

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON WATERFRONTS

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HELD AT: 250 Broadway - Committee Rm.
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B E F O R E: DEBORAH L. ROSE
Chairperson

COUNCIL MEMBERS: Daniel R. Garodnick
Chaim M. Deutsch
Corey D. Johnson
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A P P E A R A N C E S (CONTINUED)

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Roy Tysvaer, Director
Wastewater Treatment and Water Quality
NYC City Department of Environmental Protection

Nate Grove, Director of Citywide Marine Operations
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Eric Johansson, Executive Director
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Jose Silguard
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Harold Dorfman
79th Street Marina

John Quadrozzi
Quadrozzi Urban Enterprises

2 [sound check, pause]

3 CHAIRPERSON ROSE: [gavel] Alright, good
4 morning. You're supposed to say good morning, Pat.
5 [laughter] It's okay. [laughs] Good morning. I'm
6 Debbie Rose, and I'm the Chair of the City Council's
7 Committee on Waterfronts, and I'd like to welcome all
8 of you, and the Administration, advocates, and
9 members of the public to our hearing, which will
10 focus on the re-examining—on re-examining dredging
11 projects in the city's waterways. The waterfront is
12 booming. There is a renewed interest in all sorts of
13 activities associated with the waterfront whether
14 they be recreational, environmental, or commercial.
15 Commercial use of the ports is increasing along with
16 the actual size of containerships. In order for the
17 city to better accommodate these ships, and maintain
18 our status as one of the preeminent ports—port cities
19 of the world, dredging is necessary to increase the
20 depth of our ports that these ships much traverse.
21 Dredging is the process of removing material from the
22 earth's surface under bodies of water in order to
23 better facilitated the movement of ship traffic
24 through harbors and waterways. Billions of cubic
25 yards of such material are removed worldwide annually

2 in order to keep cargo ships moving freely. The Army
3 Corps of Engineers is the federal agency charged with
4 actual dredging work, and partners with local
5 agencies like EDC, and the Port Authority to get
6 these jobs done. Typically, once the initial
7 excavation of channels is complete, periodic dredging
8 is necessary to keep the waterway clear, clean and
9 maintained. As a results of decades of dredging to
10 allow for the evolution of our ports, New York Harbor
11 is now over 50 feet deep as opposed to 10 to 20 feet
12 deep back in the 1980s—in the—in the 1800s. The most
13 recent major dredging project in New York was the
14 dredging of the Port of New York and New Jersey, a
15 decade long \$2 billion project that deepened the port
16 to 50 feet in order to accommodate the extremely
17 large cargo ships like the post-Panamax vessels that
18 have drafts of about 48 feet. The project resulted
19 in the removal of 52 million cubic yards of dredged
20 material, which included silt and till, clay and
21 various types of bedrock. These materials were
22 largely put to beneficial uses such as creating
23 fishing reefs, restore marshes in Jamaica Bay, and
24 capping impact landfills and brown fills. While this
25 project appears to have been successful, and numerous

2 others are sure to be on the horizon such as the
3 Gowanus Canal and Flushing Bay, we have to ensure
4 that the process is as environmentally safe as
5 possible. With the harbor having been a major
6 commercial artery for centuries, contaminated
7 material is often dug up as part of this process.
8 While simply dumping such material in the ocean is no
9 longer recourse, concerns has been raised over the
10 years regarding testing practices used to ensure that
11 materials cited for beneficial use are safe, and
12 whether during dredging activity enough protective
13 measures are taken to ensure that contaminated
14 materials aren't stirred up and spread throughout the
15 water. Dredging is no doubt a crucial—as crucial to
16 maintaining New York' economic vitality, and
17 competitiveness with the rest of the world. I want
18 to make sure that policymakers are making the best
19 use of this process, and are taking proactive
20 approaches to ensure that the waterways are well
21 equipped for handling the future of commercial
22 shipping in an efficient and environmentally safe
23 way. And so, I want to thank you again for being
24 here, and welcome you. I also want to thank my
25 Counsel Chris Sartori, my Policy Analyst, Patrick

2 Mulvihill and Alaya Alli, my Finance Analyst for
3 helping with the preparation of this hearing today.
4 And before we start, we'll—we'll have you affirm. So
5 if you will raise your right hand. Do you affirm to
6 tell the truth, the whole truth and nothing but the
7 truth in testimony before this committee today?

8 ANDREW GENN: [off mic] I certainly do.

9 CHAIRPERSON ROSE: Okay, thank you. Then
10 you can begin. Please state your name and your
11 affiliation, and give us your testimony.

12 ANDREW GENN: Alright. Good morning
13 Chair Rose and members of the Committee on
14 Waterfronts. My name is Andrew Genn. I'm a Senior
15 Vice President of Ports and Transportation at the New
16 York City Economic Development Corporation. I am
17 very pleased to testify before you today on dredging
18 in the city's waterways, and I'm also pleased to be
19 joined on the panel by Roy Tysvaer, who is Director
20 of Wastewater Treatment and Water Quality at New York
21 City Department of Environmental Protection, and Nate
22 Grove who is Director of Citywide Marine Operations
23 at New York City Department of Park and Recreation.

24 New York Harbor and its associated
25 canals, bays, creeks and channels have supported the

2 city's economic development for centuries. Today is
3 no different. Water born transportation remains one
4 of the mainstays of the New York regional economy.
5 According to the New York Shipping Association, in
6 2014, over 330,000 jobs are supported by the port
7 industry contributing over \$21 billion in personal
8 income and nearly \$53 billion in business income
9 within the region. According to the New York
10 Metropolitan Transportation Council, regional volumes
11 of freight are expected to increase by 35% by 2040,
12 which means more investment in New York City
13 waterways and other multi-modal infrastructure will
14 be needed to accommodate that increased demand. New
15 York City's waterways support economic development by
16 connecting local and regional businesses to markets
17 across the country and abroad. They reduce truck
18 traffic and road congestion and they improve air
19 quality. From a broad perspective, as well as a
20 functioning fully navigable network of waterways and
21 channels aligns with the city's priorities such as
22 the 80 X 50 Initiative, Vision Zero, One NYC and
23 supports policy goals of the city's waterfront
24 revitalization plan.

2 So what is dredging and why do we do it?

3 Dredging has been a necessity since the early 19th
4 Century to remove obstacles to ever larger ships
5 entering and docking in New York Harbor. Driving the
6 need to dredge are the perennial accumulations of
7 silt, sand, and soil that wash from the land and
8 settle to the bottom of the upper bay and connecting
9 waterways. To make these channels navigable,
10 dredging the mechanical process that removes the sand
11 and silt deposits must be undertaken regularly. They
12 need—the need to dredge is not unique to our port,
13 East Coast ports, most notably Norfolk, Virginia and
14 Philadelphia experience continuous siltation as a
15 result of similar geography and topography. Without
16 regular dredging much of New York Harbor and its
17 support channels would silt up to a level of about 20
18 feet or less. This undoubtedly would present a
19 problem because modern containerships, the vessels
20 that handle more than 90% of the region's imported
21 goods require a minimum depth of 40 feet to operate
22 safely. Of course, new larger containerships require
23 depths of 50 feet. The typical equipment used for
24 dredging is called a clam shell dredger mounted on a
25 crane secured to a work barge positioned alongside a

2 hopper barge where the dredged material is placed.
3 Environmental buckets are used in certain zones of
4 the harbor to seal in water and prevent
5 recontamination. Finally, a tugboat assists the
6 positioning of the work--and of the work and the
7 hopper barge to and from a job site. Dredging
8 generally takes three forms: Maintenance dredging,
9 deepening, and environmental dredging. Who dredges
10 is determined by ownership and control of the water
11 body. Federal channels, which can be compared to
12 interstate highways or federal highways have been
13 authorized by Congress since the early days of the
14 nation. Facilities adjacent to the federal channels
15 dredge an approach channel to the dock or berth,
16 which is also dredged to optimize value derived from
17 access to the federal channel. In most cases, the
18 rule of thumb is the deeper the draft of the vessel,
19 the greater amount of cargo or passengers can be
20 carried.

21 Maintenance dredging is typically
22 contracted by the U.S. Army Corps of Engineers on an
23 annual basis to maintain authorized depths and
24 federal channels that have been authorized by
25 Congress. Over the past decade particular attention

2 has been paid to the federal channels that serve the
3 regions large container ports found mainly in and
4 around North Bay at the end of a series of shipping
5 lanes that begins at Ambrose Light then continues
6 along the Ambrose Channel into Anchorage Channel, the
7 Kill and the Kill Van Kull. Ships traveling to the
8 city's facility at Howland Hook, which is the city's
9 largest container terminal, followed the same path,
10 but also transit the Arthur Kill Waterway for a short
11 stretch. In addition to the main shipping channels,
12 the Army Corps is also responsible for maintaining
13 federal channels and water bodies such as Buttermilk
14 Channel for vessels calling on the Red Hook Container
15 terminal. Other channels typically maintained in
16 this manner by the Corps are East Chester Creek in
17 the Bronx, Flushing Bay in Queens, Rockaway Inlet in
18 Queens, and the Hudson River to assist cruise ships
19 accessing the Manhattan Cruise Terminal as well as
20 freighters that navigate as far as the Port of
21 Albany. Alongside the federal channels are the
22 public and private marine terminals that make up the
23 maritime industry. These include container
24 terminals, dozens of cement, sand and stone
25 terminals, petroleum terminals and the passenger ship

2 facilities. Operators of these facilities must
3 perform maintenance dredging themselves in order to
4 benefit from the vessel traffic facilitated by
5 federal channels. For example, New York City EDC is
6 responsible for maintenance dredging at the Manhattan
7 Cruise Terminal and the South Brooklyn Marine
8 Terminal. The Port Authority is responsible for
9 maintaining adequate depths at other key city
10 facilities such as Howland Hook and Red Hook
11 Container Terminals. Private terminal operators also
12 dredge at their own expense on a regular basis
13 throughout the City's waterways.

