

Clayton Environmental Consultants

A Marsh & McLennan Company

Environmental Assessment
for
Chemical Bank
at
Five UFI, Inc. Properties
Richmond Hill, Queens, New York

Clayton Project No. 15450-49

June 14, 1988

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Appendix

RULES AND REGULATIONS RELATING TO THE USE OF PUBLIC SEWERS,
INCLUDING SEWER SURCHARGES

Clayton Environmental Consultants, Inc.

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1.0 INTRODUCTION

Mr. Alfred Knauer of UFI, Inc. retained Clayton Environmental Consultants, Inc. to evaluate the potential for environmental damage and associated liabilities at five UFI, Inc. properties located at 129-01 Jamaica Avenue, 127th Street and Jamaica Avenue, 130-16 91st Avenue, 130-29 91st Avenue, and 87-17 124th Street, in Richmond Hill, Queens, New York. The environmental assessment was requested in conjunction with an application for financing from Chemical Bank.

Ms. Mary Ann Kelly, Environmental Consultant of Clayton's Edison, New Jersey, office, inspected the properties on April 20, 1988. Mr. Derrick Miller, Vice President of UFI, Inc., was available to answer questions and to provide access to the properties. A facility manager at each site accompanied Ms. Kelly during the inspection. Ms. Kelly inspected the property for:

- The presence and sources of hazardous and toxic materials or wastes, including, but not limited to, polychlorinated biphenyls (PCBs), petroleum products, and suspect asbestos-containing building materials.
- Evidence of existing environmental contamination.
- The risk of environmental contamination from past and present activities at the site and surrounding properties.
- Regulatory compliance and potential liabilities from onsite storage of chemical products in underground storage tanks.

The assessment entailed a visual walkthrough inspection of the properties and a regulatory review of applicable Federal, state, and city environmental regulations. No samples were collected for chemical analysis. On the basis of Clayton's assessment, the UFI, Inc. properties located at 127th Avenue and Jamaica Avenue, 130-16 91st Avenue, and 130-29 91st Avenue present a low risk for environmental contamination and associated liabilities.

The properties located at 129-01 Jamaica Avenue and 87-17 124th Street, however, present the risk for environmental damage and associated liabilities from underground storage tanks, wastewater, and solid waste management.

Clayton's findings are presented in greater detail on the following pages.

2.0 PROPERTY DESCRIPTION

The five properties owned by UFI, Inc., included in this environmental assessment, are located within a five-block area of Richmond Hill, Queens, New York. The area is a mixed commercial, residential, and industrial section of Richmond Hill. The properties are described in the following sections.

2.1 129-01 JAMAICA AVENUE

* A laundry and dry cleaning plant, a two-story brick office building, and a storage shed occupy the 74000-square foot property. The one-story plant, measuring approximately 25,000 square feet, contains 2800 square feet of second floor office and storage space at the northern end of the building. A partially paved asphalt parking area is located along the west side of the building.

The plant is constructed of cinderblock with concrete floors and a sheet metal roof. The brick office building has a wooden roof and concrete floors. Both buildings are heated and cooled by natural gas. Electrical power is supplied by Consolidated Edison Co. of New York, Inc. The property is served with New York City water and sewer utilities. Water for clothes washing operations is provided by two onsite deep wells.

The two story office building located on the property is currently vacant. The basement contains two empty 275-gallon aboveground storage tanks. According to Mr. Miller, UFI, Inc. plans to demolish the building in the near future.

The property is bounded on the north by private residences, on the east by 130th Street, on the south by Jamaica Avenue, and on the west by 129th Street.

2.1.1 Site Operations

The UFI, Inc. plant launders cloths, mops, and mats. Industrial uniforms are dry cleaned or laundered.

Cotton cloths and uniforms are laundered in large washing machines with nonphosphate detergent. Washing machine wastewater is discharged to the New York City sewer system. The uniforms are spun in large extractors and dried in electric and natural gas powered dryers or a steam heated tunnel.

Mats are washed with soap and water and rinsed in an automatic electric mat washer. The mats are hung on a continuously moving loop to air dry.

A mop washing machine uses treatment oil to extract dust and dirt from used mops. The treatment oil is recycled in a closed-loop system from a 2000-gallon underground storage tank which is periodically replenished. Mop washing operations generate a petroleum-based sludge. The sludge is disposed in the dumpster located outside the building.

Dry cleaning is conducted in the northeast portion of the building. The dry cleaning solvent, varisol, is pumped and applied to the uniforms during the cleaning process. Waste solvent from the process is collected, contained, and recycled in a metal still, where solid particles are removed. Solid particles or sludge is placed in a 15-gallon drum and removed offsite by Safety Clean, a hazardous waste transporter.

2.1.2 Site History

Mr. Miller provided Ms. Kelly with information concerning the site history. UFI, Inc. has operated the laundry and dry cleaning plant for the past 20 years. To Mr. Miller's knowledge, laundry and dry cleaning operations have been conducted at the building for approximately 15 years before UFI, Inc. purchased the facility.

UFI, Inc. has utilized the two-story brick building for office space since it occupied the premises approximately 20 years ago. Before UFI's occupancy, the building was a private residence.

2.2 127TH STREET AND JAMAICA AVENUE

The property at 127th Street and Jamaica Avenue is a 24000-square foot asphalt-paved parking lot. A cinder block building occupies 3200 square feet of the southwest corner of the property. The building is used to store floor mats. Ms. Kelly was unable to access the interior of the building.

The lot and building are enclosed by a chain link fence. An electric gate provides access to and from 129th Street. An entrance from Jamaica Avenue is located at the west side of the property.

The fence enclosed lot contained four partially burned wooden pallets and two steel drums used for garbage. The asphalt pavement was intact. No oil staining, chemical spills, or excavations were observed to indicate that the property was used for hazardous waste disposal.

The property is bounded on the north by Jamaica Avenue, on the east by 129th Street, on the south by a four-story masonry building and private residences, and on the west by multitenant, two-story residences. The UFI, Inc. laundry and dry cleaning is located across Jamaica Avenue.

2.2.1 Site History

Information on site history was provided by Mr. Miller. The eastern half of the property was paved in 1970; the western half was paved in April 1988. The western portion of the property was used as a children's playground before it was recently paved. To Mr. Miller's knowledge, the area has been used for parking for at least 35 years.

2.3 130-16 91ST AVENUE

A 5000-square foot warehouse occupies the entire property at 130-16 91st Avenue. The warehouse is occupied by Perfect Care Medical Service for storage of paper products and disposable diapers.

The warehouse contains a small overhead mezzanine used for office space. The building is constructed of cinderblock and concrete reinforced with steel. The floor is concrete, and the roof is constructed of sheet metal.

The building is heated by natural gas radiant heaters and uses normal electric voltage provided by Consolidated Edison Co. of New York, Inc.

The contents of the warehouse are limited to prepackaged disposable paper products and two battery operated forklifts.

The property is bounded on the north by 91st Avenue, on the east by Atlantic Food Warehouse, on the south by private residences, and on the west by an alley owned by Specialty Forklift Company. Atlantic Packaging and Distribution, Bora Machine and Die Works, and a UFI, Inc. truck maintenance shop are located across 91st Avenue.

2.3.1 Site History

Mr. John Forris, Fleet Manager, and Mr. Donald White, Warehouse Manager, accompanied Ms. Kelly during the inspection and provided information on the site history. According to Messrs. Forris and White, UFI, Inc. began the warehousing operation in January 1988. Bora Machine and Die Works occupied the building for approximately 30 years before UFI, Inc. purchased the property in 1988.

2.4 130-29 91ST AVENUE

The property at 130-29 91st Avenue is completely occupied by an approximately 7500-square foot one-story building. UFI, Inc. uses the premises to maintain its delivery trucks. Mr. Lester Stahl, Manager of the maintenance garage, accompanied Ms. Kelly during the inspection.

The garage stores transmission fluid, motor oil, antifreeze, petroleum based solvent, and windshield wiper fluid.

An air compressor located at the southeast corner of the garage supplies compressed air for powered tools and two car lifts. The compressor appeared to be new and well-maintained.

A 550-gallon underground storage tank is located between the two car lifts. The tank contains waste crankcase oil and waste solvents from parts degreaser. According to Mr. Stahl, the tank is pumped annually by a licensed liquid waste transporter.

250 Gal?
oil, fuel,
solvent
Gear oil
Trans. "

The property is bounded on the north by a masonry building, on the east by Bora Machine and Die Works, on the south by 91st Avenue, and on the west by Atlantic Packaging and Distribution.

2.4.1 Site History

Information on site history was provided by Mr. Stahl. According to Mr. Stahl, the truck repair shop has occupied the property for approximately 5 years. Before UFI, Inc. occupied the property, it was used for printing and painting display signs.

2.5 87-17 124TH STREET

The property at 87-17 124th Street is occupied by the 124th Street Garage. UFI, Inc. garages and fuels its delivery trucks within the 10,000-square foot building.

The building is constructed of cinderblock and concrete. The floor is concrete, and the roof is constructed of sheet metal. The building is heated by natural gas and requires normal electric power which is provided by Consolidated Edison Co. of New York, Inc.

One 275-gallon aboveground storage tank is located in a small chamber under the sidewalk along 91st Avenue. The tank, previously used for storage of No. 2 fuel oil, is currently used to store small quantities of waste oil generated onsite.

Small quantities of chemicals are stored on the premises for emergency repairs and light maintenance of trucks. The chemicals include antifreeze, degreasing solvent, and lubricating oil. Minor spillage of the chemicals was observed in this storage area. Oil-absorbant material is applied to the spills to prevent oil and chemical runoff. One diesel fuel and one gasoline pump are within the garage. The diesel fuel is stored in two 550-underground storage tanks. The gasoline is contained in one 4000-gallon underground storage tank. The condition and integrity of the tanks are unknown.

2.5.1 Site History

Mr. Hundertmark, Manager of the parking and fueling garage, provided information to Ms. Kelly on the site history. According to Mr. Hundertmark, UFI, Inc. utilized the building to garage and fuel its trucks since 1970. Before 1970, Cupid Diaper Service repaired its delivery trucks on the premises for approximately 20 years.

3.0 REVIEW OF HISTORICAL AERIAL PHOTOGRAPHS

To obtain information on the past land use of the site and surrounding properties, Ms. Kelly examined available historical aerial photographs, dated July 10, 1962, and June 10, 1978.

