

## **Agenda**

- 1) Presentation: Stormwater Charge Pilot for Standalone Parking Lots
- 2) Consent Order Public Comments
  - a. Compiling Response
- 3) Stormwater Rule Comments
  - a. Many comments will be responded to in the ACO Response
- 4) LTCP Public Participation
  - a. General Discussion

### Notes:

- a. Annual Report
- b. 2012 Grant Program

## **Summary Minutes**

DEP introduced Angela Licata as the new Deputy Commissioner for Sustainability. Ms. Licata formerly served as the Deputy Commissioner of the Bureau of Environmental Planning and Analysis (BEPA).

### **Stormwater Charge Pilot for Standalone Parking Lots**

Erin Morey, Project Manager, DEP's Bureau of Environmental Planning and Analysis, Wet Weather Planning & Water Quality Policy gave a presentation on the Stormwater Charge Pilot for Standalone Parking Lots.

*A PDF version of the presentation is attached to these minutes.*

### Background

- Current billing system based on water consumption, with wastewater charges levied at 159% of water charges
- 267 stand-alone private parking lots (381 accounts) without water service citywide
- Parking lots generate significant stormwater runoff

- Stormwater-related operational expenditures were approximately 9% of DEP's total budget in FY2009, based on the best information available at that time

After the presentation, the Steering Committee made recommendations to increase incentives for parking lot owners to build green infrastructure. These included:

- Raising the charge above \$0.05 square foot of lot by calculating the fee based on an alternate equation
  - *As stated during the presentation, the stormwater charge is based on DEP's stormwater expense budget (i.e., revenue requirements), which remains steady, as opposed to capital expenses, which change each year.*
- Hosting workshops (cosponsored with ASLA or other design professionals) to teach BMP alternatives and increase outreach for design and implementation
  - *DEP currently discussing with DOB*
- Expanding program to include public parking lots and beyond parking lots to establish a stormwater charge for NYC.
  - *DEP responded that this is already under examination in light of upgrades to DEP's overall billing system which are currently underway*

### **Stormwater Rule/Consent Order Public Comments**

DEP informed the Steering Committee that the comment periods for both the Proposed Stormwater Rule and the Consent Order have closed. Responses are currently being filed and there is significant overlap between comments on the Rule and the CO. The public comments submitted on the Stormwater Rule were made available to the public on January 3, 2012. DEP can send by email after sending a request to Russ Pecunies, DEP Assistant Counsel at [rpecunies@dep.nyc.gov](mailto:rpecunies@dep.nyc.gov). Hardcopies were available for pickup at DEP on the 19<sup>th</sup> floor of 59-17 Junction Boulevard, Flushing New York between 9am-5pm on January 3, 2012.

Steering Committee members referenced their comment letters on the Rule and the Consent Order and informed DEP that there was consensus between the environmental community and real estate groups. Steering Committee members stressed that they support the Green Infrastructure Plan and its implementation, but also have concerns about how DEP is implementing the Plan and whether or not there is enough emphasis on infiltration, rainwater harvesting, evapotranspiration and the methodology of green infrastructure's net benefits.

Steering Committee members asked about the Rule promulgation process and when the Stormwater Rule will be re-evaluated. DC Licata estimated that DEP will revise the rule on a regular basis depending on new information on green infrastructure implementation, monitoring, and modeling and will report on progress each year in an annual report. She informed the Steering Committee that Commissioner Strickland had tasked the Bureau of Environmental Planning and Analysis and the Office of Green Infrastructure with the creation of a research

agenda that will emphasize pooling technical resources to increase the effectiveness of DEP's green infrastructure strategies. The Steering Committee recommended an independent peer review process for the research agenda.

### **LTCP Public Participation**

DEP informed the Steering Committee that a draft LTCP Public Participation Plan will be submitted to the New York State Department of Environmental Conservation (DEC) for approval. It is scheduled to be available to the public in January 2012. The Public Participation Plan will consist of:

- The creation of a Citywide Citizen Advisory Committee (CAC)
- Borough-wide and waterbody specific public meetings
- Informational Materials
  - Website (Presentations, Reports)
  - Printed (Pamphlets, Brochures)

The Green Infrastructure Steering Committee will continue to meet quarterly to partner with DEP on green infrastructure implementation. Steering Committee members will also be invited to join the CAC if they wish.

