



City Environmental Quality Review

ENVIRONMENTAL ASSESSMENT STATEMENT SHORT FORM • FOR UNLISTED ACTIONS ONLY

Please fill out, print and submit to the appropriate agency (see instructions)

PART I: GENERAL INFORMATION

1. Does Action Exceed Any Type I Threshold In 6 NYCRR Part 617.4 or 43 RCNY §6-15(A) (Executive Order 91 of 1977, as amended)?

Yes No

If yes, STOP, and complete the FULL EAS

2. Project Name Amendment to Chapter 31 of Title 15 of the RCNY, "Standards for Stormwater Release Rates"

3. Reference Numbers

Table with 2 columns: Reference Number Type and Value. Includes CEQR, BSA, and ULURP reference numbers.

4a. Lead Agency Information

NAME OF LEAD AGENCY: NYCDEP, Bureau of Environmental Planning and Analysis
NAME OF LEAD AGENCY CONTACT PERSON: Angela Licata, Deputy Commissioner
ADDRESS: 59-17 Junction Blvd, 11th Floor
CITY: Flushing, STATE: NY, ZIP: 111373
TELEPHONE: 718-595-4398, FAX: 718-595-4479
EMAIL ADDRESS: alicata@dep.nyc.gov

4b. Applicant Information

NAME OF APPLICANT: NYCDEP, Bureau of Water and Sewer Operations
NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON: Jim Garin, Director of Engineering
ADDRESS: 59-17 Junction Blvd, 11th Floor
CITY: Flushing, STATE: NY, ZIP: 111373
TELEPHONE: 718-595-5501, FAX:
EMAIL ADDRESS: garinj@dep.nyc.gov

5. Project Description:

The New York City Department of Environmental Protection (NYCDEP) is proposing to promulgate an amendment of the Rules of City New York (RCNY) which would set a stormwater release rate applicable to all new development and expansions of existing development.

6a. Project Location: Single Site (for a project at a single site, complete all the information below)

Form for single site location including fields for Address, Neighborhood Name, Tax Block and Lot, Borough, Community District, Description of Property, Existing Zoning District, and Zoning Sectional Map No.

6b. Project Location: Multiple Sites (Provide a description of the size of the project area in both City Blocks and Lots. If the project would apply to the entire city or to areas that are so extensive that a site-specific description is not appropriate or practicable, describe the area of the project, including bounding streets, etc.)

Citywide

7. REQUIRED ACTIONS OR APPROVALS (check all that apply)

City Planning Commission: YES NO

- List of required actions and approvals including City Map Amendment, Zoning Certification, Zoning Map Amendment, Zoning Authorization, Zoning Text Amendment, Housing Plan & Project, Uniform Land Use Review Procedure (ULURP), Site Selection, Concession, Franchise, UDAAP, Disposition, and Revocable Consent.

Board of Standards and Appeals: YES NO

- List of Board of Standards and Appeals actions including Special Permit, Variance (Use), and Variance (Bulk).

ZONING SPECIAL PERMIT, SPECIFY TYPE:

SPECIFY AFFECTED SECTION(S) OF THE ZONING RESOLUTION

- Options for Zoning Special Permit: Modification of, Renewal of, Other.

Department of Environmental Protection: YES NO IF YES, IDENTIFY:

Other City Approvals: YES NO

- | | |
|--|--|
| <input type="checkbox"/> LEGISLATION | <input checked="" type="checkbox"/> RULEMAKING |
| <input type="checkbox"/> FUNDING OF CONSTRUCTION; SPECIFY: | <input type="checkbox"/> CONSTRUCTION OF PUBLIC FACILITIES |
| <input type="checkbox"/> POLICY OR PLAN; SPECIFY: | <input type="checkbox"/> FUNDING OF PROGRAMS; SPECIFY: |
| <input type="checkbox"/> LANDMARKS PRESERVATION COMMISSION APPROVAL (<i>not subject to CEQR</i>) | <input type="checkbox"/> PERMITS; SPECIFY: |
| <input type="checkbox"/> 384(b)(4) APPROVAL | <input type="checkbox"/> OTHER; EXPLAIN |
| <input type="checkbox"/> PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC) (<i>not subject to CEQR</i>) | |

State or Federal Actions/Approvals/Funding: YES NO IF "YES," IDENTIFY:

8. Site Description: *Except where otherwise indicated, provide the following information with regard to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory controls.*

GRAPHICS *The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11x17 inches in size and must be folded to 8.5 x 11 inches for submission*

- | | | |
|--|-------------------------------------|---|
| <input type="checkbox"/> Site location map | <input type="checkbox"/> Zoning map | <input type="checkbox"/> Photographs of the project site taken within 6 months of EAS submission and keyed to the site location map |
| <input type="checkbox"/> Sanborn or other land use map | <input type="checkbox"/> Tax map | <input type="checkbox"/> For large areas or multiple sites, a GIS shape file that defines the project sites |

PHYSICAL SETTING (*both developed and undeveloped areas*)

Total directly affected area (sq. ft.): NA	Type of Waterbody and surface area (sq. ft.): NA	Roads, building and other paved surfaces (sq. ft.): NA
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Other, describe (sq. ft.): Citywide with new development and expansions of existing development

9. Physical Dimensions and Scale of Project (*if the project affects multiple sites, provide the total development below facilitated by the action*)

Size of project to be developed: NA (gross sq. ft.)

Does the proposed project involve changes in zoning on one or more sites? YES NO

If 'Yes,' identify the total square feet owned or controlled by the applicant: Total square feet of non-applicant owned development:

Does the proposed project involve in-ground excavation or subsurface disturbance, including but not limited to foundation work, pilings, utility lines, or grading? YES NO

If 'Yes,' indicate the estimated area and volume dimensions of subsurface disturbance (if known):

Area: NA sq. ft. (width x length) Volume: NA cubic feet (width x length x depth)

DESCRIPTION OF PROPOSED USES (*please complete the following information as appropriate*)

	Residential	Commercial	Community Facility	Industrial/Manufacturing
Size (in gross sq. ft.)	NA	NA	NA	NA
Type (e.g. retail, office, school)	NA units	NA	NA	NA

Does the proposed project increase the population of residents and/or on-site workers? YES NO Number of additional residents? Number of additional workers?