The photographs show the buildings on the properties as they currently exist. The surrounding area is highly urbanized. The Long Island Railroad Depot is located southeast of the properties. Directly to the north is a cemetery. A large wooded area is located approximately one mile to the northwest.

No evidence of major soil disturbances or waste burial was evident on the properties or in the surrounding area.

4.0 ENVIRONMENTAL CONCERNS

The underground storage tanks located at 129-01 Jamaica Avenue, and 87-17 124th Street present the risks for soil and groundwater contamination. The ages of the tanks present a concern for current and future tank integrity. The underground storage tanks and associated piping may have corroded and leaked product into surrounding soils. At present, the underground tanks have not been precision tested; therefore, the condition of the tanks is unknown.

The properties located at 127th Street and Jamaica Avenue and 130-16 and 130-29 91st Avenue present low risks for liability resulting from environmental damage. No major areas of environmental concern have been identified at these properties.

Environmental concerns at the properties are described in greater detail in the following sections.

4.1 129-01 JAMAICA AVENUE

Seven underground tanks storing treatment oil, No. 2 fuel oil, and varisol are located on the properties. Based on a review of the NYDEC tank registration documents and information provided by Mr. Miller, the tanks are at least 18-years old. The tanks are properly registered with the NYDEC; however, they have not been precision tested as required by New York State regulations. The City of New York, Division of Fire Prevention also requires the periodic pressure testing and registration of underground tanks.

Information on the tanks' contents, size, and age is provided below.

CONTENTS	CAPACITY (GALLONS)	AGE (YEARS)
No. 2 Fuel Oil	6300	Unknown
No. 2 Fuel Oil	7500 10,000	18
Varisol	3000	18
Varisol	2000	18
Varisol	2000	18
Treatment Oil	6300	Unknown
Treatment Oil	2000	Unknown

The useful life of a steel underground storage tank varies from site to site. Factors, such as the physical and chemical characteristics of local surficial soil deposits, the presence of other buried metal objects in the vicinity of the tank, and the nature of the product stored in the tank, affect the rate of corrosion and life of the steel underground storage tank.

The life of a steel underground storage tank that does not have cathodic protection against corrosion is typically 15 to 20 years. The age of the underground tank located on the property raises concerns for its current or future integrity.

Varisol, a petroleum aliphatic solvent, is considered hazardous because of its combustible characteristics and high percentage of petroleum hydrocarbons. According to Mr. Miller, food-grade treatment oil used in the mop cleaning operation is nonhazardous. The waste oil, however, may contain trace amounts of solvents and hydrocarbons from the dirty mops.

Wastewater generated onsite includes process water from washing operations, sanitary waste, and roof and surface runoff. Process water from the clothes washing machines and mat washing process is supplied by two onsite deep wells and is discharged to the New York City sanitary sewer system. According to Mr. Irwin Saldanha, Plant Manager, approximately 120,000 gallons of water are generated daily from washing operations. No wastewater is generated from the dry cleaning or mop cleaning process. Roof and surface runoff collects in catch basins located in the parking lot. Evidence of oil was observed in the catch basins.

Based on the quantities of wastewater generated at the facility, UFI, Inc. may be required to obtain a permit under a broad interpretation of Title III of the New York City Department of Environmental Protection (NYCDEP) Rules and Regulations Relating to the Use of the Public Sewer, Including Sewer Surcharges. These regulations are provided in the Appendix.

The NYCDEP prohibits the discharge of toxic pollutants in excess of Federal and local pretreatment standards into the city sewer system. According to Mr. Miller, representatives from the NYCDEP periodically monitor the discharge for target parameters and pH. Mr. Miller informed Ms. Kelly that no violations have been cited to UFI, Inc. by the NYCDEP for wastewater discharges.

Solid waste generated onsite includes paper, cardboard, and plastic from office and packaging operations and sludge from the mop cleaning operations. The waste is disposed in a dumpster and removed and disposed offsite by Five Counties Carting of Queens, New York. The sludge contains waste treatment oil from soiled mops. During the inspection, the treatment oil was leaking from the dumpster. Treatment oil and sludge spills were noted in the parking lot in the vicinity of the dumpster.

A shed containing two air compressors adjoins the east wall of the plant. The asphalt-paved floor of the compressor shed was covered with lubricating oil from the compressors. The asphalt floor most likely prevented major soil contamination. Ms. Kelly, however, observed some cracks in the floor. It is possible that some oil may have leaked through cracks and into underlying soils.

Ms. Kelly inspected building materials and observed suspect asbestos-containing materials in the plant and in the two-story office building. Ms. Kelly reviewed an asbestos survey on the two-story office building prepared by Mr. George Kan, PE, a New York City Certified Asbestos Investigator. The survey indicated that 21 linear feet of pipe wrap in the office building contained asbestos. According to the NYCDEP, any asbestos-containing pipe wrap less than 25 feet is not considered an asbestos project for buildings to be demolished.

The investigator must submit NYCDEP Form ACP-5 "Not an Asbestos Project Form" to Chemical Bank for submission to NYCDEP and the Building Department before demolition. New City law requires that the asbestos-containing material removal follow work practices outlined in New York City, Occupational Safety and Health Administration (OSHA), and Environmental Protection Agency (EPA) regulations. In accordance with USEPA, all asbestos-containing materials must be removed before demolition.

No asbestos survey was conducted in the plant. Suspect asbestos-containing materials were observed on overhead piping within the plant. No insulation was observed on the boilers.

4.2 127TH STREET AND JAMAICA AVENUE

No hazardous industrial materials or wastes are generated, handled, or disposed onsite. During visual inspection of the property, Ms. Kelly observed no evidence of major soil or groundwater contamination. Available historical information indicates that the property has never been used for industrial purposes or as a waste disposal site.

Wastewater onsite is limited to runoff which collects in catch basins along Jamaica Avenue. No oil or chemical stains were observed on the asphalt of this paved parking area. The property is properly secured to discourage dumping of miscellaneous debris and wastes.

4.3 130-16 91ST AVENUE

No environmental concerns were identified at this property. Although the Bora Corporation most likely stored and handled industrial hazardous materials and waste during past operations, no evidence of contamination was present in the building during the inspection. No floor drains or other potential pathways to soils and groundwater were located in the building. Ms. Kelly observed no evidence of past industrial discharges or spills.

4.4 130-29 91ST AVENUE

The primary environmental concern at the truck maintenance shop is the management and disposal of oils, solvents, and wastes.

Transmission fluid, motor oil, and petroleum-based solvent are stored in 55-gallon drums within the garage. The 55-gallon steel drums were new and properly labeled. Minor spillage was observed in the vicinity of the drums. Eight to ten drums are usually stored at the premises at any given time.

Liquid hazardous waste generated onsite includes waste oil from truck maintenance and spent solvent from the parts degreaser. The liquid waste is contained in the onsite 550-gallon underground storage tank. According to Mr. Stahl, the liquid waste oil and solvents are pumped from the tank and removed offsite by a hazardous waste transporter approximately once a year. Available information from Messrs. Miller and Stahl indicates that the tank was installed in 1982.

4.5 87-17 124TH STREET

The three underground storage tanks located at this garage are the main environmental concern. Information concerning the tanks was provided by Messrs. Miller and Hundertmark. The 4000-gallon unleaded gasoline tank was installed in 1982. The remaining two tanks, 550-gallons each, store diesel fuel. The ages of the two diesel fuel tanks are unknown.

A review of documents for the tanks indicate that they have been registered with the City of New York Division of Fire Prevention and "pressure" tested in accordance with regulations. The "pressure tests" performed on the tanks, however, do not comply with NYDEC Petroleum Bulk Storage regulations (6NYRR614). The NYDEC requires certified "precision" tank integrity testing performed in accordance with the regulations. The "pressure" tests performed in accordance with City of New York regulations are not acceptable under the new NYDEC regulations. The tanks were not registered or precision tested by December 27, 1987, for compliance with the NYDEC regulations. The NYDEC requires reregistration and precision testing of each tank every five years.

Small quantities of degreaser, lubricant oil, and antifreeze are stored in steel drums in the garage for emergency repairs. Minor spillage was noted on the cement floor near the drums. Absorbent material is applied to absorb minor spills. The used absorbent material is disposed with normal refuse and removed offsite by the New York City Department of Sanitation.

A floor drain, located in the building, was clogged and no longer in use. No evidence of spillage or disposal was observed near the drain. The floor drain discharges to the New York City sewer system.

An abandoned 275-gallon aboveground storage tank is located in a concrete underground chamber below the sidewalk along 91st Avenue. The tank most likely was used to store fuel oil to heat the building before the conversion to gas heat. Ms. Kelly observed no evidence of tank failure or oil spill-over in the chamber.

4.6 REGULATORY REVIEW

Ms. Kelly reviewed the NYDEC publication Inactive Hazardous Waste Disposal Sites, Annual Report, December 1987, to identify possible state "Superfund" designations for the properties or in the immediate area. Based on the review, no regulated hazardous sites on New York State lists are located in the vicinity of the UFI properties in Richmond Hill, Queens. The only designations located in Queens County are present in Maspeth, Rockaway, College Point, and Long Island City.

5.0 SUMMARY AND RECOMMENDATIONS

The summary and recommendations for each property are provided in the following sections.

5.1 129-01 JAMAICA AVENUE

The property located at 129-01 Jamaica Avenue currently occupied by UFI, Inc. presents the following environmental concerns:

- Seven underground storage tanks located at the property are at least 18 years old. The tanks store varisol, fuel oil, and treatment oil. The condition of the tanks is currently unknown. Steel tanks greater than 20-years old present a risk of product leakage due to corrosion of the tank shell and piping. If the tanks have corroded and leaked, the product released may have contaminated surrounding soils and possibly groundwater.
- The underground storage tanks at the facility are currently registered with the NYDEC. The tanks, however, have not been precision tested, as required under NYDEC Petroleum Bulk Storage regulations. The property owners are currently in violation of this regulation. In addition, the tanks have not been registered with the City of New York Division of Fire Prevention.
- UFI, Inc. is pumping approximately 120,000 gallons of water daily from the two onsite deep water wells for washing operations. Wastewater is discharged to the New York City Sanitary Sewer System. Under NYCDEP Bureau of Sewers and Water Pollution Control regulations, facilities discharging greater than 10,000 gallons of wastewater may need a written permit from the Commissioner of the NYCDEP. According to Mr. Miller, field personnel from the Bureau of Sewers periodically monitor wastewater for target parameters.
- The sludge generated from the mop cleaning operation may contain hazardous chemicals. The source and contents of the dirty mops is not known. The sludge is currently disposed with normal solid waste refuse. Treatment oil from the sludge has leaked from the dumpster onto the paved parking area. Parking lot surface runoff, possibly containing treatment oil and varisol from past spillage, is collected in the catch basins and discharges to the city sewer system. The runoff may be adversely affecting the property and migrating onto neighboring properties. NW ?
- The sludge may be classified as hazardous waste under the Federal Resource Conservation and Recovery Act (RCRA), and Appendix 22 of the New York Identification and Listing of Hazardous Wastes

(NYCRR, Title 6, Chapter 371). Under these Federal and State Regulations, solid hazardous waste must be properly manifested and disposed at an EPA and NYDEC licensed and permitted treatment, storage, or disposal facility.

