



THE CITY RECORD

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THE CITY RECORD

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

BANKING COMMISSION

MEETING

PLEASE TAKE NOTICE THAT THERE WILL BE A Quarterly meeting of the Banking Commission on Friday, March 12, 2010 at 2:00 P.M. in Executive Conference Room, 66 John Street, 12th Floor, Manhattan.

m4-10

BRONX BOROUGH PRESIDENT

PUBLIC HEARING

POSTPONEMENT AND RESCHEDULING OF PUBLIC HEARING

THE PUBLIC HEARING called by the President of the Borough of The Bronx, Honorable Ruben Diaz Jr. for Friday March 5, 2010 at 10:00 A.M. HAS BEEN POSTPONED. The revised date for this hearing is **March 9, 2010 commencing at 2:00 p.m.** in the office of the Borough President, 851 Grand Concourse, Room 206. This hearing will consider the following items:

CD 3-ULURP APPLICATION NO: C 080157 ZMX - IN THE MATTER OF an application submitted by CBC Associates and the South Bronx Overall Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3d:

1. Changing from a C803 District to an R7-1 District property bounded by East 176th Street, Boston Road, East 175th Street, and Southern Boulevard; and
2. Establishing within the proposed R7-1 District a C2-4 District bounded by East 176th Street, Boston Road, East 175th Street, and Southern Boulevard;

Borough of The Bronx, Community District 3, as shown on a diagram (for illustrative purposes only) dated January 4, 2010, and subject to the conditions of CEQR Declaration E-243.

CD 6-ULURP APPLICATION NO: C 100083 HAX - IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

1. Pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) The designation of property located at 1087 Tremont Avenue (Block 3141, part of Lot 1), as an Urban Development Action Area; and
 - b) An Urban Development Action Area Project for such area; and

2. Pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD:

To facilitate rehabilitation of an existing four-story community facility building.

ANYONE WISHING TO SPEAK MAY REGISTER AT THE HEARING. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS MATTER TO THE BOROUGH PRESIDENT'S OFFICE (718) 590-6124.

f26-m8

CITY COUNCIL

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT the Council has scheduled the following public hearing on the matter indicated below:

The Subcommittee on Zoning and Franchises will hold a public hearing on the following matter in the 16th Floor - Hearing Room, 250 Broadway, New York City, New York 10007, commencing at 9:30 A.M. on Tuesday, March 9, 2010:

QDOBA MEXICAN GRILL

MANHATTAN CB - 4 20095377 TCM
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Q Chelsea, LLC, d/b/a Qdoba Mexican Grill, for a revocable consent to establish, maintain and operate an unenclosed sidewalk cafe located at 216 Eighth Avenue, Borough of Manhattan.

m3-9

NOTICE IS HEREBY GIVEN THAT the Council has scheduled the following public hearings on the matters indicated below:

The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the 16th Floor - Hearing Room, 250 Broadway, New York City, New York 10007, commencing at 9:30 A.M. on Tuesday, March 9, 2010:

LOWER DENSITY GROWTH MANAGEMENT AREA BRONX CB -10 N 100134 ZRX

Application submitted by the New York City Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article II, Chapter 5 (Accessory Off-Street Parking and Loading Regulations) and Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations), relating to off-street parking regulations in Community District 10.

Matter in underline is new, to be added;
Matter in strikeout is to be deleted;
Matter with # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

Article I
General Provisions

* * *

Chapter 2
Construction of Language and Definitions

12-10 DEFINITIONS

Words in the text or tables of this Resolution which are #italicized# shall be interpreted in accordance with the provisions set forth in this Section.

Lower density growth management area
A "lower density growth management area" is any R1, R2, R3, R4A, R4-1 or C3A District in the following designated areas, and any #development# accessed by #private roads# in R1, R2, R3, R4, R5 or C3A Districts within such areas:

The Borough of Staten Island
Community District 10 in the Borough of the Bronx

In the Borough of Staten Island, #lower density growth management areas# shall also include any C1, C2, or C4 District.

In the Borough of the Bronx, in Community District 10, #lower density growth management areas# shall also include any R6, R7, C1 or C2 Districts for the purposes of applying the parking provisions of Article II, Chapter 5, and Article III, Chapter 6.

Chapter 5
Accessory Off-Street Parking and Loading Regulations

25-24
Modification of Requirements for Small Zoning Lots

R6 R7 R8 R9 R10

In the districts indicated, for small #zoning lots#, the requirements set forth in Section 25-23 (Requirements Where Group Parking Facilities Are Provided) shall be modified in accordance with the provisions of this Section.

25-241
Reduced requirements

R6 R7 R8 R9 R10

In the districts indicated, for #zoning lots# of 10,000 or 15,000 square feet or less, the number of required #accessory# off-street parking spaces is as set forth in the following table:

REDUCED REQUIREMENTS FOR SMALL ZONING LOTS

#Lot Area#	Units#	District
10,000 square feet or less	50	R6 R7-1*R7B
	30	R7-1 R7A R7D R7X
10,001 to 15,000 square feet	30	R7-2
	20	R8** R9 R10

* Within #lower density growth management areas# in Community District 10, Borough of the Bronx

** In R8B Districts, the parking requirements may not be reduced.

25-26
Waiver of Requirements for Small Number of Spaces

R4B R5B R5D R6 R7 R8 R9 R10

In the districts indicated, the requirements set forth in Section 25-21 (General Provisions) shall be waived if the required number of #accessory# off-street parking spaces resulting from the application of such requirements is no greater than the maximum number as set forth in this Section, except that the requirements shall not be waived for #non-profit residences for the elderly#.

However, the following provisions shall apply:

(a) in R5D Districts, the provisions of this Section, inclusive, shall only apply to #zoning lots# existing

both on June 29, 2006 and on the date of application for a building permit; and

(b) in R6 and R7 Districts in #lower density growth management areas# in Community District 10 in the Borough of the Bronx, the provisions of this Section, inclusive, shall only apply to #zoning lots# existing both on (effective date of amendment) and on the date of application for a building permit.

Chapter 6 Accessory Off-Street Parking and Loading Regulations

36-30 REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES WHEN PERMITTED IN COMMERCIAL DISTRICTS

36-34 Modification of Requirements for Small Zoning Lots

C1 C2 C4-2 C4-3 C4-4 C4-5 C4-6 C4-7 C5 C6

In the districts indicated for small #zoning lots#, the requirements set forth in Section 36-33 (Requirements Where Group Parking Facilities are Provided), shall be modified in accordance with the provisions set forth in this Section.

36-341 Reduced requirements in C1 or C2 Districts governed by surrounding Residence District bulk regulations

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, for #zoning lots# of 10,000 or 15,000 square feet or less, the number of required #accessory# off-street parking spaces is determined by the #Residence District# within which such #Commercial District# is mapped, in accordance with the following table:

REDUCED REQUIREMENTS FOR SMALL ZONING LOTS

Table with columns: #Lot Area#, Units#, Parking Spaces Required as a Percent of Total #Dwelling, District within which C1 or C2 District is Mapped. Rows include 10,000 square feet or less, 10,001 to 15,000 square feet.

* In C1 or C2 Districts mapped within R7-1 Districts within #lower density growth management areas# in Community District 10, Borough of the Bronx

** In R8B Districts, the parking requirements may not be reduced.

36-361 For new development or enlargements in C1 or C2 Districts governed by surrounding Residence District bulk regulations

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, where such districts are mapped within R6, R7, R8, R9 or R10 Districts, the requirements set forth in Section 36-31 (General Provisions) for new #development# or #enlargements# shall be waived if the required number of #accessory# off-street parking spaces resulting from the application of such requirements is no greater than the maximum number as set forth in the following table. The maximum number is determined by the #Residence District# within which the #Commercial District# is mapped.

NUMBER OF SPACES FOR WHICH REQUIREMENTS ARE WAIVED

Table with columns: #Residence District# within which C1 or C2 District is Mapped, Maximum Number of Spaces Waived. Rows include R5D, R6 R7-1 R7B, R7-2 R7A R7D R7X R8 R9 R10.

However, the following provisions shall apply:

(a) in C1 or C2 Districts mapped within R5D Districts, the provisions of this Section, inclusive, shall only apply to #zoning lots# existing both on June 29, 2006 and on the date of application for a building permit; and

(b) in C1 or C2 Districts mapped within R6 and R7 Districts in #lower density growth management areas# in Community District 10 in the Borough of the Bronx, the provisions of this Section, inclusive, shall only apply to #zoning lots# existing both on (effective date of amendment) and on the date of application for a building permit.

POCO NYC

MANHATTAN CB - 3 20095496 TCM Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Becaf LLC, d/b/a Poco NYC, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 33 Avenue B.

THOR

MANHATTAN CB - 3 20105293 TCM Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of The Downtown LLC, d/b/a Thor, for a revocable consent to continue to maintain and operate an unenclosed sidewalk

café located at 107 Rivington Street.

EDWARDS

MANHATTAN CB - 1 20105319 TCM Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 136 West Broadway, Inc., d/b/a Edwards, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 136 West Broadway.

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing on the following matter in the 16th Floor - Hearing Room, 250 Broadway, New York City, New York 10007, commencing at 11:00 A.M. on Tuesday, March 9, 2010:

PERRY AVENUE HISTORIC DISTRICT BRONX CB - 7 20105275 HKX (N 100193 HKX)

Designation (List No. 424/LP-2339) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter of the landmark designation of the Perry Avenue Historic District. The district boundaries are: property bounded by a line beginning at the intersection of the northwestern curblineline of Perry Avenue with a line extending southeasterly from the northeastern property line of 2987 Perry Avenue, northwesterly along said property line to the northwestern property line of 2987 Perry Avenue, southwesterly along said property line and the property lines of 2985 through 2971 Perry Avenue to the southwestern property line of 2971 Perry Avenue, southeasterly along said property line to the northwestern curblineline of Perry Avenue, northeasterly along said curblineline to the point of the beginning.

The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing on the following matters in the 16th Floor - Hearing Room, 250 Broadway, New York City, New York 10007, commencing at 1:00 P.M. on Tuesday, March 9, 2010:

Proposals subject to Council review and action pursuant to the Urban Development Action Area Act, Article 16 of the New York General Municipal Law, at the request of the Department of Housing Preservation and Development ("HPD"), which requests that the Council:

- 1. Find that the present status of the listed areas tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirements of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the projects as Urban Development Action Area Projects pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the project from real property taxes pursuant to Section 577 of the Private Housing Finance Law for Non-ULURP No. 20105415 HAM.

Table with columns: NO., ADDRESS, BLOCK/LOT, BORO, COMMUNITY PROGRAM, BOARD. Rows include 20105415 HAM 163 Lenox Avenue 1903/31 Manhattan Tenant Interim Lease 09, 20105416 HAM 50 West 132nd Street 1729/52 Manhattan HUD Multifamily Loan 09.

CITY PLANNING COMMISSION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street New York, New York, on Wednesday, March 10, 2010, commencing at 10:00 A.M.

BOROUGH OF BROOKLYN

No. 1

KNICKERBOCKER COMMONS

CD 4 C 100162 HAK IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
a) the designation of property located at 295 Eldert Street (Block 3413, Lot 1); 801, 799 and 797 Knickerbocker Avenue (Block 3413, Lots 2-4), as an Urban Development Action Area; and
b) an Urban Development Action Area Project for such area; and
2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate development of a six-story building, tentatively known as Knickerbocker Commons, with approximately 24 residential units and community facility space, to be developed under the New York State Housing Trust Fund Program.

No. 2

18TH AVENUE REZONING

CD 12 C 070520 ZMK IN THE MATTER OF an application submitted by Jom Tob Gluck pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22c, by establishing within an existing R5 District a C1-3 District bounded by 48th Street, 18th Avenue, 49th Street and a line 100 feet northwesterly of 18th Avenue, as shown on a diagram (for illustrative purposes only) dated December 14, 2009.

BOROUGH OF MANHATTAN

No. 3

HOUSTON DEE

CD 3 C 100173 HAM IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
a) the designation of property located at 302-304 East 2nd Street (Block 372, Lot 49); as an Urban Development Action Area; and
b) an Urban Development Action Area Project for such area; and
2) pursuant to Section 197-c of the New York City Charter for the disposition of such property, to a developer to be selected by HPD;

to facilitate the development of a 13-story mixed-use building, tentatively known as Houston Dee, with approximately 166 residential units.

YVETTE V. GRUEL, Calendar Officer City Planning Commission 22 Reade Street, Room 2E New York, New York 10007 Telephone (212) 720-3370

f25-m10

COMMUNITY BOARDS

PUBLIC HEARINGS

BOROUGH OF BROOKLYN

Community Board No. 14 - Public Hearing on Capital and Expense Budget for FY 2011 will take place on Monday, March 8, 2010 at 7:15 P.M. at Edward R. Murrow High School, East 17th Street and Avenue L, Brooklyn, New York.

m1-5

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

BOROUGH OF STATEN ISLAND

COMMUNITY BOARD NO. 01 - Tuesday, March 9, 2010, 8:00 P.M., All Saints Church, 2329 Victory Boulevard, Staten Island, NY

Public Hearing: FY 2011 Capital and Expense Preliminary Response.

m3-9

BOROUGH OF BRONX

Community Board No. 6 - Public Hearing on Capital and Expense Budget for FY 2011 will take place on Wednesday, March 10, 2010 at 6:30 P.M. at Belmont Boulevard Apartments, 780 East 185th Street, Bronx, New York.

m1-5

BOROUGH OF MANHATTAN

Community Board No. 9 - Public Hearing on Capital and Expense Budget for FY 2011 will take place on Tuesday, March 9, 2010 at 6:30 P.M. at Broadway Housing, 583 Riverside Drive at 135th Street.

m3-9

BOROUGH OF BRONX

Community Board No. 3 - Public Hearing on Capital and Expense Budget for FY 2011 will take place on Tuesday, March 9, 2010 at 6:00 P.M. at 1426 Boston Road, (near E. 170th Street and Prospect Avenue).

m3-9

EMPLOYEES' RETIREMENT SYSTEM

MEETING

Please be advised that the next Regular Meeting of the Board of Trustees of the New York City Employees' Retirement System has been scheduled for Thursday, March 11, 2010 at 9:30 A.M. to be held at the New York City Employees' Retirement System, 335 Adams Street, 22nd Floor Boardroom, Brooklyn, NY 11201-3751.

m4-10

FRANCHISE AND CONCESSION REVIEW COMMITTEE

MEETING

PUBLIC NOTICE IS HEREBY GIVEN THAT the Franchise and Concession Review Committee will hold a Public Meeting on Wednesday, March 10, 2010 at 2:30 P.M., at 22 Reade Street, 2nd Floor Conference Room, Borough of Manhattan.

NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contracts Services,

Public Hearings Unit, 253 Broadway, 9th Floor, New York, NY 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC MEETING. TDD users should call Verizon relay service.

m1-10

LANDMARKS PRESERVATION COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, **March 16, 2010 at 9:30 A.M.** in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-5885 - Block 847, lot 16-873 Broadway - Ladies' Mile Historic District A Second Empire Commercial style store and loft building designed by Griffith Thomas and built in 1868 and 1888. Application is to install an electrical sidewalk vault.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-5886 - Block 847, lot 7501-888 Broadway - Ladies' Mile Historic District A Commercial Palace style store and warehouse building designed by William Wheeler Smith and built in 1882. Application is to install an electrical sidewalk vault.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF QUEENS 10-6293 - Block 148, lot 777-West Side of 48th Street, East Side of 47th Street, South side of 39th Avenue, Roosevelt Court - Sunnyside Garden Historic District
A Court, divided into eight rows comprised of 74 houses, covering most of the block bounded by 39th Avenue (north), 48th Street (east), Skillman Avenue (south), and 47th Street (west), designed by Clarence Stein, Henry Wright, and Frederick Ackerman, and built in 1927. Application is to establish a master plan governing the installation of sidewalk planters.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 10-5208 - Block 2090, lot 27-215 Carlton Avenue - Fort Greene Historic District
An early Italianate style brick house built c. 1856. Application is to legalize the installation of windows at the parlor floor without Landmarks Preservation Commission permits.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 10-5786 - Block 1137, lot 56-635 Bergen Street, aka 570 Vanderbilt Avenue - Prospect Heights Historic District
A neo-Grec style flats house with ground floor storefront designed by Isaac D. Reynolds and built in 1887. Application is to legalize the installation of a barrier-free access ramp without Landmarks Preservation Commission permits.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-4343 - Block 97, lot 7502-130 Beekman Street - South Street Seaport Historic District
A warehouse building built in 1827. Application is to install storefront infill.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-0498 - Block 588, lot 66-316 Bleeker Street, aka 47 Grove Street - Greenwich Village Historic District
An Italianate style building built in 1854. Application is to replace windows.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-5686 - Block 618, lot 40-201 West 13th Street, aka 42-46 7th Avenue - Greenwich Village Historic District
A Gothic style church building designed by Louis E. Jallade and built in 1931. Application is to alter the side entrance to provide barrier free access and to construct an elevator bulkhead.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-1538 - Block 1120, lot 38-12-14 West 68th Street - Upper West Side/Central Park West Historic District
A Queen Anne style house designed by Louis Thovard and built in 1895, with attached studio building designed by Edwin C. Georgi and built in 1925. Application is to modify an addition to the 1925 studio building which was constructed without Landmarks Preservation Commission permits. Zoned R-8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-5802 - Block 1408, lot 1-783-789 Park Avenue, aka 101 East 73rd Street - Upper East Side Historic District
A modern style apartment building designed by George Pelham, Jr. and built in 1930-1940. Application is to install a ramp.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-4479 - Block 1390, lot 163-12 East 76th Street - Upper East Side Historic District
A building constructed in 1881-82 and altered in 1946 by James Casale. Application is to redesign the facade. Zoned R8-B LH-1A.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-4760 - Block 1390, lot 17-960 Madison Avenue - Upper East Side Historic District
A neo-Grec style rowhouse designed by James Frame and

built in 1877-78 altered in 1916 with a two-story storefront extension. Application is to alter window openings.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-5764 - Block 1493, lot 60-20 East 82nd Street - Metropolitan Museum Historic District
A French Beaux-Arts style townhouse designed by Richard W. Buckley, and built in 1901. Application is to install a gate at the entrance.

m3-16

■ PUBLIC MEETING

NOTICE IS HEREBY GIVEN THAT PURSUANT to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York that on **Tuesday, March 9, 2010**, there will be a Public Meeting of the Landmarks Preservation Commission in the Public Hearing Chamber at 1 Centre Street, 9th Floor North, Borough of Manhattan, City of New York. For information about the Public Meeting agenda, please contact the Public Information Officer at (212) 669-7817.

m4-8

SMALL BUSINESS SERVICES

■ NOTICE

NOTICE OF PUBLIC SCOPING CHANGED DATE AND VENUE

This Supersedes a previous Notice
(Original Scoping: 3/11/10; Changed Date: 4/5/10)

NOTICE IS HEREBY GIVEN THAT, pursuant to Section 5-07(b) of the Rules of Procedure for City Environmental Quality Review (CEQR), a public scoping meeting will be held on a changed date, **Monday April 5, 2010, 5:00 P.M. to 9:00 P.M., at Wagner College, Spiro Hall, 631 Howard Avenue, Staten Island, NY 10301**, as submitted by the New York City Department of Small Business Services, to hear comments from the public regarding the proposed scope of work for the Draft Environmental Impact Statement (DEIS) for the New York Container Terminal Expansion Project. The project is the proposed construction of a new 50-foot deep containership berth on a 39-acre parcel generally bounded by the Arthur Kill, Bridge Creek, Arlington Marsh and Western Avenue and an approximately 32 acre upland terminal support area bounded by the proposed new berth, Richmond Terrace, Mariners Marsh Park and Western Avenue. The purpose of the scoping meeting is to provide the public with the opportunity to comment on the scope of analysis proposed to be included in the DEIS for the referenced project. A copy of the draft scoping document for the project may be obtained by any member of the public from:

New York City Economic Development Corporation
110 William Street, New York, New York 10038
Attention: Meenakshi Varandani mvarandani@nycedc.com
Telephone: (212) 312-3861 Fax: (212) 312-3989

Copies of the EAS and Scoping Document are available for reference at the Port Richmond Library located at: 75 Bennett Street, Staten Island, NY 10302. The EAS and Scoping Document may also be downloaded online from: www.nycedc.com/nyctberth4

Written comments will be accepted through April 15, 2010 and may be submitted at the public scoping meeting or sent to Meenakshi Varandani at the above address.

NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, Public Hearing Unit, 253 Broadway, 9th Floor, New York, New York 10007, (212) 788-7490 no later than FIVE (5) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD USERS SHOULD CALL Verizon Relay Service.

m2-4

BOARD OF STANDARDS AND APPEALS

■ NOTICE

MARCH 16, 2010, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, March 16, 2010, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

1045-67-BZ
APPLICANT – Michael A. Cosentino, for Thomas Abruzzi, owner.
SUBJECT – Application October 30, 2009 – Application filed pursuant to §§72-01 & 72-22 of the zoning resolution to allow the re-instatement of a variance application granted pursuant to §72-21 which permitted in a R2 zoning district, the construction and maintenance of an accessory parking lot to be used for adjoining commercial uses. The approval expired on June 27, 1998. The application seeks waiver of the Rules of Practice for the late filing of the application and an Amendment of the resolution to eliminate the term.
PREMISES AFFECTED – 160-10 Crossbay Boulevard, Crossbay Boulevard between 160th Avenue and 161st Avenue, Block 14030, Lot 6, 20, Borough of Queens.
COMMUNITY BOARD #10Q

31-09-BZ
APPLICANT – NYC Board of Standards and Appeals
OWNER: R & R Auto Repair & Collision
SUBJECT – Dismissal for lack of prosecution of an application for a Special Permit (§11-411, §11-412 & §11-413) for a change of use from a gasoline service station (UG16b) to automotive repair establishment and automotive sales (UG16b) and the enlargement of the existing one story

structure; Re-instatement of the variance which expired on November 12, 1990; Waiver of the Rules of Practice and Procedure. C2-2/R3-2 zoning district.