Provide a brief explanation of how these numbers were determined:

Does the project create new open space? YES NO If Yes (sq. ft)

Using Table 14-1, estimate the project's projected operational solid waste generation, if applicable: NA (pounds per week)

Using energy modeling or Table 15-1, estimate the project's projected energy use: NA (annual BTUs)

Has a No-Action scenario been defined for this project that differs from the existing condition? YES NO If 'Yes,' see Chapter 2, "Establishing the Analysis Framework" and describe briefly:

10. Analysis Year *CEQR Technical Manual Chapter 2*

ANTICIPATED BUILD YEAR (DATE THE PROJECT WOULD BE COMPLETED AND OPERATIONAL): 2011	ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: NA
WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	IF MULTIPLE PHASES, HOW MANY PHASES: NA
BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: Citywide with new developments and expansions of existing development	

11. What is the Predominant Land Use in Vicinity of Project? (Check all that apply)

RESIDENTIAL
 MANUFACTURING
 COMMERCIAL
 PARK/FOREST/OPEN SPACE
 OTHER, Describe:

PART II: TECHNICAL ANALYSES

INSTRUCTIONS: The questions in the following table refer to the thresholds for each analysis area in the respective chapter of the CEQR Technical Manual.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the 'NO' box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the 'YES' box.
- Often, a 'Yes' answer will result in a preliminary analysis to determine whether further analysis is needed. For each 'Yes' response, consult the relevant chapter of the CEQR Technical Manual for guidance on providing additional analyses (and attach supporting information, if needed) to determine whether detailed analysis is needed. Please note that a 'Yes' answer does not mean that an EIS must be prepared—it often only means that more information is required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant either to provide additional information to support this Short EAS Form or complete a Full EAS Form. For example, if a question is answered 'No,' an agency may request a short explanation for this response. In addition, if a large number of the questions are marked 'Yes,' the lead agency may determine that it is appropriate to require completion of the Full EAS Form.

	YES	NO
1. LAND USE, ZONING AND PUBLIC POLICY: <i>CEQR Technical Manual Chapter 4</i>		
(a) Would the proposed project result in a change in land use or zoning that is different from surrounding land uses and/or zoning? Is there the potential to affect an applicable public policy? If "Yes", complete a preliminary assessment and attach.		✓
(b) Is the project a large, publicly sponsored project? If "Yes", complete a PlaNYC assessment and attach.		✓
(c) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries? If "Yes", complete the <u>Consistency Assessment Form</u> .	✓	
2. SOCIOECONOMIC CONDITIONS: <i>CEQR Technical Manual Chapter 5</i>		
(a) Would the proposed project:		
• Generate a net increase of 200 or more residential units?		✓
• Generate a net increase of 200,000 or more square feet of commercial space?		✓
• Directly displace more than 500 residents?		✓
• Directly displace more than 100 employees?		✓
• Affect conditions in a specific industry?		✓
3. COMMUNITY FACILITIES: <i>CEQR Technical Manual Chapter 6</i>		
(a) Does the proposed project exceed any of the thresholds outlined in <u>Table 6-1 of Chapter 6</u> ?		✓
4. OPEN SPACE: <i>CEQR Technical Manual Chapter 7</i>		
(a) Would the proposed project change or eliminate existing open space?		✓
(b) Is the proposed project within an underserved area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island? If "Yes," would the proposed project generate 50 or more additional residents?		✓
If "Yes," would the proposed project generate 125 or more additional employees?		✓
(c) Is the proposed project in a well-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island? If "Yes," would the proposed project generate 300 or more additional residents?		✓
If "Yes," would the proposed project generate 750 or more additional employees?		✓
(d) If the proposed project is not located in an underserved or well-served area, would the proposed project generate: 200 or more additional residents?		✓
500 additional employees?		✓

	YES	NO
5. SHADOWS: <i>CEQR Technical Manual Chapter 8</i>		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?		✓
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?		✓
6. HISTORIC AND CULTURAL RESOURCES: <i>CEQR Technical Manual Chapter 9</i>		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for, or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; is listed or eligible for listing on the New York State or National Register of Historic Places; or is within a designated or eligible New York City, New York State, or National Register Historic District?		✓
If "Yes," list the resources and attach supporting information on whether the project would affect any of these resources.		✓
7. URBAN DESIGN: <i>CEQR Technical Manual Chapter 10</i>		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?		✓
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources that is not currently allowed by existing zoning?		✓
8. NATURAL RESOURCES: <i>CEQR Technical Manual Chapter 11</i>		
(a) Is any part of the directly affected area within the Jamaica Bay Watershed? If "Yes," complete the Jamaica Bay Watershed Form.		✓
(b) Does the proposed project site or a site adjacent to the project contain natural resources as defined in section 100 of Chapter 11? If "Yes," list the resources and attach supporting information on whether the project would affect any of these resources.		✓
9. HAZARDOUS MATERIALS: <i>CEQR Technical Manual Chapter 12</i>		
(a) Would the project allow commercial or residential use in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?		✓
(b) Does the project site have existing institutional controls (e.g. (E) designations or a Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?		✓
(c) Would the project require soil disturbance in a manufacturing zone or any development on or near a manufacturing zone or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?		✓
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?		✓
(e) Would the project result in development where underground and/or aboveground storage tanks (e.g. gas stations) are or were on or near the site?		✓
(f) Would the project result in renovation of interior existing space on a site with potential compromised air quality, vapor intrusion from on-site or off-site sources, asbestos, PCBs or lead-based paint?		✓
(g) Would the project result in development on or near a government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, municipal incinerators, coal gasification or gas storage sites, or railroad tracks and rights-of-way?		✓
(h) Has a Phase I Environmental Site Assessment been performed for the site? If "Yes," were RECs identified? Briefly identify:		✓
10. INFRASTRUCTURE: <i>CEQR Technical Manual Chapter 13</i>		
(a) Would the proposed project result in water demand of more than one million gallons per day?		✓
(b) Is the proposed project located in a combined sewer area and result in at least 1,000 residential units or 250,000 SF or more of commercial space in Manhattan or at least 400 residential units or 150,000 SF or more of commercial space in the Bronx, Brooklyn, Staten Island or Queens?		✓
(c) Is the proposed project located in a <u>separately sewered area</u> and result in the same or greater development than that listed in Table 13-1 of Chapter 13?		✓
(d) Would the project involve development on a site five acres or larger where the amount of impervious surface would increase?		✓
(e) Would the project involve development on a site one acre or larger where the amount of impervious surface would increase and is located within the <u>Jamaica Bay Watershed</u> or in certain <u>specific drainage areas</u> including: Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek?		✓
(f) Is the project located in an area that is partially sewered or currently unsewered?		✓
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a WWTP and/or generate contaminated stormwater in a separate storm sewer system?		✓
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?		✓
11. SOLID WASTE AND SANITATION SERVICES: <i>CEQR Technical Manual Chapter 14</i>		
(a) Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?		✓
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?		✓

		YES	NO
19.	CONSTRUCTION IMPACTS: <i>CEQR Technical Manual Chapter 22</i> Would the project's construction activities involve (check all that apply):		
	• Construction activities lasting longer than two years;		✓
	• Construction activities within a Central Business District or along an arterial or major thoroughfare;		✓
	• Require closing, narrowing, or otherwise impeding traffic, transit or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc);		✓
	• Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out;		✓
	• The operation of several pieces of diesel equipment in a single location at peak construction;		✓
	• Closure of community facilities or disruption in its service;		✓
	• Activities within 400 feet of a historic or cultural resource; or		✓
	• Disturbance of a site containing natural resources.		✓

If any boxes are checked, explain why or why not a preliminary construction assessment is warranted based on the guidance of in Chapter 22, "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination.

20. APPLICANT'S CERTIFICATION

I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.

