

NEW YORK CITY WATER BOARD

WATER AND WASTEWATER RATE SCHEDULE

EFFECTIVE DATE: July 1, 2005

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Part I - Definitions

As used in these regulations:

1. “Apartment” means that portion of a building consisting of one or more rooms and occupied by one or more persons as a Dwelling Unit, separate and set apart from other rooms or groups of rooms within a building. This classification includes and applies to maisonette apartments, apartment houses, studio apartments, duplex apartments, kitchenette apartments and dormitories. This classification does not include any occupancy previously required to be metered.
2. “Authorized Representative” means any individual or organization who has an original ‘Letter of Authorization’ on file with DEP, signed by the owner of the premises and notarized, designating that individual or organization as the Authorized Representative. If such Letter of Authorization fails to state a specific end date, DEP will deem it to expire one year from the date of notarization.
3. “Bill Date” means the date a bill was issued on DEP’s billing system.
4. “Bill Period” means number of days listed as “Days” on a water and wastewater bill signifying the “to” and “from” dates that service was provided.
5. “Billing Programs” means all of the programs specified in Part VI - Billing Programs.
6. “Boarder, Roomer or Lodger” means a person residing within a household who pays a valuable consideration for residence and who does not occupy the space within the household as an incident of employment.
7. “Commissioner” means the Commissioner of the Department of Environmental Protection (DEP) of the City of New York, or designee.
8. “Complete Application” or a “Reapplication” means a written submission in which all requested information is provided, that is signed by the Applicant, and is accompanied by all other information and documentation required by the Commissioner. If an application is incomplete, program eligibility will be evaluated based on criteria in effect as of reapplication date, and program benefits will commence as of reapplication date.
9. “Customer” means a property owner or Authorized Representative of a property owner.
10. “Delinquent Charges” means charges for which payment has not been received by the Water Board by the “Payment Due By” date as indicated on the face of the bill.
11. “DEP” means the Department of Environmental Protection of the City of New York and its authorized agents.
12. “Deputy Commissioner” means the Deputy Commissioner of the DEP Bureau of Customer Services, or designee.

13. “Dishonored Check” means a check returned unpaid for any cause.
14. “Dishonored Payment Charge” means a charge applied to a customer account due to a Dishonored Check.
15. “Due Date” means the date full payment must be received by the Water Board and is shown as “Payment Due By” on the face of the bill.
16. “Dwelling Unit” means the separate residences of a premises. The number of Dwelling Units is determined by the Certificate of Occupancy or Use or other acceptable records of the Department of Buildings as of the date a request for a Billing Program is approved. Where necessary, DEP may inspect the premises to determine the number of Dwelling Units to be used for billing purposes.
17. “Effective Date” means the date a resolution is adopted by the Water Board, or the date otherwise explicitly specified as the “Effective Date” in this Rate Schedule or in the authorizing resolution approved by the Water Board.
18. “Executive Director” means the Executive Director of the New York City Water Board.
19. “Fiscal Year” means the period from July 1 through June 30.
20. “Flat-Rate Account Reconciliation” means a review of frontage billing to validate the fixture count and to determine that an account is appropriately billed.
21. “Late Payment Charges” (LPC) means interest charges applied to Delinquent Charges.
22. “Metered Premises” is a property or premises that is metered at the point of entry of each water service pipe or at a location approved by the Commissioner.
23. “Regulated Rate” means the rate per million gallons of water supplied to users outside of the City, for water supplied which does not exceed the allowance quantity established in accordance with Section 24-360 of the Administrative Code of the City of New York.
24. “Residential Premises” means a property or premises that is classified as a private dwelling or as a Class A multiple dwelling under the New York State Multiple Dwelling Law.
25. “Room” means that portion of an Apartment or dwelling legally constructed so that it may be used for separate occupancy by one or more persons.
26. “Service Connection” means a service pipe connecting a property or premises to a water main. Property owners are responsible for maintaining Service Connections.
27. “Wastewater Allowance” is a percentage discount that applies to wastewater charges that otherwise would be assessed on a property or premises.

28. “Water Board” or “Board” means the New York City Water Board.
29. “Water Supply System” and “Wastewater System” means, respectively, the water system and wastewater system under the control and jurisdiction of the New York City Water Board.

Part II - Water Rates and Charges

Water and wastewater charges, if not paid when due, constitute a lien upon the premises served and a charge against the owners thereof. Charges apply unless the water tap has been destroyed in the street or shut off at the connection to the water main, by either DEP or a licensed plumber pursuant to valid permits, disconnecting water service to the premises. These charges do not include wastewater service charges set forth in Part III.

Section 1. Metered Water Rates

- A. The charge for water measured by meter is **one dollar sixty-five cents (\$1.65)** per one hundred (100) cubic feet provided. One hundred cubic feet is approximately seven hundred forty-eight gallons.
- B. **Minimum Charge:** The minimum charge imposed for water service is \$0.22 per day per water meter within a Bill Period. The minimum charge will be imposed for any Bill Period in which charges based on actual consumption and computed in accordance with Paragraph A above are less than the minimum charge. There is no minimum charge for fire sprinkler system water meters.

Section 2. Unmetered Water Rates

Rates are per year unless otherwise indicated.

A. Frontage Rates

The annual frontage rates apply to premises either wholly or partly unmetered, and not billed on the basis of any other flat-rate billing program or on metered consumption. A minimum charge for frontage accounts shall consist of Item 1 - Front width of building, which includes the first story, one toilet, one bathtub or shower and one Dwelling Unit. A premises will be subject to the minimum frontage charge if the premises is vacant and sealed, from the date of discovery by DEP or the date certified by another agency of the City of New York, provided that no such adjustment shall exceed the four-year complaint filing period.

Property owners are responsible for notifying DEP of any removal or replacement of a water-consuming fixture. As a general rule, DEP will impose fixture charges through the date the Customer notifies DEP in writing of the removal or replacement of a water-consuming fixture, as confirmed by DEP inspection. An exception to the general rule is permitted where fixture charges are different than the substantiated fixture profile. A substantiated fixture profile can be demonstrated only by i) submission by the Customer to DEP of a valid Certificate of Occupancy

which indicates a fixture profile different from DEP billing records, as confirmed by DEP inspection, or ii) submission by the Customer to DEP of a valid Work Permit issued by the Department of Buildings that indicates the nature and date of stated physical changes made to the property or its water consuming fixtures, as confirmed by DEP inspection. DEP will correct fixture charges based on a substantiated fixture profile from the date of issuance of the Certificate of Occupancy or completion of work indicated in i) or ii) above, provided that no such adjustment shall exceed the four-year complaint filing period.

The annual frontage rates are as follows:

1. Front width of building, which includes the first story, one toilet, one bathtub or shower and one Dwelling Unit.

16 feet and under	<u>\$69.42</u>
Over 16 feet to 18 feet	<u>86.78</u>
Over 18 feet to 20 feet	<u>104.16</u>
Over 20 feet to 22 ½ feet	<u>121.48</u>
Over 22 ½ feet to 25 feet	<u>138.80</u>
Over 25 feet to 30 feet	<u>173.58</u>
Over 30 feet to 37 ½ feet	<u>208.26</u>
Over 37 ½ feet to 50 feet	<u>243.01</u>
Each additional ten (10) feet or part thereof	<u>34.76</u>

2. Each story in excess of one per building 17.36

3. Rear building on any lot or lots with front building thereon, each twenty-five (25) feet front or fraction thereof 86.78
Note: A corner-lot building must pay the rates for front width and stories of building.

B. Extra Dwelling Unit Rate

Each Dwelling Unit in excess of one Dwelling Unit per building. The charge does not apply to buildings or Apartments occupied entirely by Boarders, Roomers or Lodgers. \$79.45

C. Boarder, Roomer or Lodger Rate.

Each Room in a building or Apartment available for occupancy by a Boarder, Roomer or Lodger, in excess of the two (2) Rooms permitted a family, in addition to the Dwelling Unit charge, per person, per Room. \$11.61

D. Fixture Charges and Miscellaneous Rates

1. Bathtub or shower in excess of one (1) per building. \$52.07

1a.	Bathtub located in a kitchen of a Dwelling Unit that has no other Room containing a bath.	<u>23.13</u>
2.	Shower not installed over bathtub, or “sitz” bath, in excess of one (1) per building.	<u>52.07</u>
3.	Bathtub, in barber shop, public house and bathing establishment.	<u>86.78</u>
4.	Outdoor shower or bathtub comprising a section of piping with or without spray attachment, located outside of a building.	<u>86.78</u>
5.	Toilet or urinal in excess of one (1) per building.	
	Ultra low flow toilet, as approved by the Commissioner.	<u>15.89</u>
	All other fixtures.	<u>34.76</u>
6.	Ash lift. Thirty-can or less capacity per day.	<u>52.07</u>
	Each additional thirty-can lift or fraction thereof.	<u>34.76</u>
7.	Backfilling. For each cubic yard, determined on the cubical contents of excavation to be filled with earth.	<u>0.36</u>
8.	Bakery. Each oven.	<u>138.80</u>
9.	Barbershop, beauty, hairdressing and manicuring parlor. Up to and including three (3) chairs or tables.	<u>138.80</u>
	Each additional chair or table.	<u>17.36</u>
10.	Barge. Water for domestic use only.	<u>86.78</u>
11.	Motorboat. Tank capacity (<i>rates given are per month</i>):	
	3,000 gallons or less	<u>130.23</u>
	3,001- 6,000 gallons	<u>260.34</u>
	6,001-12,000 gallons	<u>433.88</u>
	over 12,000 gallons	Use Steamboat Rate (below)
12.	Steamboat. Tank capacity (<i>rates given are per month</i>):	
	12,000 gallons or less	<u>433.88</u>
	12,001 to 20,000 gallons	<u>650.87</u>
	20,001 to 30,000 gallons	<u>867.73</u>
	30,001 to 40,000 gallons	<u>1,084.72</u>

40,001 to 60,000 gallons	<u>1,301.57</u>
60,001 to 100,000 gallons	<u>1,735.43</u>
13. Boiler of boat or portable. Water for hoisting, steam rolling, steam shoveling, dredging, erecting, hauling, pile driving, derricks, diggers, conveyers and all floating or portable steam plants and steamboats, except boats supplying shipping, according to the amount of horsepower used (<i>rates given are per month</i>):	
Up to and including:	
10 horsepower	<u>17.36</u>
15 horsepower	<u>26.39</u>
20 horsepower	<u>34.76</u>
25 horsepower	<u>43.50</u>
30 horsepower	<u>52.07</u>
35 horsepower	<u>60.80</u>
40 horsepower	<u>69.42</u>
45 horsepower	<u>78.17</u>
50 horsepower	<u>86.78</u>
55 horsepower	<u>95.54</u>
60 horsepower	<u>104.16</u>
65 horsepower	<u>112.88</u>
70 horsepower	<u>121.48</u>
75 horsepower	<u>130.23</u>
80 horsepower	<u>138.80</u>
85 horsepower	<u>147.59</u>
90 horsepower	<u>156.20</u>
95 horsepower	<u>164.46</u>
100 horsepower	<u>173.58</u>
Per additional five (5) horsepower or fraction thereof.	<u>8.69</u>
An allowance of 33-1/3 percent in the above rates will be made where condensers are used.	
14. Boiler, permanent, when used exclusively for a purpose not covered by any other fixture charge. Per horsepower.	<u>37.50</u>
15. Boiler testing. Any boat, when engaged or employed in furnishing water in the testing of boilers in other boats, in addition to paying the regular fixed charges.	<u>1,735.43</u>
16. Bottling establishment. Each bottle-washing apparatus, machine or tub.	<u>173.58</u>
17. Café, restaurant, liquor and beer saloon or any store similarly used.	