PREMISES AFFECTED – 117-04 Sutphin Boulevard, southwest corner of Foch Boulevard, Block 1203, Lot 13, Borough of Queens.

COMMUNITY BOARD #12Q

APPEALS CALENDAR

295-09-A & 296-09-A
APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Karen Murphy, Trustee.
SUBJECT – Application October 20, 2009 – Proposed construction of one family home located within the bed of a mapped street (Bache Street) contrary to Section 35 of the General City Law. R3A Zoning District
PREMISES AFFECTED – 81 and 83 Cortlandt Street, south side of Cortlandt Street, bed of Bache street, Block 1039, Lot 25 & 26, Borough of Staten Island.
COMMUNITY BOARD #2SI

MARCH 16, 2010, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, March 16, 2010, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

192-09-BZ
APPLICANT – Richard Lobel, for Leon Mann, owner.
SUBJECT – Application June 16, 2009 – Variance (§72-21) to allow for the construction of a department store (UG 10) contrary to use regulations (ZR 22-00, 32-00). R6 and R6/C2-3 zones.
PREMISES AFFECTED – 912 Broadway, northeast corner of the intersection of Broadway and Stockton Street, Block 1584, Lot 11, Borough of Brooklyn.
COMMUNITY BOARD #3BK

11-10-BZ
APPLICANT – Rothkrug Rothkrug & Spector, LLP, for 562 Court Street, LLC, owner; Brooklyn Kick Boxing Inc., lessee.
SUBJECT – Application January 26, 2010 – Special Permit (§73-36) to legalize the operation of an existing physical culture establishment on the first floor in a five-story mixed-use building and to permit the extension of that use to include use of a portion of the vacant cellar. C2-3 (R6) zoning district.
PREMISES AFFECTED – 562 Court Street (aka 21 Garnet Street) southwest corner Court Street and Garnet Street, Block 382, Lot 37, Borough of Brooklyn.
COMMUNITY BOARD # 6BK

13-09-BZ
APPLICANT – Moshe M. Friedman, P.E., for 5621 21st Avenue LLC, for Congregation Tehilos Yitzchok, owner.
SUBJECT – Application January 26, 2009 – Variance (§72-21) to permit a synagogue contrary to bulk regulations ZR 24-34, 24-35, 24-11. R5 District.
PREMISES AFFECTED – 5611 21st Avenue, east side 95'8" north of intersection of 21st Avenue and 57th Street, Block 5495, Lot 430, Borough of Brooklyn.
COMMUNITY BOARD #12BK

Jeff Mulligan, Executive Director

m4-5

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ AUCTION

PUBLIC AUCTION SALE NUMBER 10001-T

NOTICE IS HEREBY GIVEN of a bi-weekly public auction of City fleet vehicles consisting of cars, vans, light duty vehicles, trucks, heavy equipment and miscellaneous automotive equipment to be held on Wednesday, March 17, 2010 (SALE NUMBER 10001-T). This auction is held every other Wednesday unless otherwise notified. Viewing is on auction day only from 8:30 A.M. until 9:00 A.M. The auction begins at 9:00 A.M.

LOCATION: 570 Kent Avenue, Brooklyn, NY (in the Brooklyn Navy Yard between Taylor and Clymer Streets).

A listing of vehicles to be offered for sale in the next auction can be viewed on our web site, on the Friday prior to the sale date at:
<http://www.nyc.gov/autoauction> OR
<http://www.nyc.gov/autoauctions>

Terms and Conditions of Sale can also be viewed at this site. For further information, please call (718) 417-2155 or (718) 625-1313.

m4-17

■ SALE BY SEALED BID

SALE OF: 5 LOTS OF MISCELLANEOUS EQUIPMENT, USED.

S.P.#: 10017

DUE: March 16, 2010

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
DCAS, Division of Municipal Supply Services, 18th Floor, Bid Room, Municipal Building, New York, NY 10007. For sales proposal contact Gladys Genoves-McCauley (718) 417-2156.

m3-16

SALE OF: 4 LOTS OF MISCELLANEOUS EQUIPMENT, USED/UNUSED.

S.P.#: 10015

DUE: March 4, 2010

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

DCAS, Division of Municipal Supply Services, 18th Floor Bid Room, Municipal Building, New York, NY 10007. For sales proposal contact Gladys Genoves-McCauley (718) 417-2156.

f19-m4

POLICE**OWNERS ARE WANTED BY THE PROPERTY CLERK DIVISION OF THE NEW YORK CITY POLICE DEPARTMENT.**

The following listed property is in the custody, of the Property Clerk Division without claimants.

Recovered, lost, abandoned property, property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves. Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

INQUIRIES

Inquiries relating to such property should be made in the Borough concerned, at the following office of the Property Clerk.

FOR MOTOR VEHICLES

(All Boroughs):

- * College Auto Pound, 129-01 31 Avenue, College Point, NY 11354, (718) 445-0100
- * Gowanus Auto Pound, 29th Street and 2nd Avenue, Brooklyn, NY 11212, (718) 832-3852
- * Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2029

FOR ALL OTHER PROPERTY

- * Manhattan - 1 Police Plaza, New York, NY 10038, (212) 374-4925.
- * Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675.
- * Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806.
- * Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678.
- * Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484.

j1-d31

PROCUREMENT

“The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination. The contracting opportunities for construction/construction services and construction-related services that appear in the individual agency listings below reflect that commitment to excellence.”

ADMINISTRATION FOR CHILDREN'S SERVICES**PROCUREMENT****■ SOLICITATIONS***Human/Client Service*

BLUE SKY CLINICAL TRIAL – Sole Source – Available only from a single source - PIN# 06810DP00000 – DUE 03-15-10 AT 12:00 P.M. – ACS intends to enter into negotiations with the New York Foundling Hospital to implement a randomized clinical trial of the psychosocial intervention Blue Sky model with its Juvenile Justice Initiative. The copyright holders of the intellectual property of the Blue Sky model has selected New York Foundling as the sole provider of these services. The term of the contract will be approximately 4-years from 2/1/10 through 1/31/14.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Administration for Children's Services, Office of Procurement, 150 William Street, 9th Floor, New York, NY 10038. Michael Walker (212) 341-3525.

f26-m4

CITYWIDE ADMINISTRATIVE SERVICES**DIVISION OF MUNICIPAL SUPPLY SERVICES****■ VENDOR LISTS***Goods*

ACCEPTABLE BRAND LIST – In accordance with PPB Rules, Section 2-05(c)(3), the following is a list of all food items for which an Acceptable Brands List has been established.

1. Mix, Biscuit - AB-14-1:92
2. Mix, Bran Muffin - AB-14-2:91
3. Mix, Corn Muffin - AB-14-5:91
4. Mix, Pie Crust - AB-14-9:91
5. Mixes, Cake - AB-14-11:92A
6. Mix, Egg Nog - AB-14-19:93
7. Canned Beef Stew - AB-14-25:97
8. Canned Ham Shanks - AB-14-28:91
9. Canned Corned Beef Hash - AB-14-26:94
10. Canned Boned Chicken - AB-14-27:91
11. Canned Corned Beef - AB-14-30:91
12. Canned Ham, Cured - AB-14-29:91
13. Complete Horse Feed Pellets - AB-15-1:92
14. Canned Soups - AB-14-10:92D
15. Infant Formula, Ready to Feed - AB-16-1:93
16. Spices - AB-14-12:95
17. Soy Sauce - AB-14-03:94
18. Worcestershire Sauce - AB-14-04:94

Application for inclusion on the above enumerated Acceptable Brand Lists for foods shall be made in writing and addressed to: Purchase Director, Food Unit, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-4207.

jy17-j4

EQUIPMENT FOR DEPARTMENT OF SANITATION

In accordance with PPB Rules, Section 2.05(c)(3), an acceptable brands list will be established for the following equipment for the Department of Sanitation:

- A. Collection Truck Bodies
- B. Collection Truck Cab Chassis
- C. Major Component Parts (Engine, Transmission, etc.)

Applications for consideration of equipment products for inclusion on the acceptable brands list are available from: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8610.

jy17-j4

OPEN SPACE FURNITURE SYSTEMS - CITYWIDE – In accordance with PPB Rules, Section 2.05(c)(3), an Acceptable Brands List, #AB-17W-1:99, has been established for open space furniture systems.

Application for consideration of product for inclusion on this acceptable brands list shall be made in writing and addressed to: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007, (212) 669-8610.

jy17-j4

DESIGN & CONSTRUCTION**CONTRACT SECTION****■ SOLICITATIONS***Construction/Construction Services***CONSTRUCTION OF CATCH BASINS IN VARIOUS LOCATIONS, QUEENS**

– Competitive Sealed Bids – PIN# 8502009SE0036C – DUE 03-24-10 AT 11:00 A.M. – Experience Requirements. Bid documents are available at: <http://www.nyc.gov/buildnyc> This bid solicitation includes M/WBE participation goal(s) for subcontracted work. For the M/WBE goals, please visit our website at www.nyc.gov/buildnyc see “Bid Opportunities.” For more information about M/WBE certification, please call 311 or go to www.nyc.gov/getcertified. Vendor Source ID#: 66848.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Bid document deposit - \$35.00 per set. Company check or money order only. No cash accepted. Late bids will not be accepted. Department of Design and Construction 30-30 Thomson Avenue, 1st Floor, Long Island City, NY 11101. Ben Perrone (718) 391-2614.

m4

HEALTH AND HOSPITALS CORPORATION

The New York City Health and Hospitals Corporation is regularly soliciting bids for supplies and equipment at its Central Purchasing Offices, 346 Broadway, New York City, Room 516, for its Hospitals and Diagnostic and Treatment Centers. All interested parties are welcome to review the bids that are posted in Room 516 weekdays between 9:00 a.m. and 4:30 p.m. For information regarding bids and the bidding process, please call (212) 442-4018.

j1-d31

■ SOLICITATIONS*Goods*

FASTLOAD CT SYRINGE – Competitive Sealed Bids – PIN# 331-10-017 – DUE 03-19-10 AT 11:00 A.M. – Fastload CT Syringe pack 200ml. For copy of bid fax request to Nadine Patterson at (718) 616-4614.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Coney Island Hospital, Purchasing, 2601 Ocean Parkway, Room 1N45, Brooklyn, NY 11235. Nadine Patterson (718) 616-4271.

m4

HOMELESS SERVICES**OFFICE OF CONTRACTS AND PROCUREMENT****■ SOLICITATIONS***Human/Client Service*

CORRECTION: TRANSITIONAL RESIDENCES FOR HOMELESS/ DROP-IN CENTERS – Competitive Sealed

Proposals – Judgment required in evaluating proposals - PIN# 071-00S-003-262Z – DUE 06-27-11 AT 10:00 A.M. – CORRECTION: The Department of Homeless Services is soliciting proposals from organizations interested in developing and operating transitional residences for homeless adults and families including the Neighborhood Based Cluster Residence and drop-in centers for adults. This is an open-ended solicitation; there is no due date for submission.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Department of Homeless Services, 33 Beaver Street 13th Floor, New York, NY 10004. Marta Zmoira (212) 361-0888, mzmoira@dhs.nyc.gov

j6-20

HOUSING AUTHORITY**PURCHASING DIVISION****■ SOLICITATIONS***Goods*

CARBON MONOXIDE DETECTOR – Competitive Sealed Bids – RFQ# 26283 AS – DUE 03-23-10 AT 10:40 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Housing Authority, 23-02 49th Avenue, 5th Floor Long Island City, NY 11101. Atul Shah (718) 707-5450.

m4

WINDOW BALANCES AND ACCESSORIES

– Competitive Sealed Bids – RFQ# 26112 MF – DUE 03-30-10 AT 10:30 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Housing Authority, 23-02 49th Avenue, 5th Floor Long Island City, NY 11101. Marjorie Flores (718) 707-5460.

m4

JUVENILE JUSTICE**■ SOLICITATIONS***Human/Client Service***PROVISION OF NON-SECURE DETENTION GROUP HOMES**

– Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 13010DJJ000 – DUE 06-30-11 AT 2:00 P.M. – The Department of Juvenile Justice is soliciting applications from organizations interested in operating non-secure detention group homes in New York City. This is an open-ended solicitation; applications will be accepted on a rolling basis until 2:00 P.M. on 6/30/11.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Department of Juvenile Justice, 110 William Street 14th Floor, New York, NY 10038. Chuma Uwechia (212) 442-7716, cuwechia@djj.

jy1-d16

PARKS AND RECREATION**CAPITAL PROJECTS DIVISION****■ INTENT TO AWARD***Construction Related Services***CONSTRUCTION OF A PERMANENT PLATFORM IN DAMROSCH PARK**

– Sole Source – Available only from a single source - PIN# 8462010M231C01 – DUE 03-11-10 AT 4:30 P.M. – The Department of Parks and Recreation, Capital Projects Division, intends to enter into Sole Source negotiations with Lincoln Center for the Performing Arts, Inc. for the Construction of a permanent Platform over the Parking Garage Ramp, located at West 62nd Street, between Amsterdam and Columbus Avenues, in Damrosch Park, Manhattan.

Any firms that would like to express their interest in providing services for similar projects in the future may do so. All expressions of interest must be in writing to the address listed here and received by March 11, 2010. You may join the City Bidders list by filling out “NYC-FMS Vendor Enrollment Application” available on-line at NYC.gov/selltonyc and in hard copy by calling the Vendor Enrollment Center at (212) 857-1680.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Parks and Recreation, Olmsted Center, Room 61 Flushing Meadows-Corona Park, Flushing, NY 11368. Grace Fields-Mitchell (718) 760-6687.

m2-8

REVENUE AND CONCESSIONS**■ SOLICITATIONS***Services (Other Than Human Services)***OPERATION OF A FREE CONCERT SERIES AND A MAXIMUM OF SIX (6) KIOSKS**

– Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# X39-OB-O – DUE 03-25-10 AT 3:00 P.M. – At Orchard Beach, Pelham Bay Park, The Bronx.

There will be a recommended on-site proposer meeting and site tour on Monday, March 8, 2010 at 11:00 A.M. We will be meeting at the proposed concession site (Block #5650 and Lot #1), which is located in front of the Main Pavilion stage area, Pelham Bay Park, Bronx. If you are considering responding

to this RFP, please make every effort to attend this recommended meeting and site tour.

TELECOMMUNICATION DEVICE FOR THE DEAF (TDD) 212-504-4115

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Parks and Recreation, The Arsenal-Central Park
830 Fifth Avenue, Room 407, New York, NY 10021.
Alexander Han (212) 360-1397, alexander.han@parks.nyc.gov

f19-m4

OPERATION AND MAINTENANCE OF AN 18-HOLE JACK NICKLAUS SIGNATURE GOLF COURSE – Other – PIN# X126-GC – DUE 03-30-10 AT 3:00 P.M. – The New York City Department of Parks and Recreation (“Parks”) is issuing, as of the date of this notice, a Request for Offers (“RFO”) for the operation and maintenance of an 18-hole Jack Nicklaus Signature golf course, driving range and ancillary facilities at Ferry Point Park, The Bronx.

All offers submitted in response to this RFO must be submitted no later than Tuesday, March 30, 2010 at 3:00 P.M. Hard copies of the RFO can be obtained, at no cost, commencing on Friday, February 19, 2010 through Tuesday, March 30, 2010, between the hours of 9:00 A.M. and 5:00 P.M., excluding weekends and holidays, at the Revenue Division of the New York City Department of Parks and Recreation, which is located at 830 Fifth Avenue, Room 407, New York, NY 10065.

TELECOMMUNICATION DEVICE FOR THE DEAF (TDD) 212-504-4115

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Parks and Recreation, The Arsenal-Central Park
830 Fifth Avenue, Room 407, New York, NY 10021.
Joel Metlen (212) 360-1397, joel.metlen@parks.nyc.gov

f19-m4

RENOVATION, OPERATION, AND MAINTENANCE OF THE FRIEDSAM MEMORIAL CAROUSEL – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# M10-37-C-CL – DUE 04-02-10 AT 3:00 P.M. – In Central Park, Manhattan. Parks will hold an on-site proposer meeting and site tour on Thursday, March 4, 2010 at 11:00 A.M. at the proposed concession site, which is located at 65th Street, mid-park, just west of the Center Drive. We will be meeting in front of the existing structure.

TELECOMMUNICATION DEVICE FOR THE DEAF (TDD) 212-504-4115

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Parks and Recreation, The Arsenal-Central Park
830 Fifth Avenue, Room 407, New York, NY 10021.
Joel Metlen (212) 360-1397, joel.metlen@parks.nyc.gov

f22-m5

SCHOOL CONSTRUCTION AUTHORITY

CONTRACT ADMINISTRATION

■ SOLICITATIONS

Construction / Construction Services

EXTERIOR MASONRY, ROOFS, FLOOD ELIMINATION, PAVED AREA BLACKTOPS – Competitive Sealed Bids – PIN# SCA10-12950D-1 – DUE 03-25-10 AT 11:30 A.M. – IS 52 (Bronx). Project Range: \$10,000,000.00 to \$10,530,000.00. Limited List: Bids will only be accepted from the following Construction Managers/Prime General Contractors: Abax Incorporated, Admiral Construction LLC, Del Savio Masonry Corp., Kafka Construction, Inc., Kel-Tech Construction, Inc., Minelli Construction, Navillus Tile, Inc., New York Stone Co., Inc.; Nicholson and Galloway, Inc., S.M. and B Construction Co., Inc., Trio Asbestos Removal Corp., Vardaris Tech, Inc., Western Waterproofing Co., Inc., Whitestone Construction.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
School Construction Authority, 30-30 Thomson Avenue
Long Island City, NY 11101. Kevantae Idlett (718) 472-8360.

m4-10

AUDITORIUM AND CAFETERIA - MULTI PURPOSE UPGRADE – Competitive Sealed Bids – PIN# SCA10-13133D-1 – DUE 03-19-10 AT 10:30 A.M. – Project Range: \$1,280,000.00 to \$1,350,000.00. NYC School Construction Authority, Plans Room Window, Room #1046, 30-30 Thomson Avenue, 1st Floor, Long Island City, New York 11101. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
School Construction Authority, 30-30 Thomson Avenue
Long Island City, NY 11101. Stacia Edwards (718) 752-5849.

m1-5

BOILER SYSTEM/OIL TANK/CLIMATE CONTROL – Competitive Sealed Bids – PIN# SCA10-12760D-1 – DUE 03-23-10 AT 11:30 A.M. – I.S. 113 (Bronx). Project Range: \$3,770,000.00 to \$3,973,000.00. Pre-bid meeting date: March 12, 2010 at 1:00 P.M. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority.

NYC School Construction Authority, Plans Room Window, Room #1046, 30-30 Thomson Avenue, 1st Floor, Long Island City, New York 11101.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
School Construction Authority, 30-30 Thomson Avenue
Long Island City, NY 11101. Anthony Largie (718) 752-5842.

m2-8

LOW VOLTAGE ELECTRICAL SYSTEM – Competitive Sealed Bids – PIN# SCA10-13147D-1 – DUE 03-22-10 AT 11:00 A.M. – PS 43 (Bronx). Project Range: \$990,000.00 to \$1,045,000.00. Non-refundable bid documents charge: \$100.00, certified check or money order only. Make checks payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
School Construction Authority, 30-30 Thomson Avenue
Long Island City, NY 11101. Rookmin Singh (718) 752-5843.

m1-5

Human / Client Service

PROFESSIONAL STAFFING SERVICES FOR ERC – Request for Proposals – PIN# 10-00015R – DUE 03-23-10 AT 2:00 P.M. – The New York City School Construction Authority (the “SCA”) request qualified vendors to submit proposals for staff augmentation and consulting services in the following Environmental and Regulatory Compliance areas:

- A. Safety Unit
- B. Building Code Compliance
- C. Construction Inspection Division (CID)

Only qualified staff approved by the SCA, may work under the agreement. Staff must have the appropriate certifications.

The SCA will accept proposals from the following firms:

- Consulting for Architects, Inc.
- Haks Engineers, Architects and Land Surveyors, P.C.
- Lehigh G.I.T., Inc.
- Montco, Inc.
- Aerotek
- Ben Thompson Associates
- Metro Tech Consulting Services Engineering and Architecture, P.C.
- Greyhawk North America, L.L.C.
- Future Tech Consultants of New York, Inc.
- Team Support Services, Inc.
- Tectonic Engineering and Survey Consultants, P.C.
- RitaSue Siegel Resources, L.L.C.
- Brinkerhoff Environmental Services, Inc.