Still under oath, I further swear or affirm that I make this statement in my capacity as the

Angela Licata, Deputy Commissioner

of

NYCDEP, Bureau of Environmental Planning and Analysis

APPLICANT/SPONSOR

NAME THE ENTITY OR OWNER

the entity which seeks the permits, approvals, funding or other governmental action described in this EAS.

Check if prepared by: APPLICANT/REPRESENTATIVE or LEAD AGENCY REPRESENTATIVE (FOR CITY-SPONSORED PROJECTS)

Angela Licata

APPLICANT/SPONSOR NAME:

LEAD AGENCY REPRESENTATIVE NAME:

SIGNATURE:

DATE:



April 8, 2011

PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.

	YES	NO
12. ENERGY: <i>CEQR Technical Manual Chapter 15</i>		
(a) Would the proposed project affect the transmission or generation of energy?		✓
13. TRANSPORTATION: <i>CEQR Technical Manual Chapter 16</i>		
(a) Would the proposed project exceed any threshold identified in <u>Table 16-1 of Chapter 16</u> ?		✓
(b) If "Yes," conduct the screening analyses, attach appropriate back up data as needed for each stage, and answer the following questions:		✓
(1) Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour? If "Yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? <i>**It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16, "Transportation," for information.</i>		✓
(2) Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour? If "Yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway trips per station or line?		✓
(3) Would the proposed project result in more than 200 pedestrian trips per project peak hour? If "Yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?		✓
14. AIR QUALITY: <i>CEQR Technical Manual Chapter 17</i>		
(a) <i>Mobile Sources:</i> Would the proposed project result in the conditions outlined in <u>Section 210 of Chapter 17</u> ?		✓
(b) <i>Stationary Sources:</i> Would the proposed project result in the conditions outlined in <u>Section 220 of Chapter 17</u> ?		✓
If "Yes," would the proposed project exceed the thresholds in the <u>Figure 17-3, Stationary Source Screen Graph</u> ? (attach graph as needed)		✓
(c) Does the proposed project involve multiple buildings on the project site?		✓
(d) Does the proposed project require Federal approvals, support, licensing, or permits subject to conformity requirements?		✓
(e) Does the proposed project site have existing institutional controls (e.g. E-designations or a Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?		✓
15. GREENHOUSE GAS EMISSIONS: <i>CEQR Technical Manual Chapter 18</i>		
(a) Is the proposed project a city capital project, a power plant, or would fundamentally change the City's solid waste management system?		✓
(b) If "Yes," would the proposed project require a GHG emissions assessment based on the guidance in <u>Chapter 18</u> ?		✓
16. NOISE: <i>CEQR Technical Manual Chapter 19</i>		
(a) Would the proposed project generate or reroute vehicular traffic?		✓
(b) Would the proposed project introduce new or additional receptors (see <u>Section 124 of Chapter 19</u>) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?		✓
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?		✓
(d) Does the proposed project site have existing institutional controls (e.g. E-designations or a Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?		✓
17. PUBLIC HEALTH: <i>CEQR Technical Manual Chapter 20</i>		
(a) Would the proposed project warrant a public health assessment based upon the guidance in <u>Chapter 20</u> ?		✓
18. NEIGHBORHOOD CHARACTER: <i>CEQR Technical Manual Chapter 21</i>		
(a) Based upon the analyses conducted for the following technical areas, check yes if any of the following technical areas required a detailed analysis: Land Use, Zoning, and Public Policy, Socioeconomic Conditions, Open Space, Historic and Cultural Resources, Urban Design and Visual Resources, Shadows, Transportation, Noise If "Yes," explain here why or why not an assessment of neighborhood character is warranted based on the guidance of in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary.		✓

PART III: DETERMINATION OF SIGNIFICANCE (To Be Completed By Lead Agency)

INSTRUCTIONS:

In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY §6-06 (Executive Order 91 of 1977, as amended) which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant effect on the environment. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.	Potential Significant Adverse Impact	
	YES	NO
IMPACT CATEGORY		
Land Use, Zoning, and Public Policy		✓
Socioeconomic Conditions		✓
Community Facilities and Services		✓
Open Space		✓
Shadows		✓
Historic and Cultural Resources		✓
Urban Design/Visual Resources		✓
Natural Resources		✓
Hazardous Materials		✓
Water and Sewer Infrastructure		✓
Solid Waste and Sanitation Services		✓
Energy		✓
Transportation		✓
Air Quality		✓
Greenhouse Gas Emissions		✓
Noise		✓
Public Health		✓
Neighborhood Character		✓
Construction Impacts		✓

2. Are there any aspects of the project relevant to the determination whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? If there are such impacts, explain them and state where, as a result of them, the project may have a significant impact on the environment.

3. LEAD AGENCY CERTIFICATION

Deputy Commissioner _____

TITLE _____

Angela Licata _____

NAME _____

NYCDEP _____

LEAD AGENCY _____

SIGNATURE _____

Check this box if the lead agency has identified one or more potentially significant adverse impacts that **MAY** occur.

Issue **Conditional Negative Declaration**

A **Conditional Negative Declaration (CND)** may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements in 6 NYCRR 617.

Issue **Positive Declaration** and proceed to a draft scope of work for the Environmental Impact Statement.

If the lead agency has determined that the project may have a significant impact on the environment, and if a conditional negative declaration is not appropriate, then the lead agency issues a **Positive Declaration**.

NEGATIVE DECLARATION (To Be Completed By Lead Agency)

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6NYCRR, Part 617, State Environmental Quality Review, the [] assumed the role of lead agency for the environmental review of the proposed project. Based on a review of information about the project contained in this environmental assessment statement and any attachments hereto, which are incorporated by reference herein, the [] has determined that the proposed project would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS that finds, because the proposed project:

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA).

TITLE

LEAD AGENCY

NAME

SIGNATURE

Attachment A - Analyses

PROJECT DESCRIPTION

The New York City Department of Environmental Protection (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 rule amendment is appended to this Environmental Assessment Statement as Attachment C.

Existing Permitting and Approval Process

Property owners within New York City proposing to connect to a City sewer, private drain, or approved outlet to serve an existing or proposed development, or proposing to eliminate existing cesspools or septic tanks, must file a sewer availability application (i.e., house/site connection proposals). Most often, this filing requirement is triggered by applications submitted to DOB 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").

Sewer availability applications must include a series of relevant hydraulic calculations to determine a property's developed flow and allowable flow to the sewer system and must be certified by DEP, or self-certified with DEP or DOB by a professional engineer or licensed architect before the issuance of a sewer connection permit. Detention is currently required for sites with a developed flow greater than the allowable flow as determined by the drainage plan and design of the built sewer fronting the development lot.

DEP maintains criteria, *Criteria for Detention Facility Design*, for determining the required detention storage volume and sizing the detention facility to achieve the allowable flow. To comply with existing detention criteria, applicants typically install subsurface or rooftop detention systems.

The current existing permitting and approval process on sewer connections are set forth in Sections 01-06 of Chapter 31 of RCNY Title 15.

