



Legislation Text

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Int. No. 67

By Council Members Brannan, Yeger, Adams, Dinowitz, Holden, D. Diaz, Gennaro and Rose

A Local Law to amend the administrative code of the city of New York, in relation to placing liability on the city for overtaxed sewer lines and requiring the city to develop a plan to mitigate and prevent sewer backups

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 7 of the administrative code of the city of New York is amended by adding a new section 7-213 to read as follows:

§ 7-213 Claims for property damage due to capacity-related sewer backups. a. Definitions. For purposes of this section, the term “capacity-related sewer backup” means a sewer backup caused by overtaxed sewers due to a natural occurrence such as a heavy rainfall or snowmelt.

b. The city is liable to real property owners for real or personal property damage caused by a capacity-related sewer backup.

§ 2. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-531 to read as follows:

§ 24-531 Sewer backup mitigation plan. a. By July 1, 2018, the commissioner of environmental protection shall submit to the mayor and the council, and post on the department’s website, an operation and maintenance plan for the city’s sewer system.

b. The plan shall include, at a minimum, the following:

1. Sewer backup prevention and response measures;

2. A sewer backup benchmark for the annual reduction of sewer backups, based on the procedures and standards outlined in the United States environmental protection agency administrative compliance order dated

August 31, 2016, and a detailed description of any other methodology used to develop the benchmark;

3. Proposed targeted reductions in sewer backups in the portions of the sewer system most heavily impacted by sewer backups;

4. An implementation schedule for the next five years, which will demonstrate that the department has continuously achieved the annual sewer backup benchmark;

5. Measures that will be implemented beyond the initial five-year period to ensure that sewer backups are adequately responded to and fully addressed and that adequate measures are taken to prevent sewer backups with the ultimate goal of elimination of sewer backups system-wide;

6. A general cleaning and maintenance schedule for the sewer system; and

7. The number of full-time department employees dedicated to sewer system maintenance and cleaning and the number of contractors and contract dollars allocated for sewer system maintenance each year for the next five years.

§ 3. This local law takes effect 120 days after it becomes law; provided, however, that the comptroller and the commissioner of environmental protection shall take all actions necessary for its implementation, including the promulgation of rules, before such date.

MMB
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1/9/18; 2:09 p.m.