	For each sink.	<u>86.78</u>
	For each bar.	<u>173.58</u>
	For each pump where the use of water is required.	<u>867.73</u>
18.	Café, dining saloon, luncheonette, lunch counter, restaurant, or other place where food is served for consumption on the premises.	<u>138.80</u>
19.	Caisson sinking and air compressors, per hundred (100) cubic feet.	<u>1.65</u>
20.	Camp. When not furnished with water through an independent service pipe (<i>rates given are per season</i>).	<u>52.07</u>
21.	Compressor (portable). For water used by a compressor of any gasoline-operated apparatus with a return cooling circulating system (<i>rates given are per month</i>).	<u>17.36</u>
22.	Condenser. Per hundred (100) cubic feet.	<u>1.65</u>
23.	Dentist. Each fountain cuspidor.	<u>17.36</u>
24.	Fire line or sprinkler system, in a building. Per tap or connection:	
	Each 1½-inch or smaller	<u>17.36</u>
	Each 2-inch	<u>34.76</u>
	Each 3-inch	<u>52.07</u>
	Each 4-inch	<u>69.42</u>
	Each 5-inch	<u>86.78</u>
	Each 6-inch	<u>104.16</u>
	Each 8-inch	<u>138.80</u>
25.	Fish stand. Each.	<u>173.58</u>
26.	Fish stand for live fish.	<u>433.88</u>
27.	Florist or conservatory.	<u>138.80</u>
28.	Fountain, ornamental or display.	<u>86.78</u>
29.	Garage, connected to the City water supply, located in a building, capacity not more than three cars.	<u>17.36</u>
30.	Horse trough or half-barrel or tub on sidewalk or street.	<u>347.08</u>
31.	Hose connection, faucet, or other plumbing fixture attached to the inside or outside of a building or located at any point on a lot, for garden or lawn watering or street, sidewalk or step washing. Each.	<u>86.78</u>

32.	Ice machine or air conditioning unit, per quarter ton. Air conditioning units requiring a minimum rate of flow of water greater than one-half (½) gallon per minute must be metered	<u>86.78</u>
a)	If equipped with an approved water conserving device, per quarter ton.	<u>13.01</u>
b)	Air conditioning equipment with rated capacity in tons will be charged pro rata from date of installation to date of metering, per year, per quarter ton.	<u>86.78</u>
c)	Such units, when equipped with an approved water conserving device, will be charged pro rata from the date installed to the date when the supply is metered, per year, per quarter ton.	<u>13.01</u>
d)	Air conditioning apparatus not equipped with a refrigerating unit or using water for other than refrigerating uses, for the cleaning or conditioning of the air, for the period between the time the unit is installed and the date when the supply is metered:	
	Less than one-half (½) gallon per minute	<u>69.42</u>
	½ gal. and up to but not including 1 gal./min.	<u>86.78</u>
	1 gal. and up to but not including 2 gal./min.	<u>260.34</u>
	2 gal. and up to but not including 3 gal./min.	<u>347.08</u>
	3 gal. or more per minute, per gallon or fraction thereof.	<u>173.58</u>
33.	Laundry. Each washtub, washing machine or apparatus for washing clothes located in a common area or intended for use by more than one Dwelling Unit.	<u>138.80</u>
33a.	Laundry. Each washtub, washing machine or apparatus for washing clothes located within an individual apartment or intended for use by one Dwelling Unit.	<u>26.47</u>
	Note: The above Fixture Charge No. 33a shall be applied prospectively to:	
	i) Accounts that have been billed for laundry uses pursuant to Fixture Charge No. 33 and such fixtures have been removed from these common areas and replaced with fixtures located in individual dwelling units; and,	
	ii) Newly constructed or substantially renovated properties where clothes washing laundry fixtures are installed in individual dwelling units.	
34.	Milk depot. For the purpose of washing cans or bottles, each washing machine, tub or washing apparatus.	<u>173.58</u>
35.	Photograph gallery. Each faucet or outlet.	<u>138.80</u>
36.	Railroad track repair. For each track gang or group engaged in repair work (per month).	<u>86.78</u>

37.	Rock drilling machine. Water for cooling of drill heads, flushing of jetting drill holes per each one hundred (100) cubic feet of water furnished.	<u>1.65</u>
38.	Sand and steam blasting machine. Water used to wash or clean walls of buildings, per hundred (100) cubic feet.	<u>1.65</u>
39.	Soda or mineral water fountain. One sink or glass washing spray.	<u>138.80</u>
	Each additional sink or glass washing spray.	<u>52.07</u>
40.	Soda, mineral or carbonic water manufacture. Each machine or apparatus (retail).	<u>173.58</u>
	Each machine or apparatus (wholesale).	<u>1,735.43</u>
41.	Stall. In stable, per year.	<u>17.36</u>
42.	Steam presser. For each boiler serving steam to a presser in a tailoring or other establishment where garments are pressed.	<u>34.76</u>
43.	For each store or other independent portion of a building used for business purposes:	
	Hot and cold water available.	<u>138.80</u>
	Hot water only or cold water only available.	<u>69.42</u>
44.	Swimming pool, swimming tank, plunge bath or wading pool. Where located within building or heated so as to be usable on a year-round basis, per each ten (10) cubic feet or fraction thereof.	<u>17.36</u>
44a.	Where located outdoors and not heated so as to be usable on a year-round basis or where located within structures other than buildings but not so as to be usable on a year round basis:	
	Less than two thousand five hundred (2,500) cubic feet.	<u>86.78</u>
	Each additional ten (10) cubic feet or fraction thereof.	<u>5.77</u>
	Note: Where a swimming pool, swimming tank, plunge bath or wading pool is conducted as a business enterprise and admission charged, the supply must be metered.	
45.	Test boring. Each machine used in testing boring (per month).	<u>86.78</u>
46.	Testing of standpipe or other fire line within buildings, per test.	<u>17.36</u>
47.	Wash drill. Per one hundred (100) cubic feet of water furnished.	<u>1.65</u>

48.	Water motor. Where the capacity is not greater than one-hundredth (1/100th) horsepower.	<u>34.76</u>
49.	Unmetered water used in the operation of any machine, apparatus or other facility not previously specified, including hospital fixtures as follows, is charged per hundred (100) cubic feet of water.	<u>1.65</u>
	a) X-Ray machine. Per 100 cubic feet.	<u>1.65</u>
	b) X-Ray therapy. Per 2,000 cubic feet.	<u>33.01</u>
	c) Electronic microscope. Per 10,000 cubic feet.	<u>165.09</u>
	d) Laundry. Where done on premises, 1,750 cubic feet per bed.	<u>28.89</u>
	e) Sterilizer or autoclave. Per 70,000 cubic feet.	<u>1,155.59</u>
	f) Kidney dialysis machine, 100-liter size, per 1,850 cubic feet.	<u>30.55</u>
	g) Kidney dialysis machine, 200-liter size, per 3,700 cubic feet.	<u>61.08</u>

Other Hospital Charges:

50.	A business charge per each floor and per each area where there is a separate business, including lunch counters, gift shops, newspaper and magazine stands, employee cafeterias, etc.	<u>138.80</u>
51.	Each bed or patient.	<u>11.61</u>
52.	a) Each employee residence or dormitory room.	<u>11.61</u>
	b) Each crib or bassinet.	<u>11.61</u>
53.	Canteen machine. Per faucet.	<u>69.42</u>
54.	One or more autopsy tables (one charge).	<u>138.80</u>
55.	Developing tank located in reception room, per faucet.	<u>138.80</u>
56.	Washing machine.	<u>138.80</u>
57.	Single-faucet vending machine.	<u>69.42</u>
58.	Amphitheater with water connection.	<u>138.80</u>
59.	Private hydrant.	<u>165.29</u>

Section 3. Failure to Install a Meter or Remote

An annual surcharge will be imposed equal in amount to 100% of the last annual unmetered water charge when a Customer fails to install a meter or a remote reading device. The surcharge will be applied from July 1, 2000 until the date the installation takes place and, where a meter is installed by a private plumber, the permit for the work has been returned to DEP.

Section 4. Municipalities outside of the City of New York

The Regulated Rate for water supplied to users outside the City from either the Croton or Catskill/Delaware systems that is within the allowance quantities set forth in Section 24-360 of the Administrative Code of the City of New York will not exceed \$646.09 per million gallons.

The rate and charge for water provided to users outside of the City that exceeds the allowance quantities will be equal to the rate and charge for water set forth in Section 1. Metered Water Rates.

Section 5. The City of New York

Water is supplied to the City of New York in accordance with the terms set forth in section 1045-(j) (5) of the New York City Municipal Water Finance Authority Act.

