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Int. No. 1254

By Council Members Gennaro, Louis, Restler, Gutiérrez, Banks and Brewer

A Local Law to amend the administrative code of the city of New York, in relation to creating a greened acre metric to measure stormwater captured by green infrastructure installed in the city and set a greened acre goal for MS4 areas

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 24-534 to read as follows:

§ 24-534 Greened acres. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Department. The term "department" means the department of environmental protection.

Green infrastructure. The term "green infrastructure" means the range of measures that use plant or soil systems, permeable pavement or other permeable surfaces or substrates, stormwater harvest or reuse, or landscaping to store, infiltrate, or evapotranspirate stormwater and reduce flows to sewer systems or to surface waters.

Green infrastructure asset. The term "green infrastructure asset" includes any green infrastructure project designed and maintained by the department, or any other agency, and any green infrastructure project funded by the department's green infrastructure grant program.

Greened acre. The term "greened acre" means the volume of stormwater managed by a green infrastructure asset equivalent to 1 inch of stormwater over 1 acre of impervious area.

MS4 area. The term "MS4 area" means areas of the city served by separate storm sewers and separate

stormwater outfalls owned or operated by the city; areas served by separate storm sewers owned or operated by the city that connect to combined sewer overflow pipes downstream of the regulator owned or operated by the city; and areas in which municipal operations and facilities drain by overland flow to waters of the state of New York.

b. By December 31, 2035, the department shall install, or cause to be installed, green infrastructure assets that manage, in total, at least 2,400 greened acres in the MS4 area. Any green infrastructure assets installed in the MS4 area prior to the effective date of this section shall count toward the total greened acreage required by this subdivision.

c. The department shall measure the greened acres managed by each of the city's green infrastructure assets and publish such greened acres measurement for each green infrastructure asset on the green infrastructure program map, or on another map on the department's website.

d. By April 30 of each year, the department shall publish a greened acre report, provided that the requirements of this subdivision may be met by incorporating such required information into an existing report published by the department.

1. Such report shall include

(a) the department's plans for, and progress toward, complying with the requirements of subdivision b;

(b) the total greened acres managed by green infrastructure in the MS4 area, disaggregated by green infrastructure type; and

(c) the city's total greened acres managed by green infrastructure, disaggregated by green infrastructure asset type.

2. The report requirements of this subdivision shall terminate upon full compliance with the requirements of subdivision b, provided that the department shall publish a final report indicating such compliance.

e. Nothing in this section shall be construed as prohibiting or conflicting with any other obligation or

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law, including any consent agreements under any state or federal law, requiring the department to install, or report on, green infrastructure in the city.

§ 2. This local law takes effect immediately.

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