

ENVIRONMENTAL CONTROL BOARD

Notice of Promulgation of Rule

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED in the Environmental Control Board (ECB) by section 1049-a of the New York City Charter, and in accordance with section 1043(b) of the Charter, that the Environmental Control Board hereby promulgates the following rule. The rule was published in The City Record on July 9, 2010 and a Public Hearing was held on August 10, 2010.

New matter is underlined.

Section 1. The Water Penalty Schedule found in Section 3-126 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York is amended to add the following material immediately after the entry in that penalty schedule for section 15 RCNY 20-02(b), "Unlawful connection to City main," to read as follows:

SECTION	DESCRIPTION	PENALTY	DEFAULT
<u>15 RCNY 20-03(k)(4)</u>	<u>Failed to protect curb valve/box from damage</u>	<u>250</u>	<u>1,000</u>
<u>15 RCNY 20-03(w)</u>	<u>Failed to replace old service pipes upon establishment of new water service</u>	<u>250</u>	<u>1,000</u>
<u>15 RCNY 20-03(x)</u>	<u>Failed to install meter on unmetered property when service pipe is replaced/repared/relaid/in stalled</u>	<u>350</u>	<u>1,000</u>

Section 2. The Water Penalty Schedule found in Section 3-126 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York is amended to add the following material immediately after the entry in that penalty schedule for section 15 RCNY 20-05(i)(2-12), "Improper setting of meter," to read as follows:

SECTION	DESCRIPTION	PENALTY	DEFAULT
<u>15 RCNY 20-05(i)(12)</u>	<u>Failed to design meter setting to ensure electrical continuity</u>	<u>150</u>	<u>1,000</u>

Section 3. The Water Penalty Schedule found in Section 3-126 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York is amended to add the following material immediately after the entry in that penalty schedule for section 15 RCNY 20-05(k), "Improper meter pit/box/vault construction," to read as follows:

SECTION	DESCRIPTION	PENALTY	DEFAULT
<u>15 RCNY 20-05(m)(1)</u>	<u>Failed to install new meter after unpermitted disconnection of old meter</u>	<u>750</u>	<u>1,000</u>

Section 4. The Water Penalty Schedule found in Section 3-126 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York is amended to add the following material immediately

after the entry in that penalty schedule for section 15 RCNY 20-05(p), "Inadequate protection of meter/remote receptacle/AMR transmitter/wiring," to read as follows:

SECTION	DESCRIPTION	PENALTY	DEFAULT
<u>15 RCNY 20-05(p)(2)</u>	<u>Relocated remote receptacle or AMR transmitter without permit</u>	<u>250</u>	<u>1,000</u>

Statement of Basis and Purpose of Final Rule

The Environmental Control Board held a Public Hearing on August 10, 2010 on amendments to ECB's Water Penalty Schedule found in Section 3-126 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York.

On August 13, 2009, the Board approved a number of changes and additions to the Water Penalty Schedule in light of revisions to 15 RCNY Chapter 20. However, even with these revisions, there are still several charges that are consistently cited using the "Miscellaneous Provisions" code in the Penalty Schedule. In order to give better notice to the public of these charges, ECB has added six specific penalties to the provisions to the Water Penalty Schedule as set forth in the above rule.