Part III - Wastewater Rates and Charges

Section 1. General Provisions

- A. The owner of any parcel of real property connected or required to be connected to the wastewater system, including but not limited to real property connected with the Wastewater System by means of a private sewer or drain, and any person benefiting from the use of, or services furnished, rendered or made available by the Wastewater System, whether or not the owner of any parcel of real property connected or required to be connected to such system, shall pay a wastewater charge for the use of, or services furnished, rendered or made available by the Wastewater System. In instances where a property is required to be connected and has not connected, charges will be assessed retroactive to the date that the property was required to be connected. In instances where a new sewer is installed, charges will be assessed six months after notification that the new sewer has been installed and made available. In instances where a property has connected to the Wastewater System, charges are assessed from the date of connection.
- B.1. With respect to Steam Utility Customer Condensate Discharges (as hereinafter defined), the person who shall be assessed, and who shall be liable for the payment of, Steam Customer Wastewater Charges (as hereinafter defined) in respect of such Discharges, shall be the Retail Steam Customer purchasing the steam which results in such Discharges. With respect to System Discharges (as hereinafter defined), the person who shall be assessed, and shall be liable for the payment of, Steam System Wastewater Charges (as hereinafter defined) in respect of such Discharges, shall be Con Edison.
2. As used herein, the following terms shall have the meanings set out below:

“Con Edison” shall mean the Consolidated Edison Company of New York, Inc or any successor corporation or entity acceding to the wholesale distribution of steam to retail customers in New York City.

“Retail Steam Customers” shall mean persons, firms and entities which purchase, directly from Con Edison, steam sold by Con Edison and distributed to properties owned, leased, or otherwise occupied or used by them.

“Steam Customer Wastewater Charges” shall mean wastewater charges for Steam Utility Customer Condensate Discharges.

“Steam System” shall mean the system owned and operated by Con Edison to distribute steam to properties in the City.

“Steam System Wastewater Charges” shall mean wastewater charges for System Discharges.

“Steam Utility Customer Condensate Discharges” shall mean discharges to the City’s sewer system, at any property served by the Steam System, resulting from the condensation of steam purchased by a Retail Steam Customer for, and delivered by Con Edison to, such property. Steam Utility Customer Condensate Discharges shall not include any System Discharges.

“System Discharges” shall mean any discharges to the City’s sewer system from the condensation of steam distributed by Con Edison at any point along the route of the Steam System up to the property line of properties receiving steam from such System.

Section 2. Property Supplied with System Water

The wastewater charge for any property supplied with water from the Water Supply System is one hundred fifty-nine percent (159%) of the charges for water supplied to that property from the system, including any surcharges, unless otherwise provided in this Rate Schedule.

Section 3. Property Supplied with River or Well Water

The wastewater charge for property supplied with river water or water from private wells is one hundred fifty-nine percent (159%) of the amount that would be charged for the quantity of water supplied from such sources if the water were supplied from the Water Supply System at the rates charged for water supplied to metered premises. The owner or occupant of the premises must install an accurately functioning water meter approved by the Commissioner to measure the quantity of water supplied from such sources. If necessary, the Commissioner may estimate the quantity of water supplied from such sources and compute the wastewater charge on the basis of the estimated quantity. If property supplied with river water or water from private wells is also supplied with water from the Water Supply System, the wastewater charge for the property is the sum of the charge computed in accordance with this section and the charges computed in accordance with Section 2 of this Part.

Section 4. Miscellaneous Discharges to the Wastewater System

A charge will be imposed for all introductions of water or wastewater into the Wastewater System as set forth in this Section. Any person or entity or the owner of any property who

introduces water or wastewater into the Wastewater System, other than that originating from water provided by the Water Supply System, private wells or river water, shall pay a sewer use fee equal to the greater of:

- A. \$300; or,
- B. If the discharge is introduced into a sanitary or combined sewer and could flow to a treatment plant, 159% of the amount that would be imposed if the discharge originated from water provided by the Water Supply System; or,
- C. If the discharge is introduced into a storm sewer or other facility such that it does not receive treatment services, 38% of the amount that would be imposed if the discharge originated from water provided by the Water Supply System.

The Commissioner may estimate the quantity of such water or wastewater introduced into the Wastewater System and compute a charge based upon the estimated quantity.

Section 5. Wastewater Charges for Properties Receiving Service from a Private Wastewater Treatment Plant That Does Not Discharge into the Sanitary or Combined Sewage Transmission Network

The wastewater charge for a property that discharges wastewater that is partially or fully treated by a private wastewater treatment plant that in turn discharges treated wastewater into either a storm sewer, water body, culvert or stream is thirty-eight percent (38%) of the charges for water supplied to the property from the Water Supply System. In the case of a property where water supply is provided by a private well or river water, the wastewater charge will be equal in amount to thirty-eight percent (38%) of the charge that would have been assessed for the quantity of water from such source if the water were supplied from the Water Supply System at the rates charged for water supplied to metered premises. This section does not apply to instances where treated or untreated wastewater is discharged to the City sewer system for treatment.

Section 6. Wastewater Allowances: Commercial or Industrial Property

A. Definitions

As used in this Section, the following terms have the respective meanings below:

1. “AC/R Wastewater Allowance” means a standard wastewater allowance for an air conditioning or refrigeration system in accordance with this Section.
2. “Applicant” means a Customer, owner or Authorized Representative applying for a Wastewater Allowance.
3. “Application” means a written request for a Wastewater Allowance filed by an Applicant with DEP.

4. “Complete Application” means a written submission in which all requested information is provided, that is signed by the Applicant, and is accompanied by all other information and documentation required by the Commissioner, including without limitation:
 - (a) proof of authorization satisfactory to the Commissioner (if the application is signed by an Authorized Representative of the owner); and,
 - (b) proof satisfactory to the Commissioner that the system is metered and that the meter is functioning properly.
5. “Wastewater Allowance” means any wastewater allowance that may be applied for under this Section, including among others, an AC/R Wastewater Allowance. A Wastewater Allowance represents a percentage discount that applies to wastewater charges that otherwise would be assessed on a property or premises.

B. Wastewater Allowances - General

Water consumption that is exclusively used for a commercial or industrial purpose and separately metered, where the process is such that water supplied is not discharged entirely into the Wastewater System, may be eligible for a Wastewater Allowance in accordance with the provisions of this Section.

A process is eligible for a Wastewater Allowance if the water supply to the process is fully metered to the satisfaction of DEP. DEP may require the installation of sampling or gauging instruments, or approved wastewater discharge meters, if, in the opinion of the Commissioner, the equipment is necessary to verify or monitor flows or discharges for the purpose of determining actual charges or allowances. The owner is responsible for the cost of such meters or instrumentation, their installation and their maintenance. Owners shall maintain these meters to ensure that the meters or instrumentation are registering accurately within industry standards.

A Wastewater Allowance previously granted will be revoked if any delinquent charge remains unpaid after written notice of the delinquency is provided to the Customer by DEP or the Board. If a Wastewater Allowance is revoked due to a delinquency, any reinstatement will be prospective only effective as of the date full payment is received.

A property is not permitted to simultaneously have more than one Standard Wastewater Allowance applied to a single meter. If an Applicant requests more than one Standard Wastewater Allowance per meter, the Applicant must comply with Section F of this part, Exceptions to Standard Allowances.

C. Applications for Wastewater Allowances

1. A Wastewater Allowance will be granted upon satisfaction of the following conditions:
 - (a) The Applicant for the Wastewater Allowance files a Complete Application with DEP on such forms as the Commissioner prescribes; and,

- (b) The written Application includes, among other items that the Commissioner may specify, a copy of all required licenses necessary for business operation; and,
 - (c) DEP, after review of the Application, determines that the Application is a Complete Application and that the Applicant is eligible for the Wastewater Allowance in accordance with this Section; and,
 - (d) DEP determines that there are no billed and delinquent water or wastewater charges owed to the Water Board or to the New York City Department of Finance for the property, and there are no billed and delinquent real property taxes owed to the City for the property in question.
2. DEP may reject any Application which, at the time of filing, is missing one or more items of information or documentation that is required in order to make the Application a Complete Application.
 3. An Applicant whose Application has been rejected in accordance with paragraph (2) above may re-file the Application upon inclusion of the information or documentation that DEP previously determined to be missing.

D. Wastewater Allowances: Granting of Allowances; Prospective Only; Expiration

Upon receipt by DEP of a Complete Application, and a determination that the Applicant is eligible for a Wastewater Allowance in accordance with this Section, DEP will, by written notice to the Applicant, grant the Allowance, which will be prospective only, starting from the date the complete application is filed with DEP, and such wastewater allowance will expire two years from such date. The Applicant must apply for a renewal of a Wastewater Allowance by submitting a written Application before the expiration of the two-year period on such forms and with such requirements as the Commissioner prescribes, in accordance with the provisions of this Section.

E. Standard Wastewater Allowances

The following Standard Wastewater Allowances are authorized for any property that can demonstrate, to the satisfaction of the Commissioner, that its commercial purpose or process and predominate water use is consistent with the classification indicated for the allowance.

	Business or Water Use	Allowance
1.	Air Conditioning and Refrigeration: (Metered) See Note 1	85%
2.	Bakeries (Wholesale): Includes manufacturers of biscuits, pies, pastries, bread, etc.	40%
3.	Beverages - Soda and Soft Drink Manufacturers	15%
4.	Breweries	30%

5.	Building Construction & Sanitary Purposes (Metered)	90%
6.	Carpet and Rug Cleaning	20%
7.	Cemeteries	50%
8.	Chemical Industry (Flavoring Extractors)	20%
9.	Condiment Manufacturers - Pickles, Relishes, etc.	20%
10.	Confectioners (Wholesale)	10%
11.	Dry Cleaning Plants and Establishments	5%
12.	Florists (Wholesale and Greenhouses)	50%
13.	High Pressure Boilers (for power only)	10%
14.	Ice Cream Manufacturers (Wholesale)	10%
15.	Ice Manufacturers (Wholesale)	85%
16.	Industrial Wiping Cloth Plants	10%
17.	Launderettes: See Note 2	5%
18.	Laundries: (Flat Finish) See Note 2	10%
19.	Laundries: (Wet Wash and Combination) See Note 2	20%
20.	Meat (Wholesale): Processing, Packing and Slaughtering	10%
21.	Metal Products (Finished)	5%
22.	Paint, Varnish and Glue Manufacturers	10%
23.	Plastic Products Manufacturers	10%
24.	Textile: Yarn, Fur Dyers, Shrinkers and Spongers	25%

Note 1: Air conditioning or refrigeration systems of 25 tons and more, using recirculated water, will be authorized a wastewater allowance only when the system is metered to the satisfaction of the Commissioner. The allowance, if authorized, will be 85% of the registered volume based on an assumed 15% of water discharged into the Wastewater System for blow-down or bleed-off. This allowance also applies to Residential Premises.