- According to Mr. Miller, UFI, Inc. generates approximately 300 pounds of varisol sludge per month. That amount is classified as a small quantity under Federal and State regulations. Mr. Miller stated that he submits a hazardous waste generator annual report to the EPA and NYDEC, as required under RCRA and New York State hazardous waste regulations.

Sludge containing spent varisol is collected in 15-gallon plastic lined pails and transported offsite by Safety Clean, a hazardous waste transporter.

- Spillage of varisol sludge was apparent near the settling tank where the sludge is manually discharged into 15-gallon pails.

To ensure compliance with Federal, NYCDEP, and NYDEC environmental regulations and to minimize environmental risks and liabilities, Clayton recommends the following.

- All underground storage tanks located at the facility should be precision integrity tested by a qualified contractor. If results of the tank tests fail to meet National Fire Protection Association (NFPA) 329 tank tightness criteria, the tank, its contents, and any oil contaminated soil must be removed, as required by the NYDEC Petroleum Bulk Storage Regulations. Costs to remove underground storage tanks and dispose of contaminated soils, depending on the extent of the contamination, could range in the tens to hundreds of thousands of dollars. The tanks must be registered with the NYC Division of Fire Prevention.
- UFI, Inc. must contact the NYCDEP, Bureau of Water Pollution and Bureau of Sewers to determine if specific wastewater permitting requirements apply to the facility.
- Clayton recommends that UFI, Inc. retain copies of NYCDEP monitoring reports for their files. Results of wastewater monitoring should be in compliance with applicable requirements under the NYCDEP regulations and Federal Clean Water Act.
- Sludge generated from mop cleaning operations should be sampled and analyzed for all applicable RCRA

hazardous waste characteristics. RCRA characteristic testing for UFI would include total petroleum hydrocarbons, pesticides/herbicides, PCBs, EP-Tox metals, reactivity, ignitibility, corrosivity, and volatile organics. A qualified environmental laboratory should be retained to analyze the sludge for the RCRA parameters. Results of analysis will dictate the type of disposal methods in accordance with RCRA, NYCDEP, and NYDEC regulations.

- Sludges, liquids, and residues from dry cleaning operations are listed as hazardous waste under RCRA. UFI, Inc. should comply with RCRA regulations for small quantity generators for proper hazardous waste management as follows:
 - Continue to label pails containing sludge "Hazardous Waste" and properly date upon accumulation.
 - Manifest and dispose of waste at an EPA licensed Treatment, Storage, or Disposal (TSD) facility.
 - Submit EPA generator annual report to EPA Region II and quarterly reports to the NYDEC.
 - Store waste onsite less than 90 days
 - Retain pertinent environmental records for a minimum of three years.
- UFI, Inc. manually accumulates sludge waste from a discharge valve to a 15-gallon container. To avoid future spillage of the hazardous sludge, UFI should design a closed system from the valve to the container.
- To determine if the suspect asbestos-containing pipe insulation contains asbestos, UFI, Inc. should retain a New York City certified asbestos inspector to conduct a survey and collect bulk samples. If the pipe insulation contains asbestos, it should be removed by a qualified asbestos abatement firm in accordance with NYCDEP and New York State regulations.

5.2 127TH STREET AND JAMAICA AVENUE

Based on the visual inspection and available information on site history, the property located at 127th Street and Jamaica Avenue presents a low risk of liabilities

resulting from environmental contamination. No visual evidence of major soil or groundwater contamination was observed by Clayton personnel.

5.3 130-16 91ST AVENUE

The building located at 130-16 91st Avenue is clean and well maintained. The property presents a low risk for environmental damage and associated liabilities.

Perfect Care Medical Service does not handle, generate, store, or dispose any hazardous materials or waste. Clayton observed no evidence of past waste disposal or chemical spills from previous owners.

5.4 130-29 91ST AVENUE

The current activities at the truck maintenance garage located at 130-29 91st Avenue present a low risk for environmental damage and associated liabilities.

Because of its size, the waste oil tank is not subject to the NYDEC mandatory tank testing schedule. Clayton recommends, however, that the tank be precision tested to determine the condition of the tank and its piping. The tank must be registered and tested in accordance with regulations of the NYC Division of Fire Prevention.

Although the tank is six years old, early detection of any possible product leakage would reduce the extent of possible soil contamination and associated costs.

The material used to absorb minor spillage of oil, antifreeze, and degreasing solvent should be analyzed for RCRA characterization parameters to determine the proper disposal method.

5.5 87-17 124TH STREET

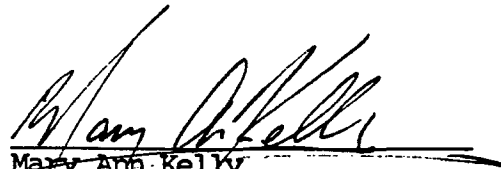
The three underground storage tanks at the the UFI, Inc. parking garage present the risk for soil and groundwater contamination. The tank shell and its piping may have corroded and contaminated surrounding soils and possibly groundwater. To further evaluate the risk for possible soil contamination, the tanks should be precision tested by a qualified company in accordance with NYDEC regulations.

Under NYDEC Petroleum Bulk Storage Regulations, the tanks must also be registered with the NYDEC regional office, as well as the NYC Division of Fire Prevention.


If the results of the precision test indicate that the tank has failed to meet NFPA tank tightness criteria, the tanks, product, and any soil contamination must be removed and disposed in accordance with NYCDEP and NYDEC regulations.

The disposal of oil-containing absorbent material into normal refuse should be discontinued. Absorbent material used to absorb oil from minor spills on the floor should be sampled and analyzed for RCRA parameters to determine the proper disposal method. If results of RCRA analysis indicate that the oil-containing absorbent material is hazardous, it must be removed and disposed offsite by a hazardous waste transporter.

This report submitted by:


Mary Ann Kelly
Environmental Consultant

Approved by:


Kirit H. Vora
Vice President
Manager
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June 14, 1988

APPENDIX

**RULES AND REGULATIONS RELATING TO THE USE OF PUBLIC SEWERS,
INCLUDING SEWER SURCHARGES**

NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER POLLUTION CONTROL
AND BUREAU OF SEWERS

Rules and Regulations
Relating to the Use of The Public
Sewers, Including Sewer Surcharges.



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NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER POLLUTION CONTROL
AND BUREAU OF SEWERS

Promulgation of Rules and Regulations
Relating to the Use of The Public
Sewers, Including Sewer Surcharges.

PURSUANT TO THE AUTHORITY VESTED IN THE COMMISSIONER BY Section 1403 of the New York City Charter and by Sections 683a4-1.0 through 683a4-19.0, 687-1.0 and 689-1.0 of the Administrative Code of the City of New York and in compliance with Section 1105 of the New York City Charter, notice is hereby given of the promulgation of Rules and Regulations Relating to the Use of the Public Sewers, Including Sewer Surcharges. The regulations are hereby promulgated to read as follows:

CONTENTSTitle

I	-	Authority
II	-	Definitions
III	-	The Disposal of Wastewater Stormwater, and Groundwater
IV	-	Materials and Substances Excluded From Public Sewers
V	-	Toxic Substances Accepted Conditionally
VI	-	Terms and Conditions for the Issuance of a Permit
VII	-	Removal, Transportation and Disposition of Scavenger Wastes
VIII	-	Imposition and Computation of Sewer Surcharge
IX	-	Reserved
X	-	Reserved
XI	-	General Provisions
XII	-	Repeal

TITLE I

AUTHORITY

SECTION 1.1 AUTHORITY: These rules and regulations pertaining to the use of the public sewers of the City of New York, including sewer surcharges, are promulgated by the authority vested in the Commissioner by Sections 1105 and 1403 of the New York City Charter, and by Sections 683a4-1.0 through 683a4-19.0, 687-1.0 and 689-1.0 of the Administrative Code of the City of New York.

TITLE II

DEFINITIONS

For purpose of these regulations, the meaning of terms shall be as follows (unless the context specifically indicates otherwise):

SECTION 2.1 "BOD" (denoting Biochemical Oxygen Demand) shall mean the laboratory determination of the quantity of oxygen utilized in the biochemical oxidation of organic matter in a given time and at a specified temperature. It is expressed in parts per million (ppm) or (mg/L) of oxygen used in a period of five days at 20° C.

SECTION 2.2 "Catchbasin" shall mean a structure or device designed to collect and convey stormwater to a storm or combined sewer. It captures some of the debris and heavy solids carried by the flow in a settlement chamber and stores this material for periodic removal.

SECTION 2.3 "Combined Sewage" shall mean sewage originating from sanitary and/or industrial wastewater and stormwater.

SECTION 2.4 "Combined Sewer" shall mean a sewer receiving sanitary and/or industrial wastewater, commingled with stormwater.

SECTION 2.5 "Commissioner" shall mean the Commissioner of Environmental Protection.

SECTION 2.6 "Contributory Area" shall mean the area from which the intercepted sewage flow is controlled by a regulator chamber.

SECTION 2.7 "Cooling Water" shall mean the water discharged from any system of condensation, air conditioning, cooling, refrigeration, or other sources. It shall contain no polluting substances which would produce BOD or SS in excess of 10 mg/L or toxic substances in concentrations or amounts greater than those specified herein.