14 Channel Deepening: Before maintenance
15 dredging can occur a controlling depth is authorized
16 usually through federal legislation. Changing the
17 authorized depth requires congressional authority.
18 Since the 1980s, increasing depths primarily to
19 handle larger containerships has been a challenge for
20 the Port of New York and New Jersey as well as other
21 East Coast ports. Deepening requires a cost-sharing
22 sponsor. Locally, the Port Authority has been the
23 local sponsor, and most notably the recently
24 completed 50-foot deepening project, a \$1.5 billion
25 effort that was completed in September 2016. Costs

2 of the project was split—were split approximately in
3 half by the Port Authority and federal government.

4 Environmental dredging is performed to
5 improve water quality and decrease nuisances that may
6 occur under low oxygen conditions in the water
7 column. Typically, the Department of Environmental
8 Protection performs environmental dredging. This
9 work targets sediment mounds formed by combined sewer
10 overflows and other sources of sediment in the
11 systems that are affected by local circulation and
12 mixing conditions. This sediment can result in odors
13 at low tide. In Flushing Bay, for example, DEP
14 undertook environment—environmental dredging at two
15 CSO locations.

16 Borough Waterway Dredging: In addition
17 to the big channels, the City also appreciates the
18 value of smaller navigable channels and creeks. In
19 2015, EDC undertook a study of New York City borough
20 waterways to assess the amount of cargo handled
21 currently, and future growth potential in those
22 waterways. Each year approximately 4.4 million tons
23 of goods are moved within New York City's waterways.
24 This on average eliminates 440,000 truck trips and
25 6.6 million truck miles traveled, approximate—and

2 eliminates approximately 11,000 tons of carbon
3 dioxide that were saved each year. While water-while
4 borough waterways quietly add value to the city's
5 economy. Maintenance dredging-dredging remains an
6 expense that many operators cannot afford. To frame
7 the issue, keep in mind that typical dredging costs
8 have increased ten times since the late 1990s. The
9 cost increase relates to changes in federal
10 classification of dredge material related to
11 environmental concerns over the-what was the typical
12 practice of disposing of dredged materials at sea.
13 Upland beneficial use of dredged material is now the
14 predominant method of disposing of dredged sediment,
15 a better but costly practice. The negative effect,
16 however, has been the delaying of dredging by
17 maritime dependent business and the light loading of
18 vessels resulting in lower utilization of maritime
19 transportation. In some cases businesses that could
20 benefit from the economies of scale derived from
21 maritime transportation have switched to trucking.

22 To reducing dredging costs, EDC is
23 developing partnerships to combine dredging projects
24 along a given stretch of borough waterways. By
25 bundling planning, design, permitting and

2 construction costs, users sharing a common waterway
3 can realize savings making it possible to dredge more
4 often. Two borough way—two borough waterways, East
5 Chester Creek and Newtown Creek hold considerable
6 promise for application of bundling and dredging
7 projects. An important—another important finding is
8 that maritime dependent companies don't always report
9 the amount of material tonnage, which is a driving
10 consideration informing how federal maintenance funds
11 are spent. With limited resources, the Army Corps
12 prioritizes its dredging efforts based on waterway
13 utilization. When waterway users do not report their
14 loading and unloading activities, the channel will be
15 considered less active, and will receive less
16 attention and fewer resources for maintenance. EDC
17 is currently organizing outreach activities to
18 coordinate waterfront communities and private owners,
19 encourage the report of transport activities and
20 promoted the use of New York City's borough
21 waterways.

22 The Economic Benefits of Dredging: Water
23 transportation, which is made possible through
24 dredging efforts provides benefits to businesses. If
25 moving bulk commodities such a salt, sand, recycling

2 and fuel it is often more cost-effective compared to
3 trucking. Having facilities adjacent to New York
4 City's Borough waterways reduces the need to truck
5 goods—truck the same goods long distances thus
6 reducing transportation costs, and allowing those
7 businesses in the city to remain competitive and open
8 for business. For example, it is estimated that
9 businesses can save \$10 per ton when goods are
10 shipped via barge compared to truck.

11 Beneficial Uses of Dredged Material:

12 Within New York Harbor sediment can consist of
13 different geological types including sand and gravel,
14 certain clay, glacial till and rock. Sometimes
15 sediments can become contaminated through the
16 absorption of spilled chemicals and heavy metals in
17 the waterways creating challenges for the management
18 of dredged material. Contamination of dredge
19 sediments range—ranges on a continuum with some
20 material being very clean, and some being polluted
21 with various wastes. The more contaminated the
22 sediment is, the more limited the options for
23 management and the more costly management of the
24 material becomes. While historically material dredged
25 from port areas see relatively higher levels of

2 contamination, much of the dredged material within
3 New York Harbor can be reused beneficially in ways
4 that are both safe and environmentally protected.

5 Some examples of the diverse ways in which dredged
6 materials have been used include landfill and

7 brownfield (sic) reclamation, habitat restoration,
8 construction materials and beach replenishment. In

9 New York we have worked with the New York City DEP

10 and the Department of Sanitation to place dredged

11 materials process with Portland cement, and landfills

12 in Brooklyn and Staten Island. Over a million cubic

13 yards were placed at Fresh Kills Landfill to support

14 the closure of the landfill and the 50-foot deepening

15 project. Dredged materials have also been used at

16 private sites to re-profile and raise grades to

17 support future developments. Dredging is a

18 fundamental infrastructure need that ensures a

19 thriving maritime economy. Maintenance dredging and

20 the beneficial use of the dredged materials have

21 benefitted the city economically and environmentally.

22 EDC will continue to partner with various public and

23 private entities to work towards making dredging

24 economical for New York's maritime businesses while

25 also identifying viable placement sites for

2 beneficial use. Thank you. That concludes my
3 testimony and my colleagues and I happy to answer
4 your question. Thank you.

5 CHAIRPERSON ROSE: Thank you and we were
6 joined by Council Member Garodnick, and we've been
7 joined by Council Member Borelli. Good morning.
8 Thank you for your-your testimony. With the-the
9 dredging and the removal of material from New York
10 waters, which I know Staten Island the Kill Van Kull
11 benefitted because of the post-Panamax vessels. The-
12 the process that was used did it differ from-which
13 process did you use and did it differ from other
14 projects similar-of similar size?

15 ANDREW GENN: No, it was very similar.
16 The dredging of the Kill Van Kull again, which was
17 undertaken by the Army Corps and the Port Authority.
18 Typically, a lot of the material-not all of it, but a
19 lot of the material was processed with Portland
20 Cement, and used at upland sites including Fresh
21 Kills. But I should point out that materials such as
22 rock and sand, cleaner materials have been used to
23 close the-the historic area remediation site, where
24 the dredged material used to be dumped at seat. So

2 cleaner material goes there, and rock material can be
3 used on the construction of fisheries as well.

4 CHAIRPERSON ROSE: So when you utilize--
5 when you dredge contaminated soils, you know,
6 materials, how do you determine where it's going to
7 be dumped and when it's dumped, is it--are there
8 measures to clean it and filter it before it is--

9 ANDREW GENN: Uh-huh, yes

10 CHAIRPERSON ROSE: --placed somewhere?

11 ANDREW GENN: Yes and I--the first thing
12 you begin with is testing the material to make sure
13 that it's not a hazardous material. So there's a
14 difference when contamination doesn't necessarily
15 mean hazardous but--

16 CHAIRPERSON ROSES: And how do you do
17 that?

18 ANDREW GENN: Through chemical testing.
19 It goes to a laboratory and then there's a--there's
20 whole a laundry list of materials--of chemical
21 compounds that you test for.

22 CHAIRPERSON ROSE: So there's some pre-
23 site dredging--

24 ANDREW GENN: [interposing] Uh-huh.

25 CHAIRPERSON ROSE: --before the actual--

2 ANDREW GENN: [interposing] A lot of
3 testing

4 CHAIRPERSON ROSE: --test begins?

5 ANDREW GENN: Yes, Council Member.

6 CHAIRPERSON ROSE: Uh-huh.

7 ANDREW GENN: Yes.

8 CHAIRPERSON ROSE: And I—I—how did you
9 determine that the waterways, the New York City Port
10 Waterways should be 50 feet deep? I did read where
11 there are some cities where they actually go as deep
12 as 55.

13 ANDREW GENN: Uh-huh. Yeah, there was a—a
14 study done in the late '90s called the Harbor
15 Navigation Study that was undertaken by the Army
16 Corps of Engineers and the Port Authority that looked
17 at the composition of the world containership fleet
18 and then estimated the value of sort of the cost of
19 dredging versus the—the value to the public of doing
20 that dredging and that's what led to the
21 authorization by Congress to—to go to the 50-foot in
22 New York Harbor.

23 CHAIRPERSON ROSE: So if the depth of
24 post-Panamax ships are 48 feet, does that give you
25 really enough.

2 ANDREW GENN: Yeah.

3 CHAIRPERSON ROSE: I'm-I'm not sure.

4 I've seen--

5 ANDREW GENN: [interposing] Uh-huh.

6 CHAIRPERSON ROSE: --the larger container
7 ships and there's quite a bit of height. So I'm- no-
8 --

9 ANDREW GENN: [interposing] Yeah--

10 CHAIRPERSON ROSE: --sure if--

11 ANDREW GENN: Yes.

12 CHAIRPERSON ROSE: --the more they put on
13 the deck.

14 ANDREW GENN: Yeah.

15 CHAIRPERSON ROSE: So, if-as a novice,
16 [laughter] if 48 is, you know, the depth for them
17 now, is 50 really enough for-for-to keep the channel,
18 you know, clear enough for these vessels?

19 ANDREW GENN: I'm going to say simply I
20 believe it is and the-I believe someone from the Army
21 Corps of Engineers will be testifying after me to
22 verify that, but-but that-that over-depth, that over-
23 dredged that is performed generally gives you a
24 margin of safety as I understand and is sufficient
25 for these vessels go navigate safely yes.

2 CHAIRPERSON ROSE: Were any of these
3 dredged materials used for the replenishment of-of
4 beach sand that might have been eroded away during
5 Hurricane Sandy, and how do you determine those
6 locations and where they?

7 ANDREW GENN: One of the jobs that the
8 Army Corps does frequently is the Rockaway Inlet, and
9 that is often-the-the dredging in that water body I
10 believe there's one other in the-in Jamaica Bay
11 supplies a lot of the beach replenishment sand. So
12 that's-that's been something that's been done for
13 many, many years now.

