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**The New York City Council**

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**Committee Report and Briefing Paper of the Infrastructure Division**

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**Committee on Environmental Protection**

Hon. James F. Gennaro, Chair

**February 3, 2023**

**Oversight - New York City’s Water Quality Obligations under the DEC CSO Consent Order, and The City’s Municipal Separate Storm Sewer System**

**Int. No. 102:** By Council Members Brannan, Hanif, Dinowitz, Brewer, Riley, Yeger, Restler, Nurse, Bottcher, Schulman, Sanchez, Cabán, Farías, Abreu, Hudson, Avilés, Gennaro, Joseph, Krishnan, Brooks-Powers, Menin, De La Rosa, Ayala, Velázquez, Gutiérrez, Powers, Rivera, Marte, Ung, Won, Narcisse, Williams, Salamanca, Hanks, Holden, Moya, Lee, Barron, Richardson Jordan, Ossé, Stevens, Louis and Feliz (by request of the Queens Borough President)

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of environmental protection to post a map of green roofs online

**Administrative Code:** Adds new section 24-532

**Int. No. 239:** By Council Members Gennaro, Dinowitz, Stevens, Yeger, Restler, Krishnan, Nurse, Sanchez, Schulman, Cabán, Farías, Abreu, Bottcher, Riley, Avilés, Ossé and Ayala

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to education and outreach regarding solar and green roof requirements

**Administrative Code:** Adds new section 28-103.37

**Int. No. 531:** By Council Members Gennaro, Brewer, Gutiérrez, Restler, Riley, Schulman, Sanchez and Ayala

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to an annual report on drainage infrastructure

**Administrative Code:** Adds new section 24-532

**Int. No. 532:** By Council Members Gennaro and Restler

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to installing pumpout facilities to establish the city’s coastal waters as no-discharge zones

**Administrative Code:** Adds subdivision f to Section 22-112

**Int. No. 533:** By Council Members Gennaro, Nurse, Cabán, Hanif, Brewer, Ung, Gutiérrez, Restler, Marte, Schulman, Sanchez, Narcisse, Joseph, Brannan, Hudson, Bottcher, Abreu, Krishnan, Brooks-Powers, Menin, Avilés, Ayala, Velázquez, Powers, Rivera, Won, Dinowitz, Williams, Salamanca, Farías, Hanks, Holden, Moya, Lee, Barron, Riley, Richardson Jordan, Yeger, Ossé, Louis and Feliz

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of environmental protection to report on its progress toward decreasing the presence of sewage and stormwater contaminants in the city waterways and various strategies to achieve those goals, and providing for the expiration and repeal of such requirement

**Administrative Code:** Adds a new section 24-532

**Int. No. 603:** By Council Members Abreu, Brewer, Restler, Nurse, Gutiérrez and Sanchez (by request of the Manhattan Borough President)

**Title:** A Local Law in relation to studying the feasibility of implementing solar-ready measures for commercial buildings

**Int. No. 614:** By Council Members Gennaro, Restler, Nurse, Gutiérrez, Joseph and Sanchez

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to a pilot program to reduce emissions from city-owned motor vehicles

**Administrative Code:** Adds a new section 12-212

1. **Introduction**

On February 3, 2023, the Committee on Environmental Protection (Committee), chaired by Council Member James F. Gennaro, will hold an oversight hearing on “New York City’s Water Quality Obligations under the DEC CSO Consent Order, and The City’s Municipal Separate Storm Sewer System.” The Committee will also hear Int. No. 102, in relation to requiring the Department of Environmental Protection (DEP) to post a map of green roofs online; Int. No. 239, in relation to education and outreach regarding solar and green roof requirements; Int. No. 531 in relation to requiring the DEP to issue an annual report on the City’s water drainage infrastructure; Int. No. 532 in relation to establishing the City’s coastal waterways as no discharge zones; Int. No. 533, in relation to requiring the DEP to report on its progress toward decreasing the presence of sewage and stormwater contaminants in the City waterways; Int. No. 603, in relation to studying the feasibility of implementing solar-ready measures for commercial buildings; and Int. No. 614, in relation to a pilot program to reduce emissions from city-owned motor vehicles. Those invited to testify include representatives from the DEP, the Department of Buildings (DOB), relevant State and Federal agencies, various environmental advocates, and other interested parties.

1. **Background**

CSO Events and the City Sewer System

New York City’s sewage infrastructure encompasses over 6,400 miles of mains, with an approximate average age of 91 years.[[1]](#footnote-1) The City is served by 14 wastewater treatment plants[[2]](#footnote-2) that have a total combined treatment capacity of approximately 1.8 billion gallons per day.[[3]](#footnote-3) Approximately 60% of New York City is served by a combined sewer system (CSS), which routes wastewater and stormwater runoff to treatment plants for processing prior to discharge into local waterways.[[4]](#footnote-4) While the combined sewer system is designed to meet engineering assumptions that a rainfall event intensity of 1.75 inches of rain per hour will occur approximately once every five years, one-tenth of an inch of precipitation per hour is enough to overwhelm wastewater treatment plants and trigger a Combined Sewer Overflow (CSO)[[5]](#footnote-5).