Proposed Action

The proposed action would amend Chapter 31 by adding a new Section 3, "Standards for Stormwater Release Rates," which would establish new release rates to the sewer system for new developments and expansions. The amendment includes the following requirements:

1. Stormwater release rate shall be the greater of 0.25 cfs or 10% of the allowable flow. If the allowable flow is less than 0.25 cfs, stormwater release rate shall be the allowable flow.
2. For alterations, the release rate for the altered area will be directly proportional to the ratio of the altered area to the total site area and no new points of discharge are permitted.
3. For proposed open detention systems, DEP shall consider requests from professional applicants to take a limited credit up to 10% of the detained stormwater volume for infiltration into the surrounding and below soils. Such requests must be substantiated

by soil borings taken at the location of the proposed system in addition to permeability test performed in situ or at a laboratory to demonstrate the existing soil surrounding and below the system has a favorable rate of permeation. Volume credit requests shall be shown on site connection proposal applications and reviewed by DEP.

As with current requirements, the proposed performance standard would apply to new developments and expansions. Lots approximately 5,000 square feet in size or less are not expected to be affected by the proposed performance standard because they are currently required to discharge less than 0.25 cfs and would, therefore, need to meet the current allowable flow.

DEP would update its existing criteria for determining the detention storage volume required and sizing of onsite detention systems to achieve the proposed performance standard. Joint DEP and DOB guidelines would be made available to ensure proper design and construction.

Subsurface perforated pipes, stormwater chambers and gravel beds can be engineered for a variety of settings and site specific conditions. These systems are designed with "open-bottoms" to enable infiltration of stormwater where site conditions allow. Where infiltration is feasible, based on DEP-approved soil borings and permeability tests, a credit of up to 10% of the detained stormwater volume for infiltration into the surrounding and below soils may be provided.

No-Action Condition

Without the adoption of the proposed performance standard (the "no-action condition"), the existing regulations would remain in force, with no practical difference in environmental effect.

PURPOSE AND NEED

The purpose of the proposed action is to more stringently control the flow of stormwater runoff on development lots before entering the City's sewer system ("source control"). 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 and other densely developed municipalities such as Philadelphia and Chicago have promulgated similar standards.

The proposed performance standard is a key element of Mayor Bloomberg's *PlaNYC* water quality initiatives as well as *NYC Green Infrastructure Plan (2010)*, *Green Codes Task Force Recommendations (2010)* and *Sustainable Stormwater Management Plan (2009)*. As part of the City's comprehensive program to address stormwater-related issues through various public and private initiatives, the benefits associated with the proposed performance standard are expected to accrue incrementally over time. These benefits include reductions in combined sewer overflows (CSOs).

ENVIRONMENTAL ANALYSES

In order to assess the potential environmental impacts that may result from implementation of the proposed action, this environmental review has been prepared in accordance with 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.

Under SEQRA guidelines, the proposed action is classified as an Unlisted action¹.

The proposed action is a rule-making procedure that would maintain a similar process for determining sewer availability and permitting sewer connections as currently enforced. As part of this process, detention is often required for lots with a developed flow above the allowable flow. While the proposed action would require stricter release rates and, as a result, larger detention systems onsite, property owners and developers would be provided a number of options to achieve the performance standard. DEP sizing criteria would be updated, and joint DEP and DOB guidelines would be made available to ensure proper design and construction and encourage design professionals to include onsite source controls in the early stages of site planning and building design. In addition, the proposed performance standard allows for a wide range of management techniques, costs and space considerations, and the cost of rule compliance would represent a small percentage of total development costs.

Screening analyses conclude that the proposed action would not have any potential significant adverse impacts in the following CEQR technical areas: community facilities; open space; shadows; urban design and visual resources; neighborhood character; solid waste and sanitation; energy; traffic and parking; transit and pedestrians; air quality and odor; and noise. Vegetated stormwater management systems have a positive beneficial impact on visual resources.

The following analyses assess several other impact areas including land use, zoning and public policy, socioeconomic, historic and cultural resources natural resources, hazardous materials, water and sewer infrastructure, construction and public health based on methodologies described in the *CEQR Technical Manual* (2010). Based on the analyses presented below, no potential significant adverse environmental impacts are anticipated to result from the proposed action.

LAND USE, ZONING AND PUBLIC POLICY

Threshold for Analysis

Changes in land use across a broader area, either because the project directly affects many sites or because the site-specific change is important enough to lead to changes in land use patterns over a wider area, generally requires an analysis detailed enough to determine whether and where these changes might occur. According to the *CEQR Technical Manual*, the potential for land use changes depends as much on conditions in the affected area as on the proposed project itself and a proposed action affecting market forces that shape development can also change land use. A project that would be located within areas governed by public policies controlling land use, or has the potential to substantially affect land use regulation or policy controlling land use requires an analysis of public policy.

Potential Land Use, Zoning and Public Policy Impacts of the Proposed Action

Detention is currently required for all sites—residential, commercial and community facilities—with a developed flow greater than the allowable flow as determined by the drainage plan and design of the built sewer fronting the development lot.

Development lots approximately 5,000 square feet in size or less are not expected to be affected by the proposed performance standard. Stormwater detention volumes are expected to increase for medium- and large-sized lots under the proposed action compared to the no-action condition as onsite source controls would need to detain stormwater for longer periods of time due to slower release rates.

¹ According to SEQRA and set forth in 6NYCRR Part 617, Unlisted actions are those actions or projects that do not meet or exceed a threshold contained in the Type I list and are not identified as a Type II actions.

With subsurface systems, slower stormwater release rates are achieved by limiting the depth of head or pressure on the orifice at the system's outlet. As a result, subsurface systems would require larger surface areas onsite due to the depth limitations of the system. However, the applicant's engineer or architect would be allowed to vary the size of the orifice (minimum two inches in diameter) if a greater system depth is feasible and a smaller system surface area is desired due to onsite space constraints.

Subsurface systems can be covered with vegetation, grass, asphalt, concrete or pavers. However, structures above subsurface systems that would prevent access or buildings that require foundation would not be allowed above subsurface systems unless closed bottom storage tanks are located inside the building. Site plans and building design are typically determined by zoning requirements for setbacks, open space, yards and floor-area-ratio (FAR). In addition, NYC Construction Codes require setbacks from building walls and foundations (ten feet) as well as property lines (five feet) when open bottom stormwater systems are constructed. Installations would be considered in conjunction with other requirements for new developments and expansions in the early stages of site planning and building design process.

For sites with proposed lot-line to lot-line buildings or other space constraints, subsurface detention systems may not be feasible unless closed bottom vaults/tanks are located inside the building (i.e., in the basement). In these cases, rooftop systems would be considered as blue and green roofs require no additional land area and are suitable for lots with space constraints. Blue roofs, in particular, are a cost-effective option to comply with the proposed performance standard and green roofs provide co-benefits such as aesthetic and quality of life value, recreational uses, heat island reductions, energy conservation, and air quality improvements. In addition, both types of rooftop systems are compatible with other rooftop uses such as siting mechanical equipment or solar panels, or rooftop systems could comprise a portion of the rooftop if separate use areas are desired. However, rooftops would need to be flat or low-sloping to achieve the required storage volume.