14 CHAIRPERSON ROSE: Council Member
15 Borelli, you got a thought? (sic) Okay. And what is
16 the current criteria used to determine whether
17 dredged material is suitable for ocean dumping, and-
18 and where does this dumping occur?

19 ANDREW GENN: Yeah, I'm showing my age
20 here. So in-in 1996, the Federal Government U.S.
21 Department of Transportation, the EPA Administrator
22 and the Army Corps of Engineers signed an agreement
23 that closed the mud dump site in the Atlantic Ocean
24 that where the dredge material had gone. And then
25 they established criteria that's generally controlled

2 by the EPA, that criteria, which mandates that
3 material that goes to this now historic area
4 remediation site has to be cleaner than the material
5 that have been dumped there previously. So those--
6 those criteria are mostly tied to some of the--the
7 worst toxins like PCBs and Dioxin, but--but also a
8 whole laundry list of other, and it's--it's--the
9 practice of ensuring that the material that goes to
10 the HARS (sic), as we call it, is cleaner than the
11 material that's been placed there before is--is quite
12 rigorous. Like if you submit a permit to dredge you
13 have to provide the data that shows that the material
14 is clean enough to go to that disposal site.

15 CHAIRPERSON ROSE: And so if you utilize
16 that site, you're saying it has to be cleaner, but it
17 doesn't have to be free of toxins or--or
18 contamination?

19 ANDREW GENN: Yeah, that's generally--
20 that's--that's right. It has to be non-hazardous in
21 all case, but--but cleaner than material that had been
22 placed in the past, but again that-- I would say
23 that I would defer to the expert testimony to the
24 Army Corps and other--other speakers. That's not--it's

2 not a--it's not a--it's not something that EDC or the
3 city regulates.

4 CHAIRPERSON ROSE: So with EDC you
5 determine or--or you help the borough waterways
6 dredge, and you are responsible for building these
7 partnerships that help to make it cost-effective?

8 ANDREW GENN: We are.

9 CHAIRPERSON ROSE: Right.

10 ANDREW GENN: Yes, we're pursuing those
11 partnerships, yes.

12 CHAIRPERSON ROSE: And--and what is that
13 process?

14 ANDREW GENN: Well, for what we've done
15 first is we've looked at these waterways in depth,
16 and identified who the users are, and--and then
17 convened meetings with them or attend meetings that
18 they may already be holding, and talked to them about
19 the benefits of dredging and the benefits of working
20 collaboratively to dredge together to reduce costs.

21 CHAIRPERSON ROSE: So do you--does EDC do
22 some sort of study, and--and cost analysis before you
23 approach the--

24 ANDREW GENN: [interposing] Yes.

25 CHAIRPERSON ROSE: --bank holders?

2 ANDREW GENN: We—we undertook a study
3 last year that helped us understand the economic
4 value in the waterways and—and also establish who—who
5 was operating there. Essentially who the—who were
6 the maritime—who were benefitting from maritime
7 transportation and who were the providers of maritime
8 transport and who worked effectively I believe with
9 the tug and barge committee who I believe is going to
10 testify later, and—and it's—it's been a very I think
11 fruitful process, Chair.

12 CHAIRPERSON ROSE: And did you have any
13 input into the dredging project at Gowanus Canal?

14 ANDREW GENN: Less so in that situation
15 because when the EPA takes over and—and established
16 the Superfunds, EDC—EDC's role was diminished I'd
17 say, and where I think the City's main connection has
18 been DEP for the Gowanus clean up.

19 CHAIRPERSON ROSE: Were—what—did you have
20 anything to do with recommending that it be Superfund
21 site?

22 ANDREW GENN: I—I--

23 CHAIRPERSON ROSE: [interposing] How did
24 it come—how did it come to the attention of--?

2 ANDREW GENN: We're back that. Prior
3 administration, of course, I was at EDC at the time,
4 but, you know, as I recall, that was--there was a lot
5 of back and forth between the city and the EPA at the
6 time where the city did not want the EPA, the admin--
7 prior administration wanted to take on the cleanup on
8 its own, and let me just defer and see if DEP do you
9 want to take that question?

10 ROY TYSVAER: To the best of my
11 understanding New York--New York State DEC made the
12 recommendation to EPA that it be declared a Superfund
13 site. As far as the dredging, it was originally--

14 CHAIRPERSON ROSE: [interposing] I'm
15 sorry, could you--I'm sorry. You--identify in there.

16 ROY TYSVAER: [coughs] Oh, I'm sorry. My
17 name is Roy Tysvaer. I'm with New York City DEP.

18 CHAIRPERSON ROSE: Okay.

19 ROY TYSVAER: The question with regard to
20 how it became a Superfund site.

21 CHAIRPERSON ROSE: Uh-huh.

22 ROY TYSVAER: My--my understanding is that
23 it was recommended by New York State DEC as a
24 potential Superfund site to EPA and EPA signed on for
25 that.

2 CHAIRPERSON ROSE: And can you tell me
3 where the—the dredge contaminants are expected to be
4 disposed?

5 ROY TYSVAER: The—the dredging that's
6 going to occur out of Gowanus there was a originally
7 a smaller dredging project that DEP was going to do
8 as part of our CSO Consent Order at the head end of
9 the canal. It was about 1,000 feet of dredging, and
10 that was to mitigate CSO mounds that—that occurred
11 because of CSO discharges. We had gone through the
12 permitting process on that. We were advancing the
13 project when it became a Superfund site. [coughing]
14 At that point, the nature of the Superfund dredge is
15 very different than the nature of our dredge. Our
16 dredge is really more for environmental restoration,
17 removing the sediment mounds. Typically, we'll place
18 a sand cap to create a—a big—big habitat for
19 invertebrates and things like that, but the type of
20 dredging and capping that's going to be done under
21 the Superfund Program is a much deeper dredge, and
22 they'll harden the bottom of the—of the—basically an
23 armor on the bottom. It would be a much more
24 rigorous dredging project, and the nature of dredging
25 for Gowanus now is primarily focused on NFLs, Non-

2 aqueous faced liquids, cold tar and things like that
3 that were bi-products of the gas production
4 facilities that--that used to line the shores of--of
5 Gowanus. So, the bulk of that work is going to be
6 handled--as part of the EPA remediation, D-E-D-E--the
7 City has been tasked with building CSO facilities to
8 address the CSO discharges and National Grid has been
9 tasked with the primary responsibility for dredging
10 of Gowanus. So while New York City is--is a partner
11 in it as a PRP, for the Superfund, I--I believe our--
12 our obligation is on the order of 7-1/2 percent for
13 the dredging costs associated with that. So that--
14 that's primarily being led by National Grid, although
15 all the PRPs are part of the process.

16 CHAIRPERSON ROSE: You're using a lot of
17 acronyms over there.

18 ROY TYSVAER: I apologize.

19 CHAIRPERSON ROSE: PRPs?

20 ROY TYSVAER: Potentially Responsible
21 Parties?

22 CHAIRPERSON ROSE: Uh-huh.

23 ROY TYSVAER: When a Superfund--when a
24 site is listed as Superfund, the EPA comes in and
25 identified parties who they believe are responsible--

2 CHAIRPERSON ROSE: Okay.

3 ROY TYSVAER: --and they are deemed
4 Potentially Responsible Parties because they haven't
5 been absolutely determined to be legally responsible
6 for it. So it-it's basically when you're identified
7 as a PRP, you can either become part of the solution
8 or you can challenge it, and that becomes a-a very
9 large legal battle, and with-with the damages being
10 trebled. So if-if as a-if you're identified as PRP,
11 and they believe your obligation for restoration is
12 \$100 million, if you fight that in court and you
13 lose, you're obligation becomes treble that so it
14 becomes \$300 million.

15 CHAIRPERSON ROSE: So, in the-in the case
16 of the Gowanus Canal, we could have a number of
17 different entities dredging?

18 ROY TYSVAER: No there would be a single
19 dredging. The-the lead is--

20 CHAIRPERSON ROSE: [interposing] And that
21 entity is or will be?

22 ROY TYSVAER: National Grid will be
23 responsible for the design and procuring a
24 contractor. However, the--

25

2 CHAIRPERSON ROSE: Since it's not--since
3 it's--it's being funded by the Superfund, why isn't
4 the Army Corps doing the dredging?

5 ROY TYSVAER: Well, because the Superfund
6 doesn't fund these projects. These projects are paid
7 for by the potential responsible parties.

8 CHAIRPERSON ROSE: Okay.

9 ROY TYSVAER: So--so the cost of this will
10 be shared based on a distribution determined by EPA
11 and negotiated. So my understanding--I'm--I'm not
12 associated with that project, but understanding is
13 that the city's obligation for the dredging aspect of
14 that is on the order of 7-1/2%. So we've been
15 providing, you know, some--some input into the design.
16 We would be able to comment on the design, and
17 participate in some of the design meetings. However,
18 our main contribution will be financial.

19 CHAIRPERSON ROSE: And so, you said that
20 an number of COSs will be established for the
21 disposal of this--

22 ROY TYSVAER: [interposing] I--I can't--

23 CHAIRPERSON ROSE: --other material?

24 ROY TYSVAER: I--I can't speak for the
25 Gowanus Canal project because I'm--I'm not on that

2 project or familiar with it, but I can speak for
3 projects that I have done--

4 CHAIRPERSON ROSE: Uh-huh.

5 ROY TYSVAER: --and typically what's done
6 is the material is characterized before dredging, and
7 that becomes part of the design because if it's
8 determined to be hazardous, it becomes a different
9 level of--of disposal expense and operations because
10 there has to be a different remediation process. It--
11 -

12 CHAIRPERSON ROSE: [interposing] So the
13 disposal sites haven't been determined for Gowanus
14 Canal?

15 ROY TYSVAER: I--I don't believe so.
16 That's--in--in the case of--of the projects that we
17 typically do, that's determined by the contractor.
18 We characterize the material--

19 CHAIRPERSON ROSE: Uh-huh.

20 ROY TYSVAER: --before they bid on the
21 contract. Based on their understanding of that
22 characterization, they'll go and find beneficial end
23 use locations for that, and that will become part of
24 their competitive bid because they may have a more
25 cost-effective location to--to--to reuse that material,

2 and then after the contract starts, they again have
3 to go in and test to verify the characterization of
4 that material, and then those disposal locations will
5 be approving reuse of that.