If your firm would like to receive a copy of the RFP, please e-mail the listed contact for this RFP. In the email you must include the following information:

- 1) the length of time your firm has been in existence and performing the services required under this RFP.
- 2) A description of your firm’s experience including - prior projects, firms you’ve partnered with, and the value of the portion your firm worked on.
- 3) The full contact information of the person to whom the RFP should be sent, inclusive of phone number and fax number. Please ensure that an actual street address must be provided as RFPs are not sent to P.O. Boxes.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
School Construction Authority, 30-30 Thomson Avenue
1st Floor, Long Island City, New York 11101.
Donald Mezick (718) 752-5479.

m2-8

CONTRACT SERVICES

■ SOLICITATIONS

Construction / Construction Services

LOW VOLTAGE ELECTRICAL SYSTEM – Competitive Sealed Bids – PIN# SCA10-13106D-1 – DUE 03-22-10 AT 11:30 A.M. – PS 147 (Brooklyn). Project Range: \$1,250,000.00 - \$1,320,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
School Construction Authority, 30-30 Thomson Avenue
Long Island City, NY 11101. Lily Persaud (718) 752-5852.

m3-9

PROCUREMENT

■ SOLICITATIONS

Construction / Construction Services

WATER PENETRATION/ROOFS / PARAPETS/ EXTERIOR MASONRY/SITWORK – Competitive Sealed Bids – PIN# SCA10-12908D-1 – DUE 03-19-10 AT 11:00 A.M. – PS 279 (Bronx). Project Range: \$2,930,000.00 - \$3,085,000.00. Pre-bid meeting 3/8/10 at 10:00 A.M. at 2100 Walton Avenue, Bronx, NY 10453. Meet at the Custodian office. Bidders are strongly urged to attend. Non-refundable bid document charge: \$100.00, certified check or money order only. Payable to New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
School Construction Authority, 30-30 Thomson Avenue
Long Island City, NY 11101. Iris Vega (718) 472-8292
ivega@nysca.org

m4-10

SMALL BUSINESS SERVICES

PROCUREMENT

■ SOLICITATIONS

Services (Other Than Human Services)

CITY-WIDE ECONOMIC DEVELOPMENT SERVICES IN THE BROOKLYN NAVY YARD – Sole Source – Available only from a single source - PIN# 801SBS100103 – DUE 03-15-10 AT 3:00 P.M. – The New York City Department of Small Business Services intends to enter into sole source negotiations to purchase the above services from the Brooklyn Navy Yard Development Corporation, with experience and in-house expertise in a wide variety of economic development services. Any firm that believes it is qualified and has the in-house expertise to provide such services or would like to provide such services in the future is invited to do so. Please indicate your interest by letter to: Department of Small Business Services, 110 William Street, 7th Floor, New York, New York 10038. Daryl Williams, Agency Chief Contracting Officer, (212) 618-8731
procurementhelpdesk@sbs.nyc.gov

m2-8

TRANSPORTATION

DIVISION OF FRANCHISES, CONCESSIONS AND CONSENTS

■ SOLICITATIONS

Services (Other Than Human Services)

UNSUBSIDIZED BUS SERVICE, BROOKLYN – Request for Proposals – PIN# 84110MBAD499 – DUE 04-09-10 AT 2:00 P.M. – DOT’s Office of Franchises, Concessions and Consents is soliciting proposals for a non-exclusive franchise for an unsubsidized bus line providing common carrier service to passengers along designated routes for local service to operate between Williamsburg and Borough Park, Brooklyn. The initial term of the Franchise Contract will be ten (10) years, followed by an optional renewal period of ten (10) years and a second optional renewal period of five (5) years. The renewals shall be exercised at the sole option of the Department of Transportation.

The RFP is available at
<http://www.nyc.gov/html/dot/html/about/rfpintro.shtml>

Hard copies may be obtained through Thursday, April 8, 2010. There will be a pre-proposal conference on Friday, March 5, 2010 at 12:30 P.M. at 55 Water St., NY, NY. Please contact the Authorized Department Contact for the room number. Attendees are asked to RSVP. Attendance by proposers is optional but strongly recommended.

All inquiries should refer to the Solicitation Number, should be submitted in writing and will be answered in writing.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Transportation, ACCO, Contract Management Unit, 55 Water Street, 9th Floor, Ground Floor, New York, NY 10041. Owiso Makuku (212) 839-6550,
franchises@dot.nyc.gov, fax: (212) 839-4834.

f22-m5

DIVISION OF TRAFFIC

■ SOLICITATIONS

Services (Other Than Human Services)

BAYRIDGE MUNICIPAL PARKING GARAGE – Competitive Sealed Bids – PIN# 84110BKTR438 – DUE 03-17-10 AT 11:00 A.M. – Management and Operation of the Bayridge Municipal Parking Garage. Vendor Source ID#: 66728.
● **DELANCEY AND ESSEX STREET MUNICIPAL PARKING GARAGE** – Competitive Sealed Bids – PIN# 84110MNTR439 – DUE 03-23-10 AT 11:00 A.M. - Management and Operation of the Delancey and Essex Street Municipal Parking Garage. Vendor Source ID#: 66728.

Contracts available during the hours of 9:00 A.M. - 3:00 P.M. ONLY. A deposit of \$50.00 in the form of a certified check or money order made payable to New York City Department of Transportation is required to obtain Contract/Bid Documents. NO CASH ACCEPTED. Refund will be made only for Contract/Bid Proposal Documents that are returned in its original condition within 10 days after bid opening. Any persons delivering bid document must enter the building located on the South Side of the Building facing the Vietnam Veterans Memorial. All visitors must go through the buildings security screening process. Bidders should allow extra time and ensure that proper government issued photo identification (ii Drivers License, Passport, Identification Card) is available upon request. Please ensure that your company’s address, telephone, and fax numbers are submitted by your company (or messenger service) when picking up contract documents. For additional please contact Sami Ghobrial at (718) 786-7114.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department Transportation, Contract Management Unit, Office of the Agency Chief Contracting Officer, 55 Water Street, Ground Floor, New Bid Window (212) 839-9435.

m4

AGENCY PUBLIC HEARINGS ON CONTRACT AWARDS

“These Hearings may be cablecast on NYC TV Channel 74 on Sundays, from 5:00 p.m. to 7:00 p.m. For more information, visit: www.nyc.gov/tv” NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor’s Office of Contract Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, N.Y. 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay services.

PARKS AND RECREATION

PUBLIC HEARINGS

CORRECTED NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, March 4, 2010, in Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

IN THE MATTER of a proposed contract between the City of New York Parks and Recreation and Roosevelt Island Operating Corporation of the State of New York (RIOC), having its principal office at 591 Main Street, Roosevelt Island, New York 10044, for the Construction and Construction Related Services for Franklin D. Roosevelt Four Freedoms Park, Roosevelt Island. The contract amount shall be \$10,000,000. The contract term shall be 730 Consecutive Calendar days from the date of written notice to proceed. PIN#: 8462010M10C05.

The proposed contractor is with another government, public authority or public benefit corporation, pursuant to Section 1-02 (f) (1) of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the City of New York Parks and Recreation, Consultant Procurement Unit, Room 61, Olmsted Center, Flushing Meadows-Corona Park, Queens, New York 11368, from February 26, 2010 to March 4, 2010, excluding Saturdays, Sundays and Holidays, from 9:00 A.M. to 4:00 P.M.

f26-m4

AGENCY RULES

ENVIRONMENTAL PROTECTION

NOTICE

NOTICE OF ADOPTION

AMENDMENTS TO CHAPTER 18 OF TITLE 15 OF THE RULES OF THE CITY OF NEW YORK:

RULES AND REGULATIONS FOR THE PROTECTION FROM CONTAMINATION, DEGRADATION AND POLLUTION OF THE NEW YORK CITY WATER SUPPLY AND ITS SOURCES

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the Department of Environmental Protection (“DEP”) by Section 24-302 of the New York City Administrative Code and Section 1100 of the New York State Public Health Law, and in accordance with the requirements of Section 1043(a) of the New York Charter, that DEP hereby amends the provisions of Chapter 18 of Title 15 of the Rules of the City of New York, the *DEP Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources*. The proposed amendments have been approved by the New York State Department of Health pursuant to Section 1100 of the New York State Public Health Law.

Written comments regarding the amendments were received in accordance with notice published in the City Record and public hearings were held on; December 2, 2008, at SUNY Delhi, 2 Main Street, Delhi, NY; December 3, 2008, at Belleayre Mountain, 181 Galli Curci Road, Highmount, NY; December 4, 2008, at Mildred E. Strang Middle School, 2701 Crompond Road, Yorktown Heights, NY; December 8, 2008, at Putnam County Bureau of Emergency Services, 112 Old Route 5, Carmel, NY; December 9, 2008, Ontario High School, 4166 Route 28, Boiceville, NY; and December 11, 2008, at DEP, 59-17 Junction Blvd., Flushing, NY. Written comments and transcripts of oral comments received at the hearings are available for public inspection between the hours of 9:00 A.M. and 5:00 P.M. at the offices of the DEP Bureau of Legal Affairs, 19th Floor, 59-17 Junction Boulevard, Flushing, New York, 11373.

New material is indicated by underlining. Deletions are

indicated by brackets.

Section 1. Paragraphs (5) and (7) of subdivision (a) of section 18-14 of title 15 of the Rules of the City of New York are amended to read as follows:

§18-14 Applicability.

(a) These rules and regulations apply to all persons undertaking, or proposing to undertake, the activities in the categories listed below, where such activities are specifically regulated in these rules and regulations and occur in the New York City watershed:

(5) Discharge or transport of human excreta and use of holding tanks.

(7) Design, construction and operation of [sewerage] sewer systems and service connections.

Section 2. Section 18-15 of title 15 of the Rules of the City of New York is amended to read as follows:

§18-15 Local Representatives.

(a) Information about these rules and regulations and application and other forms required by these rules and regulations may be obtained from the following offices of the Department or on the Department’s website at www.nyc.gov/dep. Applications for Department approval of a regulatory activity must be submitted to one of [the] these offices [of the Department listed in subdivision (b)]. Petitions appealing from a determination issued by the Department or requesting a hearing on a cease and desist order issued by the Department must be submitted to the offices listed in subdivision (c) (b).

(1) New York City Department of Environmental Protection [Chief,] Regulatory and Engineering [Section] Programs 465 Columbus Avenue Valhalla, New York 10595 Telephone: [(914) 742-2069] (914) 742-2028

(2) [New York City Department of Environmental Protection 5 Jay Street, Katonah, New York 10536 Telephone: (914) 232-5171 City Tie-line: (212) 349-4017

(3) New York City Department of Environmental Protection [Deputy Chief,] Regulatory and Engineering Programs [P.O. Box 370] 71 Smith Avenue [Route 28A Shokan] Kingston, New York [12481] 12401 Telephone: [(914) 657-6972] (845) 340-7215

[(4) New York City Department of Environmental Protection P.O. Box 358 Grahamsville, New York 12740 Telephone: (845) 985-2275 City Tie-line: (212) 349-1930

(5) New York City Department of Environmental Protection P.O. Box D, Downsville, New York 13775 Telephone: (607) 363-7000]

(b) [Applications for Department approval of a regulatory activity must be submitted to one of the following offices of the Department:

(1) New York City Department of Environmental Protection Deputy Chief, Engineering 465 Columbus Avenue Valhalla, New York 10595 Telephone: (914) 773-4418

(2) New York City Department of Environmental Protection Deputy Chief, Engineering P.O. Box 370, Route 28A Shokan, New York 12481 Telephone: (914) 657-6972

(c) Petitions for appeal of a determination issued by the Department in accordance with §18-28 and petitions for a hearing on a cease and desist order issued by the Department in accordance with §18-29 must be submitted to the address listed in paragraph (1), with a copy to the address listed in paragraph (2).

(1) New York City Office of Administrative Trials and Hearings 40 Rector Street New York, New York 100061705 Telephone: (212) 442-4900

(2) New York City Department of Environmental Protection General Counsel 5917 Junction Boulevard, 19th Floor [Corona] Flushing, New York 11368]73-5107 Telephone: (718) 595-6555

[(d)](c) For communications with the Department regarding any known or suspected violations of these rules and regulations or notification of potential contamination of the water supply occurring anywhere in the watershed:

New York City Water Supply Watershed Police Telephone: [Croton/Kensico (914) 245-6694

Beerston (607) 865-4185] 1-888-H20-SHED (1-888-426-7433)

[(e)](d) Addresses and phone numbers contained herein are informational and persons subject to these rules and regulations shall utilize successor addresses and phone numbers where appropriate.

Section 3. Section 18-16 of title 15 of the Rules of the City of New York is amended to read as follows:

§18-16 Definitions.

(a) The following terms shall have the stated meanings when used in this Chapter, except where otherwise specifically provided:

(1) Absorption area means the area to which wastewater is distributed for infiltration to the soil.

(2) Absorption field means the area to which sewage is distributed for infiltration to the soil by means of a network of pipes.

(3) Access road means an impervious private or public road, other than a driveway, which connects a parcel to an existing public or private road and which is necessary in order to enable the parcel to be developed. Access road does not include an internal road within a subdivision or within an area of common development involving two (2) or more parcels.

[(2)](4) Affiliate means any agency or person controlled by, controlling, or under common control with an applicant.

[(3)](5) Agency means any local, state or federal department, agency, board, public benefit corporation, public authority, commission, district, or governing body, including any city, county, and other political entity of the State.

[(4)](6) Agricultural activity means (i) an activity that occurs on “land used in agricultural production” as that term is defined in §301(4) of the Agriculture and Markets Law, or (ii) an activity which is covered by a whole farm plan approved by the Watershed Agricultural Council, or by a New York State Agricultural Environmental Management Plan, or by another federal, state, or other conservation plan determined by the Department to provide water quality protection equivalent to whole farm plans approved by the Watershed Agricultural Council.

[(5)](7) Alteration or modification means any change in physical configuration, intensity of use, location, plans, design, site, capacity, treatment standard or method, or other change in a regulated activity or in a noncomplying regulated activity. This term shall not include remediation, routine repairs or maintenance of structures and equipment.

[(6)](8) Approval means any final decision by an agency to issue a permit, certificate, license, lease, renewal or other entitlement or to otherwise authorize a proposed project or activity.

[(7)](9) Area zoned for commercial or industrial uses means a commercial or industrial zoning district, hamlet zoning district, or highway business zoning district. Areas zoned for commercial or industrial uses shall not include agricultural zoning districts.

[(8)](10) Base [Flow] flow means visible sustained or fair weather runoff of water, including groundwater.

[(9)](11) Best management practices (BMPs) means methods, measures or practices determined to be the most practical and effective in preventing or reducing the contamination to or degradation of the water supply. Best management practices include, but are not limited to, structural and nonstructural controls and operations and maintenance procedures, that can be applied before, during or after regulated activities to achieve the purposes stated herein.

[(10)](12) Best treatment technology (BTT) means methods, measures or practices determined to be the most practical and effective in reducing amounts of phosphorus in both surface and subsurface point source discharges which occur within the New York City watershed. BTT will vary with the size of the wastewater treatment plant, but is generally understood to consist of secondary treatment and chemical removal (usually accomplished by the addition of aluminum salts, iron salts, polymers, or pH adjustments with lime), with media filtration as a final step if necessary to achieve higher removal rates.

[(11)](13) CFR means the Code of Federal Regulations.

[(12)](14) City means the City of New York.

[(13)](15) Clear cutting means cutting all of the trees, not just selected trees, within a specified boundary designated by the owner of the property.

[(14)](16) Coliform restricted basin means the drainage basin of a reservoir or controlled lake in which the coliform standards as set forth in §18-48[(a)(1)](c) or [(b)(1)](d) of Subchapter D are exceeded as determined by the Department pursuant to its annual review conducted under § 18-48[(c)](e) of Subchapter D.

[(15)](17) Combined [sewerage] sewer system means a structure used for conveying both sewage and stormwater.

[(16)](18) Commissioner means the Commissioner of the New York City Department of Environmental Protection or its successors or a deputy commissioner authorized to act for such Department pursuant to law.

[(17)](19) Construction or construction activity means

any building, demolition, renovation, replacement, restoration, rehabilitation or alteration of any new or existing structure or road.

[(18)](20) **Construction and demolition debris** means uncontaminated solid waste resulting from the construction, remodeling, repair and demolition of structures and roads; and uncontaminated solid waste consisting of vegetation resulting from land clearing and grubbing, utility line maintenance and seasonal and storm related cleanup.

[(19)](21) **Contamination** means the introduction of any pollutant to the water supply.

[(20)](22) **Controlled lake** means a lake from which the City may withdraw water pursuant to rights acquired by the City or as a right of ownership. The controlled lakes are: Kirk Lake, Lake Gleneida and Lake Gilead.

[(21)](23) **Croton System** means Middle Branch, Bog Brook, East Branch, Croton Falls, Diverting, Titicus, Amawalk, Muscoot, New Croton, and Cross River Reservoirs, Kirk Lake, Lake Gleneida and Lake Gilead, and their respective drainage basins.

[(22)](24) **Degradation** means a process of reduction or deterioration of the water quality of the water supply, including the process of eutrophication.

[(23)](25) **Department** means the New York City Department of Environmental Protection or its successors.

[(24)](26) **Design capacity** means the approved flow limit of the physical apparatus of a wastewater treatment plant as specified in its SPDES permit.

(27) **Design point** means a point where stormwater runoff enters a watercourse or wetland or leaves the site of an activity for which a stormwater pollution prevention plan must be prepared pursuant to this Chapter.

[(27)](28) **Design professional** means a professional engineer or a registered architect who is licensed to practice in the State of New York, or a land surveyor with an exemption under §7208(n) of the Education Law.

[(25)](29) **Designated Main Street Area** means a defined area of limited size located within the East of Hudson Watershed which is an existing center of commercial, industrial, residential, or mixed use and which has been defined and designated by a local government in the East of Hudson Watershed and approved by the Department pursuant to these rules and regulations.

[(26)](30) **Designated Village Center** means an area in the Croton System described by the metes and bounds of a village center, whether or not located in an incorporated village, designated by a local government(s) in a Comprehensive Croton Water Quality Protection Plan prepared and agreed to in accordance with §18-82 of these rules and regulations by submitting to the Department a description of the metes and bounds of such proposed Designated Village Center, a map of the described area, and a statement of the features which qualify the area as a Designated Village Center. A Designated Village Center must be an existing center of commercial, residential or mixed uses.

[(28)](31) **Discharge** means the intentional or unintentional disposal, deposit, injection, emission, application, dumping, spilling, leaking, washing off, release, running off, draining or placing of any solid, semisolid, liquid, or any other non-gaseous waste or other substance into or onto any land or water or into any [sewerage] sewer system so that such waste or other substance may directly or indirectly enter into any watercourse, wetland, reservoir, reservoir stem, controlled lake or groundwater.

[(29)](32) **Disturbed area** means the portion of a site for which the imperviousness of the ground has changed from pre-construction conditions as a result of any land clearing, land grading or construction activity. Disturbed areas may include lawns and landscaped areas.

(33) **Drainage Area** means all land and water area from which runoff may run to a common design point.

[(30)](34) **Drainage basin** means the land area which contributes surface water to a reservoir or controlled lake.

[(31)](35) **Driveway** means a route accessible by a motor vehicle between a residential building and a public or private road to provide ingress and egress from the residential building.

[(32)](36) **East of Hudson Watershed** means West Branch, Boyd's Corner, Bog Brook, East Branch, Croton Falls, Diverting, Titicus, Amawalk, Muscoot, New Croton, Cross River, Middle Branch and Kensico Reservoirs, Kirk Lake, Lake Gleneida and Lake Gilead, and their respective drainage basins.

[(33)](37) **Effective Date** means [the date these rules and regulations become effective, which shall be upon completion of any conditions set forth in the approval issued by the New York State Department of Health pursuant to §1100(1) of the Public Health Law; upon publication of these rules and regulations pursuant to §1100(2) of the Public Health Law; and upon completion of the requirements of the New York City Administrative Procedure Act] May 1, 1997.

[(34)](38) **Effluent** means water or wastewater that flows out from a wastewater treatment plant or other treatment process.

[(35)](39) **Epilimnion** means the uppermost, warmest, well-mixed layer of a lake during thermal stratification.

[(36)](40) **Erosion** means the wearing away or the movement

of soil by such physical agents as wind or water, that is exacerbated by such practices as the disturbance of ground cover by stripping or removing vegetation, construction activity, or tilling.

[(37)](41) **Exfiltration** means wastewater that leaks out of a [sewerage] sewer system into the surrounding environment, through faulty joints, defective pipes, cracks in pipes, connections, or at manholes.

[(38)](42) **Existing** means physically constructed, functioning and operational prior to the effective date of these rules and regulations.

[(39)](43) **Expansion** means an increase in the permitted flow limit for a wastewater treatment plant as specified in the SPDES permit and/or an increase in the design capacity of a wastewater treatment plant.

[(40)](44) **Facility** means a structure, room or other physical feature designed to perform a particular function and that makes possible some activity.

[(41)](45) **Fertilizer** means any commercially produced mixture, generally containing phosphorus, nitrogen and/or potassium, except compost, that is applied to the ground to increase the supply of nutrients to plants.

[(41.5)](46) **Galley System** means any subsurface system for treating sewage that employs structural chambers in a horizontal or vertical arrangement for the storage of effluent until it can be absorbed into the soil, that is utilized following a septic tank as an alternative to a standard absorption field, and that did not have all discretionary approvals necessary for construction and operation before June 30, 2002.

[(42)](47) **Gasoline station** means an establishment at which gasoline is sold or offered for sale to the public for use in motor vehicles.

[(43)](48) **Groundwater** means any water beneath the land surface in the zone of saturation. The zone of saturation is where water fills all available pore spaces.