As with the no-action condition, closed bottom vaults/tanks can be located outside a building without buffers or setbacks from lot lines or building foundations, or inside a building (e.g., the basement) if the connection to the sewer system is feasible.

Flexibility in achieving the proposed performance standard would be provided to the development community through a variety of approvable systems including subsurface and rooftop systems. DEP sizing criteria would be updated, and joint DEP and DOB guidelines would be made available to ensure the proper design and construction of approvable systems and encourage design professionals to include onsite source controls in the early stages of site planning and building design. The proposed performance standard allows for a wide range of management techniques, costs and space considerations, and the cost of rule compliance would represent a small percentage of total development costs. Therefore, the proposed action would not result in potential significant adverse impacts on land use and zoning.

The *NYC Green Infrastructure Plan* and Mayor Bloomberg's *PlaNYC 2030* and *Sustainable Stormwater Management Plan* are public policies directly related to the proposed action. The *NYC Green Infrastructure Plan*, released September 2010, includes a goal of capturing the first inch of rainfall on 10 percent of the impervious areas in combined sewer watersheds through detention or infiltration techniques over 20 years. It is estimated that approximately half of this goal would be achieved through new developments and expansions with the implementation of the proposed performance standard. Generally, *PlaNYC* calls for water quality improvements including stormwater source controls to expand recreation opportunities adjacent to and in the City's waterways. The *Sustainable Stormwater Management Plan* identified the proposed performance standard as a cost effective and feasible strategy for implementation.

As in the no-action condition, the proposed action would remain consistent with the City's Waterfront Revitalization Plan (WRP). For new developments and expansions within the City's coastal zone, the proposed action is expected to be consistent with WRP policies that address infrastructure and redevelopment in the coastal zone, protection of water quality, and minimizing coastal flooding and

erosion impacts. Therefore, the proposed action would not result in potential significant adverse impacts on public policy.

Given existing requirements for onsite detention, the wide range of systems that can be used to comply with the proposed performance standard, and potential long-term benefits associated with the proposed performance standard, the proposed action would not result in potential significant adverse impacts to land use, zoning, or public policy.

SOCIOECONOMIC CONDITIONS

Threshold for Analysis

The *CEQR Technical Manual* indicates that a socioeconomic assessment should be conducted if a project may be reasonably expected to create socioeconomic changes within the area affected by the project that would not be expected to occur without the project. A detailed socioeconomic analysis may be appropriate if an action would result in substantial new development that is markedly different from existing uses, development, and activities within the neighborhood. In these instances, assessments of indirect residential displacement and indirect business displacement are appropriate.

Potential Socioeconomic Impacts of the Proposed Action

As described above, detention is currently required for all sites with a developed flow greater than the allowable flow as determined by the drainage plan and design of the built sewer fronting the development lot.

Development lots approximately 5,000 square feet in size or less are not expected to be affected by the proposed performance standard. Stormwater detention volumes are expected to increase for medium- and large-sized lots under the proposed action compared to the no-action condition as onsite source controls would need to detain stormwater for longer periods of time due to slower release rates requirements. With subsurface systems, slower stormwater release rates are achieved by limiting the depth of head or pressure on the orifice at the system's outlet. As a result, subsurface systems are expected to require larger surface areas onsite due to the depth limitations of the system combined with the increased storage volumes required under the proposed performance standard.

The assessment of socioeconomic impacts considered the total surface area of different development lots that would be required for detention systems to comply with the proposed performance standard. Subsurface detention systems would substantially increase in surface area between the no action and action conditions. However, open bottom systems that promote infiltration where site conditions allow would be eligible for a 10% volume allowance.

Blue and green roofs would provide alternatives to subsurface systems for redevelopments with proposed building footprints that cover all or most of the lot, or where other space constraints exist. Green roofs would also provide a runoff coefficient reduction for calculations of developed flow. In addition, combination rooftop/subsurface systems may also be used to reduce the size of subsurface systems and closed bottom vaults/tanks may be located within the building.

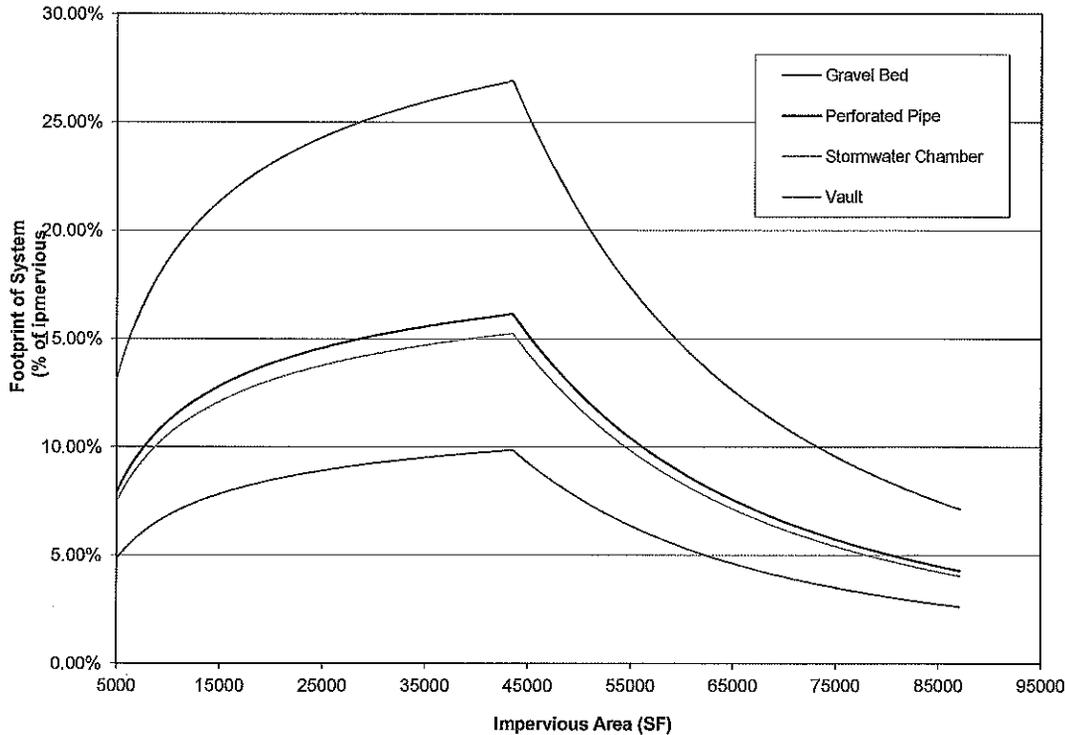


Figure 1. Relationship between impervious area and footprint of subsurface systems (with 3inch diameter orifice) on development lots with the proposed action.

The size of subsurface systems would vary based on the size of the stormwater contributing area (i.e., lot size). Figure 1 above illustrates the required surface areas (below ground) of different systems. Lots of different sizes were evaluated. All lots were assumed to be covered with impervious surfaces (i.e., a runoff coefficient of 0.9) and all systems controlled the release rate with a three-inch diameter orifice at the system's outlet. The vault/tank options would require approximately three to ten percent of a lot's impervious area with the proposed performance standard, allowing for up to 90 percent of the lot area to be constructed with buildings and/or foundations. These systems can also be located within buildings (e.g., basements). The other systems illustrated above were all assumed to be open bottom systems and the required buffer areas for each were included in the system footprints.

