



**Testimony submitted on behalf of
The Stormwater Infrastructure Matters (S.W.I.M.) Coalition
NYC DEP Public Hearing on Proposed Amendments to Chapter 31 of Title 15 of
the Rules Governing House/Site Connections to the Sewer System
October 31, 2011**

Thank you for the opportunity to offer the following comments on behalf of the Stormwater Infrastructure Matters Coalition (S.W.I.M.) Coalition, a coalition of more than 70 organizations, including community and environmental groups, architects, engineers, boaters and scientists, that are dedicated to ensuring swimmable waters around New York City through natural, sustainable stormwater management practices - Green Infrastructure - in our neighborhoods.

Our Coalition championed the New York City Council's efforts to pass Local Law 5 of 2008, which required development of the city's first Sustainable Stormwater Management Plan, completed that same year. Today, we are actively engaged with NYC DEP concerning the agency's refinement and implementation of the approaches outlined in its 2010 Green Infrastructure Plan. We represent our broad membership on the NYC DEP Green Infrastructure Steering Committee.

The Draft Stormwater Performance Standard and associated guidelines that are before us today represent an important step forward in controlling stormwater upland on future developments and major renovations. Our concerns are focused on the degree to which this draft rule will incentivize actual Green Infrastructure (GI) over basic stormwater detention. As this draft rule represents one of the central goals of the 2010 Green Infrastructure Plan, we expect it to directly incentivize GI.

We appreciate the revisions made on the draft rule in response to feedback from members of the GI Steering Committee including the SWIM Coalition. However, our fundamental concern still remains: what we see in the draft rule is essentially a stormwater detention standard. The core issue here is that the standard is based on a runoff rate reduction rather than a volume reduction. To achieve a rate reduction, developers will be required to build detention tanks or rooftop detention systems. GI that utilizes retention and infiltration techniques are subject to review by DEP for credit towards meeting the rate reduction, making GI practices "extra" above and beyond what is required. The fact that GI practices require an additional review is a disincentive for GI. Standards that are based instead on a volume reduction (such as the NY State Stormwater Design Manual and Philadelphia's stormwater regulations) provide a more direct incentive for GI.

According to the US EPA, “Green Infrastructure techniques use soils and vegetation to infiltrate, evapotranspire, and/or recycle stormwater runoff” and “can produce a variety of environmental benefits. In addition to effectively retaining and infiltrating rainfall, these technologies can simultaneously help filter air pollutants, reduce energy demands, mitigate urban heat islands, and sequester carbon while also providing communities with aesthetic and natural resource benefits.”

While basic detention and delayed release can be valuable in terms of CSO control, DEP has not shown it to be as effective as retention (such as with GI) that keeps runoff entirely out of the sewer; in fact, in the 2010 Green Infrastructure Plan, DEP assumed it would be less effective on a per-acre basis. Basing a stormwater rule on a rate reduction rather than volume reduction favors detention over true GI, limiting how developers and neighborhoods can reap the multiple benefits just mentioned. It is our hope that the NYC DEP takes a second look at the basic premise of this draft rule, and opt for the creation of a stormwater rule that directly incentivizes Green Infrastructure.

Thank you again for the opportunity to comment on this important issue.