[(44)](49) **Hamlet** means a population center designated as a hamlet by a Town Board in the West of Hudson watershed [pursuant to] and described as a hamlet in a Water Supply Permit duly issued by the New York State Department of Environmental Conservation [for Project No. 0-9999-00051/00001] or in any written agreement among the affected parties to the 1997 New York City Watershed Memorandum of Agreement, including the New York State Department of Environmental Conservation.

[(45)](50) **Hazardous substance** means any substance defined or listed in 6 NYCRR Part 597 except that hazardous substance does not mean any petroleum product, including those listed in 6 NYCRR §597.2, Table 1, and also does not mean any hazardous waste.

[(46)](51) **Hazardous waste** means any solid waste, defined or listed as a hazardous waste in 6 NYCRR Part 371.

(52) **Holding tank** means a tank or vault, with no outlet, used for holding sewage before it is pumped out and transported elsewhere for treatment or disposal.

[(47)](53) **Hypolimnion** means the lower, cooler layer of a lake during thermal stratification.

[(48)](54) **Impervious surface** means [resistant to penetration by moisture. Impervious materials include, but are not limited to, paving, concrete, asphalt, roofs, or other hard surfacing material] an area which is either impervious to water or which substantially prevents the infiltration of water into the soil at that location. Impervious surfaces include, but are not limited to, paving, concrete, asphalt, rooftops, and other hard surfacing materials, and do not include dirt, crushed stone or gravel surfaces.

[(49)](55) **Individual residence** means a building consisting of one residential unit.

[(50)](56) **Individual sewage treatment system** means an on-site subsurface sewage treatment system serving one or two family residential properties and receiving sewage without the admixture of industrial wastes or other wastes, as defined in the Environmental Conservation Law §17-0701 [in quantities of less than 1,000 gallons per day].

[(51)](57) **Industrial waste** means any liquid, gaseous, solid or waste substance or a combination thereof resulting from any process of industry, manufacturing, trade or business, or from the development or recovery of any natural resources, which may cause or might reasonably be expected to cause contamination to or degradation of the water supply.

[(52)](58) **Infiltration** means water, other than wastewater, that enters a [sewerage] sewer system, including sewer service connections, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow and from treatment of runoff by stormwater infiltration practices.

[(53)](59) **Inflow** means water other than wastewater that enters a [sewerage] sewer system, including sewer service connections, from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

[(54)](60) **In situ soil** means naturally occurring glacial soil; it does not include fill or stabilized fill.

[(55)](61) **Intake** means the points in the New York City water supply located prior to the point of disinfection where the water is no longer subject to surface runoff.

[(56)](62) **Intermediate sized sewage treatment system** means [a subsurface sewage treatment system, typically with a treatment process utilizing a septic tank followed by subsurface disposal, treating sewage or other liquid wastes for discharge into the groundwater of the State and where a SPDES permit is required for such a system. Intermediate sized sewage treatment systems shall not include wastewater treatment plants as defined in these rules and regulations] an on-site subsurface sewage treatment system serving an industrial, institutional, municipal, commercial, or multi-family residential facility, and receiving sewage without the admixture of industrial wastes or other wastes, as defined in the Environmental Conservation Law §17-0701.

[(57)](63) **Intermittent stream** means a watercourse that during certain times of the year goes dry or whose lowest annual mean discharge during seven consecutive days with a recurrence interval of ten years (MA7CD/10) is less than 0.1 cubic foot per second and which periodically receives groundwater inflow. A drainage ditch, swale or surface feature that contains water only during and immediately after a rainstorm or a snow melt shall not be considered to be an intermittent stream.

[(58)](64) **Junkyard** means any place of storage or deposit, whether in connection with another business or not, where four or more unregistered, old, or second hand motor vehicles, no longer intended or in condition for legal use on the public highways, are held, whether for the purpose of resale of used parts, for the purpose of reclaiming for use some or all of the materials such as metal, glass, or fabric for the purpose of disposing of the same, or for any other purpose.

[(59)](65) **Land clearing** means the exposure of soil by devegetation or the exposure of soil to the forces of erosion.

[(60)](66) **Land grading** means the removal, addition or alteration of surface or subsurface conditions of land by excavation or filling.

[(61)](67) **Limiting distance** means the shortest horizontal distance from the nearest point of a structure or object to the edge, margin or steep bank forming the ordinary high water mark of a watercourse, wetland, reservoir, reservoir stem or controlled lake or to the contour line coinciding with the reservoir spillway elevation.

[(62)](68) **Metalimnion** means an intermediate zone between the epilimnion and hypolimnion where the water temperature drops rapidly with increasing depth.

[(63)](69) **Microfiltration** means a process in which treated effluent passes through a membrane filter having a [molecular weight cutoff rate of 500,000] nominal pore diameter of 0.2 microns or less.

[(64)](70) **Multi-family residence** means a building containing three (3) or more residential units.

[(65)](71) **Municipal solid waste landfill** means a landfill, as defined in 6 NYCRR §360-1.2, which is owned or operated by a municipality.

[(66)](72) **New** means any regulated activity [that is not an existing or noncomplying regulated activity, as defined herein] undertaken, constructed, installed, or implemented after May 1, 1997.

[(67)](73) **Noncomplying regulated activity** means any regulated activity or existing activity which does not conform to the standards set forth in these rules and regulations, but has obtained all discretionary approvals necessary for construction and operation, prior to the effective date of these rules and regulations and/or prior to the effective date of an amendment to these rules and regulations that made the activity noncomplying.

[(68)](74) **Nonpoint source pollution** means pollution sources which are diffuse and do not have a single point of origin or are not introduced into a receiving stream from a point source.

[(69)](75) **NYCRR** means the *Official Compilation of Codes, Rules and Regulations of the State of New York*.

[(70)](76) **Offset** means a reduction in the discharge of phosphorus into a drainage basin which is surplus, quantifiable, permanent, and enforceable, as defined herein:

(i) *Surplus* means that the reduction in phosphorus is not otherwise required by federal, state or local law, including these rules and regulations, or pursuant to the terms of any judgment, decree or order of any court, administrative tribunal or governmental agency, or pursuant to any watershed protection program funded by the Department, except as provided in [subparagraph] subparagraphs 18-83(a)(3) and 18-84(a)(3).

(ii) *Quantifiable* means that a reasonable basis exists for calculating and verifying the amount of the reduction in phosphorus.

(iii) *Permanent* means that the reduction in phosphorus is ongoing and of unlimited duration, as opposed to a temporary reduction.

(iv) *Enforceable* means that the actions and performance standards proposed by the applicant leading to the reduction in phosphorus are

incorporated into a legally valid and binding agreement which may be enforced by the City in a court of competent jurisdiction.

[(71)](71) **One hundred year flood plain** means the land susceptible to being inundated by a flood that has a one percent or greater chance of recurring in any given year.]

[(77)](77) **One-year, twenty-four hour storm** means the storm, with a twenty-four hour duration, that statistically has a 100 percent chance of occurring in any given year, as specified in the most recent Watershed Water Quality Annual Report.

[(72)](72) **Operator** means any person who leases, operates, controls or supervises a facility.

[(73)](73) **Owner** means any person who has legal or equitable title to a facility.

[(74)](74) **Pathogenic** means capable of causing disease from organisms, including but not limited to: bacteria, fungi, viruses, and protozoa (such as Giardia and Cryptosporidium).

[(75)](75) **Person** means any individual, public or private corporation, political entity, agency, municipality, industry, co-partnership, association, firm, trust, estate or any other legal entity whatsoever, except that person shall not mean the State of New York or any State department, agency, board, public benefit corporation, public authority or commission.

[(76)](76) **Perennial stream** means a watercourse that flows throughout the year from source to mouth.

[(77)](77) **Pesticide** means (i) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, fungi, weeds, or other forms of plant or animal life or viruses, except viruses on or in living humans, or other animals, which the Commissioner of the New York State Department of Environmental Conservation shall declare to be a pest or (ii) any substance or mixture of substances intended as a plant regulator, defoliant or desiccant.

[(78)](78) **Petroleum product** means oil or petroleum of any kind and in any form including, but not limited to, oil, petroleum, fuel oil, oil sludge, oil refuse, oil mixed with other wastes and crude oils, gasoline and kerosene.

[(79)](79) **Phosphorus restricted basin** means (i) the drainage basin of a source water reservoir in which the phosphorus load to the reservoir results in the phosphorus concentration in the reservoir exceeding 15 micrograms per liter, or (ii) the drainage basin of a reservoir other than a source water reservoir or of a controlled lake in which the phosphorus load to the reservoir or controlled lake results in the phosphorus [water quality values established by the New York State Department of Environmental Conservation and set forth in its Technical and Operational Guidance Series (TOGS) 1.1.1, Ambient Water Quality and Guidance Values (October 22, 1993) being exceeded,] concentration in the reservoir or controlled lake exceeding 20 micrograms per liter in both instances as determined by the Department pursuant to its annual review conducted under §18-48(c) 18-48(e) of Subchapter D.

[(80)](80) **Photic zone** means the region of a lake that receives light, where photosynthesis takes place. The photic zone extends down to a depth where photosynthetic activity and respiration are balanced due to the available light, or to one percent surface illumination.

[(81)](81) **Point source** means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or vessel or other floating craft, or landfill leachate collection system, from which pollutants are or may be discharged.

[(82)](82) **Pollutant** means unpermitted dredged spoil, solid waste, incinerator residue, sewage, effluent, garbage, sewage sludge, munitions, chemical waste, biological material, radioactive material, heat, wrecked or discarded equipment, rock, sand, and industrial and municipal waste discharged into water.

[(83)](83) **Principal** means an agency or person that owns 10 percent or more of the voting stock or has the ability to control a corporation, partnership or other entity.

[(84)](84) **Radioactive material** means any material in any form that emits radiation spontaneously.

[(91)](91) **Redevelopment project** means the reconstruction or modification of any previously developed land such as residential, commercial, industrial, or road/highway, which involves soil disturbance. Redevelopment is distinguished from new development in that new development refers to construction on land which has not been substantially developed. The term "redevelopment project" specifically applies to areas previously developed with impervious surfaces.

[(85)](85) **Regulated activity** means any activity to which these rules and regulations apply, as described in subdivisions (a)-(d) of §18-14 of Subchapter A of these rules and regulations.

[(86)](86) **Remediation** means the repair or replacement, other than routine repair or maintenance as described in §18-38(a)(9)(iii) of Subchapter C, of a subsurface sewage treatment system that is failing.

[(87)](87) **Reservoir** means any natural or artificial impoundment of water owned or controlled by the City which is tributary to the City Water supply system.

[(88)](88) **Reservoir stem** means any watercourse segment which is tributary to a reservoir and lies within 500 feet or less of the reservoir.

[(89)](89) **Residential lot(s)** means any parcel of land of five acres or less, any point on the boundary line of which is less than one-half mile from any point on the boundary line of another such lot in the same tract, unless any such lot may not legally be used for residential purposes. Without limiting the generality of the foregoing, the term "residential" shall include temporary, seasonal and permanent residential use.

[(90)](90) **Sediment** means organic or mineral solids or colloids that are transported by the process of hydrologic, hydraulic, or atmospheric transport, including but not limited to erosion.

[(91)](91) **Sewage** means the water-carried human or animal wastes from residences, buildings, industrial establishments or other places, together with such groundwater infiltration and surface water as may be present. The admixture of sewage with industrial waste or any other waste as herein defined, shall also be considered "sewage" within the meaning of these rules and regulations.

[(99)](99) **Sewer connection or lateral** means the connection between a building, residence, or other structure and a sewer system except that any connection designed and intended to convey 2,500 gallons per day or more of residential sewage shall be considered a sewer extension.

[(100)](100) **Sewer extension** means newly constructed sewer pipe lines or conduits, and pumping stations and other constructions appurtenant thereto, designed to serve one or more sewer connections.

[(92)](92) **[Sewerage] Sewer system** means pipe lines or conduits, pumping stations, and force mains, and all other constructions, devices, and appliances appurtenant thereto, including sewer extensions, used for conducting sewage, industrial waste or other wastes to a [point of ultimate disposal] treatment facility.

[(93)](93) **Silvicultural activity** means the removal of selected trees within a specified boundary designated by the owner of the property so that adequate numbers of trees are left to provide seed and partial shade for the development of new tree seedlings, and when such activity is in accordance with Federal, State and local laws.

[(94)](94) **Small quantity generator** has the meaning set forth in 6 NYCRR § 370.2(b)(154).

[(95)](95) **Solid waste** means all putrescible and non-putrescible materials or substances that are discarded, abandoned, or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water treatment facilities, rubbish, tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles and offal, except where exempt from compliance with 6 NYCRR Part 360 as described in 6 NYCRR §360-1.2(a)(4).

[(96)](96) **Solid waste management facility** means any facility employed beyond the initial solid waste collection process and managing solid waste including but not limited to: storage areas or facilities; transfer stations; rail-haul or barge-haul facilities; landfills; construction and demolition processing facilities; disposal facilities; solid waste incinerators; landspreading facilities; composting facilities; surface impoundments; waste oil storage, reprocessing and rerefining facilities; recyclables handling and recovery facilities; and waste tire storage facilities, as defined in 6 NYCRR § 360-1.2.

[(106)](106) **Source water reservoir** means Ashokan, Cross River, Croton Falls, Kensico, New Croton, Rondout, and West Branch Reservoirs.

[(97)](97) **SPDES flow parameter violation** means two or more violations of a permitted State Pollutant Discharge Elimination System (SPDES) flow parameter limit during a consecutive six month period. A facility that operates less than 6 months per year will be deemed to have a SPDES flow parameter violation if the permitted SPDES flow parameter limit is violated one or more times during any consecutive four month period.

[(98)](98) **State Pollutant Discharge Elimination System (SPDES) permit** means a permit issued pursuant to Titles 7 and 8 of Article 17 of the Environmental Conservation Law.

[(99)](99) **Stormwater** means that portion of precipitation that is in excess of the evaporative or infiltrative capacity of soils, or the retentive capacity of surface features, that flows off the land by surface runoff or by subsurface interflow to watercourses, wetlands, reservoirs, reservoir stems and controlled lakes, i.e., that portion of the water supplied to surface drainage that is not groundwater or base flow.

[(110)](110) **Stormwater conveyance measure** means a swale, drainage ditch, pipe, spillway, or other structure located outside a stormwater management practice that is used solely to transport water between stormwater management practices or to a watercourse or wetland. A stormwater conveyance measure constructed to convey stormwater, on a temporary basis, during active construction, which will not be used as a stormwater conveyance measure after construction is complete, is not considered a watercourse under this Chapter. A stormwater conveyance measure that contains water only during and immediately after a rainstorm or a snowmelt is not considered a watercourse.

[(111)](111) **Stormwater infiltration practice** means a stormwater management practice designed to collect and temporarily store runoff and to distribute that runoff to the underlying soil for treatment.

[(112)](112) **Stormwater management practice** means a stormwater pond, stormwater wetland (also known as a constructed wetland), infiltration system, filter practice, or open channel used primarily for managing and/or treating stormwater, including a Department approved alternative stormwater management practice.

[(100)](100) **Stormwater Project Review Committee ("Committee")** means a Committee formed in each Town or Village in the watershed to assist the Department in implementing subdivisions 18-39(b) and (c) of Subchapter C, and consisting of the following four Committee members: a representative of the Department, who shall act as chairperson; a representative of the New York State Department of Environmental Conservation from the region in which the activity requiring a stormwater pollution prevention plan is proposed to be located; a representative of the Town or Village in which the activity requiring a stormwater pollution prevention plan is proposed to be located or if no one is designated by the Town, or if the activity is proposed for a village, the Village, a representative of the appropriate County Planning Department, provided, however, that a Town, or if the activity is proposed for a village, the Village, may at any time designate a representative to replace the one designated by the County Planning Department; and a representative of the County Department of Health from the County in which the activity requiring a stormwater pollution prevention plan is proposed to be located, or in a County without a County Department of Health, a representative of the County Soil and Water Conservation Service.

[(114)](114) **Stormwater retrofit** means any construction of a structural stormwater management practice in a previously developed area, the modification of a structural stormwater management practice, or the implementation of a nonstructural practice to improve stormwater management and/or stormwater treatment over current conditions.

[(101)](101) **Stratification** means the physical condition caused primarily by temperature-created differences in water density, which results in the formation of a warm, surface layer (epilimnion), a zone of transition (metalimnion), and a cooler, deep layer of water (hypolimnion).

[(102)](102) **Subdivision** means any tract of land which is divided into five or more parcels of five acres or less, along an existing or proposed street, highway, easement or right-of-way, for sale or for rent as residential lots. A tract of land shall constitute a subdivision upon the sale, rental or offer for sale or lease of the fifth residential lot therefrom within any consecutive three year period.

[(103)](103) **Subsurface discharge** means discharge to [a seepage unit or] an absorption [field] area, i.e., a process designed to allow filtered, treated sewage effluent to be discharged into the ground as a means of ultimate disposal.

[(104)](104) **Subsurface sewage treatment system** means any underground system used for collecting, treating, and disposing of sewage into the ground including, but not limited to, individual and intermediate sized sewage treatment systems, as defined in these rules and regulations.

[(119)](119) **Ten-year, twenty-four hour storm** means the storm, with a twenty-four hour duration, that statistically has a ten percent chance of occurring in any given year, as specified in the most recent Watershed Water Quality Annual Report.

[(105)](105) **Terminal reservoir** means Kensico, West Branch, New Croton, Ashokan and Rondout Reservoirs.

[(106)](106) **[Two year] Two-year, twenty-four hour storm** means the storm, with a twenty-four hour duration, that statistically has a fifty percent chance of occurring in any given year.

[(107)](107) **Twenty-five year storm** means the storm that has a four percent chance of occurring in any given year.

[(108)](108) **Ulster County Fill System** means a subsurface sewage treatment system used in Ulster County which has been approved by the New York State Department of Health for use in Ulster County and which is built upon two (2) feet of in situ soil that has a percolation rate between 3 to 60 minutes/inch, and which uses at least four (4) feet of fill material, including at least three (3) feet between the bottom of the trench and the in situ soil, that has a percolation rate between 3 and 10 minutes/inch. Ulster County Fill [System] Systems [shall include the] may be used on individual lots or in subdivisions in Ulster County [Fill System when] and may also be used in a county other than Ulster if the New York State Department of Health has approved the system for use in such other county.

[(109)](109) **Village** means a territory which has been incorporated as a village pursuant to Article 2 of the New York State Village Law.

[(110)](110) **Village extension** means an area immediately adjoining a main road extending [a maximum distance of one quarter mile] outside an existing village which has been designated as a village extension by [the] a Town Board [of the Town in which the village is located] in the West of Hudson watershed [pursuant to] and described in a Water Supply Permit duly issued by the New York State Department of Environmental Conservation [for Project No. 0-9999-00051/00001] or in any written agreement among the affected parties to the 1997 New York City Watershed Memorandum of Agreement, including the New York State Department of Environmental Conservation.

[(111)](125) **Wastewater treatment plant** means any facility which treats sewage or discharges treated effluent not intended to receive further treatment in the watershed, and which requires a permit under Titles 7 or 8 of Article 17 of the Environmental Conservation Law[.]. A wastewater treatment plant is installed for the purpose of treating, neutralizing, stabilizing or disposing of sewage by removal of contaminants accomplished by unit operations or processes or by a combination of such operations and processes[, including any combination of the following: preliminary treatment, flow equalization, primary settling, biological treatment, chemical treatment, secondary settling, filtration, aeration, disinfection, sludge processing, or any other processes] as may be applicable to a given design for a wastewater treatment plant. Wastewater treatment plants shall not include intermediate sized sewage treatment systems as defined in these rules and regulations.

(126) **Water Quality Volume (WQ_v)** means the storage needed to capture and treat 90% of the average annual stormwater runoff volume. WQ_v is calculated as follows:

$$WQ_v = \frac{P(R_v)(A)}{12}$$

where:

- WQ_v = water quality volume (in acre-feet)
- P = 90% Rain Event Number (A map of the 90% Rainfall in New York State appears in the most recent Watershed Water Quality Annual Report.)
- R_v = 0.05 + 0.009(I), where I is percent impervious cover
- A = site area in acres

A minimum WQ_v of 0.2 inches per acre shall be met at residential sites that have less than 17% impervious cover.

[(112)](127) **Water supply** means the New York City public water supply system, and includes all watercourses, wetlands, reservoirs, reservoir stems and controlled lakes tributary thereto.

[(113)](128) **Watercourse** means a visible path through which surface water travels on a regular basis, including an intermittent stream, which is tributary to the water supply. A drainage ditch, swale or surface feature that contains water only during and immediately after a rainstorm or a snowmelt shall not be considered to be a watercourse.

[(114)](129) **Watershed** means the land area contributing surface water to the New York City water supply.

(130) **Watershed Agricultural Council** means the Watershed Agricultural Council for the New York City Watershed, Inc., a not-for-profit organization with its principal place of business at 33195 State Highway 10, Walton, New York 13856.

(131) **Watershed Water Quality Annual Report** means the report prepared annually by the Department in accordance with §18-48 of these Rules and Regulations. The Watershed Water Quality Annual Report includes the results of its annual review of its reservoirs and controlled lakes as described in §18-48 of these Rules and Regulations as well as the current New York State rainfall values for the one- and ten-year, twenty-four hour storms and a map of the 90% rainfall in New York State.

[(115)](132) **West of Hudson watershed** means the Ashokan, Cannonsville, Pepacton, Neversink, Rondout, and Schoharie Reservoirs and their drainage basins.