The surface area of the vault/tank footprint increases linearly with impervious area until the contributing area reaches approximately 45,000 square feet. While the required storage volume would be expected to increase for medium- and large-sized lots under the proposed action, the footprint's percentage of a lot's impervious area begins to decrease for lots one acre in size and greater. This is because the release rate would be greater than 0.25 cfs and increase proportionally based on lot size above one acre. The trend illustrated by Figure 1 would apply as long as the system depth is not limited by subsurface conditions on larger lots.

Due to the size of the outlet orifice, the primary control for stormwater releases from a subsurface system is the head or pressure on the orifice. As a result, system depths are held constant until the release rate is increased such as for lots one acre in size or greater. The applicant's engineer or architect would be allowed to vary the size of the orifice if a greater system depth is feasible and a smaller system surface area is desired due to maximize building uses or footprints onsite. Figure 2 illustrates the percentage of the impervious area required for systems controlled with a two-and-a-half-inch diameter orifice at the

outlet. The decreased orifice size increases the system depth and allows for a smaller system footprint. For example, a one acre lot controlled by a vault/tank with a two-and-a-half inch diameter orifice (Figure 2) reduces the footprint of a vault/tank by half compared to a vault/tank with a three inch diameter orifice (Figure 1). A minimum two inch diameter orifice would be allowed with the proposed performance standard.

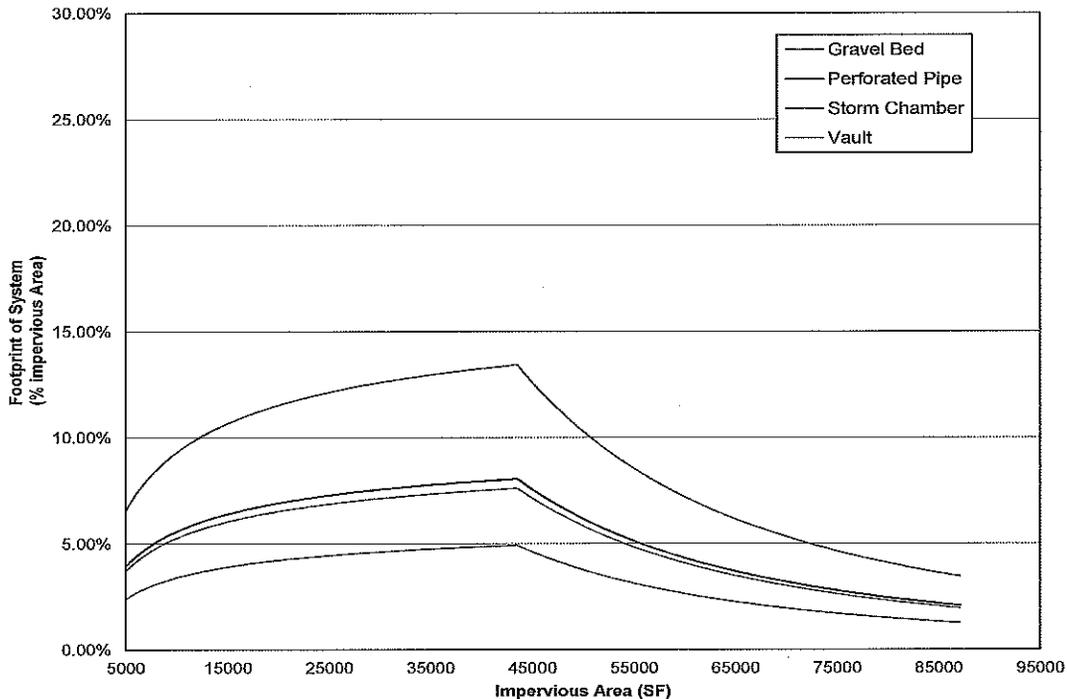


Figure 2. Relationship between impervious area and footprint of subsurface systems (with 2.5inch diameter orifice) on development lots with the proposed action.

The incremental increase in size between the no-action and proposed action conditions was also assessed to determine additional costs to developers. Different redevelopment scenarios were developed based on NYC Construction Codes and zoning requirements to represent a range of common development types and lot sizes. The evaluation of costs included the following redevelopment scenarios:

- Low density residential building on a 5,000 square foot lot;
- Office building or medium density residential building on a 10,000 square foot lot;
- Office building or medium density residential building on a 20,000 square foot lot; and,
- Big box retail store on a 43,560 square foot (1 acre) lot

To develop the costs in Table 3 below, a range of source controls and runoff coefficients were considered for different lot sizes and building types. The required storage volumes and detention facility sizes were determined for each of the redevelopment scenarios based on DEP's criteria for the no-action and proposed action conditions. Costs for different subsurface systems were calculated based on estimates of materials, labor, excavation and disposal, and one year of post-construction monitoring (i.e., inspections and maintenance) obtained from New York City-based contractors, engineers, and suppliers. Blue roofs would not result in any incremental costs compared to the no-action condition since the surface area

required to pond the required storage volume and the design of the blue roof system as currently allowed would be the same. Green roofs were not included in the evaluation of costs since there are many options for meeting the proposed performance standard that are much less costly. Green roofs are encouraged, however, especially if a developer seeks to achieve multiple objectives (e.g., Leadership in Energy and Environmental Design, LEED, certification).

The costs associated with the proposed action were determined based on the range of costs associated with different subsurface and combination rooftop/subsurface systems, and sized to comply with the proposed performance standard. These costs were compared to the cost of a vault/tank under the no action condition to determine the incremental cost of the proposed performance standard. Finally, estimated development costs per square feet of floor area (i.e., \$225/sf for affordable housing and \$400/sf for market rate) were obtained from the City's development agencies to calculate total development costs.

Despite increased storage volumes and facility size, the cost of complying with the proposed performance standard would remain a small fraction—between 0.3 and 1.5 percent—of total development costs for both affordable housing and market rate development. The cost estimates below are considered conservative given that all systems were assumed to include three inch diameter orifices that resulted in larger system footprints and greater costs than systems with smaller outlet orifices. However, subsurface systems constructed at depths greater than five feet may incur additional costs for sheeting per Occupational Safety and Health Administration (OSHA) requirements and dependent on soils or other site conditions.

Flexibility in achieving the proposed performance standard would be provided to the development community through a variety of approvable systems including subsurface and rooftop systems. DEP sizing criteria would be updated, and joint DEP and DOB guidelines would be made available to ensure the proper design and construction of approvable systems and encourage design professionals to include onsite source controls in the early stages of site planning and building design. The proposed performance standard allows for a wide range of management techniques, costs and space considerations, and the cost of rule compliance would represent a small percentage of total development costs.

Given the many options available to comply with the proposed performance standard, systems are expected to be accommodated on any site. The costs associated with the construction of these systems would represent a very small percentage (i.e., less than 1.5 percent) of total development costs. Therefore, the proposed action is not expected to result in significant displacement or potential significant adverse socioeconomic impacts.

