claim of undue hardship resulting from unique site characteristics, unforeseen conditions, scheduling commitments and/or financial considerations outside the control of the permit holder and that the applicant has received approval from the department of an alternative noise mitigation plan pursuant to section 24-221 of this subchapter, specifying the activities and devices that will be used for such after hours construction and setting forth the additional mitigation measures, above and beyond those measures otherwise required for such devices and activities pursuant to the department's rules, that the applicant will use to significantly limit noise emissions from the site of such after

hours work. Applications for such certification shall be submitted to the department in a form and manner to be set forth in the rules of the department. The applicant for an after hours authorization under this paragraph shall submit such certification to the issuing agency.

§ 24-224 – Construction work without noise mitigation plan unlawful

It shall be unlawful to perform work at any construction site in the city that is not in compliance with a noise mitigation plan where such plan is required pursuant to this subchapter and with the noise mitigation rules adopted pursuant to this subchapter.

§ 24-226 – Air compressors

- (a) No person shall operate or cause to be operated an air compressor unless it is equipped with an appropriate muffler with no exhaust leaks.
- (b) No person shall sell, offer for sale for use within the city of New York, or operate or permit to be operated an air compressor that, when operated, produces a maximum sound level, when measured at a distance of one meter or more from the nearest major surface of such air compressor, exceeding 80 dB(A) for sizes greater than 350 cfm or exceeding 75 dB(A) for sizes 350 cfm or less.
- (c) Except for construction work outside the property line on a public right-of-way, no person shall operate or permit to be operated an air compressor so as to generate sound levels in excess of 75 dB(A) as measured at any receiving property.

§ 24-227 – Circulation devices

- (a) No person shall operate or permit to be operated a circulation device in such a manner as to create a sound level in excess of 42 dB(A) when measured inside a receiving property dwelling unit. The measurement shall be taken with the window or terrace door open at a point three feet from the open portion of the window or terrace door.
- (b) On and after the effective date of this section, when a new circulation device is installed on any building lot or an existing device on any building lot is replaced, the cumulative sound from all circulation devices on such building lot owned or controlled by the owner or person in control of the new device being installed or the existing device being replaced shall not exceed 45 dB(A), when measured as specified in subdivision a of this section. For a period of two years after the effective date of this section, this subdivision shall not apply to the replacement of a circulation device that was installed on any building lot prior to the effective date of this section by a device of comparable capacity.
- (c) Except as otherwise provided in subdivision b of this section, with respect to circulation devices installed on any building lot prior to the effective date of this section, the sound level limit of 42 dB(A) referred to in subdivision a of this section shall apply to each individual device except that if the cumulative sound from all devices owned or controlled by the same person on a building lot exceeds 50 dB(A), when measured as specified in subdivision a of this section, the commissioner may order the owner or person in control of such devices to achieve a 5 dB(A) reduction in such cumulative sound level within not more than 12 months after the issuance of such order.

- (d) The commissioner may recommend to the board that there shall be no civil penalty imposed for a first violation of this section if, within forty five days of the return date set forth on the notice of violation, the respondent admits liability for the violation and files a certification with the department in a form and manner and containing such information and documentation as shall be prescribed in the department's rules that (i) permanent improvements or modifications have been made to the establishment, including but not limited to the installation of appropriate sound insulation, isolators, suspension mounting and/or sound mitigation devices or materials; and (ii) appropriate sound measurements taken in accordance with the department's rules substantiate that the establishment is in full compliance with the sound levels set forth in this section. If the commissioner accepts such certification of compliance, he or she shall recommend to the board that no civil penalty shall be imposed for the violation. Such violation may nevertheless serve as a predicate for purposes of imposing penalties for subsequent violations of this section.

§ 24-228 – Construction devices

- (a) No person shall operate or use or cause to be operated or used a construction device or combination of devices in such a way as to create an unreasonable noise. For the purposes of this section unreasonable noise shall include but shall not be limited to sound that exceeds the following prohibited noise levels:
- (1) Sound, other than impulsive sound, attributable to the source or sources, that exceeds 85 dB(A) as measured 50 or more feet from the source or sources at a point outside the property line where the source or sources are located or as measured 50 or more feet from the source or sources on a public right-of-way.
 - (2) Impulsive sound, attributable to the source, that is 15 dB(A) or more above the ambient sound level as measured at any point within a receiving property or as measured at a distance of 15 feet or more from the source on a public right-of-way. Impulsive sound levels shall be measured in the A-weighting network with the sound level meter set to fast response. The ambient sound level shall be taken in the A-weighting network with the sound level meter set to slow response.
 - (3) Sound that exceeds the decibel levels set forth in subdivision (d) of section 24-223 during the time that an after hours authorization is required to be in effect.
- (b) Where a particular sound source or device is subject to decibel level limits and requirements specifically prescribed for such source or device elsewhere in this code, such specific decibel limits shall apply to such device or source. However, if aggregate sound levels from a construction site exceed the limits set forth in this section, compliance with such specific decibel limits shall not be a defense in any proceeding relating to a violation of this section.

§ 24-228.1 – Exhausts

No person shall cause or permit discharge into the open air of the exhaust of any device, including but not limited to any steam engine, diesel engine, internal combustion engine, power tools, compressors or turbine engine, so as to create an unreasonable noise. For the purposes of this section unreasonable noise shall include but shall not be limited to sound that exceeds the prohibited noise levels set forth in section 24-228.

§ 24-229 – Containers and construction material

- (a) No person shall handle or transport or cause to be handled or transported on any public right-of-way any container or any construction material in such a way as to create an unreasonable noise. For the purposes of this section unreasonable noise shall include but shall not be limited to the following prohibited noise levels:
 - (1) Sound, other than impulsive sound, attributable to the source measured at a level of 10 dB(A) or more above the ambient sound level, as measured at any point within a receiving property or as measured at a distance of 15 feet or more from the source on a public right-of-way.
 - (2) Impulsive sound, attributable to the source, measured at a level of 15 dB(A) or more above the ambient sound level, as measured at any point within a receiving property or as measured at a distance of 15 feet or more from the source on a public right-of-way. Impulsive sound levels shall be measured in the A-weighting network with the sound level meter set to fast response. The ambient sound level shall be taken in the A-weighting network with the sound level meter set to slow response.
- (b) This section shall not apply to the operation of refuse collection vehicles regulated pursuant to section 24-225.

§ 24-230 – Paving breakers

- (a) No person shall operate or cause to be operated a paving breaker, other than one operated electrically or hydraulically, unless a pneumatic discharge muffler certified by the manufacturer of such muffler to provide a dynamic insertion loss of 5 dB(A) of the sound released from the air discharge of such paving breaker is installed on such air discharge.
- (b) No person shall sell, offer for sale for use within the city of New York, operate or permit to be operated a paving breaker that when operated produces a maximum sound level that exceeds 95 dB(A), when measured at a distance of one meter or more from a face of such paving breaker.

§ 24-236 – Motor vehicles

- (a) Motor vehicles, other than motorcycles, with a maximum gross weight of 10,000 lbs. or less. No person shall cause or permit any motor vehicle, other than a motorcycle, with a maximum gross weight of 10,000 lbs. or less to operate on a public right-of-way where the muffler or exhaust generates a sound that is plainly audible to another individual at a distance of 150 feet or more from the motor vehicle.
- (b) Motorcycles. No person shall cause or permit any motorcycle to operate on a public right-of-way where the muffler or exhaust generates a sound that is plainly audible to another individual at a distance of 200 feet or more from the motorcycle.
- (c) Motor vehicles with a maximum gross weight greater than 10,000 lbs. No person shall cause or permit any motor vehicle with a maximum gross weight greater than 10,000 lbs. to operate on a public right-of-way where the muffler or exhaust generates a sound that is plainly audible to another individual at a distance of 200 feet or more from the motor vehicle, except when compression brake systems are used in an emergency to stop the vehicle.

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- (d) (1) No person operating a motor vehicle containing a compression brake system or systems shall apply such compression brake system or systems except when such system or systems are used in an emergency to stop the vehicle.
- (2) The department is authorized to post signs at every entry point of the city containing the following information: THE USE OF COMPRESSION BRAKE SYSTEMS IS PROHIBITED ON STREETS WITHIN NEW YORK CITY WHERE THE SPEED LIMIT IS 35 MILES PER HOUR OR LESS EXCEPT IN CASE OF AN EMERGENCY.
- (e) No person shall cause or permit the total sound from a motor vehicle operating on any public right-of-way to exceed the sound level set forth in section 386 of the vehicle and traffic law and the rules adopted pursuant to such section.
- (f) Subdivisions a, b, c and paragraph one of subdivision d of this section may only be enforced on streets where the speed limit is 35 miles per hour or less.

§ 24-415 – Conditions to granting permit for conduit construction; security

- (a) The commissioner of transportation shall not grant a permit of the type mentioned in section 24-404 of the code unless, if the application be for underground construction, there is an existing demand for the construction of such conduits or subways, and the occupation of such conduits or subways is reasonably assured, and the public interests require their construction, or unless, if the application be for permission to deviate from an underground system, the case is one of those in which such deviation may be legally permitted under authority of sections 24-407 through 24-409 of the code. This section is made a police regulation in and for such boroughs.
- (b) It shall be the duty of the commissioner of transportation to require of any corporation or individual making application for the construction of subways, that before the construction of such subways shall be ordered, the applicant shall furnish to the corporation which shall be ordered to build such subways, satisfactory security for the occupation by it of the subways which shall be constructed at its request, and the payment of the established rentals therefor yearly in advance, during such period, not less than five years, as the commissioner of transportation shall determine. The commissioner of transportation may establish and from time to time may alter, add to or amend all proper and necessary rules, regulations and provisions for the manner of use and management of the electrical conductors, and of the conduits or subways therefor, constructed or contemplated under the provisions of this section or of any law mentioned herein. This section shall not be construed to authorize any corporation or individual to take up the pavements of such boroughs, to excavate in any of such streets or to erect poles in any part of such boroughs, unless a permit in writing therefor shall have been first obtained from the commissioner of transportation.

§ 24-508 – Construction of sewers by the owners of private property

- (a) The owners of private property at their cost and expense and in accordance with the provisions of section two hundred twenty-nine of the charter may construct sewers in the streets of the city by filing with the commissioner of environmental protection:
- (1) Plans and specifications of such sewer;
- (2) A duplicate copy of the contract for such construction, showing the cost thereof; and

- (3) A satisfactory guarantee to such commissioner of payment of the expense of supervision of such construction. Upon his or her approval of such plans, specifications and contract, the commissioner shall issue his or her permit for the construction of the proposed sewer.
- (b) The commissioner of environmental protection thereupon shall file copies of the documents listed in subdivision a with the department of city planning, which shall forward a copy within five days to the community board for the community district in which the property is located, and to the appropriate borough board if the plans involve land located in two or more community districts. Such commissioner shall apportion the cost of construction, according to actual benefit, between the several parcels of property abutting on each side of that part of the street through which the sewer is to be constructed.
- (c) Until title to such sewer vests in the city of New York, as hereinafter provided, the commissioner of environmental protection shall grant permits for connection with such sewer only to those owners or occupants of the property abutting on that part of the street in which such sewer has been laid who shall prove payment to the party or parties who constructed and paid for such sewer of their proportionate part of the cost and expense shall be paid without the addition of any interest charge. At such time as title to any such sewer shall vest in the city, owners or occupants of the property abutting on that part of the street in which such sewer has been laid who have not requested permission to connect with such sewer, and who have not made payment to the party or parties who constructed and paid for such sewer, shall have the right to connect with such sewer without payment of any part of the cost and expense of such sewer.
- (d) Except for the purpose of supervision, maintenance and use by the city in connection with its public sewer system, such sewer shall be deemed the private property of the parties or party who shall have paid for its construction. When the owners of all the property abutting on that part of the street in which any such sewer has been laid shall have paid their several shares of the cost of its construction, or when a period of seven years from the time of issuance of the permit pursuant to subdivision a hereof has elapsed, whichever is earlier, it shall be the property of the city. The city in no event shall be liable for any part of the cost and expense of construction of any such sewer.
- (e) It shall be unlawful for any person to represent to any prospective purchaser of property that a sewer constructed in any street is a city sewer unless such sewer shall have been constructed by the city in accordance with the legally adopted drainage plan of the city and/or accepted as a public sewer in accordance with the provisions of the code.

§ 24-509 – Construction of sewers

- (a) The commissioner of environmental protection shall prescribe the manner of opening sewers or drains and the form, size and material of which the connections therewith shall be composed.
- (b) It shall be unlawful to make a connection with any sewer or drain without the written permit of the commissioner of environmental protection, except that, in conjunction with the issuance of a permit for the construction or alteration of a structure within the curblane, the commissioner of buildings may issue a permit for connection with a sewer or drain. Such connection shall be in the manner prescribed by the commissioner of environmental protection. The commissioner issuing the permit shall require an applicant for such permit to demonstrate to his or her satisfaction that the proposed discharges to the sewer will be in compliance with section 24-523 of this chapter and the regulations promulgated pursuant to such section. For such purpose the commissioner issuing the permit may require the submission of plans, specifications

and such other information as he or she may reasonably require.

- (c) When public sewers are made available, the individual on site private sewage disposal system or any other means of sewage disposal or discharge shall be abandoned in a manner prescribed by the commissioner of buildings. The building house sewer shall be connected to the available public sewer within six months of the date of notification that the sewer has been accepted to receive flow. As used in this subdivision the term “individual on site private sewage disposal system” shall mean a system of interconnected structures, units, pipes and devices, including a septic tank and an absorption area, which does not connect to the city sewer system, and which is used to collect, convey, treat and dispose water-flushed or water-carried domestic or commercial sewage on one tax lot.
- (d) Any person who violates subdivision c of this section, or any order issued by or rule promulgated by the commissioner pursuant thereto, shall be liable for a civil penalty in an amount not greater than five thousand dollars for each violation, which may be recovered in a proceeding before the environmental control board. A proceeding to recover any civil penalty authorized pursuant to this section shall be commenced by the service of a notice of violation returnable before the environmental control board, which shall have the power to impose the civil penalties prescribed herein.

§ 24-513 – Constructors; license and bond

- (a) All openings into any sewers or drains, for the purpose of making connection therewith, from any house, cellar, vault, yard or other premises, shall be made by persons to be licensed by the commissioner of environmental protection to perform such work. Before being so licensed, such persons shall execute a bond to the city in the sum of one thousand dollars, with one or more sureties to be approved by such commissioner, conditioned:
 - (1) That they will make all openings into any sewer or drain carefully and in the manner prescribed by such commissioner without injuring the same;
 - (2) That they will leave no obstruction of any description whatever in the connection made by them;
 - (3) That they will properly close up the sewer or drain around such connection and make no opening into the arch of any sewer or drain;
 - (4) That they will faithfully comply with the provisions of section eighty-six of the charter, subchapter one of chapter one of title nineteen and sections 3-508 and 3-509 of the code;
 - (5) That they will be responsible for any damages or injuries that may accrue to persons, animals or property, by reason of any opening in any street made by them or those in their employ;
 - (6) That they will properly refill and ram the earth, suitably restore the pavement taken up for excavating and repave the same should it settle or become out of order within six months thereafter. In case any person so licensed shall neglect to repair the pavement aforesaid, within twenty-four hours after being notified, the commissioner of transportation may cause the same to be done and charge the expense thereof to such licensee.

§ 24-514 – Sewer rents

- (a) Sewer system, defined. As used in this section the term “sewer system” shall mean and include the sewers, manholes, intercepting sewers, sewage pumping, treatment and disposal works, and any other plants, works or equipment and accessories within the city, which are used or useful in connection with the collection, treatment or disposal of sewage and waste, and which are owned, operated or maintained by the city as part of the public sewer system.

(b) Imposition and computation of sewer rent or charge.

- (1) In addition to any other fees or charges provided by law, the owner of any parcel of real property connected with the sewer system, including but not limited to real property connected with the sewer system by means of a private sewer or drain emptying into the sewer system, shall pay a sewer rent or charge for the use of the sewer system. Such rent or charge shall be based on the water supplied to any such real property as measured by the amount charged for such water, except as otherwise provided by this section. Such rent or charge shall be computed by the commissioner of environmental protection in accordance with the provisions of this section.
- (2) For any such property supplied with water from the municipal water supply system the sewer rent or charge shall be equal in amount to sixty percent of the charges for water supplied to such property from such system.
- (3) For any such property supplied with water by a private water company, the commissioner of environmental protection shall, by rule and regulation, subject to the approval of the board of estimate, fix the fraction of the charges for such water, which shall constitute the sewer rent for such property, so that the sewer rent or charge for such property shall, as nearly as possible, be equivalent to the sewer rent or charge imposed under paragraph two of this subdivision for property supplied with water from the municipal water supply system.
- (4) If any such property is supplied with river water or water from private wells, the sewer rent or charge for such property shall be equal in amount to sixty percent of the amount that would be charged for the quantity of water supplied from such sources if such water were supplied by the city at the rates charged for water supplied to metered premises. The commissioner of environmental protection shall estimate the quantity of water supplied from such sources and shall compute the sewer rent or charge, on the basis of such estimated quantity, in accordance with the provisions of this paragraph. However, if a water meter, approved by the commissioner of environmental protection, has been or shall be installed by the owner or occupant of the premises to measure the quantity of water supplied from such sources, the quantity of water measured by such meter shall constitute the basis for computing the sewer rent or charge in accordance with the provisions of this paragraph. In the event that such property supplied with river water or water from private wells is also supplied with water from the municipal water supply system or by a private water company, the sewer rent or charge for such property shall consist of the rent or charge computed pursuant to this paragraph and the rent or charges computed in accordance with paragraph two or three of this subdivision as the case may be.
- (5) The commissioner of environmental protection shall have the power to promulgate rules and regulations, subject to the approval of the board of estimate, prescribing reasonable sewer rents or charges for any such property which is used for an industrial or commercial purpose of such a nature that water supplied to it cannot be entirely discharged into the sewer system. The sewer rent or charges prescribed pursuant to this paragraph shall be based, as far as practicable, upon the amount of sewage discharged into the sewer system as estimated by the commissioner of environmental protection, or where an estimate of such amount is impracticable, upon any other basis bearing a reasonable relationship to the amount of sewage discharged into the sewer system.

(c) Additional rule making powers. The commissioner of environmental protection shall have the power to make such additional rules and regulations as may be necessary to carry out the provisions of this section. Such rules and regulations shall be subject to approval by the board of estimate.

(d) Cooperation by private persons, water companies, and public agencies. The commissioner of environmental protection may require every person who owns or occupies real property within the city,

every private water company supplying water to property within the city, and all municipal agencies, officers, and employees to furnish him or her with such information as may be necessary to carry out the provisions of this section. Every such person, water company, or municipal agency, officer, or employee shall cooperate with the commissioner of environmental protection in carrying out the provisions of this section and shall comply with all rules and regulations promulgated pursuant to this section. Such commissioner shall have the power to hold such hearings and to subpoena such witnesses and direct the production of such books and papers as may be necessary to carry out the provisions of this section.

- (e) Exemptions from sewer rents or charges. Any real property which is entitled to an exemption from the payment of water rents or charges shall also be exempt from payment of the sewer rents or charges imposed hereunder.
- (f) Payment and enforcement of sewer rents or charges. All sewer rents or charges imposed hereunder shall be due and payable at the times and in the manner provided in chapters three and four of title eleven of the code. Such rents or charges shall constitute a lien upon the real property served by the sewer system and such lien shall be prior and superior to every other lien or claim except the lien of an existing tax, water rent or local assessment. Such rents or charges shall be collected and the liens thereof may be foreclosed in the manner provided in chapters three and four of title eleven of this code.
- (g) Sewer fund. The revenues derived from the sewer rentals imposed hereunder, including penalties and interest thereon, shall be kept in a separate and distinct fund to be known as the sewer fund. Such fund shall be used for the payment of the cost of the management, maintenance, operation and repair of the sewer system, the cost of administering and enforcing the provisions of this section and the cost of collection of the sewer rents or charges imposed pursuant to the provisions of this section, and any surplus in such fund shall be used for the payment of the interest and amortization on any debt which has been or shall be incurred for the construction of intercepting sewers and sewage treatment and disposal works, and for the enlargement, replacement, or addition of intercepting sewers or sewage treatment works. However, such funds shall not be used for the extension of sewers to serve unsewered areas.

§ 24-518 – Obstructing substances

It shall be unlawful for any person to permit any substance to flow or pass into any sewer, drain or receiving basin, connecting with a public sewer, if such substance may form a deposit tending to choke such sewer, drain or basin.

§ 24-519 – Volatile, flammable liquids

It shall be unlawful to use any connection with, opening into, or gutter leading into, any sewer or drain, either public or private, for the conveyance or discharge, directly or indirectly, into such sewer or drain, of any volatile flammable liquid, gas or vapor. A volatile, flammable liquid is any liquid that will emit a flammable vapor at a temperature specified in rules of the department.

§ 24-520 – Steam and hot water

- (a) It shall be unlawful to discharge waste water into any sewer at a temperature higher than that prescribed by the commissioner of environmental protection.

- (b) It shall be unlawful to use a connection with or opening into any sewer or drain for the conveyance or discharge of steam or hot water at a temperature above that prescribed by such commissioner into such sewer or drain, or to discharge steam, or permit it to escape into any sewer, drain, or public street, from any stopcock, valve or other opening in any steam pipe or main.
- (c) The commissioner of environmental protection, upon the expiration of five days after notice, shall discontinue the discharge of steam or hot water from any connection, cancel the permit for such connection and close up and remove the same, if the discharge of steam or hot water therefrom shall not have been discontinued.

§ 24-520.1 – Non-stormwater discharges prohibited

- (a) For purposes of this section, the following terms have the following meanings:
 - Allowable runoff. The term “allowable runoff” means runoff authorized by the rules of the department of environmental protection to enter storm sewers, provided that such rules shall be consistent with the proper maintenance and purpose of such storm sewers and with the state pollutant discharge elimination system (SPDES) permit for municipal separate storm sewer systems of New York city, SPDES No. NY-0287890 or its successor.
 - Storm sewer. The term “storm sewer” means a sewer, the primary purpose of which is to carry stormwater.
- (b) No person shall discharge or cause to be discharged, directly or indirectly, into any storm sewer any substance other than stormwater or allowable runoff. Rules governing allowable runoff may require practices and procedures related to such discharges in furtherance of this section. Such rules may also require approval by the department of such discharges.
- (c) For purposes of this section, indirect discharges include but are not limited to discharges to any street, gutter, or other conveyance that could reasonably lead to a storm sewer.

§ 24-523 – Industrial waste; sewer surcharges

- (a) Definitions. As used in this section, the following terms shall mean:
 - (1) Commissioner. Commissioner of environmental protection.
 - (2) Sewer system. The sewers, manholes, intercepting sewers, sewage pumping, treatment and disposal works, and any other plants, works or equipment and accessories within the city, which are used or useful in connection with the collection, treatment or disposal of sewage and waste, and which are owned, operated or maintained by the city as part of the public sewer system.
 - (3) Sewage. The water-carried human or animal wastes from residences, buildings, industrial establishments, or other places, together with such ground water infiltration and surface water as may be present. The admixture with sewage as above defined by industrial waste or other wastes as hereafter defined, also shall be considered “sewage” within the meaning of this section.
 - (4) Industrial waste. Any liquid, gaseous or solid substance or a combination thereof resulting from any process of industry, manufacturing, trade or business or from the development or recovery of any natural resources.
 - (5) Other wastes. Garbage, refuse, decayed wood, sawdust, shavings, bark, sand, lime, cinders, ashes, and all other discarded matter not sewage or industrial waste.

- (6) B.O.D. (Denoting biochemical oxygen demand). The laboratory determination of the quantity of oxygen utilized in the biochemical oxidation of organic matter in a given time and at a specified temperature. It is expressed in parts per million (p.p.m) or (mg/liter) of oxygen used in a period of five days at twenty degrees C.
- (7) S.S. (Denoting suspended solids). The laboratory determination of the dry weight expressed in parts per million (p.p.m) or (mg/liter) of solids that either float on the surface or are in suspension in sewage and can be removed from sewage by filtration.
- (8) pH. The logarithm of the reciprocal of the hydrogen ion concentration. It indicates the intensity scale of acidity and alkalinity expressed in terms of pH scale running from 0. to 14. A pH value of 7.0 the midpoint of the scale, represents exact neutrality. Values above 7.0 indicate alkalinity and those below 7.0 acidity.
- (9) Chlorine demand. The amount of chlorine expressed in milligrams per liter which will complete the normal reactions with all chemicals and materials in the waste leaving an excess of 0.1 milligrams per liter after thirty minutes contact time at room temperature.
- (10) Normal Sewage. Sewage, industrial waste or other wastes having all of the following characteristics:

B.O.D.	1,667 lbs. per million gallons (200 parts per million) or less
Chlorine Demand	208 lbs. per million gallons (25 parts per million) or less
S.S.	1,667 lbs. per million gallons (200 parts per million) or less
Ether soluble materials	417 lbs. per million gallons (50 parts per million) or less
pH	not less than 5.0 and not more than 9.5

- (11) Receivable Industrial Waste. Sewage, industrial waste or other wastes having all of the following characteristics:

B.O.D.	2,500 lbs. per million gallons (300 parts per million) or less
Chlorine Demand	208 lbs. per million gallons (25 parts per million) or less
S.S.	2,916 lbs. per million gallons

	(350 parts per million) or less
Ether soluble materials	417 lbs. per million gallons (50 parts per million) or less
pH	not less than 5.0 and not more than 9.5;

and such other characteristics as may be specified by the commissioner by rules and regulations promulgated pursuant to the provisions of subdivision e of this section.

- (12) Pollutants. Substances which may be present in sewage, industrial waste or other waste, whether gaseous, liquid or solid, the amounts of which, for the purposes of this section, shall be determined by the sum of the B.O.D. and the S.S. present therein.
- (13) Toxic substances. Any substance on the list of toxic pollutants or combination of pollutants published by the administrator of the federal environmental protection agency pursuant to section 307(a)(1) of the federal water pollution control act, commonly referred to as the clean water act, as amended, or any substance whether gaseous, liquid or solid, which when discharged to the sewer system may tend to (i) interfere with or inhibit any sewage treatment plant process or disposal operations, or (ii) be detrimental to the health of human beings or animals or to aquatic life.
- (14) Cost per pound of removing pollutants from sewage discharged into the sewer system. An amount certified annually by the commissioner which shall be determined by dividing the total costs of removing pollutants from the sewage discharged into the sewer system during the calendar year immediately preceding the date of certification (including the interest and amortization paid in such year upon indebtedness for capital improvements in connection therewith other than original plant construction or expansion) as computed by the commissioner, by the total number of pounds of pollutants removed in such year as computed by the commissioner. The amount so certified shall be filed in the department of public works on July first of each year and shall be used in computing the surcharges hereunder for the use of the sewer system during the one year period commencing on such July first.
- (15) Laboratory determination. The measurements, tests and analyses of the characteristics of waters and wastes in accordance with the methods contained in the latest edition at the time of any such measurement test or analysis, of "Standard Methods for Examination of Water and Sewage" a joint publication of the American public health association, the American waterworks association and the water pollution control federation or in accordance with any other method prescribed by the commissioner by rules and regulations promulgated pursuant to this section.

(b) Imposition and computation of sewer surcharge.

- (1) In addition to any other fees, charges or sewer rents provided by section 24-514 of the code or any other law, the owner of any parcel of real property connected with the sewer system, including but not limited to real property connected with the sewer system by means of a private sewer or drain emptying into the sewer system, shall pay a surcharge for the use of the sewer system for discharging any sewage, industrial waste or other waste, accepted for admission thereto in which the characteristics resulting from pollutants contained therein exceed the maximum values of such characteristics in receivable industrial waste as defined in subdivision a of this section and the rules and regulations of the

commissioner adopted pursuant to this section.

- (2) i. Such charge shall be computed by the commissioner in accordance with the following formula: The amount of the surcharge shall equal the product of: (A) the cost per pound of removing pollutants from the sewage in the sewer system, (B) a conversion factor and (C) the volume of sewage, industrial waste or other wastes discharged into the sewer system, multiplied by the sum of (A) the average concentration in parts per million by weight of suspended solids for sewage, industrial waste or other wastes discharged into the sewer system, in excess of three hundred fifty parts per million, and (B) the average concentration in parts per million by weight of the biochemical oxygen demand for sewage, industrial waste, or other wastes discharged into the sewer system in excess of three hundred parts per million. Such formula expressed in symbols shall be as follows:

$$Ds = C \times F \times V \times [(S.S. - 350) + (B.O.D. - 300)]$$

where		
	Ds =	amount of surcharge, in dollars;
	C =	cost per pound (in dollars) of removing pollutants from the sewage discharged into the sewer system expressed to the nearest tenth of a cent;
	F =	62.41,000,000, i.e., the factor for converting parts per million by weight to pounds per million cubic feet;
	V =	volume, in cubic feet of sewage, industrial waste or other wastes discharged from such premises into the sewer system;
	S.S. =	parts per million by weight of suspended solids in sewage, industrial waste or other wastes discharged from such premises into the sewer system;
	350 =	maximum parts per million by weight of S.S. allowable in receivable industrial waste;
	B.O.D. =	parts per million by weight of B.O.D. in the sewage, industrial waste or other wastes discharged from such premises into the sewer system;
	300 =	maximum parts per million by weight of B.O.D. allowable in receivable industrial waste.

- ii. In applying such formula the commissioner may use, as the figure representing the number

of cubic feet of sewage discharged into the sewer system, (A) the amount of water supplied to the premises by the city or a private water company as shown upon the water meter if the premises are metered, or (B) if the premises are supplied with river water or water from private wells, the amount of water supplied from such sources as estimated by the commissioner, pursuant to paragraph four of subdivision b of section 24-514 of this chapter, or (C) if such premises are used for an industrial or commercial purpose of such a nature that the water supplied to the premises cannot be entirely discharged into the sewer system, the estimate of the amount of sewage discharged into the sewer system made by the commissioner, pursuant to the provisions of paragraph five of subdivision b of section 24-514 of the code, or (D) the number of cubic feet of sewage discharged into the sewer system as determined by measurements and samples taken at a manhole installed by the owner of the property served by the sewer system at his or her own expense in accordance with the terms and conditions of the permit issued by the commissioner pursuant to this method, or (E) a figure determined by the commissioner by any combination of the foregoing or by any other equitable method.

- (c) (1) The commissioner may require that a permit be obtained for the discharge whether direct or indirect into the sewer system or into any private sewer or drain emptying into the sewer system, of sewage, industrial wastes or other wastes, the characteristics of which do not conform to the characteristics prescribed for normal sewage in accordance with the provisions of paragraph ten of subdivision a of this section or for the discharge of any toxic substance or any other objectionable material or substance specified by the rules and regulations promulgated pursuant to subdivision e of this section. The commissioner, in his or her discretion, may require a permit for all such discharges or for any class or category of such discharges. Any discharge pursuant to such permit shall be upon such terms and conditions as may be established by the commissioner in the issuance of such permit. Such terms and conditions may include requirements of a limitation upon the volume of sewage and the rate of flow permitted from the premises which are the subject of the permit, the installation and maintenance by the permittee at his or her own expense of facilities or equipment for intermittent or continuous measurement of sewage, industrial waste or other wastes discharged into the sewer system from such premises, the installation and maintenance by the permittee, at his or her own expense, of detention tanks or other facilities or equipment for reducing the maximum rates of discharge of sewage to such percentage of the twenty-four hour rate as may be required by the commissioner, the installation and maintenance by the permittee, at his or her own expense of such preliminary treatment facilities as may be required by the commissioner, the installation and maintenance by the permittee, at his or her own expense, of a suitable control manhole in the house sewer, if any, carrying such sewage; the submission to and approval by the commissioner of the plans for any of the facilities or equipment required to be installed and maintained by the permittee pursuant to such terms and conditions; and such other terms and conditions as may be necessary to protect the sewer system and carry out the provisions of this section. Such terms and conditions may also provide that subsequent to the commencement of operation of any preliminary treatment facilities required by the commissioner, periodic reports shall be made by the permittee to the commissioner, setting forth adequate data upon which the acceptability of the sewage, industrial waste or other wastes, after treatment, may be determined. A violation by the permittee of any term or condition of the permit shall constitute cause for revocation or suspension of the permit.
- (2) Whenever required to carry out the provisions of this section and the regulations promulgated pursuant to this section, the commissioner may require any person discharging directly or indirectly into the sewer system or into any private sewer or drain emptying into the sewer system to (i) establish and

maintain such records, (ii) make such reports, (iii) install, use and maintain such monitoring equipment or methods (including where appropriate biological monitoring methods) (iv) sample such effluents (in accordance with such methods, at such locations, at such intervals and in such manner as the commissioner shall prescribe) and (v) provide such other information as he or she may reasonably require.

- (3) Any person discharging directly or indirectly into the sewer system or into any private sewer or drain emptying into the sewer system, shall be deemed to have consented and agreed that the commissioner or his or her deputies or such other officers or employees as are authorized by the commissioner may enter on the premises from which such discharge is emitted or in which any records required to be maintained under paragraph two are located and may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required under paragraph two and sample any effluents discharged from the premises to the sewer system.
- (4) It shall be unlawful to make any false statement, representation or certification in any application, record, report, plan, or other document filed with or required to be maintained by the commissioner or to falsify, tamper with or knowingly render inaccurate any monitoring device or method required to be maintained by the commissioner.
- (d) Sampling of industrial wastes. Whenever sewage, industrial waste or other waste which has characteristics which do not conform to the characteristics prescribed for normal sewage or receivable industrial waste pursuant to paragraphs ten and eleven of subdivision a of this section, or which contains toxic substances or other material or substance excluded from the sewer system by the commissioner pursuant to this section is discharged into the sewer system from any premises, the commissioner shall have the power to take such samples and tests as may be necessary to determine the nature and concentration of such wastes, and shall have the power to reassess his or her findings by taking such additional samples or tests at any time or by periodic rechecks without notice to the owner or person discharging such wastes. Samples shall be taken and flow measurements made, whenever possible, at a common manhole into which all flows of sewage, industrial waste or other waste from such premises are combined. Such manhole shall be constructed by the owner of such premises, at his or her own expense, when directed by order of the commissioner. Whenever the installation of such a manhole is impossible or impracticable, the owner of such premises shall construct and maintain at his or her own expense, any additional manholes required by order of the commissioner, for accurate measurement of all flow of sewage, industrial waste or other wastes discharged from such premises into the sewer system. Failure to comply with an order of the commissioner issued pursuant to this subdivision may subject the premises to temporary termination of water supply in accordance with the provisions of section 11-314 of the code.
- (e) Rules and regulations.
 - (1) The commissioner shall have the power to promulgate rules and regulations:
 - (a) identifying toxic substances and regulating, restricting or prohibiting the discharge of such substances into the sewer system in amounts or concentrations which may cause any of the adverse effects described in paragraph thirteen of subdivision a of this section;
 - (b) regulating, restricting or prohibiting the discharge into the sewer system of any material or substance which is or may be detrimental or destructive to the sewer system or the treatment

processes thereof or to the public health or welfare;

- (c) specifying the characteristics and the minimum and maximum amounts thereof, in addition to those specified in paragraph eleven of subdivision a hereof, for receivable industrial waste;
 - (d) such additional rules and regulations as may be necessary to protect personnel, the sewer system and the treatment process thereof and the receiving waters; and
 - (e) regulating the amount and concentration of substances contained in industrial waste discharged directly or indirectly into the sewer system to achieve compliance with effluent limitations imposed upon city discharges to receiving waters by federal or state law or regulation or a discharge permit issued pursuant thereto.
- (2) The commissioner shall by rule or regulation adopt the standards, prohibitions and requirements promulgated under the federal water pollution control act, commonly referred to as the clean water act, as amended, except where such standards, prohibitions and requirements are less stringent than those which are established by the commissioner pursuant to paragraph one or three of this subdivision.
- (3) Notwithstanding any inconsistent provision of paragraphs one and two of this subdivision, the commissioner may order any person discharging a toxic substance directly or indirectly into the sewer system or into any private sewer or drain emptying into the sewer system to reduce the amount or concentration of such toxic substance to a level which the commissioner determines to be economically achievable by the discharger notwithstanding that such level is lower than that which is prescribed in the regulations adopted pursuant to paragraph one or two or that the discharge is not regulated under such provision. Within twenty days after the issuance of an order by the commissioner, any person affected by such order may request a hearing before the commissioner. The commissioner may suspend, revoke or modify the order.
- (f) Cooperation by private persons, water companies and public agencies. The commissioner may require every person who owns or occupies real property within the city and every private water company supplying water to property within the city, to furnish him or her with such information as may be necessary to carry out the provisions of this section. The commissioner shall have the power to hold hearings and to subpoena any such persons or company, or any officer, employee or agent of any such company, and direct the production of books and papers in order to carry out the provisions of this section. Every such person, water company or public official or municipal agency, officer or employee shall cooperate with the commissioner in carrying out the provisions of this section and shall comply with all rules and regulations promulgated pursuant to this section.
- (g) Payment and enforcement of sewer surcharges. All surcharges imposed hereunder shall be due and payable at the times and in the manner provided in chapters three and four of title eleven of the code with respect to the payment of sewer rents based upon the metered supply of water. Such sewer surcharges shall constitute a lien upon the real property served by the sewage system and such lien shall be prior and superior to every other lien or claim except the lien of an existing tax, water rent, sewer rent or local assessment. Such sewer surcharges shall be collected and the liens thereof may be foreclosed in the manner provided in chapters three and four of title eleven of the code. The revenues derived from the sewer surcharges imposed hereunder, including penalties and interest thereon shall be paid into the sewer fund established

pursuant to section 24-514 of the code and shall be used in the manner and for the purposes provided therein.

§ 24-551 – Stormwater construction permit required

It shall be unlawful to commence or engage in any development activity on the site of a covered development project unless and until a stormwater construction permit has been issued by the department.

§ 24-552 – Review of stormwater pollution prevention plan or SWPPP

Before the commencement of development activity on the site of a covered development project the developer must submit to the department for review in accordance with rules of the department a stormwater pollution prevention plan, certified by a qualified professional, and for projects covered by the NYSDEC construction general permit a copy of the NOI. The department or a qualified professional designated by the department shall review the SWPPP within time periods to be specified in the rules of the department. If the department accepts the SWPPP the department shall issue a stormwater construction permit to the developer and, for projects subject to the NYSDEC construction general permit, shall issue an MS4 SWPPP acceptance form for filing with NYSDEC. If the department rejects the SWPPP the department shall send notice of such rejection to the developer indicating the specific deficiencies that caused the department to reject the SWPPP. The department may require that the SWPPP or other documents be submitted electronically.

§ 24-554 – SWPPP to be retained on site

A copy of the SWPPP shall be retained at the site of the project from the date of initiation of development activities to the date notice of termination is submitted to NYSDEC and shall be made available to officers and employees of the department and/or qualified inspectors authorized by the department in accordance with the rules of the department.

§ 24-555 – Recordkeeping

A developer shall keep and maintain records of all inspections and tests required to be performed pursuant to this subchapter and rules of the department, as follows: records of inspections and tests performed during construction must be maintained throughout construction and for 5 years after completion of construction; and records of post-construction inspections and tests must be maintained for 5 years after performance of such inspections or tests. Such records and tests shall be made available to the department in accordance with the rules of the department. The department may require such records to be maintained and provided to the department electronically.

§ 24-556 – Compliance with terms and conditions of SWPPP required

Every stormwater construction permit issued by the department shall include the condition that the applicant and all contractors and subcontractors performing work at the site will comply with this subchapter, rules of the department and the terms and conditions of the SWPPP. Any changes in the SWPPP are subject to the prior approval of the department in accordance with rules of the department.

§ 24-559 – Post-construction stormwater management facilities

Where post-construction stormwater management facilities are required by the department, the department shall not accept the SWPPP or issue a stormwater construction permit for the project until the execution and recording of a maintenance easement, which shall be binding on all subsequent owners of the real property served by such post-construction stormwater management facility, except where the corporation counsel has determined that such a maintenance easement is not necessary due to the property's ownership or use by a public agency or instrumentality. For post-construction stormwater management facilities subject to such an exception, when there is a subsequent conveyance or cessation of public use, the corporation counsel may require the execution and recording of a maintenance easement at that time. The easement shall provide for access to post-construction stormwater management facilities at reasonable times in accordance with law for periodic inspection by the department or qualified professionals authorized by the department to ensure that such facilities are maintained in good working condition to meet the applicable design standards. The easement shall be recorded by the grantor in the office of the city register or, if applicable, the county clerk after approval by the corporation counsel.

§ 24-560 – Stormwater maintenance permit

It is the duty of all owners of real property, jointly and severally, served by a post-construction stormwater management facility required by a SWPPP accepted by the department pursuant to this subchapter to provide for the inspection and maintenance of such facility in accordance with this section and the rules of the department. The department shall maintain a record of all such post-construction stormwater management facilities and the property served by each such facility. As soon as practicable after final stabilization of a site, the owner of property served by a post-construction stormwater management facility shall submit to the department a copy of the notice of termination and an application for a stormwater maintenance permit for such facility. Such owner shall provide for the renewal of such permit every 5 years in accordance with the rules of the department. The department shall issue or renew such permit upon receipt of a satisfactory inspection report certified by a qualified professional retained by the owner indicating that the facility has been installed and/or is operated and maintained in good working condition to meet applicable design standards and the rules of the department. A facility shall be maintained in good working condition throughout its useful life and replaced in accordance with the rules of the department.

§ 24-571 – Authority to enter and inspect

- (a) The department shall have the authority to enter and inspect any premises or facility, including, but not limited to, its equipment, practices, operations and records, consistent with applicable law and in accordance with rules of the department related to such entry and inspection. Such entry and inspection shall be conducted during normal operating hours for purposes of determining whether such premises or facility generates significant contributions of pollutants of concern to an impaired water.
- (b) The department shall have the authority to enter and inspect industrial stormwater sources including, but not limited to, their equipment, practices, operations and records, consistent with applicable law and in accordance with rules of the department related to such entry and inspection, and shall, at a minimum, conduct inspections of such sources in accordance with the schedule and requirements for such inspections set forth in the NYC MS4 Permit. Such entry and inspection shall be conducted during normal operating hours for purposes of determining compliance with this subchapter and any rule promulgated pursuant thereto. The department may enter and inspect such premises and facilities for purposes including, but not

limited to, the following:

- (1) To conduct a visual observation for evidence of unauthorized discharges, illicit connections, and potential discharges of pollutants to stormwater;
- (2) To evaluate the facility's compliance with applicable MSGP requirements; and
- (3) To evaluate the facility's compliance with any other relevant local stormwater requirements.

§ 24-572 – Compliance with the Multi-Sector General Permit (MSGP)

All industrial stormwater sources must comply with all applicable conditions of the MSGP.

§ 24-573 – Recordkeeping

- (a) Industrial stormwater sources shall, upon the department's request or pursuant to the rules of the department, submit to the department any information or records necessary to determine compliance with the MSGP and this subchapter and any rule promulgated pursuant thereto. Such records may include, but need not be limited to, stormwater pollution prevention plans and reports of monitoring activities and results required pursuant to the MSGP.
- (b) The department may require such records to be maintained and provided to the department electronically.

Title 27, Construction and Maintenance

Chapter 3 sets forth the New York City Electrical Code, which regulates the installation, alteration, and repair of electrical wiring and appliances for power. This chapter requires that an electrical permit be issued for any electrical work. The Electrical Code is available at <https://www1.nyc.gov/site/buildings/codes/electrical-code.page>.

Title 28, New York City Construction Codes

Chapter 1, which governs the administration of the New York City Construction Codes, makes it unlawful to construct, enlarge, alter, move, demolish, remove, or change the use or occupancy of any building or structure in the city, to change the use or occupancy of an open lot or portion thereof, or to erect, install, alter, repair, or use or operate any sign or service equipment in or in connection therewith, or to erect, install, alter, repair, remove, convert, or replace any gas, mechanical, plumbing, fire suppression or fire production system in or in connection therewith or to cause any such work to be done unless and until a written permit therefore shall have been issued by the commissioner in accordance with the requirements of this code. The New York City Construction Codes are available at <https://www1.nyc.gov/site/buildings/codes/nyc-code.page>.

Chapter 6 sets forth the New York City Plumbing Code, which regulates the erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of plumbing systems. The Applicant must comply with the applicable substantive provisions of this Chapter and the corresponding Department of Buildings rules.

Chapter 7 sets forth the New York City Building Code, which regulates the construction, alteration, movement, addition, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings and structures. This section provides that it is unlawful to construct, alter, repair, move, demolish, remove, or change the use of any building or structure without obtaining a building permit. The Applicant must comply with the applicable substantive provisions of this Chapter and the corresponding Department of Buildings rules.

Chapter 8 sets forth the New York City Mechanical Code, which regulates the design, installation, maintenance, alteration, and inspection of mechanical systems. This chapter requires that mechanical permits be issued for all mechanical work. The Applicant must comply with the applicable substantive provisions of this Chapter and the corresponding Department of Buildings rules.

Chapter 10 sets forth the New York City Energy Code, which regulates the design and construction of buildings for the use and conservation of energy over the life of the building. The Applicant must comply with the applicable substantive provisions of this Chapter and the corresponding Department of Buildings rules set forth in Chapter 5000 of the Rules of the City of New York.

Title 29, New York City Fire Code

Chapter 2 sets forth the New York City Fire Code, which governs the design, installation, operation and maintenance of devices, equipment, and systems designed to prevent, mitigate, control, and extinguish fire, explosions, or other safety hazards. This chapter requires permits for various construction and maintenance activities, as well as for various building uses. The Applicant must comply with the applicable substantive provisions of this Chapter and the corresponding Fire Department rules. The New York City Fire Code is available at <https://www1.nyc.gov/site/fdny/about/resources/code-and-rules/nyc-fire-code.page>.

RULES OF THE CITY OF NEW YORK

Title 1, Department of Buildings

Title 1 of the Rules of the City of New York sets forth specifications for specific aspects of building construction, including requirements for drums for derrick load and boom heists; pressure tanks; refuse chutes and rooms; signs; sprinkler systems; ventilation of garage spaces; venting of gas water heaters or other gas appliances; entrance doors, locks, and intercommunication systems; fire protection systems; accessibility; and construction site signs. The Applicant will comply with the applicable substantive provisions of this title.

Title 15, Department of Environmental Protection

§ 8-01 – Submission of Environmental Rating Reports from Industrial Sources

Environmental Rating Reports are required for every industrial process capable of emitting solid, liquid or gaseous contaminants to the open air, and are required regardless of when the equipment became operational. The Department requires that all operational industrial equipment, as defined in § 24-104(25) of the Administrative Code, in New York City submit an Environmental Rating Report pursuant to § 24-154 of the Code. The Environmental Rating Report is required to contain substantive information showing that the equipment is being operated in compliance with § 24-153 of the Code. The Environmental Rating Reports

must be filed with the Bureau of Air Resources when specifically requested by the Bureau, and/or upon application for renewal of a Certificate of Operation if an Environmental Rating Report was not previously submitted. In accordance with § 24-138 of the Code an administrative fee must be submitted with the Environmental Rating Report. No fee is required if the Report is filed in support of an application for an operating certificate. Environmental Rating Reports are not required for oil or gas burners and boilers, unit space heaters, and exhausts used for comfort heating, ventilating and air conditioning systems. Any owner or operator who is unsure whether an Environmental Rating Report should be filed should complete and submit Form AR 510 to the Bureau of Air Resources. No fee is required when filing Form AR 510. The Bureau of Air Resources will notify the owner or operator within 60 days of filing Form AR 510 if an Environmental Rating Report must be submitted.

§ 11-03 – Notification

Note: The regulations in this section detail the requirement to notify the Commissioner of the Department of Environmental Protection in the event of a release of a listed hazardous substance. This notification is intended to supplement, not replace, other required emergency notifications. Therefore, in addition to any notification required under this section, Police Emergency at 911 should be notified in the event of a significant incident involving a hazardous substance which presents a danger to the public. This alerts the City's Emergency Warning system and assures comprehensive City agency response to such an incident.

(a) Notification requirement.

- (1) Any responsible person who knows or has reason to know of any release of any listed hazardous substance in an amount which equals or exceeds the reportable quantity of such substance shall immediately notify the Commissioner pursuant to 15 RCNY § 11-03(b), and shall notify the Commissioner in writing pursuant to 15 RCNY § 11-03(c).
 - (i) Listed hazardous substances and reportable quantities are specified in 15 RCNY § 11-04.
 - (ii) Notification shall not be required when a listed hazardous substance is released in an amount authorized pursuant to the provisions of a federal, state, or local permit or order, or court order.
- (2) Notification shall be made to the Commissioner by telephoning the Department at 718-595-4646 on business days from 9 a.m. to 5 p.m. Notification at all other times shall be made to the Department Communications Center at DEP-HELP or 718-337-4357.

(b) *Telephone notification.* Telephone notification shall include the following information:

- (1) Hazardous substance(s) released, quantity or estimated quantity released, and hazardous properties; and
- (2) Description of the incident including the cause, effect (e.g., illness or injuries), and status.

(c) *Written notification.*

- (1) Written notification shall be made to the Department within one week of the release by certified mail to the following address:

New York City Department of Environmental Protection
59-17 Junction Boulevard
Corona, New York 11368-5107
Attn: Hazardous Substances Emergency Response Officer.

(2) Written notification shall include the following information:

- (i) The name(s) of the responsible person(s) and contact number(s); the name(s) of the owner(s) of the site; the location of the release; the time of the release; the chemical name and any trade names of the substance released; the hazardous characteristics of the chemical (e.g., toxic, flammable, corrosive, etc.); the estimated quantity of any subsequent or continuing release; a description of areas affected by the release, such as public rights-of-way, residues in the area, sewers, catch basins, equipment and structures, and the geographic extent of the affected areas; and
- (ii) The nature of the process(es) which take place at the site including, but not limited to, any processes involved in the actual release and any processes which might contribute to a hazardous situation or in any way impede response measures; and
- (iii) All climatological conditions which in any way contributed to the hazard of a release; and
- (iv) Any available information regarding injuries at the site, adjacent to the site, and elsewhere which may be a result of the release; and
- (v) Details regarding abatement and/or cleanup measures taken by responsible person(s) or his/her designee(s), or any other person(s); and
- (vi) Any additional details requested by the Department at the time of telephone notification.

(3) Additional written notification requirements, including weekly written status reports for longer term remediation, may be included in Departmental orders issued pursuant to §§ 24-608 and 24-610 of the Administrative Code.

§ 13-04 – Wetting

- (a) Provision shall be made at every construction site to control the amount of airborne dust released off site from construction operations, by wetting the construction material as necessary with appropriate spraying agents, provided wetting will not damage utility infrastructure or create any safety hazards. Other means or dust-control apparatus may also be used provided they are acceptable to the Commissioner. Fire hydrants shall not be opened to accomplish this purpose unless a fire hydrant use permit is in effect.
- (b) Trucks and other vehicles used to transport particulate matter shall be covered and any particulate matter kept on site shall be sufficiently wetted or stored to prevent particulate matter from becoming airborne.
- (c) The wet method of dust control shall include an adequate and continuous supply of water delivered to the construction site under proper pressure and distributed by a hose system and terminating in suitable water

sprays or jets at the several points of application, or shall provide the same facilities by means of a self-contained recirculating system. For excavation jobs, a fine mist is deemed to be an adequate supply of water. The application of water shall be done in such a way so as not to create a slipping hazard. Controlled filled operations shall be exempt from this section. When the fill pile is to remain on site and undisturbed overnight or longer, the pile shall be covered with a tarp.

- (d) Portable hand water sprinklers or hose sprinklers are acceptable means of wetting for dust control. The water sprays or jets shall be designed to break the water stream into small droplets or otherwise to provide effective wetting.
- (e) Suitable drainage means shall be provided for the removal of water and sludge which drains from the operation. When no such drainage is available, the use of access roads and other acceptable methods shall be used.

§ 13-05 – Construction Activities Requiring Wetting

- (a) Prior to the commencement of demolition activities, all exterior surfaces of a building up to six stories in height shall be wetted and shall be maintained adequately wet thereafter while operations continue.
- (b) All construction material shall be sufficiently wetted to prevent dust from becoming airborne before loading into trucks, vehicles or other containers. During transport, such material shall be enclosed or covered to prevent dust dispersion.
- (c) Wetting shall be used to control dust where drilling, grinding, or other similar construction activities occur.
- (d) Sprinklers or other effective means shall be provided to control dust produced at dumps, conveyors, chutes, and other transfer points.
- (e) Wherever water sprinklers are used to control dust at transfer points, they shall be capable of being operated by the person(s) responsible for conducting the loading.
- (f) Soil or debris piles shall be moistened if dust is being emitted from the piles due to prevailing winds and not from a momentary gust. Adequately secured tarps, plastic or other material may be required by the Commissioner to further reduce dust emissions.

§ 13-06 – Construction Activities Requiring Additional Forms of Dust Control

- (a) Where the demolition or renovation of any building or other structure is being performed by hand, debris, bricks, and other material shall be removed by means of chutes, by means of buckets or hoists, or through openings in the floors of the building or other structure in compliance with these Rules and the Administrative Code of the city of New York.
- (b) Where windows and other exterior wall openings in buildings or other structures being renovated are more than 25 feet in height above the ground or grade level and are within 20 feet of any floor opening used for removal of debris from floors above, such windows and other openings shall be solidly boarded up during renovation operations to prevent the emission of dust into the atmosphere so long as applicable OSHA standards are followed.

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- (c) During sandblasting or other similar operations, installation and use of hoods, fans and dust collectors to enclose and vent the handling of dusty materials or the use of water sprays or other measures and control apparatuses acceptable to the Commissioner to suppress the dust emission or adequate containment methods shall be employed.
 - (d) Open-bodied trucks transporting dust producing construction materials likely to become airborne shall be covered at all times when in motion.
 - (e) Removal of earth or other material from paved roads, driveways and parking lots on which earth or other material has been deposited by trucking, earth moving equipment or erosion is required daily. There shall be no re-suspension of roadway dust during the removal process.
 - (f) Dry street sweepers, including broom sweeping, may be used if designed to prevent the re-suspension of street/sidewalk particulate matter.
 - (g) The use of blower devices for the removal of deposited mud or dirt is prohibited.
 - (h) Vehicles entering or exiting construction areas shall travel at slow speeds to minimize dust emissions.
 - (i) Disturbed areas shall be stabilized for the duration of the construction activity or until construction work resumes on the inactive disturbed area. All disturbed areas of a construction site, including storage piles of fill dirt and other bulk materials, which are not being actively utilized for construction purposes for a period of seven calendar days or more, shall be stabilized using one or more of the following soil stabilization methods:
 - (1) Water, as a dust suppressant;
 - (2) Chemical dust stabilizer or suppressant;
 - (3) Planting of trees or vegetative ground cover. Where soil moisture or natural crushing is sufficient to limit visible dust emissions, no action is required.

§ 13-07 – Demolition

- (a) A DEP demolition registration shall be filed with the Department 10 days prior to the commencement of demolition. Such registration shall include the following information: name of owner or demolition contractor, address of owner or demolition contractor, description of the building, structure, facility or installation, scheduled starting and completion dates of demolition, method of demolition to be employed, and procedure to be employed to meet the requirements of these Rules.
- (b) Adequate wetting shall be employed before and during the demolition of any section or wall of the structure.
- (c) Debris shall be transported through dust-tight chutes or in buckets and shall not be dropped or thrown from any floor. Any debris in chutes or buckets shall be sufficiently wetted to preclude dust dispersion at the point of discharge.

- (d) Dust and debris from the demolition operations shall be removed daily from the adjacent streets, sidewalks and alleys.
- (e) Any contractor or person who intends to demolish a building, structure, facility or installation to which the provisions of this section apply is exempt from the requirements of this section if such building, structure, facility or installation has been declared by a state or local governmental authority to be structurally unsound and in danger of imminent collapse.

§ 13-08 – Sandblasting

- (a) No dry sandblasting shall be permitted except where wet sandblasting cannot be done due to unique circumstances.
- (b) Whenever sandblasting is done, contaminant methods such as blast-cleaning machines and cabinets shall be used.
- (c) Whenever sandblasting is done, curtains shall be used as temporary dust-containment structures.
- (d) A minimum of three days notice shall be given by the contractor to owners, tenants and occupants of all structures within one hundred fifty feet of the site on which sandblasting is to be done.

