



**NOTICE OF LEAD AGENCY DETERMINATION AND
NOTICE OF INTENT TO CONDUCT AN ENVIRONMENTAL REVIEW**

March 20, 2009

**DEPARTMENT OF
ENVIRONMENTAL
PROTECTION**

59-17 Junction Boulevard
Flushing, New York 11373

Proposed Promulgation of Chapter 25 of Title 15 of the Rules of the City of New York: Rule Governing House/Site Connections to the Sewer System

CEQR No. 04DEP011C

**Steven W. Lawitts
Acting Commissioner**

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The New York City Department of Environmental Protection (NYCDEP) is proposing to promulgate "Rule Governing House/Site Connections to the Sewer System" as Chapter 25 of Title 15 of the Rules of the City of New York (RCNY). The proposed action would update and codify the requirements for sewer availability certification and permitting for the construction, alteration, repair or relay, plugging, unplugging, and inspection of all house/site connections to the New York City (the City) sewer system. The purpose of the proposed action is to provide a standard permitting procedure for owners (any individual, firm, corporation, company, association, society, institution or any other legal entity that own the property) proposing to connect a City sewer, a private sewer, a private drain, or an approved outlet to serve an existing or a proposed development. The Rule would govern the house/site sewer connection from the street sewer to the property line.

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The regulated community would include professional applicants (i.e., professional engineers and registered architects), private builders and developers, Licensed Master Plumbers, public sector agencies and departments, and property owners (i.e. any individual, firm, corporation, company, association, society, institution or any other legal entity that own the property, appurtenances and/or easements) 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. In addition to codification of the existing standards, procedures, and practices, the proposed action includes enactment of a variance procedure. If an owner were to experience an exceptional economic, technological or safety hardship as a result of complying with provisions of the rule due to the owner's or the site's particular situation, the proposed rules and regulations would provide a formal opportunity to apply for a variance provided the owner were to demonstrate that the proposed alternative sewer connection plan were protective of the city infrastructure and the environment.

The proposed action also includes a standard that prohibits the planting of new trees directly above or within ten feet of any infrastructure facilities including, but not limited to, existing sewers and water mains to minimize damage to these facilities and potential for exfiltration. This provision would codify a well-established practice.

The proposed action requires promulgation pursuant to the authority granted to the Commissioner of the Department of Environmental Protection as set forth in section 1043 and subdivision (b) of section 1403 of the New York City Charter and pursuant to sections 24-507, 24-508 and 24-509 of the Administrative Code of the City of New York. The proposed action also requires approval according to the New York City Rules & Regulations City Administrative Procedure Act (CAPA). No State or federal approvals are required to implement the proposed action.



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The NYCDEP Bureau of Environmental Planning and Analysis has concluded that the proposed action is classified as an Unlisted Action. As per Article 8 of the Environmental Conservation Law establishing the State Environmental Quality Review Act (SEQRA) and its implementing regulations as set forth in 6NYCRR Part 617, and the New York City Environmental Quality Review (CEQR) process, as set forth in Executive Order 91 of 1977 and its amendments, NYCDEP believes that it is the appropriate party to serve as lead agency for the SEQRA/CEQR review of the proposed action. Parts I and II of an Environmental Assessment Statement have been prepared for the proposed action and are attached for your review. The proposed Rule, published March 16, 2009, is also attached for your review.

For further information, please contact:

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