Every year, more than 20 billion gallons of raw sewage and stormwater runoff enter the City’s waterways due to CSOs[[6]](#footnote-6), which occur when the volume of sewage and runoff exceed the capacity of the City’s wastewater treatment plants (WWTPs). The discharges from these overflows include pathogenic bacteria and toxic waste, which prevents safe recreation in the City’s waterways and damages the marine habitat. While the quality of the City’s waterways has significantly improved over the last forty years, CSO events continue to impose steep environmental and economic costs.[[7]](#footnote-7) Increased monitoring of the contaminants in City waterways will help measure the impact of CSOs and efforts to prevent them.

CSO events are expected to become more frequent as climate change has led to increased precipitation in NYC.[[8]](#footnote-8) The New York City Panel on Climate Change (NPCC) predicts that the volume of annual rainfall will rise by 1 to 8 percent in the 2020s, 4 to 11 percent in the 2050s, and up to 19 percent by 2100.[[9]](#footnote-9)More importantly, the number of days per year in which the City will experience enough rain to trigger a CSO event is expected to increase substantially. The NPCC finds that the number of days in which the City will experience rainfall in excess of two inches may increase by as much as 23% by the 2050s[[10]](#footnote-10) and the NYC Department of Emergency Management reports that there is a 90% probability that NYC will experience an increase in heavy downpours by mid-century.[[11]](#footnote-11) DEP has previously testified before the Committee that the City sewer system is not prepared to withstand this increased precipitation induced by climate change.[[12]](#footnote-12)

The remaining approximately 40% of New York City not served by the combined sewer system is served by the municipal separate storm sewer system (MS4), wherein stormwater conveyance infrastructure is kept separate from infrastructure conveying raw sewage.[[13]](#footnote-13) In areas served by the MS4 system, stormwater runoff is routed directly to local waterways without any pre-treatment, irrespective of rainfall volume.[[14]](#footnote-14) While stormwater discharges from the MS4 system are not comingled with untreated sewage before discharge, stormwater can pick up a variety of pollutants including oils, chemicals, pesticides, pathogens, and debris or sediment while flowing over impervious surfaces,[[15]](#footnote-15) or surfaces through which water cannot infiltrate.[[16]](#footnote-16)

Long Term Control Plans (LTCPs) and DEC Compliance Order

The Federal Water Pollution Control Act Amendments of 1972, which later became the Clean Water Act of 1977 (CWA), was established with the aim of establishing pollution controls and protecting the water quality of US waterways.[[17]](#footnote-17) The act established a system of conditions and permitting for the discharge of pollutants into US waterways, under the National Pollution Discharge Elimination System (NPDES).[[18]](#footnote-18) In 1974, DEP began evaluating strategies to abate CSO and improve local water conditions in city waterways.[[19]](#footnote-19) DEP’s analysis concluded that while CSO events had little impact on dissolved oxygen levels, they had measurable negative impacts on environmental conditions in the confined tributary waters around the City.[[20]](#footnote-20) In 1988 the New York State Department of Environmental Conservation (DEC) issued State Pollution Discharge Elimination System (SPDES) permits to New York City, including conditions designed to bring the City into compliance with federal and state CSO requirements, which the City was unable to meet, resulting in a consent order with the State, which the City entered into in 1992.[[21]](#footnote-21)

The consent order required DEP to undertake CSO abatement projects in nine facility planning areas, also known as the nine minimum controls (NMCs).[[22]](#footnote-22) The NMCs are measures recommended by the United States Environmental Protection Agency (EPA) to reduce CSOs and improve surrounding water quality by changing CSS procedures and practices, as well as waste management practices external to the CSS.[[23]](#footnote-23) The NMCs do not require significant engineering studies or major construction and can be implemented within approximately two years.[[24]](#footnote-24)

The two procedural minimum controls are proper operation and regular maintenance programs; and monitoring to characterize CSO impacts and the efficacy of CSO controls. These controls require that the operator of a CSS maintain a record of the system’s personnel, spending, and maintenance and inspection procedures, as well as its most critical elements, such as CSO volumes or pollution levels.[[25]](#footnote-25) These controls are precursors to more extensive characterization and monitoring efforts that should be included in a Long Term Control Plan (LTCP), which is a document that governs how to improve the quality of a water system.