§ 13-09 – Construction Devices

All persons constructing or operating a large article, machine, device, equipment, such as a rock crusher, or other contrivance or facility capable of causing or permitting emission of dust into the atmosphere at a construction site shall keep on site a document detailing such equipment. Information provided on this document shall include the ownership, location, design, make and model, operation, i.e. how does it operate, as well as any other pertinent information requested by the Department. In addition, the measures utilized to reduce dust emissions resulting from the use of these items as set forth in 15 RCNY §§ 13-01 et seq. shall be clearly outlined. This document shall be attached as an addendum sheet to the Noise Mitigation Plan prepared pursuant to § 24-220 of the Noise Code.

§ 13-10 – Open Areas

Owners shall take sufficient measures including wetting and covering and open area to prevent dust emissions from becoming airborne after demolition is completed.

§ 19-02 – Disposal of Wastewater, Stormwater and Groundwater

- (a) Except with the written approval of the Commissioner and in compliance with the terms and conditions of such approval, no stormwater outlet such as from a building, yard, or catch basin, nor any drain from a body of water such as a lake, swamp, pond or swimming pool shall be connected to a public sewer, or to a private sewer connected to a public sewer, or to an interceptor-collector.
- (b) No stormwater shall be allowed to enter a building drainage system within any area served by a separate sanitary sewer. Within any such area, no down spout or leader, gutter or other pipe, drain or channel which may at any time carry stormwater, subsurface drainage derived from hydraulic pressure or from well points, cooling water, or sea water shall be connected to any sanitary sewer. No down spout or leader shall be used as a soil, waste or vent pipe. Every joint in the connection of a building drain to a sanitary sewer must be

made watertight so that no leakage into or from any such drain shall occur.

- (c) No person shall discharge or cause to be discharged, directly or indirectly, into any storm sewer any substance other than stormwater or allowable runoff.
- (d) (1) No connection to the sewerage system including but not limited to conveyance through hard pipe, hose, or channel shall be made without the written approval of the Commissioner and compliance with the terms and conditions of such approval.

(2) The owner of any parcel of real property with an unauthorized connection to the sewerage system shall be liable for removing any such connection, and if needed, for reconnecting to a proper sewer as authorized, directed, or ordered by the Commissioner, and for all associated costs and expenses.

(3) The Commissioner, when circumstances may warrant, may direct the Department to undertake such disconnection and/or reconnection in lieu of said owner, the costs and expenses of which shall become due and payable by the owner and shall constitute a lien against such property in the manner described in § 24-512 of the Administrative Code.

(4) Pursuant to 15 RCNY § 19-10(d)(1) and (d)(2), the Commissioner, his or her deputies and any other employees of the Department, when authorized by such Commissioner, may enter upon such property and bring in the necessary equipment at reasonable hours, for the purpose of exercising the powers or performing the duties of the Department under this section. Refusal to permit such entry or bring in such necessary equipment shall be a violation of these regulations.
- (e) (1) No person shall discharge or cause to be discharged, directly or indirectly, into any catch basin or manhole any substance other than stormwater or allowable runoff.

(2) No person shall discharge or cause to be discharged, directly or indirectly, into any green infrastructure any substance other than stormwater.
- (f) (1) (i) No person shall discharge, or cause to be discharged, directly or indirectly, groundwater into a public sewer without a groundwater discharge permit from the Department's Bureau of Customer Services; provided that no person shall discharge, or cause to be discharged, directly or indirectly, over 10,000 gallons per day of groundwater, into a public sewer without a letter of groundwater quality approval from the Department's Bureau of Wastewater Treatment, a letter of approval contingent upon a review of the capacity and capabilities of the receiving sewer from the Department's Bureau of Water and Sewer Operations, and a groundwater discharge permit from the Department's Bureau of Customer Services.

(ii) Such letters of approval are also required for groundwater discharges of 10,000 gallons per day or less when the applicant's New York State Professional Engineer determines that such groundwater may contain any materials or substances prohibited or regulated by any provision of this title.

(iii) For groundwater discharges of 10,000 gallons per day or less that are in compliance with these Rules, the Commissioner may allow a New York State Professional Engineer to submit a statement on a form provided by the Department certifying that representative groundwater

samples have been collected and that they have been properly handled, preserved, and analyzed in accordance with 40 C.F.R. Part 136, or, if 40 C.F.R. Part 136 does not cover the pollutant in question, in accordance with the latest edition of “Standard Methods for the Examination of Water and Wastewater,” and that the analysis of such samples by a New York State Health Department certified wastewater laboratory shows compliance with the toxic discharge limits set by the Commissioner pursuant to 15 RCNY § 19-03(a)(11)(ii). The owner of the premises is required to maintain the laboratory results for said analysis for a minimum of either five years or such longer period as may be required by other applicable laws or regulations, and must make them available to the Department upon request.

- (iv) The owner and/or operator of the premises from which the groundwater originates shall remain liable for what is discharged into the public sewer, and shall be subject to the applicable fines, penalties and other sanctions provided in § 24-524 of the Administrative Code of the City of New York if such discharge is not in compliance with applicable provisions of the Administrative Code and Rules of the Department.
 - (v) No such self-certification shall be deemed to waive, nor shall any such self-certification be held to limit the power of the Commissioner to enforce any requirements of these or any other regulations, or of the Administrative Code or of any other law. The Department shall not incur any liabilities or obligations for the failure of the discharge from such self-certified premises to comply with this chapter or any other regulations, the Administrative Code or any other law.
 - (vi) Any groundwater discharges to a storm sewer which discharges directly to a receiving water, regardless of the amount, shall require a State Pollution Discharge Elimination System (SPDES) permit, a non-jurisdictional determination letter, or such other written approval as may be required from the New York State Department of Environmental Conservation in addition to a groundwater discharge permit from the Department’s Bureau of Customer Services, and if over 10,000 gallons per day, a letter of approval contingent upon a review of the capacity and capabilities of the receiving sewer from the Department’s Bureau of Water and Sewer Operations.
- (2) The Commissioner may impose any terms or conditions in a groundwater discharge permit and/or letter of groundwater quality approval that he or she deems necessary. If those terms or conditions are not complied with at all times, the permit and/or letters of approval may be immediately revoked pursuant to paragraph (7) of this subdivision.
 - (3) The Commissioner may consult with the United States Environmental Protection Agency and the New York State Department of Environmental Conservation prior to granting a groundwater discharge permit and/or letters of approval, and at their suggestion, may include such conditions as he or she deems appropriate.
- (g) The Commissioner may approve an application for a groundwater discharge permit and/or letters of approval upon demonstration by the applicant, satisfactory to the Commissioner, that:
 - (1) substantial property damage will result unless such groundwater is removed;
 - (2) there are no feasible alternative methods of disposal;

- (3) allowing the discharge will not overload the hydraulic capacity of the sewer;
 - (4) such discharge will not cause an unacceptable dilution of the influent to the wastewater resource recovery facility receiving the groundwater discharge, so as not to adversely impact the facility's operation; and
 - (5) such discharge will be temporary.
- (h)(1) Permits and/or letters of approval for the temporary discharge of groundwater into storm sewers shall require, at a minimum, compliance with the following conditions:
- (i) the discharger must develop and implement, pursuant to a schedule set by the Commissioner, an alternative method of disposal, unless the applicant demonstrates to the satisfaction of the Commissioner that no such alternative method of disposal exists or can be developed or implemented;
 - (ii) the discharger must indemnify and hold the City of New York harmless for any damage or liability incurred by the City of New York either directly or indirectly, in the event that the discharge results in overloading the capacity of such storm sewer, or otherwise causes flooding, and shall also post and maintain such cash or surety bond as may be required and will be satisfactory to the Commissioner and must supply evidence of such bond when required;
 - (iii) the discharger must pay a sewer use fee or charge equivalent to the one imposed by the Department pursuant to § 24-514 of the Administrative Code;
 - (iv) the discharger must install a flow meter to measure the flow of groundwater to the storm sewer.
- (2) Permits and/or letters of approval for the temporary discharge of groundwater into either combined or sanitary sewers, shall require, at a minimum, compliance with the following conditions:
- (i) the discharger must develop and implement, pursuant to a schedule set by the Commissioner, an alternative method of disposal, unless the applicant demonstrates to the satisfaction of the Commissioner that no such alternative method of disposal exists or can be developed and implemented;
 - (ii) the discharger must indemnify and hold the City of New York harmless for any damage or liability incurred by the City of New York either directly, or indirectly, in the event that the discharge results in overloading the capacity of such combined or sanitary sewer, causes a bypass away from the sewage treatment plant to which it would have otherwise flowed, or otherwise causes flooding, and must also post and maintain such cash or surety bend, as may be required and will be satisfactory to the Commissioner and must supply evidence of such bond when required;
 - (iii) the discharger must pay a sewer use fee or charge equivalent to that imposed by the Department pursuant to § 24-514 of the Administrative Code;

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- (iv) the discharger must install a flow meter to measure the flow of groundwater to the combined or sanitary sewer.
- (i) A permit and/or letters of approval issued by the Commissioner for the temporary discharge of groundwater, unless sooner terminated or revoked; is effective for one year. The permit and/or letters of approval may be renewed by the Commissioner thereafter for additional one-year periods upon new application by the discharger.
- (j) General application for non-stormwater discharges into storm sewers.
- (1) Notwithstanding any other provision of this chapter, any person may apply to the department for written approval to discharge a substance other than stormwater or groundwater into a storm sewer in accordance with the requirements of this subdivision.
- (2) An applicant may apply by submitting an application on the form and in a format approved by the Commissioner and made available on the City's website.
- (3) Such written approval shall be granted for a period determined by the Commissioner, not to exceed one year. The Commissioner may approve additional discharge periods upon new application by the discharger.
- (4) The Commissioner shall disapprove an application for a discharge, pursuant to this section if, in the determination of the Commissioner, the discharge is reasonably likely to be:
- (i) Inconsistent with the proper maintenance and purpose of the city's storm sewers, including but not limited to the capacity of such storm sewers; or
- (ii) A significant contributor of pollutants to the sewer system or to surface waters of the state, or otherwise inconsistent with the state pollutant discharge elimination system (SPDES) permit for municipal separate storm sewer systems of New York City, SPDES No. NY-0287890 or its successor.
- (5) The Commissioner may impose such terms and conditions that he or she deems necessary to protect the sewer system, the surface waters of the state, or to protect the public health or the environment.
- (6) The applicant may file with the Commissioner a written appeal of a denial of an application submitted, pursuant to Paragraph (1) of this subdivision or of the terms or conditions of a written approval imposed, pursuant to Paragraph (5) of this subdivision. Such appeal must be filed within 30 days of the determination on the application. Appeals shall be reviewed by the Department and a final determination regarding the appeal shall be made within a reasonable period of time.
- (7) If the terms or conditions of a written approval are not complied with at all times, the written approval may be revoked upon notice to the discharger and an opportunity to be heard, except that the Department may, upon a finding that the continued discharge presents an imminent harm to public health or safety or to the environment, immediately revoke such written approval without prior notice. In such case, the Commissioner shall forthwith notify the individual of such revocation, the reasons for such revocation and that the individual has the right to request a hearing within a reasonable period

of time.

§ 19-03 – Materials and Substances Excluded from Combined and Sanitary Sewers

- (a) Except as hereinafter provided, any person that discharges or causes to be discharged, including any placement, run, leak, or escape into any combined or sanitary sewer, pipe, channel, pumping station, catch basins, drain connecting with any combined or sanitary sewer or any other sewer appurtenances, or green infrastructure, or waterway connecting with any combined or sanitary sewer, or into any private sewer connected with a combined or sanitary sewer any of the following described materials, substances or wastes, except as authorized in writing by the Commissioner or such small quantities through a building drainage system as may be present in normal household wastes, shall be strictly liable, without regard to fault:
- (1) Construction materials, concrete or concrete contaminated water, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, paunch manure, coffee grounds, fur, wax, power wash waste, building wash waste, fats, oils, grease, or any solids or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system. No amount of the following shall be considered normal household wastes for purposes of this section: wipes that are not flushable, diapers, paper towels, floss, condoms, razors, hypodermic needles, contact lenses, bandages, sanitary pads, tampons, tampon applicators, gauze, cotton balls, swabs, any other personal hygiene products, drinking straws, any other items that are not toilet paper, sanitary waste, or items that have otherwise been authorized in writing by the Commissioner;
 - (2) Snow and ice at locations not authorized in writing by the Commissioner;
 - (3) Steam or wastewater above 150°F;
 - (4) Flammable or explosive liquids, solids or gases, including but not limited to gasoline, benzene and naphtha (notwithstanding anything to the contrary contained in these Regulations, under no circumstances may any such substances be discharged into the sewerage system, even if diluted prior to or after discharge);
 - (5) Oil sludges, waste oil, motor oil, heating oil, diesel and other fuels, dielectric fluid, brake fluid, transmission fluid, hydraulic fluid, or other similar substances;
 - (6) Non-polar material, as defined in 15 RCNY § 19-01, in concentrations greater than 50 mg/L for any given time;
 - (7) Coal tar, its derivatives and waste;
 - (8) Paints and related paint waste products from any source that tend to clog or otherwise interfere with the operation of the sewerage system;
 - (9) Corrosive wastewater having a pH lower than 5.0 or higher than 12.0 or having any other corrosive property likely to cause damage to structures or equipment of the sewerage system or create a hazard to personnel;

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- (10) Toxic substances in such quantities, which may when discharged from a single source or in combination with other sources:
- (i) interfere with any sewage treatment process, including sludge digestion;
 - (ii) limit the City's options for operating its sewerage system or disposing of the sewage sludge, grit or scum generated at wastewater resource recovery facilities;
 - (iii) be detrimental to the health of human beings, animals, or aquatic life;
 - (iv) have any negative impact on the receiving waters; or
 - (v) violate federal or state laws or regulations or the requirements of a discharge permit of a sewage treatment plant issued pursuant to § 402 of the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act, as amended, or any other permit issued pursuant to federal or state law.
- (11) Toxic substances in such quantities which may, when discharged from a single source or in combination with other sources:
- (i) violate any federal or state laws, regulations, rules or standards governing such discharge; or
 - (ii) violate the toxic discharge limits to be set by the Commissioner, contained in a list to be maintained by the Commissioner and which may be published from time to time in the City Record, or
 - (iii) violate any discharge limit contained in 15 RCNY § 19-04(a) or ordered pursuant to 15 RCNY § 19-04(b).
- (12) Any liquids or wastes containing pollutants of such quality and/or quantity that become burdensome in the operation and maintenance of a sewage treatment plant;
- (13) Any noxious or malodorous gas or substance capable of creating a public nuisance;
- (14) Any wastewater or substance, which in the opinion of the Commissioner, will result in a violation of any applicable federal, state or local water quality standard concerning discoloration or other undesirable physical change in the appearance of the receiving waters;
- (15) Any still bottom or sludge residues resulting from dry cleaning processes including, but not limited to, dirt, lint, soil and any other deposits or residues extracted as a result of any dry cleaning processes. The discharge of filters or filter media used in dry cleaning processes is also prohibited;
- (16) Antifreeze;
- (17) Hazardous waste pharmaceuticals, as defined in the Code of Federal Regulations, in 40 C.F.R. Part 266.500.
- (b) Food waste disposers shall be permitted only within dwelling units. Under no circumstances will the
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discharge of garbage or refuse whether shredded or unshredded, other than ground putrescible food waste from food waste disposers in dwelling units, be permitted into a combined or sanitary sewer.

- (c) Except with the written approval of the New York State Department of Environmental Conservation, and in compliance with the terms and conditions thereof, only stormwater and allowable runoff may enter a receiving water without first passing through a wastewater resource recovery facility or its bypass.
- (d)
 - (1) Every person must provide protection from accidental discharge and from spillage with the potential to cause a discharge of any materials or substances prohibited or regulated by any provision of any section of any title of these Regulations. Facilities to prevent accidental discharges and spills, such as spill prevention equipment, must be provided and maintained by the person at his or her expense. The Commissioner may require the construction and/or installation of special facilities to prevent accidental discharges and spills and the submission of detailed plans, for review, prior to the construction and/or installation.
 - (2) In the event of a discharge in violation of any provision of any section of any title of these Regulations, the person involved in the accidental discharge must immediately notify the Department, at any hour, by telephone at 311, and must give such other additional notice as the Commissioner may direct. The telephone notification must include, the name of the person reporting the discharge, the exact time and location of the discharge, the nature of the discharge, including quantity, what it contains and any other information the Commissioner may request. The Commissioner may require additional notification and reporting, including written reports in a form he or she may prescribe.
 - (3) All establishments using or storing toxic or other substances the discharge of which would be prohibited, restricted, or regulated by these Regulations, must post a notice of the procedures to be followed in the event of an accidental discharge. The Commissioner may prescribe the size, form and content of this notice. This notice must be posted at the location of the storage and use of toxic and other substances, the discharge of which would be prohibited, restricted or regulated by these Regulations.
 - (4) In the event of a discharge that enters or has the potential to enter the public sewers, in violation of any provision of any section of any title of these regulations, any person involved in the discharge must immediately take steps to mitigate the effects of such discharge and commence clean-up procedures of such discharge in accordance with all applicable Federal, State and City laws, rules and regulations.
- (e) The control of all odors which arise in premises from a public sewer must at all times be the responsibility of the owner or occupiers of premises. The cost of such control shall be borne by the owner or occupiers of premises.
- (f)
 - (1) All pretreatment and monitoring devices, including but not limited to a grease or oil interceptor or automatic grease removal device, whether required to be installed by order of the commissioner or by any other law or regulation and located on any premises, shall be the proper device and correctly installed, maintained in good working order, and operated properly to ensure that the requirements of this section and other applicable sections of the regulations are met.
 - (2) Bypass of pretreatment systems is prohibited except under the conditions and subject to the limitations specified in 15 RCNY § 19-04(d)(2).

- (g) No person shall discharge or cause to be discharged any radioactive material either directly or indirectly into the sewerage system, unless all restrictions, prohibitions, and requirements of 24 RCNY Health Code Article 175 are fully complied with.
- (h) (1) Interceptors and separators must be provided to prevent the discharge of oil, grease, sand and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system, or the wastewater resource recovery facility or processes.
- (2) The size, type and location of grease interceptors and automatic grease removal devices must be designed and installed in accordance with the manufacturer's instructions and the requirements of 15 RCNY § 19-11 based on the anticipated conditions of use.
- (3) The size, type and location of other types of interceptors and separators, including but not limited to oil separators, and sand interceptors must be designed and installed in accordance with the manufacturer's instructions and the requirements of Section 1003 of the New York City Plumbing Code based on the anticipated conditions of use.
- (4) Wastes that do not require treatment or separation must not be discharged into any interceptor or separator.

§ 19-04 – Toxic Substances Accepted Conditionally

- (a) The concentration in wastewater of any of the following toxic substances must not exceed the specified concentrations listed below before discharge to a combined or sanitary sewer;

Toxic Substance	Permissible Concentration for any (mg/L)	Maximum Concentration (mg/L)
Cadmium	2	0.69
Chromium (hexavalent)	5	-
Copper	5	-
Cyanide (amenable)	0.2	-
Lead	2	-
Mercury	0.05	-
Nickel	3	-

Zinc	5	-
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- (b) (1) Notwithstanding anything contained in 15 RCNY § 19-04(a) above, when the volume of a single toxic discharge or the combined toxic discharges of a group of establishments within a single drainage area is large enough, in the opinion of the Commissioner, to create unacceptable total concentrations of a toxic substance either in the influent entering a sewage treatment plant or in the receiving waters, the Commissioner may by order impose more stringent concentration limits than those listed in 15 RCNY § 19-04(a), or impose mass limits upon the person or persons so discharging. Conversely, when a toxic discharge is sufficiently diluted or rendered innocuous before reaching a sewage treatment plant or the receiving waters, the Commissioner may, in his or her absolute discretion, grant written permission for discharge concentrations greater than those listed in 15 RCNY § 19-04(a).
- (2) The Commissioner may by order impose maximum amounts or concentrations of a toxic substance which may be discharged directly or indirectly to a combined or sanitary sewer from an industrial source notwithstanding that such amounts or concentrations are less than those demanded by other subdivisions of this section or that the substance is not regulated by such subdivisions for that source, provided that such amounts or concentrations are economically achievable by that source as determined by the Commissioner. Within 20 days after service of the Commissioner's determination and order, the person discharging the toxic substance may request a hearing at which evidence may be presented only upon the issue of the economic achievability of the maximum amounts or concentrations of the toxic substance, as imposed by the Commissioner, to be discharged to the combined or sanitary sewer. Following such hearing, the hearing officer designated by the Commissioner shall report his or her findings and recommendations to the Commissioner who, in his or her discretion, may sustain, revoke, or modify the original determination and order. The Commissioner shall, upon his or her decision to sustain or modify the original determination and order, issue a final order to the person discharging the toxic substance to comply with such decision.
- (c) Pursuant to § 24-523(e)(2) of the Administrative Code, all pretreatment standards and requirements promulgated pursuant to the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act, as amended, including time limitations for compliance with such standards, monitoring of wastewater and the reporting of the results of such monitoring are hereby incorporated into these regulations and all such reports must also be made to the Commissioner. All sources of pollutants or toxic substances to the combined or sanitary sewers, subject to such pretreatment standards, must discharge wastewaters to the combined or sanitary sewers in conformance with such standards, provided however, that if a more stringent standard is applicable under 15 RCNY § 19-04(a) or (b) or any other section of these Regulations then the more stringent standard shall be controlling.
- (d) (1) Pretreatment systems must be correctly installed, maintained in good working order, and operated properly so as to ensure continued compliance with 15 RCNY §§ 19-03 and 19-04.
- (2) *Bypass of Pretreatment Facilities.*
- (i) Bypass is prohibited unless:

- (A) it is unavoidable to prevent loss of life, personal injury, or severe property damage, no feasible alternatives exist, and the Industrial User submits notification as required by subparagraph (b) of this paragraph; or
 - (B) it is for essential maintenance to assure efficient operation, it does not cause pretreatment standards or requirements to be violated, and the Industrial User submits notification as required by subparagraph (b) of this paragraph.
- (ii) Notification of bypass:
- A) *Anticipated bypass.* If the Industrial User knows in advance of the need for a bypass, it must submit prior written notice, at least ten days before the date of the bypass, to the Department.
 - (B) *Unanticipated bypass.* The Industrial User shall immediately notify the Department by calling 311, and must submit a written notice to the Department within 5 days after the bypass. This report shall specify:
 - 1. a description of the bypass, its cause and duration;
 - 2. whether the bypass has been corrected; and
 - 3. the steps being taken or to be taken to reduce, eliminate and prevent a recurrence of the bypass.

When calling 311 the Industrial User must ask for and record the complaint number for proof of compliance with the notification requirements.

- (e) No person shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute means of pretreatment in order to comply with any provision of any section of these Regulations.

§ 19-08 – House and Trailer Connections

- (a) Conditional house connection.
 - (1) Conditional House Connection Permits are issued under a variety of situations among which the two
 - (2) most common are:
 - (i) The developer/builder does not have a prospectus at the time house connection permits have to be issued as consequence of a hardship.
 - (ii) The developer/builder does not have a prospectus which is most likely early on in the construction sequence of his or her building construction, however needs one or several connections to drain the construction site.
 - (2) The manner in which conditional House Connection Permits are issued is as follows: The Local Office

of the Department's Permit Control Section will approve a permit application conditionally by indicating on it that the Certificate of Inspection is not to be released until a prospectus has been secured.

(b) Trailer connections. Basically there are two types of trailer connections:

- (1) A construction trailer connection that is necessitated by the construction of a building. Such connection should be tied in with the certification of the site connection proposal and the issuance of the House Connection Permits for such building as follows:
 - (i) The Plumber requesting the trailer connection should present a copy of the certified site connection proposal with the Permit Application.
 - (ii) The Local Office will issue a house connection permit subject to the following condition: We will withhold the Certificate of Inspection for at least one of the Buildings House Connections until the plug for the trailer connection is performed.
- (2) If the construction trailer is necessitated by the Department of Transportation (or any other Agency's) Capital Project, the plumber should present an original letter from the appropriate agency to the Department indicating:
 - (i) The number and size of connections needed.
 - (ii) The duration of the construction operations at the end of which the plumber will plug the trailer connection(s).
 - (iii) Guarantee from DOT (or any other Agency) that the Plumber will obtain a plug permit(s) at the end of their construction operations to plug the trailer connection(s).

The Local Office will not issue any other trailer connections to the agency in question if it is common knowledge that a job has been completed and there are outstanding open connections.

(c) Board of Standards and Appeals (BSA) letter. Letters to the Board of Standards and Appeals for situations where there are no allowable storm/combined sewer outlets for storm discharge within 500 feet will be sent out upon verification by the Department provided: The filing Engineer/Architect requests such a letter and encloses the following:

- (1) NB/BN/ALT numbers.
- (2) Street address.
- (3) Block and Lot.
- (4) Site Plans.
- (5) Tentative Lot Sheets.
- (6) Survey.

(d) House connection charges (private sewers).

- (1) For private sewers that are still recoupable (meaning either: (i) All property owners abutting the sewer

have not paid their proportionate part of the sewer cost for sewers built prior to 1963; or (ii) For sewers where the Construction Permits were obtained after January 1, 1963, the seven year period is not up and all the abutting property owners have not paid their share of the private sewer cost),

(2) The following procedure is to be followed:

- (i) Case I (Plumber has “Consent Letter”). At the time of applying for the House Connection Permit the Plumber will present the “Proof of Payment Letter” (Sewer Owner’s Consent Letter) to the Local Office in order to be able to connect to the Private Sewer.
- (ii) Case II (Missing Sewer Owner). At the time of applying for the House Connection Permit the plumber will present the following additional documents:
 - (A) Registered Letter Envelope with Post Office Stamp: Return to sender not at this address or something similar. (The addressee on the envelope should be the latest address we have on record which would prove that an attempt was made to contact the sewer owner.)
 - (B) A properly executed Missing Owner Affidavit.
 - (C) A House Connection Bond for a six year period which should be the House Connection Charge to the Private Sewer plus 25 percent (the computation of the House Connection Charge is determined/provided by the Local Office).
- (iii) Case III (House Connection Charge Dispute with Sewer Owner). At the time of applying for the House Connection Permit the plumber will present the following additional documents:
 - (A) A properly executed “Fee in Dispute Affidavit”.
 - (B) A House Connection Bond for a six year period which should be the House Connection Charge to the Private Sewer plus 25 percent (the computation of the House Connection Charge is determined/provided by the Local Office).

§ 20-02 Taps to City Water Mains.

- (a) *Separate supply.* A separate corporation stop (tap) and service pipe shall be installed for each building supplied with City water, except for buildings that have service pipes supplied by internal water mains as described in 15 RCNY § 20-03(b). One tax lot cannot be supplied with water from another tax lot. Siamese corporation stops (taps) or service pipes on the inlet side of the main house control valve are prohibited. A service pipe connected to the City main by a T-connection, or by any means other than a corporation stop (tap) or a wet connection, shall be controlled by a gate valve placed in the service pipe, and located within two (2) feet of the point of connection to the main.
- (b) *Connections to city mains.*
 - (1) Corporation stops (taps) and wet connections to a City Main shall be inserted or installed only by Department employees. Waivers may be granted for T-connections in extenuating circumstances (i.e. connections to two (2) inch mains and two (2) or three (3) inch connections to a four (4) inch main).

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- (2) A two (2) or three (3) inch connection to any main four (4) inches in diameter or less shall be made by a T-Connection with an adjacent valve.
 - (3) Direct corporation stop connections (taps) shall not exceed one (1) inch in diameter for mains four (4) inches or less in diameter. Each one and one-half (1 1/2) inch corporation stop connection (tap) to such a main shall be made through a tapping saddle, as directed by the Department. The tapping saddle is to be provided and set by the Licensed Master Plumber.
 - (4) Direct corporation stop connections (taps) shall not exceed one and one-half (1 1/2) inches in diameter for six (6) inch mains. Larger connections to mains of this size shall be wet connections.
 - (5) Direct corporation stop connections (taps) shall not exceed two (2) inches in diameter for all mains larger than six (6) inches in diameter. All connections larger than two (2) inches shall be wet connections.
 - (6) Tapping saddles shall be provided by the Licensed Master Plumber whenever, in the opinion of the Department, a pipe to be tapped lacks sufficient wall thickness to securely hold the corporation stop (tap).
- (c) *Spacing of corporations stops (taps) and wet connections.*
- (1) No corporation stop (tap) or wet connection shall be inserted on a fitting or within twenty-four (24) inches of a hub, fitting, hydrant branch, dead end, etc.
 - (2) The minimum spacing interval for corporation stops (taps) and wet connections shall be twelve (12) inches for both three quarter (3/4) inch and one (1) inch corporation stops (taps), and eighteen (18) inches for one and one-half (1 1/2) and two (2) inch corporation stops (taps) and wet connections.
 - (3) No corporation stop (tap) or wet connection shall be installed below the horizontal diameter of the main.
- (d) *Location of corporation stops (taps) and wet connections.* Water main corporation stops (taps) or wet connections shall be installed in front of the property to be supplied with water. All old taps or wet connections shall be plugged or destroyed prior to the installation of the new tap or wet connection, unless interruption of service to building occupants dictates that installation of the new tap or wet connection be completed prior to plugging or destroying the old tap or wet connection.
- (e) *Charges for corporation stops (taps) and wet connections.* The charges for the installation of a corporation stop (tap) or a wet connection shall be as fixed by the New York City Water Board Water and Wastewater Rate Schedule.
- (f) *Permits at job site.* Permits for corporation stops (taps), wet connections and plugs shall be displayed at the work site.
- (g) *Plugs.* If an approved excavation for the removal or destruction of a single corporation stop (tap) reveals that the service pipe is supplied by two (2) or more corporation stops (taps), the Licensed Master Plumber
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making the excavation shall plug or destroy the additional corporation stops (taps). The Department will make its records relative to the location of any corporation stop (tap) to be plugged or destroyed available to the licensed plumber. The Licensed Master Plumber shall be solely responsible for locating the corporation stop (tap). A separate permit will be required for each corporation stop (tap) destroyed.

(h) *Destruction of wet connections, corporation stops (taps) and three-way connections.*

- (1) Destruction of a wet connection shall be performed by the Licensed Master Plumber engaged by the owner or the owner's duly authorized representative. The valve shall be closed, the stuffing box gland thoroughly tightened, the valve stem cut off flush with the stuffing box gland, the service pipe disconnected, and a plug inserted in the outlet end of the valve. The plug and wet connection valve shall be anchored to the main as directed by the Department.
 - (2) A screw corporation stop (tap) shall be destroyed by removing a diagonal portion of the corporation stop thread. The corporation stop (tap) shall be closed, and the service pipe shall be disconnected. A driven corporation stop (tap) shall be removed and replaced with a screw plug, unless otherwise authorized by the Department.
 - (3) All corporation stops (taps) and wet connections which are destroyed shall have the service pipes disconnected, the curb box (if any) removed, and a portion of the service pipe at the entry to the building removed.
 - (4) When a corporation stop (tap) or wet connection has been shut off and the service pipe connected thereto is not to be used, the Licensed Master Plumber shall take the necessary steps to plug the corporation stop (tap), as outlined above.
 - (5) Three-way connections to be abandoned shall have all piping disconnected and removed from the branch hub of the three-way, and an approved plug inserted into the hub. The plug shall be anchored to the main as directed by the Department. All work shall be done by a Licensed Master Plumber, and the permittee shall pay all costs associated with shutting the main. When a three-way hub is not available, the existing three-way outlet shall be capped and anchored to the main. All work shall be consistent with the Standard Water Main Specifications of the Department of Design and Construction (DDC).
- (i) *Use of tap location electrical indicator.* When a building is to be demolished and the Tap Location Electrical Indicator Permit has been obtained, the Department will assist a Licensed Master Plumber in locating a tap through the use of an electrical indicator. If the indicator fails to locate the tap within five (5) feet of the expected location, the Licensed Master Plumber will be relieved of the obligation to plug and destroy the tap. No refund or credit of the permit fee will be granted if the indicator fails to locate the tap.
- (j) *Sizes of corporation stops (taps) and service pipes.* The size of the corporation stop (tap) and service pipe to supply a premise shall be determined by the water demand load (gpm) of the premises, as determined by fixture units. In premises used for commercial and industrial purposes, where it is not feasible to determine the size of the tap and service pipe as indicated above, these sizes shall be determined solely by the water demand load (gpm) of the premises. (Tables for determining the appropriate sizes of taps and service pipes are found in Appendix Tables #1, #2 and #3.) The minimum tap shall be three quarter ($\frac{3}{4}$) inch, and the service pipe shall be at least one (1) inch in diameter. Unless otherwise approved by the Department, all

taps shall be the same size as their corresponding service pipes and the goosenecks required by 15 RCNY § 20-03(n) shall be the same size as the service pipes.

(k) *Fire connections and supply.*

- (1) *Fire connections.* The Department of Buildings shall determine the size of all fire service pipes to be installed. The size of corporation stops (taps) or wet connections for fire service pipes shall be subject to the approval of the Department. All fire connection sizes shall be as follows:
 - (i) The size of the corporation stop (tap) or wet connection for fire service pipes up to, and including four (4) inches in diameter shall be the same size as the fire service pipe.
 - (ii) For fire service pipes larger than four (4) inches in diameter, the size of the wet connection shall be one size smaller than the size of the fire service pipe.
- (2) *Combined service pipes/ dual fire and domestic service pipes.* A connection for domestic purposes may be made from a fire service pipe only upon approval of the Department of Buildings. For such installations, valve(s) and meter(s) must be installed as required by 15 RCNY § 20-05.
- (3) *Prohibitions.* Fire service pipes shall not be cross-connected with any system of piping except as described in 15 RCNY § 20-02(1)(2).

(l) *Appointments for tapping, wet connections, and inspections.*

- (1) The Licensed Master Plumber shall provide the Department with advance notification of the requested corporation stop (tap) or wet connection installation date.
- (2) An inspection shall also be requested by the Licensed Master Plumber before backfill is placed on new or repaired service pipes.
- (3) The Department shall schedule corporation stop (tap) and wet connection installations during business hours, for the next available date.

(m) *Rescheduling of corporation stop (tap), wet connection installation or service pipe inspection.*

- (1) When a permittee fails to provide a safe and adequately sized excavation for installation of a corporation stop (tap) or wet connection on the date and time for which an appointment has been scheduled, the installation will not be made and the permittee will be required to schedule a new appointment.
- (2) When a permittee fails to have a completed service pipe installation or plug ready for inspection on the date and time for which an inspection has been scheduled, the permittee will be required to schedule a new appointment.
- (3) If a permittee must leave an excavation open for a subsequent corporation stop (tap)/wet connection installation or service pipe inspection, the excavation shall be made safe, in accordance with DOT

requirements.

- (n) *Size of excavation.* Sizes of excavations for wet connections and corporation stops (taps) shall be in accordance with the requirements of Appendix Table #4. If subsurface conditions prevent a plumber from making an excavation of the dimensions indicated therein, the plumber shall immediately notify the Department. The Department has the discretion to determine whether the dimensions should be changed, and what the new dimensions for the excavation shall be. All excavations shall be made safe by sheeting and bracing, where necessary, and shall conform with all applicable laws, rules and regulations.
- (o) *Driven corporation stops (taps).* Where a drive corporation stop (tap) is uncovered, it must be maintained and protected. If a driven corporation stop (tap) is disturbed, it must be replaced with a screw corporation stop.
- (p) *Service pipe leak.*
 - (1) Upon discovery of a leaking service pipe, the Department will shut the corporation stop (tap) or wet connection unless it determines that there is no immediate threat to life or property. When there is no immediate threat to life or property, a Three-Day Notice to Repair will be served upon the owner or occupant of the premises. If the notice is not complied with, the Department will shut the corporation stop (tap) or wet connection.
 - (2) When the corporation stop (tap) or wet connection is shut off by the Department, the owner/occupant must engage a Licensed Master Plumber to assume responsibility for the street excavation and make the necessary repairs. If the owner/occupant fails to engage a Licensed Master Plumber, the corporation stop (tap) or wet connection will remain closed, the excavation will be backfilled, and the street will be properly restored.
- (q) *Shut-off of tap by licensed master plumber.* A Licensed Master Plumber must secure a permit to open or shut a tap controlling a service pipe connected to a City water main for any repair, replacement or installation. If it is necessary to shut off the water main while repairing, replacing or installing a service pipe, the Licensed Master Plumber shall immediately notify the Department. The shut off shall be made only by the Department, and the permittee must pay all costs associated with shutting off the main. If a property is vacant and sealed longer than one year, the property owner must have the tap destroyed or plugged and the service line plugged. If the property owner fails to take this action, the Department may perform the work upon written notice to the property owner at the mailing address on file with the Department and assess the cost to the property owner.

§ 20-03 – Water Service Pipes

- (a) *Advance conceptual design approval.*
 - (1) A Licensed Professional Engineer, Registered Architect or Licensed Master Plumber may obtain advance conceptual design approval for corporation stops (taps), wet connections, service pipes or relays by submitting a conceptual design drawing to the Department and paying the required fee. Information on the related water demand, length of service pipe, proposed size of the corporation stop (tap)/wet connection, service pipe and fire sprinkler heads to be utilized must also be provided.
 - (2) The advance review and approval of a conceptual design may be the basis for a permit application for

a period of two (2) years.

- (3) Prior to the expiration of an advance conceptual design approval, the Department may extend the approval for an additional sixty (60) days upon receipt of a written request for an extension.

(b) *Internal water main approval.*

- (1) Design stage approval for internal water mains shall be obtained from both the Department and the Department of Buildings. Approval for a meter shall be obtained from the Department's Bureau of Customer Services and for RPZ settings from the Department's Bureau of Water and Sewer Operations (Cross Connection Control Unit). Requests for approval shall be made by a New York State-Licensed Professional Engineer or Registered Architect.
- (2) Internal water mains shall have, in addition to any meters required by 15 RCNY § 20-05(a), an approved meter and backflow prevention device in a meter vault or above-ground enclosure ("hot box") installed inside the property within two (2) feet of the property line. After installation, such meters at the property line will be owned, maintained, repaired and read by the Department. If a private street in a development remains privately owned, then the meter at the property line shall be used for billing and any individual meters in the development shall be deemed the owner's submeters. If the City assumes possession of a private street in a development, then the meter at the property line shall be used solely for monitoring purposes and any individual meters in the development shall be used for billing.
- (3) Design stage approval to install and repair internal water mains will be issued under the following conditions:
 - (i) Owners of the internal water mains shall be responsible for their maintenance and repair.
 - (ii) Internal water mains and any connections thereto shall be installed and repaired only with design stage approval, and may be inspected by the Department.
 - (iii) Internal water mains shall be sized in accordance with the Department's sizing table (Table #3) or as approved by the Department of Buildings. Where fire hydrants are required, internal water mains shall be a minimum of eight (8) inches in diameter.
 - (iv) Internal water mains shall be controlled by a gate valve placed approximately two feet from the property line on the street side. A DOT-rated extension street box shall be placed over the gate valve. An additional gate valve and extension street box shall be installed for each three hundred (300) linear feet section of the water main and at each point where a lateral is connected to the water main.
 - (v) Taps and wet connections to internal water mains shall be installed by the Department. The service pipes shall be installed by a New York City-Licensed Master Plumber with design stage approval to perform the work.
 - (vi) Internal water mains must be disinfected in accordance with AWWA standards for disinfection of water mains, prior to being accepted for individual service connections or being placed into service.

A water quality sample result acceptable to the Department must be obtained for internal water mains prior to placing them into service or issuing design stage approval for connection to such internal water mains.

- (vii) Written approval from the Fire Department is required before the Department may issue design stage approval of internal water mains.

(c) *Department of buildings approval.*

- (1) Evidence of prior Department of Buildings approval of service pipe size will be required before DEP approval of a permit application for:
 - (i) Any new corporation stop (tap), wet connection and/or service pipe installation which supplies water to a sprinkler, fire or standpipe system.
 - (ii) Any corporation stop (tap), wet connection and/or service pipe installation for a sprinkler, fire or standpipe system for a major renovation, or for any location where a new certificate of occupancy is required.
 - (iii) Any corporation stop (tap), wet connection and/or service pipe installation for a domestic water supply system to which fire sprinkler heads are connected.
 - (iv) Any corporation stop (tap) or wet connection installed in order to supply an internal water main.
- (2) For premises that are not under the jurisdiction of the Department of Buildings, or where the owner/developer is exempt from obtaining Department of Buildings approval, a Licensed Professional Engineer or Registered Architect may submit a letter to the Department that certifies that the corporation stop (tap), wet connection and service pipe are adequately sized, and will provide an adequate degree of fire protection and a sufficient supply of water for domestic purposes. This certification will be accepted by the Department in lieu of Department of Buildings approval for the purposes of processing a permit application.

(d) *Sizing services.*

- (1) Minimum acceptable sizes of corporation stops (taps), wet connections and service pipes that provide domestic water supply shall be determined by Department sizing tables. (See Appendix Tables #1, #2 and #3.)
- (2) Where the Department sizing tables indicate that a two (2) inch tap and a two and one half (2¹/₂) inch service line are required, approval will also be granted for a two (2) inch tap and a three (3) inch service line.
- (3) Where a Licensed Professional Engineer, Registered Architect, or Licensed Master Plumber proposes sizes of taps, wet connections, service pipes, or internal water mains using methods other than Department sizing tables, all calculations shall be submitted to the Department for review and approval.

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- (e) *Department of buildings service pipe sizing.* For service pipes that supply water to both domestic and fire protection systems, the service pipe size shall be the larger of the size determined by the Department of Buildings or the size as determined by the Department sizing tables. (See Appendix Tables #1, #2 and #3.)
- (f) *Materials for service pipes and fittings.*
- (1) New service pipes two (2) inches in diameter or less shall be brass pipe or copper tubing.
 - (2) Service pipes larger than two (2) inches in diameter shall either be brass or ductile iron, except that the above-ground portion of the service pipe, up to four (4) inches in diameter, may be Type K or Type L copper.
 - (3) Only new materials shall be used for service pipes.
 - (4) Service pipes shall be of uniform diameter and material unless otherwise approved by the Department.
 - (5) All service pipes shall conform to the most recent revision of the following standards, except that all service pipes, corporation stops, tail pieces, nuts and other fittings shall have a lead content that shall not exceed 0.250%:
 - (i) Department of Citywide Administrative Services, Division of Municipal Supply Services 32-P-3 Standard for Brass and Copper.
 - (ii) Department of Citywide Administrative Services, Division of Municipal Supply Services 32-T-1 Standard for Copper Tubing, except that above-ground, indoor service pipe four (4) inches or smaller, including the meter setting and piping for any backflow prevention device, shall be Type K or Type L copper.
 - (iii) For three (3) inch and four (4) inch diameter pipe: ANSI/AWWA C151/A21.51, Class 52, Standard for Ductile - Iron Pipe, Centrifugally Cast, for Water or Other Liquids.
 - (iv) For greater than four (4) inch diameter pipe: ANSI/AWWA C151/A21.51, Class 56, Standard for Ductile-Iron Pipe, Centrifugally Cast, for Water or Other Liquids.
- (g) *Approved dimensions and weights.* Pipe dimensions and weights shall be in accordance with Appendix Tables #5, #6 and #7. Ductile iron pipes shall be lined with a cement-mortar lining and coated with an asphaltic coating, in accordance with the latest revision of ANSI/AWWA C104/A21.4.
- (h) *Joints.* Ductile iron pipe shall have mechanical or push-on joints with field-lock gaskets. Rodding of fittings, when necessary, shall be in accordance with DDC Specifications.
- (i) *Mechanical and flare joints.* Connections of existing lead service pipes to copper tubing or brass service pipes shall be made using either a compression coupling or an equivalent approved by the Department.
- (j) *House control valves.* House control valves, which shall be made of material similar to the corresponding service pipes, shall be gate type with the exception of those between the sizes of three-quarter ($\frac{3}{4}$) inch

and two (2) inches, which may be full port ball valves. The lead content of such valves shall not exceed 0.250%. The house control valve shall be placed in the service pipe inside the building within two (2) feet of the building wall, and shall be located where it is accessible at all times. All valves shall be designed for a 150 psi minimum working pressure. For fire, sprinkler, and standpipe service pipes, and for any service pipe which supplies sprinkler heads, the house control valve shall be an OS&Y Valve or an indicating valve approved by the Department of Buildings. Notwithstanding the preceding sentence, for fire or combined service pipes two (2) inches or smaller, the house control valve may be an OS&Y valve or a UL/FM-approved full-port ball valve approved by the Department of Buildings.

(k) *Curb valves.*

- (1) Curb valves shall be full port ball valves or non-rising stem gate valves designed for a minimum of 150 psi of working pressure.
- (2) Curb valves shall be required on all domestic water service pipes larger than two (2) inch in size and on any water service pipe that provides for fire protection. All curb valves shall be set in the service pipe in the sidewalk area, and shall be located eighteen (18) inches from the curb or other such locations as may be approved by the Department.
- (3) All curb valves shall be provided with a tar coated iron extension box with a cover which is flush with the sidewalk. Each curb valve larger than two (2) inches in diameter shall be equipped with an operating nut at least one and one quarter ($1\frac{1}{4}$) inch square. Curb valves two (2) inches and smaller in diameter may be full port ball valves equipped with a quarter turn shutoff nut.
- (4) The property owner shall protect the curb valve/box from any damage and shall promptly report in writing to the Department any circumstances that may adversely affect the operation of the curb valve.

(l) *Straight service pipes.* Service pipes shall be laid in a straight line at right angles to the street main, and shall extend from the corporation stop (tap) or wet connection to the main house control valve. Where conditions preclude such an installation, a Licensed Master Plumber shall submit a proposed alternate for review and approval.

(m) *Gooseneck and offset swing joints on service pipe connections.* Each brass or copper tubing service pipe must have at least three (3) feet of copper tubing formed in a gooseneck connection to the corporation stop (tap) and laid to the right hand facing the tap, as shown in Appendix Figure #2. Each brass service pipe with threaded joints shall be installed as shown in Appendix Figure #2. No offset swing joint shall be made for ductile iron connections. Swing joints and/or goosenecks shall be located at the corporation stop (tap) or wet connection, and may also be placed immediately outside a building laid to the right hand facing the building where the building is constructed on a pile foundation or other unyielding support.

(n) *Service pipe depth.* All service pipes shall be installed at a depth of at least three and one-half ($3\frac{1}{2}$) feet, no more than six (6) feet below ground, unless a written waiver is obtained from the Department. Where a service pipe is installed with less than three and one-half ($3\frac{1}{2}$) feet of cover, it must be insulated and protected in accordance with the requirements described in 15 RCNY § 20-03(y). A service pipe shall not be laid within six (6) inches of any other sub-surface structure, conduit or pipe. A service pipe shall not be laid directly below, and parallel with, any sub-surface structure, conduit or pipe.

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- (o) *Service in construction trench.* Service pipes laid in a construction trench shall be supported and protected from settlement.
 - (p) *Service pipe in subway air vent.* Where service pipes are installed through a subway vent or similar construction, the method of installation shall be as illustrated in Appendix Figure #4.
 - (q) *Backfill.* Backfill around and one foot over a service pipe shall be of clean earth, free of stones, and shall be carefully tamped and compacted in accordance with the latest DOT specifications. The remainder of the backfill shall be free of stones larger than three (3) inches in diameter, and shall be satisfactorily compacted either by tamping, flushing or both. Where tunneling has been permitted, the backfilling of the tunnel portion shall be well compacted with clean earth fill free of stones.
 - (r) *Test of service pipe.* Each new or repaired service pipe shall be subject to a pressure test performed under street main pressure. This test shall be conducted by the Licensed Master Plumber in the presence of a Department inspector. All service pipes and appurtenances shall remain uncovered for the duration of the test for observance of leakage.
 - (s) *Service pipe repairs.* A new service pipe must be installed where more than one-half ($1/2$) of an existing service pipe is in need of a repair or when any repairs are required and the existing service pipe is lead, galvanized steel or galvanized iron. All repairs must conform with the standards described in 15 RCNY § 20-03.
 - (t) *Service pipe damaged by electrolysis, galvanic action or other local conditions.* When a service pipe has been damaged by electrolysis, galvanic action or other local conditions, it shall be repaired and protected against such damage in a manner approved by the Department.
 - (u) *Thawing.* Thawing of water service pipes shall be performed under permit only by Licensed Master Plumbers.
 - (v) *Protection of service pipe and house control valve.* The property owner is responsible for preventing physical deterioration of the service, curb valve, house control valve or distribution pipe which may damage a meter or prevent its maintenance or replacement. The owner shall be responsible for repairing or replacing equipment, service or distribution piping to allow maintenance, proper operation or replacement of the meter. The property owner, and not the Department, is responsible for the maintenance of the service and distribution pipe and its associated fittings and equipment. The meter setting is the responsibility of the Department.
 - (w) *Replacement of old service pipes upon establishment of new water service.* If a tap or wet connection has been destroyed or shut off due to vacancy of a building, the service pipe must be replaced as part of any new tap or wet connection unless the existing service pipe is less than 40 years old, has a functioning curb valve and is neither lead, galvanized steel or galvanized iron.
 - (x) *Installation of a meter on unmetered properties whenever a domestic service pipe is replaced, repaired or relaid.* Whenever a domestic or combined service pipe for an unmetered property is installed, replaced, repaired or relaid, a water meter shall be installed to cover the entire premises in accordance with 15 RCNY § 20-05. When the work is not performed under emergency conditions, DEP will indicate on the permit that the property is unmetered. When the service pipe relay, repair or replacement occurs on an emergency basis, the Licensed Master Plumber may install a set of meter inlet and outlet valves and a spool piece of a length similar to

the displacement meter for that size service if the Licensed Master Plumber does not have a meter available for installation at the time of the emergency visit. If the property owner will not allow the installation of a water meter as part of the service replacement, installation, repair or relay, the Licensed Master Plumber must return the meter permit completed but include a statement that the owner would not allow the installation of a meter.

- (y) *Insulation.* Insulation, where required by 15 RCNY § 20-03(n), shall be cellular glass insulation manufactured in accordance with ATSM C552 “Standard Specification for Cellular Glass Thermal Insulation”, where a quality system for manufacturing, inspecting and testing insulation is certified in accordance with the requirements of ISO 9002. The insulation shall be fabricated in half sections wherever possible. For large diameter piping where half sections are not practical, curved sidewall segments are preferred. Wherever possible, the insulation should be factory jacketed with a 70 mil thick self-sealing high polymer asphaltic membrane with an integral glass scrim and aluminized mylar film on the surface. Mastic finish shall be pitcote 300 or an asphalt cutback mastic. Reinforcing fabric shall be an open mesh polymer fabric with 6 x 5.5 mesh per inch configuration. Sealant shall be a nonsetting butyl sealant with a minimum 85% solids content. The Department shall maintain a list of approved insulation materials. Alternate materials may be submitted for approval by the Department.

§ 20-05 – Meters

(a) *Placement.*

- (1) An approved water meter shall be installed wherever City water is supplied and for all wells or other water sources that discharge into the City sewer system, in new construction, upon replacement or repair of a service line in an unmetered property, or on a retrofit basis the rules of the New York City Water Board (15 RCNY 42, Appendix A (Part VII, § 1)). The Department may require installation of additional meters as a condition for certain New York City Water Board rate or billing programs.
- (2) Each building shall have one (1) meter on each service pipe supplying the building set at the point of entry. However, the Department may issue a variance or approval allowing two (2) or more separate meters to serve residential and non-residential (or rate-eligible and ineligible) occupancies on the same lot to comply with a rate or billing program established by the New York City Water Board.
- (3) Placement during building construction
 - (i) All water used in the construction of buildings 75 feet or six (6) or more stories in height shall be metered.
 - (ii) Prior to the commencement of actual building construction, a meter of proper size shall be installed on each tap or service pipe supplying the premises.
 - (iii) The meter shall be placed in an accessible location at a point to be designated by the Department.
 - (iv) The meter shall be close to the point of entry of the service pipe, and shall be enclosed in a vault or box of ample size and substantial construction which will provide adequate protection against damage or injury from frost or any other cause.

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- (v) Each meter shall remain in service throughout the entire period of building construction. If a different meter is to be used during operation of the completed building, a separate meter permit is required for that replacement.
 - (vi) Where the meter is inoperable, has not accurately measured the water supplied to the premises, or has not been maintained in good working order during the entire period of building operations, the charge for water consumed during building construction shall be established as provided by the New York City Water Board in accordance with the Water and Wastewater Rate Schedule.
- (4) All water used in the construction of buildings less than six (6) stories in height shall either be metered or be supplied by a hydrant permitted in accordance with 15 RCNY § 20-08. If water used during construction is metered, the meter shall be placed as described in 15 RCNY § 20-05(a)(3). Permit applications for temporary water service during construction shall include the name and contact information for the Licensed Master Plumber or construction management company.
- (5) *Metering of fire service pipes and combined service pipes.*
- (i) *Fire service pipes:* Fire service pipes in premises supplied with City water shall have an approved double detector check assembly. Fire service pipes of two-and-one-half (2 1/2) inches in diameter shall be provided with meter, valves, and fittings required for a three (3) inch service pipe. Fire service pipes supplying hydrants shall have fire service meters.
 - (ii) *Service pipes supplying both domestic and fire protection uses:* DOB-approved combined services three inches (3") or larger in diameter shall have either a single fire service meter at the head of the service or, if separation between domestic and fire service piping branches occurs within sight of the head of the service, a meter approved for domestic service on the domestic service piping branch to domestic end uses and a double detector check assembly on the fire service piping branch serving fire protection equipment. Domestic services three inches (3") or larger in diameter with fire sprinkler heads shall use a fire service meter. Domestic services smaller than three inches (3") in diameter with fire sprinkler heads shall have a meter approved by the Department. Pumped services to house tanks where the fire protection design is met by the volume of water in the house tank shall use a turbine type or electronic type meter.
 - (iii) The use of water through meters or detector assemblies approved for fire sprinkler systems only is prohibited, except for fire suppression or the testing of the fire sprinkler system.
 - (iv) Inlet and outlet valves are not required for fire service meters or detector assemblies on combined service pipes, except for the building shut-off valve. A test tee must be provided for meter testing purposes on fire service meters. A test port shall not be placed on the bypass meter on a Detector Check Valve Assembly.
- (b) *Meter permits.*
- (1) No person shall set, reset, repair or disconnect a water meter used for Department billing purposes without having obtained a meter permit, except for sets, resets, repairs or disconnects done by the Department, its authorized agents or contractors. Applications for permits shall be made by a Licensed Master Plumber duly authorized by the customer; provided, however, that applications for permits to
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reset, repair or disconnect a water meter may be made by a meter repair company authorized by the Department.

- (2) Within ten (10) business days following the completion of any work for which a meter permit has been issued, the permit, carrying: (i) a certification of the date of completion of the work, (ii) the final reading from the old meter (for replacements or repairs) and (iii) the meter manufacturer's accuracy test document for the new meter shall be returned to the Department. A permit shall expire after 365 days for new construction work and after 30 days for meter replacements or first-time meter installations in existing buildings. If the work is to be performed after that time, the Licensed Master Plumber must apply for a permit extension before the original permit expires.
- (3) After acceptance by the Department of the meter work, indicated by installation of a seal, or after one year from the return of a completed permit with access to the property available for the Department to inspect the work, whichever comes first, such meters will be owned, maintained, repaired and read by the Department. If access to the property is not made available to the Department, a denial of access notice shall be issued to the property owner.
- (4) Design approval for water meter installations shall be obtained from the Department's Bureau of Customer Services as required by Sections 603.3 and 603.5 of the New York City Plumbing Code. Approval of a backflow prevention design as required by 15 RCNY § 20-04 shall not constitute approval of the meter installation.

(c) *Work on small meters.*

- (1) No person other than authorized Department personnel, its contractors or permit holders shall set, reset, repair or disconnect a water meter on service pipes of less than one and one-half (1½) inch diameter.
- (2) *Meter testing or repair companies.* A meter testing or repair company authorized by the Department may obtain permits to perform testing or repairs of water meters by demonstrating that it has detailed written testing or repair procedures that have been approved by the Department and a detailed written training program.
 - (i) A permit applicant's written procedures and written training programs shall include, at a minimum: (a) Meter accuracy testing and reporting of results, as specified in the most recent version of AWWA Manual M6; (b) Written procedures that reflect a detailed understanding of the application of different meter technologies to different buildings and plumbing systems; and (c) Detailed written instructions for performing meter repairs, meter accuracy tests, and other inspection procedures.
 - (ii) A permittee shall annually submit to the Department documentary proof that any portable or bench test equipment has been tested and calibrated by a National Institutes of Standards and Technology (NIST)-certified lab or company, to confirm accurate operation of the testing equipment.
 - (iii) The Department reserves the right to withdraw its authorization if it finds that the meter testing or repair company is not abiding by the standards set forth in the work procedures approved by

the Department.