6 CHAIRPERSON ROSE: And one time of--

7 COUNCIL MEMBER LANDER: [interposing]
8 Madam Chair.

9 CHAIRPERSON ROSE: Yes.

10 COUNCIL MEMBER LANDER: Just if I--if I
11 might on Gowanus--

12 CHAIRPERSON ROSE: Okay.

13 COUNCIL MEMBER LANDER: --just--and--and we
14 would love to have you come, you know, spending a lot
15 of time on the Gowanus Canal Cleanup--

16 ROY TYSVAER: I know.

17 CHAIRPERSON ROSE: Yes. [laughs]

18 COUNCIL MEMBER LANDER: --and been trying
19 to keep the EPA on task to do it. There was with the
20 use of the dredge a proposal that the EPA made to use
21 the--the dredged clean material for a project in--in
22 Red Hook that would have used it as fill for the
23 creation of a new open space facility. There was an
24 owner with a site who wanted to do it. It was
25 developed as a proposal. There was very strong

2 community opposition to it for a range of reasons.
3 The EPA withdrew that proposal and now is-is-has not
4 yet indicated what the disposal would be for-for that
5 dredged material.

6 CHAIRPERSON ROSE: Okay. So we're—we're
7 in limbo right now. Okay.

8 COUNCIL MEMBER LANDER: It's part of the,
9 you know, they're in the phase of the process now
10 where they—they spent a long time on these two CSO
11 retention tanks, which the city has an even higher
12 obligation for, and they are now doing the kind of
13 full scale design of the dredge, and as part of that
14 process, and grid and the city negotiating the
15 consent, the final version of dredge related consent
16 decree, that's when they'll get to where the dredge
17 will go. So, in the process.

18 CHAIRPERSON ROSE: Thank you so much. I
19 should have sworn you in. [laughter]

20 COUNCIL MEMBER LANDER: Yeah, we're
21 spending a lot of time, you know, at the EPA and it's
22 always partnering that they're requesting.(sic)

23 CHAIRPERSON ROSE: Thank you so much.

24 COUNCIL MEMBER LANDER: Thank you, Madam
25 Chair.

2 CHAIRPERSON ROSE: Okay, you know, and do
3 you have any questions that you would to ask? I'd
4 like to acknowledge that we've been joined by Council
5 Member Lander, and then I'll go on with my questions.

6 COUNCIL MEMBER LANDER: [interposing] So
7 the—the one thing I'll just raise and I'm in dialogue
8 with folks at—at City Planning as well about this and
9 I—I—it definitely relates to the Gowanus Canal, and I
10 don't know to what extent it relates to other sites
11 around the city. So I'll just let you know about it,
12 and raise it as an issue if there's dialogue, and
13 that has to do with the height of the bulkheads after
14 the dredge. So in Gowanus there's work going on
15 right now to think about how to how, you know,
16 planning how to get that dredge done, dealing with
17 CSOs, kind of and getting that all worked out. As
18 part of that process, all of the owners along the
19 Canal are going to have to replace their bulkheads
20 as, you know, in order to facilitate and protect
21 from—deal with the—with the dredging. That creates
22 an—an opportunity that I hope we can pay attention to
23 because we're also looking at the land around the
24 Canal and thinking about it as a potential—its
25 potential long-term uses. At high tide, the water in

2 the Gowanus Canal is quite close to the top of the
3 bulkheads, and I think everyone agrees rationally we
4 would be wise as those bulkheads are being replaced
5 to raise the bulkheads up some so that a decade from—
6 15 years from now after we've got it remediated, and
7 there's stuff going on around it, we're also not up
8 to our ankles in water at high tide as the sea level
9 rises, but we don't yet, at least as I understand it,
10 we haven't quite figured it out. It's not something
11 that it's been mandated before to raise bulkhead
12 heights, and exactly what the legal or regulatory
13 framework is is that kind of normal city planning? Is
14 that something the Buildings Department does? Is
15 that something that we would want DEC or DEP to do?
16 It would be nice if EPA would just do it, but they
17 can't because their authority is only about cleaning
18 the canal, not about future flooding. So that may be
19 an issue that becomes relevant in other parts of the
20 city as well that as we do projects the height of the
21 bulkheads also would make sense to be a subject of
22 our collective concern and regulations. So I—I
23 don't—you know, I think it's—I'm flagging it as an
24 issue I think we want to work together on. City

2 Planning has been looking at in Gowanus and it may be
3 relevant in other parts of the city as well.

4 CHAIRPERSON ROSE: That wasn't addressed
5 as part of the resiliency efforts when we did the-the
6 big study after Sandy, Post-Sandy?

7 ANDREW GENN: Everything the Council
8 Member said are dialogues that we're having
9 internally, you know, with the City agencies. I
10 think it was described very well and-and we have a I
11 similar design I think challenges and-and it is-we
12 are aware of those issues, and we are addressing them
13 at EDC and with our partners.

14 CHAIRPERSON ROSE: Okay. Council Member,
15 any other questions.

16 COUNCIL MEMBER LANDER: That's all. I
17 mean I think we shouldn't lose. I mean, I-the
18 Administration has been responsive to saying-to our
19 saying in Gowanus let's look at it. I don't know
20 where else. It's relevant. I think we'd be wise to
21 add it to our set of waterfront resiliency tools as
22 we go forward.

23 CHAIRPERSON ROSE: Uh-huh. Okay, and
24 what-at what level or what depth is Gowanus being
25 dredged? Is that going to meet the 50-foot dredge?

2 ANDREW GENN: [laughs]

3 CHAIRPERSON ROSE: No. [laughs]

4 ANDREW GENN: Oh, my heavens, no.

5 CHAIRPERSON ROSE: No.

6 ANDREW GENN: Off the top of my head I'm
7 not sure, but I believe it's—it's sort of in the 15
8 to 18 maybe 20 feet at the most. It varies, but it's
9 more for tugs and barges.

10 CHAIRPERSON ROSE: [laughs] We're not
11 going to have any folks in Panamax ships in it?

12 ANDREW GENN: No, we'd be in a lot of
13 trouble.

14 CHAIRPERSON ROSE: [laughs] And along
15 that line, cruise ship, you know, traffic is
16 increasing as well—as well as the—the size of the
17 container ships. Is it a possibility that areas
18 around and including the cruise ship terminals in
19 Manhattan and Red Hook will be dredged in the future?

20 ANDREW GENN: I would just say the Hudson
21 River is regularly dredged by the Army Corps and—and
22 every year EDC dredges that berths a the Manhattan
23 Cruise Terminal. The good news story is Red Hook
24 doesn't need dredging because it's self---we call it
25

2 self scours because the Buttermilk Channel runs so
3 fast that the sediment doesn't have time to fall out.

4 CHAIRPERSON ROSE: Yeah, that will--

5 ANDREW GENN: Yeah, so we, you know, we
6 save money there.

7 CHAIRPERSON ROSE: Okay, thank you.

8 Okay, I'd like to thank you for your testimony today
9 and--oh, just one more question--I'm sorry--for EDC.
10 What is the process that used by the Department of
11 Environmental Conservation to make a--a beneficial use
12 determination for dredge material, and is it done on
13 a case-by-case basis?

14 ANDREW GENN: No, it's--it's done on a
15 case-by-case basis and it's based on the
16 characteristics, the chemical characteristics of the
17 material and the--the physical characteristics. So the
18 grain size of the material and its ability
19 beneficially to sort of hold weight when it's place.
20 So what they do is they look at that and then they
21 say, this--this is appropriate for replacement under a
22 line or at a landfill, or this is clean enough that
23 you can dry it out, and just use on--as top soil. So
24 it varies quite a bit, and, you know, it--it all goes
25 back to the chemical constituents of the material,

2 and making sure that it's safe for either residential
3 use or-or in some-or commercial use. So whatever the
4 end use is, is the determining factor.

5 CHAIRPERSON ROSE: Okay. Thank you so
6 much. I thank you all for your testimony today.

7 ANDREW GENN: Thank you.

8 CHAIRPERSON ROSE: Next. [background
9 comments] Okay, our next panel will be Randall Hintz
10 (sp?) from the U.S. Army Corps of Engineers. [pause]
11 Okay, when you're ready would you-Oh, I have to swear
12 you in. Do you affirm to tell the truth, the whole
13 truth and nothing but the truth in your testimony
14 before this committee today?

15 RANDALL HINTZ: [off mic] Yeah, I do.

16 CHAIRPERSON ROSE: Thank you. Would you
17 state your name and your affiliation and you can
18 begin your testimony. Could you speak into the mic.
19 Is it on?

20 RANDALL HINTZ: Well, now it's on.

21 CHAIRPERSON ROSE: Okay

22 RANDALL HINTZ: I was wondering if you
23 could hear me.

24 CHAIRPERSON ROSE: Okay, thank you.

2 RANDALL HINTZ: Okay. Good morning
3 Chair-Chairman Rose and committee members. My name
4 is Randall Hintz. I'm the Chief of the Navigation
5 Branch for the U.S. Army Corps of Engineers in the
6 New York District. On behalf of Colonel David
7 Caldwell, the District Commander for New York
8 District. We appreciate the invitation from the,
9 from the committee to come and testify before you
10 today. Thank you. You have a handout in front of
11 you, which I'll walk you through as we go through
12 this this morning. [pause] Okay, again just briefly
13 some of the agenda items that I would like to cover
14 this morning in-in my briefing to you is I'll-I'll
15 discuss briefly with the mission of the-the
16 navigation mission for U.S. Army Corps of Engineers
17 is here, and particularly in New York and across the
18 nation. Some of the particular assets that the Corps
19 of Engineers maintains here in the Port of New York
20 who, what, when and where of dredging, and if you
21 have any questions about who's doing what and what-
22 how we treat the material although the is some very
23 informed question s this morning. I-I appreciate the
24 dialogue that happened earlier. I do have this slide
25 on beneficial use of dredge material and-and how

2 treated the mater that was removed from the 50-foot
3 deepening project. All of that material was
4 beneficially used in one way or another, and I'll
5 show you some examples of that.