SECTION 2.8 "Cost per Pound of Removing Pollutants" shall mean the cost per pound (in dollars) of removing from sewage the BOD and SS contained in wastewater discharged into the sewerage system expressed to the nearest tenth of a cent as certified by the Commissioner pursuant to paragraph 14 of subdivision a of Section 687-1.0 of the Administrative Code.

SECTION 2.9 "Department" shall mean the Department of Environmental Protection of the City of New York.

SECTION 2.10 "Direct Discharge" shall mean a discharge to a public sewer from a house sewer.

SECTION 2.11 "Diversion Chamber" shall mean a structure which diverts sanitary sewage into a regulator chamber under dry-weather conditions. During wet-weather it directs combined sewage, in excess of treatment plant capacity, to overflow into a tide gate chamber.

SECTION 2.12 "Drainage Area" shall mean the geographical area which contributes flow to a particular location in the sewerage system.

SECTION 2.13 "Effluent" shall mean wastewater, treated or untreated, which is discharged directly or indirectly to a public sewer.

SECTION 2.14 "Flammable" shall mean any liquid or mixture, substance, or compound that emits flammable vapors at a temperature below 100oF, when tested in a Tagliabue closed cup tester.

SECTION 2.15 "Groundwater" shall mean any water removed from the ground, including water from springs, and natural underground streams but excluding water from wells used for the delivery of potable or process water.

SECTION 2.16 "House Drain" (building drain) shall mean that part of the lowest horizontal piping of a house drainage system which receives the discharge from soil, waste and other drainage pipes of the building and conveys such drainage to the house sewer.

SECTION 2.17 "House Drainage System" shall mean that part of the plumbing system which receives, conveys and removes liquid and waterborne wastes to a public or private sewer.

SECTION 2.18 "House Sewer" shall mean that part of a house drainage system which extends from a house drain to a connection with a public or private sewer.

SECTION 2.19 "Indirect Discharge" shall mean a discharge from a private sewer to a public sewer, or other wastewater discharged so as to enter a public sewer.

SECTION 2.20 "Influent" shall mean wastewater which flows into a pretreatment device or facility, or into a sewage treatment plant.

SECTION 2.21 "Industrial Wastes" shall mean any liquid, gaseous or solid substance, or a combination thereof, resulting from any process of industry, manufacturing, trade or business or from the development or recovery of any natural resources.

SECTION 2.22 "Interceptor" shall mean a sewer which receives the dry-weather flow from a number of transverse combined or sanitary sewers and conducts such sewage to a water pollution control plant. During storms it receives predetermined quantities of dry-weather flow admixed with stormwater and conducts commingled sewage to a water pollution control plant.

SECTION 2.23 "Interceptor-Collector" shall mean a sewer which not only intercepts existing combined sewers to convey the flow to a sewage treatment plant, but also serves as a local sanitary sewer.

SECTION 2.24 "Laboratory Determination" shall mean the measurements, tests and analyses of the characteristics of waters and wastes in accordance with the methods contained in the latest edition at the time of any such measurements, tests and analysis, of "Standard Methods for Examination of Water and Waste Water", a joint publication of the American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation or in accordance with any other methods prescribed by the Commissioner in these rules and regulations or in any other rules and regulations.

SECTION 2.25 "May" is permissive. SECTION 2.26 "mg/L" shall mean a unit of concentration expressed in milligrams per litre.

SECTION 2.27 "Oil and Grease" shall mean the measurement of freon (trichlorotrifluoroethane) extractable matter such as biodegradable animal fats and vegetable oils, and relatively non-volatile, non-biodegradable petroleum hydrocarbons. The absolute quantity of a specific substance is not determined by this extraction procedure.

SECTION 2.28 "Other Wastes" shall mean garbage (shredded or unshredded), refuse, decayed wood, sawdust, shavings, bark, sand, lime, cinder, ashes, and all other discarded matter not sewage or industrial waste.

SECTION 2.29 "Person" shall mean any individual, firm, company, association, society, corporation, institution or group.

SECTION 2.30 "Petroleum Hydrocarbons" shall mean that portion of the total oil and grease which is not eliminated from a freon (trichlorotrifluoroethane) solution by silica gel adsorption.

SECTION 2.31 "pH" shall mean the logarithm of the reciprocal of the hydrogen ion concentration. It indicates the intensity of acidity or alkalinity expressed in terms of pH scale running from 0 to 14. A pH value of 7.0, the midpoint of the scale, represents neutrality. Values above 7.0 indicate alkalinity and those below 7.0 acidity.

SECTION 2.32 "Pollutants" shall mean substances which may be present in sewage, industrial waste or other waste, whether gaseous, liquid or solid, the amount of which, shall be determined by the sum of the BOD and the SS present therein.

SECTION 2.33 "Premises" shall mean any parcel of real property including land, improvements or appurtenances, such as buildings.

SECTION 2.34 "Pretreatment" shall mean any measures to be taken by a user of the public sewer which are necessary in order that the characteristics or amounts of substances discharged to a public sewer, either directly or indirectly, comply with Titles IV or V of these regulations, including but not limited to the alteration of plant or processes, the installation of equipment and/or the implementation of procedures designed to reduce the discharge of pollutants and toxic substances so that compliance with Titles IV or V is attained.

SECTION 2.35 "Private Sewer" shall mean a sewer located either in public or private property, which is privately owned and is controlled by public authority to the extent provided by law.

SECTION 2.36 "Public Sewer" shall mean a sewer which is owned by the City of New York.

SECTION 2.37 "Pumping Station" shall mean a structure in the sewerage system housing pumps and appurtenances to lift sewage from a lower to a higher level.

SECTION 2.38 "Receivable Industrial Waste" shall mean wastewater (not subject to the sewer surcharge) having all the following characteristics:

BOD <i>Biological O₂ Demand</i>	2500 lbs. per million gallons (300 parts per million or 300 mg/L) or less
Chlorine Demand	208 lbs. per million gallons (25 parts per million or 25 mg/L) or less
SS <i>suspended solids</i>	2916 lbs. per million gallons (350 parts per million or 350 mg/L) or less

1100-1300
Jeff Gorman
94 mesh
In Connection
houses
on waste to vib.
screen

**Ether Soluble
Material**

417 lbs. per million gallons
(50 parts per million or 50 mg/L) or
less

pH

not less than 5.0 and not more than
9.5

The Commissioner hereby imposes the additional
characteristic of:

Oil and Grease

417 lbs. per million gallons
(50 mg/L) or less

*Copy from
Sanitaries 31
usually 80*

SECTION 2.39 "Regulator" shall mean a device or apparatus for controlling the quantity of combined sewage from a contributory area admitted to an interceptor or interceptor collector. It is usually comprised of a regulator chamber, a diversion chamber and a tide gate chamber.

SECTION 2.40 "Regulator Chamber" shall mean a structure and related appurtenances, which limits the quantity of flow to an interceptor or interceptor-collector.

SECTION 2.41 "Sanitary Sewage" shall mean bodily wastes, wash water, culinary wastes, or similar matter, which is present in a sewer.

SECTION 2.42 "Sanitary Sewer" shall mean a sewer which conveys only sanitary or industrial sewage.

SECTION 2.43 "Scavenger Wastes" shall mean the sludge derived from sanitary wastewater discharged into cesspools, septic tanks or privies located within the City of New York.

SECTION 2.44 "Sewage" shall mean and include, for purpose of these regulations, water and waterborne materials and substances of every kind and description which are present in a sewer, including but not limited to wastewater, human or animal wastes, industrial waste or other waste, or infiltration and inflow.

SECTION 2.45 "Sewerage System" or "Sewer System" shall mean and include all sewers, including storm sewers, sanitary sewers, combined sewers and intercepting sewers and manholes, sewage pumping treatment and disposal works and any other plants, works or equipment and accessories within the city, which are used or useful in connection with the collection, treatment or disposal of sewage and waste, and which are owned, operated or maintained by the City as part of the public sewer system.

SECTION 2.46 "Sewage Treatment Works, Sewage Treatment Plant or Water Pollution Control Plant" shall mean a City owned facility for the treatment of sewage.

SECTION 2.47 "Sewer" shall mean a pipe or conduit for carrying sewage.

SECTION 2.48 "Sewer Surcharge" shall mean a charge applied to premises discharging wastewater, directly or indirectly, into a public sewer which contains BOD and/or SS in concentrations exceeding those specified in Section 2.38.

SECTION 2.49 "Shall" is mandatory.

SECTION 2.50 "Shredded Garbage" shall mean garbage shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in public sewers, with no particle having a dimension greater than 1/2 inch in any direction.

SECTION 2.51 "SS" (denoting Suspended Solids) shall mean the laboratory determination of the dry weight expressed in parts per million (ppm) or mg/L of solids that either float on the surface or are in suspension in sewage and can be removed by filtration.

SECTION 2.52 "Storm Sewer" shall mean a sewer, the specific purpose of which is to carry only stormwater.

SECTION 2.53 "Stormwater" shall mean the excess water running off from the surface of a drainage area during and immediately following a period of precipitation.

SECTION 2.54 "Tide Gate Chamber" shall mean a structure and related appurtenances which allows bypassing or overflow of excess combined sewage of a combined sewer or the flow of stormwater of a storm sewer to enter the receiving waters and prevents backflow of the receiving waters into the sewerage system.

SECTION 2.55 "Toxic Substance" shall mean any substance on the list of toxic pollutants or combination of pollutants published by the Administrator of the federal Environmental Protection Agency pursuant to section 307(a) (1) of the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act, as amended, or any substance whether gaseous, liquid or solid, which when discharged to the sewerage system may tend to (i) interfere with or inhibit any sewage treatment plant process or disposal operation or (ii) be detrimental to the health of human beings, animals or to aquatic life.

SECTION 2.56 "Unshredded Garbage" shall mean solid waste from preparation, cooking and dispensing of food or food products and from handling, storing and sale of produce.

SECTION 2.57 "User" shall mean any person which causes a direct or indirect discharge to a public sewer.

SECTION 2.58 "Wastewater" shall mean the contents of a house drainage system including sanitary wastes, industrial wastes or other wastes which are discharged directly or indirectly to a public sewer.

TITLE III

DISPOSAL OF WASTEWATER, STORMWATER AND GROUNDWATER

SECTION 3.1 Except with the written approval of the Commissioner, no stormwater outlet such as from a building, yard, or catchbasin, nor any drain from a body of water such as a lake, swamp, pond or swimming pool shall be connected to a public sewer, or to a private sewer connected to a public sewer, or to an interceptor-collector.