(d) *Approved water meters.* Meters shall meet the following requirements:

- (1) All water meters used for billing purposes must comply with applicable specifications of the most recent AWWA Standards for Water Meters, and/or be specifically tested and approved by the Department as to their accuracy, performance and construction. The Department shall maintain and regularly update a list of approved water meters, detector assemblies, pit meter equipment, meter attachments and meter-associated equipment.
- (2) The following information shall be on all meters used for billing purposes:
 - (i) Size and model of meter;
 - (ii) Trade or brand name of meter; and,
 - (iii) Direction of flow.
- (3) The serial number of the meter shall be imprinted on the case, meter body, or flange in a permanent manner and all meter serial numbers shall be unique for the manufacturer.
- (4) All meters used for billing purposes shall read in cubic feet. Meters sized five-eighths ($\frac{5}{8}$), three-fourths ($\frac{3}{4}$), or one (1) inch shall have a remote read resolution of no more than one (1) cubic foot. Meters sized one-and-a-half ($1\frac{1}{2}$) or two (2) inches shall have a remote read resolution of no more than ten (10) cubic feet. Meters three (3) inches and larger shall have a remote read resolution of no more than one hundred (100) cubic feet. Meter registers shall have an error rate, including any missed reads, of no more than 0.000150% on an annualized basis.
- (5) All meters used for billing purposes shall be compatible with the Department's automatic meter reading system. Such compatibility shall be certified by the Department.
- (6) For displacement type water meters, the following shall also be required:
 - (i) All five-eighth ($\frac{5}{8}$) inch through one (1) inch meters shall be of frost protection design with cast-iron bottom plates. Cast-iron bottom plates shall be made corrosion resistant by suitable coating and/or internal lining as approved by the Department.
 - (ii) All casing bolts, studs, nuts, screws and other external fastening devices shall be made of a bronze alloy or stainless steel conforming to AWWA standards, and shall be designed for easy removal following lengthy service.
 - (iii) There shall be no stuffing box for displacement-type meters. The motion of the disc or piston measuring element shall be transmitted to the sealed register through the upper wall of the main case utilizing a magnetic coupling.
 - (iv) All displacement meters shall be provided with a plastic strainer that can be easily removed for

cleaning.

- (v) All meters installed at locations which may be subject to freezing temperatures shall be insulated with non-asbestos material having a thermal resistance of at least “R-6.”
 - (7) All meters shall have a main case composed of an alloy which shall have a lead content that shall not exceed current NSF/ANSI Standard 61 limits.
 - (8) Meter manufacturers shall notify the Department at least thirty (30) days after any changes in design, serial numbering, or other matter that might affect the use of the water meter or billing processes.
 - (9) Any main meter case made of plastic or other non-metallic material shall be commercially recyclable or shall be recycled by the manufacturer or its agent. Any main meter case made of plastic shall have metallic threaded connections unless specifically approved by the Department for composite or plastic threads.
 - (10) Any meter that requires a battery other than for temporary backup power for proper operation shall be provided with a manufacturer’s warranty at least equal to the claimed life of the battery, or ten years for meters one-and-a-half (1½) inch and larger or 15 years for meters smaller than one-and-a-half (1½) inch, whichever is longer.
 - (11) The manufacturer shall provide each meter with a removable barcode tag and sticker meeting the Department’s specifications.
 - (12) All meters installed in any pit or vault, or installed in the basement of a building lying in a designated floodplain, shall have factory, waterproof wiring connections and shall be rated by the manufacturer for submersion in water.
- (e) *Compound, turbine, electromagnetic, and single-jet meters.*
- (1) *Meter Applications.*
 - (i) Effective May 1, 2014, compound or dual-register meters shall no longer be approved for use in new or replacement installations. The replacement of measuring elements in existing compound meters shall be permitted.
 - (ii) Horizontal turbine meters shall be used wherever water is supplied to roof tanks by pumps or to buildings by other pumped, constant flow application, and may be used in buildings with booster pumps or pressurized supply systems as long as such systems’ minimum non-zero flow rate is greater
 - (iii) Electromagnetic meters may be used in place of turbine meters where the flow rating of the pump does not exceed the high end of the published normal operating flow rate range for the electromagnetic meter.
 - (iv) Single-jet, electromagnetic, or other meters designed for variable flow rates shall be used on

services one-and-a-half (1½) inch and larger in diameter and operating on street pressure, and may be used in buildings with booster pumps or pressurized system applications.

- (v) Single-jet meters shall be installed on a level horizontal plane +/- 10 degrees. Turbine, electromagnetic, and other meter types may be installed on an incline or vertical plane if a horizontal installation is not possible and the configuration is supported by the meter manufacturer's specifications. The meter register must always face outward for reading.
- (2) An approved flat plate or "Z" meter strainer shall be installed on all new or replacement turbine meter installations, unless the turbine meter is manufactured with an internal strainer. Such a strainer is not required for electromagnetic or single-jet meters, but its use is permitted.
- (f) *Used or repaired meters.* No used or repaired meter shall be installed to cover a service pipe at the same or a different location unless it has been repaired, tested for accuracy, found to conform to AWWA new meter accuracy standards and has been approved by the Department.
- (g) *Sizing.*
 - (1) A meter shall be restricted to a size and type that will insure accurate registration on the basis of the water requirements of the premises, or portion of the premises, to be metered. For residential premises, the permit applicant shall perform a fixture count and develop a peak flow estimate using Appendix Tables #1 and #2. The meter shall be sized according to Appendix Table #8. For non-residential premises, the flow rate shall be based on the analysis of a Licensed Professional Engineer or Registered Architect. The meter shall be sized according to that flow rate and Appendix Table #8.
 - (2) A meter shall not be larger than the service pipe supplying the meter, the piping in the meter setting, or the water distribution piping in the building, unless specifically approved in writing by the Department or as noted in 15 RCNY § 20-05(a)(5) for two-and-one-half (2 1/2) inch fire services or combined services. If two meters both cover the calculated peak flow rate, the smaller of the two meters shall be used unless approved in writing by the Department. Unless a fixture count and flow analysis, as described in 15 RCNY § 20-05(g)(1), has been approved by the Department, a one- or two-family home with gravity-flush water closets shall not have a meter on a domestic service without fire sprinklers larger than three-quarters (¾) inch and three-, four-, five- and six-family homes shall not have a meter on a domestic service larger than one (1) inch. Exceptions to these requirements, and the use of Appendix Table #8 for meter sizing, will be considered by the Department only when a building's plumbing system uses only street water pressure and documented incoming water pressure is less than 35 psi for buildings four (4) through six (6) stories high, or less than 30 psi for buildings less than four (4) stories in height.
 - (3) The minimum size meter for new installations and replacements shall be five-eighths (5/8) inch.
 - (4) The appropriate low-flow range for compound meters varies with the manufacturer. The ranges of sizes in Appendix Table #8 refer to the high-flow side. The Department may require that a permit applicant provide a basis for using a compound meter instead of another type of meter. That justification must outweigh the higher maintenance and other operating costs to the Department of the compound meter.

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- (h) *Tests.* The permit applicant shall submit the manufacturer's meter accuracy test results to the Department at the time of permit application. The Department retains the right, in specific instances, to require that a new, used or repaired meter be sent to a designated Department facility for testing at the owner's expense.
- (i) *Settings.* Notwithstanding any other provisions to the contrary, all meters shall be set or reset according to the following requirements:
- (1) Meters shall be set as near as possible to the point of entry of the service pipe through the building or vault wall and shall be placed so that they may be easily inspected, maintained and replaced. Evaporative cooling tower meters or other meters used to calculate a wastewater allowance when located downstream of a billing meter shall be placed as close to the end use as practical. A property owner shall not erect or maintain any physical barrier that prevents access to, or repair or replacement of, the water meter.
 - (i) Displacement meters shall not be set beyond three (3) feet of the entry point without written approval from the Department.
 - (ii) Turbine and compound meters shall be set with straight sections of pipe as provided in Appendix Figures #7, #7A, #9, #9A, #10 and #10A. If pipe lengths cannot conform to those indicated in Appendix Figures #7, #7A, #9, #9A, #10 and #10A, a meter technology shall be used which does not require minimum straight pipe lengths. The Department shall identify such meter technologies in its list of approved meters. An approved meter strainer is required unless one is included in the meter design or in the case of single-jet or electromagnetic meters, is not required by the meter manufacturer.
 - (2) No fittings capable of a branch connection shall be permitted in the section of pipe upstream of the meter or meter setter with the exception of an approved strainer. The strainer shall be located immediately before the inlet side of the meter. The service pipe between the point of entry and the meter setting shall be kept visible. No fittings, devices, or equipment shall be permitted in the section of pipe upstream or downstream of the meter that interferes with the required laminar flow through the meter.
 - (3) If conditions exist that prevent the setting of a meter in accordance with the above requirements, the meter may be set outside the building in a meter pit, vault or above-ground meter box (See 15 RCNY § 20-05(k)).
 - (4) Meter settings shall have an inlet valve immediately upstream of the meter and any strainer, and an outlet valve downstream of the meter. For meters two (2) inches in size or smaller, the valves shall be full-port ball valves. For meters larger than two (2) inches in size, the valves shall be rising stem, resilient seated, and epoxy-coated gate valves. If a backflow prevention device is located after the meter setting and both the backflow prevention device and meter setting are located on the same floor of a building, then an outlet valve serving both the backflow prevention device and meter setting may be placed immediately after the device. If the backflow prevention device and meter setting are located on different floors of a building, each set of equipment shall have its own outlet valve and test tee.
 - (i) Except for meters two (2) inches or smaller where space constraints prevent any approved meter technology from being installed with an inlet valve, or as noted in 15 RCNY § 20-05(a)(5), a house

control valve shall not be used in lieu of a meter inlet valve.

- (ii) A meter outlet valve is not required for fire meters on a dedicated fire service or the fire service branch of a combined service, for a Detector Check Valve Assembly or if the property has approved backflow prevention equipment which includes an outlet valve.
 - (iii) A plain tip test tee shall be provided before the meter outlet valve or incorporated into the design of the meter outlet valve. For meters up to two (2) inches in diameter, the test tee shall be the same size as the meter. For meters larger than two (2) inches in diameter, the test tee shall be two (2) inches. An exception shall be provided for installations using an outlet valve that incorporates an one-and-a-half (1 1/2) inch rather than two (2) inch test tee into the design of its two (2) inch outlet valve. Factory-fabricated setters five-eighths (5/8) inch through two (2) inches shall have test ports as described in paragraph 6 of this subdivision. Test port plugs on meter bodies shall be drilled for seal wire. Test tees are not to be used as connections for domestic service. Where a meter is placed in a pit alongside a sewer trap, the meter test tee shall be located outside of the pit in an accessible location.
- (5) Connections shall be made by coupling, union, flange union or approved compression fittings and bored for sealing with holes not less than three thirty-seconds (3/32) of an inch in diameter. Compression fittings are permitted for three quarter (3/4) inch through two (2) inch meters only. Unions, couplings or compression fittings that permit removal of the meter and/or setter without breaking the seal wire are prohibited. Grooved end mechanical pipe joining systems are not permitted between the meter inlet valve and the outlet side of the meter. If used on the service side of the house valve, such systems shall be drilled for seal wire. In all other circumstances, pipe joining specifications shall conform to the New York City Plumbing Code. All water meter settings of two (2) inches and smaller sizes shall utilize valves and fittings constructed of bronze with a lead content that shall not exceed current NSF/ANSI Standard 61 limits. Bolts, studs, nuts, screws and other external fastening devices shall be made of a bronze alloy or stainless steel conforming to AWWA standards, and shall be designed for easy removal following lengthy service. Above-ground, indoor service pipe, including the meter setting and any backflow prevention device, shall comply with standards for water distribution pipe contained in the New York City Plumbing Code.
- (6) Meter setters & resetters. Meter setters and resetters five-eighths inch (5/8) through two inch (2) shall conform to the following:
- (i) Seamless copper tubing having a type K wall thickness in accordance with ASTM B-88 specifications shall be used for all prefabricated water meter setters. All bronze parts shall be an alloy with a lead content that shall not exceed 0.250%.
 - (ii) The internal waterway shall be equal to the meter size to be installed, i.e. one (1) inch meter = one (1) inch internal diameter.
 - (iii) The end of the copper tubing at the meter coupling for three quarter (3/4) inch and one (1) inch meters shall be spun and/or formed to produce a strong positive bearing surface on the full face of the gasket and meter spud.
 - (iv) Copper tubing arms shall be affixed to the setter body using leadless solder at the cup joint.

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- (v) All setters, valves and compression adapters shall be designed to ensure positive electrical bonding continuity with, or without, the meter being set, via an approved external method which can be confirmed visually.
 - (vi) All setters shall be designed to avoid any significant head loss.
 - (vii) An approved test port located between the meter and the outlet control valve shall be included in the design of all setters. The test port shall be capable of delivering flows from at least one quarter ($1/4$) to two (2) gpm, but no more than four (4) gpm.
- (7) Above-ground, indoor service pipe, including the meter setting and any backflow prevention device shall be Type K or Type L copper, if copper is acceptable for that size service pipe.
 - (8) Valves. All new displacement type water meter settings shall utilize full port ball valves or angle key valves for the inlet and outlet control of the meter. These valves shall be furnished with handles for the manual operation of the valves without the need of a wrench. Turbine and compound meters shall be installed with full port ball valves (through two (2) inch only) or gate type valves.
 - (9) Meters shall be set as shown in Figures #7, #7A, #9, #9A, #10 and #10A.
 - (10) All meter settings shall contain a test tee or test valve downstream of the meter and before the outlet valve. The test tee/valve can be incorporated as part of the outlet valve design.
 - (11) Any connection to a test tee assembly or to any point ahead of a meter used for billing purposes is strictly forbidden.
 - (12) Electrical continuity. All settings shall be designed to ensure positive electrical continuity with, or without, the meter being set, via bronze grounding clamps with stainless steel screws and electrical bonding cables (#6 THHN-THWN) which can be confirmed visually, unless a pre-fabricated setter designed for electrical continuity is used or the water service is known not to be used as an electrical ground.
 - (13) Meters settings shall be provided with holes for running seal wire to be installed by the Department. The meter installation shall include either one-eighth ($1/8$) inch holes drilled in a bolt on each end flange, or an one-eighth ($1/8$) inch hole drilled in one or both flanges.
- (j) *By-pass.*
- (1) Unmetered by-passes around meters are prohibited except those approved in writing by the Department, such as:
 - (i) Tunnels where hazardous conditions may exist.
 - (ii) Selected properties having only one (1) source of supply where any shut-down would endanger public health and safety.
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- (2) If a by-pass is permitted by the Department, the installation shall conform to Appendix Figure #10 or #10A. The by-pass shall be configured so that the top case and interior meter can be removed for repairs or replacement.
 - (3) Properties that wish to avoid lengthy shutdowns related to replacement of large meters may install paired meters that can supply the building through one or the other meter on a service pipe.
- (k) *Meter pit/meter box requirements.* Meter pits shall be constructed in accordance with the following requirements:
- (1) All meter electrical connections shall be factory sealed to be water proof.
 - (2) The Department shall maintain detailed specifications for three quarter ($\frac{3}{4}$) inch and one (1) inch pit meter installations and equipment including setters, enclosures and covers.
 - (3) Meter pits for meters less than 3".
 - (i) For meters less than three (3) inches, the enclosure shall be frost-proof and shall follow one of these alternate requirements:
 - (a) Thermoplastic polyvinyl chloride (PVC) conforming to ANSI/ASTM D1785, Type I, Grade 1, seamless, extruded pipe with white interior. The enclosure shall be as uniform as commercially practicable in color, opacity, density and other physical properties. Thickness shall be at least one-half ($\frac{1}{2}$) inch.
 - (b) Polyethylene (PE) enclosures shall be constructed in accordance with the ANSI/ASTM D2104 latest revision. The PE shall be of medium density. Polyethylene shall conform to all applicable sections of the latest edition of ASTM D-1598, and ASTM D-1599. Thickness shall be at least one-half ($\frac{1}{2}$) of an inch.
 - (c) A composite of polyester resin, fiberglass and calcium carbonate. The composite material shall consist of non-aggregate base materials using the bulk molded compound process or the thick molded compound process. The thickness shall be at least one-half ($\frac{1}{2}$) inch.
 - (ii) Covers and lids shall be constructed in accordance with the following requirements:
 - (a) Covers shall be of polymer concrete, heavy duty plastic, or other composite materials that allow transmission of an AMR signal and meet load requirements set by the department. The department shall publish a list of approved products and materials in its list of approved meters and equipment.
 - (b) Lids shall have a lifter worm lock with a standard waterworks pentagon nut constructed of bronze.
 - (c) Extra heavy lids and covers shall be used for driveway and sidewalk applications.

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- (d) For three quarter (3/4) inch and one (1) inch meter sets, covers shall fit on twenty (20) inch nominal I.D. meter vaults. Covers shall have thirteen and one-half (13 1/2) inch to fifteen (15) inch openings and lid sizes.
 - (e) For one and one-half (1 1/2) inch and two (2) inch meter sets, covers shall fit on thirty-six (36) inch nominal I.D. meter vaults. Covers shall have eighteen (18) inch to fifteen (15) inch openings and lid sizes.
 - (4) Meter vaults for meters 3" and larger. For meters three (3) inches in size and larger, a meter vault shall be constructed as follows (See Appendix Figures #11 through #17 for typical meter pit and vault installation details):
 - (a) Waterproof and frost proof and of sufficient size to permit easy access to all portions of the meter and connections with at least one (1) foot clearance on each side of meter.
 - (b) In conformance with any requirements of the U.S. Occupational Safety and Health Administration.
 - (c) Pits less than four (4) feet in depth shall not be less than two feet, six inches (2'6") wide and three feet, six inches (3'6") long. Pits less than four (4) feet in depth shall be provided with a hinged cover not to exceed forty (40) pounds in weight, with suitable handle and so constructed as to permit the uncovering of entire pit, or a circular cover as described above in (ii) provided that there is sufficient clearance to remove and replace the meter.
 - (d) Pits four (4) feet or more in depth shall be provided with an access opening of at least two feet, six inches (2'6") square or at least thirty (30) inches in diameter, but of sufficient size to remove and replace the meter. If the access opening is square, the cover of such opening shall be hinged and shall be provided with a suitable handle. Doors exceeding forty (40) pounds in weight shall be counter balanced. Approved composite lids or covers for vaults are available from the Department.
 - (e) Pits three (3) feet or more in depth shall be provided with permanent steps or a metal ladder.
 - (f) Pits containing sewer traps shall be provided with an air vent.
 - (5) Meter boxes (above-ground enclosure).
 - (i) The enclosure shall be capable of housing the water meter with all required valves, strainer and above-ground appurtenances. It shall have easy access for testing and maintenance including at least one (1) foot, clearance around the meter, piping and valves. The boxes shall have lockable access doors or lids to prevent theft or vandalism. The enclosure shall be anchored to a concrete base of eight (8) inches minimum for meters one and one-half (1 1/2) inches or larger, and four (4) inches for meters less than one and one-half (1 1/2) inches. The enclosure shall have an approved remote meter reading receptacle mounted on the exterior.
 - (ii) The enclosure shall be a minimum of:

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- (a) Eighteen (18) gauge reinforced aluminum, or;
 - (b) Extra heavy duty fiberglass reinforced polyester with high-gloss gelcoat finish, or;
 - (c) Twelve (12) gauge steel finished with three coats of baked enamel.
- (iii) The enclosure shall be insulated with a material in addition to the enclosure itself which has a thermal resistance (“R-value”) of at least 8.0.
- (iv) The enclosure shall have a thermostatically-controlled heat source mounted to the interior wall for freeze protection down to -10°F.
- (l) Metering condominium and homeowners’ association developments.
- (1) An individual water meter to be read by the Department shall be installed for each separately-owned dwelling unit in all new condominium and homeowners’ associations structures of three (3) stories or less when each such unit is supplied with hot water and space heat by its own separate domestic hot water heater and space heating system, and not by a common water heater or space heater. If fire protection sprinklers are present they shall be supplied by a separate dedicated service pipe. Any hose bib or irrigation supply shall be connected to one of the unit’s metered branches. Such individual water meters shall be located in a common location immediately after the point of entry in each structure, with each meter clearly labeled as to the unit it supplies. MTUs shall be mounted on the exterior walls of the building. New and existing condominiums and homeowners’ associations structures of six (6) stories or fewer with in-unit hot water heaters and space heating systems may apply to install individual water meters at their cost and in the same manner and governed by the same conditions as meters for new condominiums and homeowners’ associations structures of three (3) stories or fewer, unless the work is physically impractical or the owners do not agree to individual water meters or required MTU placement. Such existing structures requesting individual water meters shall not be in arrears with their water or sewer accounts or payment agreements at the time of application to the Department. The Department shall set specific written requirements for such applications. For all cases, if there are building common end uses, such as but not limited to irrigation and heating boilers, then individual water meters in the name of the condominium or homeowners’ association shall be installed for those uses. Properties served by internal water mains shall be metered as specified in 15 RCNY § 20-05(a)(i).
 - (2) Condominiums and homeowners’ associations that cannot be individually metered as described in 15 RCNY § 20-05(l)(1) shall have a meter at the point of entry of the water service for the building or buildings, except that those properties served by internal water mains shall be metered as specified in 15 RCNY § 20-05(a)(ii).
 - (3) Each individual unit/meter shall have its own account under the “75XX” joint condominium lot.
- (m) *Removal.*
- (1) If a meter has been disconnected without securing a permit as per 15 RCNY § 20-05(b) and 15 RCNY § 20-05(c), it shall not be reset but shall be replaced with a new meter approved by the Department.
 - (2) When a tap or wet connection is destroyed on a metered service pipe (See 15 RCNY § 20-02(g) and

15 RCNY § 20-02(h)), the meter shall be removed under permit and returned to the Department.

- (3) If a meter is moved, a permit shall be obtained to report the new location. Relocation of a meter from an outdoor pit to an indoor location shall include filling the pit with clean sand and restoring the surface in kind.
- (n) *Seals.* A seal placed by the Department for the protection of any meter, valve, fitting or other water connection shall not be tampered with or defaced. The seal shall not be broken except after securing a permit from the Department. Breaking the seal without such a permit shall be a violation, except for emergency repairs as described in 15 RCNY § 20-01(f). The Department may also remove the meter for testing and resetting or replacement. The customer shall be responsible for safeguarding and protecting the seal and the meter. Application of a seal on a new or replacement meter shall denote approval by the Department.
- (o) *Meter shut-off.* Where water is obtained through more than one (1) meter, and where tests indicate accurate registration is not being obtained by reason of the divided delivery of water, the Department may, at its discretion, shut off and seal the meter(s) to ensure accuracy of registration.
- (p) *Protection of meters and settings.*
- (1) The property owner shall protect the meter, setting, AMR transmitter, wiring and remote against physical damage, freezing conditions and abuse. The property owner shall be responsible for any break or disconnection of wire within the building. The property owner is responsible for preventing physical deterioration or other conditions of the service pipe which may damage a meter or prevent its maintenance or replacement. In such cases the owner shall be responsible for repairing or replacing equipment, service piping or any other physical barriers, including asbestos insulation, needed to allow maintenance, proper operation or replacement of the meter.
 - (2) The property owner is prohibited from relocating the remote receptacle or AMR transmitter except upon securing a permit from the Department.
 - (3) The property owner's installation of branch meters or submeters for the owner's use shall not interfere with the City's meter setting.
- (q) *Encoding registers.* When used, all encoder-type remote registration systems shall comply with all applicable requirements of AWWA Standard C707 and the following requirements:
- (1) The register shall encode the six (6) most significant digits which will be read from the remote receptacle.
 - (2) The unit shall employ a leak detection indicator or a test sweep hand on the face of the meter register.
 - (3) Registers shall read in cubic feet.
 - (4) The assembly shall have a tamper resistant locking device as well as a provision for seal wire, or other method approved by the Department.

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- (5) The data stream must be, or be convertible to, seven-bit ASCII format, and is to be capable of interfacing directly to an automatic meter reading device to transmit data via radio, cable T.V. or telephone lines to a central location.
 - (6) All encoder registration systems shall be capable of transmitting the data for a minimum distance of three hundred (300) feet utilizing solid twenty-two (22) gauge minimum non-shielded copper cable between the register and the remote receptacle or interface device.
 - (7) All encoding registers shall be subject to the approval of the Department.
 - (8) The register shall be capable of being read through a remote receptacle, and/or an automatic meter reading system.
 - (9) All registers shall be installed with wire to a remote receptacle or AMR transmitter with all three wires properly connected at the register head.
- (r) *Remote receptacles and AMR transmitters ("MTU").*
- (1) *Temporary use of remote receptacles or pads.* The licensed plumber performing the meter installation or replacement shall run wire from the meter register to an exterior wall. If the licensed plumber installs a meter manufacturer's remote receptacle or pad for temporary use, installation shall be in a location consistent with the specifications in paragraph 2 for placement of an MTU until the Department replaces the remote receptacle or pad with an MTU. Any splices of wire running from the meter register to the remote receptacle or pad must be sealed with gel caps. All three of the wire connections at the meter register must be connected to wires running to the remote receptacle or pad, even if only two wires are connected at the remote receptacle or pad. The third wire shall be tucked behind the remote pad.
 - (2) *Placement of MTU or temporary remote receptacle.* Placement of the MTU shall comply with the following guidelines:
 - (i) *Location.* The MTU shall be located on the front or side exterior of the building, unless such building and an immediately adjacent building have aluminum siding or other signal reflective material in which case the MTU shall be located on the front exterior only. The MTU must be located above ground level, and must not be placed behind permanently-sited large metal objects. All wire splices shall be sealed with gel caps. For apartment or office buildings with glass, marble or other similar facades, a smaller optional remote antenna MTU is available from the Department, or the MTU may be located inside a building if transmissions can be received by the AMR system. The location of the MTU must be indicated in the meter permit as returned to the Department.

For all underground meter installations, the remote pad shall be mounted in the meter pit lid or some support or structure immediately adjacent to the pit, to allow meter readings without opening the lid.

 - (ii) *Height.* The receptacle shall be set at forty-two (42) inches above ground, but may be set between twelve (12) and sixty (60) inches if circumstances preclude a better height. Receptacles may be installed beyond these limits only when approved in writing by the Department.

- (3) *AMR transmitter.* AMR radio transmitters (MTUs) for domestic meters shall be mounted on the exterior surface of an exterior building wall above ground level, unless otherwise specified by the Department. AMR radio transmitters for evaporative cooling tower makeup water meters or other meters located on the upper floors of a building shall be mounted on the exterior of the building wall, at a roof parapet or other location to permit effective transmission of the radio signal. Meters placed in outdoor pits or vaults shall have MTUs mounted on the underside of approved composite plastic pit lids or covers available from the Department.

(s) *Meter attachments.*

- (1) No customer shall attach any device to the water meter unless such device has been submitted to, and approved by, the Department.
- (2) No device submitted for approval shall interfere with or affect the operation, inspection or reading of the meter in any way.
- (3) Any device approved shall be solely the responsibility of the customer unless it is installed by the Department. The Department shall not be liable for any maintenance or replacement of any approved attachments to the meter, and shall not perform any additional steps to salvage the devices should the meter require replacement.
- (4) The Department shall publish a list of approved meter attachments as part of its list of Approved Meters.

§ 20-07 – Inspections

(a) General. All corporation stops (taps), wet connections, meters, service pipe installations, repairs, plugs and relays shall be subject to inspection by the Department. A Licensed Master Plumber shall certify that all work was performed in accordance with these Rules and all other applicable rules.

(b) Mandatory inspections. Inspections shall be mandatory, and may not be waived for the following categories of work:

- (1) Corporation stops (taps) and service pipes supplying fire sprinkler systems.
- (2) Corporation stops (taps) and service pipes supplying fire protection systems.
- (3) Corporation stops (taps) and service pipes supplying wet standpipes.
- (4) Corporation stops (taps) and service pipes supplying domestic water systems to which fire sprinkler heads are connected.
- (5) Water service terminations (plug only).
- (6) Destruction of any tap or wet connection which requires an excavation separate from the one required for the new tap or wet connection.
- (7) Installed new wet connections and corresponding service pipes.

(8) Relay or repair of sprinkler, fire, standpipe and domestic service pipes to which fire sprinkler heads are connected.

(9) Meters larger than one (1) inch. Any parts of service pipes which are installed without excavation of a trench need not be made available for inspection.

(c) Inspection waiver. For domestic water service pipe installations where inspections are not mandatory, as described in 15 RCNY § 20-07(b), the Licensed Master Plumber shall request an inspection as described in 15 RCNY § 20-02(l) and 15 RCNY § 20-02(m). The Department in its discretion may waive such inspections. If the Department waives an inspection, the Licensed Master Plumber must submit the tap location with certification that all work was performed in accordance with these Rules and all other applicable rules.

(d) Fee for inspections. A fee shall be paid for each inspection in accordance with the Water and Wastewater Rate Schedule of the New York City Water Board.

(e) Inside flow test.

(1) A Licensed Master Plumber may submit a written request for permission to conduct an Inside Flow Test in lieu of a mandatory inspection. Such requests may be granted, at the discretion of the Department, but only upon demonstration of substantial hardship.

(2) Where a request for an Inside Flow Test is denied, the Licensed Master Plumber shall re-excavate and make the work available for an inspection.

(3) When performing an Inside Flow Test, the Licensed Master Plumber shall provide all necessary tools, gauges, hoses, etc.

(4) An Inside Flow Test shall be conducted, in the presence of a Department inspector, as follows:

(i) The Licensed Master Plumber installs a pressure gauge on the water service pipe near the entry to the premises.

(ii) The Department inspector records the static pressure.

(iii) The Licensed Master Plumber runs a large quantity of water to waste within the premises.

(iv) The Department inspector records the dynamic (with flow) pressure. Pressure readings with a measurable difference between the static pressure and the dynamic (with flow) pressure shall be acceptable.

(f) Permit at work site. The Licensed Master Plumber must display the permit at the work site except for emergencies.

(g) Inspection hours. The Department will conduct inspections Monday through Friday (except holidays) between the hours of 7:30 a.m. and 5:00 p.m., except upon a demonstration of substantial hardship.

(h) Backfilling before 2:00 PM. Backfilling on installations where mandatory inspections are not required

may not commence before 2:00 PM. Failure to observe this requirement may result in the suspension of the Licensed Master Plumber's privilege to self-inspect. The Licensed Master Plumber must comply with all DOT requirements.

§ 20-08 – Water Use Restrictions and Fire Hydrant Use

- (a) *Water use restrictions.* The use of water is permitted, subject to the following restrictions:
- (1) *Prohibition of Use as a Source of Energy.* The use of the pressure or flow of water as a source of energy is prohibited, except when specifically approved by the Department.
 - (2) *Restrictions on Use for Coolant Purposes.* The use of City water for coolant purposes in industrial and commercial equipment is prohibited, except with the use of an approved “water conservation device,” in accordance with 15 RCNY § 20-06.
 - (3) *Required Recirculation in Fountains, Ornamental Pools, Aquariums and Similar Structures.* Display fountains, ornamental pools, aquariums, and similar structures using water in excess of the rate of one-half (1/2) gpm shall be recirculated.
 - (4) *Shutoffs Required for Drinking Fountains and Recreational Sprinklers.* Drinking fountains shall operate only when activated by a user. Recreational sprinklers shall be equipped with a timer to stop flow if the sprinkler is not being used or shall not operate when not in use.
 - (5) [Reserved.]
 - (6) *Watering of lawns and gardens.*
 - (i) The use of a hose, automatic sprinkler or other means to water lawns or gardens is prohibited between the hours of 11:00 a.m. and 7:00 p.m. Automatic irrigation systems shall include a sensor or control which shall prevent operation during or within 24 hours of substantial rain.
 - (ii) Between the first day of November and the last day of the following March, the following activities are prohibited using City water: (a) the use of hoses and sprinklers, and (b) the watering of lawns and gardens, except for the watering of non-turf plants with a hand-held container.
 - (iii) The following activities are prohibited at all times: (a) the use of hoses which flow at more than five (5) gpm at sixty (60) psi or which, regardless of flow rate, are not equipped with an automatic shutoff mechanism which will turn off the flow of water if a handle or trigger is not actively held or compressed, and (b) the practice of allowing sprinklers to flood sidewalks, gutters and roadways.
 - (7) *Sidewalks flushing.* The flushing of sidewalks is prohibited between the hours of 11:00 a.m. and 7:00 p.m. In addition, the flushing of sidewalks by means of a hose or piping is prohibited between the first day of November and the last day of the following March. This provision, however, shall not be construed to prohibit the washing of such surfaces, particularly the exterior surface of a building, where such washing is required as part of repairs mandated by the Administrative Code or to protect the health and safety of the public. For one, two, or three-family homes, any hose used to supply City water for sidewalk cleaning purposes must be equipped with a nozzle which limits flow to no more than five (5)

gpm at sixty (60) psi and which is equipped with an automatic shutoff mechanism which will turn off the flow of water if a handle or trigger is not actively held or compressed. For multiple dwellings, commercial occupancies, or where required by the Administrative Code or by the Department for health and safety purposes, any hose used to supply City water for sidewalk cleaning purposes shall use a fixture that flows at no more than 2.5 gpm, irrespective of pressure.

- (8) *Temporary Suspension of Permission to Use City Water for Purposes Listed in paragraphs (6) and (7).* The Commissioner may suspend the authorization granted herein for the flushing of sidewalks and the watering of lawns and gardens. Such a suspension may be implemented without formal notice, through advisories issued via broadcast or print media. Upon the declaration of either a Water Pressure Alert or a Water Pressure Emergency, the use of City water to flush sidewalks and to water lawns or gardens is prohibited until the alert/emergency has ended.

- (9) *Car washing.*

- (i) The use of City water for commercial car washing purposes is prohibited, except (a) where at least seventy-five (75) percent of the water is reused by means of a recirculating system which uses City water for the final rinse only, or (b) where coin operated automatic high pressure equipment is employed. Any premise using City water for commercial car washing must install an approved backflow prevention device.
- (ii) Garages, gasoline service stations, and other similar establishments which furnish car washing as part of their regular service and do not employ automatic car washing equipment with appurtenances, as described above, may use buckets of water only.
- (iii) Any hose used to supply City water for non-commercial car washing purposes must be equipped with a nozzle which limits flow to no more than five (5) gpm at sixty (60) psi and which is equipped with an automatic shutoff mechanism which will turn off the flow of water if a handle or trigger is not actively held or compressed.

- (b) *Fire hydrant use.*

- (1) Fire hydrants may be routinely opened only by authorized employees of the Department and/or the Fire Department. All others seeking permission to open a fire hydrant must secure a permit from the Department. Fire Hydrant Use Permits must be displayed at the site where water is being used. Permits for the use of hydrants may not be granted when, in the view of the Department, water from a metered source is available to serve the end use described in the permit application. Permit applicants are required to describe the proposed use in detail and indicate why another alternative (e.g., existing metered source or construction meter) cannot be used. Only approved hydrant wrenches shall be used. Water shall be obtained from the smaller size hydrant nozzle only. Caps and chains are not to be broken and shall be securely replaced after use. Only approved hydrant wrenches shall be used. Water shall be obtained from the smaller size hydrant nozzle only. Caps and chains are not to be broken and shall be securely replaced after use.
- (2) Fire Hydrant Use Permits shall be valid only between the hours of 7:30 a.m. and 7:30 p.m. on the days specified therein, unless otherwise approved by the Department.

- (3) Permits shall not be issued for use of fire hydrants supplied by water mains which are twenty (20) inches or larger in diameter. Fire hydrants may not be obstructed, and shall be available, at all times, for use by the Fire Department.
 - (4) With the exception of hoses used to extinguish fires, any hose connected to a fire hydrant must be equipped with either an approved backflow prevention device or an approved four (4) inch air gap, unless in the Department's opinion, the application does not pose a backflow hazard, such as watering a community garden. Applications which do require an air gap or backflow prevention device include, but are not limited to, demolition dust control, pavement breaking, cutting and sawing, mixing and curing of concrete or mortar, well digging, washing/pumping of manholes, basements or sewers, application of pesticides, herbicides, paints, curing agents or fertilizers, washing down roadway construction, or make-up water. (See Appendix Figure #6).
 - (5) Connections to fire hydrants shall be made by valve and couplings which can be readily detached in case of emergency. Where valve and couplings are used, the hydrant must be fully open at all times. The rate of flow shall be governed by the installed valve, and all such connections shall be uncoupled immediately after use.
 - (6) All fire hydrants used during the period from November 1st to April 15th shall be pumped out immediately after use. Hydrants Use Permits shall be invalid when the temperature is below thirty-two (32) degrees Fahrenheit.
 - (7) Defective hydrants shall immediately be reported to the Department by the permit holder.
 - (8) Opening a fire hydrant without a permit shall be a violation.
- (c) *Installation and maintenance of corporation stops (taps), wet connections, service pipes and curb valves.*
- (1) *Installation and maintenance.* The property owner shall be responsible for installation and maintenance of corporations stops (taps), wet connection sleeves and valves, three-ways, service pipes, and curb valves.
 - (2) *Shut-off charges.* Should the Department shut a tap because of a leaking service pipe, non-payment of a bill, denial of access for an inspection or meter replacement or repair, failure to make repairs required for the installation or replacement of a meter, or non-compliance with Department rules, the owner shall pay a shut-off charge in accordance with the Water and Wastewater Rate Schedule of New York City Water Board.

Chapter 23 – Construction of Private Sewers or Private Drains

§ 23-01 – Applicability, Definitions, Prohibitions, Variances, and Incorporation by Reference of Appendices

- (a) *Applicability.* This Rule applies to all Drainage proposals, all Private sewer or Private drain plans, all Private sewer or Private drain Construction permit applications, and the construction of all Private sewers or Private drains in the City of New York and shall not apply to Internal private drains.
- (b) *Definitions.* For the purpose of this Rule, the following definitions apply:

- (1) “Allowable flow” means, for drainage design purposes only, a predetermined quantity of Flow that can be released into an existing outlet sewer system.
- (2) “Alteration map” means a map showing proposed changes to the City map.
- (3) “Applicant” means the owner of a proposed development or his or her legally designated representative.
- (4) “Applicant’s offering plan” or “applicant’s offering prospectus” means the set of legal documents setting forth the rights, privileges, and duties of purchasers of shares in the applicant’s proposed development.
- (5) “Block” means a tract of land bounded by consecutive intersecting streets.
- (6) “City” means the City of New York.
- (7) “City drainage plan” means a plan for the proper sewerage and drainage of the City of New York or any part thereof prepared and adopted in accordance with § 24-503 of the Administrative Code of the City of New York.
- (8) “City map” means the city map referred to in §§ 198 and 199 of the New York City Charter.
- (9) “Condominium association” means the legal entity comprising the present and future homeowners of the proposed condominium development.
- (10) “Construction permit” or “permit to construct” means a written authorization issued by the department to construct a private sewer or private drain.
- (11) “Contributory drainage area” means a drainage area bounded by the ridge lines or furthest boundaries reaching a point of discharge.
- (12) “Department” means the Department of Environmental Protection.
- (13) “Detention basin” means a structure designed to store an accumulation of stormwater runoff and release it at a controlled rate into an existing outlet sewer system of limited capacity.
- (14) “Drainage proposal” means a plan showing a proposed sewerage system to serve a proposed development and contributory drainage area that does not conform with the city drainage plan.
- (15) “Dwelling unit” means one or more rooms in a building that are arranged, designed, used or intended for use by one family.
- (16) “Finally mapped street” means a street as shown on the city map.
- (17) “Flow” means a continuous movement of stormwater or wastewater.
- (18) “Homeowners’ association” means the legal entity comprising the present and future homeowners of

the proposed development.

- (19) “Internal private drain” means all drainage systems within the boundaries of a proposed development, including the internal private roads of such development.
- (20) “Internal private roads” mean private internal right of ways that are within the boundaries of a proposed development and are not part of finally mapped streets or record streets.
- (21) “Legally designated representative” means a professional engineer or a registered architect licensed by the State of New York who represents the owner in connection with a proposal, plan, or application under this rule.
- (22) “Legal outlet” means an outlet sewer system designed and built according to a city drainage plan or approved private sewer or private drain plan and which is the allowable outlet to accommodate the sanitary, stormwater, or combined flow from the proposed development.
- (23) “Lot” means a tax lot as shown on the tax map of the city.
- (24) “Mapping action” means a proceeding to change the city map pursuant to the New York City Charter.
- (25) “Opinion of dedication” means an opinion by the corporation counsel that a street is an open and continuously traveled street dedicated for public use.
- (26) “Owner” means any individual, firm, corporation, company, association, society, institution or any other legal entity that owns the property, appurtenances, and Sewer easements comprising the proposed development.
- (27) “Private” means owned or controlled by any entity other than the department.
- (28) “Private drain” means a private sanitary, stormwater, or combined drain that is constructed in a finally mapped street, record street, or sewer easement and discharges into an existing legal outlet, but shall not include Internal private drains.
- (29) “Private sanitary force main” means a privately owned, operated, and maintained drain designed to receive the wastewater discharged from a private pumping station and convey it under pressure to a point of discharge.
- (30) “Private pumping station” means a privately owned, operated, and maintained wastewater collection facility required for the pumping of sanitary or stormwater runoff or combined sewage from the proposed development.
- (31) “Private sewage treatment plant” means a privately owned, operated, and maintained facility on a private property that is used for the physical, chemical, or biological treatment of the wastewater from a proposed development and contributory drainage area.
- (32) “Private sewer” means a private sanitary, stormwater, or combined sewer that is designed and

constructed in accordance with the requirements of the city drainage plan and this rule which is located in a finally mapped street, record street, or sewer easement and discharges into an existing allowable legal outlet, but shall not include internal private drains.

- (33) “Private sewer plan” or “private drain plan” means a construction plan for the installation of private sewers or private drains and appurtenances thereto.
- (34) “Proposed development” means all the property, improvements, sewer easements, and appurtenances thereto that will be served by the private sewer or private drain that is the subject of an application for approval of a drainage proposal, a private sewer or private drain plan, or a private sewer or private drain construction permit.
- (35) “Record street” means a street that appears on the tax map of the city but which may not be a finally mapped street.
- (36) “Rule” means all the standards and requirements of the department governing the design and construction of private sewers or private drains as contained herein.
- (37) “Runoff” means overland stormwater flow that is not absorbed into the ground.
- (38) “Sewer easement” means the limited right to use that part of a private property that is designated for the construction and maintenance of a drainage facility such as a city sewer, a private sewer, a private drain, a watercourse, a watercourse diversion, or related structures, but not including internal private drains.
- (39) “Special conditions” mean and include, but are not limited to, the construction or use of a private sewage treatment plant, a private on-site pumping station, a private on-site detention basin, a private watercourse diversion by an open channel or closed piping, or a proposed development requiring a mapping action.
- (40) “Tax map” means the tax map of the city as defined and referred to in § 11-203 of the Administrative Code of the City of New York.
- (41) “Tentative lot” means a proposed tax lot as shown on the “Request to Real Property Assessment, Department of Surveying, Division for Tentative Lot Numbers.”
- (42) “Watercourse” means a natural or artificial channel or visible path or active trench which carries stormwater runoff from a contributory drainage area.
- (43) “Watercourse diversion” means the re-routing of an existing watercourse located within the proposed development by either open channel or closed piping.

(c) *Prohibitions.*

- (1) No Owner may commence construction of a private sewer or a private drain without having first obtained a written construction permit issued by the department.

- (2) No construction permit may be issued until the department has received, reviewed, and approved the owner's drainage proposal, the private sewer or private drain plan, and the construction permit application and has determined that the same are complete and in full compliance with all standards and requirements of this rule including, but not limited to, all engineering, legal, and insurance standards and requirements.
 - (3) No drainage proposal, private sewer or private drain plan, or construction permit application may be approved by the department unless the professional seal and signature of the professional engineer or registered architect who is the Legally designated representative of the owner appears on each sheet of such proposal, plan and application form.
 - (4) No legal instrument required by this rule including, but not limited to, affidavits, consents, declarations, agreements, real estate instruments, sureties, bonds, indemnities, and security deposits may be amended, modified, or canceled by the owner or his or her agents without the express prior written consent of the department.
- (d) *Variances.*
- (1) Upon written request by the owner of a proposed development, the department may grant a variance from one or more standards or requirements of this rule only upon adequate proof substantiating that compliance with the standard or requirement will impose an exceptional hardship as defined by subparagraph (2)(ii) and (2)(iii) of this subdivision. There shall be no variances from the legal, bonding, insurance, or security requirements of this rule.
 - (2) Every request for a variance shall:
 - (i) identify the specific provision of this rule for which a variance is sought;
 - (ii) demonstrate that compliance with the identified provision would, on the basis of conditions unique to the owner's particular situation in contrast to the rest of the industry, impose an exceptional economic or technological hardship or create an unsafe condition; and
 - (iii) demonstrate that the proposed variance will not result in any significant adverse impact on safety, public health, or the environment.
 - (3) In granting any variance, the department may impose such additional terms and conditions that the department determines are necessary to ensure that the variance will not have any adverse impact on safety, public health, or the environment.
- (e) *Incorporation by reference of appendices.* All appendices to this Rule are hereby incorporated by this reference and shall have the same legal force and effect as the Rule itself.

§ 23-02 – Requirements for the Submission of Drainage Proposals for the Construction of Private Drains and Additional Requirements for Drainage Proposals and Private Drain Plans

- (a) *Drainage proposals; when required.* Owners proposing to construct a private drain to serve a proposed

development shall submit a drainage proposal to the department.

- (b) *General requirements for the submission of drainage proposals.* All drainage proposals shall be prepared by or under the supervision of a professional engineer or registered architect licensed by the State of New York and shall be accompanied by the following information and documentation:
- (1) the source, quantity, method of conveyance, and outlet for all stormwater runoff;
 - (2) the source, quantity, method of conveyance, and outlet for all sanitary flow;
 - (3) a description of the proposed development to be served by the proposed private drain including a description of the type of all buildings to be constructed or maintained on the proposed development;
 - (4) a description of the route(s) of the proposed private drains;
 - (5) all engineering computations performed in accordance with this rule and the department's most recent drainage design criteria;
 - (6) a letter from the office of the borough president of the county in which the proposed development is located verifying the legal status of all streets involved in the proposed development;
 - (7) a survey of the proposed development and the location and route(s) of the private drain(s) prepared or updated no more than one year prior to the date of submission of the drainage proposal by a professional land surveyor licensed by the State of New York and prepared in accordance with the requirements of Appendix A-6;
 - (8) as-built drawings for the existing outlet for the proposed private sewers or private drains. If as-built drawings are not available, then a sewer route survey showing the sewer or drain size, type, material, and invert/rim elevations at the manholes shall be submitted;
 - (9) boring logs prepared in compliance with Appendix A-8;
 - (10) a copy of the latest tax map of the proposed development as certified by the city surveyor;
 - (11) a copy of the portion of the city map and, if applicable, the alteration map, showing all streets shown on the drainage proposal;
 - (12) a copy of the builder's pavement plan as filed with the city;
 - (13) a copy of all applicable permits and approvals required by other federal, state, or local laws and regulations including the city's Uniform Land Use Review Procedure (ULURP);
 - (14) all applicable legal documentation required by this section and 15 RCNY § 23-03(c);
 - (15) paper prints prepared in accordance with the requirements of Appendix A-2; and

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- (16) the Department's review fee for drainage proposals in accordance with 15 RCNY § 23-08;
- (c) *Additional requirements for the submission of drainage proposals and private drain plans involving special conditions.* In addition to the requirements of subdivision (b) of this section, owners submitting drainage proposals and private drain plans incorporating any of the following special conditions shall be required to file the additional information and documentation as specified below. Such documentation shall conform to the applicable requirements of 15 RCNY § 23-03.
- (1) *Use of proposed private sewage treatment plants or proposed private pumping stations in residential districts serving 50 or more dwelling units.* Drainage proposals and private drain plans in residential districts where proposed private sanitary drains will discharge into a proposed private sewage treatment plant or a proposed private pumping station which is not owned and operated by the department and serves 50 or more dwelling units shall include the following additional information and documentation:
- (i) proof of approval by the Department of City Planning;
 - (ii) proof of conceptual approval by the Department of Buildings with appropriate conditions and safeguards as prescribed by the Department of City Planning;
 - (iii) approval from the New York City Department of Health specifying the following for each private sewage treatment plant or private pumping station:
 - (A) the total number of dwelling units approved;
 - (B) the number of dwelling units committed with the drainage proposal;
 - (C) the number of dwelling units committed to other developments; and
 - (D) the remaining number of uncommitted dwelling units;
 - (iv) a copy of the initial franchise application as filed with the city for the installation and maintenance of a Private sanitary force main within a finally mapped street where the city has title or an opinion of dedication; and
 - (v) a properly recorded restrictive declaration executed by the owner creating a homeowners' or condominium association to own, maintain, and operate the private sewage treatment plant or private pumping station.
 - (vi) a properly recorded declaration of maintenance obligating the owner and all successors-in-interest to maintain the private sewage treatment plant or private pumping station and all appurtenances thereto;
 - (vii) security in an amount determined by the department in accordance with 15 RCNY § 23-04 shall be deposited with the comptroller's office guaranteeing the continuous and proper maintenance of the private sewage treatment plant or private pumping station for as long as such sewage treatment plant or pumping station remains in use; and
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- (viii) the owner's liability insurance in an amount determined by the department in accordance with 15 RCNY § 23-04 certified by the owner's liability insurance company.
- (2) *Use of existing private sewage treatment plants or existing private pumping stations.* Drainage proposals and private drain plans incorporating the use of an existing private sewage treatment plant or an existing private pumping station which is not owned and operated by the department shall include the following additional information and documentation:
- (i) a properly recorded consent executed by the owner of the existing private sewage treatment plant or private pumping station granting the owner the right to connect to the existing private sewage treatment plant or private pumping station;
 - (ii) approval from Department of Health specifying the following for each private sewage treatment plant or private pumping station:
 - (A) the total number of dwelling units;
 - (B) the number of committed dwelling units previously connected;
 - (C) the number of committed dwelling units not yet connected;
 - (D) the number of dwelling units committed with the drainage proposal; and
 - (E) the remaining number of uncommitted dwelling units.
- (3) *Use of private on-site detention basins.* Drainage proposals and private drain plans incorporating the use of private on-site detention basins to accommodate both on-site and off-site stormwater runoff shall include the following additional information and documentation:
- (i) the delineation of the private on-site detention basin on a separate tax Lot with appropriate provisions that the department determines are necessary for adequate access to the basin and to the piping entering and exiting the basin for maintenance purposes;
 - (ii) all hydraulic computations related to the design of the private on-site detention basin conforming to the department's most recent private on-site detention basin design criteria;
 - (iii) a properly recorded declaration of maintenance obligating the owner and all successors-in-interest to maintain the private on-site detention basin and all appurtenances thereto;
 - (iv) security in an amount determined by the department in accordance with 15 RCNY § 23-04 shall be deposited with the comptroller's office guaranteeing the continuous and proper maintenance of the private on-site detention basin for as long as such detention basin remains in use; and
 - (v) the owner's liability insurance in an amount determined by the department in accordance with 15 RCNY § 23-04 certified by the owner's liability insurance company.
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- (4) *Watercourse diversions.* Drainage proposals and private drain plans incorporating watercourse diversions which function as the outlet for the stormwater runoff from the upstream contributory drainage area shall include the following additional information and documentation:
- (i) a properly recorded declaration of sewer easement establishing and delineating a sewer easement in favor of the department;
 - (ii) a properly recorded declaration of maintenance obligating the owner and all successors-in-interest to maintain the watercourse diversion and all appurtenances thereto;
 - (iii) a security deposit in an amount determined by the department in accordance with 15 RCNY § 23-04 shall be deposited with the comptroller's office guaranteeing the continuous and proper maintenance of the proposed watercourse diversion for as long as such watercourse diversion remains in use; and
 - (iv) all hydraulic computations relative to the design of the watercourse diversion or piping.
- (5) *City map changes.* Drainage proposals and private sewer or private drain plans incorporating a change or proposed change to the city map shall include the following additional information and documentation:
- (i) an alteration map as prepared in conjunction with the application to the Department of City Planning for a mapping action; and
 - (ii) an amendment to the city drainage plan which shall reflect the new street pattern created by the mapping action.

§ 23-03 – Legal Requirements for Private Sewers or Private Drains

- (a) *General requirements for all legal instruments.* All legal instruments required by this rule including, but not limited to, affidavits, consents, declarations, agreements, real estate instruments, sureties, bonds, indemnities, and security deposits shall be submitted on the appropriate forms supplied by the department, shall contain original signatures, and shall be properly recorded in the office of the clerk of the county in which the proposed development is located to the extent that recording is required.
- (b) *General requirements for title reports and title insurance policies.* All title reports and title insurance policies required by this rule shall be prepared and written by a title insurance company licensed to do business in the State of New York. All title insurance policies shall name the city as the insured and shall contain a technical description of the metes and bounds of the proposed development and the bed of street areas for which the city has no title or opinion of dedication for public use from the corporation counsel.
- (c) *Additional legal documentation requirements for drainage proposals or private sewer plans relating to the status of streets.* In addition to the requirements of 15 RCNY § 23-02, owners submitting drainage proposals or private sewer plans relating to the status of streets shall file the additional information and legal documentation as specified below.
 - (1) Owners proposing to construct a private sewer or private drain in a city-owned street shall also submit a letter from the office of the appropriate borough president verifying that title to the street in which

a private sewer or private drain is to be constructed has vested in the city.

- (2) Owners proposing to construct a private sewer or private drain in a finally mapped street owned by the owner shall also submit the following:
 - (i) a title report verifying the owner's ownership of the subject street(s);
 - (ii) a title insurance policy in an amount determined by the department in accordance with 15 RCNY § 23-04 insuring the city of the owner's right to construct the proposed private sewer or private drain as delineated on the drainage proposal or private sewer or private drain plan; and
 - (iii) a properly recorded declaration of public use-irrevocable street opening irrevocably opening the street(s) for public use.
- (3) Owners proposing to construct a private sewer or private drain in finally mapped or record street(s) owned by others shall also submit the following:
 - (i) a title report verifying the ownership of the subject streets;
 - (ii) a title insurance policy in an amount determined by the department in accordance with 15 RCNY § 23-04 insuring the city of the owner's right to construct the proposed private sewer or private drain as delineated on the drainage proposal or private sewer or private drain plan;
 - (iii) either:
 - (A) a properly recorded sewer easement agreement establishing and delineating a sewer easement in favor of the owner; or
 - (B) a properly recorded declaration of public use-irrevocable street opening irrevocably opening the street(s) for public use;
 - (iv) a properly recorded declaration of maintenance obligating the owner and all successors-in-interest to maintain the private sewer or private drain if the street is not to be continuously opened for public use; and
 - (v) a security deposit in an amount determined by the department in accordance with 15 RCNY § 23-04 if the street is not to be continuously opened for public use.
- (4) Owners proposing to construct a private sewer or private drain in finally mapped or record street(s) of unknown ownership shall also submit the following:
 - (i) a title report verifying that the finally mapped or subject streets are of unknown ownership;
 - (ii) a title insurance policy in an amount determined by the department in accordance with 15 RCNY § 23-04 insuring the city of the owner's right to construct the proposed private sewer or private drain as delineated on the drainage proposal or private sewer or private drain plan;

- (iii) a properly recorded declaration of maintenance obligating the owner and all successors-in-interest to maintain the private sewer or private drain if the street is not to be continuously opened for public use; and
 - (iv) a security deposit in an amount determined by the department in accordance with 15 RCNY § 23-04 if the street is not to be continuously opened for public use.
- (5) Owners proposing to construct a private sewer or private drain part of which will traverse the owner's property shall also submit the following:
 - (i) a title report verifying the ownership of the subject property;
 - (ii) a title insurance policy in an amount determined by the department in accordance with 15 RCNY § 23-04 insuring the city of the owner's right to construct the proposed private sewer or private drain as delineated on the drainage proposal or private sewer or private drain plan;
 - (iii) a properly recorded declaration of sewer easement establishing and delineating a sewer easement in favor of the department;
 - (iv) a properly recorded declaration of maintenance obligating the owner and all successors-in-interest to maintain the private sewer or private drain and all appurtenances thereto; and
 - (v) a security deposit in an amount determined by the department in accordance with 15 RCNY § 23-04 guaranteeing the continuous and proper maintenance of the proposed private sewer or private drain for as long as such private sewer or private drain remains in use.
- (6) Owners proposing to construct a private sewer or private drain part of which will traverse property of another shall also submit the following:
 - (i) a title report verifying the ownership of the subject property and/or street(s);
 - (ii) a title insurance policy in an amount determined by the department in accordance with 15 RCNY § 23-04 insuring the city of the owner's right to construct the proposed private sewer or private drain as delineated on the drainage proposal or private sewer or private drain plan;
 - (iii) a properly recorded sewer easement agreement granting the owner the right to construct the proposed private sewer or private drain;
 - (iv) a properly recorded declaration of maintenance obligating the owner and successors-in-interest to maintain the private sewer or private drain and all appurtenances thereto; and
 - (v) a security deposit in an amount determined by the department in accordance with 15 RCNY § 23-04 guaranteeing the continuous and proper maintenance of the proposed private sewer or private drain for as long as such private sewer or private drain remains in use.
- (7) Owners proposing to construct a private sewer or private drain in a Record street which is not a finally

mapped street shall submit all documents required by paragraphs (3) or (4) of this section and a certified copy of a variance issued by the Board of Standards and Appeals for proposed construction on lots not fronting a finally mapped street or a determination from the Department of Buildings that no such variance is required.