6 CHAIRPERSON ROSE: [off mic] These tests
7 we can use. (sic)

8 RANDALL HINTZ: Yes, yes. I appreciate
9 that, and also I'll—I'll show you a hydrographic
10 survey products. One of—one of the things that the
11 Corps does well here in the region is provide survey
12 data to the channel users informing them of the
13 conditions even if we are not out there. I'll get
14 into it further, but even if we're not out there
15 maintenance dredging as frequently as we would like
16 to, it's important for the channel users to
17 understand the conditions that are happening in the
18 channel. So we do periodically go out there and—and
19 perform these surveys, and publish them our website
20 so that people can understand the conditions that
21 they're facing within the Channels. And then I'll
22 just talk about the partnerships, and give you a
23 couple of concluding comments. Okay, if you could go
24 to the next slide the U.S. Navigation Mission. Again
25 the mission nationwide for the Corps of Engineers is

2 providing safe, reliable, efficient and effective
3 environmentally sustainable transportation systems.
4 I'm looking for the movement of commerce, security
5 needs and recreation. Again, that's—the pri-priority
6 order basically that we—we look at channels and
7 cause. As Mr. Genn said earlier, commerce is very
8 important to us, and supporting our—our request for
9 budget to budget for some of the maintenance dredging
10 projects that we do, it's based on tonnage and how
11 those—they get ranked nationally is based on tonnage
12 and it's very important for me to have help--have
13 this reaching, thankfully, we do well in this region
14 as—as far as commerce and—and we'd be—and that's
15 important that we continue to do like that, do well.
16 I'll move onto the slide that talks about the USA's
17 assets in the port right now. Just within the port
18 we have 19 deep drat commercial channels. What I
19 mean by deep draft is—is the guidelines within the
20 Corps of Engineers are that 14-foot or greater are
21 considered a deep draft channel, and they're also 21
22 shallow—shallow draft channels in the port. We have
23 a—within the Corps of Engineers we also have we also
24 have a unique mission here in New York. There are
25 only a few districts nationwide that have the mission

2 to provide drift-drift collection and drift removal.

3 It's something that we here. You'll-you'll-it's a

4 very visible presence that you see on the harbor when

5 you see the Corps of Engineer vessels out there or

6 larger vessels that they when the drift-drift master

7 out there collecting driftwood, pieces of piers and

8 other things, obstructions that flow just below the

9 water line that create a great hazard. I-I put a

10 picture of the citywide ferry on the bottom of my

11 slide here just to show you the importance. That-

12 that's-those are the-those are the people that we're

13 protecting with the drift collection. We do find

14 timber floating below the surface and you have a high

15 speed aluminum-aluminum frame vessel, it's a hazard.

16 So we're out there. We collect 500 cubic-500 cubic

17 feet and that doesn't mean a lot to people but 240

18 tractor loads of debris is picked up from our

19 waterways every year, and again it's protected. It's

20 providing safe navigation to the people who use our

21 channels. It's-again there are a few districts the

22 country that have similar missions, Baltimore and Los

23 Angeles, but it's very important for us here in New

24 York, and float-as well as floatables. We-we've

25 done-been doing just collection again for over 100

2 years. 1913 is when we first got permission to do
3 that, and we've proudly put out boats out in the
4 harbor everyday to collect that-that information. My
5 next slide is a-is a navigation map and it was a
6 chart-a nautical chart of the harbor just to show you
7 some of the high profile areas that we do the
8 maintenance dredging. These are areas either the
9 Army Corps of Engineers or others does maintenance
10 dredging activities within the port. Again, Hudson
11 River is fortunately one of those naturally scouring
12 areas that we don't have to dredge frequently. The
13 Buttermilk-Buttermilk Channel and Bay Ridge and Red
14 Hook we do-we do go into those channels on occasion,
15 and Ambrose was one of the projects that was part of
16 the 50-foot and actually did down to 53 foot part of
17 the deepening infrastructure that we put into the
18 port here. East River is-East River is-is almost
19 biannually we-we go out and do sections of the East
20 River. I think in particular out by South Brother
21 Island we're-we're making use of that, and the
22 containers and the other work that's done in the
23 areas of the Manhattan Cruise Terminal or the-or the
24 Brooklyn Terminal, these are areas that are also
25 periodically dredged to allow for people or commerce

2 to travel through. Okay, I'll move onto the next
3 slide, which is who's—who's doing the dredging and
4 the—and the—who, what, when and where. Who's doing
5 the dredging? As—as was mentioned early the Army
6 Corps of Engineers is as—is a large partner in the—in
7 the port here in terms of maintenance dredging, but
8 we're—we're not the only player in the game. The
9 Port Authority is to—to support the federal channels
10 that go into Newark Bay for example. The Port
11 Authority is out there maintaining the berths that
12 are adjacent to the federal channels. New York City
13 EDC is doing their work at—at the cruise ship
14 terminals as well. We also issue permits to the NYPD
15 and the FDNY to—to—for their harbor units so that
16 they can performance maintenance dredging in the
17 areas of the berths of their facilities as well, and
18 the terminal operators themselves also conduct
19 dredging operations. In terms of what's being
20 dredged, we can—as we said earlier it's still sand
21 glacial till from various areas without—throughout
22 the harbor. The material, all of the material is
23 tested in cases of the inlets, as we talked about
24 earlier, East Rockaway Inlet, Jamaica Bay. Those—
25 that material is predominantly sand. It's not—sand

2 does not lend itself well to contamination because
3 there's nothing—contaminants to adhere to. So we
4 treat that at—we do physical testing like to
5 determine the grain size of that sand to determine if
6 it's compatible, and we generally place that material
7 in an adjacent beach, sometimes Coney Island or
8 wherever you can find an adjacent place to put the
9 sand, to beneficially reuse the sand to get it back
10 into the system. We do that in terms of other—we do,
11 as we as said earlier, chemical and biological
12 testing for other sediments. We'll do chemical and
13 biological testimony in accordance with the EPA
14 protocols that were established. Again, 1996 was a
15 very big year as—as Mr. Genn mentioned earlier for
16 setting up this criteria that—that—that's currently
17 being used. The Corps of Engineers is part of a
18 regional dredging team, which includes members of
19 the—it's—it's a co-chair between the Army Corps of
20 Engineers and the U.S. EPA and members of the New
21 York State DEC and New Jersey DEP are all part of
22 this team, and we—we look at projects and—and look at
23 the environment testing for many of these project.
24 But again, the standards we go back to the late 90s
25 when these standards were established for testing.

2 Okay, and when again we—we—we do a lot of maintenance
3 dredging activities. A lot of what we do in terms of
4 dredging activities are restricted by the windows—the
5 environmental windows that we face. Sometimes with
6 fish, the environment. There's winter flounder
7 windows that we face for certain parts of the harbor
8 and there's different fish or environ—species out
9 there that affect when we can necessarily go out
10 there and do our work. So, sometimes the time—the
11 period of times that we're actually out there
12 maintenance dredging may be the dead of winter when
13 it might not be—it might not look like the best time
14 to be out there on a dredge in the middle of the
15 harbor. We do that to protect the species that are
16 in the area from an environmental standpoint that
17 need to be protected by—from the operation, and again
18 that comes from the coordination that we do with both
19 the DEP and the New Jersey—the New York City DEC in
20 terms of our environmental certifications for the
21 work that we do. How is it done? Again, the—in
22 terms of dredging, there are many different ways that
23 you can dredge and—and I mentioned the mechanical
24 clam shell here with environmental buckets because
25 that's the predominant way that we do work in New

2 York Harbor. Elsewhere there's hopper dredges,
3 basically aqueous vacuum cleaners that go out there
4 and suck up sand and put into a giant hopper and take
5 it out to the ocean and dispose of it that way. But
6 again, mechanical clam shells work best for the type
7 of work that we do here in the Port of New York, and
8 environmental clam shells are one means that we use
9 to contain the material being dredged. So there's
10 not a plume of-of silt floating off from where we're
11 doing our dredging. It's a very deliberate manner
12 that the contractors are-are dictated on how they can
13 do their operations. Sometimes down to the bucket
14 speed to how fast they can dropped into the water so
15 that we do it in the most efficient manner, and the
16 most environmentally acceptable manner so that we-we
17 are not contaminating anything adjacent to the-the
18 dredging site. Where does the material go? Again,
19 Upland-beneficial reuse is Upland's placement is-it's
20 a very popular right now. That's-that's what we do.
21 We do remove the-remove the material from the aquatic
22 environment. A lot of what we call contaminants are
23 really only contaminants in an aquatic environment.
24 The material that you take from the bottom of a
25 channel could be placed upland, and it is not

2 necessarily considered contaminated. It's only
3 available under water to marine—in a marine
4 environment to marine critters. So what—what we do
5 we take it upland and the—the—right now we do
6 stabilize it with Portland cement, and we've been
7 able to beneficially reuse it for golf courses,
8 parking lots, fill at landfills, daily cover at
9 landfills. And then there's rest of the material
10 that we call harbor suitable, material that—that
11 passes the ocean testing criteria, and it's suitable
12 for ocean placement, and I have a number of staff
13 that are responsible for maintaining the historic
14 area or remediation site and actually managed the
15 ocean—the ocean placement site in terms of where the
16 material is going out there, and we track how well
17 the harbor is—is being maintained at this point. Okay
18 if you'll go to the next slide, the next slide is a
19 hydrographic survey map. This is again typical of
20 the products that we produce here at the—at the Corps
21 of Engineers in general and in particular here in New
22 York District. These are the maps that we've
23 produced for each of the navigation channels. We go
24 out there periodically for all of our channels and
25 survey them. This is—this happens to be a very

