

(pending committee approval)

**MINUTES OF THE BRONX COMMUNITY BOARD 8 OCTOBER 19, 2022 MEETING OF THE
ENVIRONMENT AND SANITATION COMMITTEE**

Wednesday, October 19, 2022, hybrid meeting: in person at the office of the Bronx CB8 5676 Riverdale Avenue, Suite 100, Bronx NY 10471; and virtually on zoom.

Committee members in attendance: in person - Camelia Tepelus, Debra Travis; on zoom: Robert Fanuzzi, Rashida Hilliard, Karen Argenti. Other participants: Melissa Enoch (NYC DEP); Elephtheria Ardizzone (NYC DEP); Jodie Colon, Ira Charles.

1. Welcome to committee members and presentation of the rules of engagement for the proceedings. CB8 E&S committee will make a consistent effort to have proceedings in a hybrid version, to provide for maximum accessibility to the community. Quorum confirmed to conduct business.
2. Approval of Minutes of September 21, 2022 meeting – minutes unanimously approved by the committee with a correction on page 2 of item attributed to Karen Argenti, but stated during the meeting by Jodie Colon – correction will be operated by Chair.
3. Chair report: Chair Tepelus presented a report on the E&S related developments over the past month, specifically: TAG group meeting; DSNY changes in collection times of plastic bags from curbs with the purpose of reducing the rat population; events in the community including a Sanitation forum with CM De La Rosa; site of sanitation concern at the former Land&Sea Restaurant on Broadway; feedback from DSNY and DEP on budget requests; DEP answer to 231st St Association concerns on flooding; US Army Corps of Engineers proposal of feasibility study for coastal protection in NY and NJ harbor areas (reviewed and presented in further detail by Deb Travis) – comment period open until January 6, 2023.
4. Melissa Enoch (DEP) presentation “Uniform Stormwater Rule” (USR) – slides included as appendices to the Minutes document. The presentation reviewed regulatory changes that took effect in February 2022 specifically regarding expectations on new construction permits regarding storm water management.

Questions from members:

Camelia Tepelus – question on applicability of rule to ‘as of right’ developments was answered indicating there are no ‘waivers’ from USR from DEP. Question regarding enforcement or insurances of compliance from DEP during permitting process– was answered by DEP indicating a “support contract” of \$6.5 Mill is anticipated for spring 2023, to bring additional support for DEP in terms of inspectors and setting up informational measures to help educate developers, produce workshops, presentation materials, outreach, also to fund sending out additional inspectors.

Robert Fanuzzi – conveyed the need for reasonable expectations on the USR’s role in affecting design and planning decisions for new developments. There is no dynamic relationship between USR and zoning permissions. In the meeting conducted with the developer of the property of concern/Tishman Speyer – they indicated they will primarily use stormwater detention techniques. DEP confirmed the USR is not interfering with lot coverage and zoning provisions. Building projects can be approved that simply have larger storm water tanks to accommodate the drainage capacity required by the USR revised regulations, including lot line-to-lot line construction. A question was raised regarding evaluating the roof of the project as potential for green roof usage.

Karen Argenti – inquired if there are limitations on basement detention capacity, in a situation of rock immediately under the property. DEP indicated that retention can be placed at one of the building levels, as well as on the roof, requiring pumping. A further question concerned the process on the DEP side of making details of the permit and stormwater management plan for a project to be made available and transparent for consultations by the community, in a similar way the DOB provides projects details. The building at 3745 Riverdale Avenue was also referred to as an example where this information would be helpful to know. DEP answered that there is only a very limited system of providing information regarding the number of permits issued (through the DEP annual report), but not on specific properties/projects; will inquire further and come back to the committee.

Deb Travis – inquired if retrofits may also be eligible for regulatory oversight under the USR. DEP answered there are no current plans on addressing retrofits under USR, which covers new developments only. On the retrofit side only financial incentives are currently available.

Jodie Colon – reiterated the potential parallel between DOB and DEP processes regarding information provided to the community. Permits from DEP – if public, are likely fed into the Open Data system. Also indicated examples of buildings that started moving retention tanks from the roof, and relocating them on the ground, further reducing capacity of stormwater absorption.

Elefteria Ardizzone (DEP) – invited the committee to forward in advance to DEP details about specific projects of interest.

Camelia Tepelus – thanked the DEP representatives for their presence and information provided to the committee. Informed the committee that despite repeatedly checking with the office, they indicated the Power Point presentation used by Tishman Speyer at the September Land Use meeting, was not made available to CB8.

Robert Fanuzzi – indicated that the water detention technique was the least preferred for new construction; however, quality housing which the developer mentioned extensively, does not necessarily require green infrastructure elements as part of the design.

Jodie Colon – observed that the project may use solar panels on the roof, but that would result in less space for green roof opportunities.

5. Committee discussion on Agenda items for November: resulted in the following items to be included: DSNY (featured guest speaker) on snow removal procedures and composting); CALL brief presentation; Amy Corps of Engineers – input to be prepared and submitted for approval to the CB8.