§ 23-04 – Insurance, Bonding, Security, and Indemnity Requirements for Private Sewers or Private Drains

(a) *General requirements.*

- (1) *Duty to continuously maintain required insurance.* No person may voluntarily cancel, terminate, modify, or allow to expire or lapse any insurance required by this rule without the prior express written consent of the department and presentation of proof that comparable continuous coverage, as determined by the department, has been secured from another insurer meeting the requirements of this rule. The owner shall present certificates of insurance evidencing continuation of insurance coverage as required by this rule no less than 30 days in advance of the date of cancellation, termination, or expiration of the existing insurance.
- (2) *Proof of insurance.* Proof of insurance as required by this rule shall be made by presentation of a certificate of insurance issued directly by the insurer to the appropriate department borough records office specifying the named insured, the effective dates of each policy, the limits of each policy, the coverage afforded by each policy, and the name and address of the broker and agency for each policy.

(b) *Insurance and indemnity requirements for private sewer or private drain construction.*

- (1) *Indemnity.* The following indemnity shall apply without exception or modification as a precondition to the department's approval of any private sewer or private drain construction permit or the relocation of an existing sewer. All indemnities required by this section shall provide exactly as follows: "If the persons or property of the city or of others sustain loss, damage or injury resulting from the intentional or negligent acts or omissions of the owner or his or her employees, subcontractors, or agents in the performance of construction of the private sewer or private drain, or from his or their failure to comply with the provisions of local laws or of the permit, then the owner shall indemnify, defend, and hold the city harmless from any and all claims and judgments for damages, fees, costs, and expenses to which the city may be subjected or which it may suffer or incur by reason thereof".
- (2) *General liability insurance.* As a precondition to the department's approval of an application for a private sewer or private drain construction permit or the relocation of an existing sewer, the owner shall obtain and maintain general liability insurance from a company authorized to write commercial general liability insurance in the State of New York. The required general liability insurance shall:
 - (i) have the following coverage provisions:
 - (A) premises and operations;
 - (B) products/completed operations;
 - (C) independent contractors;

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- (D) collapse, explosion and underground hazards; and
 - (E) deletion of railroad property damage exclusions, where applicable;
- (ii) be maintained by the Owner, his or her heirs, successors, assigns, and transferees until title to the private sewer or private drain has been vested in the city. For the relocation of existing sewers, the insurance shall be maintained as required herein for a period of one year from the date of final inspection and approval by the department;
 - (iii) be equivalent to the most recent version of the Insurance Services Offices' comprehensive general liability form GC-00-01 or equivalent, and shall provide not less than \$1,000,000 per occurrence in bodily injury and property damage combined, \$1,000,000 products completed operations and not less than \$2,000,000 general aggregate per policy year. Excavations in central business districts shall be subject to a required limit of \$3,000,000 per occurrence, \$3,000,000 products/completed operations, and \$6,000,000 general aggregate. The department shall be named as the insured on form CG-20-13 or equivalent;
 - (iv) expire no sooner than one year after the date of the private sewer or private drain construction permit application and shall name as insured the owner as identified on the private sewer or private drain construction permit application or approval and the title evidenced in connection herewith; and
 - (v) be endorsed to provide not less than sixty days advance notice by the insurance company or its agents to the department of any cancellation, termination, expiration, or modification of the policy. The endorsement shall give the name, title, and proper mailing address of the person in the appropriate department borough records office responsible for oversight of insurance and indemnity requirements.
- (3) *Insurance of sub-contractors.* The owner shall require that all sub-contractors performing work pursuant to a private sewer or private drain construction permit obtain and maintain general liability insurance as required by paragraph (b)(2) of this section and naming the department as the insured. Proof of sub-contractor insurance coverage shall be made as required by paragraph (a)(2) of this section.
- (c) *Insurance and indemnity requirements for drainage proposals incorporating special conditions.*
- (1) *Required indemnity.* The following indemnity shall apply without exception or modification as a precondition to the department's approval of any drainage proposal incorporating such special conditions as the use of a private on-site detention basin, private pumping station, or private sewage treatment plant. All indemnities required by this subdivision shall provide exactly as follows: "If the persons or property of the city or of others sustain loss, damage or injury resulting from the intentional or negligent acts or omissions of the owner or his or her employees, subcontractors, or agents by the operation, maintenance, or use of a private on-site detention basin, private sewage treatment plant, or a private pumping station, or their failure to comply with the provisions of local law or of the permit, then the owner shall indemnify, defend, and hold the city harmless from any and all claims and judgements for damages, fees, costs, and expenses to which the city may be subjected or which it may suffer or incur by reason thereof".
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- (2) *Insurance.* As a precondition to the department's approval of drainage proposals and private drain plans incorporating the use of a private on-site detention basin, a private pumping station, or a private sewage treatment plant, the owner shall obtain and maintain a liability insurance policy in an amount determined by the department in accordance with this section insuring the city against any damages that may be sustained by virtue of the operation, maintenance, use or failure thereof of the private on-site detention basin, a private pumping station, or a private sewage treatment plant.
- (d) *Duty to maintain and security for the maintenance of private sewers or private drains.*
- (1) *When required.* The owner of a private sewer or private drain constructed in an unopened record or a finally mapped street to which the city does not have title, an opinion of dedication, or in a sewer easement within the boundaries of the proposed development where access to the public is regulated by the owner thereof, shall maintain the private sewer or private drain and appurtenances thereto in good working order at all times for as long as such maintenance obligation remains in effect. The owner shall further post a security deposit in a form acceptable to the comptroller in an amount determined by the department in accordance with this rule for the purpose of guaranteeing the proper and continuous maintenance of the private sewer or private drain and appurtenances thereto.
- (2) *Duration of security.* The security shall remain on deposit with the comptroller until such time as the city acquires title to the streets or sewer easements wherein the private sewer or private drain and appurtenances thereto are located or until such time as the private sewer or private drain is no longer needed due to construction of city drainage plan sewers by the department according to the department's capital sewer construction program schedule.
- (e) *Determination of the dollar amount of title insurance, security deposits, and performance or maintenance bonds.* The department shall determine the required dollar amount of title insurance, security deposits, and performance or maintenance bonds required by this rule as follows:
- (1) the dollar amount of the title insurance policy shall be determined on the basis of the following information and documentation submitted by the applicant:
- (i) a current tax map showing all the tax blocks and Lots involved in the proposed development;
 - (ii) the area and assessed valuations of each lot, land only, fronting the proposed private sewers or private drains;
 - (iii) the schematic layout of the proposed pipes in the streets or sewer easements indicating the length of the pipes; and
 - (iv) the dimensions and total area of the streets and/or sewer easements to be covered by the title insurance policy.
- (2) The dollar amount of security deposits required by this rule shall be equal to the linear footage of the private sewer or private drain multiplied by seven, provided, however, that in no event shall the total amount of the required security deposit be less than five thousand dollars. The department may increase the required amount of security deposit in situations involving special conditions as outlined in 15 RCNY § 23-02(c). All maintenance securities shall be deposited with the comptroller's office and
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shall be in a form acceptable to the comptroller.

- (3) The dollar amount of performance and maintenance bonds shall be an amount that is equal to the cost of construction, as determined by the department, of the proposed private sewers or private drains.
- (f) *Accident reporting.* The owner, applicant, supervising professional engineer or registered architect, or any other person who knows or has reason to know of any accident occurring in connection with any operations related to the construction of a private sewer or private drain and appurtenances thereto, or the relocation of an existing sewer shall make immediate written notice to the department. Such report shall be made whether or not a claim has been or may be made by or against any party to the accident or occurrence causing property damage or bodily injury.

§ 23-05 – Standards for Drainage Proposal Approval, Revision, and Revocation

- (a) *Standard for approval of drainage proposals.* The department shall approve drainage proposals or drainage proposal revisions only after the department has determined that such drainage proposals or drainage proposal revisions are complete and are in full compliance with all standards, requirements, and provisions of this rule and the department's most recent design criteria.
- (b) *Duration of approval.* The department's approval of a drainage proposal or a drainage proposal revision shall be valid for a period of three years from the date of the department's written approval. The department may, upon written request made by an applicant prior to the expiration date of an approved drainage proposal, extend, without charge, the approval for a one-time sixty day period. An applicant shall be required to submit a new drainage proposal for review and approval if the approved drainage proposal expires before the applicant has obtained the department's approval of his or her private sewer or private drain plan.
- (c) *Status letter.* An applicant may request the department to issue a letter to Department of Buildings regarding the status of the proposed private drain provided that the applicant has an approved drainage proposal and has posted all insurance, indemnities, performance and maintenance bonds, and security deposits required by this rule.
- (d) *Revisions.* An approved drainage proposal may only be revised subject to the department's approval. The following non-exclusive list of changes to an approved drainage proposal render the approved drainage proposal null and void and require the submission of a drainage proposal revision with the applicable review fee:
- (1) a change to the type or kind of the proposed development;
 - (2) a change to the point of sanitary or storm water discharge from the site;
 - (3) the addition or deletion of property in the proposed development resulting in a corresponding change to the proposed private drain;
 - (4) a change in the alignment of the proposed piping which does or may result in a change in the hydraulic design of the proposed private drain; or

- (5) a change in the location of a proposed private on-site detention basin facility.
- (e) *Revocation of drainage proposal approval.* The department shall revoke its approval of a drainage proposal at any time if it determines that:
 - (1) any of the information or documentation submitted in support of the drainage proposal is false, inaccurate, or misleading;
 - (2) the approved drainage proposal fails to include adequate provisions for existing conditions that come to the attention of the department after it has approved a drainage proposal; or
 - (3) the applicant has made any of the changes listed in paragraph (d) of this section without prior written approval of the department.

§ 23-06 – Standards and Requirements for the Submission and Approval of Private Sewer or Private Drain Plans

- (a) *Private sewer or private drain plans; when required.*
 - (1) Private sewers. Owners proposing to construct a private sewer in compliance with the city drainage plan shall submit a private sewer plan to the department for review and approval.
 - (2) *Private drains.* Owners proposing to construct a private drain shall submit a private drain plan only after the department has reviewed and approved the owner's drainage proposal. Such private drain plans shall be prepared in accordance with the approved drainage proposal.
- (b) *General requirements for the submission of private sewer or private drain plans.* All private sewer or private drain plans shall be prepared by or under the supervision of a professional engineer or registered architect and shall be accompanied by the following information and documentation:
 - (1) a copy of the approved drainage proposal or city drainage plan for the proposed development;
 - (2) a survey prepared or updated by a New York State licensed professional land surveyor within one year of the date of submission of the private sewer or private drain plans to the department showing the proposed development and the route(s) of the proposed private sewers or private drains;
 - (3) a letter from the office of the Borough President of the county in which the proposed development is located verifying the legal status of all streets involved in the proposed development;
 - (4) boring logs prepared in compliance with Appendix A-8;
 - (5) an approved builder's pavement plan;
 - (6) a copy of the latest Tax map of the proposed development as certified by the city surveyor;
 - (7) a copy of the portion of the adopted Final map and, if applicable, pending alteration map showing all streets shown on the private sewer or private drain plans;

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- (8) utility company reply letters received no more than ninety days prior to the date of submission of the private sewer or private drain plan;
 - (9) an engineer's cost estimate prepared in accordance with Appendix A-7;
 - (10) a bill of materials describing all items to be utilized in the construction of the proposed private sewers or private drains;
 - (11) as-built drawings for the existing outlet for the proposed private sewers or private drains. If as-built drawings are not available, then a sewer route survey showing the sewer or drain size, type, material, and invert/rim elevations at the manholes shall be submitted;
 - (12) design calculations for all proposed structures which do not conform to department's most recent sewer design standards;
 - (13) copies of all permits or approvals required by federal, state, and other local laws and regulations;
 - (14) proof of compliance with all legal documentation required by 15 RCNY § 23-03(c) all insurance and security requirements of 15 RCNY § 23-04;
 - (15) a sworn affidavit executed by the owner of the proposed development stating that he or she has submitted all the required legal documents and affidavits required for final approval of the proposed private sewer or private drain and attesting to the truth and validity of such legal documents and affidavits;
 - (16) paper prints prepared in accordance with Appendix A-3; and
 - (17) the department's review fee for private sewer or private drains in accordance with 15 RCNY § 23-08;
- (c) *Standard for approval of private sewer or private drain plans.* The department shall approve a private sewer or private drain plans only after that the department has determined that such plans are complete and have been designed and will be constructed in full compliance with all standards, requirements, and provisions of this rule and the department's most recent design criteria.
- (d) *Duration of approval.* The department's approval of a private sewer or private drain plan shall be valid for a period of one year from the date of the approval of the plan. The department may, upon written request made by an applicant prior to the expiration date of an approved private sewer or private drain plan, extend, without charge, the approval for a one-time sixty day period. After expiration, the owner shall submit a new private sewer or private drain plan for review. All pertinent documents and permits shall be updated and a revision and approval signature box shall be added to the new private sewer or private drain plan.

§ 23-07 – Standards and Requirements for the Submission and Approval of Private Sewer or Private Drain Construction Permit Applications and Professional Engineer or Registered Architect Construction Supervision

- (a) *Private sewer or private drain construction permit applications; when required.* Owners with approved private sewer or private drain plans shall submit a private sewer or private drain construction permit application and all the

information and documentation required by subdivision (d) of this section at the time of the preconstruction meeting required by subdivision (c) of this section.

- (b) *Standards and requirements for department's approval of professional engineers and registered architects supervising the construction of private sewers or private drains.*
- (1) *Prohibition.* No owner proposing to construct a private sewer or private drain may hire a professional engineer or registered architect to supervise the actual construction of a private sewer or private drain without the prior written approval of the department. Once a professional engineer or registered architect is approved by the department, there shall be no change to the owner's approved professional engineer or registered architect or his or her representative without the prior written approval of the department.
 - (2) *Requirements for approval.* The owner shall submit the name, address, resume, and a list of relevant construction supervision work experience of the professional engineer or registered architect selected to supervise the construction of the private sewer or private drain. If the professional engineer or registered architect will not be personally supervising the construction, then the professional engineer or registered architect shall also submit the resume and list of relevant construction supervision work experience of the person(s) in his or her employ who will be supervising the construction.
 - (3) *Standard for approval of professional engineers, registered architects, and their employees.* The department shall approve an owner's proposed professional engineer or registered architect to supervise the actual construction of a private sewer or private drain construction project and any related work, drawing or plans after the department has determined that the professional engineer or registered architect has either:
 - (i) previously directly supervised and successfully completed at least two private sewer or private drain construction projects, or two capital sewer construction projects, or
 - (ii) has worked, with or without a professional license, in a responsible capacity under the direct supervision of a professional engineer or registered architect in connection with all stages of two such projects to their successful completion. The department reserves the right to reject the owner's professional engineer or registered architect if the department has documented that the professional engineer or registered architect failed to fully comply with the department's requirements or orders on any previous private sewer or private drain construction project, or on any capital sewer construction project. The department's approval shall not be unreasonably withheld.
 - (4) *Filing of supervision agreement.* After the department's approval of the owner's professional engineer or registered architect, the owner shall file a copy of the supervision agreement between the owner and his or her professional engineer or registered architect with the department.
- (c) *Pre-construction meeting.* A pre-construction meeting between the department, the owner's professional engineer or registered architect, and the owner's contractor shall be held prior to the issuance of any private sewer or private drain construction permit. The professional engineer or registered architect shall prepare minutes of the meeting and submit the minutes to the department for review and approval. The department shall provide field books to be used by the professional engineer or registered architect.

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- (d) *General requirements for the submission of private sewer or private drain construction permit applications.* All private sewer or private drain construction permit applications shall be prepared by or under the supervision of the approved professional engineer or registered architect and shall be accompanied by the following information and documentation:
- (1) an approved and valid private sewer or private drain plan;
 - (2) a completed private sewer or private drain construction permit application on a form supplied by the department signed by the applicant and the department;
 - (3) a street opening permit issued by the city;
 - (4) a signed and notarized copy of the construction contract between the owner and his or her private sewer or private drain contractor including the contractor's bid;
 - (5) an insurance policy complying with the requirements of 15 RCNY §§ 23-03 and 23-04 provided by the owner or his or her contractor and submitted directly by the owner or his or her contractor or their insurance broker to the department's borough records office;
 - (6) performance and maintenance bonds posted by the owner or the owner's contractor in the amount specified on the owner's approved private sewer or private drain plan;
 - (7) the signed and notarized agreement between the owner and his or her approved professional engineer or registered architect supervising the construction of private sewer or private drain;
 - (8) the signed and notarized agreement between owner and his or her contractor;
 - (9) traffic stipulations issued by the city;
 - (10) vendor's list;
 - (11) pavement restoration requirements issued by the city; and
 - (12) the private sewer or private drain construction permit application fee.
- (e) *Standard for approval of private sewer or private drain construction permit applications.* The department shall approve a private sewer or private drain construction permit application only after the department has determined that such application is complete and is in full compliance with all standards, requirements, and provisions of this rule and the department's most recent design criteria.
- (f) *Duration of approval.* A private sewer or private drain construction permit shall be valid for a period of ninety days from the date of issuance. If construction is not commenced within ninety days from the date of permit issuance, then the permit shall be null and void and the applicant shall be required to submit a new private sewer or private drain construction permit application in accordance with the requirements of this rule before commencing construction of any private sewer or private drain.
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- (g) *Place of issuance.* The department's borough records office shall issue private sewer or private drain construction permits.
- (h) *Commencement of construction and assignment of the approved professional engineers, registered architects, or their approved employees at the construction site.*
- (1) *Commencement of construction.* The private sewer or private drain construction permit shall specify a construction start date and time that is mutually acceptable to the department and the approved professional engineer or registered architect.
 - (2) *Assignment of the approved professional engineers, registered architects, or their approved employees at the construction site.* The approved professional engineer or registered architect shall maintain full time on-site construction inspection and supervision services at the construction site from the time construction commences to the time of final completion. The approved professional engineer, registered architect, or their approved employees shall telephone the department daily between 8:30 a.m. and 9:00 a.m. to report his or her presence at the construction site and to report on the scheduled work for the day.
 - (3) *Duty to inform the department of construction problems or field changes.* The approved professional engineer or registered architect shall promptly report to the department any construction or job related problems or any field changes that arise or are anticipated.
- (i) *Post-construction record submissions.* After completion of the construction of a private sewer or private drain and prior to final acceptance of such private sewer or private drain by the department, the approved professional engineer or registered architect shall submit to the department two notarized lists of actual costs incurred in the private sewer or private drain construction along with a copy of all bills, invoices, and receipts from all contractors, sub-contractors, vendors, manufacturers, and any other entities which provided goods or services.
- (j) *Required field records.* The approved professional engineer or registered architect or their approved employee shall maintain the following field records on forms supplied by the department:
- (1) daily construction record book;
 - (2) professional engineer or registered architect's record drawings;
 - (3) water service location sketch;
 - (4) existing pavements' sketch;
 - (5) property damage and accident reports;
 - (6) line and grade layout and field changes;
 - (7) summary of laboratory reports;
 - (8) concrete cylinder summary sheet;

- (9) layout and final measurement book;
- (10) line and grade stake out;
- (11) field changes;
- (12) final inspection, measurements, and TV inspection and video taping;
- (13) final restoration of pavements;
- (14) concrete strength analysis;
- (15) tracings-as-built record;
- (16) supervision of site connections;
- (17) partial approval for site connections; and
- (18) completion and acceptance certification.

§ 23-08 – Application and Filing Fees

- (a) *General requirements.* All applications for the review and approval of drainage proposals, private sewer or private drain plans, private sewer or private drain construction permits, and the supervision of construction and material testing shall be accompanied, at the time of submission, with the appropriate filing fee as established by section two of the New York City Water Board's Water and Sewer Rate Schedule as amended from time to time. A copy of the latest fee schedule may be obtained from the department by request.
- (b) *Payment of new application fee upon expiration of proposals or plans.* Payment of a new application fee shall be required for the renewal of an expired drainage proposal or private sewer or private drain plan.
- (c) *Payment of new application fee upon department's determination of need for substantial revisions to drainage proposals, private sewer or private drain plans, or construction permits.* After the department has completed its initial review, any drainage proposal, private sewer or private drain plan which the department determines requires extensive revisions for such reasons including, but not limited to, a major change in the alignment of the proposed private sewer or private drain, major changes in points or methods of discharge into the outlet system, major changes in the type or kind of the proposed development, and deficiencies that make drainage proposals, private sewer plan or private drain plan unsafe or infeasible, shall be subject to an additional fee in an amount equal to one half of the amount of the review fee for the revised submission.

Chapter 28 – Citywide Construction Noise Mitigation

§ 28-101 – Required Noise Mitigation Measures for General Construction

- (a) The responsible party shall self-certify in its Construction Noise Mitigation Plan that all construction tools and equipment have been maintained so that they operate at normal manufacturer's operating specifications, including at peak loading. Such self-certification shall be indicated on the Construction Noise Mitigation Plan form required by 15 RCNY § 28-100. Upon a DEP inspection of the work site, DEP

shall use the noise level guidelines in the Federal Highway Administration Roadway Construction Noise Model User's Guide, Jan. 2006, page 3, located in the Appendix to this chapter, as a means of identifying equipment that may be the cause of a noise complaint. If an individual piece of equipment is identified by DEP as exceeding the level specified in such Guide located in the Appendix to this chapter, upon notification by DEP, the responsible party shall have the option of: (i) performing maintenance to demonstrate a good faith effort, notwithstanding the model year of the equipment, to mitigate the noise by a measurable level acceptable to the Department, (ii) replacing the equipment with equipment that complies with said level, or (iii) filing an Alternative Noise Mitigation Plan pursuant to 15 RCNY § 28-104, within five business days of said inspection. If the responsible party elects to perform maintenance pursuant to option (i), but cannot demonstrate within five business days a reduction in noise by a measurable level acceptable to the Department, such party shall pursue one of the other two options to the satisfaction of the Department. The failure to exercise and complete one of such three options within five business days of said inspection shall be a violation of this rule.

- (b) All construction equipment being operated on site must be equipped with the appropriate manufacturer's noise reduction device(s), including, but not limited to, a manufacturer's muffler (or equivalently rated material) that is free of rust, holes and exhaust leaks.
- (c) The responsible party shall mitigate noise from construction devices with internal combustion engines by ensuring that the engine's housing doors are kept closed, and by using noise-insulating material mounted on the engine housing that does not interfere with the manufacturer's guidelines for engine operation or exhaust. The responsible party shall further reduce noise by operating the device at lower engine speeds during the work to the maximum extent possible.
- (d) Portable compressors, generators, pumps and other such devices shall be covered with noise-insulating fabric to the maximum extent possible that does not interfere with the manufacturer's guidelines for engine operation or exhaust, and shall further reduce noise by operating the device at lower engine speeds during the work to the maximum extent possible.
- (e) Vehicle engine idling on site shall be prevented in accordance with New York City Administrative Code § 24-163.
- (f) Quieter back-up alarms shall be used in pre-2008 model year vehicles when practicable for the job site. 2008 model year or newer vehicles shall be equipped with a quieter back-up warning device in accordance with OSHA standards, as set forth in paragraph 4 of subdivision d of 15 RCNY § 28-102.
- (g) When DOB regulations require a perimeter barrier, or "construction fence," and the site is within 200 feet of a receptor or a receiving property as defined in 15 RCNY § 28-109, perimeter noise barriers shall be fabricated in accordance with the standards set forth in subdivision e of 15 RCNY § 28-107 and lined with material set forth in subdivisions c and e of 15 RCNY § 28-107. Further, the responsible party shall fill in any gaps and holes in adjacent panels of noise barriers with noise attenuation material, so as to maximize the effectiveness of such barriers. Such noise attenuation material shall include noise curtain material, additional plywood, or similar material. When viewing ports are required in the curtain material, they shall be filled in with clear plastic attached to the curtain.
- (h) The contractor shall create and utilize a noise mitigation training program, which shall be implemented for all field-worker supervisory personnel including sub-contractor supervisors. Supervisory personnel shall

field-train all field workers to minimize construction noise. Such training program shall be developed in consultation with DEP.

- (i) When work is planned near sensitive receptors, including but not limited to facilities such as schools, hospitals, places of worship, and homes for the aging, the responsible party shall cooperate with the facility owner or operator to coordinate the work schedule so as to minimize the noise impact on the facility.
- (j) A DEP inspector may visit a construction site to examine the Noise Mitigation Plan upon receiving a complaint, or as a matter of routine inspection, to ensure that the responsible party is complying with such Plan. A responsible party found not to be complying with such Plan shall be provided a cure period of three business days to correct the condition or to file an Alternative Noise Mitigation Plan under 15 RCNY § 28-104. If the condition is not corrected nor an Alternative Noise Mitigation Plan filed with DEP within three business days, then a Notice of Violation shall be issued against the responsible party. Said violations may be issued on-site or by mail. Notwithstanding the preceding sentences in this subdivision, there shall be no cure period afforded with respect to compliance with 15 RCNY §§ 28-100; 28-101(a), (b), (e), (f), (h); 28-104; 28-105; and 28-106(a), (b), (d) (g) & (i).
- (k) Construction activities may take place during the hours of 7:00 a.m. to 6:00 p.m. on weekdays. At all other times, the permittee shall obtain after-hours authorization, pursuant to 15 RCNY § 28-103.
- (l) Where construction projects are of shorter duration of less than 15 days and within the property line and do not require Department of Buildings (DOB) perimeter barriers (“construction fences”), and where the work site is within 75 feet of a residential receptor, a temporary or portable (i.e. unanchored) noise barrier shall be fabricated in accordance with the specifications in 15 RCNY § 28-108. For long-term street work, defined as 15 days or longer, that is outside the property line and within 75 feet of a residential receptor and where there is a dedicated lane available, a temporary barrier in accordance with the specifications in 15 RCNY § 28-108 shall be required.
- (m) Whenever a responsible party is engaged in sandblasting operations that require a perimeter or other barrier during sandblasting, said barrier shall be lined with noise barrier material as set forth in subdivision e of 15 RCNY § 28-107.
- (n) Responsible parties conducting construction and roadway work that will commence and be completed within a continuous period of no longer than 24 hours or for emergency work that will last no longer than three consecutive days, need not file with DEP a Construction Noise Mitigation Plan. However, the responsible party for such construction work shall not create unreasonable noise. In addition, if the work occurs near or adjacent to a sensitive receptor as defined in 15 RCNY § 28-101(i), then the responsible party shall make modifications including scheduling changes or employing additional noise mitigation methods listed in 15 RCNY §§ 28-102, 28-107, and 28-108. This subdivision shall not apply to construction work that occurs after hours.
- (o) Technical terms in these rules are defined in the Noise Code or in 15 RCNY § 28-109.

§ 28-102 – Construction Devices and Activities

The devices listed in this section require additional noise mitigation. A responsible party using any of these devices shall mitigate the noise by following the rules set forth in this section for the specific device. There are

five categories of devices:

- (a) Impact Equipment: Pile Drivers, Jackhammers, Hoe Rams, Blasting.
- (b) Earth Moving Devices: Vacuum Excavators.
- (c) Construction Trucks: Dump Trucks.
- (d) Stationary Devices: Cranes, Auger Drills, Street Plates, Backup Alarms.
- (e) Manual Devices: Concrete Saws. If the responsible party cannot in good faith comply with the noise mitigation rules for each device, the responsible party shall file with DEP an Alternative Noise Mitigation Plan in accordance with 15 RCNY § 28-104.

(a) Impact Equipment.

- (1) *Pile Drivers*. This rule provides noise mitigation strategies that responsible parties shall utilize in order to reduce the noise emissions from pile driving and related equipment. Pile drivers for sheet piles and/or column piles are a common necessity on a construction project. Piles can be used to stabilize trench walls during excavation, create coffer dams to hold back water, or to provide an anchored platform upon which structures can be built. There are two basic types of pile drivers – impact hammers and vibratory drivers. Noise emission levels from pile drivers can vary widely based on the type of driver, the type of pile (steel, concrete, wood), and the underlying ground conditions.

A. GENERAL RULES OF OPERATION

- i. The hours of operation shall be in accordance with 15 RCNY § 28-103.

B. SOURCE CONTROLS: QUIETER MODELS & MUFFLERS

- i. The quietest pile driving method shall be selected that allows the work to be performed based on structural, geotechnical, and pile friction requirements and ground conditions. The following list or their equivalent are acceptable pile-driving methods to the Department: a hydraulic pile pushing system, a vibratory pile driver; a hydraulic impact pile driver; a drop hammer, a diesel impact pile driver.
- ii. Hydraulic pushing method pile drivers, including the Ken-Jet Still Worker, the Giken Silent Piler, or the SERF Pilemaster, or equivalent, shall be utilized rather than louder impact or vibratory pile drivers when ground conditions permit such use. Further, such quieter pile drivers shall be utilized whenever a responsible party is working within 100 feet of a receptor.
- iii. In accordance with the noise mitigation criteria outlined in 15 RCNY § 28-101(b), an impact pile driver shall be equipped with a well maintained exhaust muffler in order to mitigate the amount of noise escaping out with the diesel exhaust.
- iv. The responsible party shall select the type of pile being driven based on structural and/or geotechnical performance requirements. In order of loudness, wooden piles shall be preferred first, followed by concrete piles, and then steel piles.
- v. The responsible party shall pre-auger or pre-trench the pile holes to soften the underlying ground, reduce ground resistance, and thus reduce pile driving noise based upon geotechnical

conditions at the location. Auger drill rigs may be mounted to the same crane as the pile driver or alternatively, an excavator with a long bucket arm may pre-trench as deep as 25 feet below grade.

- vi. A properly secured impact cushion shall be installed on top of piles that are being driven by an impact hammer. Commercially available pile cushions or those fabricated on the job site, out of scrap wood, leather or rubber, may be utilized.
- vii. Quieter alternative methods to pile driving, including the use of drilled caissons filled with concrete, or slurry walls dug out initially with a milling machine, shall be used whenever possible, depending on structural and geotechnical performance requirements.
- viii. Noise bellows systems such as the IHC Hydrohammer, or an equivalent bellows device, may be used to provide further noise attenuation. Bellows enclosures accompany the pile down to the ground and collapse accordion style as the pile reaches the ground.
- ix. When the responsible party uses a vibratory pile driver or a hydraulic impact pile driver as set forth in clause (ii) of this subparagraph and/or noise bellows as set forth in clause (viii) of this subparagraph, between the hours of 7:00 a.m. to 6:00 p.m. on weekdays, the responsible party need not utilize additional pathway controls listed in subparagraph C of this paragraph, unless the responsible party is performing work within 35 feet of an indoor receptor and with the exception of any required perimeter barriers as specified in 15 RCNY § 28-101(g).
- x. No violation shall be issued to the responsible party if the bellows in clause (viii) of this subparagraph B or the barriers listed in subparagraph C of this paragraph are adjusted such that the operator can view the end of the hammer for safety purposes.

C. NOISE PATHWAY CONTROLS: NOISE BARRIERS & ENCLOSURES. The responsible party shall utilize one of the following pathway controls. However, if the Department receives noise complaints concerning the site, the responsible party shall utilize additional pathway controls listed in this subparagraph as required by DEP.

- i. The responsible party shall construct a portable noise barrier that shall be free from gaps and holes and constructed of a sufficiently massive material to achieve a Sound Transmission Class rating of STC 30 or greater. It shall be positioned as close as possible to the pile driver. A portable (i.e. unanchored) noise barrier can be made, for example, of concrete jersey bases with 3/4-inch plywood panels attached to fence posts extending upwards to an overall height of 15 feet. This shall be the maximum height for a free-standing barrier in order to avoid it tipping over from wind load. Multiple jersey bases and plywood panels shall be positioned adjacent to one another to form a barrier of any desired length. The gaps between adjacent panels shall be filled-in with noise curtain material, additional plywood, or similar material when practicable. A properly balanced canted panel, not susceptible to windy conditions, may be placed on top of the barrier in order to provide better shielding for multi-story receptors. However, said barrier's height shall not exceed 15 feet including the balanced canted portion.
- ii. The noise barrier shall be long and tall enough to completely block the line of sight between the pile driver and any indoor receptor within 200 feet and that is a maximum of 20 feet above

grade level, when work occurs. The barrier should be placed as close to the actual pile driving work as feasible. Greater noise attenuation occurs when barriers are placed as close as possible to the noise source.

- iii. Where applicable, portable noise shields made of steel frames wrapped with noise curtain material, such as SoundSeal model BBC-13-2, or equivalently rated material, shall be hoisted up into position on the crane's second cable to form a noise barrier in the direction of sensitive receptors. The shield shall be large enough to completely block the line of sight between the receptors and the pile driver, and shall be lowered to the ground as the pile is being driven in order to maintain the shielding effect. Such portable noise shield shall be utilized when the pile driver is higher than any barrier at the site required under 15 RCNY § 28-101(g).
 - iv. Alternative barriers may be utilized in accordance with site-specific conditions. For example, shipping container (Conex) boxes or truck trailers may be positioned along the edge of the work site to form an effective semi-permanent noise barrier. Sufficient space at the site is necessary, as these containers are generally 8 feet wide by 8 feet tall and can be double-stacked to form a noise barrier 16 feet in height. The gaps between and/or under container boxes shall be filled-in with heavy vinyl noise curtains or similar materials. It should be noted that gaps and spaces are one of the primary contributors to degrading a noise barrier's performance.
- (2) *Jackhammers/Pavement Breakers*. This rule shall provide noise mitigation strategies that the responsible party shall utilize in order to reduce the noise emissions from jackhammers and pavement breakers. These devices are defined as manually-operated, powered (pneumatic or other) devices, consisting of chisel-hammers or bits used to cut or break through pavement, concrete, or street surfaces. Jackhammers can be very loud as the steel chisel or bit hits the target object.

A. GENERAL RULES OF OPERATION

- i. The hours of operation shall be in accordance with the rules as set forth in 15 RCNY § 28-103.

B. SOURCE CONTROLS: QUIETER MODELS & MUFFLERS

- i. Quieter makes and models of jackhammers such as the Copco model TEX P90S or equivalent model with an elongated effective muffler casing or bellows measuring a total of greater than 15 inches in length, shall be used whenever practicable.
- ii. The quietest jackhammer suitable to perform the given work shall be selected for use. The quieter jackhammers, including the jackhammer specified in clause (i) of this subparagraph or the Chicago Pneumatic CP1240, with a model F-814004 muffler, or equivalent, shall be used when suitable and whenever a responsible party is working in close proximity to receptors, whenever a responsible party is using multiple jackhammers, and whenever jackhammer operations are occurring during after hours as set forth in § 24-223 of the Administrative Code.
- iii. In all cases, jackhammers shall be equipped with an effective muffler, provided either from the manufacturer or from an aftermarket vendor, which effectively reduces noise from the exhaust air by about 4 dBA or more. In accordance with 15 RCNY § 28-101(b), an effective muffler shall be properly fitted to the jackhammer to insure against air or noise leakage.

- iv. If appropriate to the size of the job, smaller jackhammers shall be used, as they tend to be quieter.
- v. When the responsible party uses a device described in clause (i) of this subparagraph between the hours of 7:00 a.m. to 6:00 p.m. on weekdays, the responsible party need not utilize additional pathway controls listed in subparagraph C of this paragraph, unless the responsible party is performing work within 35 feet of an indoor receptor and with the exception of any required perimeter barriers as specified in 15 RCNY § 28-101(g).

C. NOISE PATHWAY CONTROLS: NOISE BARRIERS & ENCLOSURES. The responsible party shall utilize one of the following pathway controls for jackhammers or pavement breaker operations within a property line or for long-term work when outside of the property line as specified in 15 RCNY § 28-101(l). However, if the Department receives noise complaints concerning the site, the responsible party shall utilize additional pathway controls listed in this subparagraph as required by DEP. The pathway controls are set forth as follows: jersey barriers, tents, or other portable noise barriers.

- i. The responsible party shall construct a portable noise barrier that shall be free from gaps and holes and constructed of a sufficiently massive material to achieve a Sound Transmission Class rating of STC 30 or greater and that shall be positioned as close as possible to the jack hammer. The noise barrier shall be long and tall enough to completely block the line of sight between the jackhammer and any indoor receptor within 200 feet and that is a maximum of 20 feet above grade level, when work occurs. The barrier shall be placed as close to the actual jackhammering work as feasible. Greater noise attenuation occurs when barriers are placed as close as possible to the noise source. A balanced canted panel, not susceptible to high winds shall be placed, when feasible, on top of the barrier in order to provide better shielding for multi-story receptors. However, said barrier's height shall not exceed 15 feet including the balanced canted portion.
- ii. Jersey barriers. A portable (i.e. unanchored) noise barrier can be made, for example, of concrete jersey bases with 3/4-inch plywood panels attached to fence posts extending upwards to an overall height of 15 feet. This shall be the maximum height for a free-standing barrier in order to avoid it tipping over from wind load. Multiple jersey bases and plywood panels can be positioned adjacent to one another to form a barrier of any desired length. The gaps between adjacent panels should be filled-in with noise curtain material, additional plywood, or similar material. All jersey barriers shall comply with the requirements in clause (i) of this subparagraph, including a Sound Transmission Class rating of STC 30 or greater.
- iii. Portable noise enclosures.
 - (a) Portable noise enclosures (so-called "noise tents") made of steel frames wrapped with noise curtain material, such as SoundSeal model BBC-13-2, or equivalently rated material, may be built to surround the jackhammer (on the top and 3 sides) and the operator. A properly constructed enclosure, using curtain material with a Sound Transmission Class rating of STC 30 or greater, generally provides a 5 dBA insertion loss. Such barrier shall meet OSHA standards for worker exposure to particulate matter.
 - (b) The responsible party shall utilize multiple tents for multiple jackhammers. For example, when two jackhammers are being utilized and they cannot fit under the same noise tent, the responsible

party shall provide an additional noise tent.

- (c) The noise tent shall be moved as the jackhammer work progresses in order to maintain the tent's ability to block the line of sight between the jackhammer and the receptors.
 - (d) In accordance with § 24-223 of the Administrative Code, when emergency jackhammering occurs after normal working hours within 500 feet of any residential receptor, the responsible party shall use noise tents with double thick noise curtain material or a noise tent augmented with a portable noise barrier to form a double layer of mitigation. See 15 RCNY § 28-108. Quieter jackhammers and compressor vehicles shall also be utilized during after hours work whenever feasible.
 - (e) Where there are receptors surrounding the jackhammer work site on all sides, two tents shall be used on either side of the jackhammer to form a complete enclosure as close to the jackhammer as practicable.
- (3) *Hoe Rams*. This rule shall provide noise mitigation strategies that the responsible party shall utilize in order to reduce the noise emissions from hoe rams. Hoe rams, and hoe ram-like devices, are used to cut through roadway pavement or concrete walls and for demolition of large concrete or steel structures. They are typically large hydraulic chisel-hammers attached on the end of a backhoe or excavator arm that can be very loud as the steel chisel hits the target object.

A. GENERAL RULES OF OPERATION

- i. The hours of operation shall be in accordance with the rules as set forth in 15 RCNY § 28-103.

B. SOURCE CONTROLS: QUIETER MODELS & MUFFLERS

- i. Quieter makes and models of hoe rams, such as the Bosma Hammer-Head or equivalent quieter devices, shall be used whenever feasible, especially near receptors.
- ii. The smallest hoe ram necessary shall be selected to perform the task, as smaller devices tend to produce less noise.
- iii. A noise shroud enclosure shall be wrapped around the head (i.e. chisel) of the hoe ram whenever working within 200 feet of a receptor. Shrouds may be selected from various manufacturers such as Krupp Industries, Allied Hi-Ram, Montabert, or Rammer Inc. with steel shrouds to attach to the hoe ram head. Alternatively, a shroud may be fabricated on-site by wrapping the chisel head with a heavy vinyl noise curtain material, such as SoundSeal BBC-13-2, or equivalently rated material, and securing it with tie wire.
- iv. A skilled hoe ram operator can significantly affect the amount of noise produced during the work. In accordance with 15 RCNY § 28-101(h), responsible party and sub-contractor personnel shall be trained on the proper angle or position when the hoe ram chisel is placed against the work. The operator shall position and operate the device in such a manner as to minimize its noise output. A violation shall only be issued for failure to train the operator as set forth in subdivision (h) of 15 RCNY § 28-101.

- v. Alternative methods to hoe ramming concrete, including hydraulic jacks or chemical splitting (use of expansive demolition agents), shall be utilized whenever feasible. For steel demolition, alternative quieter methods may include the use of hydraulic shears and grapples, or the use of torches to cut the steel into more manageable pieces, which can then be trucked off-site for further demolition.
- vi. When the responsible party uses specific makes and models as set forth in clause (i) of this subparagraph or a noise shroud as set forth in clause (iii) of this subparagraph, between the hours of 7:00 a.m. to 6:00 p.m. on weekdays, then the responsible party need not utilize additional pathway controls listed in subparagraph C of this paragraph, unless the responsible party is performing work within 35 feet of an indoor receptor and with the exception of any required perimeter barriers as specified in 15 RCNY § 28-101(g).
- vii. No violation shall be issued to the responsible party if any of the shrouds in clause (iii) of this subparagraph are adjusted such that the operator can view the end of the bit for safety purposes.

C. NOISE PATHWAY CONTROLS: NOISE BARRIERS & ENCLOSURES. The responsible party shall utilize one of the following pathway controls below. However, if the Department receives noise complaints concerning the site, the responsible party shall utilize additional pathway controls listed in this subparagraph as required by DEP.

- i. The responsible party shall construct a portable noise barrier that shall be free from gaps and holes and constructed of sufficiently massive material to achieve a Sound Transmission Class rating of STC 30 or greater and shall be positioned as close as possible to the hoe ram. A portable (i.e. unanchored) noise barrier can be made, for example, of concrete jersey bases with 3/4-inch plywood panels attached to fence posts extending upwards to a overall height of 15 feet. This shall be the maximum height for a free-standing barrier in order to avoid it tipping over from wind load. Multiple jersey bases and plywood panels can be positioned adjacent to one another to form a barrier of any desired length. The gaps between adjacent panels should be filled-in with noise curtain material, additional plywood, or similar material. A balanced canted panel, not susceptible to high winds shall be placed, when feasible, on top of the barrier in order to provide better shielding for multi-story receptors. However, said barrier's height shall not exceed 15 feet including the balanced canted portion.
- ii. The noise barrier shall be long and tall enough to completely block the line of sight between the hoe ram and any indoor receptor within 200 feet and that is a maximum of 20 feet above grade level, when work occurs. The barrier should be placed as close to the actual hoe ram work as feasible. Greater noise attenuation occurs when barriers are placed as close as possible to the noise source.
- iii. Alternative barriers may be utilized in accordance with site-specific conditions. For example, shipping container (Conex) boxes or truck trailers may be positioned along the edge of the work site to form a semi-permanent noise barrier. Sufficient space must be available since containers are generally 8 feet wide by 8 feet tall and can be double-stacked to form a noise barrier 16 feet in height. The gaps between and/or under container boxes should be filled-in with heavy vinyl noise curtains or similar material.

- iv. Where there are receptors surrounding the hoe ram work site on all sides, several noise barriers shall be used to form a complete enclosure around the hoe ram.
- (4) *Blasting*. This rule shall provide noise mitigation strategies that the responsible party shall utilize in order to reduce the noise emissions from blasting. The controlled use of explosives is occasionally necessary on a construction site, primarily to loosen hard rock ledges or to demolish large concrete structures. This rule does not apply to tunneling activities subject to the regulations set forth in § 24-246 of the Administrative Code.

A. GENERAL RULES OF OPERATION

- i. The hours of operation shall be in accordance with the rules as set forth in 15 RCNY § 28-103.
- ii. The necessary and FDNY-regulated use of blasting shall be done in close coordination with the affected public in order to minimize potential disturbance.

B. SOURCE CONTROLS:

- i. The smallest appropriate blasting charge possible shall be used in order to minimize blasting noise at its source. The quietest explosive material possible shall also be selected. Relatively slow-burning explosives produce quieter noise emissions as compared to faster-burning explosives.

C. NOISE PATHWAY CONTROLS: BLAST MATS AND BARRIERS

- i. Blast mats made of heavy rubber shall be laid over the blast site.
 - ii. When blasting occurs close to receptors, the responsible party shall construct a portable noise barrier that shall be free from gaps and holes, constructed of a sufficiently massive material to achieve a Sound Transmission Class rating of STC 30 or greater, and positioned as close as possible to the blast site.
 - iii. The noise barrier shall be long and tall enough to completely block the line of sight between the blasting and any indoor receptor within 200 feet and that is a maximum of 20 feet above grade level, when work occurs. A portable (i.e. unanchored) noise barrier can be made, for example, of concrete jersey bases with 3/4-inch plywood panels attached to fence posts extending upwards to a maximum height of 15 feet.
- (b) *Earth Moving Equipment*.
- (1) *Vacuum Excavators*. This rule shall provide noise mitigation strategies the responsible party shall utilize when working with a vacuum excavator, or vac-truck. A vac-truck is a vehicle equipped with a low pressure suction hose leading to an on-board storage tank. Vac-trucks are generally used when removing dirt to avoid disrupting underground utility services such as telecommunications cables, water and sewer pipes, gas lines, or electrical cables.

A. GENERAL RULES OF OPERATION

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- i. The hours of operation shall be in accordance with the rules as set forth in 15 RCNY § 28-103.

B. SOURCE CONTROLS: QUIETER MODELS & SILENCERS

- i. Smaller capacity (lower suction) vac-trucks tend to be quieter and shall be used whenever practicable. Listed from the quietest to the loudest order, examples include GapVac, BSI Dewitz, BoVac and Guzzler.
- ii. Vac-trucks shall be run in their lower power setting whenever practicable. While suction capacity is reduced with lower engine speeds, there remains adequate suction to perform almost any job.
- iii. Several manufacturers do provide silencers on the air intake and exhaust sides of the blower. Heavier duty silencers including Universal, Industrial Acoustics, McGill and Burgess-Manning or equivalent, shall be used whenever practicable.
- iv. The vac-truck's suction creating component (i.e. blower) shall be covered with a noise-reducing housing or enclosure.
- v. When the responsible party uses a specific vac-truck as set forth in clause (i) of this subparagraph and/or silencers specifically set forth in clause (iii) of this subparagraph between the hours of 7:00 a.m. to 6:00 p.m. on weekdays, then the responsible party need not utilize additional pathway controls listed in subparagraph C of this paragraph, unless the responsible party is performing work within 35 feet of an indoor receptor and with the exception of any required perimeter barriers as specified in 15 RCNY § 28-101(g).

C. NOISE PATHWAY CONTROLS: NOISE BARRIERS & CURTAINS. The responsible party shall utilize one of the following pathway controls below. However, if the Department receives noise complaints concerning the site, the responsible party shall utilize additional pathway controls listed in this subparagraph as required by DEP.

- i. The responsible party shall construct a portable noise barrier that shall be free of gaps and holes and constructed of a sufficiently massive material to achieve a Sound Transmission Class rating of STC 30, or greater, and shall be positioned as close as possible to the vac-truck. A portable (i.e. unanchored) noise barrier can be made, for example, of concrete jersey bases with 3/4-inch plywood panels attached to fence posts extending upwards to an overall height of 15 feet. This shall be the maximum height for a free-standing barrier in order to avoid it tipping over from wind load. Multiple jersey bases and plywood panels shall be positioned adjacent to one another to form a barrier of any desired length. The gaps between adjacent panels should be filled-in with noise curtain material, additional plywood, or similar material. A properly balanced canted panel, not susceptible to windy conditions, may be placed on top of the barrier in order to provide better shielding for multi-story receptors. However, such barrier's height shall not exceed 15 feet including the balanced canted portion.
- ii. The noise barrier shall be long and tall enough to completely block the line of sight between the vac-truck and any indoor receptor within 200 feet and that is a maximum of 20 feet above grade level, when work occurs. The barrier should be placed as close to the actual vac-truck work as feasible. Greater noise attenuation occurs when barriers are placed as close as possible to the noise

source.

- iii. Portable noise shields made of steel frames wrapped with noise curtain material, such as SoundSeal model BBC-13-2, or equivalently rated material, shall be used to form a noise barrier in the direction of sensitive receptors and completely block the line of sight between the receptors and vac-truck. Noise curtains are typically made out of a 1/4-inch thick heavy vinyl material, often with a noise absorptive quilt attached to one side. These noise curtains generally weigh 1.5 lbs/sq. ft., have an STC rating of about 32, and come in 4-foot wide sheets complete with grommets and Velcro edges to aid in hanging the curtains and sealing the sheets side-by-side.
- iv. Alternative barriers may be utilized in accordance with site-specific conditions. For example, shipping container (Conex) boxes or truck trailers can be positioned along the edge of the work site to form a semi-permanent noise barrier. Sufficient space at the site is necessary as these containers are typically 8 feet wide by 8 feet tall and can be double-stacked to form a noise barrier 16 feet in height. The gaps between and/or under container boxes should be filled-in with heavy vinyl noise curtains or similar materials.
- v. Whenever possible, vac-truck exhaust shall be positioned and directed away from receptors.

(c) *Construction Trucks and Vehicles.*

- (1) *Dump Trucks.* This paragraph shall provide noise mitigation strategies that the responsible party shall utilize in order to reduce the noise emissions from dump trucks. Dump trucks are commonly used on construction sites in order to deliver construction materials, remove and excavate debris, or transfer materials around the job site. However they can produce loud noises when their tailgates are slammed when dumping a load, when their engines are revved with inadequate exhaust mufflers, when the first shovel-full is dropped into the bed, or due to use of their backup alarms.

A. GENERAL RULES OF OPERATION

- i. The hours of operation shall be in accordance with the rules as set forth in 15 RCNY § 28-103.

B. SOURCE CONTROLS

- i. The smallest sized and quietest dump truck that is adequate for a particular job shall be selected.
- ii. A bed liner made of thick rubber, spray-on liner, plywood, sand or gravel shall be installed to mitigate the noise of the first load being dropped into the dump truck.
- iii. Though not required for use in the United States (U.S.), most U.S. dump truck manufacturers produce quieter models for use in Europe. European Environmental Label (i.e. Blue Angel) low noise emission construction equipment, which is required for import and use in European Union (EU) nations in accordance with Quality Assurance Publication RAL UZ 53 and the Treaty on European Union 992-02-07 Journal C224, shall be used whenever feasible if it meets the U.S. Environmental Protection Agency's emission requirements and/or regulations. These models are generally 10 dBA quieter than similar equipment used in the U.S.

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- iv. The positioning of the dump truck shall be carefully selected in order to minimize operation near receptors. Responsible parties shall attempt to reduce the necessity of backing-up by selecting a straight drive-through truck route. If a backup alarm is used, a quieter warning device shall be installed in accordance with 15 RCNY § 28-101(f).
 - v. The truck shall be equipped with an effective muffler in accordance with 15 RCNY § 28-101(b), which shall be well-maintained to ensure maximum noise reduction.
 - vi. Slamming a tail gate shall be avoided to the extent possible to prevent unreasonable noise. Alternately, a pad made of heavy rubber, leather or wood, when practicable, shall be used under the tail gate to prevent metal contact.
 - vii. The engine housing doors shall be kept closed while the engine is in operation.
 - viii. When the responsible party uses quieter dump truck models as set forth in clause (iii) of this subparagraph, between the hours of 7:00 a.m. to 6:00 p.m. on weekdays, the responsible party need not utilize additional pathway controls listed in subparagraph C of this paragraph, unless the responsible party is performing work within 35 feet of an indoor receptor and with the exception of any required perimeter barriers as specified in 15 RCNY § 28-101(g).
- C. NOISE PATHWAY CONTROLS: NOISE BARRIERS & CURTAINS The responsible party shall utilize one of the following pathway controls. However, if the Department receives noise complaints concerning the site, the responsible party shall utilize additional pathway controls listed in this subparagraph as required by DEP.
- i. The responsible party shall construct a portable noise barrier that shall be free from gaps and holes and constructed of a sufficiently massive material to achieve a Sound Transmission Class rating of STC 30, and shall be positioned as close as possible to the vehicle, in order to provide the greatest insertion loss. A portable (i.e. unanchored) noise barrier can be made, for example, of concrete jersey bases with 3/4-inch plywood panels attached to fence posts extending upwards to an overall height of 15 feet. This shall be the maximum height for a free-standing barrier in order to avoid it tipping over from wind load. Multiple jersey bases and plywood panels may be positioned adjacent to one another to form a barrier of any desired length. The gaps between adjacent panels shall be filled-in with noise curtain material, additional plywood, or similar material. A canted panel may be placed on top of the barrier in order to provide better shielding for multi-story receptors; however care must be taken to avoid having the barrier tip over from unbalanced loading. Further, said barrier's height shall not exceed 15 feet including the balanced canted portion.
 - ii. The noise barrier shall be long and tall enough to completely block the line of sight between the dump truck and any indoor receptor within 200 feet and that is a maximum of 20 feet above grade level, when work occurs. The barrier shall be placed as close to the actual dump truck work as feasible. Greater noise attenuation occurs when barriers are placed as close as possible to the noise source.
 - iii. Noise curtain material, such as SoundSeal model BBC-13-2, or equivalently rated material, shall be used to form a noise barrier in the direction of sensitive receptors and completely block the line of sight between the receptors and dump truck. It shall also be draped over the dump truck to

augment the engine housing and exhaust stack. Noise curtains are typically made out of a 1/4-inch thick heavy vinyl material, often with a noise absorptive quilt attached to one side. These noise curtains generally weigh 1.5 lbs/sq. ft., have an STC rating of about 32, and come in 4-foot wide sheets complete with grommets and Velcro edges to aid in hanging the curtains and sealing the sheets side-by-side.

- iv. Conveyor belts shall be used whenever practicable, as they may allow the dump trucks to operate much farther away from receptors.
- v. Alternative barriers may be utilized in accordance with site-specific conditions. For example, shipping container (Conex) boxes or truck trailers may be positioned along the edge of the work site to form a semi-permanent noise barrier. Sufficient space at the site is necessary as these containers are generally 8 feet wide by 8 feet tall and can be double-stacked to form a noise barrier 16 feet in height. The gaps between and/or under container boxes shall be filled-in with heavy vinyl noise curtains or similar material.

(d) *Stationary Equipment.*

- (1) *Cranes.* This rule shall provide noise mitigation strategies that the responsible party shall utilize in order to reduce the noise emissions from cranes. Cranes are an essential piece of equipment on most large construction sites in order to load and unload delivery trucks, lift building materials to required heights, lift excavated materials out of tunnels and for other sub-surface excavations, and move other equipment and personnel around the job site. Cranes come in many varieties and sizes, including tracked or wheeled mobile cranes, fixed or floating derricks, and tower cranes.

A. GENERAL RULES OF OPERATION

- i. The hours of operation shall be in accordance with the rules set forth in 15 RCNY § 28-103.

B. SOURCE CONTROLS: QUIETER MODELS

- i. There are various makes and models that are inherently quieter than others. Smaller, quieter cranes, including rubber-tired mobile cranes, shall be used whenever possible based on load lifting requirements.
- ii. New modern hydraulic cranes shall be used whenever possible to avoid the squeal produced by cable drum brakes on mechanical cranes.
- iii. Though not required for use in the United States, most U.S. crane manufacturers produce quieter models for use in Europe. European Environmental Label (i.e. Blue Angel) low noise emission construction equipment, which is required for import and use in European Union (EU) nations in accordance with Quality Assurance Publication RAL UZ 53 and the Treaty on European Union 992-02-07 Journal C224, shall be used whenever feasible and if it meets the U.S. Environmental Protection Agency's emission requirements and/or regulations. These cranes are about 10 dBA quieter than similar models sold in the U.S.
- iv. The positioning of the crane shall be carefully selected in order to minimize the need to relocate it

around the job site. Whenever possible, tower cranes shall be used, as they essentially produce no noise at ground level.