2 detailed a multi-being survey of our channels with
3 colors to help-help the navigators and have an
4 appreciation for where the deeper water is, and along
5 with this is a tabular-a tabular table providing
6 specific shallower steps in some of the channel in
7 the various quarters of the channels so that the
8 navigators again they're communities that are using
9 this, the pilots we have partnerships with the Sandy
10 Pilots and any of the other pilots in the area here
11 that rely on this information to-do their navigation,
12 to do their job. I put the website at the bottom of
13 the slide there if anybody wants to see the other-the
14 other channels that are out there and what's
15 available on that on our website. Okay, the next
16 slide refers to the beneficial use of dredge
17 material. Again, this is-this is just an example of
18 the over 50 million cubic yards of materials that was
19 removed during the-the 50-foot deepening project for
20 the port. How we reused it. There was-there was
21 brownfield remediation. We built a golf course in-in
22 Bayonne. We did beach nourishment at Plumb-Plumb
23 Beach. We did-we're doing remediation out at the
24 HARS capping of the HARS material out there. The
25 rock material that came out of the channels from

2 Kalinko in particular was taken out to build
3 fisheries, and then it was—it was reused out there.
4 We—they were also successful in rebuilding some of
5 the islands in Jamaica Bay called Elders—Elders East,
6 Elders West, the Yellow Bar. Those are just an
7 example of some of the opportunities that we took to
8 take some of the cleaning standing material and reuse
9 it to restore the islands in Jamaica Bay. Okay, the
10 next—the next slide just talks about the many
11 partnerships that we have. Again, we're not out
12 there by ourselves doing the dredging. We—we have
13 partnerships with the environmental agencies of the
14 states. We have partnerships with the Port Authority
15 because all the work that we do touched some of the
16 other agencies. It's important these partnerships
17 that we have with the Port Authority and
18 environmental agencies, as I said earlier, to help us
19 refine the needs or prioritize the needs from an
20 regional perspective where the dredging needs to
21 occur. I understand that the local perspective. I
22 mean we work together with these people, and the
23 Environmental Protection Agency. All of these
24 partners are important for any project, and to have
25 the relationships that we have, this is very import

2 to be successful. We're not doing this in a vacuum by
3 any means.

4 Okay the next slide I just wanted to
5 touch briefly on is the—the U.S. Army Corps of
6 Engineers Regulatory Permit Program. One of the
7 things aside from the federal maintenance judging
8 that I spoke about earlier and the deepening work,
9 there's also work being done by private parties and -
10 and other state and federal agencies that come to the
11 Corps of Engineers for permits. So we have
12 authorities under Section 10 of the River—the Rivers
13 and Harbors and Act going back to 1899 to protect
14 this—this authority that primarily has to do with
15 constructing structures in our adjacent navigable
16 waters. And the history of Section 10 is really that
17 the—the federal government was investing in building
18 these deeper draft channels be it the Hudson River or
19 other channels, and to protect the investment of the
20 federal government so that others wouldn't come and
21 impinge on the work that was being done by the
22 government to maintain these channels. We authority
23 to govern what happens adjacent to the waterways, and
24 that's really what Section 10 relates to. It's how
25 do we maintain the investment that was—that was put

2 in—in the waterways? The Clean Water Act, Section
3 404 and Section—again has to do with protecting not
4 only the asset—the infrastructure, but the
5 environment as well. So there's certain elements of
6 the Clean Water Act that regulate the discharges of
7 dredged material, and Section 103 takes—takes
8 discharges to another level and really regulates how
9 well—how well what we do with the ocean, and again
10 Section 103 directly applies to managing the ocean
11 placement site or the HARS as we refer to them.

12 Okay just in conclusion, it's the Army
13 Corps of Engineers' mission to support reliable,
14 efficient and effective navigation. We've been
15 doing that for 100 years and we're here to support
16 the city, the state and the Council in any way that
17 we can to protect navigation in both—from the safety
18 of the navigation users as well as the environment.
19 As I started out with commerce drives funding for the
20 Federal Navigation Projects, we prepare our budget
21 request. They—they—they compete nationally with the
22 other channels nationwide on commerce tonnage and
23 again it's for—for the federal government it's a
24 return on investment. Where—where are they going to
25 see the best return on investment, and thankfully New

2 York harbor has very good commerce, and—and we can—we
3 do compete well, and that's why we were able to
4 conduct the 50-foot deepening project. It's
5 important, as Mr. Genn mentioned earlier, that we
6 continue to feed the information regarding tonnage
7 coming through our channels. That's—that's how I can
8 do my job better for you is to make sure that—that
9 commerce is being reported properly for all of
10 channels. Okay, and then the last slide is just
11 questions. If I could, you know, take any of your
12 questions I'm available.

13 CHAIRPERSON ROSE: Thank you. Thank you
14 for the comprehensive presentation. You said
15 something about maintaining sort of I guess the
16 environmental nature of the—the waterway and I guess
17 the ecosystem. Does DEC sort of supersede the Army
18 Corp's desire or ability to dredge?

19 RANDALL HINTZ: Again, in—in the—in the
20 partnership that--that we have with both the DEC and
21 the DEP, we—we obtain quality certification for all
22 of the federal navigation projects. So we comply with
23 all of the state regulations in—in terms of just
24 material placements so we—we obtain a work quality
25 certificate for each of our projects, and that's

2 where some of the conditions come as far as bucket
3 speed and—and some of the conditions that we have to
4 best—best—best management practices I guess is the
5 best phrase for that. I know we can dredge most
6 effectively in compliance with the State regulations
7 for—for that.

8 CHAIRPERSON ROSE: One the Army Corps
9 decides that a—a waterway should be dredged, what is
10 the timeline between that decision and the
11 collaborative process with all of the other agencies
12 that give you, you know, feedback into whether or not
13 this project is feasible at this time or other
14 regulatory things that they are governed by before a
15 project ends. What is the timeline, the time frame
16 between when it's determined that dredging should
17 take place and when it actually happens?

18 RANDALL HINTZ: Well, the budget, the
19 federal budget cycle, as you may know, is we're—we're
20 currently in Fiscal Year 17. We're in the process of
21 defending the budget that we put together for Fiscal
22 Year 18, and proposing the budget for Fiscal Year 19
23 at this point. So, we're always active in a three-
24 year cycle in terms of budgeting. That being said,
25 we still have opportunities. If there's a critical

2 need for dredging we have certain reprogramming
3 authorities to take money from one project and
4 another. We'll go—we can go back to Congress and say
5 there's a critical need. So, that's—that's how
6 sometimes funding can be available. I can't say that
7 that's a sentence still in process, but one of the
8 things we do as an agency is those conditioned
9 surveys that I told you that are also very helpful to
10 the—the channel users are also very helpful to us to
11 appreciate the conditions, and where we see any we're
12 looking at the shoaling rates. Shoaling it's—it's
13 outside and it accumulates in our channels. Where do
14 we see problems occurring? If we just made—deepened
15 these channels in the Kill Van Kull for example, if
16 we deepened that channel and how as the sediment—how
17 was it—the sediment—how is the sediment starting to
18 fill in there? Do we see a need? We have—we have
19 the luxury of—of the way the water moves in this area
20 is that it doesn't shoal—shoal up over night.
21 Nationwide I deal with the Corps of Engineers and we—
22 we deal the people and this somebody who they could
23 get a major storm in the Mississippi. This mud will
24 move down the Mississippi and they're looking for
25 dredging contracts, to hire dredgers by the hour so

2 that they can dredge and get the channels open again.
3 Thanks that we don't see such a rapid sedimentation
4 rate here in New York. So we do have the foresight
5 from a long history of maintaining these channels and
6 looking at the current sedimentation rates to figure
7 out what the program should be and that's how we kind
8 of develop. We try and have at least a five and
9 sometimes ten-year outlook on our channels to see
10 where we see the cycles are. So we're already
11 thinking for all of the channels that we're deepened
12 to 50 feet, we have to start thinking about where we
13 need to need to maintain their next, what reaches of
14 those channels should we be thinking about? We know
15 the order that we finished them. So the shoaling is
16 somewhat—the current—maintenance work will be
17 sometimes tied to how the contracts finished. But
18 again we're looking—we're already looking at how do
19 we see the sedimentation coming in, and—and where—
20 where should we putting our—be putting the dollars
21 next?

22 CHAIRPERSON ROSE: And so, there are—
23 what's—are there are any challenges that you face
24 other than the budgetary challenges to a project
25 being?

2 RANDALL HINTZ: No, we have--budgetary
3 challenges aside, we--we are able to work with the
4 environmental window. Sometimes--yeah, sometimes if
5 there's a large amount of dredging to be done
6 sometimes the environmental windows can be
7 challenging. How do we--how do we get the work done,
8 the amount of work that needs to be accomplished
9 within the available windows conducted. We--we have a
10 good--again, the relationships that we have the
11 agencies and the partners help us work through the
12 process here. I can't say there's any walls--walls in
13 front of us stopping us from doing what we really
14 need to do, and yes, I think this is the best way to
15 put it for you.

16 CHAIRPERSON ROSE: Regarding the recently
17 completed dredging of the Port of New York, most
18 areas were dredged to a depth of 50 feet. What areas
19 of the port were the most shallow, and what were
20 their depths?

21 RANDALL HINTZ: [laughs] That's a--well,
22 in--I'm not sure. You're referring to the areas that
23 were deepened or--?

24 CHAIRPERSON ROSE: Yes. I--so let's say
25 the Kill Van Kull.

2 RANDALL HINTZ: Okay, so the Kill Van
3 Kull again the—the work that was done with the
4 deepening project was actually a progressive project
5 because it started out at 38 and eventually went to
6 that as a deepening program to 42. Then it went to
7 45, and then it went to 50. So I'm not sure.

8 CHAIRPERSON ROSE: Okay.

9 RANDALL HINTZ: It is, but I believe the
10 goal of—of the—the deepening program was to create
11 infrastructure to bring the deep drift—drift
12 channels. Again, if you looked at the complete
13 deepening program that's bring to Brooklyn Waterfront
14 as well as into Port Jersey and—and to Newark the New
15 Bay facilities back there.

16 CHAIRPERSON ROSE: Is 50 feet the current
17 nationwide or global standard and is it envisioned
18 that future dredging projects will have to go deeper
19 than 50 feet?

