



Summary of NYC Sustainable Stormwater Management Legislation (Intros. 628, 629, & 630)

Intro 630: Requiring development and implementation of a sustainable stormwater management plan to reduce pollution from combined sewer overflows and separate storm sewers, in order to restore the quality of waters around New York City to provide safe and healthy recreational opportunities and restore ecological habitat.

- Requires the Department of Environmental Protection (DEP) to develop, by September 30, 2008, a “sustainable stormwater management plan,” which must identify and provide for the implementation of appropriate measures to reduce the volume of water, and waterborne pollution, carried into the city’s sewers.¹
- Establishes a citizens’ advisory committee to assist in development of the plan, which would be appointed by the Mayor, Council Speaker, and Public Advocate and include members with expertise in environmental justice; engineering, planning, or land use; real estate and/or development; and non-profit environmental advocacy.
 - Also requires DEP to seek input from the general public in the development of the plan through quarterly public meetings, and requires DEP to facilitate the participation of individuals and organizations with relevant knowledge and expertise in the implementation of the plan.
- The plan must include:
 - a specific statement of goals for improving water quality in each waterbody
 - the selection of measures to reduce the flow of stormwater into the city’s combined and separate sewers, based on the technical and environmental feasibility, benefits, and cost-effectiveness (including with respect to non-water quality benefits, such as the cooling effects of trees and vegetation and resulting energy savings, neighborhood beautification, sequestration of greenhouse gases, and others) of potential measures, such as:
 - installing, on both public and private property, measures such as green roofs, bioretention, enhanced tree cover and tree pit design, permeable pavement, wetland preservation and creation, green streets, green walls, blue roofs, rain barrels, cisterns, downspout disconnections, subgrade storage chambers, and grey-water reuse
 - creating incentives such as tax credits/deductions, grant programs, low-interest financing, expedited permitting, and restructuring of water and sewer rates, to encourage implementation of sustainable stormwater measures, such as those listed above, in both new and existing development

PT¹ SWIM advocates an amendment to explicitly require DEP to coordinate development of the plan with other city agencies that have jurisdiction over aspects of stormwater management, such as the Departments of Transportation, Parks & Recreation, City Planning, Buildings, etc..



- amending provisions in local, state, and federal laws and regulations to require implementation of sustainable stormwater management measures, such as those listed above, in new development, re-development, and substantial renovations
- establishing specific construction and/or design standards for sustainable stormwater management at all new and existing roads, bridges, and all other portions of the public right-of-way
- using new and existing public open space, parks, and plazas for detention, retention, infiltration, reuse, and natural filtering of stormwater
- using public education to promote implementation of selected measures
- promoting water conservation to reduce sanitary flow into combined sewers, thereby reducing the incidence of combined sewer overflows
- encouraging the development of existing and new local markets, job training, and employment opportunities to support the implementation and maintenance of sustainable stormwater management measures, such as those listed above
- identification of which measures are most suitable to particular areas of the city
- a timeline for implementation, with quantitative and measurable interim and final milestones, and protocols for monitoring, assessing, and reporting progress
- a list of agencies responsible for implementation of each measure in the plan, and methods for measuring the effectiveness of such measures
- identification of any legislative or regulatory actions, pilot projects, and funding required to implement specific measures in the plan
- responses to the recommendations of the citizens' advisory committee and other members of the public
- protocols for notifying the public of: (a) the occurrence of combined sewer overflow events, (b) the locations where such pollution is likely to pose health risks in the event of contact with an affected waterbody, and (c) the period of time over which such conditions are expected to persist
- A proposed version of the plan would be due by April 30, 2008, for review and comment by to the Mayor, City Council, and an advisory committee established by the legislation. The advisory committee would submit comments on the proposed plan by June 30, 2008, and would submit comments and recommendations on DEP's final plan by October 31, 2008.
- Requires DEP to submit a progress report on the one-year anniversary of the plan, and once every two years thereafter, describing progress toward implementing the plan. The Mayor's annual management report to council must also include quantitative indicators of progress, specific to each agency responsible for implementation of any aspect of the plan.



Intro 629: Requiring design of city-funded projects to incorporate sustainable stormwater management principles.

- Requires that capital projects of at least \$2 million, which are funded in whole or in part by the city, and receive initial funding on or after July 1, 2008, must be “designed and constructed to minimize the post-construction discharge of stormwater and stormwater-related pollution into sewers and water bodies through the retention, detention, infiltration, reuse, and treatment of stormwater.”²
- The Department of Environmental Protection would be responsible for setting applicable standards.

Intro 628: Maximizing stormwater capture through proper landscaping of trees and vegetation planted in streets and sidewalks.

- Provides that, effective immediately, all plantings of trees and other vegetation in sidewalks and streets (whether planted by the city or by private parties under a city permit) must be designed to maximize capacity for “retention, detention, and infiltration of stormwater from the surrounding area.”
- The Department of Parks and Recreation would be charged with setting standards, which would address such issues as the length, width, and depth of the tree pit, the type of soil, and the surrounding grading and curb cuts.

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The Environmental Protection Committee of the New York City Council will hold a hearing on Intros. 628, 629, & 630 on Thursday, November 8, 2007.

For more information on CSOs, the full text of the bills, and details on the November 8th hearing, go to www.swimmablenyc.org.

² SWIM advocates an amendment to provide that the \$2 million threshold would not apply to capital projects concerning public parks, plazas, and other public open space; *i.e.*, all such projects would be required to comply with the requirements of this legislation.