Steering Committee members gave initial feedback on the draft LTCP Public Participation Plan encouraging DEP to review other municipalities' plans and to promote creativity in the process. The Steering Committee also urged DEP to coordinate feedback mechanisms to increase responsiveness.

Steering Committee members asked about the status of the Waterbody/Watershed Facility Plans and DC Licata replied that there is still work to be done with DEC to finalize them. She indicated that since the Facility Plans were begun before the release of the Green Infrastructure Plan and the draft Amended Consent Order, there may be some stale or outdated concepts.

DEP and the Steering Committee continued to discuss how the Steering Committee will support green infrastructure implementation. Several themes developed during the conversation including:

- A Scientific Peer Review to support DEP's research agenda. This Peer Review can elevate the importance of an issue and show transparency when reviewing monitoring protocols. Steering Committee members offered to put together a list of potential reviewers
- Technical advice on monitoring, design, and adaptive management
- Support for DEP's efforts with the Public Design Commission, making recommendations on space and material
- Support for the Green Roof Tax Abatement and its reauthorization in the State Senate

## **Attendance**

Betsy Immershein, Cooper Union Institute of Sustainable Design

Karen Appell, AECOM Senior Engineer

Sino Tanikawa, New York Soil and Water Conservation District

Larry Levine, NRDC

Angela Tovar, Sustainable South Bronx,

Michael Brotchner, Sustainable South Bronx

Philip Musegaas, Riverkeeper

Kevin Bone, Director of Cooper Union Institute of Sustainability

Hershel Weiss, Ashokan Water

Russell Unger, Urban Green Council

Robert Pirani, Regional Plan Association

Susannah Drake, dlanstudio

Mark Matsil, Trust for Public Land

Daniel Avery, City Council

Angela Licata, DEP Deputy Commissioner for Sustainability

Chris Hawkins, DEP Chief of Staff

Margot Walker, DEP Director of Green Infrastructure Partnerships

Erin Morey, DEP Project Manager, Wet Weather Planning & Water Quality Policy

Mikelle Adgate, DEP Project Manager, Green Infrastructure Partnerships

Kim Seiler, DEP Urban Fellow

## ■ Background

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## ■ The Pilot and Credit Program (FY2011 Rate Schedule)

1. Charge stand-alone parking lot owners without water service for stormwater discharges to sewer system
  - Identified based on NYC Department of Consumer Affairs (DCA) data and DEP site visits to verify boundaries and water supply connections
2. Generate revenue for stormwater-related expenditures
  - \$0.05/SF of lot charge approved by NYC Water Board during rate setting
3. Incentivize onsite stormwater management
  - Consideration for exemption from charge if BMP implemented

- Status Update

<b>FY2011</b> <i>(partial year)</i>	<b>FY2012</b> <i>(full year)</i>
Billed: \$84,294.78*	Billed: \$190,478.74*
Paid: \$83,799.31*	Paid: \$114,236.20* <i>(to date)</i>
Total Billed: \$274,773.52*	
Total Paid <i>(to date)</i> : \$198,035.51*	
Pilot Compliance Rate: 72%*	

- Compliance rate based on total revenue collected vs. total billed amount
- 7 accounts granted exemptions based on existing onsite retention system, or topography that does not allow for stormwater drainage to sewer system
  - *\*Exemptions not included in above totals*
- No BMPs implemented to waive cost through credit program

## ■ Pilot Accomplishments

- Generates new revenue for stormwater related expenditures
- Targets existing private development, in conjunction with proposed performance standard
- 72% compliance rate achieved
- Establishes precedent for stormwater charges
- Tests ability of billing system to assess, collect charges

## ■ Ongoing

- Investigating discrepancies between billed vs. paid amount
- Exploring additional measures to increase compliance rate
- Assess DEP's current and future stormwater-related operational expenditures with more precision, and include debt service on stormwater-related capital expenditures
- Identify additional market segments for later phases
- Coordinate later phases with ongoing upgrades to the billing system