The four controls that concern CSS practices are the maximization of storage in the collection system; the maximization of flow to the Wastewater Treatment Plant (WWTP); the elimination of CSOs during dry weather; and the control of solid and floatable materials in CSOs. These controls advise how to increase CSS capacity through strategies such as diversion of flow to underused treatment facilities, removal of solid matter that can clog CSS components, and installation of leakage detection mechanisms.[[26]](#footnote-26) The remaining three control measures, which primarily concern components of the waste management system outside of the CSS, are: review and modification of pretreatment requirements; pollution prevention programs to reduce contaminants in CSOs; and public notification. Actions prescribed by these controls include the measurement and reduction of commercial and industrial discharge, changes to solid waste collection practices, and enforcement of waste dumping prohibitions.[[27]](#footnote-27) These controls also advise that the relevant municipality educate the public as to how CSOs harm public health and the economy.[[28]](#footnote-28)

In 2012, a subsequent consent order between DEP and DEC initiated the development of 11 LTCPs, one for each of the City’s sewersheds. These plans evaluate long term solutions to reduce CSO events and bring the City’s waterways into compliance with State and Federal standards. Recent LTCP projects include a $363 million investment in Flushing Creek to install a CSO storage facility to hold effluent until the WWTP regains capacity, as well as the reconstruction of the Gowanus Canal Pumping Station. These projects, alongside other measures, have reduced the annual CSO volume by 80 percent.[[29]](#footnote-29)

Each LTCP considers green infrastructure (GI)[[30]](#footnote-30) solutions in addition to gray infrastructure solutions.[[31]](#footnote-31) GI solutions absorb and filter runoff to effectively increase the capacity of gray infrastructure systems and include infrastructure practices such as rain gardens, bioswales, green roofs, and permeable pavements.[[32]](#footnote-32) In 2010, the City released a Green Infrastructure Plan to improve water quality and manage stormwater runoff through a mixture of green and gray infrastructure techniques. The Green Infrastructure Plan focused on five key components: (1) build cost-effective gray infrastructure; (2) optimize the existing wastewater system; (3) control runoff from 10% of impervious surfaces through green infrastructure; (4) institutionalize adaptive management, model impacts, measure CSOs, and monitor water quality; and (5) engage and enlist stakeholders.[[33]](#footnote-33)

The environmental damage caused by CSO events led the EPA to issue an administrative compliance order in 2016 pursuant to the Clean Water Act, under Section 309(a) of the Act, 3 U.S.C. §1319(a), alleging that the DEP violated the Clean Water Act by having failed to comply with the operation and maintenance terms and conditions of the fourteen permits issued by the DEC.[[34]](#footnote-34) The EPA found that the City’s sewer backups, which occur when sewage is released into public or private property and include CSO events, both exceeded a reasonable threshold and reoccurred at the same locations within the same year. Therefore, the EPA mandated that the City develop a seven-year operation and maintenance plan to eliminate sewer backups, publish an annual State of the Sewers Report, and improve sewer backup reporting procedures.[[35]](#footnote-35) The DEP published an operation and maintenance plan to prevent sewer backups in 2019[[36]](#footnote-36) and published State of the Sewer Reports annually between 2016 and 2021.

Watershed Management Plans

A watershed management plan identifies and addresses holistic water quality problems, whether they arise from CSO events or another source. While each plan is specific to a watershed, the parameters and objective of a watershed management plan are defined by the EPA in its “Handbook for Developing Watershed Plans to Restore and Protect Our Waters.” If authored for City sewersheds, these plans could help not only reduce the frequency of CSO events, but also ensure that City waterways comply with State and Federal water quality standards. For example, watershed management plans could help determine whether the current practice of disinfecting raw sewage effluent through chlorination harms waterway habitats. Other jurisdictions have used watershed management plans to improve water quality. In 2015, the Massachusetts Department of Environmental Protection authored a plan to install GI that, after implementation, allowed for safe recreation in a lake outside of Boston.[[37]](#footnote-37)

Green Roof Mapping and Tax Abatement

Large scale implementation of green roofs may help to reduce the frequency and severity of CSO events, as green roofs capture and temporarily store precipitation, allowing rainfall to be absorbed and evapotranspired by plants, reducing the burden on wastewater infrastructure, and slowing the rate at which water enters the system.[[38]](#footnote-38) In January of 2012, the Office of Long Term Planning and Sustainability adopted a rule designating priority community districts within which tax abatement for installing a green roof would be nearly tripled, from $5.23 per square foot, to $15 per square foot.[[39]](#footnote-39) The priority community districts were selected based on criteria including the Department of Health and Mental Hygiene’s heat vulnerability index, and percentage of land within a CSO Priority Area, as designated by the NYC DEP.[[40]](#footnote-40) The enhanced tax abatement is currently set to expire on June 30, 2024.[[41]](#footnote-41) Priority districts include Bronx Community Boards 1, 2, 3, 4, 5, 6, and 11, Brooklyn Community Boards 3, 4, 5, 8, 9, 16, and 17, and Manhattan’s Community Board 10. No community boards in Queens or Staten Island were designated as priority districts.[[42]](#footnote-42)

In 2019 the New York City Council passed Local Laws 92 and 94, which require the installation of a sustainable roofing zone on all new buildings or major roof renovations. To be considered a sustainable roofing zone, the roof must: have solar panels that can generate at least 4kW of electrical power; a green roof system that consists of a vegetative system; or a combination of the two. Sustainable roofing zones must be installed on 100 percent of available roof area, but are not required in excepted areas, such as recreational space, stormwater management fixtures, and setbacks. The law applies to buildings in the City and provides a five-year grace period for some affordable housing and financially distressed buildings.