[(116)](133) **Wetland** means any area mapped as a wetland by the New York State Department of Environmental Conservation pursuant to the Environmental Conservation Law, which is at least 12.4 acres in size or has been designated as a wetland of unusual local importance.

[(117)](134) **Winter highway maintenance materials** means the solid compounds or the solutions that are commonly used for traction on, or for the abatement of, winter road ice, including, but not limited to, chloride compounds, mixtures of sand and chloride compounds, sand and coal combustion bottom ash and ash from solid waste incinerators that meet the requirements of 6 NYCRR §360-3.5(h).

Section 4. The first unnumbered paragraph, and paragraphs 7 through 16 of section 18-17 of title 15 of the Rules of the City of New York are amended to read as follows:

§18-17 **References.**

The following laws, guidance documents, regulations or technical material have been incorporated by reference in this Chapter 18. These references are available for inspection and copying at the Department of Environmental Protection, Bureau of Water Supply [and Wastewater Collection], Division of [Drinking] Water Quality [Control], 465 Columbus Avenue, Valhalla, New York, 10595, or can be directly obtained from the sources listed for the given reference.

.....

(7) New York State Fire Prevention and Building Code, New York State Executive Law (Executive Law §3700 *et seq.*), Department of State, 162 Washington Avenue Albany, New York 12231.

(8)](7) Public Water Supplies; Sewerage and Sewage Control, New York State Public Health Law, Article 11 (PHL §1100 *et seq.*), Department of State, [162 Washington Avenue] 41 State Street, Albany, New York 12231.

[(9)](8) Classifications and Standards of Quality and Purity, 6 NYCRR Parts 701 and 703, Department of

State, [162 Washington Avenue] 41 State Street, Albany, New York 12231.

[(10)](9) Standards for Individual Water Supply and Wastewater Treatment Systems, 10 NYCRR Part 75 and Appendix 75-A, Department of State, [162 Washington Avenue] 41 State Street, Albany, New York 12231.

[(11)](10) New York State Department of Environmental Conservation Technical and Operational Guidance Series (TOGS) 1.1.1, Ambient Water Quality and Guidance Values (October 22, 1993, Reissue Date June 1998, as modified and supplemented by the January 1999 Errata Sheet and the April 2000 and June 2004 Addenda), New York State Department of Environmental Conservation, [50 Wolf Road] 625 Broadway, Albany, New York 12233.

[(12)](11) New York State Department of Environmental Conservation Technical and Operational Guidance Series (TOGS) 1.3.1, Total Maximum Daily Loads and Water Quality[-]Based Effluent Limits (July 8, 1996, Revised February 1998), including Amendments A through E (July 8, 1996), New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233.

[(13)](12) New York State Department of Environmental Conservation Technical and Operational Guidance Series (TOGS) 1.3.1B, Total Maximum Daily Loads and Water Quality-Based Effluent Limits, Amendments-Low and Intermittent Stream Standards (July 8, 1996), New York State Department of Environmental Conservation, [50 Wolf Road] 625 Broadway, Albany, New York 12233.

[(14)](13) New York State Environmental Conservation SPDES General Permit for Storm Water Discharges from Construction Activities, Permit No. [GP-93-06] GP-0-10-001, Dated [July 14, 1993] January 29, 2010, New York State Department of Environmental Conservation, [50 Wolf Road] 625 Broadway, Albany, New York 12233.

[(15)](14) Design Standards for Wastewater Treatment Works, Intermediate Sized Sewerage Facilities, 1988, New York State Department of Environmental Conservation, [50 Wolf Road] 625 Broadway, Albany, New York 12233.

[(16)](15) Recommended Standards for Wastewater Facilities, Great Lakes—Upper Mississippi River [1990, Board of State Public Health and Environmental Managers] Board of State and Provincial Public Health and Environmental Managers, 2004, Health Education Services, P.O. Box 7126, Albany, New York 12224.

Section 5. Paragraphs (5) and (6) of subdivision (b), paragraph (4) of subdivision (c), and paragraphs (4), (5), and (6) of subdivision (d) of section 18-23 of title 15 of the Rules of the City of New York are amended to read as follows:

§18-23 **Application Procedures and Requirements.**

.....

(b)(5) Any property owner may request that the Department perform a site visit and evaluation to determine and flag the presence of a watercourse, reservoir, reservoir stem or controlled lake on the owner's property. If the property owner supplies the Department with a surveyor's map of the property which includes a representation of the flagged watercourses, reservoirs, reservoir stems or controlled lakes identified by the Department, the Department shall confirm or [amend] annotate the findings upon the surveyor's map as soon as is practicable. A confirmed survey map shall be binding upon the Department for five years following the date of the confirmation.

(6) If an applicant for Department review and approval of a regulated activity requests that the Department conduct a site visit and evaluation to determine and flag the presence of a watercourse, reservoir, reservoir stem or controlled lake on the applicant's property the Department shall do so as soon as is practicable. If the applicant supplies the Department with a surveyor's map of the property which includes a representation of the flagged watercourses, reservoirs, reservoir stems or controlled lakes identified by the Department, the Department shall confirm or [amend] annotate the findings upon the surveyor's map within 20 business days of receipt thereof. A confirmed survey map shall be binding upon the Department for five years following the date of the confirmation. The absence of a Department confirmed surveyor's map will not cause an application to be considered incomplete.

.....

(c)(4) An application for review and approval of any regulated activity shall include the name, address, telephone number, and fax number of the applicant or the applicant's authorized representative, and of the design professional(s), if any, involved in preparing the application.

.....

(d)(4) The Department shall notify the applicant in writing of its determination within twenty (20) days of determining that an application for review and approval of a conventional individual sewage treatment system to be installed on an individual lot which is not within a subdivision is complete pursuant to the procedures set forth in paragraph (d)(2) of this subdivision unless the Department and the applicant mutually agree in writing upon an extension of the twenty (20) day review period. If, during the twenty (20) day review period, the Department requests revisions to the application, the review period shall be suspended from the date such request is made until the date on which the Department receives such revisions, provided that the Department shall have no fewer than ten (10) days from the date of receipt to issue a determination.

(5) For all applications for review and approval, other than for a conventional individual sewage treatment system to be installed on an individual lot which is not within a

subdivision, the Department shall notify an applicant in writing of its determination within forty-five (45) days of notifying the applicant that the application is complete pursuant to the procedures set forth in paragraph (d)(2) of this subdivision unless the Department and the applicant mutually agree in writing upon an extension of the forty-five (45) day review period. If, during the forty-five (45) day review period, the Department requests revisions to the application, the review period shall be suspended from the date such request is made until the date on which the Department receives such revisions, provided that the Department shall have no fewer than ten (10) days from the date of receipt to issue a determination.

(6) If the Department fails to notify an applicant in writing of its determination within the twenty (20) day time period as set forth in paragraph (d)(4) of this subdivision or the forty-five (45) day time period as set forth in paragraph (d)(5) of this subdivision, the applicant may notify the Department of its failure by means of certified mail, return receipt requested to the local Department representative identified in §18-15 of Subchapter A of these rules and regulations who is responsible for processing the application and a copy to [the Engineering Section] Regulatory and Engineering Programs. The notice shall contain the applicant's name, location of the proposed project, the office in which the application was filed, and a statement that a decision is sought in accordance with this subdivision. Any notice failing to provide this information will not invoke this provision.

Section 6. Paragraph (4) of subdivision (d) and subdivision (e) of section 18-28 of title 15 of the Rules of the City of New York are amended to read as follows:

§18-28 **Appeals.**

.....

(d) The following issues are adjudicable on appeal:

.....

(4) Whether the Commissioner [or the First Deputy Commissioner] has abused his or her discretion in denying a request for a variance or in imposing a substantial condition in a grant of a variance.

.....

(e) Except for appeals from determinations relating to variances, the petitioner shall have the burden of proving by a preponderance of the evidence that the proposed regulated activity is in compliance with the requirements of these rules and regulations. For appeals from determinations relating to variances, the petitioner shall have the burden of proving that the Commissioner [or First Deputy Commissioner] has abused his or her discretion.

Section 7. Subdivision (e) of section 18-32 of the Rules of the City of New York, relating to the delegation of authority from DEC to the Department to enforce Hazardous Waste Standards, is REPEALED.

Section 8. Section 18-35 of title 15 of the Rules of the City of New York is amended to read as follows:

§18-35 **Human Excreta and Holding Tanks.**

(a) Unless otherwise permitted by these rules and regulations, a discharge, or storage which is reasonably likely to lead to a discharge, of human excreta, or a discharge, or storage which is reasonably likely to lead to a discharge, from a holding tank, into the environment (including into groundwater), and which is reasonably likely to cause degradation of surface water quality or of the water supply, is prohibited. It shall be an affirmative defense under this subsection that such discharge, or storage likely to lead to a discharge, is either permitted or not prohibited under federal law, and is either permitted or not prohibited under state law.

(b) Emptying, discharging or transferring the contents of a [sewage vault] holding tank or other sewage receptacle into any watercourse, wetland, reservoir, reservoir stem, or controlled lake is prohibited.

[(c) Transportable sewage receptacles shall have tightly fitting covers which shall be securely fastened during transport.]

Section 9. Paragraphs (4), (6), and (9) of subdivision (a), paragraph (2) of subdivision (d), subparagraphs (ii) and (iii) of paragraph (2) of subdivision (e), paragraphs (2), (3), (4), subparagraph (iv) of paragraph (5), and paragraph (6) of subdivision (f), and paragraphs (3) and (4) of subdivision (g) of Section 18-36 of title 15 of the Rules of the City of New York are amended to read as follows:

§18-36 **Wastewater Treatment Plants**

(a) *Minimum Requirements.*

.....

(4) The owner or operator of a new or existing wastewater treatment plant shall operate and maintain the wastewater treatment plant in accordance with the operations and maintenance manual for the plant. Such manual shall be prepared by the owner and approved by the Department. Such manual shall be prepared or revised, and submitted to the Department for approval, within ninety (90) days after construction, expansion, alteration or modification of a wastewater treatment plant is completed.

.....

(6) No part of any seepage unit or absorption [field]

area for a subsurface discharge from a wastewater treatment plant shall be located within the limiting distance of 100 feet of a watercourse or wetland or within the limiting distance of 500 feet of a reservoir, reservoir stem, or controlled lake.

.....

(9) Wastewater treatment plants with surface discharges to intermittent streams in the watershed shall be operated and maintained to meet the intermittent stream effluent limits set forth in the New York State Department of Environmental Conservation Technical and Operational Guidance Series (TOGS) 1.3.1, Total Maximum Daily Loads and Water Quality-Based Effluent Limits (July 8, 1996, Revised February 1998), including Amendments A through E (July 8, 1996), and New York State Department of Environmental Conservation Technical and Operational Guidance Series (TOGS) 1.3.1B, Total Maximum Daily Loads and Water Quality-Based Effluent Limits, Amendments-Low and Intermittent Stream Standards (July 8, 1996), provided however, that the effluent limit for a discharge of a pollutant to an intermittent stream shall in no case be less stringent than the effluent limit which would apply to the same discharge of the pollutant to the first downstream perennial stream.

.....

(d) *Treatment requirements for wastewater treatment plants located within the 60 day travel time to intake.*

.....

(2) Within the 60 day travel time to the intake the following requirements are applicable:

- (i) New wastewater treatment plants with surface discharges, or expansions of existing wastewater treatment plants with surface discharges, are prohibited except as provided in §18-82(e). A variance from this provision may be sought in accordance with the requirements set forth in §18-61(e);
- (ii) Existing wastewater treatment plants with SPDES permitted surface discharges may continue to operate provided [the treated effluent is also subject to] the wastewater treatment plant provides sand filtration or a Department-approved alternative technology to sand filtration, disinfection, phosphorus removal, and microfiltration or a Department-approved equivalent technology to microfiltration, as required by these rules and regulations;
- (iii) New and existing wastewater treatment plants with subsurface discharges may commence or continue to operate provided that [the treated effluent is also subject to] the wastewater treatment plant provides sand filtration or a Department-approved alternative technology to sand filtration and phosphorus removal, and for SPDES permitted discharges greater than 30,000 gallons per day (gpd), disinfection, as required by these rules and regulations.

.....

(e) *Treatment requirements for wastewater treatment plants located in the watershed and beyond the 60 day travel time to intake.*

.....

- (2)(ii) All new surface discharges into a watercourse, and any existing wastewater treatment plants with SPDES permitted surface discharges may commence or continue to operate, provided that [the treated effluent is also subject to] the wastewater treatment plant provides sand filtration or a Department-approved alternative technology to sand filtration, disinfection, phosphorus removal, and microfiltration or a Department-approved equivalent technology to microfiltration, as required by these rules and regulations;
- (iii) New and existing wastewater treatment plants with subsurface discharges may commence or continue to operate, provided that [the treated effluent is also subject to] the wastewater treatment plant provides sand filtration or a Department-approved alternative technology to sand filtration and phosphorus removal, and for SPDES permitted discharges greater than 30,000 gallons per day (gpd), disinfection, as required by these rules and regulations.

.....

(f) *Design, operation and maintenance requirements.*

.....

(2) The criteria used by the Department to approve the design for any new wastewater treatment plant or the portion of any new or existing wastewater treatment plant which is being expanded or altered or modified shall be all applicable requirements of law, including the standards set forth in the following documents:

- (i) "Design Standards for Wastewater Treatment Works, Intermediate Sized Sewerage Facilities," New York State

Department of Environmental Conservation (1988); and

- (ii) "Recommended Standards for Wastewater Facilities," Great Lakes—Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers [(1990)](2004).

(3) The Department shall not approve a wastewater treatment plant, or any proposed expansion of a wastewater treatment plant, which discharges within the watershed, if there is inflow or infiltration into a [sewerage] sewer system connected to such wastewater treatment plant which causes either:

- (i) The State authorized flow limit of the wastewater treatment plant to be exceeded; or
- (ii) The strength of the sewage influent to the wastewater treatment plant to be diluted to a level that adversely affects the efficacy of the State permitted and Department approved treatment process.

(4) The Department shall not approve a wastewater treatment plant, or any proposed expansion of a wastewater treatment plant, if there is an indication of exfiltration from a [sewerage] sewer system connected to such wastewater treatment plant.

(5) All wastewater treatment plants shall meet the following requirements to insure uninterrupted reliable operation:

.....

- (iv) [In wastewater treatment plants with a SPDES permitted surface discharge of 50,000 gpd or less, there shall be a minimum of two (2) sand filters, each rated to handle the full plant flow. In wastewater treatment plants with a SPDES permitted surface discharge greater than 50,000 gpd, there shall be a minimum of three (3) sand filters, each rated to handle one-half (1/2) of the full plant flow] Sand filtration or a Department-approved alternative technology to sand filtration shall be implemented in units of sufficient number and size to ensure that the flow they are designed to accommodate, consistent with the "Design Standards for Wastewater Treatment Works, Intermediate Sized Sewerage Facilities," New York State Department of Environmental Conservation (1988) and/or the "Recommended Standards for Wastewater Facilities," Great Lakes—Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers (2004), can be processed in the event that the largest such unit is off line;

.....

(6) The following requirements shall apply to all wastewater treatment plants with subsurface discharges or absorption [fields] areas located in the watershed:

- (i) The loading rate to the absorption trench may be 25 percent greater than that required under the design standards listed in subdivision (f)(2) of this section;
- (ii) An additional area of at least 50 percent of the absorption [field] area shall be set aside as a reserve [field] area;
- (iii) At a minimum, one percolation and one deep hole test shall be performed in both the primary absorption [field] area and in the reserve absorption [field] area. An applicant shall notify the Department in writing at least 7 business days prior to performance of such tests, and specify the location and the time of the tests. At the option of the Department, a Department representative may witness these tests; and
- (iv) The use of pumping, mechanical dosing or other mechanical devices requires a pump chamber equipped with an alarm to indicate malfunction, a backup pump, and any other safety features required by the Department to prevent overflow.

....

(g) *Application Requirements.*

.....

(3) [An application for review and approval of a plan for bringing an existing wastewater treatment plant into compliance with the requirements of this section shall include the operation and maintenance manual for the wastewater treatment plant.

(4) All approvals for new or expansion of existing wastewater treatment plants are conditioned on the applicant's submission of record drawings [and an operation and maintenance manual] once construction is complete.

Section 10. Section 18-37 of title 15 of the Rules of the City of New York is amended to read as follows:

§18-37 [Sewerage] Sewer Systems, Service

Connections and Discharges to [Sewerage] Sewer Systems.

(a) Combined [sewerage] sewer systems are prohibited from discharging within the watershed.

(b) A new service connection or sewer extension to a [sewerage] sewer system is prohibited where the wastewater treatment plant to which the [sewerage] sewer system has been connected and which discharges within the watershed has had a SPDES flow parameter violation in the prior twelve months, or where the additional flow from the new service connection or sewer extension will cause or can be expected to cause such wastewater treatment plant to have a SPDES flow parameter violation.

(c) All new service connections shall be tested [as required by and] in accordance with the standards set forth in "Design Standards for Wastewater Treatment Works, Intermediate Sized Sewerage Facilities," New York State Department of Environmental Conservation (1988), and the standards in "Recommended Standards for Wastewater Facilities," [the] Great Lakes—Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers, §§33.92-[33.94]33.95 [(1990)] (2004). A copy of the results of the tests shall be forwarded to the Department as soon as they are available.

(d) Except for the owner of an individual or two family residence, the owner of any property which will be served by a new [service] sewer connection to a [sewerage] sewer system, or by any alteration or modification of a [service] sewer connection to a [sewerage] sewer system, shall submit all plans or designs for such [service] sewer connection or such alteration or modification to the Department prior to or simultaneously with the delivery of the notice to the Department required under paragraph (d)(1) below. The owner of an individual or two family residence to be served by a new [service] sewer connection to a [sewerage] sewer system, or by an alteration or modification of a [service] sewer connection to a [sewerage] sewer system, shall not be required to submit the plans or designs for such [service] sewer connection or such alteration or modification to the Department, unless specifically requested by the Department. If so requested, such owner shall submit such plans or designs to the Department prior to or simultaneously with the delivery of the notice to the Department required under paragraph (d)(1) below or, if the request is made by the Department after such notice has been given, within ten (10) days after such request has been made.

(1) The owner of any property which will be served by a new [service] sewer connection to a [sewerage] sewer system, or by an alteration or modification of a [service] sewer connection to a [sewerage] sewer system, shall notify the Department 48 hours prior to the installation of such [service] sewer connection or of such alteration or modification, and provide an opportunity to the Department to observe the work. If required or requested pursuant to subsection 18-37(d), the owner shall submit to the Department all plans or designs for such [service] sewer connection or for such alteration or modification prior to or simultaneously with the delivery of such notice to the Department.

(e) The design, construction and plans for a new [sewerage] sewer system or sewer extension shall require the review and approval of the Department. Any proposed alteration or modification of a [sewerage] sewer system, including a [sewerage] sewer system that is a noncomplying regulated activity, shall require the review and approval of the Department.

(1) The Department may require an engineering report, construction plans and specifications, and any environmental assessments and determinations in compliance with Article 8 of the Environmental Conservation Law when reviewing any application pursuant to this subdivision for a new [sewerage] sewer system or sewer extension, or a proposed alteration or modification of a [sewerage] sewer system.

(2) Any approval of a new or an alteration or modification of an existing sewer system or sewer extension issued by the Department shall expire and thereafter be null and void unless construction is commenced within five (5) years of the date of issuance. Following expiration of the approval, the plans for the sewer system may be resubmitted to the Department for consideration for a new approval.

(f) The criteria used by the Department to approve any new [sewerage] sewer system or sewer extension or the portion of any [sewerage] sewer system which is being altered or modified, shall be all applicable requirements of law, including the standards set forth in the following documents:

(1) "Design Standards for Wastewater Treatment Works, Intermediate Sized Sewerage Facilities," New York State Department of Environmental Conservation (1988);

(2) "Recommended Standards for Wastewater Facilities," [The] Great Lakes—Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers [(1990)](2004).

(g) All [sewerage] sewer systems and sewer extensions connected to a wastewater treatment plant which discharges within the watershed shall be designed, operated and maintained in such manner as to prevent inflow or infiltration which causes either:

(1) The SPDES authorized flow limit of the

wastewater treatment plant to be exceeded; or

- (2) The strength of the sewage influent to the wastewater treatment plant to be diluted to a level that adversely affects the efficacy of the SPDES permitted and Department approved treatment process.

(h) All [sewerage] sewer systems shall be designed, operated and maintained to prevent exfiltration from such systems.

.....

(j) Application Requirements. An application for review and approval of any sewer system or sewer extension shall include the following information:

- (1) Tax map number and, where available, building permit number, for each property to be served by the proposed sewer system or sewer extension;
- (2) Copy of the applicable municipal Sewer Use Ordinance, if any;
- (3) Letter of flow acceptance from the owner of the receiving wastewater treatment plant, when available;
- (4) An engineering report presenting the proposed flow and supporting design calculations; and
- (5) Four (4) sets of plans showing:
 - (i) site location in relation to established sewer district;
 - (ii) distances to wells, watercourses, rock outcroppings, wetlands, controlled lakes and reservoirs;
 - (iii) system profile including all connections, manholes and required pump stations;
 - (iv) design details of system components including pipe sizes and pump capacities; and
 - (v) where applicable, a copy of the application for modification of the SPDES permit for the receiving wastewater treatment plant and any draft revisions to such SPDES permit.