- v. The crane shall be equipped with an effective muffler in accordance with 15 RCNY § 28-101(b), which shall be well maintained to ensure maximum noise reduction.
 - vi. When the responsible party uses new modern hydraulic cranes as set forth in clause (ii) of this subparagraph and/or additional source controls set forth in clause (iii) of this subparagraph, between the hours of 7:00 a.m. to 6:00 p.m. on weekdays, the responsible party need not utilize additional pathway controls listed in subparagraph C of this paragraph, unless the responsible party is performing work within 35 feet of an indoor receptor and with the exception of any required perimeter barriers as specified in 15 RCNY § 28-101(g).
- C. NOISE PATHWAY CONTROLS: NOISE BARRIERS & CURTAINS The responsible party shall utilize one of the following pathway controls. However, if the Department receives noise complaints concerning the site, the responsible party shall utilize additional pathway controls listed in this subparagraph as required by DEP.
- i. The responsible party shall construct a portable noise barrier that shall be free from gaps and holes constructed of a sufficiently massive material to achieve a Sound Transmission Class rating of STC 30 or greater, and shall be positioned as close as possible to the crane. A portable (i.e. unanchored) noise barrier can be made, for example, of concrete jersey bases with 3/4-inch plywood panels attached to fence posts extending upwards to an overall height of 15 feet. This shall be the maximum height for a free-standing barrier in order to avoid it tipping over from wind load. Multiple jersey bases and plywood panels shall be positioned adjacent to one another to form a barrier of any desired length. The gaps between adjacent panels shall be filled-in with noise curtain material, additional plywood, or similar material. A properly balanced canted panel, not susceptible to windy conditions, may be placed on top of the barrier in order to provide better shielding for multi-story receptors. However, said barrier's height shall not exceed 15 feet including the balanced canted portion.
 - ii. The noise barrier shall be long and tall enough to completely block the line of sight between the crane and any indoor receptor within 200 feet and that is a maximum of 20 feet above grade level, when work occurs. The barrier shall be placed as close to the actual crane work as feasible. Greater noise attenuation occurs when barriers are placed as close as possible to the noise source.
 - iii. Portable noise shields made of steel frames wrapped with noise curtain material, such as SoundSeal model BBC-13-2, or equivalently rated material, shall be used to form a noise barrier in the direction of sensitive receptors and completely block the line of sight between the receptors and crane. Noise curtains are typically made out of a 1/4-inch thick heavy vinyl material, often with a noise absorptive quilt attached to one side. These noise curtains generally weigh 1.5 lbs/sq. ft., have an STC rating of about 32, and come in 4-foot wide sheets complete with grommets and Velcro edges to aid in hanging the curtains and sealing the sheets side-by-side.
 - iv. Alternative barriers may be utilized in accordance with site-specific conditions. For example, shipping container (Conex) boxes or truck trailers may be positioned along the edge of the work site to form a semi-permanent noise barrier. Sufficient space at the site is necessary as these

containers are generally 8 feet wide by 8 feet tall and can be double-stacked to form a noise barrier 16 feet in height. The gaps between and/or under container boxes shall be filled-in with heavy vinyl noise curtains or similar material.

- (2) *Auger Drill Rigs.* This rule shall provide mitigation strategies the responsible party shall utilize when using auger drill rigs. Auger drill rigs are typically mounted to cranes or they can be built as dedicated machines as well. Auger drill rigs are used to drill shafts into the ground, which are then filled with cement form concrete piles, to loosen underlying soil and allow solid piles to be driven more easily, or used in multiple configuration to “mix” grout into the soil and change the soil’s properties (i.e. strengthen it and reduce its water content).

A. GENERAL RULES OF OPERATION

- i. The hours of operation shall be in accordance with the rules set forth in 15 RCNY § 28-103.

B. SOURCE CONTROLS: QUIETER MODELS & SILENCERS

- i. The auger drill rig or crane shall be equipped with an effective muffler in accordance with 15 RCNY § 28-101(b), which shall be well- maintained to ensure maximum noise reduction.
- ii. All moving parts shall be well lubricated for proper drilling performance and to avoid unnecessary noise from squeaking parts.
- iii. Debris on the drill bit shall be removed without quick twisting, jerking or hammering the bit, unless geotechnical conditions at the location so require. Alternative quieter methods include use of a high pressure water hose where debris is not contaminated or a laborer using a hand shovel.

C. PATHWAY CONTROLS: NOISE BARRIERS & CURTAINS The responsible party shall utilize one of the following pathway controls. However, if the Department receives noise complaints concerning the site, the responsible party shall utilize additional pathway controls listed in this subparagraph as required by DEP.

- i. The responsible party shall construct a portable noise barrier that shall be free from gaps and holes and constructed of a sufficiently massive material to achieve a Sound Transmission Class rating of STC 30, or greater, and shall be positioned as close as possible to the auger drill rig. A portable (i.e. unanchored) noise barrier may be made, for example, of concrete jersey bases with 3/4-inch plywood panels attached to fence posts extending upwards to an overall height of 15 feet. This shall be the maximum height for a free-standing barrier in order to avoid it tipping over from wind load. Multiple jersey bases and plywood panels shall be positioned adjacent to one another to form a barrier of any desired length. The gaps between adjacent panels shall be filled-in with noise curtain material, additional plywood, or similar material. A properly balanced canted panel, not susceptible to windy conditions, may be placed on top of the barrier in order to provide better shielding for multi-story receptors. However, said barrier’s height shall not exceed 15 feet including the balanced canted portion.
- ii. The noise barrier shall be long and tall enough to completely block the line of sight between the auger drill rig and any indoor receptor within 200 feet and that is a maximum of 20 feet above

grade level, when work occurs. The barrier should be placed as close to the actual auger drill rig work as feasible. Greater noise attenuation occurs when barriers are placed as close as possible to the noise source.

- iii. Noise curtain material, such as SoundSeal model BBC-13-2, or equivalently rated material, shall be used to form a noise barrier in the direction of sensitive receptors and completely block the line of sight between the receptors and auger drill rig. Noise curtains are typically made out of a 1/4-inch thick heavy vinyl material, often with a noise absorptive quilt attached to one side. These noise curtains generally weigh 1.5 lbs/sq. ft., have an STC rating of about 32, and come in 4-foot wide sheets complete with grommets and Velcro edges to aid in hanging the curtains and sealing the sheets side-by-side.
 - iv. Alternative barriers may be utilized in accordance with site-specific conditions. For example, shipping container (Conex) boxes or truck trailers may be positioned along the edge of the work site to form a semi-permanent noise barrier. Sufficient space at the site is necessary as these containers are generally 8 feet wide by 8 feet tall and can be double-stacked to form a noise barrier 16 feet in height. The gaps between and/or under container boxes shall be filled-in with heavy vinyl noise curtains or similar material.
- (3) *Street Plates*. In addition to the Department of Transportation rules set forth in 34 RCNY § 2-11(10), the responsible party shall follow one or more of the following methods to reduce noise emissions from loose or rattling street plates.

A. SOURCE CONTROLS:

- i. The street plates shall be installed in the street surface in accordance with 34 RCNY § 2-11(10) in order to have a level and smooth transition from pavement to plate surface and to keep the plates firmly in place.
- ii. Asphalt cold-patch shall be applied when feasible around the edges of the street plate to minimize vehicular tire impact on the plate and to help keep the plate in place.

B. NOISE PATHWAY CONTROLS:

- i. Whenever feasible, traffic shall be routed around the street plates by placing traffic cones, barrels, and/or warning tape around the plated area.
- (4) *Backup Alarms*. In accordance with 15 RCNY § 28-101(f), all existing vehicles that enter a work site shall be equipped with OSHA-approved, and OEM manufacturer-approved (if necessary), quieter backup alarms by January 1, 2008. All new vehicles that enter the work site shall be equipped with OSHA-approved quieter backup alarms by January 1, 2008. All on-road vehicles that do not enter the work site, but are in operation after hours pursuant to 15 RCNY § 28-103, shall also be equipped with OSHA-approved, and OEM manufacturer-approved (if necessary), quieter backup alarms by January 1, 2008. The work site referenced in this paragraph shall mean construction sites within the property line. Subparagraph A of this paragraph contains a list of quieter OSHA-approved backup alarms pursuant to OSHA Regulations, 29 C.F.R. Part 1926, Subpart “O”, 1926.601.b.4 and 1926.602.a.9. If the responsible party cannot reasonably comply with the requirements of this paragraph, such person shall file an Alternative Noise Mitigation Plan in

accordance with 15 RCNY § 28-104.

A. SOURCE CONTROLS: QUIETER MAKES & MODELS

- i. Quieter alarms or similar backup devices that meet OSHA requirements may be selected from the list below or from equivalent quieter alarms.

(a) Examples of manually-adjustable backup alarms include:

- Preco Model 45AA
- Ecco Model 820

(b) Examples of automatically-adjustable backup alarms include:

- Preco Model 1048
- Ecco Model SA907
- Grote Model 73100

(c) Examples of community sensitive backup alarms include:

- BBS-TEK Brigade Model BBS-92

- ii. When the responsible party uses quieter backup alarms as described in clause (i) of this subparagraph, the responsible party need not utilize additional pathway controls listed in subparagraph B of this paragraph, unless the responsible party is performing work within 35 feet of an indoor receptor and with the exception of any required perimeter barriers as specified in 15 RCNY § 28-101(g).

B. NOISE PATHWAY CONTROLS. If it is not feasible to select one of the OSHA-approved alarms in subparagraph A of this paragraph, responsible parties shall utilize one of the following pathway controls. However, if the Department receives noise complaints concerning the site, the responsible party shall utilize additional pathway controls listed in this subparagraph as required by DEP.

- i. Responsible parties shall attempt to reduce the necessity of backing-up by selecting a straight drive-through truck route.
- ii. The responsible party shall construct a portable noise barrier that shall be free from gaps and holes and constructed of a sufficiently massive material to achieve a Sound Transmission Class rating of STC 30 or greater. It shall be positioned as close as possible to the vehicle, in order to provide the greatest insertion loss. A portable (i.e. unanchored) noise barrier may be made, for example, of concrete jersey bases with 3/4-inch plywood panels attached to fence posts extending upwards to an overall height of 15 feet. This shall be the maximum height for a free-standing barrier in order to avoid it tipping over from wind load. Multiple jersey bases and plywood panels may be positioned adjacent to one another to form a barrier of any desired length. The gaps between adjacent panels shall be filled-in with noise curtain material, additional plywood, or similar material. A canted panel may also be built on top of the barrier in order to provide better shielding for multi-story receptors; however care must be taken to avoid having the barrier tip over from unbalanced loading. Further,

said barrier's height shall not exceed 15 feet including the balanced canted portion.

- iii. The noise barrier shall be long and tall enough to completely block the line of sight between the backup alarm and any indoor receptor within 200 feet and that is a maximum of 20 feet above grade level, when work occurs. The barrier should be placed as close to the actual backup alarm as feasible. Greater noise attenuation occurs when barriers are placed as close as possible to the noise source.
- iv. Alternative barriers may be utilized in accordance with site specification. Conex containers are likely already available to the responsible party. For example, where sufficient work site space exists, container (Conex) boxes or truck trailers may be positioned along the edge of the work site to form a semi-permanent noise barrier. These containers are typically 8 feet wide by 8 feet tall and can be double-stacked to form a noise barrier 16 feet in height. The gaps between and/or under container boxes shall be filled-in with heavy vinyl noise curtains or similar material.

(e) *Manually Operated Equipment.*

- (1) *Concrete Saws.* This rule shall provide noise mitigation strategies that the responsible party shall utilize in order to reduce the noise emissions from concrete saws. Concrete saws are used on construction projects primarily for demolition purposes, but can also be used for opening access holes, cutting stress relief channels, and finishing off new construction.

A. GENERAL RULES OF OPERATION

- i. The hours of operation shall be in accordance with the rules as set forth in 15 RCNY § 28-103.

B. SOURCE CONTROLS: QUIETER MODELS

- i. Smaller saws shall be used, based on the power and cutting depth necessary to perform the job, as they tend to be quieter.
- ii. A quieter-type saw blade, including a grinding saw blade or one made of ceramic or special-tipped cutting teeth, shall be chosen whenever practicable.

C. NOISE PATHWAY CONTROLS: NOISE BARRIERS & ENCLOSURES. The responsible party shall utilize one of the following pathway controls. However, if the Department receives noise complaints concerning the site, the responsible party shall utilize additional pathway controls listed in this subparagraph as required by DEP.

- i. The responsible party shall construct a portable noise barrier that shall be free from gaps and holes and constructed of a sufficiently massive material to achieve a Sound Transmission Class rating of STC 30 or greater, and is positioned as close as possible to the saw. A portable (i.e. unanchored) noise barrier may be made, for example, of concrete jersey bases with 3/4-inch plywood panels attached to fence posts extending upwards to an overall height of 15 feet. This shall be the maximum height for a free-standing barrier in order to avoid it tipping over from wind load. Multiple jersey bases and plywood panels shall be positioned adjacent to one another to form a barrier of any desired length. The gaps between adjacent panels shall be filled-in with noise curtain material, additional plywood, or similar material. A properly balanced canted panel, not susceptible

to windy conditions, may be placed on top of the barrier in order to provide better shielding for multi-story receptors. However, said barrier's height shall not exceed 15 feet including the balanced canted portion.

- ii. The noise barrier shall be long and tall enough to completely block the line of sight between the saw and any indoor receptor within 200 feet and that is a maximum of 20 feet above grade level, when work occurs. The barrier shall be placed as close to the actual saw work as feasible. Greater noise attenuation occurs when barriers are placed as close as possible to the noise source.
- iii. Portable noise enclosures made of steel frames wrapped with noise curtain material, such as SoundSeal model BBC-13-2, or equivalently rated material, shall be built to surround (top and 3 sides) the concrete saw and the operator. A well made enclosure, using curtain material with a Sound Transmission Class rating of STC 30 or greater, can generally provide a 5 dBA insertion loss providing there are no gaps in the enclosure. Noise tents may be reused at other sites with proper care and maintenance.
- iv. There shall be multiple tents for multiple concrete saws. For example, when two saws are being utilized and they cannot fit under the same noise tent, the responsible party shall provide an additional noise tent.
- v. The noise tent shall be moved as the concrete saw work progresses in order to maintain the tent's ability to block the line-of-sight between the saw and the receptors.
- vi. Emergency concrete sawing that occurs on any public right-of-way after normal working hours as set forth in 15 RCNY § 28-103, within 500 feet of any residential receptor, shall require noise tents with double-thick noise curtain material, or a noise tent augmented with a portable noise barrier to form a double layer of mitigation.
- vii. Where there are receptors surrounding the concrete saw work site on all sides, two tents shall be used whenever practicable, on either side of the saw, to form a complete enclosure.

§ 28-103 – Authorized Work Hours

- (a) Equipment shall be used only during the hours of 7:00 a.m. and 6:00 p.m. on weekdays, unless the responsible party obtains an after hours work authorization, in which case the equipment shall be used in accordance with the hours specified in the permit and in the after hours work authorization, as set forth in § 24-223 of the Administrative Code.
- (b) When work occurs after hours in accordance with § 24-223 of the Administrative Code, or falls within one of the exceptions to limits on after hours and weekend construction work set forth in § 24-222 of such Code, additional noise mitigation measures and/or techniques shall be implemented when required by DEP.

Chapter 31 – Rules Governing House/Site Connections To the Sewer System

§ 31-01 – Applicability and Scope

- (a) *Applicability.*

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- (1) This Rule applies to the certification of sewer availability and to the issuance of permits for the construction, alteration, repair or relay, plugging, unplugging, and inspection of all Sewer connections and appurtenances.
 - (2) The portion of a new Sewer connection extending from the curb line to sewers built under New York City capital sewer construction projects are not subject to this Rule and are covered by the standards and specifications for such projects.
- (b) *Definitions.* For the purposes of this Rule, the following definitions apply:
- **Agency.** “Agency” means an agency of the City.
 - **Allowable flow.** “Allowable flow” means the storm flow from developments based on existing sewer design criteria that can be released into an existing storm or combined sewer.
 - **Allowable sewer or drain.** “Allowable sewer or drain” means an existing sewer or drain built in accordance with a City drainage plan or an approved Drainage proposal, and is the approved outlet to receive Flow from the site of an existing or a proposed development.
 - **Alteration map.** “Alteration map” means a map showing proposed changes to the City map.
 - **A.N.S.I.** “A.N.S.I.” means the American National Standards Institute.
 - **Applicant.** “Applicant” means the Owner of an existing or a proposed development or his or her legally designated representative.
 - **Applicant’s offering plan.** “Applicant’s offering plan” or “Applicant’s offering prospectus” means the set of legal documents setting forth the rights, privileges, and duties of purchasers of shares in the Applicant’s proposed development, and which is submitted to the New York State Department of Law in accordance with the requirements of Section 352-e of the New York State General Business Law.
 - **Approved outlet.** “Approved outlet” means an existing storm, sanitary or combined sewer or drain built to receive flow from a development.
 - **As-built drawing or Record drawing.** “As-built drawing” or “Record drawing” means a map or a drawing which represents the actual constructed state of a City sewer, a Private sewer, or a Private drain and appurtenances.
 - **A.S.T.M.** “A.S.T.M.” means the American Standards for the Testing of Materials, latest edition.
 - **Available sewer or drain.** “Available sewer or drain” means an existing fronting sewer or drain which has existing adequate capacity for use by an existing or a proposed development.
 - **Block.** “Block” means a tract of land bounded by consecutive intersecting streets.
 - **Building.** “Building” means a structure having a specific Block and Lot (or tax sub-lot). In general, a structure will be considered a Building if it has a separate entrance from an outdoor area.
 - **BWSO.** “BWSO” means the Bureau of Water & Sewer Operations or its successor.
 - **Catch basin.** “Catch basin” means a structure designed to collect and convey stormwater runoff to a Storm sewer, a Combined sewer, or an approved outlet by means of a catch basin connection pipe.
 - **City.** “City” means the City of New York.
 - **City drainage plan.** “City drainage plan” or “drainage plan” means a plan for the proper sewage and drainage of the City of New York, or any part thereof, prepared and adopted in accordance with Section 24-503 of the Administrative Code of the City of New York.
 - **City map.** “City map” means the City map referred to in Sections 198 and 199 of the City Charter.
 - **Code.** “Code” means the Administrative Code of the City of New York.
 - **Combined sewage.** “Combined sewage” means a combination of Sanitary sewage, industrial wastewater and stormwater runoff.
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- **Combined sewer.** “Combined sewer” means a sewer receiving a combination of sanitary and/or industrial wastewater and stormwater runoff.
- **Combined sewer connection.** “Combined sewer connection” means a Sewer connection which extends from the property line and conveys both Sanitary sewage and storm water runoff to a Combined sewer or drain.
- **Commissioner.** “Commissioner” means the Commissioner of the New York City Department of Environmental Protection.
- **Condominium association.** “Condominium association” means the legal entity comprising the present and future unit-Owners of a condominium development and established in accordance with Article 9-B of the New York State Real Property Law.
- **Connection permit.** “Connection permit” means a written authorization issued by the DEP to connect to an existing sewer or drain or an approved outlet.
- **Contractor.** “Contractor” means an entity retained by the Owner/Applicant to construct a facility.
- **Contributory drainage area.** “Contributory drainage area” means a drainage area bounded by the ridge lines of the furthest boundaries from which flow reaches a point of discharge.
- **DEP.** “DEP” means the New York City Department of Environmental Protection or its successor Agency.
- **Detention system.** “Detention system” means a structure designed to store an accumulation of stormwater runoff and release it at a controlled rate into an approved outlet sewer system of limited capacity.
- **Direct discharge.** “Direct discharge” means a discharge by means of a sewer connection to a City sewer, a Private sewer, a Private drain, or an approved outlet fronting the property.
- **DOB.** “DOB” means the New York City Department of Buildings or its successor Agency.
- **DOF.** “DOF” means the New York City Department of Finance or its successor Agency.
- **DOT.** “DOT” means the New York City Department of Transportation or its successor Agency.
- **Drainage proposal.** “Drainage proposal” means a plan showing a proposed sewerage system to serve an existing or a proposed development and Contributory drainage area that does not conform to the City drainage plan.
- **Dwelling unit.** “Dwelling unit” means one or more rooms in a Building that are arranged, designed, used or intended for use by one family.
- **Finally mapped street.** “Finally mapped street” means a street as shown on the City map.
- **Flow.** “Flow” means a continuous movement of storm water or wastewater.
- **Fronting.** “Fronting” means an existing sewer or drain abutting an existing or proposed development.
- **Groundwater.** “Groundwater” means any existing water in subsoil strata, including water from springs and natural underground streams, but excluding water from wells used for the delivery of potable or processed water.
- **Groundwater table.** “Groundwater table” means the actual depth of ground water below surface.
- **Homeowners’ association.** “Homeowners’ association” means the legal entity comprising the present and future homeowners/unit owners of a development.
- **House connection proposal.** “House connection proposal” means a plan showing proposed Sewer connection(s) to a City sewer, a Private sewer, a Private drain, or an approved outlet to serve Fee Simple One (1), Two (2) or Three (3) Family Dwelling Units.
- **Indirect discharge.** “Indirect discharge” means a discharge into a City sewer, a Private sewer, or an approved outlet by means other than a direct discharge.
- **Industrial waste.** “Industrial waste” means any liquid, gaseous or solid substance, or a combination thereof, resulting from any process of industry, manufacturing, trade or business, or from the development or recovery of natural resources.

- **Inspector.** “Inspector” means a DEP or DOB sewer connection inspector.
- **Internal drain.** “Internal drain” means a drainage system under the jurisdiction of the DOB and which is not located in a Final mapped street, a Record street or an Easement under the jurisdiction of the DEP.
- **Intercepting sewer.** “Intercepting sewer” or “Interceptor sewer” means a sewer which, during dry weather, receives the dry-weather flow from a number of transverse Sanitary or Combined sewers and conveys such Flow to a wastewater pollution control plant. During storms, it receives predetermined quantities of dry-weather flow mixed with stormwater and conveys Combined sewage to a wastewater pollution control plant.
- **Interceptor-collector.** “Interceptor-collector” means an Intercepting sewer which also serves as a local Sanitary sewer.
- **Legally designated representative.** “Legally designated representative” means a Professional Engineer or Registered Architect licensed by the State of New York who represents the Owner in connection with a proposal, plan, or application.
- **Licensed Master Plumber.** “Licensed Master Plumber” means a plumber licensed to perform plumbing work within the City by the City agency having jurisdiction over such licensing.
- **Lot.** “Lot” means a tax lot as shown on the Tax map of the City.
- **Mapping action.** “Mapping action” means a proceeding to change the City map pursuant to the New York City Charter.
- **Non-plumbing work.** “Non-plumbing work” means any work not referenced in the definition of “Plumbing Work” as set forth in Section 28-401.3 of the Code, including excavation work, construction work or any other work not classified as piping work.
- **Opinion of dedication.** “Opinion of dedication” means an opinion by the Corporation Counsel that a street is an open and continuously traveled street dedicated for public use.
- **Owner.** “Owner” means any individual, firm, corporation, company, association, society, institution or any other legal entity that owns the property, appurtenances, and easements comprising an existing or a proposed development.
- **Private drain.** “Private drain” means a private sanitary, stormwater, or combined drain that is constructed in a Finally mapped street, a Record street, or an easement and discharges into an approved outlet.
- **Private pumping station.** “Private pumping station” means a privately owned, operated, and maintained wastewater collection facility required for the pumping of sanitary or stormwater runoff or Combined sewage to a Private force main.
- **Private force main.** “Private force main” means a privately owned, operated and maintained pressurized pipe designated to receive the wastewater discharged from a Private pumping station and to convey it under pressure to a point of discharge.
- **Private sewage treatment plant.** “Private sewage treatment plant” means a privately owned, operated and maintained wastewater collection facility located on private property that is used for the physical, chemical, and/or biological treatment of wastewater.
- **Private sewer.** “Private sewer” means a private sanitary, stormwater, or combined sewer that is designed and constructed in accordance with the requirements of the City drainage plan to serve a specific development and is located in a Finally mapped street, a Record street, or a sewer easement, and discharges into an approved outlet.
- **Private sewer plan or private drain plan.** “Private sewer plan” or “Private drain plan” means a construction plan for the installation of Private sewers or Private drains and appurtenances thereto.
- **Record street.** “Record street” means a street that appears on the Tax map of the City, but is not a Finally mapped street.

- **Repair/relay.** “Repair/relay” means complete, substantial, or partial repair or replacement of any existing Sewer connection.
- **Retention system.** “Retention system” means a structure designed to store an accumulation of stormwater runoff and dispose of it onsite.
- **Rule.** “Rule” means all the standards and requirements of the DEP governing connection to the sewer system, as contained herein.
- **Runoff.** “Runoff” means overland stormwater flow that is not absorbed into the ground.
- **Sanitary sewage.** “Sanitary sewage” means bodily waste, swimming pool discharge, wash water, or similar waste which is discharged into a Sanitary sewer or a Combined sewer.
- **Sanitary sewer.** “Sanitary sewer” means a sewer which conveys Sanitary sewage and/or industrial waste.
- **Sanitary sewer connection.** “Sanitary sewer connection” means a Sewer connection which extends from the property line of a building and conveys only Sanitary sewage to a Sanitary sewer/drain or a Combined sewer/drain.
- **Seepage basin.** “Seepage basin” means a drainage structure constructed in the street area designed to dispose of street storm water runoff collected by catch basins and catch basin connections at locations where storm or combined sewer do not exit.
- **Sewer certification.** “Sewer certification” or “Sewer availability certification” means a house connection proposal application or site connection proposal application to certify the adequacy of the existing abutting sewer to receive site storm and sanitary discharge from a development.
- **Sewer connection.** “Sewer connection” means that part of a sanitary, stormwater, or combined sewer disposal pipe which extends from the property line of a Building to an existing City sewer, a Private sewer, a Private drain, or an approved outlet under the jurisdiction of the DEP.
- **Sewer easement.** “Sewer easement” means a nonpossessory interest in private property, which allows for the limited right to use the property that is designated for the construction and maintenance of a drainage facility such as a City sewer, a Private drain, a Watercourse, a Watercourse diversion, or related structures.
- **Site connection proposal.** “Site connection proposal” means a plan showing proposed Sewer connection(s) from existing or proposed developments other than Fee Simple of One (1), Two (2) or Three (3) Family Dwelling Units to a City sewer, a Private sewer, a Private drain, or an approved outlet.
- **Special conditions.** “Special conditions” mean and include, but is not limited to, the construction or use of a Private sewage treatment plant, a Private on-site pumping station, a private on-site Detention basin, a private Watercourse diversion by an open channel or closed piping, or a proposed development requiring a Mapping action.
- **Storm sewer.** “Storm sewer” means a sewer which conveys only stormwater.
- **Stormwater.** “Stormwater” means the excess water running off the surface of a drainage area during and immediately following, a period of precipitation.
- **Stormwater release rate.** “Stormwater release rate” means the rate at which stormwater is released from a site, calculated in terms of cubic feet per second (cfs) or as a percentage of the Allowable Flow, which is also calculated in terms of cfs.
- **Stormwater sewer connection.** “Stormwater sewer connection” means a Sewer connection, which extends from the property line of a Building and conveys stormwater runoff to a Storm sewer/drain, or Combined sewer/drain or an approved outlet.
- **Tax map.** “Tax map” means the Tax map of the City as defined and referred to in Section 11-203 of the Administrative Code of the City of New York.
- **Tentative lot.** “Tentative lot” means a proposed tax lot as shown on the “Request to Real Property Assessment, Department of Surveying, Division for Tentative Lot Numbers”.

- **Water Board.** “Water Board” means the New York City Water Board.
- **Watercourse.** “Watercourse” means a natural or artificial channel, a visible path or an active trench, which carries stormwater runoff from a Contributory drainage area.
- **Watercourse diversion.** “Watercourse diversion” means the re-routing of an existing Watercourse by either open channel or closed piping.
- **Water service connection.** “Water service connection” – The pipe from the street water main or other source of water supply to the building served.

(c) *Variances.*

- (1) The DEP may grant a variance from one or more of the requirements of this Rule only upon:
 - (a) written request by the Applicant; and
 - (b) the presentation of adequate proof substantiating that compliance with the requirements of this Rule would impose an exceptional hardship.
- (2) Every request for a variance shall:
 - (a) identify the specific provision(s) of this Rule for which a variance is sought;
 - (b) demonstrate that an exceptional economic, technological or safety hardship would result from compliance with the identified provision(s) and that the variance requested is the minimum necessary to afford relief; and
 - (c) demonstrate that the proposed variance would not result in any adverse impact on public health, safety, or welfare, the environment, or any natural resource(s).
- (3) There shall be no variances granted from the bonding, insurance, or security requirements of this Rule.
- (4) In granting variance, the DEP may impose specific conditions necessary to assure that the variance will have no adverse impact on public health, safety, or welfare, the environment, or any natural resource. Failure to comply with any condition of a variance shall be a violation of these rules.

§ 31-02 – Sewer Availability Certification

- (a) *General Requirements.* Owners proposing to connect to a City sewer, a private sewer, a private drain, or an approved outlet to serve an existing or a proposed development must file a sewer certification application with the appropriate department of the City, in accordance with the following requirements:
 - (1) For an existing or a proposed Fee Simple One (1), Two (2) or Three (3) Family Dwelling Unit, a House Connection Proposal for sewer availability certification shall be required. Stormwater management systems for developments that include subdivision of lots must be submitted to DEP for review and approval.
 - (2) For all existing or proposed developments other than Fee Simple One (1), Two (2) or Three (3) Family Dwelling Units, a Site Connection Proposal for sewer availability certification shall be required.

Stormwater management systems for developments that include multiple construction phases or subdivision of lots must be submitted to DEP for review and approval as a master/phased plan site connection application proposal.

- (3) For the elimination of existing cesspools or septic tanks for existing buildings other than Fee Simple One (1), Two (2) or Three (3) Family Dwelling Units, a Site Connection Proposal for sewer availability certification shall be required, unless the site has been granted a prior sewer availability certification.
- (4) All House Connection Proposals or Site Connection Proposals for sewer availability certification shall be prepared by, or under the supervision of, a professional engineer or registered architect licensed by the State of New York, and shall be submitted with the appropriate sewer certification application form. The signature and seal of a professional engineer or registered architect shall appear on each proposal.

(b) *Specific Requirements.*

- (1) A professional engineer or registered architect may self-certify the availability of sewers by using the appropriate self-certified sewer certification application, except as specified in paragraph (3) of this subdivision.
- (2) All sewer certification applications for new construction under the jurisdiction of the DOB may be submitted to the DEP or to the DOB. All other sewer certification applications for construction that is not under the jurisdiction of the DOB and do not require DOB project identification number(s) (DOB PIN(s)) shall be submitted to the DEP.
- (3) A professional engineer or registered architect shall not self-certify sewer certification applications for the cases listed below. Such applications shall be submitted to the DEP for review and certification:
 - (i) Applications involving mapping actions;
 - (ii) Applications for connection(s) to a proposed private sewer or private drain under construction by the applicant to serve a proposed development;
 - (iii) Applications for proposed developments to be constructed in staged phases;
 - (iv) Applications for proposed developments on part of a tax lot;
 - (v) Applications to connect to a sewer or drain where the flow discharged must pass through a private pumping station;
 - (vi) Applications for proposed developments which must utilize an easement through, or cross, adjacent properties, to gain access to an approved outlet;
 - (vii) Applications for proposed developments on a site traversed by a watercourse, active ditch, or existing sewer easement;

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- (viii) Applications for proposed discharge of flow to a private drain not built in accordance with the City drainage plan and which is not owned by the owner(s) of the proposed development(s);
 - (ix) Applications to connect to sewers or drains discharging to a private sewage treatment plant;
 - (x) Applications for proposed sanitary discharge to an interceptor sewer;
 - (xi) Applications for proposed sanitary discharge to six (6) inch diameter sanitary sewers or drains;
 - (xii) Applications for proposed discharge of site storm flow to a highway drain, Work Project Administration (WPA) sewer, Temporary Connection (TC), plumber's drain, watercourse diversion, or State arterial highway drain;
 - (xiii) Applications for skewed connections or connections to stub extensions from existing manholes; and
 - (xiv) Application for proposed developments in areas rezoned after June 1993.
- (4) All sewer certification applications shall contain the appropriate identification number(s) as issued by the DOB, except for:
- (i) Self-certified applications filed with the DOB; or
 - (ii) Applications which are not required to be filed with the DOB.
- (5) Sewer certification applications shall show the proposed sanitary discharge; the proposed developed site storm flow; the allowable flow from the site; and/or the stormwater release rate from the site, in accordance with the following:
- (i) Computation of allowable flow to be discharged into stormwater or combined sewers or drains shall be based on either the City drainage plan or an approved drainage proposal under which the existing sewers or drains were constructed. Computation of the stormwater release rate shall be in accordance with 15 RCNY § 31-03(a)(1) for connections in a combined sewer system.
 - (ii) Developed site storm flow shall be computed using the rational method for the total site area, with rainfall intensity of 5.95 inches per hour and the weighted runoff coefficient (Cw) based on the site development.
 - A. DEP will provide runoff coefficients to be used in computing site storm flow.
 - B. DEP will accept for review applications that minimize the runoff coefficient of the entire site by maximizing open areas, and areas with grass or vegetative cover, green roofs, permeable pavements with suitable infiltration, or other techniques based on the runoff coefficients published by DEP. Further runoff coefficient reductions must

be substantiated by soil borings taken at the location of the proposed areas in addition to a permeability test performed in situ.

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

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

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

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

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

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

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

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

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

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

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

(iv) Computations and details for the management practices proposed for the on-site

retention or detention of stormwater runoff from the developed site necessary to ensure compliance with this rule must be shown on the site plan.

- (11) Subsoil boring logs and soil permeability testing information must be submitted to substantiate any proposed on-site stormwater infiltration.
- (12) Any person constructing a new development abutting a waterway shall discharge its stormwater to that waterway. All direct discharges shall comply with all applicable laws and regulations.
- (13) For sites with industrial waste discharge, the applicant must obtain approval from the DEP for such discharge prior to the certification of the sewer certification application. For self-certified sewer certification applications, the approval for the discharge of industrial waste must be obtained prior to submission of the self-certified sewer certification application to the City.

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

- (a) *Stormwater release rate.* The following provisions apply to the issuance of permits for sewer availability certifications and connections to combined sewer systems for new buildings and alterations as defined in the Construction/Plumbing Codes and related requirements for any horizontal building enlargement or any proposed increase in impervious surfaces.
 - (1) The Stormwater Release Rate must be no more than the greater of 0.25 cfs or 10% of the Allowable Flow or, if the Allowable Flow is less than 0.25 cfs, no more than the Allowable Flow.
 - (2) For Alterations, the stormwater release rate for the altered area must be no more than the stormwater release rate for the entire site, determined in accordance with subparagraph (1) above, multiplied by the ratio of the altered area to the total site area. No new points of discharge are permitted.
 - (3) For proposed open-bottom detention systems, applicants would be entitled to a reduction of the required stormwater volume to be detained where stormwater will be infiltrated into the below soils provided that the applicant demonstrates to the satisfaction of the department that the existing soil surrounding and below the system has a favorable rate of permeation substantiated by soil borings taken at the location of the proposed system in addition to a permeability test performed in situ. Requests for any volume credits must be shown on the site connection proposal application and reviewed by DEP.
 - (4) Applicants would be entitled to a reduction of the required stormwater volume to be detained where stormwater will be recycled for on-site uses provided that the department finds that the recycling system is independent and does not result in total site discharge to the sewer system greater than the Stormwater Release Rate at any time. Such recycling systems cannot be modified or disconnected, without the express written approval of DEP. This restriction applies to both current and future owners and other persons in control of the property.

§ 31-04 – Standards for Issuance of Permits

- (a) *Permits.*

- (1) No person or Owner shall connect to, make use of, or make an opening into any interceptor sewer, interceptor collector, sanitary, storm, or combined sewer or drain, or install, repair, relay or plug sewer connections, except upon issuance of a permit consistent with the provisions of this Rule. No sewer connections shall be permitted to any catch basin. Any such connection made without a permit shall be in violation of this Rule.
 - (2) Permits for a new connection or connections shown on certified sewer certification applications shall be required for the following:
 - (i) new developments;
 - (ii) alterations performed on existing buildings, where sewer availability certification is required by the DOB;
 - (iii) existing buildings served by cesspools or septic tanks to be connected to fronting sewers or drains; and
 - (iv) unplugging and reuse of a plugged sewer connection.
 - (3) Plug permit(s) shall be required when an existing connection or connections are to be abandoned.
 - (4) Repair or relay permits shall be required for the repair or replacement of an existing sewer connection. Where realignment of the existing sewer connection or connections to new points of connection results in the plugging of an existing sewer connection or connections, no separate plug permit shall be required.
 - (5) Permits shall be required to install manholes on existing sewers or drains.
 - (6) Permits shall be required to install catch basins and catch basin connections outletting to existing sewers or drains, or an approved outlet.
 - (7) Permits shall be required to install seepage basins and catch basins outletting to such seepage basins.
 - (8) Any detention or retention system and any replacement of such a system proposed and implemented in order to comply with this rule must be properly maintained throughout the useful life of the system and maintenance records maintained, until replacement as approved by DEP. This obligation applies to current property owners, their successors, assigns, and other persons in control of the property, and shall be made binding in a deed restriction or other form satisfactory to DEP. Three years after the date of approval of a retention or detention system and every three years thereafter the operation of the system shall be inspected by a licensed professional engineer, a registered architect or a licensed master plumber. Such architect, engineer or master plumber shall submit certification to DEP that the system is free of debris and sediments, that its orifice is unobstructed and flowing and that the system is otherwise operating in compliance with this rule.
- (b) *General Requirements.* Sewer connection permits shall be required as follows:

- (1) For a single structure on an individual tax lot fronting an existing combined sewer, a new sewer connection permit shall be required for each connection.
- (2) For individual structures on one tax lot with individual combined sewer connections to an existing combined sewer or drain, a sewer connection permit shall be required for each individual combined connection. Where such structures have separate connections to separate sanitary and storm sewers, a new connection permit shall be required for each individual sanitary and/or storm sewer connection.
- (3) For several individual structures on one tax lot sharing a common internal drain or drains connecting to existing combined sewers, one new sewer connection permit shall be required for each connection. Where such structures have common sanitary and storm internal drains for connection to separate sanitary and storm sewers or drains, a new sewer connection permit shall be required for each connection made to the sewers or drains.
- (4) For individual structures on individual tax lots, which will share common internal drains owned, operated or maintained by a Homeowners Association, connections to existing combined sewers shall require a new sewer connection permit for each tax lot.
- (5) Where individual structures on individual tax lots, which share common internal drains owned, operated and maintained by a Homeowners Association, connect to separate sanitary and storm sewers or drains, a sewer connection permit shall be required for each sanitary and storm sewer connection made to the common internal drains from each tax lot.

(c) *Application Procedure.*

- (1) A certified house connection proposal or site connection proposal shall be required for all permits, except for the following:
 - (i) plug permits;
 - (ii) repair/relay permits;
 - (iii) catch basin, catch basin connection, and manhole permits;
 - (iv) catch basin, catch basin connection, and seepage basin permits; and
 - (v) connection to an existing sewer for elimination of existing cesspool or septic tanks for fee simple one, two, or three family dwelling units.
- (2) Prior to the issuance of a permit, applicants shall comply with the following requirements:
 - (i) Upon certification of a house connection proposal or site connection proposal by the DEP or DOB, the applicant's Licensed Master Plumber shall apply for the required sewer connection permits at the DEP's water and sewer records office.
 - (ii) If the Licensed Master Plumber retains a subcontractor, that subcontractor is only

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

- (iii) Only a Licensed Master Plumber may apply for a permit to install new catch basins, catch basin connections, and manholes on existing sewers or drains.
- (iv) A Licensed Master Plumber or a Contractor may apply for a permit or permits to install seepage basins, catch basins, and catch basin connections outletting to such seepage basins.
- (v) No sewer connection permit shall be issued without the presentation of a valid building construction permit or alteration repair application (ARA) from DOB or other Agencies having jurisdiction.
- (vi) No permits shall be issued to install new catch basins, catch basin connections, seepage basins, or manholes on existing sewers or drains until an approved builder's pavement plan has been submitted.

(d) *Permit Issuances.*

- (1) Prior to the issuance of any permit for sewer connection, applicants must submit the following to the DEP:
 - (i) the appropriate permit application form and, if applicable, an affidavit by the Licensed Master Plumber authorizing a subcontractor to perform non-plumbing work;
 - (ii) a certified house connection proposal or site connection proposal application;
 - (iii) a valid street/sidewalk opening permit from the DOT or other entity having jurisdiction;
 - (iv) proof of payment of the appropriate permit fee to the Water Board;
 - (v) proof of compliance with all conditions set forth in the certified house connection proposal or site connection proposal application form;
 - (vi) a letter of authorization from the Owner to retain a Licensed Master Plumber;
 - (vii) except for a single structure condominium development, which is exempt from this requirement, a declaration of covenants and restrictions establishing a Homeowners Association or a declaration of condominium recorded at the appropriate City Register's or

County Clerk's Office and a letter issued by the New York State Attorney General accepting the offering plan/prospectus for filing; or a "No- Action Letter" issued by the New York State Attorney General and reviewed by the Legal Counsel of the DEP;

- (viii) easement documents, declaration of maintenance and deed restrictions approved by the Legal Counsel of the DEP and recorded at the office of the County Clerk.
 - (ix) proof of compliance with all other conditions that may be set forth by the City and with all applicable Federal, State, and Local Laws, Rules and Regulations.
- (2) Unplug and Reuse or Reuse. For one, two or three family dwellings only, permits for unplugging and reuse of a plugged sewer connection, or reuse of an existing sewer connection will be issued upon:
- (i) compliance with all of the requirements listed in paragraph (1) of this subdivision (d); and
 - (ii) submission to the DEP of the following:
 - (A) a notarized letter of intent from the owner requesting reuse of the plugged sewer connection or reuse of the existing sewer connection;
 - (B) signed and sealed certification from the filing professional engineer or registered architect that the existing sewer connection is adequate; and
 - (C) signed and sealed certification from the Licensed Master Plumber that such plumber has verified that the existing sewer connection is in good working order.
- (3) Plug Permit for plug of an existing sewer connection will be issued upon:
- (i) compliance with the requirements contained in subparagraphs (i), (iii), (iv), (vi) and (ix) of paragraph (1) of this subdivision (d);
 - (ii) presentation of a notarized letter of intent from the Owner to plug the existing sewer connection and to retain a Licensed Master Plumber for this purpose; and
 - (iii) verification of the existence of the sewer connection to be plugged.
- (4) Repair or Relay of Existing Sewer Connections. Permits for repair/relay of existing sewer connections will be issued upon compliance with the requirements in subparagraphs (i), (iii), and (ix) of paragraph (1) of this subdivision (d);
- (5) Connections to an existing sewer for the purpose of eliminating cesspools or septic systems. Permits for sewer connections to an existing sanitary or combined sewer in order to eliminate cesspools or septic systems will be issued upon:
- (i) compliance with the requirements contained in subparagraphs (i), (ii), (iii), (iv), (v), and (ix) of paragraph (1) of this subdivision (d);

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- (ii) for fee simple one, two or three family dwelling units, submission of approval from DOB to abandon the existing cesspool or septic system;
 - (iii) for other than fee simple one, two or three family dwelling units, submission of:
 - (A) an approval from DOB to abandon the existing cesspool or septic system; and
 - (B) a certified site connection proposal from the appropriate department, as required by subparagraphs (i), (ii) and (v) of paragraph (1) of this subdivision (d).
 - (6) New manholes on existing sewers or drains for new sewer connections or for new catch basin connections. Permits for new manholes to be placed on existing sewers for new sewer connections or for new catch basin connections will be issued upon:
 - (i) compliance with all of the requirements in subparagraphs (i), (ii), (iii), (iv), (v), and (ix) of paragraph (1) of this subdivision (d); and
 - (ii) for new catch basin connections, compliance with all requirements contained in paragraph (7) of this subdivision (d).
 - (7) New catch basins, catch basin connections, and seepage basins. Permits for new catch basins, catch basin connections, and seepage basins will be issued upon:
 - (i) compliance with the requirements contained in subparagraphs (i), (iii), (iv), and (ix) of paragraph (1) of this subdivision (d); and
 - (ii) presentation of a valid approved Builders Pavement Plan. A Builders Pavement Plan, approved by the City, must be on file with the Borough office of BWSO prior to issuance of the permit.
 - (e) *Terms and Conditions*
 - (1) Each permit shall be valid for a period not to exceed sixty (60) calendar days from the date of issuance. An additional one time thirty (30) day extension may be granted upon written request by the Licensed Master Plumber explaining reasons for the delay.
 - (2) After expiration of the permit period and any extension, the permittee shall be required to file for a new permit and pay all required fees.
 - (3) Any permit issued by the DEP pursuant to this Rule may be revoked by the Commissioner for cause.
 - (f) *Fees*
 - (1) All fees shall conform to the latest fee schedule published by the Water Board.
 - (2) All fees shall be paid to the Water Board.
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- (g) *Violations.* It shall be a violation to perform any operation or work without a permit as required by this Rule.

§ 31-05 – Standards for Installation of Sewer Connections

- (a) *General Requirements.* All new sewer connections shall be in compliance with this Rule.
- (b) *Specific Requirements.*
- (1) Sewer connections may be made to available existing sewers, drains, or approved outlets, upon the issuance of a permit.
 - (2) New sewer connections shall have a minimum of four (4) feet of cover unless the DEP grants approval for a lesser cover. No cover above a sewer connection less than two and a half (2.5) feet shall be permissible. Sewer connections with less than three (3) feet of cover must be encased in concrete.
 - (3) Connections to sewers supported by piles must be ductile iron pipe Class fifty-six (56), on broken stone with push on joints. The thickness of the broken stone bedding shall be a minimum of nine (9) inches.
 - (4) Where the replacement or repair of an existing sewer connection results in damage or defect to adjacent or connected facilities, the Commissioner, upon being notified of such damage or defect, may order the Licensed Master Plumber to investigate and effect any repairs to the adjacent or connected facilities that may be required at such plumber's own expense. Representatives of adjacent or connected facilities shall be mailed copies of the Commissioner's order.
 - (5) Catch basin connections to storm or combined sewers of forty-eight (48) inches in diameter or smaller shall be made to existing or new manholes. For sewers larger than forty-eight (48) inches in diameter, the catch basin connections shall be made to existing manholes, if available, or directly to the sewer. Details of all other methods of connections shall be reviewed and approved by the DEP. All work must be in accordance with any Builders Pavement Plan, approved by the City.
 - (6) New sewer connections shall be made to existing spurs fronting the property.
 - (7) In cases where no spurs exist, or connection to an existing spur is not feasible, one of the following methods of connection shall be used:
 - (i) For six (6) inch diameter sewer connections to six (6) inch diameter sewers or drains, three (3) sections of the existing sewer or drain shall be replaced with two (2) straight pipe sections and a central spur piece.
 - (ii) For six (6) inch diameter sewer connections to eight (8) inch diameter sewers or drains, if the existing eight (8) inch diameter sewer or drain is not supported by a concrete cradle, the connection method described in subparagraph (i) of this paragraph (7) shall apply. For sewers or drains on concrete cradles, a minimum of four (4) feet in length of the existing sewer or drain shall be encased in concrete from the point of connection. The concrete shall be allowed to set for twenty-four (24) hours, after which time, core drilling shall be performed.

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- (iii) Core drilling to install a spur into an existing sewer or drain shall only be performed with an approved coring machine. Such coring shall be made at the one (1) or two (2) o'clock or ten (10) to eleven (11) o'clock position as described in paragraph (9) of this subdivision (b). The cored portion of the sewer shall be retained and submitted to the Inspector. Core drilling shall only be permitted in the following circumstances:
- (A) where the new sewer connection is six (6) inches in diameter and the existing sewer or drain is ten (10) inches in diameter or larger;
- (B) where the new sewer connection is eight (8) inches in diameter and the existing sewer or drain is twelve (12) inches in diameter or larger;
- (C) where the new sewer connection is ten (10) inches in diameter and the existing sewer or drain is twenty-four (24) inches in diameter or larger.
- (iv) Any sewer connection twelve (12) inches in diameter or larger to existing sewers or drains less than forty-eight (48) inches in diameter shall be made only to an existing or proposed manhole. For sewer connections larger than eighteen (18) inches in diameter, the applicant shall submit a detail of the proposed method of connection to the DEP for review and approval.
- (8) *Core drilling.* Core drilling shall be performed in accordance with the following requirements:
- (i) *Clay or Cement Sewers or Drains.* A six (6) inch thick concrete encasement on top and bottom of the existing sewer or drain for a minimum of four (4) feet length along the existing sewer shall be provided. The concrete encasement shall be allowed to set for a minimum of twenty-four (24) hours before the core drill may be performed.
- (ii) *Brick Sewers or Drains.* A three (3) inch concrete encasement with six (6) by six (6) w2.9/w2.9 wire mesh over the top half of the sewer for a minimum of four (4) feet along the length of the sewer shall be provided. The concrete encasement shall be allowed to set for a minimum of twenty-four (24) hours before the core drill may be performed.
- (9) Installation of a spur on the existing sewer or drain shall be performed in accordance with the following requirements:
- (i) A hole shall be core drilled with an approved core drilling machine to produce a smooth hole equal to the inside diameter of the sewer connection. A tap saddle/tee made of cast iron shall be installed and bonded to the existing sewer or drain with a quick setting two-part mix of epoxy adhesive that will harden in four (4) to seven (7) hours.
- (ii) A hole shall be core drilled with an approved core drilling machine to produce a smooth hole equal to the outside diameter of either a Dutchman (short piece of pipe with belt) or the outside diameter of a neoprene rubber tee fitting, which shall be placed in the drilled hole and held in place by a tampered plastic insert. The sewer connection shall fit into the open end of the tee fitting and be held in place by a mechanically tightened steel band.
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- (10) Should unanticipated field conditions necessitate a different method of construction than that shown on the certified sewer certification application, such method shall be submitted for review and approval by the DEP, prior to any work being performed.

(c) *Materials.*

- (1) The materials used for new sewer connections or replacement of existing sewer connections and appurtenances shall meet the following requirements:
 - (i) Extra strength vitrified clay pipe (ESVP), conforming to A.S.T.M. C-700 on six (6) inch concrete cradle, class forty (40), for sewer connections up to and including an eighteen (18) inch diameter;
 - (ii) Ductile iron pipe (DIP), Class fifty-six (56) with push-on joints, conforming to A.N.S.I. specification on broken stone bedding conforming to A.S.T.M. C-33, size sixty-seven (67);
 - (iii) Pre-cast Reinforced Concrete Pipe (PCRP) Class three (3) or higher on six (6) inch concrete cradle conforming to A.S.T.M. Class thirty five (35) for sewer connections of a twenty-four (24) inch diameter and larger;
 - (iv) Extra heavy cast iron soil pipe (EHCI) on broken stone bedding conforming with A.S.T.M. Class thirty-three (33), size sixty seven (67).
- (2) Materials differing from those described in paragraph (1) of this subdivision (c) shall not be issued without written approval of the DEP. The burden of establishing the suitability of the material shall be with the applicant.

(d) *Manhole Connections.*

- (1) The inner top of the proposed sewer connection shall not be lower than the inner top of the sewer. The invert of the proposed sewer connection shall be at least three (3) inches above the bench elevation at the manhole wall. The invert of the proposed sewer connection shall not be more than four (4) feet above the spring line (1/2 the diameter) of the sewer.
- (2) The use of pre-cast manholes on existing sewers or drains shall be in conformance with the latest DEP Sewer Design Standards, and shall be supplied by an approved vendor.
- (3) No pre-cast manholes shall be installed on existing brick sewers.

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

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

(f) *Trench Excavation.*

- (1) Prior to performing any excavation, the permittee shall give notice to the New York City & Long Island One Call Center in accordance with 16 NYCRR Part 753.
 - (2) Excavations, trenching, and shoring as required, shall be in conformance with sections 23 and 53 of the New York State Industrial Code, and all other applicable Federal, State, and Local Laws, Rules and Regulations.
 - (3) Permittees shall comply with all requirements of the DOT or other entity having jurisdiction.
 - (4) The permittee shall properly support, protect, and maintain all facilities encountered.
 - (5) Rock excavation for proposed sewer connections shall be made in compliance with applicable sections of the DEP's Standard Specifications.
 - (6) The maximum width of a sheeted trench shall be in accordance with DEP Sewer Design Standards.
- (g) *Backfilling.*
- (1) Backfilling and pavement restoration shall be in compliance with the Standards and Requirements of the DOT or other entity having jurisdiction.
 - (2) No backfilling shall commence until the sewer connection, seepage basin, catch basin and catch basin connection has been properly installed, inspected and accepted by the Inspector.
 - (3) If the work is not accepted by the Inspector, the permittee shall make the trench safe, including plating in as required by the DOT or other entity having jurisdiction.

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

- (a) *Specific requirements.* When planting trees, the separation distance shall not be less than:
- (1) six feet center to center from distribution mains;
 - (2) eight feet center to center from mains greater than twenty inches in diameter; or
 - (3) four feet from the sheeting area for sewers.
- (b) *Variances.* Variances from these requirements may be granted in cases where the minimum separation distances cannot be physically met and, subject to DEP approval, where additional root protection systems are proposed. In no case may a tree be planted directly above a water main or a sewer.

§ 31-07 – Inspections

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

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- (2) A permittee shall be granted an inspection one business day following the request for such inspection.
 - (3) Prior to commencing excavation for sewer connections, the permittee shall verify that the sewer or drain is not surcharged, obstructed, or damaged. If the sewer is surcharged, obstructed, or damaged, the permittee shall not perform any work and shall immediately notify the DEP.
 - (4) No sewer connection or related work shall be inspected or approved by an Inspector unless the trench is open for any length of previously un-inspected work and all pipes, joints, and related work are visible. A suitable ladder affording safe access for such inspection shall be provided by the permittee. Trenches must conform to all applicable Rules, Regulations and laws regarding safety.
 - (5) An Inspector is required to be present during any drill-in to a sewer or drain.
 - (6) Any trench backfilled without completed inspection shall be re-excavated to the degree necessary as determined by the Inspector.
 - (7) Inspections will be conducted Monday through Friday (except on holidays) between the hours of seven (7) A.M. and four (4) P.M. Exceptions to this requirement may be granted upon traffic and work stipulations set forth by the DOT or other entity having jurisdiction or for other unforeseen circumstances, at the discretion of the DEP.
 - (8) No inspection shall be performed unless all permits and appropriate documentation required by the DEP are displayed at the work site. Such documentation shall include:
 - (i) the certified house connection proposal or certified site connection proposal, with all pertinent supporting documents where required;
 - (ii) the approved permit application and sewer connection permit;
 - (iii) the street opening permit from the DOT or other entity having jurisdiction, and when a Builder's Pavement Plan has been required, an approved copy thereof;
 - (iv) all approved shop drawings;
 - (v) all Mayor's Traffic Construction Coordination Committee traffic stipulations, where weekend and/or night work is scheduled; and
 - (vi) all applicable notarized affidavits regarding the reuse of existing connections.
- (b) *Certificate of Inspection.*
- (1) A certificate of inspection shall be issued for each permit granted by the DEP upon: (i) successful completion of an inspection; and (ii) compliance with all applicable requirements in 15 RCNY §§ 31-04, 31-05, and 31-07.
 - (2) For sewer certifications with multiple permits, a certificate of inspection shall be issued for each unit.
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- (3) No certificate of inspection shall be issued unless all sewer work shown on the certified house connection proposal or site connection proposal has been completed and inspected.