1. **Legislation**

**Int. No. 102** would require DEP to post on its website a map of all green roofs in the City. The map would also include some information about each green roof, including the type of building, the area of the roof and the area covered by the green roof system, the capacity of the green roof to absorb water and the function or functions of the green roof. A map of the City’s green roofs could help analyze the efficacy of the Office of Long Term Planning and Sustainability’s 2012 green roof tax abatement rule. This local law would take effect 120 days after it becomes law.

**Int. No. 239** would require DOB to conduct targeted outreach every five years to inform building owners about the solar and green roof requirements of Local Law 92 of 2019 and Local Law 94 of 2019, which mandate that all new buildings or roof replacements include a solar photovoltaic system generating at least 4kW, a green roof system, or a combination of the two. DOB would also be required to post notices and educational materials on the department’s website and submit a report describing the methods of targeted outreach employed by the DOB every five years. This local law would take effect immediately.

**Int. No. 531** would require DEP to issue an annual report on the condition of the City’s critical drainage infrastructure, including a description of the operational condition of treatment facilities, pump stations, and other critical drainage infrastructure, and specific details regarding all previous instances in the past year that infrastructure was operating at a reduced capacity or out of service. This local law would take effect immediately.

**Int. No. 532** would require DEP to create a plan for establishing New York City’s coastal waters as vessel no discharge zones, to install at least three pumpout facilities per year until all coastal waters are so designated, and report annually on the progress toward the goal of establishing all of the City’s coastal waters as vessel no discharge zones. This local law would take effect immediately.

**Int. No. 533** would require DEP to study and report on the presence of contaminants from combined sewage overflows in the City’s waterways and the Department’s progress toward milestones noted in the sewer overflow long term control plan. The Department is also required to study the effectiveness of its current regulations and chlorination treatments for raw sewage. The Department would then develop a watershed management plan as well as a green infrastructure plan with the assistance of an advisory group. Both the study and report are required on a yearly basis and the watershed management plan would be required on a yearly basis beginning in 2023. The commissioner would also be required to hold a public meeting to present the reports and allow a public comment period before finalizing any plans or recommendations. This local law would take effect immediately and would expire and be deemed repealed 2 years after the completion of the DEP’s combined sewer overflow long term control plan projects or February 1, 2053, whichever is later.

**Int. No. 603** would direct DOB, with assistance from DEP, the Fire Department, and any other relevant agency, to conduct a year-long study to determine the feasibility of implementing solar-ready measures for commercial buildings. DOB would then be required to submit a report to the Speaker of the Council and the Mayor with the results of this study. This local law would take effect immediately and remain in effect until the Commissioner of Buildings has submitted to the Mayor and the Speaker of the Council a report with the results of the feasibility study.

**Int. No. 614** would require the Department of Citywide Administrative Services (DCAS) to create a pilot program on the use of low emission exhaust pipes. The pilot program would encompass 20 percent of all motor vehicles owned by the City that are run not exclusively by electric power, because they are already zero emission vehicles. The bill would also require DCAS to provide a written report to the Speaker of the Council and post such report on its website not later than one year following the start of the pilot program. The report would include the cost of the pilot program and the emissions reduction from the program. This local law would take effect immediately.

1. **Conclusion**

During today’s hearing, the Committee hopes to hear testimony from DEP about the MS4 and DEP’s efforts to meet water quality obligations required by the DEC CSO consent orders. Furthermore, the Committee seeks comments on the legislation being heard: Int. No. 102, Int. No. 239, Int. No. 531, Int. No. 532, Int. No. 533, Int. No. 603, and Int. No. 614. The Committee also seeks feedback from the public on how the City has responded to CSO events and waterway contamination.

Int. No. 102

By Council Members Brannan, Hanif, Dinowitz, Brewer, Riley, Yeger, Restler, Nurse, Bottcher, Schulman, Sanchez, Cabán, Farías, Abreu, Hudson, Avilés, Gennaro, Joseph, Krishnan, Brooks-Powers, Menin, De La Rosa, Ayala, Velázquez, Gutiérrez, Powers, Rivera, Marte, Ung, Won, Narcisse, Williams, Salamanca, Hanks, Holden, Moya, Lee, Barron, Richardson Jordan, Ossé, Stevens, Louis and Feliz (by request of the Queens Borough President)

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of environmental protection to post a map of green roofs online

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-532 to read as follows:

§ 24-532 Green roof map. a. The commissioner, in collaboration with the department of buildings, shall publish on the department’s website a map showing the location of every green roof, as defined in section 24-526.1, in the city.

b. For each green roof indicated on the map, the map shall at a minimum provide the following information:

1. The occupancy group of the building or structure;

2. The area of the roof in square feet;

3. The area of the portion of the roof covered by the green roof system in square feet;

4. The estimated amount of water such green roof has the capacity to absorb; and

5. Any functions of the green roof, which may include, but need not be limited to, aesthetic, water retention, recreational, farming or any other function designated by the department.