(k) As a condition of approval the Department may require evidence of financial security prior to construction, from any owner or operator of a new sewer system or sewer extension or a substantial alteration or modification to an existing sewer system. Such financial security shall consist of a bond, or an equivalent guaranty, to be deposited with the Department, covering the full cost of the construction of such facility and an additional bond or an equivalent guaranty for the payment of labor and material furnished in the course of such construction. Upon completion of construction and payment of labor and materials, such bonds or other guaranties shall be released. Additionally, a bond or equivalent guaranty may be required for the maintenance and operation of the facility for a period of five years post-construction. No bond or guaranty is required where the owner or operator of such a facility is a village, town, county or city.

Section 11. Paragraphs (4), (5), (6), (7), (8) and (9) of subdivision (a), paragraphs (2), (3), (4), and (7) of subdivision (b), and the introductory sentence and clause (b) of subparagraph (iii) of paragraph (1) and paragraph (2) of subdivision (c) of Section 18-38 of title 15 of the Rules of the City of New York are amended to read as follows:

§18-38 **Subsurface Sewage Treatment Systems.**

.....

(a)(4) [All new subsurface sewage treatment systems, other than those covered by paragraphs (2) and (3) of this subdivision, shall comply with the applicable requirements of 10 NYCRR Part 75 and Appendix 75-A or the applicable published standards of the Design Standards for Wastewater Treatment Works, Intermediate Sized Sewerage Facilities, New York State Department of Environmental Conservation (1988), except where a local government or agency has enacted, or these rules and regulations specify, more stringent standards, in which case, the more stringent standards shall apply.

- (i) As a condition of approval the Department may require evidence of financial security prior to construction, from any owner or operator of a new subsurface sewage treatment system or a substantial alteration or modification to an existing subsurface sewage treatment system. Such financial security shall consist of a bond, or an equivalent guaranty, to be deposited with the Department, covering the full cost of the construction of such facility and an additional bond or an equivalent guaranty for the payment of labor and material furnished in the course of such construction. Upon completion of construction and payment of labor and materials, such bonds or other guaranties

shall be released. Additionally, a bond or equivalent guaranty may be required for the maintenance and operation of the facility for a period of five years post-construction. No bond or guaranty is required where the owner or operator of such a facility is a village, town, county or city.

(5) No part of any absorption field for [a new conventional individual] any new subsurface sewage treatment system[, as described in Appendix 75-A of 10 NYCRR Part 75, or for the types of sewage treatment systems described in paragraphs (3) and (4) of this subdivision, or for an Ulster County Fill System,] shall be located within the limiting distance of 100 feet of a watercourse or wetland or 300 feet of a reservoir, reservoir stem or controlled lake. For a new conventional individual subsurface sewage treatment system or for a new Ulster County Fill System the Department may recommend a greater limiting distance from an absorption field to a watercourse, wetland, reservoir, reservoir stem or controlled lake.

[(6)](5) Raised systems, as described in 10 NYCRR Part 75 and Appendix 75-A, are allowed on undeveloped lots not located in a subdivision or on undeveloped residential lots located in a subdivision which was approved prior to the effective date of these rules and regulations, where site conditions are not suitable for a conventional system provided that:

.....

[(7)](6) Where a watershed county has adopted a subdivision code that allows a raised system, as described in 10 NYCRR Part 75 and Appendix 75-A, or where any system that has been modified from the Standards outlined in Appendix 75-A has been approved by the New York State Department of Health as an alternative system, or where the New York State Department of Health approved such raised or modified alternative systems for use in subdivisions located in the watershed, such raised or alternative systems are allowed in subdivisions that are approved subsequent to the effective date of these rules and regulations, provided that no part of such systems shall be located within 250 feet of a watercourse or wetland or 500 feet of a reservoir, reservoir stem or controlled lake.

[(8)](7) Any proposed alteration or modification of any subsurface sewage treatment system, including a noncomplying regulated activity, requires the review and approval of the Department[, and shall also be subject to the following, where applicable:],

- (i) Any proposed alteration or modification of any individual sewage treatment system [or any other kind of subsurface sewage treatment system described in paragraphs (3) and (4) of this subdivision located within the limiting distances set forth in this section] that is an existing or a noncomplying regulated activity shall be performed in accordance with the [New York State Fire Prevention and Building Code, Executive Law Section 370 et seq.] requirements applicable to new subsurface sewage treatment systems under this section. Alterations or modifications of such individual sewage treatment systems that cannot meet these requirements, due to site constraints, shall be performed in accordance with these requirements to the extent possible. In addition, unless such an alteration or modification is limited to a replacement in kind, reduces the potential for contamination to or degradation of the water supply from an existing subsurface sewage treatment system, or reduces flow to an existing subsurface sewage treatment system, the applicant shall demonstrate adequate mitigation measures to avoid contamination to, or degradation of, the water supply which are at least as protective of the water supply as the requirements that cannot be met.
- (ii) Any proposed alteration or modification of any new individual sewage treatment system (i.e., any individual sewage treatment system constructed after May 1, 1997) shall be performed in accordance with the requirements applicable to new subsurface sewage treatment systems under this section. If such an alteration or modification reduces the potential for contamination to or degradation of the water supply from a new subsurface sewage treatment system, or reduces flow to a new subsurface sewage treatment system, and such alteration or modification cannot meet these requirements due to site constraints, it shall be performed in accordance with these requirements to the extent possible.
- (iii) Any proposed alteration or modification of any intermediate sized subsurface sewage treatment system is prohibited unless such alteration or modification complies with the requirements of this section.

[(9)](8) All existing subsurface sewage treatment systems, which are operating in accordance with their Federal, State, and local approvals on the effective date of these rules and regulations, but which do not comply with the additional

requirements set forth in this section, shall be allowed to continue to operate and shall be considered noncomplying regulated activities.

(9) [However, if] If at any time after the effective date of these rules and regulations [such] a subsurface sewage treatment system fails or needs remediation, the owner or operator of the subsurface sewage treatment system shall comply with the following:

- (i) Any proposed remediation of any part of [such existing] a subsurface sewage treatment system shall require the prior review and approval of the Department, and if approved, shall be completed as soon as possible in accordance with a schedule approved by the Department;
- (ii) [Upon the failure of any subsurface sewage treatment system, it] Any proposed remediation of any part of a subsurface sewage treatment system shall be [remediated] implemented, to the extent possible, in accordance with the design standards set forth in this section, and shall require the prior review and approval of the Department. However, if the Department determines, based upon the application submitted by the owner or operator of the subsurface sewage treatment system, that such system cannot comply with this section, the owner or operator of the subsurface sewage treatment system shall cooperate with the Department to determine the most suitable location and design for the system on the specific site. The Department may require the owner to agree to a regular schedule for the pump out of [any failed subsurface sewage treatment system] the septic tank or other remedial action, including the use of holding tanks, before the proposed remediation is approved by the Department and implemented; and
- (iii) The provisions of this paragraph shall not apply to the routine repair and maintenance of a subsurface sewage treatment system, including, but not limited to, the pump out of a septic tank, the replacement of a septic tank, whether in kind or with a larger tank of an appropriate size for the subsurface sewage treatment system, the repair of a broken lateral, the leveling of a distribution box, or the removal of a blockage.

.....

(b)(2) Mound systems, galley systems, [intermittent sand filters, and evapotranspiration/absorption] seepage pits, evaporation-transpiration (ET) and evaporation-transpiration absorption (ETA) systems are prohibited from use for subsurface sewage treatment systems installed in the watershed on or after June 30, 2002. Sand filters are prohibited from use for individual sewage treatment systems in the watershed.

(3) An additional area of at least 100 percent of the primary absorption field [area] shall be set aside as a reserve absorption field [area] for any subsurface sewage treatment system.

(4) [Primary and reserve absorption fields may not] No part of any primary or reserve absorption field shall be built under pavement or other impervious surfaces, and pavement and other impervious surfaces [may] shall not be built over such absorption fields after installation.

.....

(7) Whenever possible, gravity flow systems shall be used for subsurface sewage treatment systems. The use of [pumping, mechanical dosing or other mechanical devices] electrically operated pumps shall require a [pump] chamber equipped with an alarm to indicate malfunction and any other safety features required by the Department to prevent sewage overflow. An intermediate sized sewage treatment system [or any other kind of subsurface sewage treatment system as described in paragraphs (3) and (4) of subdivision (a) of this section] that uses electrically operated pumps is required to have either a backup pump or a backup storage tank capable of holding two days' flow. An individual sewage treatment system that uses electrically operated pumps shall have a backup storage tank capable of holding one day's flow.

(c) Application Requirements.

(1) An application for review and approval of any subsurface sewage treatment [systems] system shall include the following information:

.....

- (iii)(b) site/system plans showing two-foot contours;

.....

(2) An application for review and approval of an intermediate sized sewage treatment system [and for any other subsurface sewage treatment system as described in paragraph (4) of subdivision (a) of this section,] shall include all of the information in paragraph (1) of subdivision (c) of this section, and additionally shall contain:

Section 12. Paragraph (2), subparagraph (iii) of paragraph (4), the introductory sentence and subparagraphs (iii), (iv), and (v) of paragraph (5), the introductory sentence and subparagraphs (i), (iv), and (v) of paragraph (6) of subdivision

(a), and the introductory sentence and subparagraphs (i), (iii), and (ix) of paragraph (3), paragraph (4), and paragraph (7) of subdivision (b), subdivision (c), paragraph (1) and subparagraph (ii) of paragraph (3) of subdivision (d), and subparagraph (iii) of paragraph (1) of subdivision (e) of section 18-39 of title 15 of the Rules of the City of New York are amended to read as follows:

§18-39 Stormwater Pollution Prevention Plans and Impervious Surfaces.

(a) *Impervious surfaces.*

.....

(2) Paragraph (1) shall not apply to the following activities:

- (i) Construction of a new individual residence, which shall comply with paragraph (5) of this subdivision[, or non-commercial ancillary improvements or additions to an individual residence];
- (ii) Non-commercial ancillary improvements or additions to an individual residence;
- (iii) Construction of an impervious surface for a driveway serving an individual residence constructed or having obtained all discretionary approvals necessary for construction prior to March 1, 2010;
- (iv) Construction of an impervious surface for a driveway serving an individual residence that obtains all discretionary approvals necessary for construction on or after March 1, 2010, which shall comply with paragraph (5) of this subdivision;
- [(ii)](v) Agricultural activities;
- [(iii)](vi) Construction of bridges or crossings of watercourses or wetlands constructed pursuant to a valid permit from the appropriate regulatory agencies. If a permit from a regulatory agency other than the Department is not required, the applicant shall comply with paragraph (9) of this subdivision;
- [(iv)](vii) Creation of an impervious surface [to alter or modify] made necessary by the construction of a wastewater treatment plant or alteration or modification of a wastewater treatment plant approved by the Department;
- [(v)](viii) Creation of an impervious surface that is made necessary by the construction of a new facility or alteration or modification of an existing facility used in connection with the operation of a public water supply system; or
- [(vi)](ix) Creation of an impervious surface, such as a culvert, needed as an integral component of diversion or piping of a watercourse, but only with the review and approval of the Department and only if the Department determines that such impervious surface will not have an adverse impact on water quality.

.....

(4) Paragraph (1) shall not apply to the creation of an impervious surface in connection with the following activities occurring in the East of Hudson watershed outside a Designated Main Street Area or in the West of Hudson watershed outside a village, hamlet, village extension, or an area zoned for commercial or industrial uses:

- (i) Construction of a new road [or driveway,] or widening of an existing road, which shall comply with paragraph (6) of this subdivision;
-
- (iii) Expansion of an existing impervious surface within the limiting distance of 100 feet of a watercourse or wetland, at an existing commercial, institutional, municipal, [or] industrial, or multi-family residential facility, provided that the total area of all expanded impervious surfaces, including all impervious surfaces allowed under this provision after May 1, 1997, does not exceed 25 percent of the area of the existing impervious surface at that commercial, institutional, municipal, [or] industrial, or multi-family residential facility, which shall comply with subdivisions (b), (c) and (d) of this section.

.....

(5) The following requirements are applicable to construction of a new individual residence and of impervious surfaces for driveways serving individual residences that obtain all discretionary approvals necessary for construction on or after March 1, 2010:

.....

- (iii) Construction of a new individual residence not in a subdivision, or in a subdivision approved before October 16, 1995 and not prohibited by paragraph (a)(5)(ii)(b) of this subdivision, within the limiting distance of 100 feet of a perennial stream or wetland requires an individual

residential stormwater permit from the Department, pursuant to subdivision (e) of this section;

- (iv) Construction of an impervious surface for a driveway serving an individual residence that obtains all discretionary approvals necessary for construction on or after March 1, 2010 within the limiting distance of 300 feet of a reservoir, reservoir stem, or controlled lake is prohibited;
- (v) Construction of an impervious surface for a driveway to serve an individual residence that obtains all discretionary approvals necessary for construction on or after March 1, 2010, within the limiting distance of 100 feet of a perennial stream or within the limiting distance of 50 feet of an intermittent stream or wetland, requires an individual residential stormwater permit from the Department, pursuant to subdivision (e) of this section.

(6) The following requirements are applicable to construction of an impervious surface for a new road [or driveway] or the widening of an existing road:

- (i) Construction of an impervious surface for a new road [or driveway] within the limiting distance of 300 feet of a reservoir, reservoir stem or controlled lake is prohibited, except paving an existing dirt or gravel road is permitted. Construction of a new impervious surface by paving an existing dirt or gravel road requires a stormwater pollution prevention plan which complies with subdivisions (b), (c) and (d) of this section.
-
- [(iv)] Construction of an impervious surface for a driveway within the limiting distance of 50 feet of an intermittent stream or wetland, or within the limiting distance of 100 feet of a perennial stream is prohibited except where necessary to provide access to an existing home or a new individual residence allowed to be constructed within such limiting distances pursuant to paragraph (5) above. If construction of the individual residence served by the driveway would require a stormwater pollution prevention plan or an individual residential stormwater permit, construction of the impervious surface for the driveway shall also require a stormwater pollution prevention plan or an individual residential stormwater permit, respectively.]
- [(v)](iv) Widening of an existing road located within the limiting distance of 50 feet of an intermittent stream or wetland, within the limiting distance of 100 feet of a perennial stream, or within the limiting distance of 300 feet of a reservoir, reservoir stem or controlled lake shall be performed on the side of such existing road furthest from the watercourse, wetland, reservoir, reservoir stem or controlled lake, to the extent practical.
-

(b)(3) Stormwater pollution prevention plans shall be prepared for the activities listed in this paragraph. Such plans shall be prepared and implemented in accordance with the requirements of Part III of the New York State Department of Environmental Conservation SPDES General Permit No. [GP-93-06] GP-0-10-001 that are applicable to construction activities identified in Table 2 of Appendix B, except for plans for redevelopment projects and stormwater retrofits, which shall be prepared and implemented in accordance with subdivision (b)(7). No activity shall be exempt from any such requirements as a result of the size or nature of the watercourse(s) to which stormwater from such activity discharges, except with prior written approval from the Department. Such plans shall also be subject to the prior review and approval of the Department. The activities for which a stormwater pollution prevention plan must be prepared under this paragraph are:

- (i) Plans for development or sale of land that will result in the disturbance of five (5) or more acres of total land area as described in the definition of "larger common plan of development or sale" in Appendix A of General Permit No. [GP-93-06] GP-0-10-001;
- (ii) Construction of a subdivision;
- (iii) Construction of a new industrial, institutional, municipal, commercial, or multi-family residential project that will result in creation of an impervious surface totaling over 40,000 square feet in size;
-
- (ix) Up to a 25 percent expansion of an existing impervious surface at an existing commercial, institutional, municipal, or industrial facility which is within the limiting distance of 100 feet of a watercourse or wetland, as required in subdivision (a)(4)(iii) of this section; or

.....

(4) If [the owner or operator of any activity which is subject to a Stormwater Pollution Prevention Plan pursuant to subsection (b)(3), alters or modifies such activity in a manner which would require an amended stormwater pollution prevention plan pursuant to Part III.C of the New York State Department of Environmental Conservation General Permit No. GP-93-06, if such activity were governed by General Permit No. GP-93-06, such] there is a significant change in design, construction, operation, or maintenance of an activity which is subject to a Stormwater Pollution Prevention Plan pursuant to subdivision (b)(3) which may have a significant effect on the potential for the discharge of pollutants to surface waters and which has not otherwise been addressed in the Stormwater Pollution Prevention Plan, or if the Stormwater Pollution Plan proves to be ineffective in eliminating or significantly minimizing erosion and sedimentation or the discharge of pollutants associated with construction activity, the Stormwater Pollution Prevention Plan must be amended. Such amended stormwater pollution prevention plan shall be submitted to the Department for prior review and approval and shall comply with the requirements of this section.

.....

(7) Where an activity that requires a stormwater pollution prevention plan pursuant to subdivision (b)(3) is a redevelopment project or a stormwater retrofit, such plan shall:

- (i) be prepared and implemented, to the extent possible, in accordance with the requirements of Part III of the New York State Department of Environmental Conservation General Permit No. GP-0-10-001 that are applicable to construction activities identified in Table 2 of Appendix B;
- (ii) be prepared and implemented, to the extent possible, in accordance with the additional requirements for stormwater pollution prevention plans set forth in subsection (c) below; and
- (iii) provide an improvement in stormwater management and/or stormwater treatment as compared with conditions prior to the activity.

.....

(c) *Additional Requirements for Stormwater Pollution Prevention Plans.*

(1) [When any activity listed in paragraph (3) of subdivision (b) of this section is proposed to be undertaken in a phosphorus restricted basin, the stormwater pollution prevention plan shall include an analysis of phosphorus runoff, before and after the land disturbance activity. Such plan shall require measures to capture and treat the 2-year, 24-hour storm runoff from the disturbed area created by such activity.

(2) When any activity listed in paragraph (3) of subdivision (b) of this section is proposed to be undertaken in the drainage basin of a terminal reservoir, as identified in the watershed maps in Appendix 18-A, the stormwater pollution prevention plan shall include analysis of coliform runoff, before and after the land disturbance activity.

- (i) If such proposed activity causes or contributes to the contravention of the coliform standard set forth in §18-48(b)(1) of Subchapter D, the stormwater pollution prevention plan shall not be approved by the Department, unless the measures required by the stormwater pollution prevention plan in conjunction with any other controls to be imposed that limit future land disturbance at the site, including but not limited to property easements, restrictive covenants, zoning laws and development by-laws, will prevent the contribution of additional coliform.

[(3) When any activity listed in paragraph (3) of subdivision (b) of this section is proposed to be undertaken in a coliform restricted reservoir basin, the stormwater pollution prevention plan shall include an analysis of coliform runoff, before and after the land disturbance activity. Such plan shall require measures to capture and treat the 2-year, 24-hour storm runoff from the disturbed area created by such activity.

(4) All stormwater pollution prevention plans prepared pursuant to this section shall include an analysis of the 25-year storm.]

(2) Stormwater Conveyance Measures. Stormwater pollution prevention plans prepared pursuant to this section shall provide for the maintenance of natural drainage systems, including perennial and intermittent streams, and the use of swales and drainage ditches in an open condition to the maximum extent practicable. A stormwater pollution prevention plan shall ensure that any closed stormwater conveyance measures are sized appropriately to convey, at a minimum, the 10-year, 24-hour storm flow.

(3) Stormwater Treatment Volume. All stormwater pollution prevention plans prepared pursuant to this section shall include measures to capture and treat the greater of the volume of runoff generated by the 1-year, 24-hour storm or the Water Quality Volume (WQ_v). Stormwater management practices which provide treatment shall be designed to accommodate the quantity of runoff flowing to the stormwater management practice, including runoff from off-site areas.

(4) Where a stormwater pollution prevention plan prepared pursuant to this section includes a stormwater infiltration practice, to the maximum extent practicable, no portion of such stormwater infiltration practice shall be located within 100 feet of any portion of the absorption area of a subsurface sewage treatment system.

(5) To the maximum extent practicable, an activity requiring a stormwater pollution prevention plan, and the stormwater pollution prevention plan prepared for such activity, shall be designed:

- (i) To minimize the alteration of the existing drainage areas and to maintain the volumes of flow at design points at pre-construction levels, except as necessary to alleviate downstream flooding problems or other adverse conditions in existence prior to construction, or to divert runoff from off-site and/or undisturbed areas away from areas proposed to be disturbed.
- (ii) To minimize loss of annual recharge to groundwater by maximizing the use of stormwater infiltration practices where suitable soil conditions exist.

(6) If an activity requiring a stormwater pollution prevention plan will result in impervious surfaces covering twenty percent (20%) or more of the drainage area for which a stormwater management practice is designed, the stormwater pollution prevention plan shall provide for stormwater runoff from that drainage area to be treated by two different types of stormwater management practices in series, except that only one stormwater management practice is required if either:

- (i) the stormwater management practice provided is a stormwater infiltration practice; or
- (ii) the activity requiring a stormwater pollution prevention plan is in the West of Hudson watershed within a village, hamlet, village extension, or area zoned for commercial or industrial uses or in the East of Hudson watershed within a Designated Main Street Area.

(7) For purposes of the design criteria incorporated by reference in New York State Department of Environmental Conservation General Permit GP-0-10-001, "detention time" shall mean the time runoff is detained in a stormwater management practice. It can be computed using either the center of mass method or the plug flow method.