§ 31-08 – Repair Order

(a) *General Requirements.*

- (1) When a sewer house connection, private pumping station, private sanitary ejector, private sanitary force main house connection, or a private force main is found to be leaking, inoperative or defective at a particular premises, the DEP shall issue a repair order to the Owner of such premises. The repair order shall instruct the Owner to make all necessary repairs and otherwise comply with the requirements of such order within 30 days of the date of issuance of such order, except when the DEP determines that there is an immediate danger to public health, property or to the environment, in which case such order may provide that repairs shall be made immediately upon issuance of such order. For purposes of this section, “ejector” shall mean a mechanical device used to pump or eject sewage.
- (2) If the Owner has not complied with the repair order in the period allowed, the DEP shall shut off the water service tap/wet connection of the premises. All repair work concerning a sewer connection shall be performed by a Licensed Master Plumber, as provided herein.
- (3) If an Owner believes that a repair order has been issued in error or that exigent circumstances exist such that shutting off the tap/wet connection of the premises would result in extreme hardship, the Owner may apply by letter to the Commissioner who shall make a final determination as to whether the repair order was issued in error or whether exigent circumstances exist warranting an abeyance of issuance of the repair order.
- (4) A Licensed Master Plumber shall obtain a sewer connection repair permit prior to performing work pursuant to a repair order on a sewer connection or in compliance with 15 RCNY §§ 31-04(a)(4) and 31-08(a). Upon completion of all necessary repairs by the Licensed Master Plumber and approval by the DEP, a Licensed Master Plumber shall obtain a tap/wet connection permit to restore the water service.
- (5) When the water service is shut off by the DEP, the Owner must engage a Licensed Master Plumber to assume responsibility for the excavation over the tap or wet connection. If the Owner fails to engage a Licensed Master Plumber, the water service will remain shut off, the excavation will be backfilled, and the street will be properly restored.

Chapter 57 – Rules Concerning Drilling and Excavation

§ 57-05 – Issuance of Drilling and Excavation Permit

(a) *Standards for Issuance.* Within thirty (30) days from receipt of an application and processing fee:

- (1) If the proposed drilling and/or excavation is located in a corridor and inside the No Drilling and/or Excavation zone, the Department will deny a permit.
- (2) If the proposed drilling and/or excavation is located in a corridor but outside of the No Drilling and/or Excavation zone and the Department believes that the drilling and/or excavation will not

impair the stability of a water tunnel or shaft, the Department will issue a permit upon its further determination that the drilling and/or excavation complies with all standards and requirements of these rules, including but not limited to, engineering, legal, and insurance standards and requirements. The Department will not issue a permit unless proof of insurance required by the Department under these rules has been submitted to and accepted by the Department in accordance with the requirements of 15 RCNY § 57-06(b).

(b) *General Permit Conditions.*

- (1) The permittee or the contractor must notify the Department 30 days prior to commencing any drilling or excavation activity.
- (2) Permittee is authorized to drill and/or excavate only to the depth specified by the permit as shown on approved plan.
- (3) The permittee must abandon any borehole or well within two hundred feet (200') horizontal distance from the center line of a water tunnel, where the tip of the borehole or well comes within one hundred fifty feet (150') above the crown of a water tunnel or within one hundred fifty (150') below the invert of a water tunnel.
 - (i) The permittee must seal any abandoned borehole or well through the full drilling depth with Department approved material, and
 - (ii) The permittee must bear all costs and expenses associated with the sealing of such borehole or well.
- (4) The permittee must abandon any excavation within two hundred feet (200') horizontal distance from the centerline of a water tunnel, where the elevation of the bottom of the excavation comes within one hundred fifty feet (150') above the crown of a water tunnel.
 - (i) The permittee must fill any abandoned excavation throughout its full depth with Department-approved material, and
 - (ii) The permittee must bear all costs and expenses associated with the filling of such excavation.
- (5) The permittee must abandon any borehole or well within two hundred feet (200') horizontal distance from a shaft.
 - (i) The permittee must seal any abandoned borehole or well through the full drilling depth with cement grout or other suitable material and
 - (ii) The permittee shall bear all costs and expenses associated with the plugging of such borehole or well.
- (6) The permittee must abandon any excavation within two hundred feet (200') horizontal distance from

a shaft.

- (i) The permittee must fill any abandoned excavation throughout its full depth with Department-approved material, and
 - (ii) The permittee must bear all costs and expenses associated with the filling of such excavation.
- (7) The permittee may be required to utilize a blowout preventer, when the Department determines that its use is necessary to prevent damage to the water tunnel or shaft.
- (8) The permittee must comply with all applicable laws and regulations.
- (9) The permittee must not perform work in such a way that damages any water tunnel or shaft.
- (10) Within thirty (30) days after completing drilling and/or excavation, the permittee must provide documentation to the Department indicating the depth and azimuth of the finished borehole or well and/or the depth of the excavation, as applicable. A professional engineer or licensed land surveyor must stamp such certification.
- (11) The permittee must conduct, at a frequency specified by the Department, all deviation surveys deemed necessary by the Commissioner. The frequency will vary depending on the type of drilling equipment utilized and the location of the borehole or well. If the Department requires the applicant to perform a deviation survey:
 - (i) The permittee must engage an experienced specialty surveyor licensed as a land surveyor in the State of New York, who has experience conducting deviation surveys;
 - (ii) The permittee must conduct a deviation survey that measures borehole or well inclination and azimuth;
 - (iii) The permittee must conduct the deviation survey utilizing a gyroscopic probe or another suitable verticality probe;
 - (iv) The drilling company or engineering firm must process the deviation survey output to produce a log containing tabular and graphical representations of the borehole or well inclination, azimuth, and depth; must maintain the log on site; must update the log at least once per shift or every 8 hours, whichever is sooner; and must make the log readily available for a Department inspector to review;
 - (v) If the Department determines that the deviation survey is inadequate or the drilling is not proceeding as approved, the Department may require the permittee to retain an independent deviation surveyor and bear all costs and expenses associated with that surveyor; permittee must submit the credentials of the independent surveyor to DEP for review and approval

- (12) The permit shall be valid for a period not to exceed three (3) years from the date of issuance.
- (c) *Stop Work Order or Independent Inspector.* Whenever the department finds that drilling and/or excavation is in violation of this section or creates a danger to water tunnel or shaft the department may:
- (1) Issue a stop work order, or
 - (2) Require the permittee to retain an inspector independent of the contractor at the drilling and/or excavation site in order to observe the drilling and/or excavation activities, verify the drilling results, or for any other purpose the Commissioner deems necessary. Such inspector must be an architect or professional engineer licensed in New York State with a minimum of five (5) years of drilling/excavation experience; the permittee must submit the inspector's credentials to DEP for review and approval. The permittee must bear all costs and expenses associated with the inspection personnel.
- (d) *Revocation of permit.*
- (1) The Department may revoke a permit on written notice to the permittee, when the Department finds that permittee failed to comply with any of the requirements of subdivision (b). Such notice shall inform the permittee of the reasons for the proposed revocation and that the applicant has the right to present to the commissioner or his or her representative, within 10 business days of delivery of the notice by hand or 15 calendar days of mailing of the notice, information as to why the Department should not revoke the permit. When a permit is revoked, all activity at the drilling and/or excavation site shall cease and not resume until the permittee corrects the non-compliance and reapplies for the permit and the Department issues a new permit.
 - (2) Non-compliance that creates an immediate danger will result in the automatic revocation of a permit. A permittee may correct the non-compliance and reapply for the permit. Alternatively, a permittee may appeal the revocation in writing to the Department's Commissioner. Within 30 days of receiving such appeal, the Department must issue a written determination upholding or reversing the revocation.

Title 34, Department of Transportation

Chapter 2 – Highway Rules

§ 2-05 – Construction Activity

- (a) *Permit required.*
- (1) A separate construction activity permit is required for each of the following activities, except where otherwise provided by these rules or by permit stipulations:
 - (i) Placing construction material on street during working hours
 - (ii) Placing construction equipment other than cranes or derricks on the street during working hours
 - (iii) Temporarily closing sidewalk

- (iv) Constructing temporary pedestrian walk in roadway
 - (v) Temporarily closing roadway
 - (vi) Placing shanty or trailer on street
 - (vii) Crossing a sidewalk
 - (viii) Placing crane or derrick on street during working hours
 - (ix) Storing construction material on the street during non-working hours
 - (x) Storing construction equipment on the street during non-working hours
- (2) Permits for construction activity involving building operations shall be obtained only by the general contractor or the construction manager.
- (b) *Permit requirements.* All permits are subject to applicable provisions contained in 34 RCNY § 2-02.
- (c) *Conditions.*
- (1) Permits shall be kept on the job site or at the designated field headquarters at all times and shall be made available for inspection.
 - (2) All obstructions on the street shall be protected by barricades, fencing, railing with flags, lights, and/or signs, placed at proper intervals and at prescribed hours pursuant to 34 RCNY § 2-02(h). During twilight hours the flags shall be replaced with amber lights.
 - (3) All permittees shall notify the Police Department and the communications center of the Fire Department of all construction activities requiring street closing at least twenty-four hours in advance of the commencement of non-emergency work.
 - (4) Permittees may be required to obtain approval(s) from OCMC or from a designee of the Commissioner.
 - (5) All permittees shall comply with the provisions of subdivision (g) of 34 RCNY § 2-02, if applicable.
- (d) *Conditions for the placement or storage of construction material and equipment (other than cranes) on the street.*
- (1) Sidewalks shall be kept clear for pedestrian passage and the curblin shall be kept clear and unobstructed for drainage purposes.
 - (2) The street shall be protected with proper covering to prevent damage (e.g.: planking, skids, plating, pneumatic tires) before construction material or equipment, including containers, are placed on the street. All planking and skids for containers must be a minimum of 1 1/2" to a maximum of 3" thick. Overall size must be a minimum of 12"×12" and the placement of the protective covering must not

exceed the outer dimensions of the container. Protection shall be placed directly under each steel wheel or roller of the container to adequately distribute the weight. Placement of all protection shall be performed and completed upon delivery by the managing agent, distributor, or owner of the container.

- (3) The name, address and telephone number of the owner shall be printed on two sides of each container used for construction debris. This requirement does not apply to conex containers (commonly referred to as shipping or cargo containers), which are not permitted on City streets unless otherwise authorized by the Commissioner.
- (4) Each container shall be stored in an area designated by the Commissioner for the storage of construction material.
- (5) All containers shall be clearly marked on all four sides with high intensity fluorescent paint, reflectors, or other markings capable of producing a warning glow when struck by the head lamps of a vehicle or other source of illumination at a distance of three hundred feet.
- (6) No temporary hoist or scaffold shall be erected on or over a roadway without review of site plans by OCMC, approval of such plans by the Commissioner and a permit from the Department of Buildings.
- (7) No temporary fence which extends more than three feet onto the street shall be erected on the sidewalk without the Commissioner's approval of the location and a permit from the Department of Buildings.
- (8) Construction material or equipment shall not be stored or placed within:
 - (i) five feet of railroad tracks;
 - (ii) three feet of any city-owned electrical systems equipment including, but not limited to, signal and lamp posts, ITS systems, cameras, panel and/or junction boxes, provided that access to the equipment is maintained at all times;
 - (iii) fifteen feet of hydrants or water sampling stations;
 - (iv) the area created by extending the building line to the curb (the "corner") or within the area from ten feet of either side of the corner (the "corner quadrant");
 - (v) any "No Standing" zone; or
 - (vi) stored at a height greater than five (5) feet, unless such construction material or equipment is a nondivisible load which exceeds five (5) feet in height, or unless otherwise authorized by the Commissioner.
- (9) Permittees shall comply with all rules or permit conditions relating to interference with access to subway facilities, fire alarms, street signs, parking meters, emergency telephones, water main valves, utility facilities and any city-owned electrical equipment including, but not limited to, cameras, ITS, street light and signal poles, panel and/or junction boxes.

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- (10) Space shall be provided within the storage area for loading and unloading construction materials and for all other permissible operations.
 - (11) The storage area shall be clearly delineated on all sides with barricades, fencing, railing or other safety devices reflectorized and/or illuminated pursuant to 34 RCNY § 2-02(h).
 - (12) For the purpose of mixing mortar, concrete or other materials, or to bend steel reinforcement bars, surface protection shall be provided.
 - (13) Mortar boxes for hand mixing shall not extend beyond the area permitted for the storage of materials on the street.
 - (14) Storage space shall not exceed eighty percent of each linear frontage of the plot on which the buildings are to be constructed, altered or demolished; nor shall more than one-third of the roadway width, with a maximum of one lane measured from the curb, be encumbered with construction material unless a street closing permit is obtained.
 - (15) The Commissioner may direct that construction material stored or placed within the street line, particularly in a critical area, be confined to the sidewalk frontage area where the building is to be constructed, altered or demolished. The permittee shall enclose the sidewalk storage area with a four foot high barricade or fence pursuant to 34 RCNY § 2-02(h) and shall provide adequate lighting and a minimum of five feet of clear pedestrian passage. A temporary partial sidewalk closing permit shall be required.
 - (16) All equipment hoses, cables, or wires carried overhead across the sidewalk shall have fourteen (14) feet minimum clearance.
 - (17) All equipment hoses, cables, or wires placed on the sidewalk while in use shall be bridged and protected by warning signs and/or lights.
 - (18) A construction activity permit shall be required for a truck crane (boom truck) with telescopic, hydraulic or folding booms, over fifty feet and not more than one hundred thirty-five feet with a maximum rated capacity of three tons. A valid copy of a current “Crane Approval and Operations Certificate (CD)” shall be obtained from the Department of Buildings when a “Certificate of On-site Inspection” is not required.
 - (19) The permittee must maintain any protective covering placed on the street while construction materials or equipment is on the street.
- (e) *Temporarily closing sidewalk.* A temporary partial sidewalk closing permit shall be required when more than three feet from the property line is obstructed by a fence. A temporary full sidewalk closing permit shall be required when a minimum clear sidewalk passage of five feet cannot be maintained for pedestrians.
 - (f) *Temporary pedestrian walkway in roadway.*
 - (1) The Commissioner may require permittees to construct temporary pedestrian walkways on the

roadway when adequate pedestrian passage cannot be maintained on the sidewalk.

- (2) If a pedestrian walkway in the roadway is not required, warning signs advising pedestrians to use the opposite sidewalks shall be placed and maintained at each corner or as otherwise directed.

(g) *Temporarily closing roadway.*

- (1) A roadway closing permit is required for closing one or more lanes of the roadway.
- (2) A roadway closing permit is required during blasting operations and the firing of shots.

(h) *Placement of shanties or trailers on the street.*

- (1) A permit shall be required to place a construction shanty, trailer, or similar structure on the street.
- (2) Placement of shanties or trailers is subject to the same restrictions as the placement of equipment.
- (3) Construction shanties or trailers shall be placed within the storage area provided for construction materials.
- (4) Shanties and trailers shall be removed from the street when the building structure first floor level is covered by a roof, second floor or a second floor slab, unless otherwise directed by the Commissioner.
- (5) Use of a shanty or trailer anywhere on a street as a renting or sales office shall be prohibited.
- (6) No lettering or symbols shall be placed on a shanty or trailer except for the name and telephone number of the contractor.
- (7) The shanty or trailer shall be lighted or have reflectorized striping on the exterior.

(i) *Crossing a sidewalk.*

- (1) A permit for crossing a sidewalk shall be obtained for the delivery or removal of any construction material or equipment on the street by vehicle or motorized equipment across a sidewalk where there is no approved drop curb (driveway).
- (2) A maximum of two sidewalk crossings shall be allowed per each three hundred linear feet.

(j) *Placement of cranes and derricks on street.* For the purposes of these rules the terms “crane” and “derrick” shall be as defined in the New York City building code.

- (1) *Permit requirements.*

(i) *Building operations.*

- (A) A crane permit shall be required for all cranes and derricks operating in the street on building

construction or related activity under the jurisdiction of the Department of Buildings, with the exception of: truck cranes with telescopic, hydraulic or folding booms, over fifty feet and not more than one hundred thirty-five feet with a maximum rated capacity of three tons, for which a construction activity permit has been issued.

(B) A crane permit shall be required for assist cranes with a maximum rated capacity greater than twenty tons to assemble, operate, or disassemble any crane on a street. Assist cranes with a maximum rated capacity of twenty tons or less shall require a Construction Activity Permit.

(C) All permittees shall comply with the rules for power operated cranes, derricks and cableways of the Department of Buildings.

(ii) *Street operations.*

(A) A crane permit shall be required for all cranes and derricks operating in the street with a maximum rated capacity greater than twenty (20) tons and which are not related to building operations.

(B) A construction activity permit shall be required for all cranes and derricks with a rated capacity of twenty tons or less when used for street related activity and where the activity is not under the jurisdiction of the Department of Buildings. A written statement shall be submitted by the owner of the structure, building or premises, general contractor, construction manager, or authorized agent stating that he/she visited the site and that there are no excavations or retaining walls and that no vaults or subsurface construction exists at the site. If there are excavations, retaining walls, vaults or subsurface construction existing at the site, then an affidavit shall be submitted from a Professional Engineer indicating (1) that the sidewalk or roadway and the supporting sub-grade can safely bear the crane and crane load, (2) that any existing vaults or other subsurface structures are capable of supporting the crane and load, and (3) that the sheeting or retaining walls supporting any excavations adjoining the street area are capable of supporting the crane and load.

(2) *Application.* All applicants for a permit shall file the following:

(i) A standard application including the following information:

(A) location of the work site;

(B) nature of the work to be performed;

(C) date of commencement of crane operation and estimated completion date; (D) length of the crane's boom. (Approval of the Department of Buildings is required for cranes with booms over two hundred fifty feet in length, contingent upon passing a satisfactory assembled inspection for each phase. For such cranes, a special review and approval meeting must be held with the Department of Buildings and the applicant.);

(E) model and serial numbers of cranes to be used;

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- (F) crane/derrick application form #M12;
 - (G) approval or permit from the Department of Buildings in the case of new structures, renovations or modifications made to a building, or placement of a sign structure; and
 - (H) daily or annual overdimensional permit.
 - (ii) A sketch showing:
 - (A) proposed location of the crane in the work area;
 - (B) area to be designated for pedestrian passageway;
 - (C) measures to be taken from safeguarding and protecting pedestrians and for maintaining vehicular traffic, including OCMC stipulations.
 - (iii) The following documentation from the Department of Buildings:
 - (A) “Crane Approval and Operations Certificate (CD)” (for all cranes and derricks).
 - (B) “Application for a Certificate of On-Site Inspection (Crane Notice)”.
 - (C) All plans/amendments related to the operation and movement of the crane.
 - (3) *Placement.* All cranes may be placed partially or entirely on the street, in the discretion of the Commissioner, subject to the following conditions and requirements:
 - (i) A crane shall not occupy more than one third of the roadway width except in accordance with the stipulations set forth in the street closing permit.
 - (ii) The extreme outer limit of the crane, in any operating or storage position, shall be at least twelve feet from the opposite curb. The Commissioner may issue a street closing permit when a minimum of twelve feet cannot be maintained.
 - (iii) Cranes equipped with steel tracks shall be supported by:
 - (A) steel plates; or
 - (B) timber platforms not less than six inches thick and covering the entire base of the crane.
 - (iv) The crane and loads shall not exceed 3,500 lbs. per square foot.
 - (v) For cranes equipped with rubber tires:
 - (A) the pressure applied to the street surface through outriggers or other elements of the crane shall not exceed 3,500 lbs. per square foot;

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- (B) the pressure shall be distributed by timber mats, wood planking or steel plates, extending not less than twelve inches beyond the base of the outriggers on all sides and sufficiently thick to uniformly distribute the load pressure including the weight of the crane.
 - (vi) Each permittee shall ensure that the surface upon which the crane will rest is capable of supporting the above pressures. The permittee shall further expand the size and thickness of the timber platforms, mats and steel plates beyond the minimum requirements stipulated above for all types of cranes, so as not to exceed the bearing capacity of the street. This shall apply to structural streets and streets over underground facilities/structures as well.
 - (vii) An alternate means of distributing the load may be approved by the Department of Buildings when a “Certificate of On-Site Inspection” is required.
 - (viii) When any part of the crane requiring a “Certificate of On-Site Inspection” is placed on the street, a statement by a New York State licensed professional engineer shall be filed with the Borough Permit Office certifying:
 - (A) that the street area and the supporting subgrade can bear the crane load safely. Should the street condition require that the crane and load be distributed over a larger area than afforded by the elements of the crane, the New York State licensed professional engineer shall furnish full dimensional details of load distribution;
 - (B) that the engineer has taken all necessary measures to ascertain that there is no vault underneath the sidewalk area or that if a vault does exist its roof is sufficiently strong to support the load to be imposed thereon.
 - (C) that the sheeting or retaining walls supporting any excavations adjoining the street bearing the load capacity are capable of supporting the area carrying the crane and load. When the crane is used to excavate adjacent to itself, the New York State licensed professional engineer shall specify the sheeting or retaining wall reinforcement required to support the crane and load.
 - (4) *Master or special rigger/sign hanger.* A “Certificate of Crane On-Site Inspection” is not required for a master or special rigger or a master or special sign hanger working within the purview of his/her license issued by the New York City Department of Buildings. Permissible work under the supervision of a master or special rigger or a master or special sign hanger includes:
 - (i) the hoisting or lowering of any article on the outside of any existing/completed building;
 - (ii) the removal or installation of boilers and tanks; and
 - (iii) the erection, maintenance or removal of signs or sign structures.
 - (5) *Safety requirements.*
 - (i) For purposes of safety, a flagperson(s) shall be assigned at all times during the operation of the crane to coordinate all crane operations with pedestrian and vehicular traffic and to give proper

warnings to the crane operator. Exceptions may be granted under the following conditions:

- (A) Where OCMC traffic stipulations provide for the crane to be operated in an area that has been closed to vehicular and pedestrian traffic, and
 - (B) Where the full outward swing of the crane actually does not exceed beyond the barricade and the sidewalk area within the swing of the crane carriage or boom is securely barricaded pursuant to 34 RCNY § 2-02(h) to prevent pedestrian traffic or an adequate covered pedestrian walkway is provided.
 - (ii) When a crane is stored on a street it shall be clearly marked with adequate lighting or with high intensity fluorescent paint, reflectors, or other markings capable of producing a warning glow when struck by the head lamps of a vehicle or other source of illumination up to a distance of three hundred feet.
 - (iii) It shall be unlawful for any person other than a crane operator licensed by the Department of Buildings to operate a crane on a street.
- (6) Permits for the placements of a crane on the street may be issued for the area from the northern street line of 66th Street to the extreme southernmost tip of Manhattan as specified on the map in subdivision 1 and in the following limited cases:
- (i) When erecting from the street:
 - (A) a tower or climbing crane which will be operated within building site property lines; or
 - (B) a temporary platform or permanent plaza within a building site for the placement of a street crane.
 - (ii) When erecting a structure/building on a building site from the street within one hundred and ten working days when use of a tower or climbing crane is not practicable.
 - (iii) Temporary crane permits are issued for the erection of a structure for a maximum of one hundred ten working days. Crane usage shall be apportioned between the various stages of erection by the building owner, the general contractor or the construction manager. A working day is defined as each day covered by an active permit, not by the days a crane operates. Several cranes operating simultaneously at the same site shall be credited with one working day for each day covered by the active permit. The one hundred and ten day limit shall not be exceeded. However, extensions may be granted by the Commissioner in extraordinary circumstances.
 - (iv) Permittees shall be required to delineate the street area authorized for use in blue thermoplastic tape or paint. Upon expiration or revocation of the permit, the permittee shall remove the paint or markings and restore the area to its original condition.
- (7) *Letter of Credit.* To ensure full compliance with all crane permit terms and stipulations the following requirements and procedures apply:

- (i) Permittees are required to file a \$40,000 Irrevocable Stand-by Letter of Credit.
- (ii) The form of the Letter of Credit and the bank upon which it is drawn shall be approved by the Commissioner.
- (iii) The term of such Letter of Credit shall be at least one year. Such Letter of Credit may cover multiple crane permit locations.
- (iv) If the permittee fails to remove a crane when required or otherwise violates a permit condition, the terms of the Letter of Credit shall provide that the Commissioner may demand a payment of \$1,000 a day for the first five days and \$2,500 for each day thereafter.
- (v) A Letter of Credit shall not be required in the following circumstances:
 - (A) contractors with licensed operators performing rigging operations, i.e. hoisting or lowering materials or equipment on or off existing buildings;
 - (B) in special cases, contractors with licensed operators performing rigging operations in conjunction with new building construction;
 - (C) contractors with licensed operators performing work on elevated railroad or bridge structure engaged in street construction such as pavement removal, trenching or bulkheading, or in the installation and/or repair of underground shafts, sewers and water facilities.
- (k) *Format to be used for Irrevocable Stand-By Letter of Credit.*

Beneficiary
The City of New York Department of Transportation
Manhattan Street Maintenance Office
Battery Maritime Building, 4th floor
New York, New York 10004

Sir/Madam:

By order of our client (name and address of Permittee), we issue this Stand-By Irrevocable Letter of Credit No. in your favor for \$40,000.00 (Forty Thousand U.S. Dollars) effective immediately for our client's performance under the required Crane Permit(s) for the placement of cranes at the following location(s):

Funds under this Irrevocable Letter of Credit are available by Sight Draft drawn on us accompanied by:

1. A statement signed by the Commissioner of the New York City Department of Transportation or an authorized representative stating that:

“(Permittee Name) has failed to comply with the terms and conditions agreed to under the permit(s) issued or has failed to remove a crane when required. For this violation the City of New York, acting through its Department of Transportation, is demanding a payment of \$1,000.00 (One Thousand U.S. Dollars) a day for the first five days of violation. After five days, payment for the continuing violation is \$2,500.00 (Two Thousand Five Hundred U.S. Dollars) a day.”

“This(these) violation(s) has(have) existed for . . . days and demand is now made for payment of (enter total amount). We have notified (Permittee name and address) in writing that this certification is being presented.”

2. A copy of notice given to (Permittee name) referred to in No. 1 above.
3. The original of this Irrevocable Letter of Credit and Amendments, if any.

The Sight Draft shall bear the following clause:

“DRAWN UNDER (Bank Name), LETTER OF CREDIT NUMBER DATED”

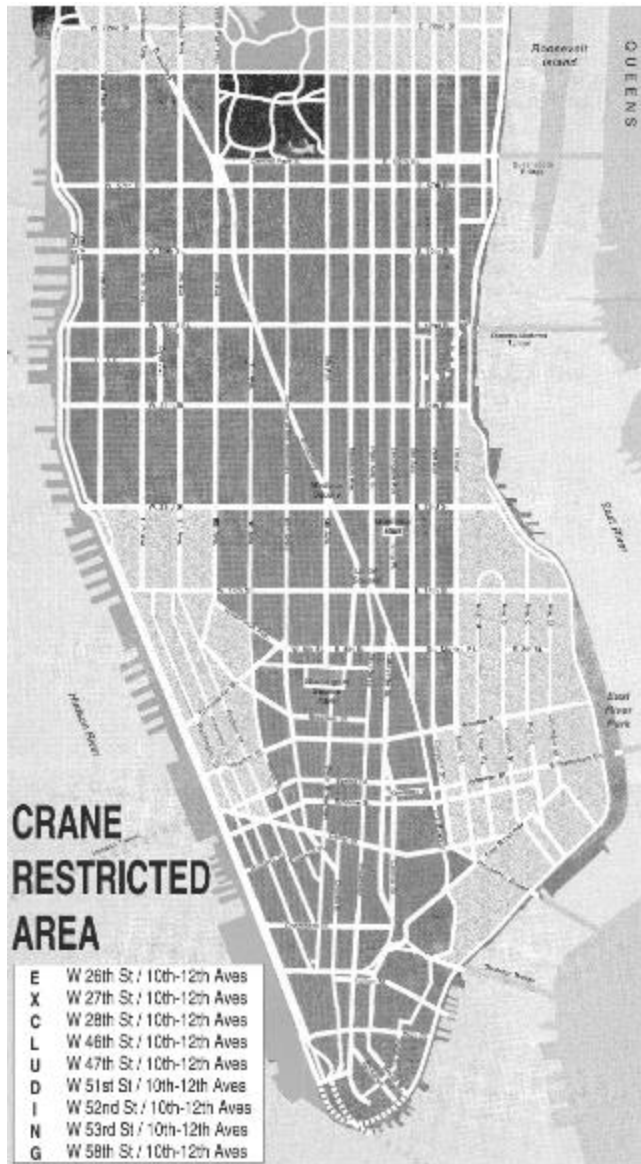
This Irrevocable Letter of Credit expires at (Bank office address) at the close of business on

This Irrevocable Letter of Credit sets forth in full the terms of our undertaking and such undertaking shall not in any way be modified, amended, or amplified by reference to any document, instrument or agreement referred to herein or to which this Irrevocable Letter of Credit relates and any such reference shall not be deemed to incorporate herein by reference any document, instrument or agreement.

We agree with you that drafts drawn in compliance with the terms of this Credit shall be honored on presentation.

This Irrevocable Letter of Credit is subject to the Uniform Customs and Practice for Documentary Credits (1993 Revision), International Chamber of Commerce Publication No. 500.

(l) *Crane Restricted Area*



(m) *Pedestrian Traffic Managers.*

- (1) Permittees must deploy pedestrian traffic managers when required by the department for any of the construction activities set forth in this 34 RCNY § 2-05. Such requirement shall be set forth in a permit stipulation and may be required where:
 - (i) the permitted construction activity is located within a high pedestrian volume area, which significantly impacts pedestrian circulation; and/or
 - (ii) conflicts between pedestrians, bicycles and/or vehicles occur as a result of the construction activity.
- (2) When deployed and during their employment and active service, all pedestrian traffic managers must

have either:

- (i) a minimum of five years of law enforcement experience, or
 - (ii) a minimum of five years of certified flagger experience and pedestrian traffic manager training.
- (3) Law enforcement experience may include but not be limited to New York City Police Department, New York City Department of Corrections, New York/New Jersey Port Authority Police, New York State Police, military police, or other comparable municipal law enforcement agencies. Flagger certification must be from an accredited organization.

§ 2-06 – Land Contour Work

(a) *Permit required.*

- (1) A permit shall be obtained from the Commissioner to perform land contour work which includes the clearing, grubbing, grading, filling or excavation of vacant lots and other specified land parcels.
- (2) The provisions of these rules are also applicable to the disposal site for excavated materials.
- (3) All permits are subject to applicable provisions contained in 34 RCNY § 2-02.

(b) *Conditions.*

- (1) No condition shall be created or maintained that interferes with or obstructs existing drainage, unless an alternate drainage plan is provided for in the above plans, subject to approval by the Department of Environmental Protection. The applicant shall provide for conduction of surface waters as required by the Commissioner to the nearest approved Department of Environmental Protection collection point.
- (2) Watercourses, drainage ditches, conduits and other like or unlike means of carrying off water or disposing of surface water shall not be obstructed by refuse, waste, construction materials, earth, stones, tree stumps, branches, or by any other means that may interfere with surface drainage or cause the impoundment of surface waters either within or beyond the area where land contour work is performed.
- (3) All excavations shall be drained. The drainage shall be maintained until the completion of the excavation and pumping shall be used where necessary.
- (4) Fill material shall consist of inert, inorganic matter, suitably compacted. No materials shall be used other than clean earth, ashes, dirt, concrete, rock, gravel, stone, slag, or sand. Rocks and masonry shall not be larger than one-quarter of a cubic yard. No material larger than three inches in dimension may be placed within two feet of the surface. For public safety and health, the Commissioner may require a smooth graded surface treated according to the Standard Specifications with asphalt paving mixture, compacted cinders, stone screening, soil cement mixtures, or seeded or sodded lawn treatment, or other material as required by the Commissioner.

- (5) Sodding or planting, where required, shall be completed within thirty days of work completion or as may be permitted by the Commissioner. Safeguards shall be provided to prevent soil erosion in the interval preceding sodding or planting.
 - (6) Work beyond lot lines shall be subject to the requirements of these rules.
 - (7) A minimum safety factor of two shall be used against earth slides within the property and the adjacent property. Where two parallel streets are at unequal elevations, the land grading between these two streets generally should be at a constant slope. Where possible the ground should be graded back from the front property line at a grade level with the street for a distance equal to the normal zoning set-back requirement but not less than twenty-five feet before commencing a slope.
- (c) *Exceptions.* A permit is not required for grading work to be performed pursuant to a Department of Buildings permit for the erection of one or more structures, provided that the permit authorizes the grading, and that the work is performed entirely within the building site area.
- (d) *Application.*
- (1) The application shall state the following:
 - (i) name of the land surveyor or New York State licensed professional engineer;
 - (ii) description of the land contour work;
 - (iii) work limits and number of linear feet in the work area;
 - (iv) cubic yards of fill to be placed;
 - (v) that work areas exceeding ten thousand square feet shall be supervised by a New York State licensed professional engineer. The application shall note the name, address, and telephone number of the New York State licensed professional engineer;
 - (vi) whether streets adjacent to the land are finally mapped and with whom title of the streets is vested. Prescriptive streets as determined by the corporation counsel shall be deemed as finally mapped.
 - (2) Applicants for a Land Contour permit shall be the property owner or the owner's authorized representative. The permit application shall be accompanied by:
 - (i) a statement of property ownership or of authorization by the property owner if work is to be performed by a contractor;
 - (ii) a statement from the surveyor or New York State licensed professional engineer which states that the work will not cause adverse drainage conditions to the property and adjacent land;

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- (iii) a plan prepared by a land surveyor or New York State licensed professional engineer.
- (3) Applicants shall submit a plan at a minimum scale of 1in.= 50ft. or the scale required by the Commissioner. The original mylar plus one paper print filed at the time of permit application shall be drawn according to the Standard Specifications. The plans shall show the following:
- (i) name of the land surveyor or New York State licensed professional engineer;
 - (ii) existing watercourses, drainage ditches, conduits and other drainage facilities, or like or unlike means of carrying off water, or disposing of property surface water, and the area three hundred feet beyond the property and any additional information as required by the Commissioner;
 - (iii) existing and proposed grades of the area to be filled or excavated, plotted in contours spaced at five feet intervals or at other intervals as required by the Commissioner;
 - (iv) direction of all surface water flow before and after completion of land contour work;
 - (v) statement of the slopes to be maintained and a cross section of the slopes; (vi) soil investigation, including, but not limited to, locating the elevation of the ground water table, whenever required by the Commissioner;
 - (vii) lines and grades of abutting streets which are legally mapped;
 - (viii) profile of the existing grade, legal grade and final grade of the abutting street;
 - (ix) substitute for existing drainage as noted below, subject to approval of the Department of Environmental Protection:
 - (A) interference with or obstruction of surface course causing drainage to flow in a direction other than a general direction and drainage pattern existing prior to the land contour work tending to cause impoundment or flooding either within or beyond the area on which contour work is performed;
 - (B) increase of surface course drainage in the direction and drainage pattern existing prior to the land contour work tending to cause impoundment or flooding either within or beyond the area in which contour work is performed; and
 - (C) interference or obstruction of existing watercourses, drainage ditches, conduits and other like or unlike means of carrying off water or disposing of surface water;
 - (x) proposed provisions for maintenance of existing drainage or for any substitute that shall drain the property adequately and shall provide safeguards against health hazards according to criteria established in consultation with the Department of Health as noted below:
 - (A) flooding: proposed provisions to eliminate existing conditions of surface water

impoundment. The entire area under examination shall be provided within the property. The plans shall indicate the provisions taken to avoid direct flooding of adjacent properties or intrusion of surface water to existing or planned individual sewage disposal systems; and

- (B) small water impoundment: proposed provisions to avoid small water impoundment which may become the breeding area or harborage of insects and other pests. Pests are defined as members of the class insecta and members of the Phylum Arthropoda including spiders, mites, ticks, mosquitoes, centipedes and wood lice.

(xi) provisions for disposal of excavation material.

- (4) Certification shall be required from a New York State licensed professional engineer that drainage for a three hundred foot radius around the site will not be adversely affected by grading, and that existing watercourses, if any, will not be disturbed.

(c) *Approval required.*

- (1) Sites designated as Wetlands shall have prior approval from the New York State Department of Environmental Conservation.
- (2) Sites in designated Natural Areas or in South Richmond shall require prior approval from the City Planning Commission.
- (3) The Commissioner may require that land contour plans be reviewed and approved by the Department of Environmental Protection.

§ 2-07 – Underground Street Access Covers, Transformer Vault Covers and Gratings

(a) *General conditions.*

- (1) Except for work on the critical roadways during restricted times listed in subdivision c of this section, and subject to these rules, underground street access covers, transformer vault covers and gratings may be opened to perform subsurface work without the prior authorization of the Department. During a Department declared embargo, sidewalks shall be included in the restrictions listed in paragraph (5) of subdivision (c) of this section.
- (2) A permittee must obtain an emergency number from the Department if they are opening an underground street access cover to perform emergency work during an embargo period.
- (3) Except when emergency work is being performed, if excessive traffic congestion occurs on a roadway where underground street access covers, transformer vault covers or gratings have been opened, any police officer or other person authorized to enforce these rules may direct that the cover or grating openings be closed and the affected traffic lane opened until the traffic congestion eases. It shall be a violation of these rules to disobey such a direction.
- (4) The opening of covers and gratings shall not restrict more than a maximum of 11 feet of roadway. If

such opening results in a full roadway closure, the Police Department, the Communication Centers of the Fire Department and the Department of Transportation shall be notified simultaneously with the closing. If such opening falls under the provisions of subdivision (g) of 34 RCNY § 2-02, the entity opening the covers or gratings shall comply with all the requirements of such subdivision.

- (5) Except for emergency work or where required due to the nature of the work, no more than two consecutive covers or gratings shall be opened at any time on a block segment, including the adjacent intersection.
- (6) A permit is required to store material or equipment on the street during non-working hours whether or not the cover or grating opening is in a critical roadway. No such permit shall be required to store tool carts on the sidewalk. No tool cart shall be stored on a sidewalk unless a minimum passage of five feet is maintained on the sidewalk for pedestrians. No tool cart stored on a sidewalk or roadway shall obstruct any hydrant, water sampling station, bus stop or driveway. A permit is required to store tool carts on the roadway. All tool carts shall display the name, address and telephone number of the entity that placed them on the sidewalk or roadway.
- (7) Where subsurface work requiring the opening of covers and gratings on a sidewalk is performed and a five foot minimum passageway on the sidewalk cannot be maintained for pedestrians, a temporary sidewalk closing permit shall be obtained.
- (8) Flagpeople. Unless otherwise directed by the Commissioner, permittees whose work results in the closing of a moving traffic lane and requires traffic to be temporarily diverted to a travel lane in the opposite direction, shall, at all times while actively working at the site, post a flagperson or flagpersons or utilize an authorized plan for the maintenance and protection of traffic at the point where traffic is diverted to assist motorists, bicyclists, and pedestrians to proceed around the obstructed lane.

(b) *Maintenance requirements.*

- (1) The owners of covers or gratings on a street are responsible for monitoring the condition of the covers, gratings and concrete pads installed around such covers or gratings and the area extending twelve inches outward from the edge of the cover, grating, or concrete pad, if such pad is installed.
- (2) The owners of covers or gratings shall replace or repair any cover or grating found to be defective and shall repair any defective street condition found within an area extending twelve inches outward from the perimeter of the cover or grating. Such owner must obtain a permit to maintain a steel plate that is covering such cover or grating or such street condition.
- (3) Street hardware shall be flush with the surrounding street surface. Street hardware which is greater than 1/2" above or below the street surface as measured by a six foot straight edge centered on the hardware shall be replaced or adjusted at the owner's expense.
- (4) Owners of underground facilities shall only use covers with their name or registered markings clearly displayed for identification purposes.
- (5) Covers shall be clearly identified with markings that are registered with the Department. The owners of covers which are in good condition but lack identifying markings shall place the assigned color code

or tag next to the cover or grating in lieu of replacement.

- (6) Underground street access covers, transformer vault covers, and gratings shall not be placed in any street over an opening unless they are of a type approved by the Commissioner.

(c) *Work in critical roadways.*

- (1) Except as otherwise provided in paragraphs 2 and 3 of this subdivision, no person shall perform subsurface work requiring cover and grating openings in the critical roadways listed in paragraph 5 of this subdivision at the locations and during the hours specified in such paragraph.
- (2) No person shall perform emergency work requiring cover or grating openings in the critical roadways listed in paragraph 5 of this subdivision at the locations and during the hours specified in such paragraph without an emergency authorization number from the Department.
- (3) Notwithstanding the foregoing provisions, subsurface work requiring cover or grating openings may be performed at any time in traffic lanes which are obstructed by street construction authorized by the Commissioner, i.e., by the installation of water mains, sewers, street lighting, traffic control devices, cranes, construction debris containers, or other construction equipment.
- (4) Authorization for emergency work requiring cover and grating openings in critical roadways during restricted hours.
 - (i) An authorization number shall be obtained by the owner of the cover or grating or the authorized agent of the owner by faxing the required DOT request for authorization number form to the Department's Emergency Authorization Unit, unless otherwise directed by the Commissioner. Required information shall include, but not be limited to the following:
 - (A) Name of permittee
 - (B) Permittee ID #
 - (C) Location of emergency (including borough)
 - (D) Type of emergency (including interruption of service)
 - (ii) Authorization numbers shall be kept on site and shall be presented upon the request of any police officer or other City employee authorized by the Commissioner to enforce these rules. Any additional information regarding the emergency work that is requested at the site by a Department inspector shall be provided by the permittee and/or the persons performing such work.
 - (iii) The fee for obtaining an authorization number shall be thirty dollars (\$30.00). Such fee shall be paid within fifteen days of billing. The owner shall be responsible for payment of all fees imposed pursuant to this paragraph.

- (iv) Emergency work shall be performed on an around-the-clock basis until the emergency is eliminated, at which time the emergency authorization number expires, as specified in subparagraph (ii) of paragraph (2) of subdivision (g) of 34 RCNY § 2-11.
 - (v) The person performing such emergency work shall inform the Department's Emergency Authorization Unit within twelve hours of the completion of such emergency work.
- (5) Critical roadways: Work restrictions apply Monday through Friday (except for the holidays of New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day) at the locations (including intersections) and during the hours listed below:

(i) **Manhattan**

(A) *East/West Roadways – Restricted Access 7:00 AM to 8:00 PM*

1. 8th Street – Avenue of the Americas to Third Avenue
2. 9th Street – Avenue of the Americas to First Avenue
3. 14th Street – Joe DiMaggio Highway to FDR Drive
4. 20th Street – Avenue C to First Avenue
5. 23rd Street – Joe DiMaggio Highway to FDR Drive/Avenue C
6. 25th Street – FDR Drive to First Avenue
7. 30th Street – Joe DiMaggio Highway to FDR Drive
8. 31st Street – Tenth Avenue to Second Avenue
9. 32nd Street – Seventh Avenue to Second Avenue
10. 33rd Street – Joe DiMaggio Highway to First Avenue
11. 34th Street – Joe DiMaggio Highway to FDR Drive
12. 35th Street – Eleventh Avenue to FDR Drive
13. 36th Street – Eleventh Avenue to FDR Drive
14. 37th Street – Eleventh Avenue to FDR Drive
15. 38th Street – Eleventh Avenue to FDR Drive
16. 39th Street – Joe DiMaggio Highway to First Avenue

17. 40th Street – Joe DiMaggio Highway to First Avenue
18. 41st Street – Joe DiMaggio Highway to Avenue of the Americas
19. 42nd Street – Joe DiMaggio Highway to FDR Drive
20. 43rd Street – First Avenue to Lexington Avenue
21. 43rd Street – Vanderbilt Avenue to Joe DiMaggio Highway
22. 44th Street – First Avenue to Lexington Avenue
23. 44th Street – Vanderbilt Avenue to Joe DiMaggio Highway
24. 45th Street – First Avenue to Joe DiMaggio Highway
25. 46th Street – First Avenue to Eighth Avenue
26. 47th Street – First Avenue to Eighth Avenue
27. 48th Street – First Avenue to Eighth Avenue
28. 49th Street – FDR Drive to Joe DiMaggio Highway
29. 50th Street – Beekman Place to Joe DiMaggio Highway
30. 51st Street – First Avenue to Eighth Avenue
31. 52nd Street – First Avenue to Eighth Avenue
32. 53rd Street – FDR Drive to Eighth Avenue
33. 54th Street – First Avenue to Eighth Avenue
34. 55th Street – Sutton Place to Joe DiMaggio Highway
35. 56th Street – Sutton Place to Joe DiMaggio Highway
36. 57th Street – Sutton Place to Joe DiMaggio Highway
37. 58th Street – Sutton Place to Eleventh Avenue
38. 59th Street – Fifth Avenue to Sutton Place
39. 59th Street – West Side Highway to Columbus Avenue

40. 60th Street – FDR Drive to Fifth Avenue
41. 61st Street – FDR Drive to Fifth Avenue
42. 62nd Street – FDR Drive to Fifth Avenue
43. 63rd Street – FDR Drive to Fifth Avenue
44. 65th Street – Central Park West to Fifth Avenue (Transverse Roadway)
45. 65th Street – West End Avenue to York Avenue
46. 66th Street – Central Park West to Fifth Avenue (Transverse Roadway)
47. 66th Street – West End Avenue to York Avenue
48. 71st Street – FDR Drive to York Avenue
49. 72nd Street – Central Park West to Fifth Avenue (Transverse Roadway)
50. 72nd Street – Central Park West to Henry Hudson Parkway
51. 72nd Street – Park Avenue to Fifth Avenue
52. 73rd Street – FDR Drive to York Avenue
53. 79th Street – Central Park West to Fifth Avenue (Transverse Roadway)
54. 79th Street – Henry Hudson Parkway to Broadway
55. 79th Street – Park Avenue to Fifth Avenue
56. 79th Street – York Avenue to FDR Drive
57. 81st Street – Amsterdam Avenue to Central Park West
58. 84th Street – Park Avenue to Fifth Avenue
59. 85th Street – Park Avenue to Fifth Avenue
60. 86th Street – Amsterdam Avenue to Central Park West
61. 86th Street – Central Park West to Fifth Avenue (Transverse Roadway)
62. 92nd Street – FDR Drive to First Avenue

63. 95th Street – Riverside Drive to Broadway
64. 96th Street – FDR Drive to Fifth Avenue
65. 96th Street – Henry Hudson Parkway to Central Park West
66. 97th Street – Central Park West to Fifth Avenue (Transverse Roadway)
67. 97th Street – FDR Drive to Fifth Avenue
68. 97th Street – Henry Hudson Parkway to Central Park West
69. 106th Street – First Avenue to FDR Drive
70. 116th Street – First Avenue to FDR Drive
71. 125th Street – Henry Hudson Parkway to FDR Drive
72. 135th Street – St. Nicholas Avenue to Harlem River Drive
73. 138th Street – Malcolm X Boulevard to Harlem River Drive
74. 145th Street – Riverside Drive to Harlem River Drive
75. 155th Street – Riverside Drive to Harlem River Drive
76. 158th Street – Henry Hudson Parkway to Broadway
77. 165th Street – Riverside Drive to Broadway
78. 178th Street – Fort Washington Avenue to Amsterdam Avenue
79. 179th Street – Fort Washington Avenue to Amsterdam Avenue
80. 181st Street – Riverside Drive to Amsterdam Avenue
81. 207th Street – Broadway to Ninth Avenue
82. Ann Street – Park Row to Gold Street
83. Avenue of the Finest – Rose Street to Pearl Street
84. Barclay Street – West Street to Broadway
85. Battery Place – West Street to Broadway

86. Bayard Street – Baxter Street to Bowery
87. Beach Street – Varick Street to Avenue of the Americas
88. Beekman Street – Park Row to South Street
89. Broome Street – Varick Street to Clinton Street
90. Canal Street – West Street to Essex Street/East Broadway
91. Catherine Street – Bowery/Division Street to South Street
92. Central Park South – Broadway to Fifth Avenue
93. Chambers Street – River Terrace to Centre Street
94. Christopher Street – Joe DiMaggio Highway to Greenwich Avenue/Avenue of the Americas
95. Clarkson Street – Joe DiMaggio Highway to Seventh Avenue
96. Cartlandt Street – Church Street to Broadway
97. Delancey Street – Clinton Street to Bowery
98. Dey Street – Church Street to Broadway
99. Division Street – Bowery to Canal Street
100. Dominick Street – Avenue of the Americas to Hudson Street
101. Dover Street – Pearl Street to South Street
102. Dover Street – Pell Street to Bowery
103. Duane Street – Greenwich Street to Lafayette Street
104. Dyckman Street – Henry Hudson Parkway to Harlem River Drive
105. East Broadway – St. James Place to Grand Street
106. East Drive – Central Park South to Central Park North
107. Exchange Alley – Broadway to Hanover Street
108. Frankfort Street – Park Row to Pearl Street

109. Fulton Street – Church Street to South Street
110. Grand Street – Varick Street to South Street
111. Harrison Street – West Street to Hudson Street
112. Hester Street – Centre Street to Essex Street
113. Houston Street – Joe DiMaggio Highway to FDR Drive
114. John Street – Broadway to South Street
115. Kenmare Street – Lafayette Street to Bowery
116. Liberty Street – South End Avenue to Pearl Street
117. Madison Street – Avenue of the Finest to Grand Street
118. Maiden Lane – Broadway to South Street
119. Montgomery Street – East Broadway to South Street
120. Murray Street – North End Avenue to Broadway
121. Park Place – Greenwich Street to Broadway
122. Pearl Street – Lafayette Street to St. James Place
123. Pine Street – Broadway to South Street
124. Reade Street – Greenwich Street to Centre Street
125. Rector Street – West Street to Broadway
126. Robert F. Wagner Senior Place – Pearl Street to South Street
127. Spring Street – Joe DiMaggio Highway to Bowery
128. Spruce Street – Park Row to Gold Street
129. St. Marks Place – Third Avenue to First Avenue
130. Thomas Street – Hudson Street to Broadway
131. Vesey Street – North End Avenue to Broadway

132. Walker Street – Beach Street to Canal Street
133. Wall Street – Broadway to South Street
134. Warren Street – Greenwich Street to Broadway
135. Watts Street – Broome Street to Hudson Street
136. West Drive – Central Park South to Central Park North
137. Worth Street – Hudson Street to Park Row (Chatham Square)

Note: All service roads abutting highways, parkways, expressway, etc. are considered to be critical streets from 7:00 AM to 8:00 PM.

(B) North/South Roadways – Restricted Access 7:00 AM to 8:00 PM

1. Allen Street – East Broadway to Houston Street
2. Amsterdam Avenue – 59th Street to 72nd Street
3. Avenue C – 14th Street to 34th Street
4. Avenue of the Americas – Church Street to Central Park South
5. Battery Park Underpass – Joe DiMaggio Highway to South Street
6. Bowery – Worth Street to Third Avenue/6th Street
7. Broad Street – South Street to Wall Street
8. Broadway – Battery Place to 79th Street
9. Central Park West – 59th Street to 66th Street
10. Centre Street – Park Row to Kenmare Street
11. Chrystie Street – Canal Street to Houston Street
12. Church Street – Liberty Street to Canal Street
13. Cleveland Place – Kenmare Street to Lafayette Street
14. Clinton Street – Grand Street to Broome Street
15. Columbus Avenue – 59th Street to 66th Street

16. Eighth Avenue – Hudson Street to Central Park South
17. Eleventh Avenue – Joe DiMaggio Highway to 59th Street
18. Essex Street – Canal Street to Houston Street
19. FDR Drive – Whitehall Street to 125th Street
20. Fifth Avenue – Washington Square North to 139th Street
21. First Avenue – Houston Street to 66th Street
22. First Avenue Tunnel – 41st Street to 49th Street
23. Fourth Avenue – Bowery to 14th Street
24. Gold Street – Maiden Lane to Frankfort Street
25. Greenwich Street – Battery Place to Gansevoort Street
26. Harlem River Drive – 125th Street to Dyckman Street
27. Henry Hudson Parkway – 59th Street to Henry Hudson Bridge
28. Hudson Street – Chambers Street to 14th Street
29. Irving Place – 14th Street to 20th Street
30. Joe DiMaggio Highway – Battery Place to 59th Street (*Restricted Access 6:00 AM to 8:00 PM)
31. Lafayette Street – Centre Street to 8th Street
32. LaGuardia Place – Houston Street to Washington Square South
33. Lexington Avenue – Gramercy Park North to 129th Street
34. Madison Avenue – 23rd Street to 138th Street
35. Nassau Street – Wall Street to Spruce Street
36. Ninth Avenue – Gansevoort Street to 59th Street
37. Norfolk Street – Grand Street to Delancey Street
38. Park Avenue – 42nd Street to 66th Street

39. Park Avenue South – 17th Street to 42nd Street
40. Park Avenue Tunnel – 33rd Street to 40th Street
41. Park Row – Broadway to Worth Street
42. Pearl Street – State Street to Lafayette Street
43. Pike Street – South Street to East Broadway
44. Second Avenue – Houston Street to 66th Street
45. Seventh Avenue – 11th Street to Central Park South
46. Seventh Avenue South – Houston Street to 11th Street
47. South Street – Whitehall Street to Montgomery Street
48. St. James Place – Pearl Street to Bowery
49. State Street – Whitehall Street to Battery Place
50. Suffolk Street – Grand Street to Delancey Street
51. Sutton Place/Sutton Place South – 53rd Street to 59th Street
52. Tenth Avenue – Joe DiMaggio Highway to 59th Street
53. Third Avenue – Bowery/6th Street to 66th Street
54. Trinity Place – Morris Street to Liberty Street
55. Union Square East – 14th Street to 17th Street
56. Union Square West – 14th Street to 17th Street
57. University Place – 8th Street to 14th Street
58. Vanderbilt Avenue – 42nd Street to 47th Street
59. Varick Street – West Broadway to Houston Street
60. Washington Street – Joseph P. Ward Street to 14th Street
61. Water Street – Whitehall Street to Fulton Street

62. West Broadway – Vesey Street to Houston Street
63. West End Avenue – 59th Street to 72nd Street
64. Whitehall Street – South Street to Broadway
65. William Street – Broad Street to Spruce Street
66. York Avenue – 59th Street to 73rd Street

Note: All service roads abutting highways, parkways, expressway, etc. are considered to be critical streets from 7:00 AM to 8:00 PM.

(C) *North/South Roadways – Restricted Access 7:00 AM to 10:00 AM/4:00 PM to 8:00 PM*

1. Adam Clayton Powell Boulevard – Central Park North to 155th Street
2. Amsterdam Avenue – 72nd Street to 181st Street
3. Broadway – 79th Street to Ninth Avenue/Harlem River
4. Dyckman Street – Harlem River Drive to Henry Hudson Parkway
5. East End Avenue – 79th Street to 90th Street
6. FDR Drive Southbound Service Road – 92nd Street to 97th Street
7. First Avenue – 66th Street to 125th Street
8. Fort Washington Avenue – Broadway/158th Street to 181st Street
9. Lenox Avenue – Central Park North to 145th Street
10. Riverside Drive – 72nd Street to Dyckman Street
11. Second Avenue – 66th Street to 128th Street/Harlem River Drive
12. St. Nicholas Avenue – Central Park North to 181st Street
13. Tenth Avenue – Dyckman Street to Broadway
14. Third Avenue – 66th Street to 128th Street
15. West End Avenue – 72nd Street to 106th Street
16. York Avenue – 73rd Street to 92nd Street

(D) *North/South Roadways – Restricted Access 7:00 AM to 10:00 AM*

1. Central Park West (southbound) – 110th Street/Cathedral Parkway to 72nd Street
2. Columbus Avenue (southbound) – Cathedral Parkway/110th Street to 66th Street
3. Frederick Douglass Boulevard (southbound) – 155th Street to 110th Street
4. Park Avenue (southbound) – 135th Street/Harlem River Drive to 66th Street

(E) *North/South Roadways – Restricted Access 4:00 PM to 8:00 PM*

1. Central Park West (northbound) – 72nd Street to 110th Street/Cathedral Parkway
2. Frederick Douglass Boulevard (northbound) – 110th Street/Cathedral Parkway to 155th Street
3. Park Avenue (northbound) – 66th Street to 135th Street/Harlem River Drive

(ii) **Brooklyn**

(A) *Restricted Access 7:00 AM to 7:00 PM*

1. Adams Street – Fulton Street to Prospect Street
2. Belt Parkway (Shore Parkway) – Gowanus Expressway to Queens County Line
3. Boerum Place – Atlantic Avenue to Fulton Street
4. Brooklyn-Queens Expressway – Gowanus Expressway to Kosciuszko Bridge
5. Cadman Plaza West – Old Fulton Street to Pierrepont Street
6. Court Street – Pierrepont Street to Atlantic Avenue
7. DeKalb Avenue – Carlton Avenue to Fulton Street
8. Flatbush Avenue – Concord Street/Manhattan Bridge to Grand Army Plaza
9. Fourth Avenue – Shore Road to Flatbush Avenue
10. Furman Street – Old Fulton Street to Atlantic Avenue
11. Gowanus Expressway – Verrazano Bridge to Brooklyn-Queens Expressway/Battery Tunnel
12. Hamilton Avenue – Third Avenue to Van Brunt Street

13. Hicks Street East (northbound) – Hamilton Avenue to Atlantic Avenue
14. Jackie Robinson Parkway – Jamaica Avenue to County Limits
15. Jay Street – Fulton Street to Prospect Street
16. Joralemon Street – Clinton Street to Flatbush Avenue
17. Myrtle Avenue – Jay Street to Carlton Avenue
18. Nostrand Avenue – Kings Highway to Flatbush Avenue
19. Ocean Parkway – Church Avenue to Brighton Beach Avenue
20. Old Fulton Street – Furman Street to Cadman Plaza West
21. Prospect Expressway – Gowanus Expressway to Church Avenue
22. Sands Street – Navy Street to Adams Street
23. Smith Street – Atlantic Avenue to Fulton Street
24. Third Avenue – 65th Street to Flatbush Avenue
25. Tillary Street – Cadman Plaza West to Navy Street
26. Willoughby Street – Carlton Avenue to Adams Street

Note: All service roads abutting highways, parkways, expressway, etc. are considered to be critical streets from 7:00 AM to 7:00 PM.