§ 2. This local law takes effect 120 days after it becomes law.

Session 12

JSA

LS #2259

3/8/2022

Session 11

NAB

LS #9877

5/28/2019

Int. No. 239

By Council Members Gennaro, Dinowitz, Stevens, Yeger, Restler, Krishnan, Nurse, Sanchez, Schulman, Cabán, Farías, Abreu, Bottcher, Riley, Avilés and Ossé

A Local Law to amend the administrative code of the city of New York, in relation to education and outreach regarding solar and green roof requirements

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-103.37 to read as follows:

**§ 28-103.37 Education and outreach on solar and green roof requirements**. No later than January 31, 2023, and by January 31 every five years thereafter, the department shall conduct targeted outreach to notify and educate building owners about the requirements of section 1511 of the New York city building code. Notices and educational materials distributed pursuant to this section shall include, but not be limited to, information regarding the requirements of section 1511 of the New York city building code and notice as to which buildings such requirements apply. Such notices and educational materials shall be prepared in plain language using words with common everyday meanings and made available in all of the designated citywide languages, as defined in section 23-1101. Such notices and educational materials shall also be made available on the department’s website.

**§ 28-103.37.1 Reporting.** No later than May 31, 2023, and by May 31 every five years thereafter, the department shall submit to the speaker of the council a report describing the methods of targeted outreach used to comply with this section.

§ 2. This local law takes effect immediately.

Session 12

IP

LS #8438

4/19/22 4:18pm

Session 11

JSA

LS #17018

Int. #2302-2021

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Int. No. 531

By Council Members Gennaro, Brewer, Gutiérrez, Restler, Riley, Schulman and Sanchez

A Local Law to amend the administrative code of the city of New York, in relation to an annual report on drainage infrastructure

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-532 to read as follows:

                     § 24-532 Annual report on drainage infrastructure. a. No later than February 1 of each year, the commissioner of environmental protection shall submit to the mayor and the speaker of the council a report on the condition of municipal drainage infrastructure.

b. The report required by subdivision a of this section shall include, but need not be limited to, the following information:

1. A description of the current operational condition of all treatment locations, wastewater pump stations, sewer regulators and other critical drainage infrastructure; and

2. For every instance in the previous year where infrastructure was either out of service or operating at a reduced capacity;

(a) A description of the affected infrastructure;

(b) The length of the disruption;

(c) Whether such disruption was partial or full;

(d) The cause of the disruption; and

(e) A description of any actions, whether conducted or planned, in response.

                     § 2. This local law takes effect immediately.

Session 12

MHL

LS #8566

06/07/22

Session 11

BJR

LS #654

Int. 383-2018

Int. No. 532

By Council Members Gennaro and Restler

A Local Law to amend the administrative code of the city of New York, in relation to installing pumpout facilities to establish the city’s coastal waters as no-discharge zones

Be it enacted by the Council as follows:

Section 1. Section 22-112 of the administrative code of the city of New York is amended by adding a new subdivision f to read as follows:

f. 1. Definitions. For purposes of this subdivision, the term “pumpout facility” has the meaning ascribed to such term in the environmental conservation law.

2. Plan to establish no-discharge zones. (a) No later than March 1, 2023, the department of environmental protection shall create a written plan to establish all of the city’s coastal waters as no-discharge zones.

 (b) The plan shall consider the existing number and locations of pumpout facilities in or adjacent to the city’s coastal waters, and determine the number of additional pumpout facilities required to establish a no-discharge zone in each coastal body of water in the city, and the necessary locations of such additional pumpout facilities.

3. Every calendar year until all of the city’s coastal waters are designated as no-discharge zones, the department of environmental protection shall install at least three public pumpout facilities. The department of environmental protection shall prioritize installing pumpout facilities in or around the bodies of water with the lowest number of necessary additional pumpout facilities required to establish them as no-discharge zones, as identified pursuant to subparagraph (b) of paragraph 2 of this subdivision.

4. By March 1 of every year until all of the city’s coastal waters are designated as no-discharge zones, the department of environmental protection shall update the plan created pursuant to paragraph 2 of this subdivision and report to the mayor and the council on the pumpout facilities installed in the 12 months preceding the report, the pumpout facilities to be installed in the 12 months following the report, an assessment of priorities pursuant to paragraph 3 of this subdivision and an assessment of progress toward establishing all of the city’s coastal waters as no-discharge zones.

5. The department of environmental protection shall ensure that all no-discharge zones continue to meet federal eligibility criteria for no-discharge zones promulgated pursuant to the clean water act.

§ 2. This local law takes effect immediately.