(d) *Application requirements and procedures.*

(1) An application for approval of a stormwater pollution prevention plan shall include:

- (i) The pollution prevention plan; and
- (ii) The information required in a Notice of Intent under New York State Department of Environmental Conservation SPDES General Permit No. [GP-93-06; and] GP-0-10-001.
- [(iii) A phosphorus and/or coliform analysis when required by this section.]

.....

(3) Upon completion of their review of the application, and upon a majority vote of the Committee members, including the Department's committee member, who reviewed the application, the Committee may recommend to the Department that an application for approval of a stormwater pollution prevention plan be approved, approved with conditions or disapproved.

.....

- (ii) If the Department's Committee member disagrees with the majority recommendation of the Committee, the application, together with the written recommendation of the Committee, shall be submitted to the [First Deputy] Commissioner of the Department for review and a determination. The [First Deputy] Commissioner shall issue a written record of decision setting forth the basis for the determination and responding to any contrary written recommendations submitted by any member of the Committee.

.....

(e)(1) An individual residential stormwater permit is required for:

.....

- (iii) Construction of an impervious surface for a driveway to serve an individual residence that obtains all discretionary approvals necessary for construction on or after March 1, 2010, located within the limiting distances of 50 feet of an intermittent stream or wetland or within 100 feet of a perennial stream, [provided that the driveway is necessary for access to an individual residence which is not located within a subdivision and where the individual residence accessed by the driveway would be required to obtain an individual residential stormwater permit pursuant to this section] except that no

individual residential stormwater permit is required if the driveway is included in an activity requiring Department approval of a stormwater pollution prevention plan.

Section 13. Section 18-43 of title 15 of the Rules of the City of New York is amended to read as follows:

§ 18-43 **Pesticides.**

[(a)] Unless otherwise permitted by these rules and regulations, the discharge or use, or storage of pesticides which is reasonably likely to lead to a discharge, of pesticides into the environment (including into groundwater), and which is reasonably likely to cause degradation of surface water quality or of the water supply, is prohibited. It shall be an affirmative defense under this subsection that such discharge, or storage likely to lead to a discharge, is either permitted or not prohibited under federal law, and is either permitted or not prohibited under state law.

[(b)] Reference is made to the Pesticide Standards set forth in Appendix 18-D to these rules and regulations. The Department states its intention to seek:

(1) Promulgation by the New York State Department of Environmental Conservation of appropriate State regulations, applying such standards to the watershed; and

(2) Delegation of appropriate authority, from the New York State Department of Environmental Conservation, to administer and enforce such rules and regulations in the watershed.]

Section 14. Section 18-48 of title 15 of the Rules of the City of New York is amended to read as follows:

§18-48 **Water Quality Standards**

(a) The water in all reservoirs, Lake Gilead, and Lake Gleneida, shall meet the following standards of quality:

(1) 6 NYCRR Parts 701 [(narrative standards)] and 703 (standards applicable to Class AA waters)[;], and

- [(i)] For purposes of determining compliance with this subchapter, the Department shall take water samples from the reservoirs; and
- (ii) Where total coliform standards exceed the standards set forth in 6 NYCRR Parts 701 and 703, and are determined by the Department to be due to a non-perennial, non-anthropogenic source, such exceedances shall not be included in calculating whether a violation of these rules and regulations has occurred.]

(2) The New York State Department of Environmental Conservation Technical and Operational Guidance Series (TOGS) 1.1.1, Ambient Water Quality Standards and Guidance Values (October 22, 1993, Reissue Date June 1998, as modified and supplemented by the January 1999 Errata Sheet and the April 2000 and June 2004 Addenda) which [sets forth] lists the ambient water quality standards and guidance values for principal organic chemicals and synthetic organic chemicals.

(b) In addition, the water in source water reservoirs shall meet the following phosphorus standard:

(1) Total phosphorus concentrations shall be equal to or less than 15 micrograms per liter.

(c) [(The] In addition, the water within 500 feet of the aqueduct effluent chamber located at a terminal reservoir (Kensico, West Branch, New Croton, Ashokan and Rondout) shall meet the following coliform standard:

(1) Raw water fecal coliform concentrations shall be equal to or less than 20 colonies per 100 milliliters or total coliform concentration shall be equal to or less than 100 colonies per 100 milliliters in at least 90 percent of the measurements made over any consecutive six month period. For purposes of determining compliance with this [subchapter] paragraph, a minimum of five samples per week will be taken from each terminal reservoir. If both fecal and total coliform analyses are performed, the fecal coliform results shall take precedence over the total coliform analysis.

- [(i)] Where fecal coliform standards exceed the above standards, and are determined by the Department to be due to non-perennial, non-anthropogenic sources, such exceedances shall not be included in calculating whether a violation of these rules and regulations has occurred.]

(d) For purposes of determining compliance with this subchapter, the Department shall take water samples from the controlled lakes and reservoirs and shall evaluate them in accordance with subdivisions (a), (b), and (c) of this section.

(1) Where total coliform concentrations exceed the standards set forth in 6 NYCRR Parts 701 and 703, and are determined by the Department to be due to non-perennial, non-anthropogenic sources, such exceedances shall not be included in calculating whether a violation of these rules and regulations has occurred.

(2) Where fecal coliform concentrations exceed the standards set forth in subparagraph (c) above, and are determined by the Department to be due to non-perennial, non-anthropogenic sources, such exceedances shall not be included in calculating whether a violation of these rules and regulations has occurred.

[(c)](e) The Department shall, on an annual basis, conduct a review of [all reservoirs and controlled lakes] water quality data for the purpose of determining whether each reservoir and controlled lake meets or fails to meet the water quality standards set forth in subdivisions (a), [and] (b), and (c) of this section, as applicable. The results of the Department's review, together with the calculations used in arriving at the results for each reservoir, shall be published in a report which shall be made available to the public upon request.

Section 15. Subdivision (a), paragraph (2) of subdivision (a) and paragraph (1) of subdivision (d) of section 18-61 of title 15 of the Rules of the City of New York are amended, and a new subdivision (e) is added, to read as follows:

§18-61 **Variations.**

(a) The Commissioner [or the First Deputy Commissioner] may, in his or her discretion, upon written application from the applicant, grant a variance from the requirements of these rules and regulations for a regulated activity and for the alteration or modification of a noncomplying regulated activity.

.....

(2) In granting variances the Commissioner [or the First Deputy Commissioner] may impose specific conditions, including evidence of financial security, time limitations and limitations on any transfer of the variance granted. In addition, the Commissioner [or the First Deputy Commissioner] may grant a lesser variance than that applied for.

.....

(d) *Variations within coliform and phosphorus restricted basins.*

(1) The Department may grant a variance from the prohibition of locating a new wastewater treatment plant or expanding an existing wastewater treatment plant in a coliform restricted basin, or in a phosphorus restricted basin, where the Department determines that conditions in the area to be served by the new or expanded wastewater treatment plant are resulting in the release or discharge of inadequately treated sewage into the water supply, and that there is no other feasible method of correcting such release or discharge of inadequately treated sewage except to provide a variance from such prohibition. Provided, however, that in such cases, the additional treatment capacity of the new or expanded wastewater treatment plant may only be of a size sufficient to service the area identified as the source of contamination and any immediate area of concern as limited or delineated by the Department.

.....

(e) *Variations Within the 60 Day Travel Time to Intake in the Croton System*

(1) The Department may grant a variance from the prohibition set forth in §18-36(d)(2)(i) against locating a new wastewater treatment plant or expanding an existing wastewater treatment plant in the Croton System, within the 60 day travel time to intake, where the Department has made the following determinations:

(i) One of the following situations is present:

(a) conditions in the area to be served by the new or expanded wastewater treatment plant, including failed subsurface sewage treatment systems, are resulting in the release or discharge of inadequately treated sewage into the water supply; or

(b) inflow flow rates to an existing wastewater treatment plant exceed the permitted flow limit for the wastewater treatment plant as specified in its SPDES permit and/or the design capacity of the wastewater treatment plant and have caused, or can reasonably be expected to cause, the release of inadequately treated sewage.

(ii) There is no other feasible method of correcting such release or discharge of inadequately treated sewage except by locating a new or expanding an existing surface-discharging wastewater treatment plant within the 60 day travel time to intake; and

(iii) The applicant has demonstrated that there are no sources of inflow or infiltration to the sewer system of the new or expanded wastewater treatment plant, other than sources that are to be eliminated pursuant to a consent order or other commitment binding on the applicant, that can practicably be eliminated.

(2) The applicant must demonstrate to the Department, that the total flow to the new or expanded wastewater treatment plant authorized pursuant to this subdivision will be limited as follows:

(i) if the applicant seeks to expand a wastewater treatment plant serving a sewer district, the flow to the expanded wastewater treatment plant may include only:

(a) flow from facilities within the sewer district that are connected to the wastewater treatment plant as of the date of the application for a variance (based on the flows reported by the wastewater

treatment plant pursuant to its SPDES permit in the year preceding the application for the variance; and

(b) flow from facilities within the sewer district that are served by subsurface sewage treatment systems as of the date of the application for a variance; and

(c) additional flow of no more than ten percent (10%) of the average of the flows reported by the wastewater treatment plant pursuant to its SPDES permit in the year preceding the application for the variance to be allocated within the sewer district; and

(d) reasonably anticipated flows from any area(s) outside the sewer district identified as source(s) of contamination pursuant to clause (a) of subparagraph (i) of paragraph (1) of subdivision (e) of this section.

(ii) if the applicant seeks to expand a wastewater treatment plant without a sewer district, the flow to the expanded wastewater treatment plant may include only:

(a) flows to the wastewater treatment plant as of the date of the application for a variance;

(b) reasonably anticipated flows from any area(s) identified as source(s) of contamination pursuant to clause (a) of subparagraph (i) of paragraph (1) of subdivision (e) of this section.

(iii) if the applicant seeks to construct a new wastewater treatment plant, the flow to the new wastewater treatment plant may include only reasonably anticipated flows from the area(s) identified as source(s) of contamination pursuant to clause (a) of subparagraph (i) of paragraph (1) of subdivision (e) of this section.

(3) A new or expanded wastewater treatment plant authorized pursuant to a variance under this subdivision, and its sewer system, shall meet the following conditions:

(i) The wastewater treatment plant shall provide sand filtration or a Department-approved alternative technology to sand filtration, disinfection, phosphorus removal, and microfiltration or a Department-approved equivalent technology to microfiltration, as required by these rules and regulations; and

(ii) The wastewater treatment plant shall be designed, operated, and maintained to meet a total phosphorus limit of 0.1 mg/l, and the applicant shall seek to have such limit included in the wastewater treatment plant's SPDES permit; and

(iii) The applicant shall develop and implement a Department-approved Capacity, Management, Operation and Maintenance (CMOM) plan for the entire sewer system serving the wastewater treatment plant, and shall seek to have such plan incorporated into the wastewater treatment plant's SPDES permit. At a minimum, such CMOM plan shall include:

(a) a map of the entire collection system;

(b) an assessment of the current capacity of the collection system;

(c) a program and schedule for routine inspections and testing, and preventive operation and maintenance activities;

(d) a list of any structural deficiencies identified in the system and a schedule for short- and long-term rehabilitation measures to address each identified deficiency;

(e) an inflow study, and a plan and implementation schedule, to control and eliminate, to the maximum extent practicable, stormwater contributions from sources such as catch basins, downspouts, and sump pumps; and

(f) a program for training appropriate personnel on collection system operation and maintenance; and

(iv) All wastewater pumping stations in the sewer system serving the new or expanded wastewater treatment plant, both new and existing, shall meet the alarm systems and emergency operation requirements applicable to new wastewater pumping stations as set forth in "Recommended Standards for

Wastewater Facilities," Great Lakes – Upper Mississippi River Board of State Public Health and Environmental Managers (2004); and

(v) The applicant shall seek to have included in the wastewater treatment plant's SPDES permit a condition providing that in the event that the SPDES permitted flow limit is violated, the owner will investigate the violation and prepare a corrective action plan.

Section 16. Subparagraph (ii) of paragraph (2) of subdivision (c) of section 18-82 of title 15 of the Rules of the City of New York is amended to read as follows:

§18-82 Watershed Planning in the Croton System.

.....

(c) The Croton Plan shall consist of the following three elements:

.....

(2) Identification of investments to correct existing water quality problems in accordance with developed priorities. Such identification shall include the following elements:

.....

(ii) Proposed measures to address water quality problems identified in paragraph (c)(1)(ii) above. Such measures may include subsurface sewage treatment system maintenance, rehabilitation and replacement programs, installation of community septic systems, the construction of sewer extensions or new [sewerage] sewer systems, stormwater controls, and the permanent diversion of wastewater to a discharge point outside of the watershed.

Section 17. Appendix D of chapter 18 of title 15 of the Rules of the City of New York, entitled "Hazardous Waste and Pesticide Standards," is REPEALED.

STATEMENT OF BASIS AND PURPOSE

These amendments to the *Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and its Sources* ("Watershed Regulations") are promulgated pursuant to the authority of the Commissioner of the Department of Environmental Protection ("DEP") under section 1100 of the Public Health Law and section 24-302 of the New York City Administrative Code. The DEP Commissioner is authorized to establish and enforce the Watershed Regulations. As required by section 1100 of the Public Health Law, these amendments to the Watershed Regulations have been approved by the State Department of Health. The purpose of the Watershed Regulations is to protect public health by preventing contamination to and degradation of the City's surface water supply. These amendments incorporate changes in federal and State law since 1997, when the Watershed Regulations were adopted in their present form, and also address issues that have arisen during administration and enforcement of the Regulations over the past twelve years.

DEP is amending sections 18-14 through 18-17, 18-23, 18-28, 18-32, 18-35 through 18-39, 18-43, 18-48, 18-61, and 18-82 of the Watershed Regulations. The amendments to the Watershed Regulations include revisions to the provisions pertaining to stormwater pollution prevention plans so as to incorporate the New York State Department of Environmental Conservation ("DEC") SPDES General Permit for Stormwater Discharges from Construction Activity, Permit No. GP-10-001. The Watershed Regulations also continue to require the water quality protection standards that DEP has determined are appropriate for stormwater pollution prevention plans in the watershed.

The revisions include provisions authorizing DEP to grant a variance for a new or expanded surface-discharging wastewater treatment plant within the 60-day travel time, in the Croton system only, under specified and limited circumstances. Additionally, DEP has revised the definition of "Phosphorus restricted basin" to incorporate, with respect to basins of source water reservoirs, a phosphorus concentration standard of 15 micrograms per liter, consistent with the Phase II Total Maximum Daily Loads for Phosphorus for New York City's Drinking Water reservoirs proposed by New York State DEC and approved by EPA. These amendments also clarify the regulatory status of sewer systems, consistent with existing State standards.

The amendments also include technical corrections, such as substituting more recent versions of publications cited in the Watershed Regulations, updating certain technical terminology, and modifying or changing the order of certain text to improve clarity and intelligibility.

After publishing the proposed amendments in the City Record, DEP received comments from the public. The amendments have been clarified, and in some instances modified, to reflect some of the recommendations received. In particular, DEP deleted the proposed review and approval procedures for holding tanks serving industrial, institutional, municipal, commercial, and multi-family residential facilities. DEP also added language to the provisions relating to alteration and modification of septic systems to allow the alteration or modification of an SSTS to meet the "to the extent possible" standard if the alteration or modification would reduce the threat of impairment to water quality, or if it is a replacement in kind of a pre-1997 SSTS.

With respect to the amendments concerning stormwater discharges and impervious surfaces, the driveway provisions have been substantially modified, reflecting both non-substantive clarifications and DEP's determination that for residences constructed or having obtained all required discretionary approvals prior to March 1, 2010, driveways may be paved without restrictions. Additionally, the

prohibition against placement of stormwater management practices within 100 feet of wetlands has been deleted, although DEP will continue to recommend that stormwater management practices be located outside of wetland buffers, where appropriate, during the SEQRA process. In addition, the Watershed Regulations will exempt activities in West of Hudson villages, hamlets, village extensions, or areas zoned for commercial or industrial uses, and in East of Hudson Designated Main Street Area Villages, from the requirement that a second stormwater management practice be installed in series where an activity will result in impervious surfaces covering 20% or more of the drainage area for which the practice is designed.

DEP has withdrawn its proposal to incorporate the DEC SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems ("MS4s"), Permit No. GP-08-002, into the provisions concerning miscellaneous point source discharges. Similarly, DEP has decided against the proposed modification to the criteria for variances requiring mitigation for activities indirectly authorized by a variance.

Also, in the new provisions allowing for variances for certain new or expanded wastewater treatment plants in the Croton system, DEP replaced its proposed condition regarding the consequences of flow violations with a provision noting that DEP will request that the SPDES permits for such plants include a condition that if the flow limit is violated, the owner must investigate the violation and prepare a corrective action plan.

Finally, DEP has amended the definition of "Commissioner" to include deputy commissioners authorized to act on behalf of DEP pursuant to law, and has accordingly deleted several references to the "First Deputy Commissioner."

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HEALTH AND MENTAL HYGIENE

NOTICE

The following resolution was adopted by the Board of Health on April 18, 2000. This resolution was utilized by the Department of Health and Mental Hygiene every year since 2000. The Department suspends its use on October 31st of each year because the threat of mosquito breeding during cold weather subsides. From March 15, 2010 through October 31, 2010, the Resolution will again be in full force and effect. The Department intends to again fully exercise the authority granted by the Board of Health Resolution, including the immediate abatement of standing water conditions, to prevent the breeding and proliferation of mosquitoes during the 2010 mosquito season. Therefore, in order to ensure proper public notification, the Department of Health and Mental Hygiene is republishing the Resolution in accordance with §17-148 of the Administrative Code of the City of New York.

Resolution of the Board of Health of the
Department of Health and Mental Hygiene
of the City of New York

At a meeting of the Board of Health of the Department of Health and Mental Hygiene held April 18, 2000, the following resolution was adopted:

Whereas, the Board of Health has taken and filed among its records reports that in areas throughout the City of New York there are sunken lots, property below grade, or other places which are insufficiently drained and where water may accumulate and stagnant water may collect; and

Whereas, upon these and other properties, there are household and other items including, but not limited to, tires, flower pots, household or other containers such as, trash, garbage and recycling containers without drainage holes, roof gutters clogged with leaves or other debris, swimming and wading pools, bird baths, swimming pool covers, outdoor plumbing fixtures and hose bibs dripping water to the ground and other materials, appurtenances and fixtures which allow the accumulation of water; and

Whereas, such accumulations of water create conditions conducive to insect life in general, and to the breeding and nurturing of mosquitoes in particular; and

Whereas, certain mosquitoes have been found to harbor viral diseases, including West Nile Virus/encephalitis, which are transmissible to and may be fatal to humans; and

Whereas, mosquitoes breed rapidly, and the potential presence of West Nile Virus is immediately dangerous to life and health; and

Whereas, the Board of Health regards the aforesaid reports as sufficient proof to authorize the declaration that any accumulations of water in which mosquitoes may breed are in a condition and in effect immediately dangerous to human life and health and constitute a public nuisance; and

Whereas, immediate abatement of such nuisances is necessary to prevent the breeding and proliferation of infectious mosquitoes; and

Whereas, personal service or service pursuant to subdivisions (a) or (b) of §17-148 of the Administrative Code of the City of New York of orders requiring the abatement of such nuisances and conditions in effect dangerous to life and health upon each of the persons who, pursuant to the provisions of Title 17 of the Administrative Code of the City of New York, has a duty or liability to abate such nuisances and conditions, would result in a delay prejudicial to the public health, welfare, and safety; now, therefore, be it

Resolved, that the Board of Health hereby declares that such places having an accumulation of water capable of breeding mosquitoes are in a condition and in effect immediately dangerous to life and health and constitute a public nuisance; and be it further

Resolved, that the Board of Health hereby declares that such nuisances are widespread throughout the City; and be it further

Resolved, that all persons who, pursuant to the provisions of Title 17 of the Administrative Code of the City of New York and such other chapters, titles, sections, laws or rules as are applicable thereto, have the duty or liability to abate such nuisances and conditions in effect dangerous to life and health, are hereby ordered to forthwith abate such nuisances and conditions in effect dangerous to life and health by eliminating such accumulations of water and the conditions conducive to further accumulation, or by otherwise eliminating the capacity of accumulated water to support mosquito breeding; and be it further

Resolved, that in the event that such persons or any of them shall fail to comply with this order within five days after service thereof pursuant to §17-148 of the Administrative Code of the City of New York, the Department of Health and Mental Hygiene is hereby authorized and directed to take all necessary steps to forthwith secure the abatement of said nuisances and conditions in effect dangerous to life and health.

Resolved further, that this resolution shall take effect immediately.

(As adopted by the Board of Health on April 18, 2000)

A TRUE COPY
Rena S. Bryant
Secretary to the Board of Health

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CITY PLANNING

■ NOTICE

CONDITIONAL NEGATIVE DECLARATION

Project Identification

CEQR No. 09DCP063Q
ULURP No. 090356ZSQ
SEQRA Classification: Unlisted

Lead Agency

City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
(212) 720-3423

Name, Description, and Location of Proposal:

72-25 Woodhaven Boulevard

The proposed action involves a Special Permit pursuant to Section 74-922 of the Zoning Resolution (ZR). The proposed action would facilitate a proposal by the applicant, Woodhaven Realty LLC, to develop a commercial establishment over 10,000 square feet located at 72-25 Woodhaven Boulevard (Block 3884, Lot 2) in Community District 6, Queens.