Note 2: Launderettes are defined as establishments who service a predominately residential population using primarily coin-operated washers and dryers, which either allow customers to do their own washing or drying, or offer drop-off and pick-up service; Laundries (Flat Finish) are defined as establishments that perform pressing (flat finishing) exclusively; Laundries (Wet Wash and Combination) are defined as establishments that do washing or drying exclusively for commercial customers.

F. Exceptions to Standard Wastewater Allowances

Exceptions to the Standard Wastewater Allowances may be authorized in accordance with the provisions of this Section.

1. An exception to the Standard Wastewater Allowance will be granted upon satisfaction of the following conditions in addition to satisfaction of those conditions required for a Standard Wastewater Allowance:
 - a. The Application must include a certification by a professional engineer licensed to practice in the State of New York, as to the amount of fluid and solid material discharged to the municipal Wastewater System (including wastewater from all sources, such as well water or river water), the amount of water absorbed by the process (and therefore not discharged), and all supporting data and analysis. In addition, such data and analysis must demonstrate any periodic or seasonal variations (including but not limited to maximum and minimum quantities) in process absorption. The certification must also include:
 - i. A complete detailed description of all connections of the property and the commercial or industrial processes with the municipal Wastewater System, and with all private sewers or drains discharging into the municipal Wastewater System or otherwise; and,
 - ii. If the property or process is connected to or utilizes wastewater disposal facilities other than those of the municipal Wastewater System, a complete detailed description of the facilities; and,
 - iii. A complete listing and description of every source of water supplied or connected to the property or process indicating flow at maximum demand; and,
 - iv. A written statement that the applicant and owner of the property or process, and the subject property or process, are in full compliance with all rules and regulations of DEP, the New York State Department of Environmental Conservation and the United States Environmental Protection Agency with respect to the use and supply of water and use of the municipal Wastewater System, and that any previously cited violations have been satisfied by compliance with the relevant regulation, and that all penalties associated therewith have been paid; and,
 - v. A statement disclosing the names and business addresses of all persons having ownership interest in the property or enterprise doing business at the subject premises. If the property or process is owned or operated by a corporation, the certificate(s) of incorporation must be provided. And,
 - b. Upon review of the Application, DEP determines that the Application is a Complete Application and that the Applicant is eligible for the exception to the Standard Wastewater Allowance in accordance with this Section; and,

- c. DEP determines that there are no billed and delinquent water or wastewater charges owed to the Water Board or to the New York City Department of Finance for the property, and there are no billed and delinquent real property taxes owed to the City for the property.
2. Upon receipt by DEP of a Complete Application for an exception to the Standard Wastewater Allowances, and a determination that the Applicant is eligible for the exception, DEP will, by written notice to the Applicant, grant the exception to the Standard Allowance, which will be prospective only, extending from the date of the determination by DEP. All such allowances shall be rounded to the nearest percentage value evenly divisible by five. An exception to the Standard Wastewater Allowance will expire two years from the date of DEP's determination unless a renewal application is submitted to DEP. A renewal application must include a certification of a professional engineer licensed to practice in the State of New York that states:
 - a. no new uses of water, or changes in the property or process, or in the discharge volume have occurred; and,
 - b. the original certification supplied to DEP is an accurate representation of current and anticipated conditions at the premises; and,
 - c. the original certification is available for inspection by DEP.

Section 7. Steam Condensate Discharges to the Wastewater System

A charge shall be imposed for steam condensate discharges into the wastewater system related to the distribution and sale of steam as an energy source. Steam Customer Wastewater Charges shall be determined based on one hundred cubic feet equivalent units ("HCF Equivalent") representing the quantity of water measured in units of one hundred cubic feet per one thousand pounds of steam ("Mlbs") and is equal to the number of Mlbs units of steam consumption divided by 6.2422.

A. In the case of Steam Utility Customer Condensate Discharges:

1. Retail Steam Customers identified as Steam Classification-1 (SC1-Small Users) the wastewater rate set forth in Section 2 of this Part shall be applied to the amount of water equal to 90% of the HCF Equivalent of its steam consumption as determined by the steam provider.
2. Retail Steam Customers identified as Steam Classification-2 (SC2-Large Commercial) the wastewater rate set forth in Section 2 of this Part shall be applied to the amount of water equal to 67% of the HCF Equivalent of its steam consumption as determined by the steam provider.
3. Retail Steam Customers identified as Steam Classification-3 (SC3-Large Residential) the wastewater rate set forth in Section 2 of this Part shall be applied to the amount of water equal to 76% of the HCF Equivalent of its steam consumption as determined by the steam provider.

- B. In the case of System Discharges into the wastewater system, Steam System Wastewater Charges shall be equal to 6.3% of all amounts billed to Retail Steam Customers.
- C. In cases where the actual discharge of condensate to the sewer system differs significantly from the proportions established above for each Customer’s classification, an application for an alternative allowance may be submitted to DEP under Part III, Section 6.F hereof, Exceptions to Standard Allowances.

Part IV - Miscellaneous Fees and Charges

The following fees apply to water and wastewater services.

Section 1. Dishonored Payment Charge

A charge of \$20.00 will be imposed on each account where a payment is made with a Dishonored Check.

Section 2. Denial of Access

Customers must facilitate access to the meters serving their premises at least once every twelve months. Customers must also facilitate access by DEP to their premises to install a meter and to the meters serving their premises on demand for cause when necessary to inspect, test, repair or replace a meter or remote meter reading devices that may be malfunctioning or have stopped registering. A Denial of Access charge of \$50 will be imposed by the Board on each account for each incident where a Customer fails to facilitate access to the premises either once every twelve months or on demand for cause. This charge shall only be imposed if an owner fails to facilitate access after the issuance by DEP of a written notice to the record owner of the premises and the expiration of a 30-day period from the date of such notice. A bill indicating the imposition of a Denial of Access charge shall be sent to the record owner of the premises and shall be accompanied by a second written notice requiring the owner to facilitate access within the next 30 days. In the event owners continue to deny access to the meters serving their premises after the imposition of a Denial of Access charge and the issuance of a second written notice, DEP may commence termination of service proceedings pursuant to Section 3 of Part VIII of this Rate Schedule.

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Miscellaneous Fees and Charges for Water Service

1. **Hydrant Use Fee** - This fee is a daily charge for use of a hydrant to provide water for various activities, including, but not limited to, mixing cement, wetting buildings, sandblasting and other forms of construction.
 Fee: \$55.00 for each 30 day period or portion thereof.
 \$13.50 per day for water use
2. **Water Connection Fee** - This fee is for administrative costs associated with allowing a property to connect to the Water System.
 Fee: \$200.00 for water connections
3. **Meter Permits** - This fee is for administrative costs associated with permit processing and maintaining an accurate meter record.
 Fee: \$35.00 for 5/8" - 2" meter
 \$75.00 for 3" meter or larger
4. **Meter Accuracy Tests** - This fee is to measure the recording accuracy of a meter at a Customer's request.
 Fee: \$180.00 for all domestic and fire meters

5. **Special Meter Reading** - This fee is for each meter reading requested on a date other than a scheduled meter reading date.

Fee: \$75.00 for 1st Meter
 \$25.00 each additional meter at same location

6. **Title Meter Reading or Flat-Rate Account Reconciliation** - This fee is to validate water and sewer charges upon transfer of property ownership to ensure that a property will not be billed retroactively.

Fee: \$25.00

7. **Minor Sales** - This fee is charged for the sale of minor materials, such as elbow joints and water taps, to contractors and utilities to expedite the completion of a job.

Fee: Cost of materials plus 10 percent

8. **Hydrant Flow Test** - This fee is for testing conducted to measure pressure adequacy of hydrants for fire fighting purposes.

Fee: \$250.00

9. **Building Purpose Charges** - This charge applies only to unmetered premises and are assessed for water used in new construction, alterations, outdoor paving, highway construction, and interior construction in new and rehabilitated buildings. For alterations or rehabilitations of unmetered buildings which do not substantially improve or alter the property, as defined in Local Law 53 of 1985, there is no fee for water used. For new construction alterations or rehabilitations which substantially improve or alter the property as defined in Local Law 53 of 1985, a water meter must be installed before any water from the property is used for the new construction, alteration or rehabilitation. Charges will be assessed based upon the standard metered rate as provided in Part II, Section 1. A hydrant use fee, as provided in Part IV, Section 1, No. 1, will be imposed for any water supplied through a connection to a fire hydrant. In any case where the Commissioner determines that a hydrant use fee is not representative of the amount of water to be used during construction, the Commissioner may install a temporary construction meter. Charges will be assessed based upon the standard metered rate as provided in Part II, Section 1.

10. **Water Tap Fees** - This fee is for the permit, labor and materials related to the installation of a water tap connecting the water main to the service pipe of a newly constructed building or replacing water taps for an existing building. Fees vary according to tap size and whether or not DEP provides the tap. For tap sizes larger than 2" see "Wet Connection Fees".

<u>Tap Size</u>	<u>DEP Tap</u>	<u>Without Tap</u>
¾"	\$258.00	\$250.00
1"	\$262.00	\$250.00
1½"	\$280.00	\$250.00
2"	\$295.00	\$250.00

11. **Wet Connection Fees** - This fee is for the permit, labor and materials related to the installation of a water wet connection connecting the water main to the service pipe of a newly constructed building or replacing water wet connections for an existing building. See Wet Connection Fee Schedule below.

Note: The fee for a tap size not specified in the following table is the fee for the next largest tap size.

