

NYC DEP Right-Of-Way Green Infrastructure Protections

Frequently Asked Questions

1. How will we know if there is Green Infrastructure in the area?

There should be a stipulation (BIOSW1 or PERMPV) on the back of your DOT permit. The BIOSW1 stipulation will be included if there are rain gardens or infiltration basins in the area and the PERMPV stipulation will be included if there is permeable pavement in the area.

The Interactive Map of Green Infrastructure Projects on DEP's website can be used to verify if there are GI practices near your construction activities. Any GI practices in construction or already constructed will be shown on this map.

<https://www1.nyc.gov/site/dep/water/green-infrastructure.page>

2. Will DOT Permits affected by these stipulations be on hold prior to being released to the contractor? Where will DEP be releasing the permits from DOT?

DOT permits will not be on hold, but the stipulations require the permittee to contact NYC DEP 48 business hours before construction starts at GiUtility@dep.nyc.gov with subject line [Company Name – Address of work – Permit Number] for further instruction on how to proceed.

3. How often are green infrastructure assets maintained?

Maintenance depends on the asset type, location, and whether it is in the construction stage or DEP has taken full responsibility for maintenance. If the asset is under construction guarantee, then it is maintained every two weeks per the contract.

4. What is the best way to reach DEP for protection related questions?

By email at GiUtility@dep.nyc.gov with subject line [Company Name – Address of work – Permit Number].

5. Are you holding all utility companies to the same standards as you are holding the contractors to?

Yes, we have provided multiple trainings to all utility companies and they are held to the same standards as the contractors.

6. Are stipulation violations and damages to green infrastructure being enforced?

Yes, there are enforcement bodies for both DOT and DEP. DOT has their HIQA unit which performs routine inspections. DEP has a team of inspectors who issue violations pursuant to rules in New York City Titles which regulate damage to water and sewer infrastructure.

7. What is the best way to document that damage to the green infrastructure was not caused by our construction activities?

Take and submit photos of the green infrastructure's condition before and after construction process. Photos should include all components of the asset, including concrete elements, soil, vegetation, tree guards, etc. Photos to be submitted to GiUtility@dep.nyc.gov with subject line [Company Name – Address of work – Permit Number]. DEP may visit the sites to ensure the assets are protected according to the protection criteria. Permittee must contact NYC DEP 48 business hours before construction starts at GiUtility@dep.nyc.gov with subject line [Company Name – Address of work – Permit Number] for further instruction on how to proceed.

8. Will a preconstruction survey of GI be performed by DEP to see the existing conditions?

No, permittee should document all existing conditions by taking multiple photos and sending to GiUtility@dep.nyc.gov with subject line [Company Name – Address of work – Permit Number].

9. Do you have to follow DPR tree protection standards for bioswales with trees? Where would I be able to find them?

We have worked with DPR to develop consistent standards for tree protection. This can be found on the DPR website here: <https://www.nycgovparks.org/pagefiles/84/tree-protection-details.pdf> as well as the PowerPoint presentation that is on DEP's green infrastructure section of the website here: <https://www1.nyc.gov/assets/dep/downloads/pdf/water/stormwater/green-infrastructure/right-of-way-green-infrastructure-protections-during-construction.pdf>

10. How long is a typical stretch of Porous Concrete?

From one intersection to another for the entire length of the roadway.

11. How deep is the porous concrete?

Typically, a porous concrete cross-section is composed of a 6" precast concrete slab, between 2" to 3" of leveling course, and an open graded Stone reservoir layer of variable depth to a max depth of approximately 2.5'. Each layer that is removed or disturbed must be replaced in kind. Please reach out to DEP for verification on the cross section and layer depths for each particular road segment.

12. Who makes the porous concrete?

So far, we have installed porous concrete panels from Stormcrete. To obtain a guide on how to remove and replace the concrete panels, please reach out to DEP.

13. How can one know if there is porous concrete in the roadway?

If there is porous concrete in the roadway near your construction work, your DOT permit should include the PERMPV stipulation. When you contact DEP, we will provide the plans of where the porous concrete begins and ends. For reference, porous concrete is only constructed in asphalt roadways and is delineated by a 6" concrete header.

14. Where do we find specification for porous concrete?

The NYC DEP GI Standard Designs include guidelines for porous concrete on Drawing GI-401. Standards can be found here:

<https://www1.nyc.gov/assets/dep/downloads/pdf/water/stormwater/green-infrastructure/green-infrastructure-standard-designs.pdf>

Specifications on the material can be obtained by contacting DEP.

15. Are these additional protection measures going to be a new pay item, or just a cost to be incurred or absorbed?

These protections should be taken into consideration as is done with other existing city infrastructure, e.g., catch basin protections, street tree protections, etc.

16. Can you provide the costs associated with damaged green infrastructure practices or porous concrete panels?

The cost of the damage depends on which component of the asset is damaged and the type of asset. For example, damages associated with the concrete apron of an infiltration basin would not cost the same as damages to the tree guard of a bioswale. After damage has been incurred, DEP will inspect and provide the costs associated.

17. What is the cost associated with a stipulation violation? Does this vary depending on the circumstance?

Stipulation violator will receive a summons of \$1200. This is a fixed amount and does not vary on the circumstance. The same summons code can be issued to a contractor every 24 hours.

18. Would the average cost to repair a bioswale differ from the average cost of an infiltration basin?

The average cost to repair both asset types is about \$50,000.

19. Is it \$50,000 regardless of the type of damage or up to that amount?

The total cost of the green infrastructure ranges depending on the size, type, and location of the asset. \$50,000 is an average estimate, but depending on the aforementioned factors it could change. The measure of damage is reviewed by DEP staff and the final cost will be determined accordingly.