The site is in an M1-1 zoning district at the southeastern intersection of Woodhaven Boulevard and Metropolitan Avenue and is currently occupied by a 55,000 square foot vacant bowling alley with a 49 space accessory parking lot. The proposed action would facilitate the conversion of the bowling alley to a Use Group 10A retail establishment. Retail establishments over 10,000 square feet in area are not allowed as-of-right within M1-1 districts. Absent the proposed action, the site would be redeveloped as a bowling alley, which for purpose of the reasonable worst case development screening, is assumed to be a furniture store. The analysis year is 2010.

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated February 19, 2010 prepared in connection with the ULURP Application (090356ZSQ). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

1. The applicant agrees via a restrictive declaration to prepare hazardous materials sampling protocols, including a health and safety plans, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocols and, if any such impact is found, submit hazardous material remediation plans including health and safety plans to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plans.

Supporting Statement:

The above determination is based on an environmental assessment which finds that:

1. A Phase I Environmental Site Assessment (ESA) dated January 14, 2009, was prepared for the project site (Block 3884, Lot 2). The Phase I ESA was reviewed by DEP's Office of Environmental Planning and Assessment. Pursuant to a letter dated October 27, 2009. Phase II testing was

recommended by DEP due to the potential presence of hazardous materials on the site as a result of past and present adjacent land uses. As such, the restrictive declaration requires that detailed Phase II testing would occur and is binding upon the property's successors and assigns. The restrictive declaration, executed January 19th, 2010 and recorded January 21, 2010, establish an agreement to test and identify any potential hazardous materials impacts pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan, including a health and safety plan, to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan. The restrictive declaration also restrict the manner in which the property may be developed or redeveloped, by requiring the sampling protocol and remediation measures to serve as a condition precedent to any change of use in any such development or redevelopment of the property.

Pursuant to a letter from the DEP dated February 18, 2010, the DCP is in receipt of a signed copy of a DEP-approved restrictive declaration with proof of recording for the site. Consequently, no significant adverse impacts related to hazardous materials will occur.

It is fully agreed and understood that if the foregoing conditions, modification, and alterations are not fully incorporated into the proposed action, this Conditional Negative Declaration shall become null and void. In such event, the applicant shall be required to prepare a Draft Environmental Impact Statement before proceeding further with said proposal.

This Conditional Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

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CULTURAL AFFAIRS

■ NOTICE

Invitation to Apply

The Office of the Mayor is seeking proposals from eligible City agencies, other public entities and nonprofit tax-exempt 501(c)(3) organizations providing services in the City of New York, for projects eligible for funding through the National Endowment for the Arts Mayor's Institute on City Design 25th Anniversary Initiative. Deadline for submissions is **March 8, 2010**. For more information and to download application materials, please go to www.nyc.gov.

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CHANGES IN PERSONNEL

DEPARTMENT FOR THE AGING
FOR PERIOD ENDING 02/05/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
REYNOLDS	DOROTHY	09749	\$7.2500	RESIGNED	YES	12/16/09
SANCHEZ	DIGNA E	10026	\$140461.0000	APPOINTED	YES	01/10/10
SMALL	LYNNE E	09749	\$7.2500	RESIGNED	YES	10/04/09
SMALL	ROBERT R	09749	\$7.2500	RESIGNED	YES	10/18/09
SORIANO	RAMIRO	09749	\$7.2500	RESIGNED	YES	01/08/10
SOROA	AIDA	52441	\$2.6500	APPOINTED	YES	01/10/10
TERRERO	ANGEL M	09749	\$7.2500	RESIGNED	YES	08/20/09
WEBER	LILLIAN	09749	\$7.2500	RESIGNED	YES	09/06/09
WILLIAMS	REGINALD	52441	\$2.6500	RESIGNED	YES	07/26/09
WILSON	LLOYD A	09749	\$7.2500	APPOINTED	YES	01/10/10
WRIGHT, SR	THOMAS	09749	\$7.2500	RESIGNED	YES	12/02/09
XU	YUCHENG	09749	\$7.2500	APPOINTED	YES	01/10/10
YEUNG	SHUET WA	09749	\$7.2500	APPOINTED	YES	01/10/10

CULTURAL AFFAIRS
FOR PERIOD ENDING 02/05/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
HENEGAN	EDITH	60496	\$62934.0000	RETIRED	YES	01/22/10
WILSON	JOHNESE R	60495	\$20.1900	RESIGNED	YES	01/17/10

FINANCIAL INFO SVCS AGENCY
FOR PERIOD ENDING 02/05/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
BROWN	EDWARD	10050	\$115000.0000	RETIRED	YES	12/03/09
BROWN	EDWARD	13632	\$100371.0000	RETIRED	NO	12/03/09

DEPARTMENT OF JUVENILE JUSTICE
FOR PERIOD ENDING 02/05/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
DIVINCENZO	ROMINA S	10252	\$35285.0000	RESIGNED	YES	01/16/10
MCNEILL	SIDNEY L	52295	\$40224.0000	DISMISSED	NO	01/29/10
THOMAS	MELANIE	52295	\$40224.0000	RESIGNED	NO	01/20/10

OFF OF PAYROLL ADMINISTRATION
FOR PERIOD ENDING 02/05/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
KOFMAN	YELENA	13631	\$38.0500	INCREASE	NO	01/17/10
MARIA THOMAS	ORQUIDEA	10209	\$10.2600	RESIGNED	YES	01/24/10

INDEPENDENT BUDGET OFFICE
FOR PERIOD ENDING 02/05/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
PARK	MOLLY R	10026	\$76500.0000	RESIGNED	YES	06/11/06

TAXI & LIMOUSINE COMMISSION
FOR PERIOD ENDING 02/05/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
ABADA	ROBINSON O	35116	\$39205.0000	RESIGNED	NO	01/22/10
RAHMAN	MOHAMMAD L	35116	\$39205.0000	RESIGNED	NO	01/08/10
TAYLOR	BERNADET H	95937	\$39.4700	RESIGNED	YES	01/23/10

PUBLIC SERVICE CORPS
FOR PERIOD ENDING 02/05/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
ARCE	JANET	10209	\$7.2500	RESIGNED	YES	01/10/10
BELLO	FRANCHES	10209	\$9.0000	APPOINTED	YES	09/08/09
BIKOFSKY	JASON I	10209	\$9.0000	APPOINTED	YES	09/08/09
CACHO COLON	CINDIRA O	10209	\$8.0000	APPOINTED	YES	11/01/09
DE GRASSE	DEVON	10209	\$8.5000	APPOINTED	YES	09/17/09
FARRUGGIA	JULIANE C	10209	\$13.0000	RESIGNED	YES	01/21/10
GARCIA	JOSE	10209	\$9.0000	APPOINTED	YES	08/28/09
GREEN	TIFFANY S	10209	\$9.0000	APPOINTED	YES	01/03/10
LIGON	JEANETTE M	10209	\$8.1000	APPOINTED	YES	10/01/09
MILTON	KIANA C	10209	\$8.5000	RESIGNED	YES	01/24/10
OBLEANIS	ROBIN R	10209	\$9.1000	APPOINTED	YES	01/11/10
WILLIAMS	SHANDEL L	10209	\$7.5000	RESIGNED	YES	01/13/10

OFFICE OF LABOR RELATIONS
FOR PERIOD ENDING 02/05/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
JOHNSEN	STEVEN C	06408	\$46270.0000	RESIGNED	YES	01/16/10

HUMAN RIGHTS COMMISSION
FOR PERIOD ENDING 02/05/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
CUGGY	OLIVIA M	30087	\$69085.0000	INCREASE	YES	01/17/10

COMMUNITY COLLEGE (BRONX)
FOR PERIOD ENDING 02/05/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
AHMED	TANZINA	04294	\$75.6467	APPOINTED	YES	01/17/10
ANDERSON	ODALISA	10102	\$10.0000	APPOINTED	YES	01/10/10
BECKWITH III	FRANK	10102	\$10.0000	APPOINTED	YES	01/20/10
BRATHWAITE	CAROL	04294	\$32.4200	APPOINTED	YES	01/17/10
BROWN	JUSTIN	04294	\$64.8400	APPOINTED	YES	01/28/10
BUENTELO	RUSSELL J	04293	\$36.7650	APPOINTED	YES	01/17/10
CAICEDO	DAVID A	04294	\$32.4200	APPOINTED	YES	01/17/10
CARUSO	CHRISTIN	04294	\$32.4200	APPOINTED	YES	01/17/10
CASTILLO	MARIA	10102	\$10.0000	APPOINTED	YES	01/28/10
CHAFFIE	MARK H	04096	\$46328.0000	APPOINTED	YES	01/28/10
CHRISTOPHER	EZRA A	10102	\$12.0000	APPOINTED	YES	01/04/10
COLE	JODY	04294	\$75.6467	APPOINTED	YES	01/17/10
CONWAY	MOIRA	04294	\$32.4200	APPOINTED	YES	01/17/10
CRACCO	NICOLAS	04688	\$38.9100	APPOINTED	YES	12/01/09
CUKRAS	GRACE	04605	\$58.6267	APPOINTED	YES	01/17/10
DARBES	TASHA L	04688	\$38.9100	APPOINTED	YES	12/14/09
DARBES	TASHA L	04096	\$46328.0000	APPOINTED	YES	01/28/10
DARGE	PATRICK	10102	\$10.0000	APPOINTED	YES	01/10/10
DAVATZ	HOLLY	04096	\$46328.0000	APPOINTED	YES	01/28/10
DAVIS	SARA	04096	\$46328.0000	APPOINTED	YES	01/28/10
DESIMONE	ARLENE A	04688	\$37.7700	APPOINTED	YES	09/29/09
DUHIG	CHRISTIN	04096	\$46328.0000	APPOINTED	YES	01/28/10
EGAN	MOIRA	04065	\$45329.0000	INCREASE	YES	01/31/10
ETUKUDO	NSE	04688	\$38.9100	APPOINTED	YES	12/16/09
FELIZ	ZAIRYS	10102	\$13.0000	APPOINTED	YES	01/04/10

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READER'S GUIDE

The City Record (CR) is, published each business day and includes notices of proposed New York City procurement actions, contract awards, and other procurement-related information. Solicitation notices for most procurements valued at or above \$100,000 for information technology and for construction and construction related services, above \$50,000 for other services, and above \$25,000 for other goods are published for at least one day. Other types of procurements, such as sole source, require notice in the City Record for five consecutive days. Unless otherwise specified, the agencies and offices listed are open for business Mondays thru Fridays from 9:00 A.M. to 5:00 P.M. except legal holidays.

NOTICE TO ALL NEW YORK CITY CONTRACTORS

The New York State Constitution ensures that all laborers, workers or mechanics employed by a contractor or subcontractor doing public work are to be paid the same wage rate that prevails in the trade where the public work is being done. Additionally, New York State Labor Law §§ 220 and 230 provide that a contractor or subcontractor doing public work in construction or building service must pay its employees no less than the prevailing wage. Section 6-109 (the Living Wage Law) of the New York City Administrative Code also provides for a "living wage", as well as prevailing wage, to be paid to workers employed by City contractors in certain occupations. The Comptroller of the City of New York is mandated to enforce prevailing wage. Contact the NYC Comptrollers Office at www.comptroller.nyc.gov, click on Labor Law Schedules to view rates.

New York City's "Burma Law" (Local Law No. 33 of 1997) No Longer to be Enforced. In light of the United States Supreme Court's decision in **Crosby v. National Foreign Trade Council**, 530 U.S. 363 (2000), the City has determined that New York City's Local Law No. 33 of 1997 (codified in Administrative Code Section 6-115 and Charter Section 1524), which restricts City business with banks and companies doing business in Burma, is unconstitutional. This is to advise, therefore, that the language relating to Burma contained in existing New York City contracts may not be enforced.

CONSTRUCTION/CONSTRUCTION SERVICES OR CONSTRUCTION RELATED SERVICES

The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination.

VENDOR ENROLLMENT APPLICATION

New York City procures approximately \$7 billion worth of goods, services, construction and construction-related services every year. The NYC Procurement Policy Board Rules require that agencies primarily solicit from established mailing lists called bidder/proposer lists. To register for these lists-free of charge-, prospective suppliers should fill out and submit the NYC-FMS Vendor Enrollment application.

- Online at <http://nyc.gov/selltonyc>

- To request a hardcopy application, call the Vendor Enrollment Center at (212) 857-1680.

Attention Existing Suppliers:

Even if you already do business with NYC agencies, be sure to fill out an application. We are switching over to citywide, centralized Bidders Lists instead of the agency-specific lists previously used to issue notices about upcoming contract opportunities. To continue receiving notices of New York City contract opportunities, you must fill out and submit a NYC-FMS Vendor Enrollment application.

If you are uncertain whether you have already submitted an application, call us at (212) 857-1680.

SELLING TO GOVERNMENT TRAINING WORKSHOP

New and experienced vendors are encouraged to register for a free training course on how to do business with New York City. "Selling to Government" workshops are conducted by the Department of Small Business Services, 110 William Street, New York, NY 10038. Morning and afternoon sessions are convened on the first Tuesday of each month. For more information, and to register, call (212) 618-8845.

PRE-QUALIFIED LIST

New York City procurement policy permits agencies to develop and solicit from pre-qualified lists of vendors, under prescribed circumstance. When it is decided by an agency to develop a pre-qualified list, criteria for pre-qualification must be clearly explained in the solicitation and notice of the opportunity to pre-qualify for that solicitation must be published in at least five issues of the CR.

Information and qualification questionnaires for inclusion on such list may be obtained directly from the Agency Chief Contracting Officer at each agency, (see Vendor Information Manual). A completed qualification Questionnaire may be submitted to the Chief Contracting Officer at any time, unless otherwise indicated and action (approval or denial) shall be taken by the agency within 90 days from the date of submission. Any denial or revocation of pre-qualified status can be appealed to the Office of Administrative Trials and Hearings, (OATH), Section 3-11 of the Procurement Policy Board Rules describes the criteria for the general use of pre-qualified lists.

NON-MAYORAL ENTITIES

The following agencies are not subject to Procurement Policy Board rules and do not follow all of the above procedures: City University, Department of Education, Metropolitan Transportation Authority, Health & Hospitals Corporation, Housing Authority. Suppliers interested in applying for inclusion on bidders list should contact these entities directly (see Vendor Information Manual) at the addresses given.

PUBLIC ACCESS CENTER

The Public Access Center is available to suppliers and the public as a central source for supplier-related information through on-line computer access. The Center is located at 253 Broadway, 9th floor, in lower Manhattan, and is open Monday through Friday from 10:00 A.M to 3:00 P.M. For information, contact the Mayor's Office of Contract Services at (212) 788-0010.

ATTENTION: NEW YORK CITY MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES

Join the growing number of Minority and Women Owned Business Enterprises (M/WBEs) that are competing for New York City's business. In order to become certified for the program, your company must substantiate that it: (1) is at least fifty-one percent (51%) owned, operated and controlled by a minority or woman and (2) is either located in New York City or has a significant tie to New York City's business community. To obtain a copy of the certification application and to learn more about the program, contact the New York City Department of Small Business Services, 110 William Street, 2nd Floor, New York, New York 10038 (212) 513-6311.

PROMPT PAYMENT

It is the policy of the City of New York to pay its bills promptly. The Procurement Policy Board Rules generally require that the City pay its bills within 30 days after the receipt of a proper invoice. The City now pays interest on all late invoices. The grace period that formerly existed was eliminated on July 1, 2000. However, there are certain types of payments that are not eligible for interest. These are listed in Section 4-06 of the Procurement Policy Board Rules. The Comptroller and OMB determine the interest rate on late payments twice a year, in January and in July.

PROCUREMENT POLICY BOARD RULES

The Rules may also be accessed on the City Website, <http://nyc.gov/selltonyc>

COMMON ABBREVIATIONS USED IN THE CR

The CR contains many abbreviations. Listed below are simple explanations of some of the most common ones appearing in the CR:

- AB Acceptable Brands List
- AC Accelerated Procurement
- AMT Amount of Contract
- BL Bidders List
- CSB Competitive Sealed Bidding (including multi-step)
- CB/PQ CB from Pre-qualified Vendor List
- CP Competitive Sealed Proposal (including multi-step)
- CP/PQ CP from Pre-qualified Vendor List
- CR The City Record newspaper
- DA Date bid/proposal documents available
- DUE Bid/Proposal due date; bid opening date
- EM Emergency Procurement
- IG Intergovernmental Purchasing
- LBE Locally Based Business Enterprise
- M/WBE Minority/Women's Business Enterprise
- NA Negotiated Acquisition
- NOTICE.... Date Intent to Negotiate Notice was published in CR
- OLB..... Award to Other Than Lowest Responsible & Responsive Bidder/Proposer
- PIN..... Procurement Identification Number
- PPB Procurement Policy Board
- PQ Pre-qualified Vendors List
- RS..... Source required by state/federal law or grant
- SCE Service Contract Short-Term Extension
- DP Demonstration Project
- SS Sole Source Procurement
- ST/FED Subject to State &/or Federal requirements

KEY TO METHODS OF SOURCE SELECTION

The Procurement Policy Board (PPB) of the City of New York has by rule defined the appropriate methods of source selection for City procurement and reasons justifying their use. The CR procurement notices of many agencies include an abbreviated reference to the source selection method utilized. The following is a list of those methods and the abbreviations used:

- CSB **Competitive Sealed Bidding** (including multi-step)
Special Case Solicitations / Summary of Circumstances:
 - CP **Competitive Sealed Proposal** (including multi-step)
 - CP/1 Specifications not sufficiently definite
 - CP/2 Judgement required in best interest of City
 - CP/3 Testing required to evaluate
 - CB/PQ/4
 - CP/PQ/4 **CB or CP from Pre-qualified Vendor List/** Advance qualification screening needed
 - DP Demonstration Project
 - SS **Sole Source Procurement/**only one source
 - RS..... Procurement from a Required Source/ST/FED
 - NA Negotiated Acquisition
- For ongoing construction project only:*
- NA/8 Compelling programmatic needs

- NA/9 New contractor needed for changed/additional work
- NA/10 Change in scope, essential to solicit one or limited number of contractors
- NA/11 Immediate successor contractor required due to termination/default
For Legal services only:
- NA/12 Specialized legal devices needed; CP not advantageous
- WA **Solicitation Based on Waiver/Summary of Circumstances** (Client Services/BSB or CP only)
- WA1 Prevent loss of sudden outside funding
- WA2 Existing contractor unavailable/immediate need
- WA3 Unsuccessful efforts to contract/need continues
- IG **Intergovernmental Purchasing** (award only)
- IG/F Federal
- IG/S State
- IG/O Other
- EM **Emergency Procurement** (award only) An unforeseen danger to:
- EM/A Life
- EM/B Safety
- EM/C Property
- EM/D A necessary service
- AC **Accelerated Procurement/**markets with significant short-term price fluctuations
- SCE **Service Contract Extension/**insufficient time; necessary service; fair price
Award to Other Than Lowest Responsible & Responsive Bidder or Proposer / Reason (award only)
- OLB/a anti-apartheid preference
- OLB/b local vendor preference
- OLB/c recycled preference
- OLB/d other: (specify)

HOW TO READ CR PROCUREMENT NOTICES

Procurement Notices in the CR are arranged by alphabetically listed Agencies, and within Agency, by Division if any. The notices for each Agency (or Division) are further divided into three subsections: Solicitations, Awards; and Lists & Miscellaneous notices. Each of these subsections separately lists notices pertaining to Goods, Services, or Construction.

Notices of Public Hearings on Contract Awards appear at the end of the Procurement Section. At the end of each Agency (or Division) listing is a paragraph giving the specific address to contact to secure, examine and/or to submit bid or proposal documents, forms, plans, specifications, and other information, as well as where bids will be publicly opened and read. This address should be used for the purpose specified UNLESS a different one is given in the individual notice. In that event, the directions in the individual notice should be followed. The following is a SAMPLE notice and an explanation of the notice format used by the CR.

SAMPLE NOTICE:

POLICE

DEPARTMENT OF YOUTH SERVICES

■ SOLICITATIONS

Services (Other Than Human Services)

BUS SERVICES FOR CITY YOUTH PROGRAM – Competitive Sealed Bids – PIN# 056020000293 – DUE 04-21-03 AT 11:00 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
NYPD, Contract Administration Unit, 51 Chambers Street, Room 310, New York, NY 10007. Manuel Cruz (646) 610-5225.

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ITEM	EXPLANATION
POLICE DEPARTMENT	Name of contracting agency
DEPARTMENT OF YOUTH SERVICES	Name of contracting division
■ SOLICITATIONS	Type of Procurement action
<i>Services (Other Than Human Services)</i>	Category of procurement
BUS SERVICES FOR CITY YOUTH PROGRAM	Short Title
CSB	Method of source selection
PIN # 056020000293	Procurement identification number
DUE 04-21-03 AT 11:00 am	Bid submission due 4-21-03 by 11:00 am; bid opening date/time is the same.
<i>Use the following address unless otherwise specified in notice, to secure, examine-submit bid/proposal documents; etc.</i>	Paragraph at the end of Agency Division listing giving contact information, or submit bid/information or and Agency Contact address
	NYPD, Contract Administration Unit 51 Chambers Street, Room 310 New York, NY 10007. Manuel Cruz (646) 610-5225.
☛	Indicates New Ad
m27-30	Date that notice appears in City Record

NUMBERED NOTES

Numbered Notes are Footnotes. If a Numbered Note is referenced in a notice, the note so referenced must be read as part of the notice. **1.** All bid deposits must be by company certified check or money order made payable to Agency or Company.