<u>Size</u>	<u>Valve</u>	<u>Wet Connection Fees</u>		<u>Total</u>
		<u>Sleeve</u>	<u>Labor & OTPS</u>	
6" x 2"	\$56	\$261	\$ 1,200	\$1,517
6" x 3"	280	368	1,200	1,848
6" x 4"	304	346	1,200	1,850
8" x 3"	280	308	1,200	1,788
8" x 4"	304	352	1,200	1,856
8" x 6"	380	412	1,200	1,992
12" x 3"	280	301	1,200	1,781
12" x 4"	304	407	1,200	1,911
12" x 6"	380	444	1,200	2,024
12" x 8"	550	696	1,200	2,446
16" x 3"	280	442	1,200	1,922
16" x 4"	304	495	1,200	1,999
16" x 6"	380	537	1,200	2,117
16" x 8"	550	788	1,200	2,538
16" x 12"	895	788	1,200	2,883
20" x 3"	280	404	1,200	1,884
20" x 4"	304	790	1,200	2,294
20" x 6"	380	828	1,200	2,408
20" x 8"	550	1,180	1,200	2,930
20" x 12"	895	1,453	1,200	3,548
24" x 3"	280	481	1,200	1,961
24" x 4"	304	585	1,200	2,089
24" x 6"	380	798	1,200	2,378
24" x 8"	550	1,228	1,200	2,978

12. **Water Shut Off** - This fee is levied when DEP shuts off a Customer's water service at the tap.
Fee: \$500.00
13. **Tap or Wet Connection Plug** - This fee is for administrative costs and to certify that a tap or wet connection is no longer in use.
Fee: \$200.00
14. **Tap Location Fee** - This fee is for a tap location through the use of an electrical indicator.
Fee: \$375.00
15. **Hose Connections** - This fee is for the use of a hose connection to connect hoses for activities such as lawn sprinkling.
Fee: \$75.70 per year

16. **Ship Connections** - This fee is for tugboats and other vessels connecting to the City water supply on a pier, wharf or bulkhead.
Fee: \$53.63 plus \$1.44 per hcf of consumption
17. **Meter Installation**- This fee is for installing a meter, setter, or remote in basement (cut-in).
Fee: DEP's recent contract prices for similar work or in the absence of a recent contract price, some other reasonable measure.
18. **Install Meter Pit at Customer's Request** - This fee is for installing a meter pit at Customer's request for a new installation, where plumbing configuration does not require a pit.
Fee: DEP's recent contract prices for similar work or in the absence of a recent contract price, some other reasonable measure.
19. **Repair/Replace Meter Due to Customer's Vandalism or Other Action** - Charges levied when failure of the meter or components is due to vandalism or other action by the Customer.
Fee: DEP's recent contract prices for similar work or in the absence of a recent contract price, some other reasonable measure.
20. **Private Water Main Review and Inspection** - This fee is for the review and inspection of private water main constructions.
Fee: Water main diameter less than 8" \$1.15 per foot or part
Water main diameter 8" or greater \$1.95 per foot or part
21. **Service Call** - This fee is for a service inspection at the request of the Customer and the complaint is found to be outside the jurisdiction of DEP.
Fee: \$75.00

Miscellaneous Fees and Charges for Wastewater Service

1. **Sewer Connection Fee** - This fee is for the review and administrative costs associated with allowing a property to connect to the Wastewater System.
Fee: \$200.00
2. **Manhole, Catch Basin/Basin Connection or Seepage Basins Permits** - This fee is for the issuance of permits for the construction of new manholes, catch basin/basin connections and seepage basins.
Fee: \$200.00
3. **Sewer Plugs** - This fee is to certify that a sewer service has been terminated.
Fee: \$200.00
4. **Sewer Connection Review - 1, 2 and 3 Family homes (SD 1 & 2)** - This fee is for the review and administrative costs associated with determining the capability of the Wastewater System to receive wastewater flow from the new connection.
Fee: \$200.00

5. **Site Connection Review - other than 1, 2 and 3 Family homes** - Same as above; in addition, the review requires that catch basins must meet DEP specifications for capacity. \$325.00 minimum.
Fee: \$0.02 per square foot for the first 10 acres.
\$0.015 per square foot for each square foot after 10 acres.
6. **Private Drainage Proposal Review and Amended Drainage Plan Review** - This fee applies to the review of private drainage proposals and amended plans as they relate to work involving public or private wastewater systems.
Fee: \$1,500.00 for the first 100 linear feet.
\$2.00 per linear foot for each foot thereafter.
7. **Private Sewer/Drain Plan Review** - This fee applies to the review of private sewer/drain plans submitted for the construction of private wastewater systems.
Fee: \$1,500.00 for the first 100 linear feet.
\$2.00 per linear foot for each foot thereafter.
8. **Private Sewer/Drain Field Inspection** - This fee is charged for the field inspection of the construction of private wastewater systems.
Fee: \$7.00 per linear foot
9. **Dye Tests** - This fee is charged when, at the request of a Customer, DEP performs a dye test to determine a property's connection to the Wastewater System.
Fee: \$200.00

Part V - Payment and Billing Terms

Section 1. General Provisions

Water and wastewater charges and all unpaid charges are the legal responsibility of the owner of a property receiving water and wastewater service. The owner's responsibility to pay such charges is not affected by non-receipt of bills or any lease, license or other arrangement, or any assignment of responsibility for payment of such charges. Water and wastewater charges constitute a lien on the property until paid. This lien is not removed when property is transferred. As a consequence, property owners and purchasers are advised to obtain a title meter reading or flat rate account reconciliation of billing through the date of property ownership transfer. In addition to legal action against the owner, failure to pay such charges when due may result in foreclosure of the lien by the City of New York, the property being placed in a lien sale by the City or any other collection enforcement remedy available to the Board or DEP, including but not limited to termination of service. All water and wastewater charges must be paid to the New York City Water Board or authorized agents. Full payment must be received by the Due Date to avoid the imposition of Late Payment Charges. Unless otherwise explicitly provided in this Rate Schedule, or by the authorizing resolution approved by the Board, the Effective Date of a rate, charge, program or billing policy is the date of adoption by the Water Board.

Section 2. Owner Registration

Property owners are responsible for ensuring receipt of water and sewer bills and related notices. To this end, property owners must file a Customer Registration Form for Water and Wastewater Billing when a property is acquired or when a change in the mailing address occurs or for any reason necessary to ensure receipt of water and wastewater bills and related notices. Original bills for water and wastewater service and related notices will be mailed to the owner, at the owner's address specified on DEP's Customer Registration Form for Water and Wastewater Billing, which may be obtained by calling the DEP Customer Service Call Center at (718) 595-7000, visiting a borough office of the Bureau of Customer Services (BCS), writing DEP/BCS Customer Service, C.S. 739055, Elmhurst, NY 11373-9055 or visiting DEP's web site www.nyc.gov/DEP. DEP will provide a duplicate copy of bills to one other party (such as a managing agent) if so requested, provided, however, that any failure or delay by DEP in providing duplicate copies of bills shall in no way relieve the owner from their liability to pay all outstanding water and wastewater charges.

Section 3. Late Payment Charges

Late Payment Charges are assessed on all Delinquent Charges, Fees, Dishonored Payment Charges, as well as prior Late Payment Charges. Late Payment Charges are calculated by multiplying all delinquent charges then outstanding by the allocable portion of the annual interest rate established by the City for unpaid real estate taxes on a parcel on which the annual real estate taxes are \$2,750 or less. As of the date of adoption of this Rate Schedule, the annual rate is 9%, subject to change.

Section 4. Remedies and Penalties for Late or Non-Payments

The provisions of the Administrative Code of the City of New York relating to the imposition and collection of water and wastewater rates and charges, and relating to remedies and penalties for late or non-payments continue in full force and effect to the extent not inconsistent with section 1045(j) of the Public Authorities Law and these regulations.

Section 5. Refunds

Credit balances will be applied to future charges and to charges due on other accounts of the same owner. Any remaining credit may be refunded upon the Deputy Commissioner's approval of a complete application and verification of a valid credit subject to the limitations in Part VI Section 1 with respect to credit balances resulting from the application of a Billing Program. A Customer must submit verifiable proof of payment, acceptable to DEP, in addition to the complete refund application. A Customer may elect to transfer an overpayment to another account in lieu of a refund check. Refund applications can be requested by calling the DEP Customer Service Call Center at (718)595-7000, by visiting a borough office of the Bureau of Customer Services (BCS), by writing DEP/BCS Customer Service, C.S. 739055, Elmhurst, NY 11373-9055, or by visiting DEP's web site www.nyc.gov/DEP.

Section 6. Back Billing Limits

As used in this section, “Unbilled Service” means service was provided to a property and no billing transaction(s) for that service period was posted to the records of either the Water Board, DEP or the Department of Finance. “Unbilled Service” does not mean that a paper bill(s) was not provided, or that U.S. Postal Service failed to deliver a bill(s), or that the owner’s name or address was incorrectly recorded in the billing records with the result that a bill(s) was not received or was forwarded to an incorrect party or to an incorrect address.

DEP shall not issue a bill for previously Unbilled Service or upwardly adjust previously issued billing to a property after four years from the time service was provided to such property. A reasonable administrative delay between the end date of the service period being billed, or the date of discovery of an unbilled or under billed period, and the actual new bill issuance date is permitted and not inconsistent with this provision. The Executive Director may establish specific criteria for which a shorter backbilling limit can be applied.

The provisions of this Section do not apply when the culpable conduct of a Customer or a third party caused or contributed to the failure to render timely or accurate billing. Culpable conduct includes, without limitation, failure to provide access to the meter or premises for inspection, failure of a Customer’s plumber or other authorized party to secure or return a meter permit and failure of a Customer to properly protect the meter. Premises in violation of the Certificate of Occupancy or Use, as determined by the NYC Department of Buildings, are not eligible for back billing limits. The provisions of this Section shall not apply to billing unbilled periods or upwardly adjusting bills covering specific periods where such billing periods are contained within a longer period for which a billing adjustment is sought by the Customer provided that the total amount rebilled is less than the total amount billed prior to the billing adjustment. Nothing contained herein shall require DEP to adjust a bill unless a written complaint is filed within four years of the bill date.

Section 7. Exemptions

In accordance with New York State Law (Chapters 893 & 894 of the Laws of 1980), the premises of certain qualifying organizations may be eligible for a full or partial exemption from water and sewer charges. Such premises must meet the eligibility criteria established by law and are subject to certain administrative guidelines established by DEP. Further information including an application for obtaining an exemption may be obtained by calling the DEP Customer Service Call Center at (718) 595-7000, by visiting a borough office of the Bureau of Customer Services (BCS), by writing DEP/BCS Customer Service, C.S. 739055, Elmhurst, NY 11373-9055 or by visiting DEP’s web site www.NYC.gov/DEP.