(B) *Restricted Access 7:00 AM to 10:00 AM/4:00 PM to 7:00 PM*

1. 17th Street – Third Avenue to Fifth Avenue
2. 39th Street – Second Avenue to Dahill Road
3. 65th Street – Second Avenue to Avenue P
4. 86th Street – Fourth Avenue to McDonald Avenue
5. 92nd Street – Seventh Avenue to Fourth Avenue
6. Atlantic Avenue – Furman Street to Eldert Lane
7. Avenue U – Ocean Parkway to Ralph Avenue

8. Bay Parkway – Shore Parkway to Ocean Parkway
9. Bay Ridge Avenue – Shore Road to Seventh Avenue
10. Bedford Avenue – Flatbush Avenue to Broadway
11. Borinquen Place – Union Avenue to Marcy Avenue
12. Brighton Beach Avenue – Ocean Parkway to Coney Island Avenue
13. Broadway – Kent Avenue to Jamaica Avenue
14. Bushwick Avenue – Jamaica Avenue to Metropolitan Avenue
15. Caton Avenue – Fort Hamilton Parkway to Bedford Avenue
16. Church Avenue – Chester Avenue to Kings Highway
17. Columbia Street – Atlantic Avenue to Hamilton Avenue
18. Coney Island Avenue – Park Circle to Brighton Beach Avenue
19. Cooper Street – Broadway to Irwin Avenue
20. Cropsey Avenue – 14th Avenue to Neptune Avenue
21. Division Street – Kent Avenue to Williamsburg Street East
22. Eastern Parkway – Grand Army Plaza to Atlantic Avenue
23. Emmons Avenue – Shore Boulevard to Knapp Street
24. Empire Boulevard – Flatbush Avenue to Utica Avenue
25. Fifth Avenue – Fourth Avenue/97th Street to Flatbush Avenue
26. Flatbush Avenue – Grand Army Plaza to Gil Hodges Memorial Bridge
27. Flatlands Avenue – Kings Highway to Pennsylvania Avenue
28. Flushing Avenue – Carlton Avenue to Cypress Avenue
29. Fort Hamilton Parkway – 92nd Street to Park Circle
30. Fulton Street – Flatbush Avenue to Broadway

31. Gerritsen Avenue – Avenue U to Nostrand Avenue
32. Grand Street – Roebling Street to Gardner Avenue
33. Greenpoint Avenue – Manhattan Avenue to Kingsland Avenue
34. Havemeyer Street – Broadway to Metropolitan Avenue
35. Highland Boulevard – Bushwick Avenue to Robert Place
36. Humboldt Avenue – Greenpoint Avenue to Maspeth Avenue
37. Jamaica Avenue – Broadway to Eldert Lane
38. Kent Avenue – Williamsburg Street West to Calver Street
39. Kings Highway – Avenue P to Eastern Parkway
40. Kingsland Avenue – Greenpoint Avenue to Maspeth Avenue
41. Knapp Street – Emmons Avenue to Nostrand Avenue
42. Liberty Avenue – Eastern Parkway to 75th Street
43. Linden Boulevard – Bedford Avenue to 78th Street
44. Manhattan Avenue – Broadway to Commercial Street
45. Marcy Avenue – Broadway to Metropolitan Avenue
46. Marcy Avenue – Fulton Street to Flushing Avenue
47. McGuinness Boulevard – Ash Street/Pulaski Bridge to Meeker Avenue
48. Meeker Avenue – Gardner Avenue to Metropolitan Avenue
49. Metropolitan Avenue – Kent Avenue to Scott Avenue
50. Myrtle Avenue – Carlton Avenue to Wychoff Avenue
51. Nassau Street – Flatbush Avenue to Carlton Avenue
52. Neptune Avenue – Cropsey Avenue to Shore Boulevard
53. New Utrecht Avenue – 86th Street to 39th Street

54. New York Avenue – Foster Avenue to Fulton Street
55. North Conduit Avenue – Atlantic Avenue to Sutter Avenue
56. Nostrand Avenue – Emmons Avenue to Kings Highway
57. Ocean Avenue – Emmons Avenue to Flatbush Avenue
58. Park Avenue – Navy Street to Classon Avenue
59. Parkside Avenue – Park Circle to Ocean Avenue/Flatbush Avenue
60. Pennsylvania Avenue – Belt Parkway to Jamaica Avenue
61. Prospect Avenue – Fort Hamilton Parkway to Third Avenue
62. Ralph Avenue – Avenue U to Flatlands Avenue
63. Remsen Avenue – Seaview Avenue to Utica Avenue
64. Rockaway Parkway – Canarsie Veteran’s Circle to East New York Avenue
65. Rodney Street – Broadway to Metropolitan Avenue
66. Roebling Street – South 5th Street to Metropolitan Avenue
67. Second Avenue – Wakeman Place to 60th Street
68. Seventh Avenue – 86th Street to 65th Street
69. South Conduit Avenue – Atlantic Avenue to Sutter Avenue
70. Stillwell Avenue – Surf Avenue to Avenue P
71. Surf Avenue – West 17th Street to Ocean Parkway
72. Third Avenue – Shore Road to 65th Street
73. Utica Avenue – Flatbush Avenue to Eastern Parkway
74. Washington Avenue – Lincoln Road to Flushing Avenue

(C) *Restricted Access 7:00 AM to 10:00 AM*

1. Hicks Street – Atlantic Avenue to Old Fulton Street

2. Smith Street – Hamilton Avenue to Atlantic Avenue

(D) *Restricted Access 4:00 PM to 7:00 PM*

1. Court Street – Atlantic Avenue to Hamilton Avenue
2. Hicks Street West (southbound) – Congress Street to Hamilton Avenue

(iii) **Bronx**

(A) *Restricted Access 7:00 AM to 7:00 PM*

1. Bronx River Parkway – Bruckner Expressway to 238th Street
2. Bruckner Boulevard – Third Avenue to Bronx River Avenue
3. Bruckner Expressway – Major Deegan Expressway to Hutchinson River Parkway
4. Cross Bronx Expressway – Throgs Neck Expressway to Major Deegan Expressway
5. East 138th Street – Exterior Street to Bruckner Boulevard
6. Henry Hudson Parkway – Henry Hudson Bridge to Westchester County Line
7. Hutchinson River Parkway – Bronx-Whitestone Bridge to Westchester County Line
8. Major Deegan Expressway – Bruckner Expressway to Westchester County Line
9. Mosholu Parkway – Henry Hudson Parkway to Dr. Theodore Kazimiroff Boulevard
10. New England Thruway – Hutchinson River Parkway to Westchester County Line
11. Sheridan Expressway – Bruckner Expressway to Cross Bronx Expressway
12. Throgs Neck Expressway – Throgs Neck Bridge to Bruckner Expressway

Note: All service roads abutting highways, parkways, expressway, etc. are considered to be critical streets from 7:00 AM to 7:00 PM.

(B) *Restricted Access 7:00 AM to 10:00 AM/4:00 PM to 7:00 PM*

1. Bailey Avenue – Sedgwick Avenue to Van Cortlandt Park South
2. Barretto Avenue – Garrison Avenue to Bruckner Boulevard
3. Bartow Avenue – Gun Hill Road to Hutchinson River Parkway East

4. Baychester Avenue – East 241st Street to Hutchinson River Parkway West
5. Boston Road – Third Avenue to Ropes Avenue
6. Broadway – West 225th Street to West 262nd Street
7. Bronx Boulevard – East 233rd Street to Burke Avenue
8. Bronx Park East – Burke Avenue to White Plains Road
9. Bronx River Avenue – Story Avenue to Westchester Avenue
10. Bruckner Boulevard – Bronx River Avenue to Westchester Avenue
11. Brush Avenue – Cross Bronx Expressway to Lafayette Avenue
12. Burnside Avenue – Sedgwick Avenue to Webster Avenue
13. Castle Hill Avenue – East Tremont Avenue to Hart Street
14. City Island Avenue – Sutherland Street to Belden Street
15. City Island Road – Pelham Parkway to Sutherland Street
16. Conner Avenue – Tillotson Avenue to East 233rd Street
17. Co-op City Boulevard – Tillotson Avenue to Bartow Avenue
18. Dewey Avenue – Balcom Avenue to Hollywood Avenue
19. Dr. Theodore Kazimiroff Boulevard – East Fordham Road to Bronx Park East
20. Dyre Avenue – Lustre Street to Boston Road
21. East 149th Street – River Avenue to Southern Boulevard
22. East 161st Street – Jerome Avenue to Third Avenue
23. East 163rd Street – Webster Avenue to Bruckner Boulevard
24. East 177th Street – Ferris Avenue to Harding Avenue
25. East 177th Street – Rodman Place to Rosedale Avenue
26. East 222nd Street – Bronx Boulevard to Baychester Avenue

27. East 233rd Street – Jerome Avenue to Boston Road
28. East 241st Street – Bullard Avenue to Baychester Avenue
29. Eastchester Road – East 222nd Street to Williamsbridge Road
30. Edson Avenue – Boston Road to East Gun Hill Road
31. Edward L. Grant Highway – Jerome Avenue to University Avenue
32. Featherbed Lane – University Avenue to Macombs Road
33. Ferris Avenue – Bronx Whitestone Bridge Plaza to Lafayette Avenue
34. Fordham Road – Cedar Avenue to Boston Road
35. Garrison Avenue – Leggett Avenue to Edgewater Road
36. Grand Avenue – Macombs Road to West 177th Street
37. Grand Concourse – 138th Street to Mosholu Parkway
38. Gun Hill Road – Mosholu Parkway Service Road to Stillwell Avenue
39. Hunts Point Avenue – Halleck Street to Bruckner Boulevard
40. Hutchinson River Parkway East – Baychester Avenue to Bartow Avenue
41. Hutchinson River Parkway West – Baychester Avenue to Bartow Avenue
42. Jarvis Avenue – Burke Avenue to Country Club Road
43. Jerome Avenue – East 161st Street to East 233rd Street
44. Kingsbridge Road – Bailey Avenue to East Fordham Road
45. Lafayette Avenue – Brush Avenue to Ellsworth Avenue
46. Lafayette Avenue – Edgewater Road to Bruckner Boulevard
47. Leggett Avenue – Garrison Avenue to Bruckner Boulevard
48. Longwood Avenue – Garrison Avenue to Bruckner Boulevard
49. Melrose Avenue – East 149th Street to Brook Avenue

50. Metropolitan Avenue – Westchester Avenue to Castle Hill Avenue
51. Middletown Road – Westchester Avenue to Bruckner Boulevard
52. Morris Park Avenue – East 177th Street to Eastchester Road
53. Mosholu Avenue – West 254th Street to Broadway
54. Mosholu Parkway Service Road – Webster Avenue to West Gun Hill Road/Van Cortlandt Park South
55. Nereid Avenue – Bronx Boulevard to Seton Avenue
56. Pelham Parkway – Boston Road to Burr Avenue
57. Pelham Parkway – Hutchinson River Parkway to City Island Road
58. Riverdale Avenue – West 252nd Street to West 263rd Street
59. Rosedale Avenue – Sound View Avenue to East Tremont Avenue
60. Sedgwick Avenue (Dr. Martin Luther King Boulevard) – Jerome Avenue to Mosholu Parkway
61. Shore Road – City Island Road to Park Drive
62. Sound View Avenue – Metcalf Avenue to White Plains Road
63. Southern Boulevard – Bruckner Boulevard to East Fordham Road
64. Third Avenue – Bruckner Boulevard to Webster Avenue/West Fordham Road
65. Throgs Neck Boulevard – Harding Avenue to Layton Avenue
66. Tillotson Avenue – Eastchester Road to Hutchinson Avenue
67. Tremont Avenue – Sedgwick Avenue to Schurz Avenue
68. Union Port Road – White Plains Road to Westchester Avenue
69. University Avenue – Sedgwick Avenue (Dr. Martin Luther King Boulevard) to Kingsbridge Road
70. Van Cortlandt Park South – Broadway to Mosholu Parkway Service Road
71. Webster Avenue – Brook Avenue to Nereid Avenue

72. West 225th Street – Broadway to Bailey Avenue
73. West 230th Street – Broadway to Bailey Avenue
74. West 230th Street – East Henry Hudson Parkway to West Henry Hudson Parkway Service Roads
75. West 231st Street – Broadway to Bailey Avenue
76. West 232nd Street – East Henry Hudson Parkway to West Henry Hudson Parkway Service Roads
77. West 233rd Street – Broadway to Bailey Avenue
78. West 234th Street – Broadway to Bailey Avenue
79. West 238th Street – Broadway to Bailey Avenue
80. West 239th Street – East Henry Hudson Parkway to West Henry Hudson Parkway Service Roads
81. West 246th Street – East Henry Hudson Parkway to West Henry Hudson Parkway Service Roads
82. West 252nd Street – East Henry Hudson Parkway to West Henry Hudson Parkway Service Roads
83. West 256th Street – East Henry Hudson Parkway to West Henry Hudson Parkway Service Roads
84. Westchester Avenue – Third Avenue to Bruckner Expressway
85. White Plains Road – East 243rd Street to Sound View Avenue
86. Whitlock Avenue – Westchester Avenue to East 163rd Street
87. Williamsbridge Road – White Plains Road to Westchester Avenue
88. Willis Avenue – Bruckner Boulevard to 149th Street

(iv) **Queens**

(A) *Restricted Access 7:00 AM to 7:00 PM*

1. Belt Parkway – Laurelton Parkway to Brooklyn County Line
2. Brooklyn-Queens Expressway – Kosciusko Bridge to Grand Central Parkway
3. Clearview Expressway – Cross Island Parkway to Grand Central Parkway

4. Cross Island Parkway – Bronx-Whitestone Bridge Approach to Southern State Parkway
5. Grand Central Parkway – Triboro Plaza to Nassau County Line
6. Jackie Robinson Parkway – Brooklyn County Line to Grand Central Parkway/Van Wyck Expressway Interchange
7. JFK Expressway – Belt Parkway to JFK Airport
8. Laurelton Parkway – Southern State Parkway to Belt Parkway
9. Long Island Expressway – Brooklyn-Queens Expressway to Nassau County Line (*Restricted Access 6:00 AM to 8:00 PM)
10. Nassau Expressway – Rockaway Boulevard to Belt Parkway
11. Queens Plaza North – Northern Boulevard to Crescent Street
12. Queens Plaza South – Crescent Street to Jackson Avenue
13. Van Wyck Expressway – Grand Central Parkway/Whitestone Expressway to JFK Airport
14. Whitestone Expressway – Cross Island Parkway to Grand Central Parkway/Van Wyck Expressway Interchange

Note: All service roads abutting highways, parkways, expressway, etc. are considered to be critical streets from 7:00 AM to 7:00 PM.

(B) *Restricted Access 7:00 AM to 10:00 AM/4:00 PM to 7:00 PM*

1. 14th Avenue – College Point Boulevard to Francis Lewis Boulevard
2. 21st Street – Borden Avenue to Ditmars Boulevard
3. 27th Street – Queens Plaza South to 44th Drive
4. 31st Drive – Astoria Boulevard to Ditmars Boulevard
5. 31st Street – 39th Avenue to Ditmars Boulevard
6. 34th Avenue – Vernon Boulevard to Northern Boulevard
7. 37th Avenue – 108th Street to 114th Street
8. 37th Avenue – College Point Boulevard to Union Avenue

9. 38th Avenue – College Point Boulevard to Union Avenue
10. 39th Avenue – College Point Boulevard to Union Avenue
11. 39th Street – Northern Boulevard to Hunters Point Avenue
12. 44th Drive – Vernon Boulevard to Jackson Avenue
13. 48th Street – Greenpoint Avenue to Northern Boulevard
14. 49th Avenue – Vernon Boulevard to 21st Street
15. 50th Avenue – Vernon Boulevard to 21st Street
16. 51st Avenue – Hunters Point Avenue to 58th Street
17. 58th Street – Maspeth Avenue to Queens Boulevard
18. 69th Road – Queens Boulevard to Park Drive East
19. 69th Street – Broadway to Metropolitan Avenue
20. 73rd Avenue – Kissena Boulevard to Springfield Boulevard
21. 80th Street – Cooper Avenue to Furmanville Avenue
22. 82nd Street – Ditmars Boulevard to Roosevelt Avenue
23. 94th Street – Ditmars Boulevard to 32nd Avenue
24. 108th Street – Astoria Boulevard to Queens Boulevard
25. 114th Street – Northern Boulevard to 44th Avenue
26. 130th Avenue – 238th Street to Brookville Boulevard
27. 130th Street – South Conduit Avenue to North Conduit Avenue
28. 150th Street – Rockaway Boulevard to South Conduit Avenue
29. 164th Street – Hillside Avenue to Northern Boulevard
30. 225th Street – North Conduit Avenue to South Conduit Avenue
31. Archer Avenue – 138th Street to Merrick Boulevard

32. Astoria Boulevard – 82nd Street to Northern Boulevard
33. Astoria Boulevard North – 31st Street to 82nd Street
34. Astoria Boulevard South – 31st Street to 82nd Street
35. Atlantic Avenue – Eldert Lane to 94th Avenue
36. Beach 20th Street – Seagirt Boulevard to Mott Avenue
37. Beach Channel Drive – Cronstone Avenue to Horton Avenue
38. Bell Boulevard – 158th Street to 86th Avenue
39. Booth Memorial Avenue – College Point Boulevard to Long Island Expressway
40. Borden Avenue – Vernon Boulevard to Greenpoint Avenue
41. Braddock Avenue – Springfield Boulevard to Jericho Turnpike
42. Broadway – Vernon Boulevard to Queens Boulevard
43. Brookville Boulevard – South Conduit Avenue to Francis Lewis Boulevard
44. Caldwell Avenue – 69th Street to Dry Harbor Road
45. Central Avenue – Mott Avenue to Virginia Street
46. College Point Boulevard – 14th Avenue to Long Island Expressway
47. Commonwealth Boulevard – Littleneck Parkway to Hillside Avenue
48. Continental Avenue – Metropolitan Avenue to Queens Boulevard
49. Cooper Avenue – Irving Avenue to Woodhaven Boulevard
50. Crescent Street – 39th Avenue to 44th Drive
51. Cronston Avenue – Beach 169th Street to Beach Channel Drive
52. Cross Bay Boulevard – Woodhaven Boulevard to Rockaway Beach Boulevard
53. Cypress Hills Street – Fresh Pond Road to Jamaica Avenue
54. Ditmars Boulevard – 21st Street to Astoria Boulevard

55. Douglaston Parkway – Northern Boulevard to Winchester Boulevard
56. Dry Harbor Road – Furmanville Avenue to Woodhaven Boulevard
57. Edgemere Avenue – Femside Place to Rockaway Beach Boulevard
58. Eliot Avenue – Metropolitan Avenue to Queens Boulevard
59. Elmhurst Avenue – 108th Street to Broadway
60. Farmers Boulevard – Hollis Avenue to Rockaway Boulevard
61. Flushing Avenue – Cypress Avenue to Grand Avenue
62. Francis Lewis Boulevard – 15th Avenue to Hooks Creek Boulevard
63. Fresh Pond Road – Maspeth Avenue to Myrtle Avenue
64. Grand Avenue – 47th Street to Queens Boulevard
65. Greenpoint Avenue – Review Avenue to Queens Boulevard
66. Guy R. Brewer Boulevard – Jamaica Avenue to Rockaway Boulevard
67. Hempstead Turnpike – Jamaica Avenue to Cross Island Parkway
68. Hillside Avenue – Myrtle Avenue to Langdale Street
69. Hollis Avenue – Jamaica Avenue to Springfield Boulevard
70. Hollis Court Boulevard – Utopia Parkway to Francis Lewis Boulevard
71. Hollis Hill Terrace – 73rd Avenue to 86th Avenue
72. Home Lawn Street – Hillside Avenue to 82nd Road
73. Hook Creek Boulevard – Francis Lewis Boulevard to Merrick Boulevard
74. Hoyt Avenue North – 21st Avenue to 31st Street
75. Hoyt Avenue South – 21st Avenue to 31st Street
76. Hunters Point Avenue – 21st Street to 51st Avenue
77. Jackson Avenue – 51st Avenue to Queens Boulevard

78. Jamaica Avenue – Eldert Lane to Jericho Turnpike
79. Jewel Avenue – 108th Street to 73rd Avenue
80. Junction Boulevard – 32nd Avenue to Queens Boulevard
81. Kissena Boulevard – Main Street to Parsons Boulevard
82. Laurel Hill Boulevard – Review Avenue to Queens Boulevard
83. Lefferts Boulevard – South Conduit Avenue to Queens Boulevard
84. Liberty Avenue – 75th Street to Farmers Boulevard
85. Linden Boulevard – Rockaway Boulevard to Cross Island Parkway
86. Linden Place – 23rd Avenue to Northern Boulevard
87. Little Neck Parkway – Jamaica Avenue to Marathon Parkway
88. Main Street – Northern Boulevard to Queens Boulevard
89. Marathon Parkway – Little Neck Parkway to Commonwealth Boulevard
90. Maurice Avenue – Maspeth Avenue to 69th Street
91. Merrick Boulevard – Hillside Avenue to Hook Creek Boulevard
92. Metropolitan Avenue – Onderdonk Avenue to Jamaica Avenue
93. Myrtle Avenue – Wychoff Avenue to Jamaica Avenue
94. North Conduit Avenue – Sutter Avenue to Hook Creek Boulevard
95. Northern Boulevard – Queens Plaza North to City Limits
96. Park Drive East – Union Turnpike to 136th Street
97. Parsons Avenue – Parsons Boulevard to Utopia Parkway
98. Parsons Boulevard – North Drive to Jamaica Avenue
99. Queens Boulevard – Jackson Avenue to Jamaica Avenue
100. Queens Plaza East – Queens Boulevard to 39th Avenue

101. Queens Plaza North – Crescent Street to 21st Street
102. Queens Plaza South – Vernon Boulevard to Crescent Street
103. Rockaway Beach Boulevard – Beach 149th Street to Beach Channel Drive
104. Rockaway Boulevard – Eldert Lane to 3rd Street
105. Rockaway Freeway – Beach Channel Drive to Regina Avenue
106. Rockaway Point Boulevard/Rockaway Breezy Boulevard – Beach 222nd Street to Beach 193rd Street
107. Roosevelt Avenue – Queens Boulevard to Northern Boulevard
108. Sanford Avenue – College Point Boulevard to Northern Boulevard
109. Seagirt Boulevard – Edgemere Avenue to Beach 6th Street
110. Skillman Avenue – Hunters Point Avenue to Roosevelt Avenue
111. South Conduit Avenue – Sutter Avenue to Hook Creek Boulevard
112. South Road – Sutphin Boulevard to Liberty Avenue
113. Spencer Avenue – 86th Avenue to Springfield Boulevard
114. Springfield Boulevard – Northern Boulevard to 47th Avenue
115. State Road – Beach 193rd Street to Beach 169th Street
116. Steinway Street – Ditmars Boulevard to Northern Boulevard
117. Sutphin Boulevard – Hillside Avenue to Rockaway Boulevard
118. Thomson Avenue – Jackson Avenue to Van Dam Street
119. Union Street – Sanford Avenue to Willets Point Boulevard
120. Union Turnpike – Myrtle Avenue to Langdale Street
121. Utopia Parkway – 14th Avenue to 82nd Road
122. Van Dam Street – Greenpoint Avenue to Skillman Avenue
123. Vernon Boulevard – 21st Street to 51st Avenue

124. West Alley Road – 230th Street to Douglaston Parkway
125. Willets Point Boulevard – Union Street to Utopia Parkway
126. Woodhaven Boulevard – Queens Boulevard to Liberty Avenue
127. Yellowstone Boulevard – Woodhaven Boulevard to Queens Boulevard

(v) **Staten Island**

(A) *Restricted Access 7:00 AM to 7:00 PM*

1. Amboy Road – Richmond Road to Arden Avenue
2. Arthur Kill Road – Richmond Road to Bloomingdale Road
3. Bay Street – School Road to Richmond Terrace
4. Forest Avenue – Victory Boulevard to Richmond Avenue
5. Forest Hill Road – Richmond Avenue to Willowbrook Road
6. Hylan Boulevard – Midland Avenue to Tysens Lane
7. Richmond Road – Targee Street to Arthur Kill Road
8. Richmond Terrace – Bay Street to Morningstar Road
9. Staten Island Expressway – Verrazano Narrows Bridge to Goethals Bridge
10. Todt Hill Road – Richmond Road to Westwood Avenue
11. Travis Avenue – Richmond Avenue to South Avenue
12. Victory Boulevard – Bay Street to West Service Road
13. West Shore Expressway – Richmond Parkway to Staten Island Expressway
14. Woolley Avenue – Willowbrook Road to North Gannon Avenue

Note: All service roads abutting highways, parkways, expressway, etc. are considered to be critical streets from 7:00 AM to 7:00 PM.

(B) *Restricted Access 7:00 AM to 10:00 AM/4:00 PM to 7:00 PM*

1. Amboy Road – Arden Avenue to Main Street

2. Arden Avenue – Hylan Boulevard to Arthur Kill Road
3. Arthur Kill Road – Bloomingdale Road to Main Street
4. Bloomingdale Road – Amboy Road to Arthur Kill Road
5. Bradley Avenue – Brielle Avenue to Victory Boulevard
6. Brielle Avenue – Manor Road to Rockland Avenue
7. Castleton Avenue – Jersey Street to Port Richmond Avenue
8. Clarke Avenue – Amboy Road to Arthur Kill Road
9. Clove Road – Hylan Boulevard to Richmond Road
10. Clove Road – Narrows Road South to Richmond Terrace
11. Dr. Martin Luther King Jr. Expressway – Victory Boulevard to Bayonne Bridge
12. Fahy Avenue – South Avenue to Richmond Avenue
13. Fingerboard Road – Hylan Boulevard to Bay Street
14. Forest Avenue – Richmond Avenue to South Avenue
15. Giffords Lane – Amboy Road to Arthur Kill Road
16. Goethals Road North – Richmond Avenue to Western Avenue
17. Howard Avenue – Clove Road to Louis Street
18. Huguenot Avenue – Hylan Boulevard to Arthur Kill Road
19. Hylan Boulevard – Bay Street to Midland Avenue
20. Hylan Boulevard – Tysens Lane to Arden Avenue
21. Jewett Avenue – Victory Boulevard to Richmond Terrace
22. Korean War Memorial Parkway/Richmond Parkway – Outerbridge Crossing to Arthur Kill Road
23. Little Clove Road – Clove Road to Victory Boulevard
24. Manor Road – Rockland Avenue to Forest Avenue

25. Midland Avenue – Father Capodanno Boulevard to Richmond Road
26. Morningstar Road – Forest Avenue to Richmond Terrace
27. Narrows Road North – Fingerboard Road to Clove Road
28. Narrows Road South – Clove Road to Lily Pond Avenue
29. Nelson Avenue – Hylan Boulevard to Amboy Road
30. New Dorp Lane – Mill Road to Richmond Road
31. North Gannon Avenue – Slosson Avenue to Victory Boulevard
32. Ocean Terrace – Manor Road to Milford Drive
33. Page Avenue – Hylan Boulevard to South Bridge Street
34. Port Richmond Avenue – Forest Avenue to Richmond Terrace
35. Richmond Avenue – Forest Avenue to Hylan Boulevard
36. Richmond Hill Road – Richmond Road to Richmond Avenue
37. Richmond Terrace – South Avenue to Morningstar Road
38. Rockland Avenue – Richmond Road to Richmond Avenue
39. Schmidts Lane – Manor Road to Slosson Avenue
40. Seguine Avenue – Hylan Boulevard to Amboy Road
41. Slosson Avenue – Westwood Avenue to Martling Avenue
42. South Avenue – Chelsea Road to Richmond Terrace
43. South Gannon Avenue – Victory Boulevard to Manor Road
44. West Fingerboard Road – Hylan Boulevard to Richmond Road
45. Western Avenue – Gulf Avenue to Richmond Terrace
46. Willowbrook Road – Victory Boulevard to Forest Avenue
47. Windsor Road – Little Clove Road to Slosson Avenue

(C) *Restricted Access 7:00 AM to 10:00 AM*

1. Father Capodanno Boulevard (northbound) – Midland Avenue to Ocean Avenue
2. Lily Pond Avenue (northbound) – Ocean Avenue to Tompkins Avenue
3. School Road (northbound) – Tompkins Avenue to Bay Street
4. Targee Street – Richmond Road to Van Duzer Street

(D) *Restricted Access 4:00 PM to 7:00 PM*

1. Ebbitts Street – Mill Road to Hylan Boulevard
2. Father Capodanno Boulevard (southbound) – Ocean Avenue to Lincoln Avenue
3. Lily Pond Avenue (southbound) – Tompkins Avenue to Ocean Avenue
4. Lincoln Avenue – Father Capodanno Boulevard to Hylan Boulevard
5. School Road (southbound) – Bay Street to Tompkins Avenue
6. St. Paul's Avenue – Hyatt Street to Van Duzer Street
7. Tysens Lane – Mill Road to Hylan Boulevard
8. Van Duzer Street – St. Paul's Avenue to Richmond Terrace

§ 2-11 – Street Openings and Excavations

(a) *Permit Required.*

- (1) No excavations shall be made in any street unless a Street Opening Permit is obtained.
 - (i) For plumbing work requiring a street opening or excavation, a Street Opening Permit will only be issued to a business or businesses set forth on the plate issued to licensed master plumbers pursuant to 28-401.3 of the Administrative Code.
 - (A) The licensed master plumber shall be required to provide a valid New York City plate issued by the New York City Department of Buildings indicating the master plumber business or businesses under which the licensed master plumber practices his or her trade, or a valid copy of the same. The licensed master plumber shall also present a copy of any documentation issued by the New York City Department of Environmental Protection regarding the plumbing work that is to be conducted. These items must be submitted to the Department before the Department approves the Street Opening Permit.
 - (B) The Commissioner may suspend review of applications for permits under this subparagraph,

revoke or refuse to renew a permit, or refuse to issue a permit to any applicant, pursuant to the provisions of 34 RCNY § 2-02(j), (k), or (l).

- (ii) Notwithstanding the provisions of subparagraph (i) of this paragraph, for any work performed pursuant to a valid contract with a local or state governmental entity requiring a street opening or excavation, a Street Opening Permit will be* only be issued to the contractor retained by the local or state governmental entity to perform the work requiring the street opening or excavation.
- (2) Prior to any excavation or street opening pursuant to a franchise or revocable consent, all permits required by these rules shall be obtained.
 - (3) Street Construction in Historic Districts. No planned street construction, reconstruction or maintenance operation shall be undertaken in a designated historic district unless preapproved in writing by the Landmarks Preservation Commission. The provisions of subdivision (g) of this section also apply.
- (b) *Permit requirements.*
- (1) All permits are subject to applicable provisions contained in 34 RCNY § 2-02.
 - (2) A Permittee shall obtain a separate permit for each 300 linear feet of a block segment and for each intersection where work is to be performed.
- (c) *Conditions.*
- (1) *Proper notification.*
 - (i) Permittees and owners of underground facilities must comply with State of New York Industrial Code Rule 753 relating to construction, excavation and demolition operations at or near underground facilities.
 - (ii) Permittees must take the precautions necessary to protect and prevent damage to pipes, mains, conduits, and other underground facilities at their own expense.
 - (iii) *Mark out requirements.* Permittees must delineate the proposed area of excavation but must take measures to limit the geographical area to be marked out and must avoid excessive or oversized markings. Permittees must ascertain, to the extent possible, the precise area of excavation and mark the corresponding area fifteen feet to the right and fifteen feet to the left in accordance with this subparagraph. The proposed area of excavation must be marked with temporary white paint by using a continuous line, dots marking a radius or arc, or dashes outlining the excavation project. Dashes must be 6” to 12” in length and 1” in width. Dots must be 1” in diameter.

The illustration below includes suggested examples of how the proposed area of excavation should be marked by using a continuous line, dots marking a radius or arc, or dashes.

[see illustration in rules]

- (2) All work shall be done in accordance with the Standard Specifications, Standard Detail Drawings, and the provisions of this 34 RCNY § 2-11.
- (3) All debris on the street shall be removed at the expiration of the permit, unless otherwise stipulated.
- (d) *Application.*
 - (1) Applications shall include:
 - (i) a description of the work to be performed;
 - (ii) the reason for the work;
 - (iii) the street address including the nearest cross streets where the excavation or street opening is to be made;
 - (iv) a sketch indicating the size and location of the proposed opening(s) which shall include:
 - (A) the distance in feet from the nearest intersection and from the nearest curbline;
 - (B) the dimensions of the opening including length and width; and
 - (C) the existing parking restrictions.
 - (v) the start and estimated completion dates;
 - (vi) the type of pavement or surface to be opened;
 - (vii) whether the proposed work will be on a protected street (if so, the provisions of the subdivision (f) of this section apply);
 - (viii) the name and address of the compaction testing company or laboratory, as required;
 - (ix) the name of the contracting City agency, contract number, and OCMC reference number, if applicable; and
 - (x) whether the proposed work will be within 100 feet on, above or below or in either direction of any portion of a bridge, tunnel, underpass or overpass (if so, approval from the Division of Bridges shall be obtained). For purposes of this section “portion” shall include, but not be limited to, approach slabs, retaining walls, and column supports. The method of excavation and final restoration shall be determined by the Division of Bridges.
 - (2) No trees within the sidewalk area shall be disturbed or removed without the permission of the Department of Parks and Recreation.
 - (3) A permittee performing curb to curb restoration on more than fifty (50) percent of a block segment

on a non-protected street shall submit a protected street determination form to the Department for approval prior to obtaining any necessary permits. Such form shall be attached to the permit application. This requirement shall not apply to permittees performing work for the Department or for the Department of Design and Construction.

(e) *Excavation and Restoration Requirements.*

(1) *Proper Notice.*

- (i) Permittees shall notify the Police Department and the Communications Centers of the Fire Department and the Department of Transportation of construction and street operations which require street closing permits at least twenty-four hours in advance of the commencement of non-emergency work.
- (ii) All permittees shall comply with the provisions of subdivision (g) of 34 RCNY § 2-02, if applicable.

(2) *Breaking Existing Pavement.*

- (i) Precutting of pavement wearing course and base shall be required for pavement removal.
- (ii) Only hand held tools, rockwheels, or other tools approved by the Department may be used for this purpose. This applies to all streets at all times.
- (iii) The permittee shall be responsible for keeping the construction area as clean and neat as possible during the life of the permit.
- (iv) No material shall restrict water flow in gutters.
- (v) All possible arrangements for the safety of the general public shall be maintained.
- (vi) The wearing course on non-protected streets must be cut and restored in accordance with Standard Detail Drawing #H-1042.

(3) *Excavation.*

- (i) *Sheeting and Bracing.* The sides of every open excavation five feet or more in depth shall be securely held by adequate timber, sheeting and bracing where the earth is not sloped to the angle of repose of the material, and where unsafe conditions are created due to composition of the soil, climatic conditions, depth of excavation or construction operations.
- (ii) *Tunneling or Jacking.* No person shall make any installation or repair between two or more street openings by means of tunneling or jacking, without a permit. Tunneling or jacking may be permitted for the installation or replacement of a lateral connection provided the opening does not exceed eight inches in diameter. Full trenching shall be

required for all waste line repair/connections.

(4) *Traffic Maintenance.*

- (i) No more than one lane of traffic may be obstructed, except as provided by OCMC stipulations, or as otherwise authorized by the Commissioner.
- (ii) All unattended street openings or excavations in a driving lane, including intersections, shall be plated, except as otherwise directed by the Commissioner. The Commissioner may require all street openings and excavations at any location to be plated when no work is in progress. In the case of gas or steam leaks, barricades pursuant to 34 RCNY § 2-02(h) shall be used until the leak is corrected.
- (iii) Barricades, signs, lights and other approved safety devices shall be displayed pursuant to 34 RCNY § 2-02(h).
- (iv) The permit may restrict street operations and construction within critical areas to nights, weekends, or off-traffic hours. (Hours other than weekdays 7 a.m. - 6 p.m. will require a noise variance granted by OCMC.)
- (v) *Flagpeople.* Unless otherwise directed by the Commissioner, permittees whose work results in the closing of a moving traffic lane and requires traffic to be temporarily diverted to a travel lane in the opposite direction, shall, at all times while actively working at the site, post a flagperson or flagpersons or utilize an authorized plan for the maintenance and protection of traffic at the point where traffic is diverted to assist motorists, bicyclists, and pedestrians to proceed around the obstructed lane.

(5) *Temporary Closing of Sidewalks.* A minimum of five feet sidewalk width of unobstructed pedestrian passageway shall be maintained at all times. Where openings and excavations do not allow for five feet of unobstructed pedestrian passageway, a temporary sidewalk closing permit is required.

(6) *Work Site Maintenance.*

- (i) All excavated material shall be either removed from the site or stockpiled at a designated curb, properly barricaded pursuant to 34 RCNY § 2-02(h) and stored to keep gutters clear and unobstructed in accordance with 34 RCNY § 2-05.
- (ii) All obstructions on the street shall be protected by barricades, fencing, or railing, with flags, lights, or signs placed pursuant to 34 RCNY § 2-02(h) at proper intervals and during the hours prescribed. During twilight hours the flags shall be replaced with amber lights.

(7) *Storage of Materials.*

- (i) A street opening permit includes permission to store construction materials in a designated area adjacent to the permitted worksite only during permitted hours. Storing materials after permitted hours shall require a separate permit.

- (ii) No separate permit shall be required for the storage of equipment, excluding cranes, in a designated area in compliance with any applicable stipulations on the permit.
- (iii) The designated storage area(s) are subject to review and approval by OCMC.

(8) *Backfill and Compaction.*

- (i) Upon completion of repairs in a street, permittees shall backfill street openings and excavations in a manner in accordance with the Standard Specifications and Standard Detail Drawings. All materials used for backfill shall be free from bricks, blocks, excavated pavement materials and/or organic material or other debris. Notwithstanding the above, asphalt millings may be used as a backfill material.
- (ii) Backfill material shall be deposited in horizontal layers not exceeding twelve inches in thickness prior to compaction. A minimum of ninety-five percent of Standard Proctor Maximum Density will be required after compaction.
- (iii) When placing fill or backfill around pipes, layers shall be deposited to progressively bury the pipe to equal depths on both sides. Backfill immediately adjacent to pipes and conduits shall not contain particles larger than three inches in diameter.
- (iv) Compaction shall be attained by the use of impact rammers, plate or small drum vibrators, or pneumatic button head compaction equipment. Hand tamping shall not be permitted except in the immediate area of the underground facility, where it shall be lightly hand tamped with as many strokes as required to achieve maximum density. The definition of the “immediate area” shall be a maximum of eighteen inches from the facility.
- (v) Where sheeting has been used for the excavation it shall be pulled when the excavation has been filled or backfilled to the maximum unsupported depth allowed by the New York State Department of Labor, Industrial Code Rule 23 and Title 29, Code of Federal Regulations, Part 1926, Safety and Health Regulations for Construction. Where a difference exists between regulations, the more stringent requirements shall apply.
- (vi) As a measure of maximum density achieved for restoration, the pavement surface shall not sink more than two inches from the surrounding existing surface during the life of the restoration. More than two inches of settlement shall be deemed a failure of the compaction of the backfill and cause the removal of said backfill to the subsurface facility and new fill installed and properly compacted.
- (vii) The permittee shall be required to supply a tester certified by a professional engineer, or certified by other methods as authorized by the Commissioner, on all street openings to perform compaction tests. The permittee shall also be required to maintain copies of all in-process compaction reports certified by a Professional Engineer as to the compliance with the aforementioned backfill requirements set forth within this section. The certified compaction report shall be maintained for every street opening and shall be available upon request by the Commissioner for the duration of the guarantee period.

(9) *Temporary Asphaltic Pavement.*

- (i) Immediately upon completion of the compaction of the backfill of any street opening, the permittee shall install a temporary pavement of an acceptable asphalt paving mixture not less than four inches in thickness after compaction, flush with the adjacent surfaces.
- (ii) The permittee has the option of installing full depth pavement using an acceptable asphalt paving mixture immediately upon completion of the compaction of the backfill, excluding reconstructed protected streets and full-depth concrete roadways.
- (iii) Upon the expiration of the permit, all equipment, construction materials and debris shall be removed from the site, unless otherwise stipulated.
- (iv) When final restoration is to be done, the materials are to be removed with hand tools to a depth necessary to accomplish the final restoration.

(10) *Plating and Decking.*

- (i) All plating and decking installed by the permittee shall be made safe for vehicles and/or pedestrians and shall be adequate to carry the load.
- (ii) The size of the plate or decking must extend a minimum of 12 inches beyond the edge of the trench, be firmly placed to prevent rocking, and be sufficiently ramped, covering all edges of the steel plates to provide smooth riding and safe condition.
- (iii) All plating and decking shall be fastened by splicing, spiking, pinning, countersinking or otherwise protected to prevent movement. When the plates are removed all pins and spikes must be removed and the holes must be filled with a fine asphalt concrete mix.
- (iv) Where deflection is more than 3/4", heavier sections of plates or decking or intermediate supports shall be installed.
- (v) All permittees who install plating and decking during the winter moratorium, as determined by the Department, shall post signs at the site indicating "Steel Plates Ahead" or "Raise Plow" and countersink said plates flush to the level of the roadway. All signs shall comply with all applicable requirements pursuant to 34 RCNY § 2-02(h). These signs shall be placed on the sidewalk, adjacent to the curb, facing vehicle traffic five feet prior to the plates. On two-way streets, signs shall be placed on both sides of the street five feet prior to the plates.
- (vi) All plating and decking shall have a skid-resistant surface equal to or greater than the adjacent existing street or roadway surface. The whole surface area of all plating and decking must be skid-resistant.
- (vii) All plating and decking, including the ramping material, and all construction signs and supports must be removed from the roadway and/or sidewalk after completion of the

final restoration and prior to the expiration of the permit.

- (viii) All plating and decking must identify the name of the owner of such plating or decking. Identification must be made by welding or stamping the name of the owner onto the plating or decking. In addition to the name of the owner, the name of the permittee must be welded, stamped or painted onto plating or decking not owned by the permittee.

(11) *Base.*

- (i) Concrete and asphalt base material and base restorations shall conform to the Standard Specifications and Standard Detail Drawings.
- (ii) Concrete base shall be properly plated except where other stipulations have been granted in writing by OCMC.
- (iii) Concrete for base shall be plated in a driving lane and intersections or barricaded pursuant to 34 RCNY § 2-02(h) in a parking lane for a minimum of three days to permit proper cure of concrete, unless otherwise specified by the Department.
- (iv) Hot asphalt binder materials may not be used in place of concrete. All concrete-base roadways must be restored with concrete of the same depth and at least the same strength as the original base concrete.
- (v) The concrete base shall be restored at the same grade as the existing base; at no time may it be brought up to the asphalt course unless authorization has been granted by the Commissioner.
- (vi) At no time will asphalt other than binder be permitted as a base course, unless otherwise authorized by the Commissioner. Binder shall be installed and compacted in a maximum of four (4") inch lifts.
- (vii) Conduit or pipes shall be installed at a minimum depth of 18 inches from the surface of the roadway, or below the base, whichever is greater. Where conduits and pipes cannot be installed at the required minimum depth, protective plating shall be installed over the facilities.
- (viii) All hot asphalt binder based restorations or any form of temporary restoration must be flush with the surrounding pavement until the wearing course is installed. Binder based restorations must be removed to a depth of two (2") inches prior to installing the wearing course.

(12) *Wearing Course.*

- (i) Wearing course material shall conform to the Standard Specifications and Standard Detail Drawings.

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- (ii) The finished grade of the wearing course shall be flush with surrounding pavement on all sides of the cut. The final wearing course shall conform to the Standard Specifications and Standard Detail Drawings. In the event a permanent restoration pavement installed settles more than two inches (2in) below the surrounding existing surface during the life of the guarantee period, this shall be deemed a failure of the backfill compaction, in which case the permittee shall remove all of the failed backfill, down to the subsurface facility, and install new, properly compacted backfill.
 - (iii) The minimum thickness of the wearing course on full depth asphalt restoration shall be two inches (2").
 - (iv) When more than one roadway opening is made against a single permit and the openings are less than ten feet apart before the required cutbacks, the existing wearing course between such openings shall be restored integrally with the opening wearing course restoration, in accordance with the applicable Standard Detail Drawing # H-1042.
 - (v) When a street opening is twelve inches or less from the curb, the entire pavement between the opening and the curb shall be excavated and replaced in kind, in accordance with the applicable Standard Detail Drawing # H-1042. The pavement base shall be inspected and repaired where necessary and a new wearing course shall be installed from the curb to the street opening. The areas described above shall be included in the permittee's guarantee.
 - (vi) Whenever any street is excavated, the permittee shall restore such street in kind as to material type, color, finish or distinctive design.
 - (vii) Pavements shall be restored in kind in designated historic districts and on streets constructed with cobblestones or other distinctive pavements, or as directed by the Commissioner.
 - (viii) The wearing course shall be properly sealed completely at the edges of the cut with liquid asphaltic cement ironed in with a heated smoothing iron or by means of infrared treatment to prevent water seepage into the pavement. The sealant applied to the wearing course must be properly maintained throughout the life of the guarantee period.
 - (ix) Permittees shall be required to obtain a permit for any changes to, or installation of temporary roadway pavement markings and temporary construction, parking or regulatory signs and supports, including, but not limited to, crosswalks and lane lines. Unless otherwise directed by the Commissioner, all roadway pavement markings, including but not limited to, crosswalks and lane lines, and any parking or regulatory signs or supports shall be replaced in kind in accordance with the Standard Specifications. All construction signs and supports and pavement markings shall be removed prior to the expiration of the permit.
 - (x) Final (permanent) restorations shall be completed prior to the expiration of the permit. During winter months, temporary asphalt and pavement markings shall be placed at the expiration of the permit and maintained until such time as the final restoration may be completed.

- (xi) All trenches must have a minimum opening width of eighteen inches (18"). The trench must be restored in accordance with Standard Detail Drawing # H-1042.
- (xii) Any permittee performing work on a street pursuant to paragraph (3) of subdivision (d) of this section shall notify the Department within twenty-four (24) hours of the completion of the work on the same protected street determination form as submitted with the permit application pursuant to such paragraph (3) of subdivision (d) of this section.
- (xiii) The final completed wearing course surface must be smooth and without any defects including, but not limited to, pitting, cracking, rutting and raveling throughout its guarantee period.

(13) *Concrete Pavements.*

- (i) When street openings are made in concrete pavements, the pavements shall be saw cut full depth for the entire perimeter of the street opening.
- (ii) The concrete restoration shall have the same depth, strength and finish as the original pavement.
- (iii) The restoration area shall be plated and maintained until enough strength has developed to sustain traffic without deleterious effect to the roadway.
- (iv) Reinforcing shall be replaced in kind and spliced in compliance with the Standard Specifications and Standard Detail Drawing #H-1042.
- (v) Asphalt restorations will not be permitted in concrete streets or concrete bus stop areas.
- (vi) All restorations shall conform to the applicable Standard Detail Drawing #H-1042 or to a standard as determined by the Department.

(14) *Color Coding.*

- (i) At each excavation, the permittee shall either paint temporary circles or install permanent colored markers as required in this paragraph, for the purpose of easily identifying the permittee's openings and restorations.
- (ii) If the work is not complete, upon leaving the site the permittee shall paint three inch (3") circles adjacent to the cut, in the area closest to the curb line, in accordance with the placement and color requirements as specified below.
- (iii) Upon completion of the restoration, the permittee shall install colored markers as specified below, unless another method is approved by the Department. Permittees shall be required to maintain these markers throughout the guarantee period.

(iv) *Placement of Coding and Markers.*

- (A) Permanent markers shall be imbedded at zero grade tolerance, or slightly below, in the new asphalt or concrete without the use of nails and shall be of one piece construction.
 - (B) For cuts or trenches ten feet (10') or less, one temporary painted circle or permanent colored marker shall be placed in the linear center of the cut.
 - (C) For cuts or trenches up to fifty feet (50'), one temporary painted circle or permanent colored marker shall be placed at each end of the excavation.
 - (D) For cuts or trenches over fifty feet (50'), temporary painted circles or permanent colored markers shall be placed every twenty-five (25) linear feet maximum and one shall be placed at each end of the excavation.
- (v) Such markers shall be in the shape of a circle measuring between one and one-half inches (1 1/2") and three-inches (3") in diameter, color-coded as specified below, and shall include only the permittee's five-digit identification number and the two-digit year, unless other information is approved by the Department. The two-digit year shall be placed in the center of the marker, and the five-digit identification number shall be placed above the two-digit year.
- (vi) Such markers shall also be UV-stable and designed not to fade significantly.
- (vii) Color codes shall be assigned through Quality Control Procedure Q.P. 3 for permittees other than those listed below. Final pavement markers may be used as an alternative to color codes provided such use is approved by the Department.
- (A) Verizon-Cherry red marker
 - (B) Empire City Subway-Chrome yellow marker
 - (C) Consolidated Edison Co.-Light blue marker
 - (D) Keyspan-White marker
 - (E) Plumbers (water or sewer)-Green marker
 - (F) Signals and Street Lights-Orange marker
 - (G) Long Island Power Authority-Yellow marker
 - (H) Metropolitan Transit Authority-Purple marker
 - (I) Buckeye Pipe Line-Chrome yellow marker

(J) Fire Department-Purple marker

(K) Cable T.V.-Regal blue marker

(15) *Quality Control Program Requirement for Roadways.*

- (i) All permittees engaged in street openings, shall complete the work so as to provide smooth riding surfaces throughout the guarantee period on their respective restorations.
- (ii) A documented quality history of restoration shall be maintained by the responsible permittee. This information should show that inspections are made at some optimum intervals to assure conformance to the guarantee.
- (iii) Quality Control Program information shall be made available to the Bureau upon request.
- (iv) The use of experimental methods or materials may be authorized under selective conditions, upon application to the Bureau for approval prior to use on the City streets.
- (v) Any permittee may file a proposed Quality Control Program with the Commissioner for approval. The Commissioner may waive any of the foregoing requirements as part of an approved program of Quality Control. Any waiver so granted shall remain in effect as long as the approved program is implemented in a manner satisfactory to the Commissioner or until the Commissioner's approval is rescinded.

(16) *Other Requirements.*

- (i) Street Opening Location Form ("Cutforms")
 - (A) Permittees shall maintain a street opening location form ("cutform") at their office and shall provide this form to the department upon request. Such cutform shall include the following information:
 - 1. a sketch showing the exact dimensions and location of the restored area, and a description of the opening or trench defined by distance in feet from the nearest intersection and from the nearest curbline;
 - 2. the street opening permit number;
 - 3. the date of completion of the final restoration;
 - 4. the name of the final pavement restoration contractor; and
 - 5. a compaction report certified by a New York State licensed professional engineer.
 - (B) Failure to submit a cutform upon request may jeopardize future permit requests and

may subject permittees to summonses.

- (ii) *Guarantee period.* Permittees shall be responsible for permanent restoration and maintenance of street openings and excavations for a period of three years on unprotected streets, and up to five years on protected streets commencing on the restoration completion date. This period shall be the guarantee period.
 - (iii) Permittees shall comply with all applicable sections of these rules, the Standard Specifications, the Standard Detail Drawings, and all other applicable laws or rules.
- (f) *Excavations and Street Openings in Protected Streets.* No street opening activity shall be allowed, except for emergency work or as authorized by the Commissioner, in a protected street for a period of five years from the completion of the street improvement. In addition to this subdivision (f), all provisions of 34 RCNY § 2-11 shall apply to protected streets.
 - (1) *Permit Issuance.* No permit to use or open any street, except for emergency work, shall be issued to any person within a five year period after the completion of the construction of a capital project relating to such street requiring resurfacing or reconstruction unless such person demonstrates that the need for the work could not have reasonably been anticipated prior to or during such construction. Notwithstanding the foregoing provision, the Commissioner may issue a permit to open a street within such five year period upon a finding of necessity therefor.
 - (2) *Conditions.*
 - (i) Permittees shall be responsible for contacting the Department of Design and Construction to determine whether a street is scheduled to be rebuilt under a street reconstruction project. Notwithstanding the foregoing provision, a permittee performing emergency work need not contact such Department.
 - (ii) A permittee who has obtained a street opening permit on a protected street must also obtain a confirmation number for each such permit, prior to the expiration of the permit. The permittee must request and obtain such confirmation number through the Department's website (www.nyc.gov/dot) or other Department-approved method. A permittee commencing restoration work on a protected street must also request and obtain such confirmation number subject to the additional requirements contained in 34 RCNY § 2-11(f)(4)(i).
 - (3) *Application.*
 - (i) Permittees shall include on the application the justification for any street opening activities on protected streets.
 - (ii) The permittee shall attach the "Protected Street Opening Permit Application Attachment" to the Street Opening permit application prior to obtaining the permit.
 - (4) *Restorations.*

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- (i) No backfill of any opening or excavation on a protected street shall be performed unless the permittee who has obtained a street opening permit also obtains a confirmation number notifying the Department of such restoration work. The permittee must obtain such confirmation number at least two hours prior to the scheduled start time for the backfill except as otherwise authorized by the Commissioner. The permittee must request and obtain such confirmation number pursuant to § 34 RCNY § 2-11(f)(2)(ii). In no case shall the permittee commence the backfill prior to the scheduled start time. In addition, during the backfill and compaction phase of the work, the permittee must provide, on site, a certified compaction technician from an approved laboratory to test that the compaction of the backfill is in accordance with the Department's rules and Standard Specifications. No base or wearing course of any opening or excavation on a protected street shall be performed unless the permittee obtains a separate and additional confirmation number pursuant to 34 RCNY § 2-11(f)(2)(ii) or submits its daily paving schedule to the Department via e-mail or other Department-approved method prior to commencing work. The daily paving schedule must conform to the Department's requirements and must include but not be limited to the permittee name, location of the work (on, to and from street), permit number(s), and proposed start time.
 - (ii) The Department may inspect any phase of the work, including but not limited to, initial excavation, backfill and compaction, base installation, performance of required cut backs, and final restoration.
 - (iii) A certification issued by a New York State licensed professional engineer shall be provided to the Department within thirty days of completion of work on protected streets. The certification shall state that the type of work performed was as described in the permit application, and that all phases of the restoration were performed in accordance with Department rules, Standard Specifications and Standard Detail Drawings. Upon demand by the Department or as directed by the Commissioner, the permittee shall furnish copies of in-process compaction reports certified by a Professional Engineer as to the compliance with the backfill requirements set forth within this section. All records must be kept by the permittee and made available to the Department for the duration of the guarantee period.
 - (iv) Permittees shall be responsible for the proper repair of the street opening or excavation for a period of three years from the date of completion or for the duration of the protected street guarantee period, whichever is longer.
 - (v) All restorations shall conform to applicable Standard Detail Drawing #H-1042 or to a standard as determined by the Department.
 - (vi) Where street openings cannot be confined to within 8 feet of the curb line, including the required cut back, and/or within the sidewalk area, full curb to curb roadway restoration shall be required where protected street status has been in effect for 18 months or less, unless otherwise directed by the Commissioner.
 - (vii) The permanent restoration shall be flushed with the surrounding pavement on all sides of the restoration. In the event a permanent restoration pavement installed in violation of the provisions of subparagraph (i) of this paragraph (4) settles more than two inches (2") below

the surrounding existing surface during the life of the guarantee period, this shall be deemed a failure of the backfill compaction, in which case, the permittee shall remove all of the failed backfill, down to the subsurface facility, and install new, properly compacted backfill.