20 RANDALL HINTZ: Right—right now, 50 feet
21 allows us—there—there is—there are designed the
22 channels the 50-foot channels are designed channels
23 based on the vessels that—that we understand they are
24 going to be calling on the port. Fifty feet is—is a
25 48-foot vessel with 2 foot of allowable under

2 clearance. The pilots are all very skilled in
3 bringing ships in on various tides. Again, the
4 driving factor I believe for the Kills Van Kull was
5 the Bayonne Bridge the air clearance. It's getting
6 to a point where you're balancing it below it--

7 CHAIRPERSON ROSE: [interposing] Exactly.

8 RANDALL HINTZ: --below and above. So
9 the--the clearance of the Bayonne Bridge is going to
10 again drive some of the sides of the size of the
11 ships that are coming in here, but there are
12 certainly larger ships on the horizon coming in our
13 way soon, and the pilots are actually using
14 simulators in--in other parts of the country to
15 simulate coming into the port.

16 CHAIRPERSON ROSE: It was very
17 interesting that--that with the Post-Panamax ships
18 that the issue wasn't so much the depth--

19 RANDALL HINTZ: [interposing] Right.

20 CHAIRPERSON ROSE: --because we did
21 deepen that channel, but it was the height--

22 RANDALL HINTZ: Yes, that was for us.

23 CHAIRPERSON ROSE: --resulting in the
24 raising of the Bayonne Bridge, which is quite an
25 engineering feat--

2 RANDALL HINTZ: [interposing] Yes it is.

3 CHAIRPERSON ROSE: --in and of itself.

4 RANDALL HINTZ: It is.

5 CHAIRPERSON ROSE: You know, with the--the
6 dredging of the Kill Van Kull, and maybe Andrew would
7 know the answer, were there problems that occurred
8 that didn't allow for Howland Hook to reach the--the
9 depth necessary for them to accommodate the larger
10 ships because they are no longer sort of competitive
11 with--with the new--the container ships that's coming
12 in. Andrew, maybe you'd like to come back and--and
13 explain what happened with Howland Hook especially
14 since the dredging project was supposed to help--

15 ANDREW GENN: Uh-huh.

16 CHAIRPERSON ROSE: --Howland Hook and--and
17 now seeing a very diminished capacity happening
18 there.

19 ANDREW GENN: The--the dredging was
20 completed in the Arthur Kill. So Howland Hook now
21 has the same depth as all the other container ports
22 in the region. The challenge that they face has been
23 more of the cost differential going to that terminal
24 for the trucks that take the--that bring the
25 containers and take them away and that was--

2 CHAIRPERSON ROSE: [interposing] So it
3 was—it was the increase in tolls on the bridge?

4 ANDREW GENN: Primarily, yeah. It's—so
5 the work has all been done. The railroad is in
6 place, but it is that cost differential and as long
7 as there's some capacity on the New Jersey of the New
8 Jersey terminals they tend to attract more of the
9 vessels, but we're working on that.

10 CHAIRPERSON ROSE: Okay. So it wasn't
11 the dredging?

12 ANDREW GENN: It wasn't no, no. The
13 dredging space—the port did a good job.

14 CHAIRPERSON ROSE: Thank you. Were any
15 city funds used to support the project, the—the
16 deepening?

17 RANDALL HINTZ: The—the deepening project
18 as far as I know, it—it was just the Port Authority
19 and New York District federal funding that was
20 dependent on. Our federal partner for the project
21 was the Port Authority of New York and New Jersey.

22 CHAIRPERSON ROSE: Thank you.

23 RANDALL HINTZ: Oh, oh, there was—there
24 was known for the water site and for New York City to

2 be-be a part of that, the relocation of the water
3 site from between Brooklyn and Staten Island.

4 CHAIRPERSON ROSE: Okay and what are the
5 maintenance practices and routines involved in the
6 areas that have previously been dredged, and is it
7 common for once dredged areas to be dredged again
8 years after an original project has been completed?

9 RANDALL HINTZ: Means and dredging is a
10 routine activity that we do in all of-all of the
11 channels, and again monitoring the conditions of the
12 channel through our hydrographic surveys helps us
13 define what the need is, but once we determine that
14 this is an area that needs to be dredged, if it's
15 Buttermilk Channel or the Hudson River or the East
16 River in particular, we will go out there and do the-
17 a year in advance of the actual physical dredging
18 activities, we will conduct the environmental
19 compliance work that needs to be done, which is a
20 sample; going out there and doing sampling and
21 testing of the shoals and determining the-the levels
22 of contaminants in there or where-where suitable
23 disposal sites are. For maintenance dredging
24 activities what we do is we-once we have that
25 information and we've-we have clear information

2 regarding the volume of material that needs to be
3 dredged, and the—the quality of the material that
4 needs to be dredged, we will issue a solicitation or
5 a contract for a dredging company to come in and
6 remove that dredged material and—and as well as
7 finding a suitable placement site for that. The
8 contractors are required to provide all of the
9 permits necessary to take that material from the
10 channel and find a suitable outdoor (sic) placement
11 site for that. And that's generally—generally how we
12 conduct—conduct maintenance and storage activities.

13 CHAIRPERSON ROSE: So do you have like a
14 maintenance schedule like after this project has—was
15 finished last year, right?

16 RANDALL HINTZ: [interposing] Again, we—
17 we try to--

18 CHAIRPERSON ROSE: If you—you will just
19 based on currents and whatever, the sciences or you
20 just have a routine schedule that you revisit?

21 RANDALL HINTZ: Because we have a lot of
22 historical knowledge of the channels, we do know
23 which ones—as was said earlier the Bay Ridge and Red
24 Hook Channel and some of the channels are naturally
25 scouring. We know we won't have to go in there—in

2 there. We do have a lot of historical knowledge
3 about that, but we are watching what's happening with
4 the channels to the--to the best of our abilities, and
5 if there are problems out there, sometimes the pilots
6 will alert us to situations from their perspective
7 that they--they let us--alerted us if there are
8 threatening conditions in the channel, and we can
9 look to prioritize funding or move, you know, in
10 certain areas if we see there's a problem that needs
11 to be dredged sooner rather than later.

12 CHAIRPERSON ROSE: Thank you so much.
13 Thank you for your testimony--

14 RANDALL HINTZ: Alright.

15 CHAIRPERSON ROSE: --and I'd like to
16 acknowledge that Council Member Deutsch is here with
17 us and our next panel--thank you so much.

18 RANDALL HINTZ: Thank you very much,
19 Madam.

20 CHAIRPERSON ROSE: Oh, I'm sorry. I'm
21 sorry.

22 RANDALL HINTZ: Yes.

23 CHAIRPERSON ROSE: Council Member Deutsch
24 has a question.

25 RANDALL HINTZ: Yes.

2 COUNCIL MEMBER DEUTSCH: Thank you.

3 Thank you, Randall for being here today. I
4 understand that most of the projects that are through
5 the Army Corps of Engineers have been, you know,
6 through federal funding and all depends on how much
7 federal funding is received to what projects will
8 continue. I think I'll add (sic)--my question is if
9 you could explain how--how effective it would be to
10 dredge in areas in the Hurricane Sandy affected areas
11 like for example in Sheepshead Bay where when there's
12 a high tide the water comes all the way up to the bay
13 and sometimes it--it does go over. It depends on the--
14 on the surge and the wind and the moon and all that.
15 So how effective would it be to--to dredge an area
16 such as Sheepshead Bay due to the rise of sea level?

17 RANDALL HINTZ: I don't think the volume,
18 but again this is my opinion on this, but I don't
19 think the volume of the material is being removed
20 from--from the bottom of the channel. It's
21 significantly going to affect the water levels within
22 the bay like that. I think other structures or
23 protected measures could be in place to protect the
24 adjacent shorelines, but dredging isn't necessarily

25

2 going to affect the—the height of the water levels in
3 that are there.

4 COUNCIL MEMBER DEUTSCH: So would it be
5 different if you—if the bay is raised as opposed to
6 dredging or doing both?

7 RANDALL HINTZ: Well, dredging is really
8 for navigation purposes. Dredging would be so—so
9 that the ships can call—call that area, but in terms
10 of the—the overall water level of the bay it—it's—
11 that's not something you can control. You really you
12 can protect structures with bulkheads and—and you can
13 build up—build up shorelines, but dredging isn't
14 going to solve the problem of—of rising water
15 specially in coastal communities like that.

16 COUNCIL MEMBER DEUTSCH: Were there
17 studies done on this? Do you know?

18 RANDALL HINTZ: No, I'm not aware of any.
19 Again, I'm—I'm in the Navigation Branch for the
20 Corps. There may—there may have been in our
21 Planning. I can't speak for the Planning Division.

22 COUNCIL MEMBER DEUTSCH: Okay, alright,
23 thank you.

24 RANDALL HINTZ: Okay, sorry, thank you.

2 CHAIRPERSON ROSE: [pause] [off mic] Any
3 more questions?

4 MALE SPEAKER: Oh, no.

5 CHAIRPERSON ROSE: Thank you.

6 RANDALL HINTZ: Thank you, ma'am.

7 CHAIRPERSON ROSE: Thank you. Our next
8 panel will be Eric Johansson from Tug and Barge
9 Committee, Port of New York/New Jersey; Steven J.
10 Levy, Sprague Operation Resources, LLC; and Jose
11 Silguard (sp?), Waterfront Alliance. [background
12 comments, pause] We have you working doing your own
13 work today. [laughs] Okay, okay. If you would raise
14 your right hand. Do you affirm to tell the truth,
15 the whole truth and nothing but the truth in your
16 testimony before this committee today?

17 PANEL MEMBERS: [in unison] I do.

18 CHAIRPERSON ROSE: Thank you so much, and
19 you can state your name and affiliation and begin
20 your testimony. Make sure your microphone is on.
21 Speak into the mic.

