



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N. Y. 10007

EXECUTIVE ORDER No. 429

October 15, 2013

COORDINATION AND IMPLEMENTATION OF MATTERS PERTAINING TO
STORMWATER CONTROLS AND MUNICIPAL SEPARATE STORM SEWER SYSTEM
PERMIT REQUIREMENTS

WHEREAS, every year, approximately 45 inches of rain fall in New York City, generating an average of 165 billion gallons of stormwater, and approximately half of that rainfall makes its way into the City's combined sewer system, with much of the balance flowing directly into surrounding waterways through the City's separate storm sewers;

WHEREAS, a number of New York City agencies plan, fund, and implement measures to control stormwater runoff to prevent pollution of surface waters, and

WHEREAS, the Department of Environmental Protection (DEP) operates and maintains both the combined sewer system and the majority of the Municipal Separate Storm Sewer System (MS4);

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC), pursuant to authority delegated by the United States Environmental Protection Agency, regulates discharges of pollutants to surface waters, including discharges from the City's combined sewer system and from the City's MS4;

WHEREAS, NYSDEC has issued to DEP fourteen (14) State Pollutant Discharge Elimination System (SPDES) permits authorizing discharges from the City's fourteen municipal wastewater treatment plants and from combined and separate sewers in the drainage basins of each of those wastewater treatment plants;

WHEREAS, the City, acting by and through DEP, is currently negotiating a new SPDES permit for the City's MS4 with NYSDEC that will supersede the provisions of the fourteen wastewater treatment plant SPDES permits addressing discharges from the City's MS4, and will include requirements for stormwater controls to reduce pollution from the City's MS4, including "good housekeeping" provisions requiring the City to minimize exposure of stormwater to potential sources of contamination from municipal operations; and

WHEREAS, because a number of New York City agencies in addition to DEP have an important role in planning, funding, and implementing measures to control pollution of surface waters, both through the combined sewer system and through the City's MS4, the City has

established a Green Infrastructure Task Force to oversee and coordinate the management of stormwater in combined-sewer drainage areas, and a Stormwater Controls Working Group to oversee and coordinate the management of stormwater in areas serviced by the City's MS4;

NOW, THEREFORE, by the power vested in me as Mayor of the City of New York, it is hereby ordered:

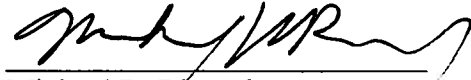
Section 1. Delegation. The Commissioner of the Department of Environmental Protection is hereby directed to act on behalf of the City, and to coordinate the efforts of City agencies, with respect to all matters relating to the City's Stormwater SPDES Permit Requirements, in connection with the National Pollutant Discharge Elimination System (NPDES) program, administered by NYSDEC through the SPDES program, and may enter into agreements with NYSDEC or any other State or federal agency on behalf of the City with respect to such matters. For purposes of this Order, the term "the City's Stormwater SPDES Permit Requirements" includes the stormwater provisions of the fourteen (14) wastewater treatment plant SPDES permits including, but not limited to, Combined Sewer Overflow Best Management Practices, as well as the provisions of the MS4 SPDES permit.

§ 2. Cooperation in Planning and Implementing Stormwater Controls. Heads and staff of all mayoral agencies with any role in planning, designing, funding, implementing, operating, and/or maintaining stormwater controls affecting the City's combined sewer system and/or the City's MS4, together with the Department of Education (DOE) upon the written concurrence of the Chancellor or his or her designee, shall cooperate with DEP by:

- (i) providing to DEP all information in their possession reasonably necessary for negotiating and/or complying with the City's Stormwater SPDES Permit Requirements;
- (ii) working with the Office of Management and Budget (OMB) to identify funding, within available appropriations, and implementing, in coordination with DEP, any stormwater control measures included in the City's Stormwater SPDES Permit Requirements that fall within their agencies' responsibilities, jurisdiction, or authority;
- (iii) creating and maintaining any necessary records and preparing any reports or other documentation required in connection with their agencies' implementation of measures included in the City's Stormwater SPDES Permit Requirements that fall within their agencies' responsibilities; and
- (iv) providing assistance and support to DEP within their areas of expertise, including but not limited to provision of relevant trainings and education to staff and external parties, as needed to facilitate efficient compliance with the City's Stormwater SPDES Permit Requirements.

§ 3. Funding of Costs. In the event of any additional or unforeseen costs to the City (including but not limited to costs related to remedial measures or resulting from enforcement actions) in relation to compliance with the City's Stormwater SPDES Permit Requirements that fall within the responsibilities, jurisdiction or authority of any mayoral agency, the affected agency and OMB shall cooperate to identify an appropriate source of funds to pay for such costs.

§ 4. Effective Date. This Order shall take effect immediately, provided that in the case of DOE, this Order shall take effect upon the written concurrence of the Chancellor of DOE or his or her designee.



Michael R. Bloomberg
Mayor