(g) *Emergency Street Openings and Excavations.*

(1) *Permit Requirements.*

- (i) No person shall perform emergency work without obtaining an emergency number from the Department. Permittees shall fax the Emergency Street Opening Permit request form to the Department's Emergency Authorization Unit to obtain an emergency permit number, unless otherwise directed by the Commissioner.
- (ii) An emergency permit number may be requested only for emergency work performed on existing services. An emergency permit number shall not be obtained for work to be performed pursuant to a CAR.

(2) *Conditions.*

- (i) A permittee shall begin emergency work within two hours after obtaining an emergency permit number.
- (ii) A permittee shall perform emergency work on an around-the-clock basis until the emergency is eliminated, unless otherwise directed by the Commissioner. Once the emergency is eliminated on a critical roadway listed in subdivision (c) of 34 RCNY § 2-07, the permittee shall suspend work, restore the full width of the roadway and resume work, if necessary, during the nonrestricted hours indicated in that subdivision. Such resumption of work shall only be undertaken within the 48-hour duration of the emergency permit number. A permittee working with an emergency number on a roadway other than a critical roadway may suspend or resume work at any time within the 48-hour period covered by the emergency number.
- (iii) No more than one lane of traffic may be obstructed, however, if an emergency street opening is larger than 8 feet by 10 feet, permittee may occupy up to a maximum of 12 feet on one side of the opening and a maximum of 6 feet on the other side.
- (iv) All unattended street openings or excavations in a driving lane, including intersections, shall be plated, except as otherwise directed by the Commissioner. The Commissioner may require all street openings and excavations at any location to be plated when no work is in progress. In the case of gas or steam leaks, barricades shall be used pursuant to 34 RCNY § 2-02(h) until the leak is corrected.
- (v) Barricades, signs, lights and other approved safety devices shall be displayed pursuant to 34 RCNY § 2-02(h).
- (vi) A minimum of five feet sidewalk width of unobstructed pedestrian passageway shall be maintained at all times. Where openings and excavations do not allow for five feet of unobstructed pedestrian passageway, pedestrians shall be directed by signs to the opposite

sidewalk.

- (vii) No private vehicles shall be kept within the work area.
 - (viii) A permittee shall submit an application for a regular permit, and for Landmarks Preservation Commission permits if applicable, within two business days of receiving an emergency permit number.
 - (ix) Restorations shall be made with in-kind materials.
 - (x) Emergency work in the African Burial Ground and Commons Historic District areas, requires the permittee excavate with utmost caution and the permittee shall not remove any excavation or debris from the site prior to Landmarks Preservation Commission's review of the excavation.
 - (xi) If any emergency street opening results in a width of less than 11 feet in each direction for vehicular traffic, this shall be deemed a full roadway closure. In such case, the Police Department, the Communication Centers of the Fire Department and the Department of Transportation shall be notified simultaneously with the closing.
 - (xii) Emergency permit numbers shall be kept on site and shall be presented upon the request of any police officer or other City employee authorized by the Commissioner to enforce these rules. Any additional information regarding the emergency work that is requested at the site by a Department inspector shall be provided by the permittee and/or the persons performing such work.
 - (xiii) *Flagpeople*. Unless otherwise directed by the Commissioner, permittees whose work results in the closing of a moving traffic lane and requires traffic to be temporarily diverted to a travel lane in the opposite direction, shall, at all times while actively working at the site, post a flagperson or flagpersons or utilize an authorized plan for the maintenance and protection of traffic at the point where traffic is diverted to assist motorists, bicyclists, and pedestrians to proceed around the obstructed lane.
 - (xiv) All permittees shall comply with the provisions of subdivision (g) of 34 RCNY § 2-02, if applicable.
- (3) *Application*. When applying for an emergency permit number by fax, a permittee shall submit all information required by the Department. This information includes, but is not limited to, the following:
- (i) Name of permittee
 - (ii) Permittee ID #
 - (iii) Location of emergency (including borough)
 - (iv) Type of emergency (including interruption of service)

§ 2-13 – Vaults

- (a) *Vault defined.* A vault is any opening below the surface of the street and outside the property line that is covered over.
- (b) *Exceptions.* This 34 RCNY § 2-13 shall not apply to:
- (1) Openings that are used exclusively as places for egress or ingress by means of steps to the cellar or basement of any building.
 - (2) Openings that are used primarily for light and ventilation.
 - (3) Openings constructed or maintained by utility companies, which are regulated under a separate agreement with the City.
 - (4) Subways, railroads and related structures that are controlled by a public authority.
- (c) *License required.* A license shall be obtained prior to construction of a new vault or enlargement of an existing vault. A revocable consent shall be required for any vault that extends further than the line of the sidewalk or curbstone of any street.
- (d) *Permit required.* No vault shall be constructed, altered or repaired unless a street opening permit is obtained from the Department upon payment of the established fee.
- (e) *Applications.*
- (1) All applicants for a license and/or permit to construct, maintain, alter or repair a vault shall file a written application signed by the applicant, stating the dimensions of the vault, the number of square feet required and four 8½" × 14" cloth copies of a plan. For existing vault repairs, blueprints may be submitted in lieu of cloth copies of the plan at the discretion of the Commissioner. Plans shall include:
 - (i) The address and the tax lot and block number of the vault property location.
 - (ii) The distance from the lot property line to the nearest corner property line.
 - (iii) All frontages, lot lines, and line of building abutting the street.
 - (iv) All distances from the lot line to the existing curb line (existing width of sidewalk).
 - (v) The dimensions of the vault at the outer perimeter of the walls, the depth of the vault, and the composition and thickness of the vault walls (top and cross sections).
 - (vi) Location of all existing or proposed steps, gratings, open areas, coal holes/chutes/slides, entrances, cellar doors, building encroachments, and all other installations in the sidewalk area.
 - (vii) Details and location of all manhole access covers to a boiler or underground tank, to be installed in accordance with the specifications.

- (viii) Approved Department of Buildings plan.
 - (ix) For existing vaults, verification of annual vault charge return.
 - (x) For a new vault or an enlargement of an existing vault, a copy of the license agreement filed with the Division of Franchises, Concessions and Consents of the Department.
- (2) All applicants shall comply with the requirements of 34 RCNY § 2-02.
- (f) *Adjustments to license fee.* When subsequent measurements indicate that more or less space has been taken for the construction of a vault than that originally paid for, an adjustment of fees shall be made pursuant to § 19-117(e) and (f) of the Administrative Code.
- (g) *Limitations.* No vault shall extend closer than seven feet to the established curb line unless otherwise authorized by the Commissioner. Such authorization may be granted based upon:
- (1) Special conditions cited by the applicant and,
 - (2) Additional construction requirements, including, but not limited to:
 - (i) A waterproofed recess in the vault roof adequate to receive a standard curb for the entire length at which the curb may be set or reset in accordance with the Standard Specifications and Standard Detail Drawings relating to sidewalk width even in cases where the existing or proposed sidewalk width does not conform to that standard width.
 - (ii) A strengthening of the vault roof to sustain live loads of six hundred pounds or more per square foot.
 - (iii) Adequate waterproofed recesses to accommodate existing or proposed street lights, hydrants, traffic signals and other street appurtenances to the Department's standard sidewalk width even in cases where the existing or proposed curb line does not conform to that standard width.
- (h) *Curb.* No vault shall extend beyond the established line of the curb.
- (i) *Arched or covered vault.* No new vault is to be arched or covered unless the owner or applicant shall have had the vault first measured by a duly licensed surveyor who shall deliver to the Department a certificate signed by him or her specifying the area of the vault, together with a diagram showing the dimensions thereof, including its sustaining walls, the location of the vault in relation to the building, curb line, and the nearest street corner intersection, the house number, the tax lot and the block numbers of the plot and all details as to sidewalk covering; in the case of an existing vault, the person claiming the right to the use thereof shall furnish a similar certificate and diagram, except that in such case the measurement shall exclude the sustaining walls if it is impracticable for the surveyor to measure the thickness. See § 19-117(d) of the Administrative Code.
- (j) *Hoistway openings.* No opening in the sidewalk area shall be constructed for the accommodation of any elevator or lift, whether manually or power operated. Existing hoistway openings in the sidewalk may be

continued but shall not be enlarged in buildings erected before July first nineteen hundred fifty-seven, provided such openings are equipped with approved type doors located flush with the sidewalk and equipped with elevators. These hoistway openings with elevators may be relocated provided the total number of sidewalk elevators serving the building is not increased. Relocated elevators may not project more than five feet from the building line into the sidewalk area.

- (k) *Boiler room exit.* An exit in the sidewalk area may be constructed and maintained above a steam boiler room. The door over such exit shall be three feet parallel to the building line and two feet at right angles thereto. The cover shall be adjacent to the building line and shall be hinged on the side nearest the curb allowing for it to be open slightly less than ninety degrees with the horizontal. An iron ladder permanently fixed in position shall be installed.
- (l) *Sidewalks over vaults.*
 - (1) A concrete sidewalk of four inch minimum thickness shall be installed over the structural roof slab of the vault and in conjunction with the structural roof slab shall be able to sustain a minimum live load of six hundred pounds per square foot, in accordance with the Standard Specifications and Standard Detail Drawings. In no case shall the new sidewalk serve as the structural roof of the vault.
 - (2) The licensee shall be responsible for repairing and maintaining the sidewalk covering the roof of a vault in a safe condition. The Commissioner may order a licensee to repair defects in vault coverings, including defective sidewalk flags, in accordance with subdivision (b) of § 19-151 of the Administrative Code.
- (m) *Doors and gratings.*
 - (1) All gratings or doors covering openings or roofs of vaults on the sidewalk shall be so constructed as to sustain a minimum live load of six hundred pounds per square foot.
 - (2) Doors and gratings in sidewalk are not permitted in front of any entrances, including building, store and delivery.
 - (3) All doors and grating and related hardware shall be flush with the sidewalk.
 - (4) Door and grating material and design shall be approved by the Department of Buildings.
- (n) *Defective covers.* The Commissioner may order defective vault covers, doors, gratings and adjacent areas which are broken or present a slippery surface to be made safe immediately by the owner and replaced in accordance with the Standard Specifications, Standard Detail Drawings and subdivision (b) of § 19-151 of the New York City Administrative Code.
- (o) *Abandoned vaults.* The Commissioner may order the vault licensee and/or the owner of the premises to fill in an abandoned vault in accordance with subdivision (b) of § 19-151 of the New York City Administrative Code as hereinafter provided. The vault shall be filled in with clean, incombustible material, attaining proper compaction pursuant to the Standard Specifications and Standard Detail Drawings. Where such structures adjoin the curb, the enclosing walls shall be cut down to a depth of two feet below the curb and the roof shall be removed. Proper steps shall be taken to allow for the drainage of water through the vault floor.

- (p) *Historic districts.* All work on vaults in historic districts shall be approved by the Landmarks Preservation Commission prior to the commencement of the work.

§ 2-16 – Street Closings Lasting More Than 180 Days

- (a) Prior to the issuance of a permit that will result in a publicly mapped street being fully closed for more than 180 consecutive calendar days an applicant shall submit a Community Reassessment, Impact and Amelioration (CRIA) statement to the Department for its approval. Without such approval by the Department, the Department may refuse to issue a permit. This provision shall apply to single permits or to a combination of permits that would result in such full street closure for a total of more than 180 consecutive calendar days.
- (b) Any individual or entity that effectuates the closure of a street for more than 180 consecutive calendar days for which a permit from the Department is not required, with the exception of such street closures initiated by a local law enforcement agency, shall comply with all provisions of this section.
- (c) The CRIA statement shall contain the following:
- (1) the objectives of the closure and the reasons why the continued street closure is necessary to attain those objectives;
 - (2) identification of the least expensive alternative means of attaining those objectives and the costs of such alternatives, or a statement and explanation as to the unavailability of such alternatives;
 - (3) how the continued street closure will impact access and traffic flow to and within the surrounding community, including but not limited to, access to emergency vehicles, residences, businesses, facilities, paratransit transportation and school bus services; and
 - (4) any recommendations to mitigate adverse impact and increase access to and within the area.
- (d) The requirement for the issuance of a CRIA statement as described in this subdivision may be satisfied by delivery of an environmental assessment statement or environmental impact statement conducted pursuant to CEQR rules, that has been approved by the Department.
- (e) The individual or entity requesting a street closure as provided for in this section shall attend and assist the Department at the public forum held pursuant to the requirements of § 19-107(b) of the Administrative Code of the City of New York and any other public forum resulting from the street closure upon request from the Department, and shall assist the Department in producing responses to any and all issues raised pursuant to such public forum(s).
- (f) The Department may require the individual or entity requesting such street closure to issue the Department approved CRIA, environmental assessment statement or environmental impact statement to the community board and the council member in whose district the street is located.

Chapter 4 – Traffic Rules and Regulations

§ 4-15 – Limitations Upon Dimensions and Weights of Vehicles

(a) *Definitions.*

- (1) *Highway.* When used in this section, a highway shall mean the entire width between the boundary lines of every public way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel and includes any street, avenue, road, square, place, alley, lane, highway, boulevard, concourse, parkway, driveway, culvert, sidewalk, crosswalk, boardwalk, viaduct, underpass and any private street open to public motor vehicle traffic.
- (2) *Exception.* The provisions of this section shall not apply to any vehicle authorized by the Federal Surface Transportation Assistance Act of 1982, as amended, when such vehicle is operating pursuant to the provisions of such act.

(b) *Dimensions and weights of vehicles.* No person shall operate or move, or cause or knowingly permit to be operated or moved on any highway or bridge any vehicle or combination of vehicles of a size or weight exceeding the limitations provided for in this subdivision (b).

- (1) *Width of vehicle.* The width of a vehicle, inclusive of load, shall not be more than eight feet except that the width of school buses and fire vehicles shall not exceed 98 inches and the width of buses having a carrying capacity of more than seven passengers shall not exceed 102 inches.
- (2) *Height of vehicle.* The height of a vehicle from underside of tire to top of vehicle, including its load, shall not be more than 13 1/2 feet; provided, however, that air cargo carried in containers and pallets loaded onto flatbed trucks that thereby exceed such height may travel between any airport under the jurisdiction of the port of New York authority and off-airport facilities involved in the handling of air cargo located within one mile of such airport on local routes to be designated by the Commissioner. Any such vehicle on such route shall not be required to obtain a permit for such travel.
- (3) *Length of single vehicles.* The length of a single vehicle, inclusive of load and bumpers shall not be more than 35 feet. The provisions of this paragraph (3) shall not apply to semitrailers, fire vehicles, single unit buses having a capacity of more than fifteen passengers, provided the length of such buses does not exceed 45 feet; or articulated buses provided the length of such bus does not exceed 65 feet. Operators of buses longer than 45 feet in length may be required to demonstrate that on-street stops and terminal areas used by such buses are of sufficient length to accommodate them. In no case shall any bus that has a turning radius greater than 50 feet operate without a permit for such operation issued by the Commissioner;
- (4) *Length of combinations of vehicles.* The total length of a combination of vehicles, inclusive of load and bumpers, shall not be more than 55 feet, except that the combination of vehicle, load and bumper of vehicles hauling poles, girders, columns or other similar objects of great length which are indivisible, shall not be more than 60 feet. The provisions of this paragraph (4) shall not apply to any fire vehicle or to a vehicle or combination of vehicles that is disabled and unable to proceed under its own power and is being towed for a distance of not more than ten miles for the purpose of repair or removal from the highway. The provisions of this paragraph (4) shall not apply to a combination of vehicles that are operating pursuant to subdivision (j) of this section.
- (5) *Number of wheels and axles.* In determining the number of wheels and axles on any vehicle or combination of vehicles within the meaning of this subdivision (b), only 2 wheels shall be counted for each axle,

and axles that are fewer than 46 inches apart from center to center shall be counted as 1 axle. However, in the case of multiple tires or multiple wheels, the sum of the widths of all tires on a wheel or combination of wheels shall be taken in determining tire width.

- (6) *Weight per inch of tire.* The weight per inch width of tire of any one wheel of a single vehicle or a combination of vehicles, equipped with pneumatic tires, when loaded, shall not be more than 800 pounds.
- (7) *Weight on one wheel.* The weight on any one wheel of a single vehicle or a combination of vehicles, equipped with pneumatic tires, when loaded, shall not be more than 11,200 pounds.
- (8) *Weight on one axle.* The weight on any one axle of a single vehicle or combination of vehicles, equipped with pneumatic tires, when loaded, shall not be more than 22,400 pounds.
- (9) *Weight on two axles.* The weight on any two consecutive axles of a single vehicle or a combination of vehicles, equipped with pneumatic tires, when loaded, and when such axles are spaced fewer than 10 feet from center to center, shall not be more than 36,000 pounds. Axles shall be counted as provided in paragraph (5) of this subdivision (b).
- (10) *Weight on three axles.* A single vehicle or a combination of vehicles having 3 axles or more and equipped with pneumatic tires, when loaded, may have a total weight on all axles not to exceed 34,000 pounds, plus 1,000 pounds for each foot and major fraction of a foot of the distance from the center of the foremost axle to the center of the rearmost axle. Axles shall be counted as provided in paragraph (5) of this subdivision (b). In no case, however, shall the total weight exceed 80,000 pounds, except for a combination of vehicles that are operating, pursuant to Subdivision (j)(3) of this section where the total weight shall not exceed 90,000 pounds, without any tolerance for enforcement purposes.
- (11) *Weight on solid rubber tires.* A vehicle or combination of vehicles equipped with any solid rubber tires shall not have a load weighing more than 80% of the total weight permitted in this subdivision (b) for pneumatic tires.
- (12) *Width of tires.* For the purpose of this subdivision (b), the width of pneumatic tires shall be ascertained by measuring the greatest width of the tire casing when the tire is inflated. The width of solid rubber tires shall be ascertained by measuring the width of the tire base channel or between the flanges of the metal rim. No vehicle equipped with solid rubber tires, which has at any point less than 1 inch of rubber above the top or beyond the flange or rim, shall be operated upon a public highway. The width of metal tires shall be ascertained by measuring the width of contact of the tire with the road surface.
- (13) *Weight and height restrictions on bridges, viaducts and other structures.* No person shall operate or move a vehicle or combination of vehicles over, on or through any bridge, viaduct or other structures on any highway if the weight of such vehicle or combination of vehicles and load is greater than the posted capacity of the structure or exceeds the height of the posted clearance as shown by an official sign or other marking or device.
- (14) *Other limits also in effect.* Nothing in this subdivision (b) shall be construed as preventing the enforcement of rules now in effect or hereafter promulgated by the Department of Transportation further limiting the size and weight of vehicles in designated areas.

- (15) *Permits.* Upon application in writing showing good cause, the Commissioner may issue a permit to operate or move a vehicle or a combination of vehicles, the weights and dimensions of which exceed the limitations provided for in this subdivision (b), upon any highway under his/her jurisdiction. Every such permit may designate the route to be traversed and may contain any other restrictions or conditions deemed necessary by the Commissioner. Every such permit shall be carried on the vehicle to which it refers and shall be open to the inspection of any law enforcement officer or any inspector of the Bureau of Weights and Measures of the Department of Consumer Affairs of the City of New York. All permits issued shall be revocable by the Commissioner at his/her discretion without a hearing or the necessity of showing cause.
- (i) If an operator of a vehicle with a gross weight of 300,000 pounds or more seeks to cross a bridge under the jurisdiction of the Department of Transportation of the City of New York, the operator must comply with the following:
- (A) A load rating determined by a New York State licensed Professional Engineer with at least three years experience in the design, inspection and load rating of bridges must be submitted with the permit application. The information contained within such load rating shall include, but is not limited to: (1) the ratings for the inventory and operating level for all structural elements of the bridge so that the critical element of the bridge is identified; (2) the actual weight of the vehicle per axle and the actual axle spacing; and (3) the method used for establishing the capacity of the bridge(s). Load ratings shall be submitted for each bridge on the travel route. Load ratings should conform to “Level 1” load ratings pursuant to New York State Department of Transportation Engineering Instructions for Load Ratings and the latest edition of the American Association of State Highway and Transportation Officials (AASHTO) Condition Evaluation of Bridges. Each load rating must be stamped and certified by the licensed Professional Engineer who prepared it.
- (B) Within one week from the vehicle’s crossover of the bridge(s), the permittee must file a post inspection report of the bridge(s) with the Department. The post inspection report should analyze the structural integrity of the bridge(s), to the Department’s satisfaction, as a result of the vehicle’s crossover. If the post inspection report indicates any type of distress to the bridge(s), the permittee must rectify the distress and/or damage to the Department’s satisfaction. The permittee may submit a pre-inspection report of the bridge’s structural integrity for comparison purposes; otherwise the Department will use its latest biennial inspection reports for such purposes. Any pre or post inspection report must comply with the requirements set forth in the latest edition of the New York State Department of Transportation Bridge Inspection Manual. Any distress that is not identified in the pre-inspection report or the biennial inspection reports will be deemed to have been caused by the move.
- (C) Should the permittee fail to comply with any of the requirements contained in this subparagraph, the Commissioner may refuse to issue future overweight and/or overdimensional vehicle permits to the permittee.

- (16) *Permits for vehicles operating pursuant to governmental regulation.*

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- (i) Where compliance with the requirements of a governmental regulatory agency necessitates exceeding the weight limitations provided herein, a permit may be issued by the Commissioner on application therefor, for a vehicle to exceed such prescribed weight limitations to the extent necessary to meet the governmental regulatory requirements, but in no event shall the allowable total vehicle weight provided herein be exceeded.
 - (ii) The application shall include the type of vehicle, the manner and extent to which the weight limitations are to be exceeded, the design details causing such excess and a copy of the governmental regulatory agency requirements.
 - (17) *Fees.* An administrative fee of \$35.00 shall be charged for each and every permit issued under this subdivision (b) unless otherwise provided by law. This fee shall not be refundable and is payable in addition to any other fees or charges provided for under the rules of the Department of Transportation.
 - (18) *Exemptions.*
 - (i) *Fire Department vehicles.* The provisions of this subdivision (b) with respect to the limitations of the weight on axles shall not apply to vehicles of the Fire Department, but in no event shall the allowable total vehicle weight provided hereby be exceeded.
 - (ii) *Department of Sanitation vehicles.* The provisions of this subdivision (b) with respect to the width of a vehicle shall not apply to the sweepers of the Department of Sanitation, provided they do not exceed 11 feet in width.
 - (iii) *Vehicles working on highways.* The provisions of this subdivision (b) with respect to the width of a vehicle shall not apply to vehicles engaged in work on a highway.
 - (c) *Enforcement; measurement and weight of vehicles.* Any law enforcement officer or any inspector of the Department of Consumer Affairs of the City of New York having reason to believe that any vehicle or load is in violation of the restrictions in subdivision (b), above, is authorized to stop the vehicle on any public highway or private street open to public motor vehicle traffic and measure and weigh it by means of portable or stationary measures and scales. Any law enforcement officer or such inspector may require that the vehicle be driven to the nearest scales, if they are within 3 miles.
 - (d) *Responsibility for damages.* The owner and operator of any vehicle used in the business of a motor carrier, and the carrier, if the vehicle is actually engaged in the conduct of the business, shall be jointly and severally responsible for all damages, to any highway, bridge or culvert resulting from the movement over or under them of any such vehicle that violates any of the weight or size provisions of subdivision (b) above.
 - (e) *Special concrete plant.* Upon application in writing and for cause shown, the Commissioner may issue permits to exceed the maximum weight limits provided for in these rules for two- or three-axle vehicles operated in connection with the manufacture or supply of concrete for construction projects located in New York City, provided that such vehicles are registered to or leased by the owner of a manufacturing facility constructed subsequent to January 1, 1986 on land provided by the City for such purposes.
 - (f) *Annual overweight load permit.*
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- (1) *Permits generally.* Except where inconsistent with any federal law, rule or regulation, the Commissioner may issue an annual overweight load permit, as provided in subdivision fifteen of section three hundred eighty-five of the Vehicle and Traffic Law, to expire on the date of expiration of the registration of the vehicle, for any vehicle designed and constructed to carry loads that are not of one piece or item, which vehicle currently is registered in this State and operational on public highways in this State and which was registered in this State and operational on public highways in this State immediately prior to January first, nineteen hundred eighty-six, in accordance with the following subparagraphs. The Commissioner also may issue an annual permit to a vehicle or combination of vehicles which replaces a vehicle, which vehicle or combination of vehicles was registered in this State and operational on public highways in this State immediately prior to January first, nineteen hundred eighty-six, provided the manufacturer's recommended maximum gross weight of the replacement vehicle or combination of vehicles does not exceed the weight for which a permit may be issued and the maximum load to be carried on the replacement vehicle or combination of vehicles does not exceed the maximum load which could have been carried on the vehicle being replaced or the registered weight of such vehicle, whichever is lower, in accordance with the following subparagraphs. Motor carriers having apportioned vehicles registered under the international registration plan either must have a currently valid permit as of January first, nineteen hundred ninety-four or shall have designated New York as their base state under the international registration plan in order to be eligible to receive such permit. If a permit holder operates a vehicle or combination of vehicles in violation of any posted weight restriction, the permit issued to such vehicle or combination of vehicles shall be deemed void as of the next day and shall not be reissued for a period of twelve calendar months; provided, however, that if such violation is adjudicated in favor of the permittee by the New York State Traffic Violations Bureau, the permit shall be reinstated immediately upon presentation of a copy of such judgment to the Commissioner.
- (i) A permit may be issued for a vehicle having at least three axles and a wheelbase not exceeding forty-four feet nor less than seventeen feet or for a vehicle with a trailer not exceeding forty feet. A permit may only be issued for such a vehicle having a maximum gross weight not exceeding seventy-nine thousand pounds and any tandem axle group weight shall not exceed fifty-nine thousand pounds, and any tridem shall not exceed sixty-four thousand pounds.
- (ii) A permit may be issued only until December thirty-first, nineteen hundred ninety-nine for a vehicle or combination of vehicles that has been permitted within the past four years having five axles and a wheelbase of at least thirty-six and one-half feet. The maximum gross weight of such a vehicle or combination of vehicles shall not exceed one hundred five thousand pounds and any tandem axle group weight shall not exceed fifty-one thousand pounds. A permit may be issued for a vehicle or combination of vehicles having at least five axles and a wheelbase of at least thirty feet. The maximum gross weight of such vehicle or combination of vehicles shall not exceed ninety-three thousand pounds and any tandem axle group weight shall not exceed forty-five thousand pounds and any tridem axle group weight shall not exceed fifty-seven thousand pounds.
- (iii) A permit may be issued for a vehicle or combination of vehicles having at least five axles or more and a wheelbase of at least thirty-six and one-half feet, provided such permit contains routing restrictions. Until December thirty-first, nineteen hundred ninety-four, the maximum gross weight of a vehicle or combination of vehicles permitted under this subparagraph shall not exceed one hundred twenty thousand pounds and any tandem or tridem axle group weight shall not exceed sixty-nine thousand pounds, provided, however, that any replacement vehicle or combination of vehicles permitted after January first, nineteen hundred ninety-five, shall have at
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least six axles, any tandem axle group shall not exceed fifty thousand pounds and any tridem axle group shall not exceed sixty-nine thousand pounds. After December thirty-first, nineteen hundred ninety-four, the tridem axle group weight of any vehicle or combination of vehicles issued a permit under this subparagraph shall not exceed sixty-seven thousand pounds, any tandem axle group weight shall not exceed fifty thousand pounds and any single axle weight shall not exceed twenty-five thousand seven hundred fifty pounds. After December thirty-first, nineteen hundred ninety-nine, all vehicles issued a permit under this subparagraph must have at least six axles.

- (iv) A permit may be issued for a vehicle having two axles and a wheelbase not less than ten feet, with the maximum gross weight not in excess of one hundred twenty-five percent of the total weight limitation as set forth in subdivision ten of section three hundred eighty-five of the New York State Vehicle and Traffic Law. Furthermore, any axle weight shall not exceed twenty-seven thousand pounds.

(2) *Combination permits.*

- (i) Each power unit of a combination of vehicles must have its own annual overweight load permit. A power unit may be used to obtain any number of permits for different combinations of vehicles as long as each permit has a maximum of five trailers per power unit. Only the first permit issued to a power unit pursuant to this paragraph is transferable pursuant to subparagraph (ii) of paragraph three of this subdivision.
- (ii) A permit issued to a power unit for a combination of vehicles under subparagraph (i) of this paragraph may not be used for trailers other than those specifically listed on each permit.
- (iii) All trailers must be listed on the corresponding permit by vehicle identification number (VIN), license plate number or trailer certificate of title number.
- (iv) For each permit issued to a power unit for a combination of vehicles, up to five trailers will be listed with the payment of a \$25.00 fee for each trailer other than the first trailer in addition to the permit fee set forth in subparagraph (ii) of paragraph six of this subdivision.

(3) *Replacement vehicle permits.* A “replacement vehicle” is a vehicle or combination of vehicles that replaces a vehicle with a current annual overweight load permit. A replacement vehicle may be eligible for an annual overweight load permit, subject to the following:

- (i) A replacement vehicle or combination of vehicles may be eligible for an annual overweight load permit, provided the manufacturer’s recommended maximum gross weight of the replacement vehicle or combination of vehicles does not exceed the weight for which a permit may be issued pursuant to this section and the maximum load to be carried on the replacement vehicle or combination of vehicles does not exceed the maximum load which could have been carried on the vehicle being replaced or the registered weight of such vehicle, whichever is lower.
- (ii) Effective October 1, 1995, an annual overweight load permit may only be transferred to a replacement vehicle with the same registrant or transferred with the permitted vehicle as part of the sale or transfer of the permit holder’s business. Acceptable forms of proof of the sale or

transfer of the permit holder's business shall include, but not be limited to, a notarized statement, a statement attested to by at least two independent witnesses, a certified copy of the document of sale or transfer, a will or other official document disposing of the business. Only one permit issued to a power unit pursuant to paragraph two above is eligible for transfer.

(iii) *Banking.*

- (A) For purposes of this section, "banked weight" shall mean the New York State highest registered gross legal weight of a vehicle or combination of vehicles prior to April first, nineteen hundred eighty-seven; such vehicle or combination of vehicles must have been registered in New York State and operational on public highways in this State immediately prior to January first, nineteen hundred eighty-six in order to be part of the banked weight system.
- (B) Excess weight capacity that can be banked arises from the following situations: (a) a replacement vehicle has a gross vehicle weight less than the banked weight capacity of the replaced vehicle; or (b) the statutory reduction in allowable maximum weights under the permit results in a permissible maximum weight less than the banked weight capacity; or (c) there is a voluntary surrender of a permit or permits in order to obtain one or more replacement permits, and there is excess weight after the issuance of the new permit or permits; or (d) there is a voluntary surrender of a permit without obtaining a new permit.
- (C) Any vehicle whose permit has been surrendered voluntarily, and its weight banked, cannot obtain another annual overweight load permit.
- (D) Banked weight can be used only to justify the acquisition of additional vehicles or combinations of vehicles pursuant to this subdivision. (a) Claims of replacement vehicle rights based on banked weight capacity must indicate the source of the banked weight capacity. (b) The banked weight capacity for any replacement vehicle or combination of vehicles shall not exceed the allowable permitted weight for such replacement vehicle or combination of vehicles, and shall not exceed the gross weight capacity of the replaced vehicle or combination of vehicles. (c) Unused banked weight capacity cannot justify a replacement vehicle or combination of vehicles that has a gross weight capacity greater than the replaced vehicle or combination of vehicles. (d) Any replacement vehicle may be replaced pursuant to the provisions of this section; when a replacement vehicle; has been replaced it becomes ineligible for further annual overweight load permits pursuant to this section.
- (E) If a permit is revoked pursuant to the provisions of this subdivision, the permitted weight cannot be banked.

(4) *Leasing.*

- (i) The lessor of a leased vehicle may obtain a permit for the vehicle pursuant to this subdivision (f).
- (ii) The lessee of a leased vehicle who has an exclusive leasing arrangement that exceeds thirty days will be presumed to be the registrant for purposes of obtaining a permit, unless shown otherwise.
- (iii) Where a leasing agreement is for thirty days or less, and the lessor has not obtained a permit for the

leased vehicle, the lessee must obtain a single use permit for each day of operation of the leased vehicle pursuant to paragraph fifteen of subdivision (b) of this section.

(5) *Permit application.*

(i) *General.*

- (A) Except as otherwise provided in this section for daily permits, eligible vehicles or combinations of vehicles exceeding allowable weights pursuant to law are required to obtain an annual overweight load permit from the Commissioner pursuant to this subdivision in order to operate on those highways under the jurisdiction of the Commissioner. An annual overweight load permit is not valid unless the vehicle or combination of vehicles is operated and maintained in accordance with the provisions of these Rules and with any other special requirements indicated on the permit.
- (B) All applications must be on the forms prescribed by and available from the Commissioner.
- (C) The permit application and procedures for granting permits shall be made available to a registrant upon request at the Department of Transportation, Authorized Permits and Parking Division, by mail or in person, and must be completed in all respects by the registrant or his legal representative. The applicant must be the registrant of the vehicle, except where there is a leased vehicle as provided in this subdivision.

(ii) *Proof of registration.*

- (A) All vehicles, including vehicles to be replaced, must have been registered in this State and operational on public highways in the State of New York immediately prior to January first, nineteen hundred eighty-six. To obtain a permit, the registrant must show proof of valid New York State registration for the vehicle or combination of vehicles and must maintain such New York State registration for the duration of the permit.
- (B) The applicant must submit with his application a copy of the registration of each vehicle or replacement vehicle.
- (C) The burden of proof in establishing the validity and existence of the New York State registration is upon the applicant.

(iii) *Identification of vehicle and load.*

- (A) The power unit shall be identified by make, year of manufacture, model number, vehicle identification number (VIN), and license plate number.
- (B) The manufacturer's recommended gross weight rating and the registered gross vehicle weight shall be indicated on an annual overweight load permit application for replacement vehicles.
- (C) Manufacturer's maximum axle weight(s), axle spacing, number of tires, and maximum tire

load spacing shall be indicated on an annual overweight load permit application for all vehicles.

- (iv) *Procedure.* The applicant must complete the required application information and submit the required number of copies of such application, together with the required permit fee(s), as well as any required documentation, to the Commissioner by mail or in person. All applications must be signed by the registrant or his legal representative.
- (v) *Reapplication fee.* When a reapplication is made for a permit for the same vehicle or combination of vehicles that have been denied a permit, the initial annual vehicle fee shall be increased by \$25.00.
- (vi) *No refund after granting of permit.* No refund shall be made once an application for a permit has been filed and a permit granted by the Commissioner.
- (vii) *False information voids permit.* Permits which have been issued on the basis of falsely stated information shall be null and void.
- (viii) *New owners must obtain new permits.* If the registrant of the vehicle has been changed after a permit has been issued, the new owner(s) must obtain a modified permit.
- (ix) *Permit application information.*
 - (A) Registrants of vehicles eligible for permits pursuant to this section must furnish to the Commissioner a certified copy of the vehicle's current New York State registration or registration pursuant to the international registration plan with New York State designated as the base state. The registrant also must provide a certified copy of the vehicle's registration, or other verifiable proof acceptable to the Commissioner, demonstrating that the vehicle was registered in New York State immediately prior to January first, nineteen hundred eighty-six; once such fact has been established with the Commissioner, subsequent permit applications do not require such proof, provided the most recent permit number for the vehicle is provided in the new permit application.
 - (B) The registrant must furnish to the Commissioner, vehicle measurements consisting of:
 - (a) Trailer length; and
 - (b) Number of axles; and
 - (c) Axle spacing; and
 - (d) Manufacturer's recommended gross vehicle weight; and
 - (e) Total wheelbase measurement (including tractor/steering axle); and
 - (f) Tire size and number of tires of each axle; and

(g) Manufacturer's maximum axle weight rating.

(6) *Fees.*

- (i) The following fees shall be charged and collected by the Commissioner for obtaining an annual overweight load permit. Fees shall be paid by money order, certified check, bank check, check drawn on a New York State bank, or a negotiable instrument acceptable to and made payable to the "New York City Department of Transportation." Fees must accompany each permit application. Improperly filed permit applications shall be subject to an administrative fee of \$25.00.
- (ii) The fee for an annual overweight load permit shall be \$600 if for a period of six months or more. The fee for an annual overweight load permit shall be \$300 if for a period of less than six months.
- (iii) If a check delivered to the Commissioner or his agent as payment of any fee for the registration of any vehicle or combination of vehicles is dishonored for insufficient funds, all permits issued in the name of that registrant shall be suspended and no other permit shall be issued to such person until full satisfaction of the fee is made and an additional fee of \$25.00 is paid to the Commissioner. No such suspension shall be issued until thirty days after notification is mailed to the registrant at the address given on the application for the permit. If satisfaction is made within thirty days from the date of mailing of such notification, no suspension shall be issued and no additional fee shall be charged.

(g) *Crane Permits.*

- (1) Upon application in writing, the Commissioner may issue a special hauling permit to move certain mobile hoisting machines, also known as self-propelled cranes, the weight and dimensions of which exceed the limitations provided herein, upon any highway under his/her jurisdiction. Such hoisting machines shall be considered to constitute a nondivisible load.
- (2) The special hauling permit, which shall expire on the 31st day of December next succeeding the date of issuance, may designate the route to be traversed and contain any other restrictions deemed appropriate by the Commissioner.
- (3) The permittee shall be required to secure and maintain owners' protective liability and property damage insurance coverage in such amounts and upon such terms as deemed appropriate by the Commissioner.
- (4) The fee for the issuance of such annual special hauling permit or renewal thereof shall be \$100.00.

(h) *Vehicular weights on F.D.R. Drive.* No person shall operate or cause to be operated any vehicle in excess of 8,000 lbs. (4 tons), including the weight of passengers and cargo, on the F.D.R. Drive northbound from 23rd Street to 63rd Street and the F.D.R. Drive southbound from 63rd Street to 23rd Street. These vehicles include, but shall not be limited to trucks, vans, government-owned vehicles, stretch limousines and buses. For the purposes of enforcement, signs need not be posted for this rule to be in effect.

(i) *Overdimensional and/or Overweight Vehicle Bulk Milk Permit.*

(1) *Permits Generally.*

- (i) Except where inconsistent with any federal or state law, rule or regulation, the Commissioner may issue a permit, as provided for in paragraph (c) of subdivision fifteen of section three hundred eighty-five of the Vehicle and Traffic Law, to operate or move a combination of vehicles, which for the purpose of this rule shall be limited to one power unit and one trailer except as provided in subparagraph (viii) of paragraph (3) of this subdivision, designed and constructed to carry milk in bulk, the lengths and/or weights of which exceed the limitations provided in subdivision b of this section.
- (ii) The permit shall authorize only the transportation of bulk milk within the City of New York to a milk processing facility located within the City of New York or the transportation by such a combination of vehicles out of the City of New York empty or carrying bulk cream, at weights not to exceed the limitations provided in subdivision b of this section, from the milk processing facility.
- (iii) A permit issued pursuant to this subdivision shall designate a route approved by the Commissioner. A combination of vehicles operating under a permit issued pursuant to this subdivision may only travel along the route designated on the permit. There shall be one permit per combination of vehicles allowing the combination of vehicles to enter the City of New York and a separate permit allowing the combination of vehicles to leave the City of New York.
- (iv) Combinations of vehicles designed and constructed to carry milk in bulk that exceed allowable lengths and/or weights pursuant to law are required to obtain a permit from the Commissioner pursuant to this subdivision in order to operate on those highways under the jurisdiction of the Commissioner.
- (v) No permit shall be issued for a combination of vehicles that exceeds 99,000 pounds.
- (vi) Permits shall be issued on a quarterly basis.

(2) *Permit Application.*

(i) *Generally.*

- (A) A permit issued pursuant to this subdivision is not valid unless the combination of vehicles is operated and maintained in accordance with the provisions of this subdivision and with any other special requirements indicated on the permit.
- (B) The applicant shall be the registrant of the combination of vehicles except, in the case of a combination of vehicles leased pursuant to an exclusive leasing arrangement that exceeds thirty days, the applicant shall be the lessee. The applicant shall supply his/her Federal Tax ID number.
- (C) The permit application and the procedures for granting permits shall be made available to an applicant upon request at the Department of Transportation, Division of Bridges, Truck Permit Unit, by mail, email or in person, and shall be completed in all respects by the applicant

or his/her legal representative.

- (D) All applications shall be on the forms prescribed by and available from the Commissioner.
- (ii) *Identification of vehicle and load.* The power unit and trailer(s) shall be identified on the application by make, year of manufacture and license plate numbers and State.
- (iii) *Vehicle Measurements.* Applicants shall furnish to the Commissioner all of the following vehicle measurements:
- (A) Trailer length;
 - (B) Number of axles, including axle spacing and axle weights;
 - (C) Total wheelbase measurement (including tractor/steering axle);
 - (D) Overall width;
 - (E) Overall length;
 - (F) Overall height; and
 - (G) Total gross vehicle weight including load (tractor, trailer and load).
- (iv) *Attestation.* Applicants shall furnish to the Commissioner a sworn and notarized statement attesting that the vehicles for which a permit application has been submitted will be used solely for the transport of bulk milk or cream.
- (v) *Procedure.* The applicant shall complete the required application information and submit the required number of copies of such application, together with the required permit fee(s), as well as any required documentation, to the Commissioner by mail or in person. All applications shall be signed by the applicant or his/her legal representative.
- (vi) *Reapplication Fee.* When a reapplication is made for a permit under this subdivision for the same combination of vehicles that has been denied a permit, the initial permit fee shall be increased by an administrative fee of \$25 in accordance with subparagraph (vii) of paragraph (3) of this subdivision.
- (vii) *No refund after granting of permit.* No refund shall be made once an application for a permit under this subdivision has been filed and a permit granted by the Commissioner.
- (viii) *False information voids permit.* Permits that have been issued on the basis of falsely-stated information shall be null and void.
- (ix) *New owners shall obtain new permits.* If the ownership of a combination of vehicles, or the identity of the lessee in the case of a combination of vehicles leased pursuant to an exclusive leasing

arrangement that exceeds thirty days, changes after a permit under this subdivision has been issued, the new owner(s) or lessee(s) shall obtain a modified permit and shall pay the applicable quarterly fee specified in paragraph (3) of this subdivision.

(3) *Permit Fees.*

- (i) The following fees shall be charged and collected by the Commissioner for obtaining a permit or modified permit, issued on a quarterly basis, pursuant to this subdivision. Fees shall be paid by money order, certified check, bank check, check drawn on a New York State bank, or a negotiable instrument acceptable to and made payable to the “New York City Department of Transportation.” Fees shall accompany each permit application. The fee for a permit issued pursuant to this subdivision shall be \$650 per combination of vehicles, except as otherwise provided in this subparagraph (3).
 - (a) If the total number of permits pursuant to this subdivision issued to the applicant from July 18, 2014 through July 17, 2015 was at least 25 percent less than the total number of permits issued to the applicant from July 17, 2009 through July 16, 2010 (the “baseline year amount”), the fee for a permit shall be \$650 per combination of vehicles.
 - (b) Otherwise, the fee for a permit shall be \$877.50 per combination of vehicles.
- (ii) For all permits issued from July 18, 2016 through July 17, 2017:
 - (a) If the total number of permits pursuant to this subdivision issued to the applicant from July 18, 2015 through July 17, 2016 was at least 50 percent less than the baseline year amount, the fee for a permit shall be \$650 per combination of vehicles.
 - (b) Otherwise, the fee for a permit shall be \$910 per combination of vehicles.
- (iii) For all permits issued from July 18, 2017 through July 17, 2018:
 - (a) If the total number of permits pursuant to this subdivision issued to the applicant from July 18, 2016 through July 17, 2017 was at least 50 percent less than the baseline year amount, the fee for a permit shall be \$650 per combination of vehicles.
 - (b) Otherwise, the fee for a permit shall be \$942.50 per combination of vehicles.
- (iv) For all permits issued from July 18, 2018 through July 17, 2019:
 - (a) If the total number of permits pursuant to this subdivision issued to the applicant from July 18, 2017 through July 17, 2018 was at least 75 percent less than the baseline year amount, the fee for a permit shall be \$650 per combination of vehicles.
 - (b) Otherwise, the fee for a permit shall be \$975 per combination of vehicles.

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- (vi) For all permits issued from July 18, 2019 through July 17, 2020:
 - (a) If the total number of permits pursuant to this subdivision issued to the applicant from July 18, 2018 through July 17, 2019 was 100 percent less than the baseline year amount, the fee for a permit shall be \$650 per combination of vehicles.
 - (b) Otherwise, the fee for a permit shall be \$975 per combination of vehicles.
 - (vii) For all permits issued from July 18, 2020 through July 17, 2021:
 - (a) If the total number of permits pursuant to this subdivision issued to the applicant from July 18, 2019 through July 17, 2020 was 100 percent less than the baseline year amount, the fee for a permit shall be \$650 per combination of vehicles.
 - (b) Otherwise, the fee for a permit shall be \$1,007.50 per combination of vehicles.
 - (viii) Permit fees specified in this paragraph shall apply separately to permits to enter the City of New York and permits to leave the City of New York.
 - (ix) Reapplication for a permit that has been denied shall be subject to an administrative fee of \$25.
 - (x) The permit fees provided in subparagraphs (i) through (v) of this paragraph shall apply to permits for one specific power unit and one specific trailer. Applicants may apply for a quarterly permit under this subdivision to attach up to four additional specific trailers to one specific power unit, provided that only one trailer may be used with such power unit at any given time. The fee for a multiple trailer-single power unit combination permit shall be \$100 per quarter more than the permits fees provided in subparagraphs (i) through (v) of this paragraph.
 - (xi) If a check delivered to the Commissioner or his/her agent as payment of any fee for the permitting of any combination of vehicles is dishonored for insufficient funds, all permits issued in the name of that applicant shall be suspended and no other permit shall be issued to such person until full satisfaction of the fee is made and an additional fee of \$25 is paid to the Commissioner. No such suspension shall be issued until thirty days after notification is mailed to the applicant at the address given on the application for the permit. If satisfaction is made within thirty days of mailing such notification, no suspension shall be issued and no additional fee shall be charged.
- (4) *Expiration of Permit Program.* No permit shall be issued on or after July 18, 2021.
- (j) *Routes for Trailers in Excess of Forty-eight Feet.*
- (1) Any semitrailer with a length in excess of forty-eight feet, but not exceeding fifty-three feet, if the distance between the kingpin of the semitrailer and the centerline of the rear axle does not exceed forty-three feet and if the semitrailer is equipped with a rear-end protective device of substantial construction consisting of a continuous lateral beam extending to within four inches of the lateral extremities of the semitrailer and located not more than twenty-two inches from the surface as measured with the vehicle empty and on a level surface, may be operated on:

- i. that portion of interstate 95 between the Bronx-Westchester county line and interstate 295;
 - ii. that portion of interstate 295 which connects interstate 95 with interstate 495;
 - iii. that portion of interstate 495 between interstate 295 and the Nassau-Queens county line; iv. that portion of interstate 678 between interstate 95 and John F. Kennedy International Airport;
 - v. that portion of interstate 95 between interstate 695 and the New Jersey State Line on the upper level of the George Washington Bridge;
 - vi. that portion of interstate 695 between interstate 95 and interstate 295;
 - vii. that portion of Interstate 278 between the Goethals Bridge and Gulf Avenue;
 - viii. that portion of Interstate 278 between Goethals Road North and Goethals Bridge;
 - ix. that portion of Gulf Avenue between Western Avenue and Edward Curry Avenue;
 - x. that portion of Edward Curry Avenue between Gulf Avenue and South Avenue;
 - xi. that portion of South Avenue between Edward Curry Avenue and Goethals Road North;
 - xii. that portion of Forest Avenue between Gulf Avenue and Goethals Road North;
 - xiii. that portion of Goethals Road North between South Avenue and Forest Avenue;
 - xiv. that portion of Goethals Road North between Forest Avenue and Western Avenue; and
 - xv. that portion of Western Avenue between Gulf Avenue and Richmond Terrace.
- (2) The total length of a combination of vehicles operating pursuant to this subdivision, inclusive of load and bumpers, shall not be more than seventy three and one half feet.

(3) A combination of vehicles operating, pursuant to Subparagraphs (vii) through (xv) of Paragraph 1 of this subdivision must not exceed a total weight of 90,000 pounds, over or on any bridge or other structure when the total weight is over 80,000 pounds, and must be on a trip that involves only the pickup or drop off of sealed shipping containers used for the transfer of freight transported in ocean-going commerce, bearing the seal of the United States Customs and Border Protection, the seal of another governmental agency, or seal of the shipper.

Title 62, City Planning

Chapter 4 – Procedures for New York City Waterfront Revitalization Program (WRP) Consistency Review by the City Coastal Commission and the Department of City Planning

§ 4-01 – Applicability

This chapter sets forth the procedures applicable to the review of actions located in the New York City Coastal Zone by the City Planning Commission (the Commission), in its capacity as the City Coastal Commission (CCC), and by the Department of City Planning (the Department) as provided in the WRP. Three separate categories of actions are subject to such review process:

- (a) Local discretionary actions that are classified as Type 1 or Unlisted pursuant to the State Environmental Quality Review Act (SEQRA) or City Environmental Quality Review (CEQR);
- (b) State actions that are subject to WRP consistency review by the relevant state agency pursuant to the applicable laws and regulations referenced in 62 RCNY § 4-03(b);
- (c) Federal direct actions, permit and license actions, and financial assistance actions that are subject to WRP consistency review by the New York State Department of State (DOS) for the relevant federal agency pursuant to the applicable laws and regulations referenced in 62 RCNY § 4-03(b).

The Department's or the CCC's review of state and federal actions, as referenced herein, is advisory and for the purpose of consultation in accordance with state and federal laws and regulations.

§ 4-02 – CCC and Department Review

As the administrator of the WRP with the CCC, the Department is responsible for coordinating all WRP consistency reviews. The Department evaluates all actions covered by 62 RCNY § 4-01 to determine which warrant CCC review, in accordance with the criteria set forth in this section. The Department reviews all actions covered by this chapter that do not warrant CCC review.

The CCC reviews:

- (a) Local actions that are subject to Commission approval pursuant to the Uniform Land Use Review Procedure (ULURP) or other provision of the City Charter, including those for which the Commission is the designated CEQR lead agency; and
- (b) Local, state or federal actions that, in the Department's view, would substantially hinder the achievement of one or more policies of the WRP.

§ 4-03 – Reviews for Consistency with the WRP

- (a) *Local actions.* Except as provided in 62 RCNY § 4-04(a), no CEQR lead or involved agency may make a final decision to undertake, fund, or approve an action unless and until the lead agency, or the CCC when the lead agency is the Commission, finds that such action will not substantially hinder the achievement of any WRP policy and determines that the action is consistent with the WRP, in accordance with the standards set forth in the WRP. When the lead agency is other than the Commission, the Department must concur with such finding.
 - (1) Local actions subject to Commission approval. The CCC's review of actions for consistency with the WRP is incorporated into the Commission's existing review procedures pursuant to ULURP or other provision of the Charter, or pursuant to CEQR.
 - (2) *Local actions not subject to Commission approval.*

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- (i) The CEQR lead agency shall provide the Department with its draft Environmental Impact Statement (EIS) or draft Environmental Assessment Statement (EAS), whichever is applicable, containing the agency's draft WRP consistency assessment and determination, at the earliest possible date, and in no event less than thirty (30) days before issuance of a Negative Declaration, a Conditional Negative Declaration or, if the agency has prepared a draft EIS, a Notice of Completion. The Department may request additional information to assist in the evaluation of the proposed action, which the agency shall promptly provide.
- (ii) Within thirty (30) days of receipt of the lead agency's draft WRP consistency assessment and determination, the Department will notify the lead agency as to whether the Department concurs or does not concur with the proposed consistency determination and will provide written comments on the assessment, if any.
- (iii) When the lead agency has prepared an EAS, if the Department is properly notified of such agency's consistency assessment and determination and does not respond to such agency in writing within thirty (30) days of receipt, the lead agency may deem its consistency determination to have been accepted by the Department.
- (b) *State and federal actions.* The coordination of the Department's or the CCC's review of state and federal actions with the relevant state agency and DOS, respectively, including review periods and the procedures for transmission of comments and findings, shall be in accordance with the relevant state and federal laws and regulations, including Article 42 of the New York State Executive Law (§§ 910 through 922) and 16 U.S.C. §§ 1451 et seq., respectively, and shall follow the guidelines for notification and review of federal and state actions, which are appended to the WRP.
- (c) *Inconsistency with the WRP.* For all actions, where an inconsistency with one or more policies of the WRP has been identified, the Department or the CCC, as applicable, may recommend alternatives or modifications to the action or mitigation measures in order to avoid or minimize the inconsistency. If, in the Department's or the CCC's view, an inconsistency presents a substantial hindrance to the achievement of one or more policies of the WRP, the provisions of 62 RCNY § 4-04 shall apply.
- (d) *Public Notice.* All actions will be subject to any applicable procedures for public notice for the action under review. There are no additional public notice or participation requirements pursuant to this chapter.

§ 4-04 – Substantial Hindrance to the WRP

- (a) *Local actions.*
- (1) *Local actions subject to Commission approval.* The Commission may not approve an action that will substantially hinder the achievement of one or more policies of the WRP, unless, in its capacity as the CCC, it makes the following four findings:
- i. No reasonable alternatives exist which would permit the action to be taken in a manner which would not substantially hinder the achievement of such policy;
 - ii. The action taken will minimize all adverse effects on such policies to the maximum extent practicable;

- iii. The action will advance one or more of the other coastal policies; and
- iv. The action will result in an overriding local or regional public benefit.

(2) *Local actions not subject to Commission approval.* A CEQR lead or involved agency may not undertake, fund, or approve an action that will substantially hinder the achievement of one or more policies of the WRP unless the CEQR lead agency makes the four findings in paragraph 1 of this subdivision with the concurrence of the CCC.

Where the findings set forth in paragraph 1 of this subdivision are met, the action shall be deemed consistent with the WRP.

- (b) *State and federal actions.* The CCC shall provide an advisory determination as to whether the four findings set forth in paragraph 1 of subdivision a are met. The Department shall transmit the CCC's findings to the relevant state agency or DOS for the purpose of consultation in accordance with the WRP and applicable state and federal laws, regulations and published guidelines, as referenced in subdivision b of 62 RCNY § 4-03.

Title 66, Department of Small Business Services

§ 2-11 – Hazardous, Flammable or Explosive Substances

- (a) No person shall load, unload, discharge, place, store or keep any material, fluid, gas or substance of any explosive, flammable, radioactive or hazardous nature upon any waterfront property or marginal street, except at locations designated in writing by the Commissioner, and upon complying with applicable rules and regulations of the United States Coast Guard, the Fire Department and the Department of Health of The City of New York, or any other Federal, State or City agency.
- (b) No person shall drain, remove or discharge gasoline, oil or any explosive, flammable or hazardous liquid, gas or substance from any vehicle upon any waterfront property or marginal street, except at locations designated in writing by the Commissioner and upon complying with applicable rules and regulations of the United States Coast Guard, Fire Department and the Department of Health of The City of New York, or of any other Federal, State or City agency.
- (c) No person shall load, unload, place, store or keep upon any waterfront property or marginal street any vehicle which is in the course of shipment containing gasoline or other flammable material unless the Commissioner and the Fire Commissioner of The City of New York grant prior written permission.
- (d) No person shall load, unload, discharge, place, store or keep sisal, jute, hemp, flax, coir, kapok or any similar vegetable or synthetic fiber upon any waterfront property or marginal street without giving advance notice in writing thereof to the Commissioner and without complying with the rules and regulations of the United States Coast Guard and the Fire Department of The City of New York.
- (e) All persons shall comply forthwith with all orders of the Commissioner concerning the loading, unloading, discharge, placing, storing or keeping of the hazardous, radioactive or flammable materials, fluids, gases, or substances mentioned in this section.

- (f) No person shall load, unload, discharge, place, store or keep sisal, jute, hemp, flax, coir, kapok or any similar vegetable or synthetic fiber upon any waterfront property unless the shed or superstructure is equipped with an automatic sprinkler system approved by the Commissioner and the Fire Commissioner and the substructure is protected according to the rules and regulations of the Fire Department of The City of New York.
- (g) Any person who is the owner, lessee or user of any equipment fueled by liquified petroleum gas or gasoline, and used to handle sisal, jute, hemp, flax, coir, kapok or similar vegetable or synthetic fiber, shall equip such equipment with exhaust spark arrestors and carburetor traps.

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