Part VI - Billing Programs

Section 1. General Provisions

The following conditions apply to all Billing Programs in this Part VI:

- A. Accounts that are delinquent will not be eligible for any Billing Programs until the Customer pays the total amount due in full or enters into a payment agreement with DEP to pay the total amount due. If the terms of a valid payment agreement are subsequently violated, any benefits received under a discretionary billing program after the date of such agreement will be withdrawn and the account's billing will revert to its original status.
- B. Premises in violation of the Certificate of Occupancy or Use, as determined by the NYC Department of Buildings, are not eligible until the violation is corrected. Upon correction of the violation, the Billing Program's benefit will only apply from the date of correction. There will be no retroactive application of benefits for the period during which the premises was in violation.
- C. Credit balances resulting from the application of a Billing Program will be refunded only if the entire credit balance will not be used under normal service usage within one year of the date of application of the Billing Program.
- D. Information on Billing Programs may be obtained by calling the DEP Customer Service Call Center at (718) 595-7000, by visiting a borough office of the Bureau of Customer Services (BCS), by writing DEP/BCS Customer Service, C.S. 739055, Elmhurst, NY 11373-9055 or by visiting DEP's web site www.nyc.gov/DEP. Requests for Billing Programs must be made in writing to DEP/BCS Customer Service, C.S. 739055, Elmhurst, NY 11373-9055.

Section 2. Adjustment of Due Date

Due Dates of water and wastewater bills may be adjusted in accordance with the following:

- A. If a water and wastewater bill becomes delinquent because an escrow arrangement for paying water and wastewater bills expired less than twelve (12) months before the bill date of the original bill, and DEP was provided notice of a change in the account's mailing name and address, and if the property owner brings the correct mailing name and address to the attention of DEP by submitting an appropriate registration card to DEP within twelve months of the Due Date of the original water and wastewater bill, then upon written request to DEP by the property owner or an Authorized Representative, Late Payment Charges will be removed.
- B. A retroactive water and wastewater bill that covers a Bill Period of more than one year may have its Due Date extended for six months from the original Due Date.

Section 3. Innocent Purchaser

DEP is authorized to cancel water and wastewater charges in limited situations for the benefit of an "Innocent Purchaser." To qualify for "Innocent Purchaser" status:

- A. The property transfer must be an "arm's length" transaction; and,

- B. Charges for a Bill Period occurring before the earlier of the final read or Flat-Rate Account Reconciliation date and the property transfer date are billed to the account after the property transfer date (“qualifying charges”); and,
 - 1. If a metered account, a Title Meter Reading must have been properly requested and paid for at a borough office of DEP at least 30 days prior to the property transfer date; or,
 - 2. If a frontage account, a Flat-Rate Account Reconciliation must have been properly requested and paid for at a borough office of DEP at least 30 days prior to the property transfer date.
- C. If a purchaser qualifies as an “Innocent Purchaser”, DEP will cancel the qualifying charges.
- D. The property owner or Authorized Representative must request Innocent Purchaser status in writing within 18 months of the date of the original bill.
- E. The provisions of this section shall not apply where the culpable conduct of the Customer prevents or impedes DEP from securing a final reading or inspection in order to establish a final bill.

Section 4. Cap on Metered Charges

- A. A Residential Premises receiving metered water and wastewater service is eligible to have its metered water and wastewater charges limited to a maximum amount, as set forth in this Section. The maximum metered charge applies to all routine domestic use of water and wastewater service. This provision will not apply to premises that have excessive water use related to a leak, irrigation, commercial processes or recreational activities. A proportional cap for an account receiving only water service may be determined with reference to the rate in effect during the period covered by a specific bill. A mixed-use premises that has both residential and commercial use, with a DEP approved meter on the entire commercial use, may receive a cap on metered charges only for the separately metered residential portion of the premises.
- B. A metered Residential Premises is eligible to have a maximum metered charge (“Bill Cap”) imposed for water and wastewater services if the following conditions are met:
 - 1. The Customer has permitted DEP or DEP’s duly authorized contractor to perform a leak and waste inspection, residential water survey or water audit, and the inspection, survey or audit indicates that no leak or waste condition exists at the premises; and,
 - 2. The property owner has permitted access to the property for the inspection of the premises, or installation, repair, or replacement of a meter or a remote reading device; and,
 - 3. If the premises is a multiple dwelling as defined by the New York State Multiple Dwelling Law, then the building manager or owner must have participated in the

Water Conservation Seminar sponsored by DEP and the NYC Department of Housing Preservation and Development; and,

4. At least 70% of the toilets at the premises are low-consumption toilets.
- C. Bill Cap: The maximum metered charge for any qualified Residential Premises is \$990.70 per year for the first Dwelling Unit and \$660.22 per year per additional Dwelling Unit.
- D. The property owner or Authorized Representative must request in writing a cap on metered charges within 18 months of the date of the original bill.

Section 5. Initial Meter Bill Cap Program for Residential Premises with Five or Fewer Dwelling Units

Initial Meter Bill Cap Program: A premises properly metered under the Universal Metering Program may request that the initial meter bill for the premises be limited to a maximum of one-hundred fifty percent (150%) of the last annual frontage charge assessed on the premises (i.e., last annual frontage charge multiplied by 1.5).

- A. A premises is eligible for a cap on their initial meter bill if:
 1. The initial meter bill is more than the “Initial Meter Bill Cap Amount”. The “Initial Meter Bill Cap Amount” is one-hundred fifty percent of the last annual frontage charge assessed on the premises, adjusted to cover a period of time equal in length to the period of time covered by the initial meter bill. If the last annual frontage charge issued for the premises is greater than three years before the date of the initial meter bill, the Commissioner may determine the Initial Meter Bill Cap amount by adjusting the last annual frontage bill assessed to the frontage charge that would have been assessed for the last full Fiscal Year immediately preceding the Fiscal Year of the meter installation. And,
 2. a. The Customer has permitted DEP or DEP’s duly authorized contractor to perform a leak and waste inspection, residential water survey or water audit and the inspection, survey or audit indicates that no leak or waste condition exists at the premises; or,
 - b. If the inspection, survey or audit indicates that a leak or waste condition exists, the leak or waste condition is corrected within ten (10) days of notification and the Customer submits a report from a licensed plumber that the leak or waste condition was corrected.
- B. If a premises meets the conditions set forth above, DEP will cancel the initial meter bill for the premises and issue a new bill equal to the Initial Meter Bill Cap Amount.
- C. This Section does not apply to an account that was previously metered.

- D. The property owner or Authorized Representative must request in writing the Initial Meter Bill Cap Program within 18 months of the date of the original bill.

Section 6. Transition Program for Residential Premises with Six or More Dwelling Units

The following billing policies apply to newly metered, but previously constructed Residential Premises with six or more Dwelling Units. New construction is not eligible for this Transition Program. A property with metered water charges is not permitted to return to water charges based upon this Transition Program.

- A. A newly metered premises with six or more Dwelling Units will have water and wastewater charges imposed in accordance with the unmetered rate schedules set forth in Part II - Section 2 until the owner requests in writing meter based billing in accordance with Part C of this Section or until this program is revoked or revised by the Water Board, if:
1. The meter or meters were installed by either DEP or a contractor representing DEP or in accordance with Local Law 53 of 1985 or under Regulation No. 1 (the Reimbursable Metering Program, formerly the Window of Opportunity Program); and,
 2. There has been no substantial change in pattern of use or occupancy; and,
 3. The meter set date is on or after July 1, 1992; and,
 4. The premises is entirely residential or if the premises is a mixed use property, the commercial portion of the premises is separately metered to the satisfaction of the Commissioner and can be billed separately.
- B. Charges for Premises Upgrading Their Plumbing Fixtures to Conform with the Standards Set Forth in Local Law 29 of 1989: A premises with six or more Dwelling Units metered under the Universal Metering Program in which plumbing fixtures are upgraded in accordance with the standards set forth in Local Law 29 of 1989 will have, in addition to any period of unmetered billing to which they are entitled in accordance with this Section, an additional twelve (12) months during which water and wastewater charges will be imposed in accordance with the unmetered rate schedules set forth in Part II - Section 2 . Premises with six or more Dwelling Units are eligible for the additional twelve-month period of unmetered billing if:
1. The premises is not newly constructed or substantially renovated and metered pursuant to Local Law 53 of 1985, and,
 2. The owner of the premises has completed the installation or replacement of:
 - a. At least fifty-one percent of the toilets with ultra-low flow toilets that meet the standards of Local Law 29 of 1989; and,
 - b. At least fifty-one percent of the shower heads; and,

- c. Substantially all faucet aerators (except where technically infeasible); and,
 - d. The installation or replacement has been approved by the Commissioner.
- C. Owners' Election of Meter-Based Billing: An owner of a metered Residential Premises may elect to convert to the metered basis of billing at any time. The election to convert to the metered basis of billing must be in writing on DEP's Election of Meter Billing form and is irrevocable and will be effective as of the day that a meter reading is obtained after receipt of the written request for conversion to metered billing. The conversion to meter-based billing will be prospective only from the date of DEP's initial meter reading. If an Election of Meter Billing form is submitted when a meter is not registering consumption or is not installed to the satisfaction of the Commissioner of DEP, the conversion will be effective on a prospective basis only from the date an approved meter is subsequently installed and read by DEP. To convert to metered-based billing, an owner must:
- 1. Send a written request to BCS to receive metered-based billing; and,
 - 2. Provide DEP access to the premises to enable the recording of an initial meter reading.
- D. This program will expire on June 30, 2007.

