

ATTENTION: BUSINESS OWNERS, MUNICIPAL OFFICIALS, NON-PROFIT ORGANIZATIONS AND INSTITUTIONS IN THE NEW YORK CITY WATERSHED

The New York City watershed regulations that went into effect on May 1, 1997, are designed to protect the quality of the drinking water supply of nearly half of New York State's population — nearly eight million residents of the City and another one million consumers in Westchester, Putnam, Orange and Ulster

In addition to owner-occupied single- and multi-family homes, activities that have been grandfathered under the 1997 New York City watershed regulations include the continued operation of businesses and governmental, non-profit and institutional facilities, such as schools, hospitals, museums and civic buildings, located near waterways.

*These grandfathered activities are called non-complying regulated activities or NCRAs. The regulations call for owners and operators to register and NYCDEP to publish a directory of commercial, industrial, institutional and governmental NCRAs. **Private homes, including condos, don't have to register.***

There is no penalty for not being listed in the directory.

Counties. The new regulations establish the foundation of water quality protection. They were crafted to ensure that today's superior water quality is preserved for future generations, while allowing for community stability, growth and development that doesn't bring pollution to the reservoirs, waterways and wetlands of the watershed. Certain kinds of activities have been grandfathered — those that existed before the regulations took effect in 1997 that, if new, would be regulated now. In general, as long as these activities — called "non-complying regulated activities" or NCRAs — are operated properly and don't pollute or otherwise harm the water they're near, they may continue as they are, except where the regulations specify otherwise.

What is an NCRA?

Non-complying regulated activities fall into six major categories:

- impervious (non-absorbent) surfaces located within certain distances of water, such as roofs, paved driveways and parking lots;
- petroleum and hazardous material storage tanks located within certain distances of water;
- combined stormwater-sewer systems and sewer systems that don't meet current State and regional standards;
- subsurface sewage treatment systems in operation before May 1, 1997, that don't meet current State and City regulations;
- solid waste facilities near water; and
- salt and sand storage facilities.

Other NCRAs include miscellaneous point discharges.

Wastewater treatment plants are not NCRAs.

What NCRAs should register?

Any substantial alteration or modification of an NCRA will have to be approved by the New York City Department of Environmental Protection (NYCDEP). The regulations also call for the owners or operators of **all commercial, industrial, institutional or governmental NCRAs** to notify NYCDEP, which will publish a directory of them. **If a facility is operating as it has always done and is not polluting the watershed, the owner won't be held to any additional requirements just because the activity is registered.** Owners of single and multi-family homes, including condominiums, don't have to register with the Department and won't be listed in the directory. If the property's principal use is residential, even though some commercial activity occurs there, it's not

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considered a commercial NCRA and the owner doesn't have to register with NYCDEP. The purpose of the directory is to identify the commercial, industrial, governmental, and institutional facilities — such as restaurants, malls, schools, hospitals, town halls and museums — in the watershed that existed before May 1, 1997, and 1) are entitled to continue to operate, regardless of their proximity to reservoirs and streams, as long as they

don't pollute or threaten to pollute and 2) will need NYCDEP approval of any significant changes to their size or operations. When the initial version of the directory is published in local newspapers, as required by the regulations, owners and operators of unlisted NCRAs will have 120 days to inform NYCDEP of their existence and will be included in a revised directory. If an NCRA is not included in the directory, it will still be considered an NCRA. However, as time passes, it may become more difficult for the owner or operator of an unlisted NCRA to show that it existed before the regulations took effect and is grandfathered.

If you own or operate a commercial, governmental or institutional NCRA, please submit the following information to NYCDEP:

- A DESCRIPTION OF THE ACTIVITY
- THE LOCATION OF THE ACTIVITY
- NAME & NUMBER OF A CONTACT PERSON

Each activity must be identified, even if the other information is the same. For example, a gas station would identify its roofed structures and paved area — the impervious surfaces — as well as its petroleum storage tanks.

Please forward this information, including any plans that are available (it's not necessary to do new drawings or plans) to:

JAMES BENSON, SUPERVISOR
PROJECT MANAGEMENT GROUP
NEW YORK CITY DEP
465 COLUMBUS AVENUE
VALHALLA, NY 10595

If you aren't sure if your facility is an NCRA or you have any other questions, please call NYCDEP at 914-773-4459 or 914-742-2034.

IMPERVIOUS SURFACES

The following existing impervious surfaces located near water may be non-complying regulated activities: those within 100 feet of watercourses (streams or brooks) or wetlands or within 300 feet of reservoirs, reservoir stems (tributary streams within 500 feet of reservoirs) or controlled lakes.

Examples of impervious surfaces include roofs, sidewalks, and asphalt or concrete driveways, roads and parking lots.

PETROLEUM & HAZARDOUS MATERIAL STORAGE

Existing petroleum storage tanks or facilities may be NCRAs. Above- or underground facilities requiring registration with the State (generally those with a capacity greater than 1,100 gallons) located within 100 feet of watercourses or wetlands or 500 feet from reservoirs, reservoir stems or controlled lakes, are NCRAs. Above- or underground petroleum tanks with a capacity of 185 gallons or more which are not part of facilities requiring State registration, but are located within 25 feet of wetlands or watercourses or 300

feet of reservoirs, reservoir stems or controlled lakes, are also NCRAs. Existing storage facilities for hazardous substances and existing process tanks are NCRAs **if** they are within 100 feet of watercourses or 500 feet of reservoirs, reservoir stems or controlled lakes **and** meet any of the following criteria: aboveground tanks with a capacity of at least 185 gallons; underground tanks of any size; or mobile tanks holding 1000 kg (2200 lbs.) or more for 90 or more consecutive days.

SOLID WASTE

The following may be NCRAs: existing junkyards or municipal solid waste landfills located within 250 feet of watercourses or wetlands, or existing junkyards or solid waste management facilities located within 1000 feet of reservoirs, reservoir stems or controlled lakes. Solid waste storage facilities are often connected with gasoline stations, hospitals and photo finishers. Landfills, junkyards and recycling operations are solid waste management facilities.

SEWER & SEPTIC SYSTEMS

Combined stormwater and sanitary sewer systems, as well as older sewer systems that don't meet current State and regional standards, are NCRAs. Many non-residential subsurface sewage treatment systems that existed on May 1, 1997, are NCRAs and must be registered. Those septic systems that meet current State standards and comply with the new regulations are NOT NCRAs.

SAND & SALT STORAGE

Sand and salt storage facilities that store at least 1000 pounds of materials with more than 8% chlorides, but do not store the material on low permeability pads, were considered NCRAs until May 1, 1999. Now they must come into compliance with the 1997 watershed regulations.



**New York City Department of Environmental Protection
Noncomplying Regulated Activity Registration Form**

Owner or Operator: _____

Facility Name, Type and Location _____
[If applicable] _____

Description of the noncomplying regulated activity: _____

Contact Person: _____

Address: _____

Telephone number: _____

Please return to: James D. Benson, Supervisor
Project Management Group
New York City Department of Environmental Protection
465 Columbus Avenue
Valhalla, New York 10595

****Please attach a map showing the location of the Noncomplying Regulated Activity*

Registration # 40- _____
For DEP use only - April 27, 1997