Building Type	Scenario 1		Scenario 2		Scenario 3		Scenario 4	
	Low-Density Residential		Office Building/Medium-Density Residential		Office Building/Medium-Density Residential		Big Box Retail	
Lot Size	5,000		10,000		20,000		43,560	
Zoning	R4		R6A/C4-2A		R6A/C4-2A		C8-1	
FAR	0.9		3.0		3.0		1.0	
Building Footprint, sq ft	1,500		6,000		12,000		21,780	
Development Size, sq ft	4,500		30,000		60,000		43,560	
Runoff Coefficient	0.7	0.9	0.7	0.9	0.7	0.9	0.7	0.9
Proposed Rule Compliance Cost	\$20,000-26,000	\$23,000-27,000	\$35,000-37,000	\$43,000-47,000	\$59,000-80,000	\$71,000-97,000	\$98,000-127,000	\$106,000-167,000
Increment of Proposed Rule	\$3,000-9,000	\$4,000-9,000	\$15,000-17,000	\$15,000-19,000	\$32,000-53,000	\$32,000-58,000	\$44,000-73,000	\$31,000-93,000
Proposed Rule/Total Development Cost (%)	1.1-1.4%	1.3-1.5%	0.3%	0.4%	0.3%	0.3-0.4%	0.6-0.7%	0.6-1.0%
Proposed Rule/Total Affordable Development Cost (%)			0.5-0.6%	0.6-0.7%	0.4-0.6%	0.5-0.7%		

Table 3. Assessment of socioeconomic impacts on different redevelopment scenarios.

HISTORIC AND CULTURAL RESOURCES

Threshold for Analysis

The *CEQR Technical Manual* requires a detailed evaluation of an action's potential effect on archaeological and architectural resources if the proposed action would result in any in-ground disturbance or if any known historic resources are located near the site of the project.

Potential Historic Resources Impacts of the Proposed Action

The implementation of the proposed action would not result in changes when compared to the no-action condition since the proposed performance standard would be implemented through new developments and expansions, and the area of disturbance for the construction of onsite source controls is small compared to the construction of the total development. Subsurface work (i.e., excavation and fill) that would be conducted under the proposed performance standard would generally occur within previously disturbed areas, including areas adjacent to existing structures or areas that are to be excavated, in accordance with all applicable Federal, State, and local rules and standards, to facilitate construction of new developments and expansions. Should archeological resources be identified, rooftop detention is an option to avoid these impacts. Therefore, the proposed action would not result in potential significant adverse impacts on historic and cultural resources.

WATER QUALITY AND NATURAL RESOURCES

Threshold for Analysis

Two possibilities determine whether an adverse impact on a natural resources might occur, and therefore, whether an assessment may be appropriate according to the *CEQR Technical Manual*: (1) the presence of a natural resources on or near the site of the project; and (2) disturbance of that resource caused by the project.

Potential Natural Resource Impacts of the Proposed Action

Under both the proposed action and the no action condition, the applicant's engineer or architect must

disclose the nature of stormwater discharges, method of disposal and rate of release, and demonstrate system capacity availability to handle discharges in the site connection proposal application. The proposed performance would require a slower, maximum release rate to the sewer system for stormwater discharge from a development lot and all other information required for site connection proposal applications would remain the same.

The proposed performance standard would control and reduce stormwater flows to sewers that are connected to the City's wastewater and stormwater conveyance and treatment systems. Based on analyses of actual storm events for New York City, the proposed performance standard could reduce short-term peak discharges (6-minute) into the system by 80-90 percent and longer term peak discharges (1-hour) to the system by 20-50 percent. Detention systems provide water quality treatment as these systems typically include pretreatment devices that filter or collect sediment before release to the sewer system. As the number of new developments and expansions grow within a drainage area, system capacity may be enhanced and pollutants that discharge to receiving waters via storm sewer outfalls or as CSOs may decrease. The proposed action is an integral component of the *NYC Green Infrastructure Plan*, which projects that the proposed performance standard would provide for half of the total CSO reductions associated with the implementation of green infrastructure over a 20-year period. In addition, other environmental benefits would result from certain systems such as green roofs and bioinfiltration technologies including the creation of pervious, green spaces above subsurface detention systems or on rooftops, and related urban heat island reduction and habitat benefits. Therefore, the proposed action would not result in potential significant adverse impacts on natural resources.

HAZARDOUS MATERIAL

Threshold for Analysis

The potential for significant impacts related to hazardous materials can occur when: a) elevated levels of hazardous materials exist on a site and the project would increase pathways to human or environmental exposure; b) a project would introduce new activities or processes using hazardous materials and the risk of human or environmental exposure is increased; or c) the project would introduce a population to potential human or environmental exposure from offsite sources.

Potential Hazardous Materials Impacts of the Proposed Action

The implementation of the proposed action would not result in changes when compared to the no-action condition since the proposed performance standard would be implemented through new developments and expansions, and these developments are currently required to provide detention. The area of disturbance for the construction of onsite source controls is small compared to the construction of the total redevelopment. Subsurface work (i.e., excavation and fill) that would be conducted under the proposed performance standard would generally occur within areas that are to be excavated for the project.

Therefore, the proposed action would not result in potential significant adverse impacts to hazardous materials.

WATER AND SEWER INFRASTRUCTURE

Threshold for Analysis

The *CEQR Technical Manual* requires that a detailed infrastructure assessment be prepared when:

- The proposed action would result in an exceptionally large demand for water;
- The proposed action is located in an area that experiences low water pressure; or

- Projects that would greatly increase density, be located in an area of concern, or substantially increase impervious surfaces, merit further analysis for potential impacts to the City's wastewater and stormwater infrastructure.

Potential Infrastructure Impacts of the Proposed Action

The proposed action would not affect the City's water supply or distribution network. The proposed performance standard would control and reduce peak stormwater flows to sewers that are connected to the City's wastewater and stormwater conveyance and treatment systems, thereby minimizing the effects of system capacity limits during rain events. While localized effects would vary dependent on the affected sewer system and development conditions within the drainage area, benefits related to CSOs, flooding, and sewer back-ups may result from the proposed performance standard as it is implemented through new developments and expansions over time.

As with current requirements, the proposed performance standard would apply to new developments and expansions. Under both the proposed action and the no-action condition, an applicant's engineer or architect must disclose the nature of discharges, method of disposal and rates of release, and demonstrate sewer availability for developed flow. The proposed performance would require a slower, maximum release rate to the sewer system for stormwater discharge from a development lot. Therefore, the proposed action would not result in potential significant adverse impacts on water and sewer infrastructure.

Flexibility in achieving the proposed performance standard would be provided to the development community through a variety of approvable systems including subsurface and rooftop systems. DEP sizing criteria would be updated, and joint DEP and DOB guidelines would be made available to ensure the proper design and construction of approvable systems and encourage design professionals to include onsite source controls in the early stages of site planning and building design. The proposed performance standard allows for a wide range of management techniques, costs and space considerations, and the cost of rule compliance would represent a small percentage of total development costs. Therefore, the proposed action would not result in potential significant adverse impacts on water and sewer infrastructure.