Section 7. Pre-Transition Program Flat-Rate Charge

- A. A Residential Premises with six or more Dwelling Units substantially renovated and metered pursuant to Local Law 53 (1985) and with a meter set date before July 1, 1992, or metered between 1988 and 1991 by either DEP or under the Board's Window of Opportunity Program, is eligible to have water and wastewater charges imposed from the date a Complete Application is received in accordance with the flat-rate charge set forth in this section, notwithstanding any other provisions herein, if:
- 1. The premises is entirely residential or if the premises is a mixed use property, the commercial portion of the premises is separately metered to the satisfaction of DEP and can be billed separately; and,
 - 2. The premises was not newly constructed at the time a meter was installed pursuant to Local Law 53; and,
 - 3. DEP has received a written Complete Application to have charges assessed in accordance with the provisions of this Section; and,
 - 4. The Customer has permitted DEP or DEP's duly authorized contractor to perform a leak and waste inspection, residential water survey or water audit and the inspection, survey or audit indicates that no leak or waste condition exists at the premises; or, if the inspection, survey or audit indicates that a leak or waste condition exists, the leak or waste condition is corrected within ten (10) days of notification and the Customer

submits a report from a licensed plumber that the leak or waste condition was corrected; and,

5. The Customer submits a copy of the Certificate of Occupancy or Use to DEP, which validates the number of Dwelling Units.
- B. The flat-rate charge for water and wastewater service for the Fiscal Year beginning July 1, 2005 is **\$520.68 per Dwelling Unit**. This charge is assessed in lieu of any metered charge or charges and will be prorated from the date a Complete Application is received to June 30, 2006 for eligible properties.
- C. Owners are advised that the DEP/Water Board review of a Complete Application will focus on eligibility parameters only (detailed in Section A 1 to 5, above) and not on economic factors. The decision whether to choose meter billing or Pre-Transition Flat-Rate billing rests solely with the owner or authorized representative. Neither DEP nor the Water Board make any claim with regard to which method will produce the lowest charge for the Customer. The Customer must do this analysis and neither DEP nor the Water Board will be held responsible for any incorrect choice made by an owner or authorized representative.
- D. This program will expire on June 30, 2007.

Section 8. Forgiving Water and Wastewater Charges for Metered Premises Due to Extraordinary Leaks or Disasters

- A. A Customer is eligible under the terms of this section for partial forgiveness of an unusually high metered water and wastewater charge assessed on a premises if:
 1. The unusually high charge was assessed on the basis of the Board's metered rate schedule; and,
 2. The unusually high water and wastewater charge is due to a burst pipe or service line, or a leak where the Customer reasonably could not be expected to detect the burst pipe or leak, or have a fair chance to repair it, provided that the leak was not due to the failure of a maintainable plumbing fixture, including but not limited to toilets or faucets, or the unusually high charge was due to a disaster or emergency that was declared by the Mayor of the City of New York or recognized by resolution of the Water Board, or resulted from a fire or other natural disaster outside the control of the Customer; and,
 3. The Customer has submitted proof in the form of an itemized dated bill from a licensed plumber, or a similarly verifiable document, evidencing that the burst pipe, service line or other leak has been repaired; and
 4. The Customer has permitted DEP or DEP's duly authorized contractor to perform a leak and waste inspection, residential water survey or water audit and the inspection, survey or audit indicates that no leak or waste condition exists at the premises; or, if the inspection, survey or audit indicates that a leak or waste condition exists, the leak or

waste condition is corrected within ten (10) days of notification and the Customer submits a report from a licensed plumber that the leak or waste condition was corrected.

5. The unusually high charge results from an average daily flow (ADF) that is:
 - a. At least 200% of the ADF of the most recent representative metered bill based on comparable usage and actual readings for the premises; or,
 - b. If the most recent representative bill is based on the Board's unmetered rate schedule, the ADF of the unusually high charge is at least 200% of the previous flat-rate charge for the premises adjusted to cover a number of days equal to the number of days covered by the unusually high charge, and adjusted to reflect rate increases; and,
 6. The difference between the unusually high bill and any new bill issued in accordance with this Section is equal to at least \$380 annualized.
- B. A premises meeting the above conditions is eligible for partial forgiveness of the unusually high water and wastewater charge calculated as follows:
1. The unusually high bill will be canceled and a new bill issued in the amount of **one half of the unusually high bill**, provided however, that no bill issued will be less than 150% of the charge calculated by multiplying the ADF of the most recent representative bill by the number of days in the period covered by the unusually high bill, and multiplying that consumption by the metered water and wastewater rates in effect during the period covered by the unusually high bill, except as provided in the meter bill cap or the initial meter bill cap program;
 2. If the previous bill for the premises was based on the Board's unmetered rate schedule, the new bill will be issued in the amount of one half of the unusually high bill, provided however that no bill issued will be less than 150% of the previous flat-rate charge for the premises adjusted to cover the number of days in the period covered by the unusually high metered bill, and adjusted to reflect rate increases;
 3. In the event a premises was fully or partially vacant during the previous period and the previous ADF does not represent reasonable expected consumption for the premises, DEP may adjust the ADF of the previous period to reflect typical per Dwelling Unit consumption, or may use the ADF of as much as the prior three-year period to represent the expected consumption for the premises, whichever is higher.
- C. Forgiveness of a water and wastewater charge will be granted only once to the same Customer for the same premises in any two year period.
- D. Nothing contained in this section precludes a Customer from being eligible for the meter bill cap or the initial meter bill cap program.
- E. The property owner or Authorized Representative must request application of the Leak

Forgiveness Program in writing within 18 months of the date of the original bill.

Section 9. Multiple Family Conservation Program

This program is available to multiple family residential buildings consisting of six or more residential dwelling units that: i) meet specific Program eligibility criteria set forth in the Program's Administrative Guidelines promulgated by the Board, dated May 3, 2001 and as subsequently amended; ii) that have filed a Complete Application by December 31, 2006 in accordance with the Administrative Guidelines; and iii) have been approved for eligibility by DEP. For Fiscal Year 2006, the charge per billable dwelling unit is \$533.23.

Section 10. Comprehensive Water Reuse Program

A. Definition

A Comprehensive Water Reuse Program is reserved exclusively for buildings that have a Comprehensive Water Reuse System ("CWRS"). A CWRS building means a residential, commercial or mixed-use building located within the City of New York meeting the criterion for either "Blackwater Systems" or Greywater/Recycled Water Systems" as shown below, plus the requirements of conditions 2 through 6 below, as demonstrated to the satisfaction of DEP:

1. **"Blackwater Systems"** A wastewater treatment system that captures and treats sanitary wastewater and recycles it within the building for non-potable use in toilet flushing and for air conditioning and refrigeration. The wastewater treatment system must at all times meet each of the following criteria.
 - a. The CWRS has a collection tank that DEP determines is adequately sized to meet the recycled water supply requirements of the building.
 - b. The collection tank is equipped with a trap that separates floatable and heavy debris typically found in wastewater.
 - c. The collection tank has attached to it a separate, secondary treatment process that provides for sediment removal, color normalization and disinfections.
 - d. The building does not discharge the floatables, debris and sediment collected in (a), (b), and (c) above into the Wastewater System, or into any other method of disposal approved by DEP, at any time of recorded precipitation in New York City or whenever sewage flow in the drainage district in which a CWRS building is located is being bypassed.
 - e. A storage reservoir for the treated water is attached to the secondary treatment process. This storage reservoir supplies the non-potable demands of the building.
 - f. A plumbing system, separate and apart from the plumbing system for the potable water supply for the building is attached to the storage reservoir.
 - g. The building also captures and detains storm water for at least 24 hours or captures and recycles storm water.
2. **"Greywater/Recycled Water Systems"** A water recycling system that captures and treats greywater and stormwater or stormwater and district steam condensate and recycles it within the building for non-potable use in toilet flushing, for air conditioning and refrigeration or other approved non-potable purposes. "Greywater"

is defined as wastewater from lavatories, showers and clothes washers unless further limited by the Department of Buildings and/or the Department of Health. The wastewater treatment system must at all times meet conditions “a,” “c,” “e,” and “f” listed in “1.”

3. The building demonstrates an aggregate annual reduction in demand for potable water of at least 25% as compared to non-CWRS buildings of similar size and use. A baseline of 60 gallons per person per day shall be used for residential buildings and 10 gallons per employee per day for indoor use in an office building. Baselines for other occupancies may be proposed for review by an applicant.
4. The building is metered on all service connections to the Water System as well as on all service lines from the storage reservoir.
5. The building is equipped with low consumption plumbing fixtures, as follows:
 - a. All toilets are DEP-approved models and flow at no more than 1.6 gallons per flush and urinals shall flush at no more than 0.5 gallons per flush;
 - b. All showerheads flow at no more than 2.5 gallons per minute (gpm) as measured at the showerhead;
 - c. All faucets flow at no more than 2.5 gpm except that lavatory faucets in non-residential occupancies shall flow at no more than 1 gpm and shall be equipped with automatic controls which prevent flow for more than 15 seconds without repeated activation; and
 - d. All washing machines meet the criteria of no more than 9.5 gallons per cubic foot of machine capacity (“water factor”).
6. The building complies with all requirements of other governmental agencies having jurisdiction over the design, construction and operation of its water and wastewater systems, including the New York City Departments of Buildings and Health, New York State Department of Health, the Department of Environmental Conservation and, if appropriate, the United States Environmental Protection Agency. All required construction and operating permits from such agencies must have been obtained.

B. Water Conservation Incentives for CWRS Buildings

1. Subject to the terms and limitations of this Section B and Section C below, upon a determination by DEP that a CWRS Building Application is complete and that the building in question is eligible by meeting all of the criteria defining a CWRS Building as set forth in Section A above, a CWRS Building will be provided with the following rate incentives:
 - a. Metered Water Rate Concession - The charge for water measured by the meter supplying water subject to the CWRS is **one dollar twenty four cents (\$1.24)** per one hundred (100) cubic feet provided. One hundred cubic feet is approximately seven hundred forty-eight gallons.

- b. Exception to Standard Wastewater Allowances - All CWRS Buildings, irrespective of whether the building is residential, commercial or mixed-use may be granted an Exception to the Standard Wastewater Allowances utilizing the procedures contained within Part III, Section F of this Rate Schedule. DEP's grant to the CWRS Building of this Exception to the Standard Wastewater Allowances in no way means that the CWRS Building is entitled to a Standard Wastewater Allowances as well. In addition, DEP's grant of this Exception to the Standard Wastewater Allowances to residential and mixed-use properties that qualify as a CWRS Building in no way means that other residential and mixed-use properties that do not qualify as a CWRS Building may be granted any other Exceptions to the Standard Wastewater Allowances, unless otherwise explicitly stated in this Rate Schedule.
2. The incentives enumerated in this Section B are prospective only, from and after the date of approval by DEP of a Complete Application. In no event will DEP grant any benefits under this program retroactively.
3. The continuation of the incentives enumerated in this Section B is expressly conditioned on:
 - a. The building's continued eligibility as a CWRS Building; and,
 - b. the payment in full, on or before the due date, of all water and wastewater charges billed by the Water Board to the CWRS Building.
4. If, at any time,
 - a. DEP determines that either (i) the building in question no longer is a CWRS Building, or (ii) the owner of the building has failed to pay in full by the due date any water or wastewater charges billed to the CWRS Building by the Water Board, or
 - b. DEP, after giving reasonable advance notice to the owner or its duly authorized agent, is denied access to inspect the building in question for the purpose of determining whether the building continues to be eligible as a CWRS Building or to confirm any of the statements or representations made by the owner in the application for incentives hereunder, or
 - c. DEP, after giving reasonable advance notice to the owner or its duly authorized agent, is denied access to read any meter or meters at the building in question,

the Water Board may, in addition to any other rights or remedies available to it at law or in equity, terminate the incentives provided to such building under this Section B, by written notice to the building owner or its duly authorized agent, specifying the date of termination.