SECTION 3.2 No stormwater shall be allowed to enter a house drainage system within any area served by a separate sanitary sewerage system. Within any such area, no down spout or leader, gutter or other pipe, drain or channel which may at any time carry stormwater, subsurface drainage derived from hydraulic pressure or from well points, cooling water, or sea water shall be connected to any sanitary sewer. No down spout or leader shall be used as a soil, waste or vent pipe. Every joint in the connection of a house drain to a sanitary sewer shall be made watertight so that no leakage into or from any such drain shall occur.

SECTION 3.3 Except with the written approval of the Commissioner, no industrial or sanitary wastewater shall be allowed to enter a storm sewer.

SECTION 3.4 No connection to an interceptor or interceptor-collector shall be made without the written approval of the Commissioner.

SECTION 3.5 No wastewater originating from premises, other than stormwater, shall be discharged so as to enter a catchbasin, without the written approval of the Commissioner.

SECTION 3.6 (a) No person shall discharge, or cause to be discharged, directly or indirectly, over 10,000 gallons per day of groundwater into a public sewer without a groundwater discharge permit from the Commissioner.

(b) The Commissioner may impose any terms or conditions in a groundwater discharge permit that he deems necessary. If those terms or conditions are not complied with at all times, the permit may be revoked.

(c) The Commissioner may consult with the United States Environmental Protection Agency and the New York State Department of Environmental Conservation prior to granting a groundwater discharge permit; for discharges to combined or sanitary sewers, and at their suggestion, may include such conditions as he deems appropriate.

SECTION 3.7 The commissioner may approve an application for a groundwater discharge permit upon demonstration by the applicant, satisfactory to the Commissioner, that: (1) substantial property damage will result unless such groundwater is removed; (2) there is no feasible alternative method of disposal; (3) allowing the discharge will not overload the hydraulic capacity of the sewer; and (4) such discharge will not cause an unacceptable dilution of the influent to the water pollution control plant receiving the groundwater discharge.

SECTION 3.8 (a) Permits for the discharge of groundwater into storm sewers shall require, at a minimum, compliance with the following conditions: (1) the discharger shall develop and implement, pursuant to a schedule set by the Commissioner, an alternative method of disposal, unless the applicant demonstrates to the satisfaction of the Commissioner that no such alternative method of disposal exists or can be developed or implemented; (2) the discharger shall indemnify and hold the City of New York harmless for any damage or liability incurred by the City of New York either directly or indirectly, in the event that the discharge results in overloading the capacity of such storm sewer, or otherwise causes flooding, and shall also post and maintain such cash or surety bond as may be required and will be satisfactory to the Commissioner and shall supply evidence of such bond when required; (3) the discharger shall pay a sewer rent or charge equivalent to the one imposed by the Department pursuant to Section 683a4-9.0 of the Administrative Code.

(b) Approvals for the discharge of groundwater into either combined or sanitary sewers, shall require, at a minimum, compliance with the following conditions: (1) the discharger shall develop and implement, pursuant to a schedule set by the Commissioner, an alternative method of disposal, unless the applicant demonstrates to the satisfaction of the Commissioner that no such alternative method of disposal exists or can be developed and implemented; (2) the discharger shall indemnify and hold the City of New York harmless for any damage or liability incurred by the City of New York either directly, or indirectly, in the event that the discharge results in overloading the capacity of such sewer, causes a bypass away from the sewage treatment plant to which it would have otherwise flowed, or otherwise causes flooding, and shall also post and maintain such cash or surety bond, as may be required and will be satisfactory to the Commissioner and shall supply evidence of such bond when required; (3) the discharger shall pay a sewer rent or charge equivalent to that imposed by the Department pursuant to Section 683a4-9.0 of the Administrative Code.

SECTION 3.9 A groundwater discharge permit issued by the Commissioner, unless sooner terminated or revoked; is effective for one year. The permit may be renewed by the Commissioner thereafter for additional one-year periods upon new application by the discharger.

TITLE IV

MATERIALS AND SUBSTANCES EXCLUDED FROM PUBLIC SEWERS

SECTION 4.1 Except as hereinafter provided no person shall discharge or cause to be discharged, or allow to run, leak, or escape into any public sewer, pipe, channel, pumping station, catch basins or any other sewer appurtenances, or waterway connecting with any public sewer, or into any private sewer connected with a public sewer any of the following described materials, substances or wastes except such small quantities as may be present in normal household wastes:

(a) Construction materials, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, paunch manure, coffee grounds, fur, wax, or any solids or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system;

(b) Snow and ice at unauthorized locations;

(c) Steam or wastewater above 150° Fahrenheit;

(d) Flammable or explosive liquids, solids or gases, including but not limited to gasoline, benzene and naphtha (notwithstanding anything to the contrary contained in these regulations, under no circumstances may any such substances be discharged into the sewerage system);

(e) Oil sludges;

(f) Petroleum hydrocarbons, as defined in Section 2.30, in concentrations greater than 50 mg/L for any given time as determined by sampling the surface of the discharged wastewater or the sewage in the public sewer. However, animal fats and vegetable oils may be discharged to public sewers, provided that they do not adhere to sewer structures or appurtenances, or cause interference with sewage treatment processes. If there is evidence of such interference or adherence to sewer structures or appurtenances so as to cause blockage in the sewerage system, then, upon order of the Commissioner, the wastewater containing such materials must be effectively treated to remove such animal fats and vegetable oils by a process or device, such as a grease or oil interceptor, before discharge to a public sewer;

(g) Coal tar, its derivatives and waste;

(h) Paints and waste products from paint manufacturing which tend to clog or otherwise interfere with the operation of the sewerage system;

(i) Wastewaters having a pH lower than 5.0 or higher than 9.5 or having any other corrosive property likely to cause damage to structures or equipment of the sewerage system or create a hazard to personnel;

(j) Toxic substances in such quantities, which the person knows or has reason to know, may when discharged from a single source or in combination with other sources: (i) interfere with any sewage treatment process, including sludge digestion; (ii) limit the City's options for operating its sewerage system or disposing of the sewage sludge, grit or scum generated at water pollution control plants; (iii) be detrimental to the health of human beings, animals, or aquatic life; (iv) create any adverse effect in the receiving waters; or (v) violate federal or state laws or regulations or the requirements of a discharge permit of a sewage treatment plant issued pursuant to Section 402 of the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act, as amended, or any other permit issued pursuant to federal or state law.

(k) Toxic substances in such quantities which, when discharged from a single source or in combination with other sources: (i) violate any federal or state laws, regulations, rules or standards governing such discharge; or (ii) violate the toxic discharge limits to be set by the Commissioner, contained in a list to be maintained by the Commissioner and which may be published from time to time in the City Record, or (iii) violate any discharge limit contained in Section 5.1 or ordered pursuant to Section 5.2.

(l) Any liquids or wastes containing pollutants of such quality and/or quantity that become burdensome in the operation and maintenance of a sewage treatment plant;

(m) Any noxious or malodorous gas or substance capable of creating a public nuisance;

(n) Any wastewater or substance, which in the opinion of the Commissioner, will result in a violation of any applicable federal, state or local water quality standard concerning discoloration or other undesirable physical change in the appearance of the receiving waters.

SECTION 4.2 Under no circumstances will the discharge of unshredded garbage or refuse be permitted into a public sewer. The discharge of shredded garbage or refuse into the sewerage system or the installation of "garbage grinders" for the purpose of grinding or shredding garbage before discharge into a public sewer is expressly prohibited except in those drainage areas where there are separate storm and sanitary sewers. Moreover, in said separate system drainage areas non-stormwater must not be capable of being directed to a receiving water without first passing through a sewage treatment plant or its bypass.

SECTION 4.3 When in the opinion of the Commissioner the solids in an industrial waste or other wastes require comminution before discharge to the public sewer, not only must the necessary comminution facilities be approved by the Commissioner for adequacy but also the operating results must satisfactorily, in the opinion of the Commissioner, abate the problem which such solids may tend to create in the sewerage system.

SECTION 4.4 (a) Every person shall provide protection from accidental discharge of any materials or substances prohibited or regulated by any provision of any section of any title of these regulations. Facilities to prevent accidental discharges, such as spill prevention equipment, shall be provided and maintained by the person at his expense. The Commissioner may require the construction and/or installation of special facilities to prevent accidental discharges and the submission of detailed plans, for review, prior to the construction and/or installation.

(b) In the event of a discharge in violation of any provision of any section of any title of these regulations, the person involved in the accidental discharge, shall immediately notify the Department, at any hour, by telephone at (212) 966-7500, and shall give such other additional notice as the Commissioner may direct. The telephone notification shall include, the name of the person reporting the discharge, the exact time and location of the discharge, the nature of the discharge, including quantity, what it contains and any other information the Commissioner may request. The Commissioner may require additional notification and reporting, including written reports in a form he may prescribe.

(c) All establishments using or storing toxic or other substances the discharge of which would be prohibited, restricted, or regulated by these regulations, shall post a notice of the procedures to be followed in the event of an accidental discharge. The Commissioner may prescribe the size, form and content of this notice. This notice shall be posted at the location of the storage and use of toxic and other substances, the discharge of which would be prohibited, restricted or regulated by these regulations.

SECTION 4.5 The control of all odors which arise in premises from a public sewer shall at all times be the responsibility of the owner or occupiers of premises. The cost of such control shall be borne by the owner or occupiers of premises.

SECTION 4.6 All pretreatment devices, including but not limited to a grease or oil interceptor, whether required to be installed by order of the Commissioner or by any other law or regulation and located on any premises, shall be the proper device and correctly installed, maintained and operated.

SECTION 4.7 No person shall discharge or cause to be discharged any radioactive material either directly or indirectly into the sewerage system, unless all restrictions, prohibitions, and requirements of Article 175 of the New York City Health Code are fully complied with.