Robert Fanuzzi – called for the reactivation of the previously existing “E&S Water Working Group” (Karen-lead; Robert, Deb) to prepare input on the Army Corps of Engineers and bring forward to the committee in November.

Rashida Hilliard – requested questions be sent in advance to DSNY – welcomed by the committee.

6. Other items

Jodie Colon – asked for the CB8 request from DSNY free leaf collection bags to be distributed to the community; informed on researching plans on stormwater management for the Henry Hudson Park.

Meeting adjourned at 8:30PM.

Respectfully submitted by Dr. Camelia Tepelus, CB8 Environment & Sanitation Committee Chair

Meeting recording available at:

<https://us02web.zoom.us/rec/share/4M-tbbfhiPEVswTcxAjIKxCdYtFBPvV44DOLPMO878fHODUTyCVNX3T9fkI3BYCU.yU8xaxst3zluf7?startTime=1666220424000>

DEP Presentation on Uniform Stormwater Rule:

Unified Stormwater Rule

Informational Briefing
October 19, 2022



USWR Regulatory Context



NYC Sewer Drainage Areas

Approx. 60% of NYC is served by combined sewers, while 30 - 40% is served by the City's Municipal Separate Storm Sewer System (MS4)



Regulatory Context – Previous Rules

Ch. 19-1
Water Quality
Requirements

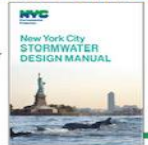
Stormwater Construction Permit

- Applied to **MS4** projects that disturb 1 acre or more of soil
- Manage volume of 1.5-inch rainfall event

Ch. 31
Stormwater Quantity
and Flow Rates

Site/House Connection Proposal

- Release rate and volume requirements based on allowable flow for site (varied based on location)
- Additional release rate requirements for **CSS** projects, per 2012 Stormwater Rule



USWR Overview

Ch. 19.1
Water Quality
Requirements

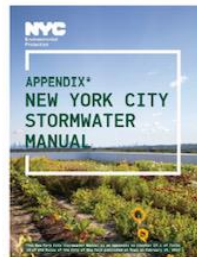
Ch. 31
Stormwater Quantity
and Flow Rates

Stormwater Construction Permit

- Applies to **CSS/MS4** projects that disturb 20,000 sq ft or more of soil, OR add 5,000 sq ft or more of new impervious area
- On-site projects must manage volume of 1.5-inch rainfall event using a new retention-first stormwater management practice hierarchy
- ROW projects also have construction and post-construction requirements

Site/House Connection Proposal

- Applies to **CSS/MS4** projects that require a sewer connection proposal
- Projects must provide new detention volume and maximum-release rates
- Simplified formulas and change in minimum orifice size to streamline design



Clear guidance on how green infrastructure volume can be applied towards multiple goals

Chapter 19.1 Applicability:

Requires compliance	Does not require compliance
≥ 20,000 sq ft of disturbance, submitted to DOB after 2/14/22	≥ 20,000 sq ft of disturbance, submitted to DOB before 2/15/22
≥ 1-acre of disturbance, submitted to DOB after 3/25/21 in CSS	≥ 1-acre of disturbance, submitted to DOB before 3/26/21 in CSS
≥ 1-acre of disturbance, in MS4	≥ 1-acre of disturbance, in MS4, that has coverage under State General Permit before June 1, 2019



USWR Benefits

Aligns stormwater management regulations citywide and improves the way that new and redeveloped properties manage stormwater by requiring green infrastructure where feasible and updating detention volumes and controlled release rates for stormwater entering city sewers.



362 MGY
CSO Volume
Reduced
From new green infrastructure by 2030, contributing to CSO Order goals



10,515 Tons
TSS* Removed
After 30 years of implementation, contributing to NYC MS4 Permit goals



Retention-First
Requires evaluation of stormwater retention/reuse to be the first option properties select



Design Flexibility
New stormwater management practice options and guidance to maximize design flexibility for development teams

Chapter 31 Applicability:

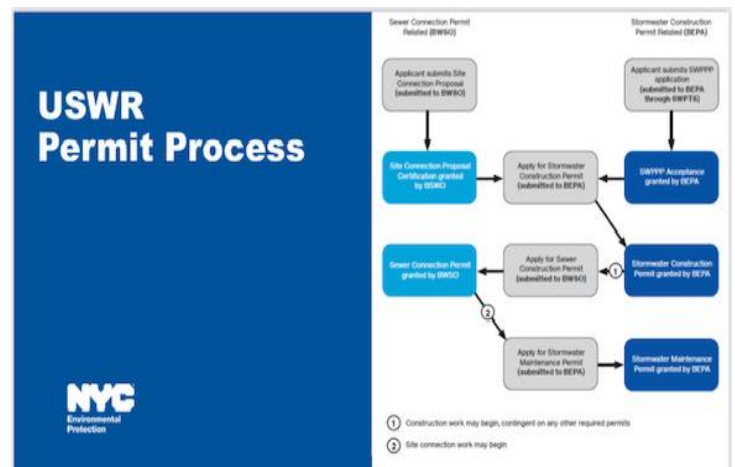
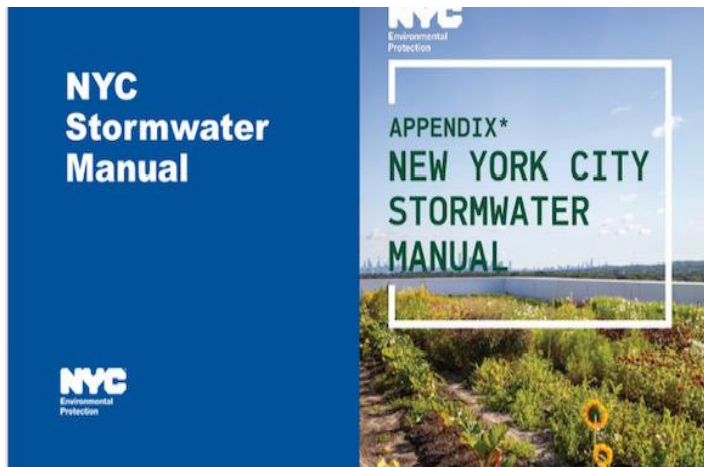
New § 31-09:

Does not apply to any site with a sewer availability certification issued prior to the effective date of USWR.

Except that

Does apply to any site located in a **rezoned area** and developing the site pursuant to the rezoning, even if applied for or received certification prior to effective date of USWR.






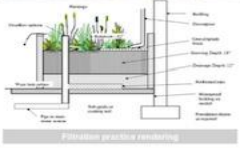
SMP Function Types

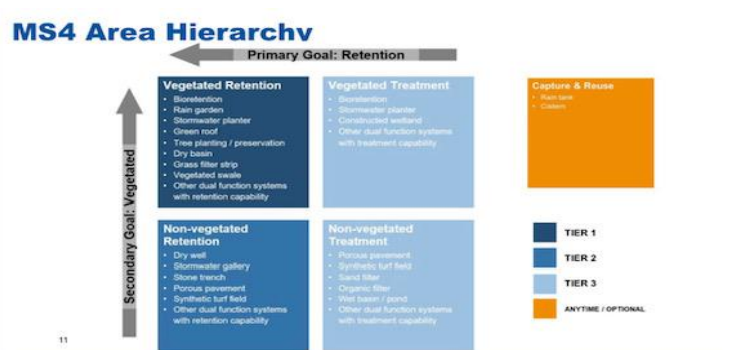
Infiltration

- Water is captured and infiltrated into the underlying soils, which is sometimes referred to as exfiltration.
- Relies on sufficient permeability rates of underlying soils. Practices do not use outlet pipes to drain water.
- Example: Bioretention, no outlet pipe

Filtration

- Water passes through a filtration media to remove various pollutants.
- Relies on steady flow of water through the filtration media. Practices have an outlet pipe to support filtration.
- Example: Sand filter



SMP Function Types

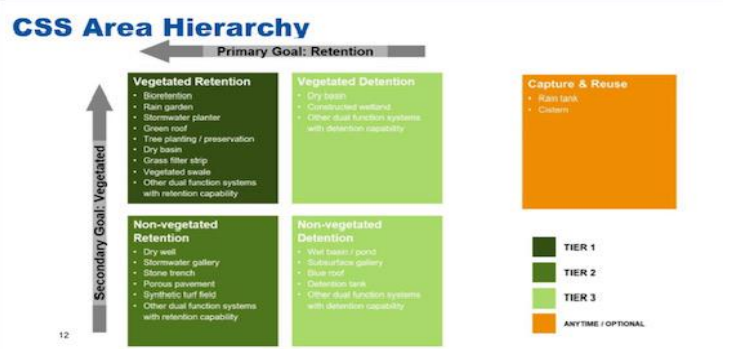
Evapotranspiration

- Water is captured and evaporated or transpired back into the atmosphere.
- Relies on ET occurring between rainfall events. Practices are usually shallow and have no or limited ability to infiltrate water.
- Example: Green roof

Detention

- Water is temporarily stored and released at a lower flow rate.
- Relies on ability to control release rate. Practices have a controlled-flow device, such as an orifice.
- Example: Detention tank



SMP Function Types

Reuse

- Water is captured and reused for non-irrigation purposes.
- Relies on continuous reuse of water. Practices can be integrated into existing non-potable and non-contact water uses.
- Example: Reuse in cooling tower



Resources

- [Unified Stormwater Rule Overview](#)
- [Chapter 31](#)
- [Chapter 19.1](#)
- [NYC Stormwater Manual](#)



NYC Green Infrastructure

LEGEND

- Final Design
- In Construction
- Constructed

NYC Green Infrastructure Specifics

STANDARD DESIGNS AND GUIDELINES FOR GREEN INFRASTRUCTURE PRACTICES

Questions?

Chapter 19.1 questions:
StormwaterPermits@dep.nyc.gov

Chapter 31 questions:
SewerInfo@dep.nyc.gov