CONSTRUCTION IMPACTS

Threshold for Analysis

The *CEQR Technical Manual* requires proposed actions that involve construction or would induce construction to be examined for the following items, at minimum:

- Traffic-related construction induced impacts
- Air Quality construction induced impacts, particularly mobile source emissions from construction vehicles, and fugitive dust emissions
- Construction induced noise impacts

Potential Construction Impacts of the Proposed Action

The implementation of the proposed action would not result in changes when compared to the no-action condition since the proposed performance standard would be implemented through new developments and expansions, and these developments are currently required to provide detention. The duration and area of disturbance for the construction of onsite source controls is small compared to the construction of the total development. Subsurface work (i.e., excavation and fill) that would be conducted under the

proposed performance standard would generally occur within areas that are to be excavated for the project.

The construction of onsite source controls with the proposed performance standard would occur completely within the lot lines of the development site and in coordination with the redevelopment of the site adding little or no additional traffic, air, or noise impacts that are not already associated with the construction project. As with current requirements, existing site conditions including subsurface groundwater, bedrock and utilities must be evaluated and surveyed to avoid conflicts. NYC Construction Code requirements specify setbacks from building walls and foundations as well as property lines when open bottom stormwater systems are constructed.

Joint DEP and DOB guidelines would be made available to ensure the proper design and construction of systems and encourage design professionals to include onsite source controls in the early stages of site planning and building design. All construction activities would comply with Federal, State, and local codes governing construction. Onsite stormwater facilities must be certified by DOB to ensure the system was constructed in accordance with the City's Construction Codes and site connection proposal before a sewer connection permit is issued. All sewer connections must be certified by a DEP inspector before issuance of a certificate of occupancy by DOB. No construction-related impacts are expected to occur. Therefore, the proposed action would not result in potential significant adverse impacts during construction.

PUBLIC HEALTH

Threshold for Analysis

The *CEQR Technical Manual* requires an assessment of the probable public health impacts of a proposed action if the proposed action would:

- Result in air quality impacts;
- Increase the public's exposure to heavy metals;
- Disturb or impact ground water supply;
- Result in an increase of the pest population; and
- Result in noise impacts to sensitive receptors.

Potential Public Health Impacts of the Proposed Action

As in the no-action condition, the requirements of the proposed action contain numerous safeguards to ensure public health including full computation of proposed discharges by a professional engineer or registered architect and documentation for the proposed method of disposal for a discharge must accompany all site connection proposal applications.

The proposed rule would increase stormwater detention volume requirements due to stricter release rates. Similar to the no-action condition, all approvable systems are expected to drain down well under 24 hours of the rain event. Therefore, the proposed action would not result in sustained ponding that would attract pests or result in mosquito breeding and would comply with NYC Construction Codes.

The proposed action would reduce stormwater flows to the sewer system and increase capacity thereby minimizing the effects of system capacity limits during rain events. The proposed action may improve storm flow conveyance and have positive impacts on flooding and sewer back-ups in some areas. Water quality benefits may also occur depending on the number of new developments in a drainage area. Therefore, the proposed action would not result in potential significant adverse impacts to public health.

For Internal Use Only:

WRP no. _____

Date Received: _____

DOS no. _____

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's designated coastal zone, must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program (WRP)*. The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and subsequently approved by the New York State Department of State with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, other state agencies or the New York City Department of City Planning in their review of the applicant's certification of consistency.

A. APPLICANT

1. Name: Angela Licata, Deputy Commissioner
2. Address: NYCDEP 59-17 Junction Blvd Flushing, NY 11373
3. Telephone: 718-595-4398 Fax: 718-595-4479 E-mail: alicata@dep.nyc.gov
4. Project site owner: NA (Citywide with new developments and expansions of existing development)

B. PROPOSED ACTIVITY

1. Brief description of activity:
The New York City Department of Environmental Protection (NYCDEP) is proposing to promulgate an amendment of the Rules of City New York (RCNY) which would set a stormwater release rate applicable to all new development and expansions of existing development. These rules would govern the site connection requirements and create a required release rate for rainwater that falls on development lots. These new rules would add a new Section 3 to Chapter 31 of Title 15 of the RCNY.
2. Purpose of activity:
The purpose of the proposed action is to control the flow of stormwater runoff on development lots before entering the City's sewer system. Slower release rates 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 enhance the performance of the existing system, provide for future growth and address stormwater-related issues (i.e., localized flooding, sewer back-ups, water quality, etc.)
3. Location of activity: (street address/borough or site description):
Citywide with new developments and expansions of existing development

Proposed Activity Cont'd

4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:

NA

5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).

No

6. Will the proposed project require the preparation of an environmental impact statement?

Yes No If yes, identify Lead Agency:

An environmental assessment statement (EAS) was issued by NYCDEP (lead agency)

7. Identify city discretionary actions, such as a zoning amendment or adoption of an urban renewal plan, required for the proposed project.

Rulemaking pursuant to the City Administrative Procedure Act (CAPA)

C. COASTAL ASSESSMENT

Location Questions:	Yes	No
1. Is the project site on the waterfront or at the water's edge?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Does the proposed project require a waterfront site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy Questions	Yes	No

The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations.

Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.

4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Is the project site appropriate for residential or commercial redevelopment? (1.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Will the action result in a change in scale or character of a neighborhood? (1.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Policy Questions cont'd

Yes No

7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)	_____	✓
8. Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)	_____	✓
9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)	_____	✓
10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1)	_____	✓
11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)	_____	✓
12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)	_____	✓
13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)	_____	✓
14. Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)	_____	✓
15. Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)	_____	✓
16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2)	_____	✓
17. Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)	_____	✓
18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound- East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)	_____	✓
19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitat? (4.1)	_____	✓
20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1 and 9.2)	_____	✓
21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)	_____	✓
22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)	_____	✓
23. Would the action have any effects on commercial or recreational use of fish resources? (4.4)	_____	✓
24. Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)	_____	✓
25. Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)	_____	✓
26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)	_____	✓
27. Will any activity associated with the project generate nonpoint source pollution? (5.2)	_____	✓
28. Would the action cause violations of the National or State air quality standards? (5.2)	_____	✓

Policy Questions cont'd

Yes No

29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
31. Would the proposed action have any effects on surface or ground water supplies? (5.4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
32. Would the action result in any activities within a federally designated flood hazard area or state-designated erosion hazards area? (6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
33. Would the action result in any construction activities that would lead to erosion? (6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
34. Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
37. Would the proposed project affect a non-renewable source of sand ? (6.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
38. Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
39. Would the action affect any sites that have been used as landfills? (7.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
40. Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
44. Would the action result in the provision of open space without provision for its maintenance? (8.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
45. Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Policy Questions cont'd

Yes No

51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)

52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)

D. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can be made, complete this section.

"The proposed activity complies with New York State's Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent Name: Angela Licata, Deputy Commissioner

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Applicant/Agent Signature: *Angela Licata*

Date: *April 8 2011*