TITLE V

TOXIC SUBSTANCES ACCEPTED CONDITIONALLY

SECTION 5.1 The concentration in wastewater of any of the following toxic substances shall not exceed the specified concentrations listed below before discharge to a public sewer;

Toxic Substance	Permissible Concentration for any given time (mg/L)
Cadmium	2
Chromium (hexavalent)	5
Copper	5
Cyanide (amenable)	0.2
Lead	2
Mercury	0.05
Nickel	3
Zinc	5

SECTION 5.2 (a) Notwithstanding anything contained in Section 5.1 above, when the volume of a single toxic discharge or the combined toxic discharges of a group of establishments within a single drainage area is large enough, in the opinion of the Commissioner, to create unacceptable total concentrations of a toxic substance either in the influent entering a sewage treatment plant or in the receiving waters, the Commissioner may by order impose more stringent concentration limits than those listed in Section 5.1, or impose mass limits upon the person or persons so discharging. Conversely, when a toxic discharge is sufficiently diluted or rendered innocuous before reaching a sewage treatment plant or the receiving waters, the Commissioner may, in his absolute discretion, grant written permission for discharge concentrations greater than those listed in Section 5.1.

(b) The Commissioner may by order impose maximum amounts or concentrations of a toxic substance which may be discharged directly or indirectly to a public sewer from an industrial source notwithstanding that such amounts or concentrations are less than those demanded by other sections of this title or that the substance is not regulated by such sections for that source, provided that such amounts or concentrations are economically achievable by that source as determined by the Commissioner. Within 20 days after service of the Commissioner's determination and order, the person discharging the toxic substance may request a hearing at which evidence may be presented only upon the issue of the economic achievability of the maximum amounts or concentrations of the toxic substance, as imposed by the Commissioner, to be discharged to the public sewer. Following

such hearing, the hearing officer designated by the Commissioner shall report his findings and recommendations to the Commissioner who, in his discretion, may sustain, revoke, or modify his original determination and order. The Commissioner shall, upon his decision to sustain or modify his original determination and order, issue a final order to the person discharging the toxic substance to comply with such decision.

SECTION 5.3 Pursuant to Section 687-1.0(e)(2) of the Administrative Code, all pretreatment standards and requirements promulgated pursuant to the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act, as amended, including time limitations for compliance with such standards, monitoring of wastewater and the reporting of the results of such monitoring are hereby incorporated into these regulations and all such reports shall also be made to the Commissioner. All sources of pollutants or toxic substances to the public sewers, subject to such pretreatment standards, shall discharge wastewaters to the public sewers in conformance with such standards, provided however, that if a more stringent standard is applicable under Sections 5.1 or 5.2 or any other section of these regulations then the said more stringent standard shall be controlling.

SECTION 5.4 Pretreatment systems shall be maintained in good working order and operated properly so as to insure continued compliance with Titles IV and V of these regulations.

SECTION 5.5 No person shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute means of pretreatment in order to comply with any provision of any section of any title of these regulations.

TITLE VI

TERMS AND CONDITIONS FOR THE ISSUANCE OF A PERMIT

SECTION 6.1 No person shall discharge, directly or indirectly, into a public sewer any wastewater, sewage, industrial waste, or other waste or any other substance, the characteristics of which violate any provision in Titles IV or V of these regulations. A person wishing to temporarily discharge effluents to a public sewer in violation of the provisions of Titles IV or V, until a pretreatment system is in place that will bring the discharged effluents in compliance with the provisions of Title IV or V, may apply for a permit to do so. The applicant for a permit shall comply with the requirements of Section 6.2. The Commissioner, in his discretion, may issue such a permit and in the permit may impose such terms and conditions he deems necessary. Such terms and conditions may include the requirements of: (i) a limitation upon the volume or rate of flow of effluent discharge; (ii) the installation and maintenance, by the permittee at his own expense, of facilities or equipment for intermittent or continuous measurement of the effluent discharged; (iii) the installation and maintenance of detention tanks or other facilities or equipment for reducing the maximum rates of discharge; (iv) or any other equipment, devices, limitation or requirement he deems necessary.

SECTION 6.2 (a) The applicant for a permit from the Commissioner to temporarily discharge any substance, the characteristics of which violate any provision of Titles IV or V of these regulations shall comply with the following requirements:

(1) Upon application, or by such later date as the Commissioner may direct, submission of a properly completed departmental industrial wastes questionnaire, which shall include such information, as the Commissioner may direct, concerning the characteristics of the effluents from industrial processes. If, in the opinion of the Commissioner, such information requires the performance of laboratory tests, such tests shall be made at the expense of the applicant for the permit and shall be performed in such manner as the Commissioner directs. The samples of wastewater for which laboratory determinations are to be made shall be taken in accordance with the direction of the Commissioner. Any information to be included in the industrial wastes questionnaire which is designated confidential business information by the applicant, except effluent characteristics, is to be treated in accordance with applicable law and procedures established by the Commissioner.

(2) Upon application, or by such later date as the Commissioner may direct, submission of plans and such other information, as required by the Commissioner which show and explain the proposed pretreatment system. The pretreatment system shall, if required by the Commissioner, include a suitable station, acceptable to the Commissioner, to be used for the sampling and or gauging of effluents to be discharged to the public sewer.

Thereafter, the Commissioner may conduct a review and approval of such plans. The review and approval of such plans shall apply only to the pretreatment system. The requirements of other sections of the Administrative Code shall be fully complied with and all necessary approvals obtained by applicant from the appropriate agencies. A copy of a certificate of such approval or approvals shall be submitted with the plans for the pretreatment system.

In lieu of the submittal of permits from appropriate City agencies having jurisdiction, a report by a professional engineer or registered architect may be submitted stating that the applicant has complied with all the requirements of law in the preparation of plans submitted for approval under this section.

Approval of such plans, by the Commissioner, shall be limited by him to the determination of whether such plans for pretreatment of wastewater conform in principle to the accepted practices in the field of waste treatment. Such approval shall be conditional upon satisfactory performance of the installed pretreatment facilities. No such permit or approval shall be deemed to waive, nor shall any permit or approval be held to limit, the power of the Commissioner to enforce any requirement of these or any other regulations, or of the Administrative Code or of any other law. The Department, by such approval, shall not incur any liabilities or obligations for the failure of the effluent from such facilities to comply with these or any other regulations, the Administrative Code or any other law.

Any approval by the Commissioner of a type, kind or capacity of an installation shall not relieve the applicant of the responsibility of altering, enlarging or otherwise modifying an installation to accomplish its intended purpose to the degree necessary to comply with Title IV and V herein.

(3) Upon application, or by such later date as the Commissioner may direct, submission of an implementation schedule, satisfactory to the Commissioner, for the completion and operation of the pretreatment system necessary so that effluents discharged to the public sewer comply with provisions of Titles IV or V herein.

(4) A statement signed by the applicant which obligates such applicant to comply with all of the following requirements and with such additional conditions as the Commissioner may require:

- A. In the event the installation of a pretreatment facility is planned to exceed a time period of 9 months, periodic reports, at intervals of not greater than three months, shall be submitted to the Commissioner, showing the progress toward the installation and operation of the pretreatment facility.
- B. Pretreatment effluent monitoring reports shall be submitted to the Commissioner in conformance with and at such intervals as required by Section 5.3 herein, if applicable, or as otherwise required by the Commissioner. This provision shall survive the expiration or revocation of a permit issued pursuant to this Title.
- C. Components of the pretreatment system shall be maintained in good working order and operated properly so as to insure continued compliance with Titles IV and V of these regulations. Employees of the Department shall be allowed entry upon the premises to inspect the pretreatment system and the industrial processes, to sample wastewater influents and effluents from such industrial processes and/or the pretreatment system and to obtain such information as is relevant in determining compliance with Titles IV or V herein or compliance with the implementation schedule referred to in paragraph (3) of this Section. This provision shall survive the expiration or revocation of a permit issued pursuant to this Title.

(b) Non-compliance with any of the terms and conditions of the permit, shall be grounds for revocation of the permit to discharge wastewater into the public sewer; such revocation shall be effective immediately upon notice to the permittee of such revocation.

SECTION 6.3 (a) Upon direction or order by the Commissioner, any user of a public sewer shall: (i) complete an industrial wastes questionnaire form; (ii) allow an inspection of the user's processes which contribute wastewater to a public sewer; (iii) measure and sample for the purposes of determining volume and characteristics of effluents which are discharged to a public sewer. Any information included in the industrial wastes questionnaire which is designated confidential business information by the user of the public sewer, except effluent characteristics, is to be treated in accordance with applicable law and procedures established by the Commissioner.

(b) An industrial waste questionnaire shall include:

(i) Details of production, number of employees, water consumption and usage, waste disposal facilities, and other pertinent data to enable the Commissioner to properly determine the nature of the waste being discharged;

(ii) A plan of the property showing accurately all sewers, drains and house sewer connections;

(iii) A laboratory determination of the characteristics of the wastewater discharged to a public sewer, if required by the Commissioner. Such a laboratory determination shall be made at the expense of the applicant, and when the applicant has neither the facilities nor professional personnel to properly perform this laboratory determination in accordance with the methods prescribed in the definition of laboratory determination under Section 2.23 of these regulations, he shall have the laboratory determination performed and attested to by a person or agency of recognized professional standing. The samples of wastewater for which a laboratory determination is to be made shall be taken in accordance with the direction of the Commissioner and the results shall be transmitted to the Commissioner.

SECTION 6.4 For discharges which conform or are expected to conform to Titles IV or V herein, the Commissioner, nevertheless, may require the installation and maintenance, by a date set by the Commissioner, at the sole expense of the user of the public sewer, of facilities or equipment for the measurement and sampling by departmental personnel of wastewater discharged to a public sewer.

SECTION 6.5 No person shall cause or allow a new connection to a public sewer of premises, in which one or more establishments that will discharge industrial wastes or other wastes, as defined in these regulations are to be located, without a written permit from the Commissioner, pursuant to Section 683a4-6.0 of the Administrative Code. No such permit shall issue unless the Commissioner shall have determined that the characteristics of such discharges will comply with the provisions of Titles IV or V herein and approves such connection. If pretreatment facilities are required in order that the discharge to the public sewer comply with Titles IV or V herein, review and/or approval by the Commissioner of plans for such facilities shall be limited by him to the determination of whether such plans conform in principle to the accepted practices in the field of waste treatment. No such permit or approval shall be deemed to waive, nor shall any such permit or approval be held to limit the power of the Commissioner to enforce any requirements of these or any other regulations or of the Administrative Code or of any other law. The Department, by such approval, shall not incur any liabilities or obligations for the failure of the effluent from such facilities to comply with these or any other regulations, the Administrative Code or any other law.