Session 12

MHL

LS #8570

6/10/22

Session 11

HB/MAJ

LS #520

Int. 702-2018

Int. No. 533

By Council Members Gennaro, Nurse, Cabán, Hanif, Brewer, Ung, Gutiérrez, Restler, Marte, Schulman, Sanchez, Narcisse, Joseph, Brannan, Hudson, Bottcher, Abreu, Krishnan, Brooks-Powers, Menin, Avilés, Ayala, Velázquez, Powers, Rivera, Won, Dinowitz, Williams, Salamanca, Farías, Hanks, Holden, Moya, Lee, Barron, Riley, Richardson Jordan, Yeger, Ossé, Louis and Feliz..Title

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of environmental protection to report on its progress toward decreasing the presence of sewage and stormwater contaminants in the city waterways and various strategies to achieve those goals, and providing for the expiration and repeal of such requirement

..Body

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-532 to read as follows:

§ 24-532 Studies of city sewage pollution. a. The commissioner of environmental protection shall annually complete a study on sewage and stormwater contaminants in the city's waterways, and shall prepare and file with the mayor and the council and post on the department’s website a report disclosing the results of each such study, including but not necessarily limited to:

1. The current condition of the waterways of the city with respect to the presence of

contaminants from combined sewage overflows, frequencies and volumes of discharges from each combined sewage overflow during the preceding year, and the proportional impact of discharges on environmental justice communities;

2. The progress made by the department of environmental protection toward reaching the milestones, projected reductions in combined sewage overflow volume and frequency, projected pollutant load reductions, and projected water quality improvements included in each combined sewer overflow long term control plan required under state or federal permits or enforcement orders; and

3. For each waterway that is the subject of a combined sewage overflow long term control plan, the five sewage contaminants discharged from city outfalls that are the most frequent cause or contributor during the preceding year to violations of the water quality standards set forth in part 703 of title 6 of the New York codes, rules and regulations or the United States environmental protection agency’s 2012 recreational water quality standards.

b. The commissioner shall complete each study and submit the report required by subdivision a by July 1 of each year.

c. The commissioner shall develop and file with the mayor and the council and post on the department’s website, for each waterway that is the subject of a combined sewer overflow long term control plan, an integrated watershed management plan, following the guidelines in the United States environmental protection agency’s 2008 Handbook for Developing Watershed Plans to Restore and Protect Our Waters. The objectives of each plan shall include, but need not be limited to, year-round compliance throughout each water body, including at all locations where people may come into contact with the water through recreational activities, with water quality standards no less stringent than the United States environmental protection agency’s 2012 recreational water quality criteria, or the most recent update to such criteria. The department shall publish one integrated watershed plan for a waterway that is subject to a combined sewer overflow long term control plan but lacks an integrated watershed plan, on July 1 of each year, beginning July 1, 2023, until such plans are completed for each such waterway.

d. For the development of each plan required under subdivision c of this section, the commissioner shall convene an advisory group quarterly to receive an update on substantive findings and analysis and to provide advice. The advisory group shall be composed of no fewer than five members, including:

1. A representative appointed by the borough president of each respective borough adjoining the waterway that is the subject of the respective plan;

2. One member representing a New York city-based organization with at least five years of experience researching and advocating to address the differential effects of environmental degradation on economically disadvantaged communities;

3. Two members representing environmental organizations with at least five years of experience researching and advocating to address urban sewage pollution issues; and

4. One representative affiliated at a college or university with experience in water quality or hydrology.

e. The commissioner shall develop and file with the mayor and the council and post on its website, for each waterway that is the subject of a combined sewage overflow long term control plan, a report identifying all technically feasible opportunities to develop green infrastructure on public and private lands and structures within the sewersheds draining to each respective waterway, including projects that rely on public funding, private funding, or a combination thereof, and the potential for green infrastructure assets to maximize health, quality of life, and economic benefits to environmental justice communities. For the purposes of this paragraph, the term “green infrastructure” refers to methods to divert stormwater away from the sewer system and direct it to areas where it can be infiltrated, evapotranspired, reused, or detained, including, but not limited to, green roofs, trees and tree boxes, blue roofs, permeable pavement, rain barrels and cisterns, rain gardens, vegetated swales, wetlands, infiltration planters, and vegetated sidewalk swales and median strips. The department shall publish a report for a waterway that is subject to a combined sewage overflow long term control plan but lacks a report on such technically feasible opportunities for green infrastructure, on July 1 of each year, beginning July 1, 2023, until such reports are completed for each such waterway.

f. The commissioner shall complete a study evaluating the effectiveness of its current regulations for reducing the volume and rate of stormwater discharge from developed land and establishing a method to be used by the department to track the combined sewage overflow and stormwater pollution reductions achieved by implementing such standards. The commissioner shall submit such study to the mayor and the council and shall post on the department’s website a report and recommendations for adopting on-site stormwater retention standards for new development and redevelopment projects in the combined sewage areas and separate sewage areas of the city and for tracking the combined sewage overflow and stormwater pollution reductions that would be achieved by implementing such new standards. The commissioner shall complete the study and submit the report and recommendations by July 1, 2024.

g. The commissioner shall complete a study on chlorination treatments for raw sewage and develop and submit to the mayor and the council and post on the department’s website a report evaluating, for each location in the city where a combined sewage overflow long term control plan includes chlorination:

1. Anticipated designs for chlorination methods and types and levels of chemicals;

2. The effectiveness of such designs at treating or neutralizing pathogens and other pollutants; and

3. Potential adverse impacts of the use and discharges of chlorination chemicals and chlorination chemical byproducts and the extent to which anticipated designs will be able to avoid adverse impacts.

h. The report required by subdivision g shall consider the experiences of other wastewater treatment utilities with chlorination treatments for combined sewer overflows. The commissioner shall complete the study and submit the report by July 1, 2023.

i. The commissioner shall:

1. Publish a draft of each report, plan or set of recommendations required by subdivisions a, c, d, e, f and g, on the department’s website 90 days before finalization;

2. Hold a public meeting to present the draft report and answer questions from the public; and

3. Allow the public to submit comments on such draft report for 45 days.

j. As part of each report, plan or set of recommendations required by subdivisions a, c, d, e, f and g, the commissioner shall:

1.Include an assessment of public comments, including a copy of all such comments and summary of any unwritten comments offered at the meetings of any relevant advisory group or any relevant public meeting;

2. A summary and an analysis of the issues raised in such comments;

3. Responses to any questions included in such comments;

4. A statement of the reasons why any significant modifications recommended in such comments were not incorporated into the report; and

5. A description of any changes made to the report as a result of such comments.

§ 2. This local law takes effect immediately and remains in effect until 2 years after the completion of the department of environmental protection's combined sewer overflow long term control plan projects or February 1, 2053, whichever is later, at which time it shall expire and be deemed repealed.

Session 12

IP

LS #8437

6/7/22 1:10pm

Session 11

JG

LS #3207

Int. #1618-2019

Int. No. 603

By Council Members Abreu, Brewer, Restler, Nurse, Gutiérrez and Sanchez (by request of the Manhattan Borough President)

..Title

A Local Law in relation to studying the feasibility of implementing solar-ready measures for commercial buildings

..Body

Be it enacted by the Council as follows:

Section 1. As used in this local law, the following terms have the following meanings:

Commercial building. The term “commercial building” has the same meaning as set forth in sections C202 and R202 of the 2020 New York city energy conservation code.

Solar power. The term “solar power” means the use of the sun’s energy either directly, as thermal energy, or through the use of photovoltaic cells in solar panels and transparent photovoltaic glass, to generate electricity.

Solar-ready measures. The term “solar-ready measures” means any measures incorporated into building design and construction that are designed to permit the building to install photovoltaic cells in solar panels and transparent photovoltaic glass, or to incorporate other means of utilizing solar power, even if the installation does not occur at the time of construction.

Use and occupancy classification. The term “use and occupancy classification” means any use and occupancy classifications set forth in chapter 3 of the New York city building code.

§ 2. Feasibility study on the implementation of solar-ready measures for commercial buildings. The commissioner of buildings, in consultation with the commissioner of environmental protection, the fire commissioner, and the commissioners of any other relevant agency, shall conduct a feasibility study on the implementation of solar-ready measures for commercial buildings. Such feasibility study shall:

1. Evaluate the utility of implementing solar-ready measures in commercial buildings;

2. Identify any barriers to implementing solar-ready measures in commercial buildings;

3. Identify any type of commercial building by use and occupancy classification that could incorporate solar-ready measures; and

4. Assess the estimated costs of requiring solar-ready measures in commercial buildings

that can incorporate such measures.

§ 3. Within 12 months after this local law takes effect, the commissioner of buildings shall submit to the mayor and the speaker of the council a report with the results of the feasibility study.

§ 4. This local law takes effect immediately and remains in effect until the commissioner of buildings has submitted to the mayor and the speaker of the council a report with the results of the feasibility study.

 Session 12

SS

LS #574, 8188

6/10/22

Session 11

GZ

LS #3522

Int. 1417-2019

Int. No. 614

By Council Members Gennaro, Restler, Nurse, Gutiérrez, Joseph and Sanchez..Title

A Local Law to amend the administrative code of the city of New York, in relation to a pilot program to reduce emissions from city-owned motor vehicles

..Body

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 12 of the administrative code of the city of New York is amended by adding a new section 12-212 to read as follows:

§ 12-212 City-owned motor vehicle emissions reduction program. The department of citywide administrative services shall implement a pilot program on the use of low emission exhaust pipes. Such pilot program shall encompass 20 percent of all motor vehicles owned by the city that are run not exclusively by electric power. The department of citywide administrative services shall provide a written report to the speaker of the council and post such report on its website not later than one year following commencement of such pilot program. Such report shall include, but not be limited to, the cost of such pilot program and the emissions reduction from such program.

§ 2. This local law takes effect immediately.

