Legislation Details (With Text)

File #:	Int 0533-2022 **Version:** *	**Name:**	Requiring DEP 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.
Type:	Introduction	**Status:**	Filed (End of Session)
		In control:	Committee on Environmental Protection, Resiliency and Waterfronts
On agenda:	6/16/2022		
Enactment date:		**Enactment #:**	
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		
Sponsors:			
Indexes:	Report Required, Sunset Date Applies		
Attachments:	1. Summary of Int. No. 533, 2. Int. No. 533, 3. June 16, 2022 - Stated Meeting Agenda, 4. Hearing Transcript - Stated Meeting 6-16-22, 5. Minutes of the Stated Meeting - June 16, 2022, 6. Committee Report 2/3/23, 7. Hearing Testimony 2/3/23, 8. Hearing Transcript 2/3/23		

Date	Ver.	Action By	Action	Result
6/16/2022	*	City Council	Introduced by Council	
6/16/2022	*	City Council	Referred to Comm by Council	
2/3/2023	*	Committee on Environmental Protection	Hearing Held by Committee	
2/3/2023	*	Committee on Environmental Protection	Laid Over by Committee	
3/7/2023	*	City Council	Re-referred to Committee by Council	
12/31/2023	*	City Council	Filed (End of Session)	

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, Feliz and De La Rosa

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

Be it enacted by the Council as follows:

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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.

d. 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.

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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