TITLE VII

REMOVAL, TRANSPORTATION AND DISPOSITION OF SCAVENGER WASTES

SECTION 7.1 (a) Scavenger wastes shall be admitted into the sewerage system at designated manholes only. The discharge, directly or indirectly, of scavenger wastes into the sewerage system without a valid permit or in contravention of the terms of a permit shall constitute a violation of these regulations. Persons desiring to discharge scavenger wastes at such designated manholes shall be required to obtain a scavenger wastes permit from the Commissioner.

(b) The disposal of such wastes to the City's sewerage system from sources outside of New York City is prohibited.

(c) Sludges from cesspools or septic tanks containing substances derived from non-sanitary wastewater will not be admitted into the sewerage system except by special permit issued by the Commissioner.

(d) The discharge of these wastes shall be made only at a designated manhole location on a combined or sanitary sewer as shall be stated in said permit or as may be relocated by the Commissioner.

SECTION 7.2 The applicant for scavenger wastes permit or special permit shall be the owner or lessee of the vehicle to which the permit is to apply. Any false, untruthful or misleading statements in any application for a scavenger wastes permit or special permit or in any material submitted in support of said application will invalidate the permit. All scavenger wastes permit or special permits issued by the Commissioner shall be for one (1) year, unless stated otherwise. A copy of the scavenger wastes permit or special permit must be carried in every truck for which a scavenger wastes permit or special permit has been issued, and must be presented on demand of the Commissioner.

The person shall at all times conduct discharging operations so as to maintain the safety and cleanliness of the designated manhole and its surrounding area.

The scavenger wastes permit or special permit may be suspended or revoked at any time by the Commissioner for violation of these rules and regulations:

SECTION 7.3 All applicants for a permit to discharge scavenger wastes into the sewerage system shall furnish the following information with each application:

- (a) Name of Firm or Individual and Address;
- (b) Department of Sanitation Certificate Number;
- (c) Department of Consumer Affairs License Number;
- (d) Volume of scavenger wastes removed each year for the last three years; new applicants to submit an estimate of volume for the first year.
- (e) Number of scavenger vehicles in collection service.
- (f) Completed copy of the New York State Department of Environmental Conservation Septic Tank Cleaner Permit.

SECTION 7.4 The scavenger waste permit is applicable for vehicles transporting only scavenger wastes and is not valid for vehicles which, at times, transport other wastes.

TITLE VIII

IMPOSITION AND COMPUTATION OF SEWER SURCHARGE

SECTION 8.1 IMPOSITION OF SEWER SURCHARGE: In addition to any other fees, charges or sewer rents provided by Section 683a4-9.0 of the Administrative Code or any other law, the owner of any parcel of real property connected with the sewerage system, including but not limited to real property connected with the sewerage system by means of a private sewer or drain emptying into the sewerage system, shall pay a sewer surcharge for the use of the sewerage system for discharging any wastewater or other substances in which the characteristics, resulting from pollutants contained therein, exceed the maximum values of such characteristics in receivable industrial waste as defined under Section 2.38 of these regulations.

SECTION 8.2 COMPUTATION OF SEWER SURCHARGE: The sewer surcharge shall be computed by the Commissioner pursuant to the provisions of subparagraph 2(a) of subdivision (b) of Section 687-1.0 of the Administrative Code of the City of New York as follows:

The amount of the sewer surcharge shall equal the product of the following four factors:

(1) The cost per pound of removing pollutants as defined in Section 2.8 of these regulations; (2) a conversion factor; (3) the volume of wastewater discharged into a public sewer; (4) the sum of (a) the weighted average SS concentration in the wastewater discharged into a public sewer in excess of 350 mg/L, and (b) the weighted average BOD concentration in the wastewater discharged into a public sewer in excess of 300 mg/L.

The quality-quantity formula* expressed in symbols is:

$$Ds = C \times F \times V \times [(SS - 350) + (BOD - 300)] \text{ where:}$$

Ds = amount of surcharge in dollars;

C = cost per pound (in dollars) of removing pollutants;

$$F = \frac{62.4}{1,000,000} \text{ (this factor converts mg/L}$$

to pounds per million cubic feet);

V = volume, in cubic feet of wastewater discharged into the public sewer.

(*If the SS is less than 350 mg/L, and/or the B.O.D. is less than 300 mg/L, then either one or both of these particular pollutant factors shall be eliminated from the formula.)

SECTION 8.3 VOLUME DETERMINATION: In applying the sewer surcharge formula the Commissioner may use any one or combination of the following as the figure representing the number of cubic feet of wastewater discharged into a public sewer: (1) the amount of water supplied to the premises by the City or a private water company as indicated by the water meter(s) if the premises are metered; or (2) if the premises are supplied with river water or water from private wells, the amount of water supplied from such sources as determined by the Commissioner, pursuant to paragraph four, subdivision b of Section 683a4-9.0 of the Administrative Code; or (3) if such premises are used for an industrial or commercial purpose of such nature that the water supplied to the premises is not entirely discharged into a public sewer, the determination of the amount of wastewater discharged into a public sewer made by the Commissioner pursuant to the provisions of paragraph five of subdivision b of Section 683a4-9.0 of the Administrative Code; or (4) the actual quantity as determined by measurements taken at a gauging station installed by the owner of the property served by a public sewer, at his own expense, which is acceptable to the Commissioner; or (5) a figure determined by the Commissioner by any combination of the foregoing or by any other equitable method.

SECTION 8.4 DETERMINATION OF POLLUTANT CONCENTRATIONS.

(a) The pollutant concentrations of any wastewater shall usually be determined from representative samples of the effluent discharged to a public sewer, taken by representatives of the Commissioner at sampling stations as described under Title VI, Section 6.3 of these rules and regulations or at other locations determined by the Commissioner.

The intent of any sampling procedure is to establish the BOD and SS concentrations in the wastewater discharged during an average or typical working day. These concentrations may be derived, according to the best judgment of the Commissioner, by repeated samplings during one or more days.

The analyses of samples taken shall be performed in the Industrial Waste Laboratory of the Department and the sewer surcharge shall be based upon said analyses.

(b) All sewer surcharges shall be based on the analyses of the total wastewater from any premises. The concentrations of pollutants in the wastewater, once determined as prescribed in this section, shall be used in calculating the sewer surcharge. The concentrations of pollutants shall remain in effect until the person affected shall prove, to the satisfaction of the Commissioner, or the city shall determine that a change in the manufacturing process or production or the installation or

alteration of pretreatment facilities warrants a reanalysis. The revised pollutant concentrations shall then be used in calculating the sewer surcharge and shall become effective as of the date of the request for resampling.

(c) Whenever the wastes discharged from premises to a public sewer might be expected to show appreciable periodic variations during the year due to manufacturing process or production variation due to seasonal changes, the Commissioner may average the results of two or more series of analyses taken to reflect these variations and thereby determine an average annual pollutant concentration.

(d) Average Pollutant Concentrations as a Basis for Sewer Surcharge: The Commissioner may establish average pollutant concentrations of the wastewater discharged into the public sewer by each industry or segment of an industry. These average pollutant concentrations may be determined by sampling the wastewater of one or more establishments judged by the Commissioner as typical for that industry or from figures obtained from professional or trade literature. The determined averages may be expressed in concentration units, pounds of pollutants related to units of production, or some other suitable measure, and then converted to the factors involved in the formula for the computation of the sewer surcharge in accordance with Section 8.2 of this Title. Where sampling and gauging of specific premises is not practical for physical, economic or other reasons, the appropriate averages may be applied in determining the sewer surcharge. These average pollutant concentrations shall remain in effect until such time as the person; (i) submits data which, in the absolute discretion of the Commissioner, indicates that these average pollutant concentrations are no longer valid for the industry or are being improperly applied to him; or (ii) makes his premises amenable to sampling. In the event that the person makes the premises amenable to such sampling it shall be at his sole expense.

SECTION 8.5 POLLUTANT CONCENTRATIONS DISPUTED BY A USER OF A PUBLIC SEWER: In the event that the pollutant concentrations of the wastewater discharged to a public sewer, as determined under Section 8.4 of this Title, is disputed by the user of a public sewer, a program of resampling and gauging with subsequent analyses may be instituted as follows:

(a) The person must submit a request for resampling and gauging of wastewater to the Commissioner who shall determine if such resampling is warranted. The person shall bear all of the expenses incurred by the City in the resampling and gauging and subsequent analyses of the wastewater if the sewer surcharge billings, based upon the resultant concentrations, are less than fifteen percent below or five percent above the sewer surcharge billings based upon the disputed pollutant concentrations.

(b) A consultant of recognized professional standing in the employ of the person must confer with representatives of the Commissioner in order that an agreement may be reached as to the various factors which must be considered in a new sampling program.

(c) The results of the resampling and the reanalyses in the Department's laboratory shall be considered to be the current analyses of the wastewater discharged to the public sewer and shall be used for determining the sewer surcharge and/or acceptability of the wastewater as of the date of the user's request for such resampling.

SECTION 8.6 STANDARD METHODS FOR THE EXAMINATION OF WATER AND WASTEWATER: The handling, storage, and analyses of all samples taken for the determination of the characteristics of wastewater shall be performed in accordance with the latest edition of "Standard Methods for the Examination of Wastes and Wastewater," (a joint publication of the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation).

SECTION 8.7 FIRM WITH MULTIPLE BUILDINGS: Where a firm is operating as an integrated manufacturing complex involving more than one building with varying processes and having separate house sewer connections within the same contributory area, as defined under Section 2.6, such firm may be considered as one unit with multiple house sewers. Pollutant concentrations for each house drain, determined by sampling and gauging at each house sewer, may be combined and the weighted averages of the results thus obtained may be used as the measure of the pollutant concentrations of the wastewater discharged into the public sewers by said firm.

SECTION 8.8 A BLOCK AND LOT WITH MULTIPLE BUILDINGS: Where a parcel of real property consisting of one block and lot is occupied by multiple buildings having tenants with unrelated manufacturing processes, such a complex of buildings may be considered as one unit with multiple house sewers. Pollutant concentrations for each house sewer, determined by sampling and gauging at such house drain, may be combined and the weighted average of the results thus obtained may be used as the measure of the pollutant concentrations of the wastewater discharged into the public sewers from buildings on said block and lot.