Session 12

MHL

LS 8565

07/12/22

Session 11

AV / NJC

LS 803

Int. 294-2018

1. Center For an Urban Future, “Testimony: Aging Infrastructure- New York City’s Gas, Steam, and Water Infrastructure” <https://nycfuture.org/research/testimony-aging-infrastructure-new-york-citys-gas-steam-and-water-infrastru> (last accessed 9/7/21) [↑](#footnote-ref-1)
2. NYC Department of Environmental Protection, “New York City’s Wastewater Treatment System” <https://www1.nyc.gov/html/dep/html/wastewater/wwsystem-plantlocations_wide.shtml>(last accessed 9/7/21) [↑](#footnote-ref-2)
3. Id. [↑](#footnote-ref-3)
4. NYC Department of Environmental Protection, “Sewer System” <https://www1.nyc.gov/site/dep/water/sewer-system.page> (last accessed 1/13/23) [↑](#footnote-ref-4)
5. Clara Chaisson, “When It Rains, It Pours Raw Sewage into New York City’s Waterways” <https://www.nrdc.org/stories/when-it-rains-it-pours-raw-sewage-new-york-citys-waterways> (last accessed 1/27/2023) [↑](#footnote-ref-5)
6. NY Curbed, “NYC has a plan to clean its sewage-filled waterways. Does it go far enough?” <https://ny.curbed.com/2020/2/20/21144943/new-york-water-combined-sewer-overflow-dep-plan> (last accessed 1/18/23) [↑](#footnote-ref-6)
7. Riverkeeper, “Combined Sewage Overflows (CSOs)” <https://www.riverkeeper.org/campaigns/stop-polluters/sewage-contamination/cso/> (last accessed 1/18/23) [↑](#footnote-ref-7)
8. NYC Panel on Climate Change, “New York City Panel on Climate Change 2015 Report” <https://nyaspubs.onlinelibrary.wiley.com/doi/epdf/10.1111/nyas.12586> (last accessed 1/18/23) [↑](#footnote-ref-8)
9. Id. [↑](#footnote-ref-9)
10. Id. [↑](#footnote-ref-10)
11. NYC Department of Emergency Management et al., “New York City’s Risk Landscape: A Guide to Hazard Mitigation” [↑](#footnote-ref-11)
12. Testimony of DEP Commissioner Vincent Sapienza at NY City Council Oversight Hearing on September 14, 2021. Transcript page 25, lines 17-21) <https://legistar.council.nyc.gov/View.ashx?M=F&ID=9839806&GUID=8AD3509B-5D67-49A9-95A9-A535F35C502C> [↑](#footnote-ref-12)
13. NYC DEP. Municipal Separate Storm Sewer System. <https://www.nyc.gov/site/dep/water/municipal-separate-storm-sewer-system.page> (last accessed 1/27/23) [↑](#footnote-ref-13)
14. Id. [↑](#footnote-ref-14)
15. Id. [↑](#footnote-ref-15)
16. Alliance for the Chesapeake Bay Glossary of Terms. Impervious. <https://stormwater.allianceforthebay.org/glossary-of-terms/impervious> (last accessed 1/27/23) [↑](#footnote-ref-16)
17. U.S. Dept of the Interior. Bureau of Ocean Energy Management. Clean Water Act. <https://www.boem.gov/environment/environmental-assessment/clean-water-act-cwa> (last accessed 1/27/23) [↑](#footnote-ref-17)
18. Id. [↑](#footnote-ref-18)
19. New York State Department of Environmental Conservation. NYC CSO Order of Consent (2005). <https://www.dec.ny.gov/docs/water_pdf/2005nyccomod.pdf> (last accessed 1/27/23) [↑](#footnote-ref-19)
20. Id. [↑](#footnote-ref-20)
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22. Id. [↑](#footnote-ref-22)
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24. Id. [↑](#footnote-ref-24)
25. Id. [↑](#footnote-ref-25)
26. Id. [↑](#footnote-ref-26)
27. Id. [↑](#footnote-ref-27)
28. Id. [↑](#footnote-ref-28)
29. NYC Department of Environmental Protection, “Improving New York City’s Waterways” <https://www.nyc.gov/assets/dep/downloads/pdf/water/nyc-waterways/citywide-ltcp/improving-water-quality-by-reducing-the-impacts-of-csos-fall-2017.pdf> (last accessed 1/18/23) [↑](#footnote-ref-29)
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32. United States Environmental Protection Agency, “What is Green Infrastructure?” <https://www.epa.gov/green-infrastructure/what-green-infrastructure> (last accessed 1/18/2023) [↑](#footnote-ref-32)
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39. New York City Office of Long Term Planning and Sustainability. Notice of Adoption of Final Rule. <https://www1.nyc.gov/assets/sustainability/downloads/pdf/Final-Rule-Green-Roof-Tax-Abatement.pdf> (last accessed 1/19/23) [↑](#footnote-ref-39)
40. Id. [↑](#footnote-ref-40)
41. Id. [↑](#footnote-ref-41)
42. Green Roof Incentives Triple in New Priority Zones. Building Energy Exchange. April 27, 2021. <https://be-exchange.org/insight/green-roof-incentives-triple-in-new-priority-zones/n> (last accessed 1/19/23) [↑](#footnote-ref-42)