C. Application Procedures

A building is eligible for the Comprehensive Water Reuse Program if (a) the building meets all of the specific eligibility criteria set forth in the definition of a CWRS Building in this Section;

(b) the owner of a CWRB Building has filed a Complete Application with DEP, on such forms and conditions as DEP prescribes; and (c) the CWRB Building has been approved for eligibility in writing by DEP.

The application must be executed by the owner of the property. No application will be accepted that is executed by a consultant, attorney or other agent for the owner.

Part VII - Use of Meters

Section 1. Universal Water Metering Program

- A. The Commissioner is authorized to install, cause to be installed or authorize owners to have installed, water meters on all service connections to the Water Supply System. DEP approved water meters will be used to determine water charges on all such premises unless stated otherwise in this Rate Schedule.
- B. The Commissioner is directed to develop a program to ensure the installation of water meters on all service connections to the Water Supply System. This program may be implemented through the adoption of appropriate rules, regulations and guidelines by the Commissioner.
- C. Charges for water furnished by the Board to any premises will be computed in proportion to the water furnished as ascertained by meter, subject to minimum service charges as may be established, unless stated otherwise in this Rate Schedule.
- D. Any property with metered water charges is not permitted to return to water charges based upon unmetered rates or upon any fixed rate Billing Program, unless otherwise authorized.

Section 2. Maintenance and Repair of Meters

The Commissioner is responsible for the maintenance and repair of all water meters that are connected to the Water Supply System and used by DEP for billing purposes, except for meters used exclusively to measure wastewater allowances, meters in upstate communities under separate contract with the City, sub-meters installed or maintained as private property and meters that are required to be installed, repaired or maintained by the Customer to be eligible for a reduction in charges pursuant to a billing program, wastewater allowance, or any other modification to standard billing rates and meters illegally removed, vandalized or not properly protected.

Section 3. Use of Average Daily Flow

If a water meter registers incorrectly, stops registering, or is removed or bypassed for any cause or reason, a charge for water will be imposed for water consumed during that period of time based upon the consumption measured by an accurately functioning meter for a representative period of time either prior to or subsequent to the period of meter failure as reasonably determined by DEP, at the appropriate rates in effect for that period.

Section 4. Estimated Bills

If DEP cannot read the meter or if the meter reading appears questionable, DEP may issue estimated bills, which if not paid when due are subject to authorized late payment charges, based on previous consumption or other reasonable criteria.

Part VIII - Collection Enforcement

Section 1. Sale of Liens Arising from Outstanding Water and Wastewater Charges

- A. Notwithstanding anything to the contrary in this Rate Schedule, if a lien arising from outstanding water and wastewater charges is sold by or on behalf of the Board, no bill issued before the date of such sale may be canceled or reissued absent the approval of the Board or a final, nonappealable order from a court of competent jurisdiction requiring the Board to do so
- B. If a lien arising from outstanding water or wastewater charges is sold by or on behalf of the Board, Billing Programs, including but not limited to caps on metered charges, transition and forgiveness programs, will be available on a prospective basis only, limited to charges billed after the date a lien relating to the property affected is sold.

Section 2. Termination of Water and/or Wastewater Service

In accordance with Sections 1045-h(8) and 1045-j(5) of the New York Public Authorities Law the Board, at its meeting of June 22, 1999, approved regulations which authorize DEP to discontinue or disconnect the supply of water or the provision of sewerage service, or both, for non-payment of charges imposed by the Board. The regulation sets forth the conditions under which DEP may terminate service and the procedures to be followed to effect a service termination.

Section 3. Termination of Water and/or Wastewater Service for Denial of Access

In accordance with Sections 1045-(g) and 1045-(j)(5) of the New York Public Authorities Law, the Board, at its meeting of May 3, 2002, approved Regulation Number 3, which authorizes DEP to discontinue or disconnect the supply of water or the provision of sewerage service, or both, for denial of access to the premises. The regulation sets forth the conditions under which DEP may terminate service and the procedures to be followed to effect a service termination.

Section 4. Payment Agreements

DEP or the Water Board may at their discretion enter into an installment payment agreement with a Customer. The minimum terms of the agreement will include a repayment period not to exceed 36 months at the interest rate prevailing at the time the agreement is entered into, and a down payment of at least 25% of the amount due. The Commissioner and Executive Director may grant a variance to these minimum terms upon a showing of cause. Failure to remain current on the payment agreement and on future bills as issued throughout the term of the installment payment agreement will render the agreement null and void and DEP may then

exercise any collection enforcement options including but not limited to termination of service. DEP may terminate Payment Agreements if a lien is sold by or on behalf of the City of New York for unpaid property taxes.

Part IX - Customer Account Information and Complaint Resolution

Section 1. Customer Account Information

Water and wastewater Customers are advised to promptly and carefully review all charges upon receipt of a bill for service. A Customer or Authorized Representative may request an explanation of a water and wastewater bill or charge by calling the DEP Customer Service Call Center at (718) 595-7000, by visiting a borough office of the Bureau of Customer Services (BCS), by writing DEP/BCS Customer Service, C.S. 739055, Flushing, NY 11373-9055 or by visiting DEP's web site www.nyc.gov/DEP. If Customers are not satisfied with the explanation, a written complaint must be filed within four years of the bill date in accordance with Section 2, below.

Section 2. Complaint Resolution and Appeal Process

A. Complaint Resolution

The Customer or Authorized Representative must file a written complaint of a disputed water and wastewater bill, which specifically sets forth the basis for such claim, within four years of the bill date to DEP/BCS Customer Service, C.S. 739055, Flushing, NY 11373-9055. DEP will not adjust a disputed bill unless the written complaint is filed within four years of the bill date. DEP will provide a written reply within 90 days of receipt of the complaint.

B. Appeal

A Customer or Authorized Representative may appeal the decision or resolution of a Customer complaint. An appeal must be made no later than 120 days after the date DEP provides a written response to the complaint. Petitions for an extension of this 120-day deadline may be presented before an appeal's due date and will be granted upon a showing of reasonable cause. An appeal of the charges must be made through a written request to the Deputy Commissioner, BCS, 59-17 Junction Blvd., 13th Floor, Flushing, NY, 11373-5108. The appeal must include the identification of the property (street address, account number) and charge that the Customer is disputing, and a statement of the reason or reasons why the Customer believes the charges are incorrect. The Deputy Commissioner will make best efforts to render a written decision as to whether the charges are correct or incorrect, including a statement of the reasons for the decision, within 90 days of receipt of the Customer's appeal. If circumstances within the control of the Customer, including but not limited to a failure to provide access to a premises or a meter, prohibit the Deputy Commissioner from making a decision, the Customer will be notified in writing stating why a decision cannot be rendered and indicating what actions the Customer must take to enable the Deputy Commissioner to render a decision. If the Deputy Commissioner determines that the questioned charges are correct, the charges are due and payable as set forth on the bill or delinquency notices. If the questioned charges are determined to be incorrect,

appropriate remedial action will be taken including the issuance of cancellations or corrected bills, and providing information relating to requests for refunds or credits.

C. Final Appeal

If a Customer disagrees with the decision rendered by the Deputy Commissioner in accordance with paragraph B. above, the Customer may appeal the decision by submitting a written request to the Executive Director of the New York City Water Board within 30 days of the date of the denial by the Deputy Commissioner. The Final Appeal must include: the identification of the property (street address, account number, or borough, block and lot number) and charge that the Customer is disputing; a statement of the reason or reasons why the Customer believes the decision in the appeal was incorrect; a copy of the initial appeal, including supporting documentation, and decision of the Deputy Commissioner; and additional documentation to support the reversal of the appeal. Final Appeals to the Executive Director must establish at least one of the following conditions to be considered: (1) new or additional information is presented; (2) the Customer demonstrates that factual information stated in the decision of the Deputy Commissioner is incorrect; (3) the Deputy Commissioner has not correctly interpreted or applied a Water Board rule or rules; (4) the material facts are not as described in the decision. Final Appellants should be aware that the Executive Director is not empowered to overrule Water Board rules and regulations. Arguments based on hardship, inability to pay, or lack of knowledge of rules and regulations do not constitute a basis for overturning a previous decision. Billing decisions will not be reversed unless the Customer can demonstrate that an error has been made or presents additional facts relevant to Water Board rules. The Executive Director will make best efforts to render a decision in writing within 60 days of receipt of the final appeal. If circumstances within the control of the Customer, including but not limited to failure to provide access to a premises or a meter, prohibit the Executive Director from making a decision, the Customer will be notified in writing stating why a decision cannot be rendered. If the Executive Director determines that the questioned charges are correct, the charges are due and payable as set forth on the bill or delinquency notices. If the questioned charges are determined to be incorrect, appropriate remedial action will be taken including the issuance of cancellations or corrected bills, and providing information relating to requests for refunds or credits.

D. Disposition of Late Payment Charges (“LPC”) During the Complaint Resolution Process

1. Customers are advised to pay all charges and appeal afterward. During the complaint resolution process, LPC on unpaid charges continue to accrue until the charges are paid in full.
2. If a Customer decides not to pay a charge and in the case of an appeal being decided in favor of a Customer, LPC in connection only with the erroneous charge(s) will be waived.
3. If a Customer decides not to pay a charge and in the case of the appeals process taking longer than the time periods specified, unless due to circumstances within the control of the Customer as noted above, all LPC in connection with the disputed charge may be

waived for the period of the additional delay beyond the time periods set forth above, provided that the Executive Director does not find any such appeal to be frivolous.

4. If a Customer decides not to pay a charge and the questioned charges are determined to be correct, LPC will continue to accrue from the original Due Date of the charge until the charge is paid in full.