SECTION 8.9 MULTI-TENANTED INDUSTRIAL BUILDING: Where a parcel of real property, consisting of one block and lot or lots, is occupied by a multi-tenanted industrial building connected to the public sewers by one or more house sewers and the tenants in said building discharge wastewater into the house drainage system, if the Commissioner shall so direct, the determination of the pollutant concentrations of such wastes shall be taken at a

suitable control manhole or manholes where the wastes combine and discharge through the house sewer or sewers into the public sewers. Pollutant concentrations for each house sewer, determined by sampling and gauging at each house drain, may be combined and the weighted averages of the results thus obtained may be used as the measure of the pollutant concentrations of the wastes discharged into the public sewer from said building.

SECTION 8.10 INDUSTRIAL PARK AND/OR INDUSTRIAL BUILDING COMPLEX: Where a parcel of real property consists of more than one block and lot and one or more buildings on said parcel occupy a single block, each such building or buildings may be considered as a multi-tenanted industrial building and the pollutant concentrations of the wastewater discharged from said building or buildings to the public sewers shall be determined as prescribed under Section 8.9 of this Title.

TITLE IX
RESERVED

TITLE X
RESERVED

TITLE XI

GENERAL PROVISIONS

SECTION 11.1 DELEGATION OF AUTHORITY: All actions or approvals required by or permitted to the Commissioner may be taken by the Director of the Bureau of Water Pollution Control or the Director of the Bureau of Sewers or by an authorized representative of the Commissioner or either of the Directors.

SECTION 11.2 PROTECTION FROM DAMAGE: (a) No unauthorized person shall enter any regulator or other element of the sewerage system and no person shall dispose of or allow to discharge directly or indirectly into the public sewer any material or substance excluded by these rules and regulations from the public sewers. No person shall damage or tamper with the operation of any mechanism nor shall any person change the operation of any device without proper authorization from the Commissioner.

(b) No person shall knowingly, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the sewerage system.

SECTION 11.3 NON-INTERFERENCE WITH AUTHORIZED EMPLOYEES: Authorized employees of the Department shall be in charge of the operation of the sewerage system and no person or persons shall interfere with such employees in the performance of their duties nor shall any material which will impair the operation of such system be thrown or placed or cause to be thrown or placed in or about such system, or in or about the parts or appurtenances of the operating machinery, or devices of such system. No person shall in any way interfere with or obstruct the operation of the machinery or devices of such system and no person other than an authorized employee or agent of the Department shall operate or attempt to operate or change the operation of any appurtenance of a sewage treatment works.

SECTION 11.4 No person shall interfere with or obstruct duly authorized employees of the Department, bearing proper credentials and identification, from entering upon all properties, public or private, for the purpose of inspection, observation, sampling and testing as is necessary to determine compliance with the requirements of any section herein or in executing the orders of the Commissioner. Refusal to permit such entry or the tampering with any device placed within the premises for purposes of sampling or testing shall be a violation of these regulations.

SECTION 11.5 COOPERATION BY PRIVATE PERSONS, WATER COMPANIES AND PUBLIC AGENCIES: (a) The Commissioner may require every person who owns or occupies real property within the city, and

every private water company supplying water to property within the city, to furnish him with such information as may be necessary to carry out the provisions of these rules and regulations.

(b) The Commissioner shall have the power to hold hearings and subpoena any such persons or company, or any officer, employee or agent of any such company, and direct the production of books and records in order to carry out the provisions of these rules and regulations.

(c) Every such person, water company or public official or municipal agency, officer or employee shall cooperate with the Commissioner in carrying out the provisions of Section 687-1.0 of the Administrative Code and shall comply with all rules and regulations promulgated pursuant to said section.

SECTION 11.6 PENALTIES AND SANCTIONS: Any person who is in violation of, or fails to comply with any provision of any section of any title of these regulations or any order or determination issued pursuant to these regulations shall be subject to the fines, penalties and other sanctions provided in Section 689-1.0 of the Administrative Code of the City of New York.

SECTION 11.7 The Commissioner shall cause to be published annually, in the largest daily newspaper published in the City of New York, a list of persons that, during the previous twelve months, were significantly violating applicable pretreatment standards or other pretreatment requirements as defined in Part 403.8(f)(2)(vii) of Title 40 of the Code of Federal Regulations.

SECTION 11.8 Nothing contained in any section of any title of these regulations shall be deemed to waive any requirement of the New York City Administrative Code or of any other city, state or federal law or regulation.

TITLE XII

REPEAL

SECTION 12.1 These rules and regulations replace and supersede those "Rules and Regulations Relating to the Use of the Public Sewer System for the Discharge of Sewage, Industrial Waste and Other Wastes, Including Surcharges and Penalties", adopted on September 30, 1963, and any subsequent amendments, and those "Rules and Regulations Restricting the Discharge of Groundwater into the New York City Sewer System" adopted on March 31, 1982 and any subsequent amendments, which are hereby repealed.

APPENDIX A

ENFORCEMENT AND PENALTIES (ADMINISTRATIVE CODE, §689-1.0)

Enforcement and penalties.

a. Notwithstanding any other provision of law, the commissioner of environmental protection and the environmental control board shall enforce the provisions of Sections 683a4-2.0 through 683a4-19.0 and 687-1.0 and the regulations promulgated pursuant thereto. Such commissioner and board shall have the power to issue such orders as may be provided for therein and such additional orders as may be necessary for the enforcement of such provisions.

b. 1. Whenever the commissioner has reasonable cause to believe that a discharge in violation of the provisions of sections 683a4-2.0 through 683a4-19.0 and 687-1.0 or any order, rule or regulation issued by the board or commissioner or in violation of the conditions of any permit issued pursuant to such provisions creates or may create an imminent danger to the sewer system or to the public health or to the life or safety of persons, the commissioner may issue a cease and desist order requiring any person who owns, leases, operates, controls or supervises any building, structure, facility or installation from which the unlawful discharge is emitted to take such action as may be necessary to halt or prevent such discharge.

2. If service of the order cannot be made personally because such person cannot be located at such time then service may be made by delivering a copy to a person of suitable age and discretion at the residence or place of business of the person ought to be served. If service cannot be made personally or by such delivery to a person of suitable age and discretion because inability to locate or to obtain the name or address of such person at such time, service may be made by conspicuously posting copy of such order upon the property to which it relates. The posting of such order shall be sufficient notice of such order to

all persons having a duty in relation thereto under the provisions of this subdivision.

3. If the order is not complied with or so far complied with as the commissioner may regard as reasonable, within the time specified therein the Commissioner may act to halt or prevent such discharge by:

- (a) sealing, blocking, or otherwise inactivating any equipment facility or device;
- (b) terminating the water supply to the premises;
- (c) sealing, blocking or otherwise inactivating any private sewer or drain emptying directly or indirectly into the sewer system;

(d) any other means or method that is reasonable under the circumstances. For such purpose the commissioner or his deputies or such other officers or employees as are designated by the Commissioner may enter on any public or private property.

4. Any person affected by such an order may make written application to the environmental control board for a hearing. Such hearing shall be provided, pursuant to the rules and regulations of the board, and shall be held within forty-eight hours after the receipt of such application. The board may suspend, modify or terminate such order.

c. 1. In the case of any continued or knowing violation of any of the provisions of Sections 683a4-2.0 through 683a4-19.0 and 687-1.0 or any order, rule or regulation issued by the board or commissioner pursuant thereto or of the conditions of any permit issued pursuant to such provisions or where the board finds that the violation of any of such provisions or of the conditions of any such permit presents or may present a danger to the environment or threatens to interfere with the operation of the sewer system, the board after notice and the opportunity for a hearing in accordance with the rules and regulations of the board, may issue a cease and desist order requiring any person who owns, leases, operates, controls or supervises any building, structure, facility or installation to cease and desist from any activity or process which causes or is conducted so as to cause

such violation within the time specified in such order.

2. Such order may provide that if the order is not complied with or so far complied with as the commissioner of environmental protection may regard as reasonable within the time specified therein, the commissioner may take such action as shall be specified therein, including but not limited to:

(a) sealing, blocking or inactivating any equipment facility or device;

(b) terminating the water supply to the premises;

(c) sealing, blocking or otherwise inactivating any private sewer or drain emptying directly or indirectly into the sewer system.

For such purpose the commissioner or his deputies or such other officers or employees as are designated by the commissioner may enter on any public or private property.

d. If the respondent fails to comply with any order issued by the board or commissioner or with the conditions of any permit, or the board or commissioner otherwise deems it necessary, the corporation counsel, acting in the name of the city, may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any order or permit issued by the board or commissioner.

e. Any person who violates or fails to comply with any of the provisions of Sections 683a4-2.0 through 683Aa4-19.0 and 687-1.0 or any order, rule or regulation issued by the board or commissioner pursuant thereto shall be liable for a civil penalty of not less than fifty nor more than one thousand dollars for each violation. In the case of a continuing violation each days continuance shall be a separate and distinct offense. The environmental control board shall have the power to impose such civil penalties. A proceeding to impose such penalties shall be commenced by the service of a notice of violation returnable to such board. Such board, after a hearing as provided by the rules and regulations of the board, shall have the power to enforce its

final decisions and orders imposing such civil penalties as if they were money judgements pursuant to subdivision d of section fourteen hundred four of the New York City charter. A civil penalty imposed by the board may also be collected in an action brought in the name of the city. The board, in its discretion, may, within the limits set forth in this subdivision in any court of competent jurisdiction establish a schedule of civil penalties indicating the minnum and maximum penalty for each separate offense.

f. In addition to the civil penalties set forth in subdivision f of this section, any person who knowingly violates any provision of sections 683a4-2.0 through 683a4-19.0 or 687-1.0 or any order, rule or regulation issued by the commissioner or board pursuant thereto shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than two hundred fifty nor more than one thousand dollars, or by imprisonment not exceeding thirty days, or both for each violation. In the case of a continuing violation each days continuance shall be a separate and distinct offense.

g. Any person who violates or fails to comply with any of the provisions of sections 683a4-2.0 through 683a4-19.0 and 687-1.0 or any order, rule or regulation issued pursuant thereto or with the conditions of any permit issued pursuant thereto shall be liable to the city for any expense, loss or damage suffered by the city by reason of such violation.

h. Unless otherwise provided in this section, service of any notice or order required by this section may be made either personally or by mail addressed to the last known address of the person to be served.

