



**Environmental
Protection**

Caswell F. Holloway
Commissioner

Angela Licata
Deputy Commissioner
Environmental Planning and
Analysis
alicata@dep.nyc.gov

59-17 Junction Boulevard
Flushing, NY 11373
T: (718) 595-4398
F: (718) 595-4479

April 8, 2011

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

**Re: Amendment to Chapter 31 of Title 15 of the RCNY, "Standards
for Stormwater Release Rates" Citywide (CEQR #: 08DEP031Y)**

In accordance with Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 (CEQR), the New York City Department of Environmental Protection (DEP), proposes to assume the role of lead agency for the environmental review of the above referenced action.

This assumption of lead agency status is consistent with the underlying mandate of CEQR that the appropriate lead agency should be the agency "primarily responsible for carrying out, funding, or approving an action," as well as the criteria listed in Section 5-03(h) of the Rules of Procedure for CEQR found at 62 RCNY Chapter 5.

DEP is proposing to promulgate "Standards for Stormwater Release Rates" as an amendment to Chapter 31 of Title 15 of the Rules of the City of New York. The proposed rule amendment would modify the flow rate to the City's sewer system for new and existing development as part of sewer availability and connection approvals ("proposed action"). The proposed action would apply to all sewer connection applications for new buildings ("new developments") or alterations that result in an expansion of impervious surfaces on a lot to greater than 20% of existing impervious surfaces ("expansions").

The purpose of the proposed action is to more stringently control the flow of stormwater runoff on development lots to the City's sewer system. Slower release rates to the sewer system would, thereby, free up capacity in the system over time as the number of new developments and expansions increase within a drainage area. The proposed action is expected to improve the performance of the existing system and provide additional capacity for growth in the future. As with other regulatory requirements, new developments and expansions have more flexibility to incorporate these measures. The rule is an integral component of the *NYC Green Infrastructure Plan*.

The benefits associated with the proposed performance standard are expected to accrue incrementally over time. These benefits include peak flow reduction to the sewer system, reductions in combined sewer overflows (CSOs) and potential reductions in localized flooding and sewer back-ups.

The proposed action requires promulgation pursuant to the authority granted to the Commissioner of DEP 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 pursuant to the New York City Rules & Regulations City Administrative Procedure Act (CAPA). No State or federal approvals are required to implement the proposed action.

Under SEQRA guidelines, the proposed action is classified as an Unlisted action. The proposed rule amendment and Environmental Assessment Statement are attached.

Please advise us by May 9, 2011 if you have questions or issues concerning the NYCDEP assuming lead agency status for this project. If we do not hear from you during this period, we will assume that you have no objections.

Contact Person:
Julie Stein, Director of Stormwater Management Planning
NYCDEP
59-17 Junction Blvd, 11th Floor
Flushing, NY 11373
718-595-4397
julies@dep.nyc.gov

Sincerely,



Angela Licata
Deputy Commissioner

(Distribution list attached.)

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