22 ERIC JOHANSSON: Is this working? Okay.
23 Thank you, Chair Rose and the Committee on the
24 Waterfronts. My Eric Johansson, and I'm representing
25 the Tug and Barge Committee for the Port of New

2 York/New Jersey. So, I'm Captain Johansson,
3 Executive Director of the Tug and Barge Committee of
4 the Port of New York/New Jersey. I'm also a
5 professor the Maritime College, America's oldest. A
6 lot of people don't realize that New York City has
7 the oldest and largest and maritime college in the
8 United States. I'm a third generation mariner. I've
9 been working in the harbor for--well, I say over 30
10 yeas, but actually this year it will be 40 years.
11 The Tug and Bug Committee consists of 30 tug and
12 barge operators and three New York Harbor based
13 shipyards employing thousands of mariners in shore
14 site support workers. The economic viability of New
15 York Harbor as a commerce port cannot be overstated.
16 The prosperity and the quality of the life for New
17 Yorkers in the metropolitan area in general are
18 directly linked to the economic success of the
19 working waterfront. As the highest volume commercial
20 port on the east coast and we are really confident
21 that soon it will be the largest in the United States
22 of America again, New York delivers trillions of
23 dollars in commerce and contributes billion tax
24 revenues to the local economy, and supports hundreds
25 of thousands of both blue and what collar jobs. The

2 importance of the Commercial Maritime issue
3 contributes to the vitality of New York's economy
4 must remain at the forefront of the New York City
5 Council Committee on Waterfronts. The tug and barge
6 industry is a vital part of New York City. Barges
7 carry heating oil, cement, sand, gravel, and other
8 products vital to our city. We estimate that the
9 barges in New York Harbor eliminate 3-1/2 million
10 truck trips per year on New York City roads, but
11 we're losing terminals every year. Can you imagine
12 the road-[pause]-congestion and impacts on air
13 quality if a significant portion of those trucks were
14 added to the roads to deliver goods instead of
15 utilizing a marine harbor for this purpose. As an
16 example, one marine drove-driver company moved 1.9
17 million tons of sand and gravel in New York City in
18 2009. This is down from 7 million in 2001. This
19 means that at a minimum the 5.1 million gallons of
20 material previously moved by water is being moved via
21 trucks. This is the equivalent of an additional
22 231,182 sand and gravel trucks a year rumbling
23 throughout New York City. Why? Terminals are
24 closing. Once a terminal is lost, the failure to
25 revive it is difficult. Terminals are closing and

2 are directly linked to the failure to dredge our
3 commercial maritime waterways. Our waterways have
4 active waterborne commerce, transportation and
5 centuries-for centuries is a vial conduit for
6 commerce the economic engine of New York. The Empire
7 State was built on the backbone of this harbor. Yet,
8 administrative burdens too often prevent safe,
9 necessary water dependent projects from going forward
10 expeditiously. The Harbor Maintenance Trust Fund was
11 created by the Regan Administration to support port
12 dredging and maintenance and collects more revenue
13 each and every year than spent. New York harbors and
14 commercial channels contribute heavily to this fund
15 yet receive a very small percentage in return. A
16 vast amount of the funds sit untapped in reserves.
17 It is now to collect on the approximate \$9 billion of
18 reserves sitting idly in the U.S. Treasury.

19 Recently, HR 1908, Investing in America: Unlocking
20 the Harbor Maintenance Trust Fund was introduced by
21 representative Mike Kelly, Republican for
22 Pennsylvania, and representative Peter DeFazio,
23 Democrat from Oregon, to release these funds for
24 action. New York must be the first in line for these
25 funds to complete and maintain New York Harbor and

2 its tributaries. With so much at stake, keeping our
3 harbors open for business is not an easy task. Our
4 growing population, growing larger every two years
5 with larger shifts in limited road capacity means
6 that the tried and true waterways of New York will be
7 tasked with carrying the bulk of the New York City's
8 communities day-to-day products. For this reason,
9 the Tug and Barge Committee supports the following
10 initiatives:

11 1. Promote and advance dredging products
12 in New York—the Port of New York and lobby the Army
13 Corps to increase funding for authorized projects and
14 re-authorize waterways reduced for dredging under the
15 Waterway-Water Resource Development Act of 1986.

16 2. Promote cooperative dredging programs
17 to reduce cost for small businesses.

18 3. Deepen and maintain commercial
19 waterways to include, but not limited as follows:
20 East Chester Creek, Newtown Creek, Gowanus Bay and
21 Canal, Bronx River, Flushing Creek, Westchester
22 Creek, Jamaica Bay, and Coney Island Creek.

23 4. We also would like to see the Hudson
24 River dredged.

2 5. We want to maintain the 50-foot
3 channel that the Army Corps did such a great job of
4 deepening, but we also need to designate and
5 facilitate a 50-foot anchorage so that these ships
6 have a place to go in the case—in the event of an
7 emergency.

8 6. Support dredge material management to
9 make New York Harbor competitive with other East
10 Coast ports.

11 7. Support both—support industry berth
12 and connector dredging. This is the areas that the
13 Army Corps is not responsible for, and I will say
14 that would than, Mr. Genn and his staff at the EDC
15 for coordinating the efforts in East Chester Creek
16 where we're starting to see good results in this
17 action. It needs more support. Andrew and his team
18 need more support on this.

19 8. Maintain and restore liquid bulk—
20 liquid and dry bulk and support facilities in the
21 harbor. All boroughs should be mandated to accept
22 and deliver liquid dry bulk products by any method
23 other than truck—trucks to mirror the—the mandated
24 successful waste management requirements now imposed
25 on New York City roads.

2 9. Support the one-stop shopping for
3 commercial marine permitting also at the EDC.

4 Another kudo to them for that as well.

5 10. Reactivate the Waterfront Management
6 Advisory Board to proactively promote and balance
7 years (sic) of New York's most incredible natural
8 resource, it's harbor. Thank you.

9 STEVEN LEVY: Good morning. My name is
10 Steven Levy. I'm the Managing Director of Sprague
11 Operating Resources. Thank you for the opportunity to
12 testify today, and thank you for acknowledging the
13 need for dredging. To provide a little different
14 perspective, founded I 1870 as the Charles H. Sprague
15 Company, Sprague Resources, LP is one of the largest
16 independent wholesale suppliers of energy and
17 materials handling services in the Northeast. In
18 addition to owning the largest fuel store-storage
19 terminal in the city of New York, Sprague owns and
20 operates multiple fuel storage terminals and leases
21 tanks and maintain throughput positions at other
22 third-party terminals in New York. Sprague Supply
23 Terminals provide critical transportation, heating
24 and power generation fuels to city and state
25 agencies, the Port Authority of New York and New

2 Jersey, utilities and public and private entities.

3 These are the fuels that heat the homes of New York

4 City residents, allow them to travel to their jobs

5 and school and help the elderly reach their medical

6 appointments. For many decades, New York City's

7 waterways have been a vital pillar of the city

8 economy. Unfortunately, they have been neglected.

9 Funds must be invested to restore their vibrancy.

10 Businesses have shown a renewed spirit to use marine

11 transportation to achieve the goals of

12 sustainability, efficiency, employment and safety. A

13 case in point is the East Chester Creek in the Bronx.

14 Business leaders are now investing in repair and

15 replacing the bulkheads and docks so they can receive

16 materials by water. But these investments will be

17 worthless if there isn't an ongoing dredging

18 maintenance program to keep the creek operating. To

19 state the obvious, if vessels can't navigate the

20 creek due to a lack of dredging, transportation will

21 be impossible, and economic activity there will

22 cease. Waterways throughout the city are crucial to

23 ensure a reliable supply of fuels for consumers to

24 heat their homes, for emergency services to serve the

25 public safety and welfare, ensure delivery of food

2 and other essential commodities, and support the
3 utility infrastructure for light and power.

4 Additionally, few terminals support many city
5 initiatives to reduce air pollution, and tail pipe
6 emissions, extend the life of our road and bridge
7 infrastructure, contribute to the success of programs
8 such as Vision Zero by dramatic—by dramatically
9 lowering the number of truck transports on the road,
10 and support the city's goal of reducing greenhouse
11 gas emissions by 80% by 2050 through the use of lower
12 carbon fuels. Marine fuel terminal are also
13 indispensable in emergency situations. Without the
14 city's fuel terminal infrastructure, the response to
15 Super Storm Sandy and other events and the recovery
16 process without being significantly delayed. Without
17 a local fuel terminal infrastructure, other services
18 we take for granted such as plowing our streets
19 during and after snow storms would be greatly
20 restricted. We look forward to working with the City
21 to revitalize our waterways and initiate a plan to
22 develop an ongoing maintenance dredging program to
23 ensure continuing economic vitality in the local fuel
24 supply. Thank you.

2 JOSE SILGUARD: Good morning. I'm Jose
3 Silguard of the Waterfront Alliance and thank you to
4 Chair Rose and the members of this committee for the
5 opportunity to testify this morning. I will read a
6 brief summary of our written statement. The Port of
7 New York and New Jersey is our gateway to
8 international commerce supporting 336,000 jobs,
9 larger than broadcasting and entertainment
10 industries. With a natural harbor that is
11 responsible for New York's preeminence as a business
12 capital require deepening to meet the needs of modern
13 container ships, as we've heard throughout the
14 morning. We heard earlier also as well about the
15 harbor-harbor deepening project managed by U.S. Army
16 Corps of Engineers and the larger ships now calling
17 on our port. These shipping channels require
18 maintenance over time to ensure proper functioning.
19 It may be unseen, but this is vital and basic
20 transportation infrastructure just like regular
21 repair of roads, bridges and rail. We should work
22 for federal legislation that provides the port with
23 its fair share of harbor maintenance trust funds to
24 ensure that all channels including industrial
25 waterways in Queens, Brooklyn and the Bronx can be

2 regularly maintained. Each year more than 200,000
3 cubic yards must be excavated and placed either on
4 land or in ocean placement sites. Dredging the
5 navigational channels is only part of the story.
6 Small maritime businesses, arenas, shipyards and
7 other industrial waterfront users are responsible for
8 dredging their own berths including the connectors
9 that link to the main channels. Finding a suitable
10 place to dispose of dredged material has been a
11 challenge since the mid 90s when concerns over
12 contaminated sediments shut down dredging in the
13 harbor. While a solution to that crisis was
14 eventually found, there is still no long-term system
15 in place for dealing with dredged material with fewer
16 sites available as options for disposal. As a
17 consequence, smaller maritime businesses in New York
18 may be putting off dredging, moving away or shutting
19 down entirely. These operators need more options to
20 keep the cost of dredging and disposal down.
21 Technical solutions to safely disposal of this
22 material are available, but a simpler regulatory
23 framework is needed to help drive down costs. The
24 harbor deepening project incorporated beneficial
25 reuse of dredged materials, as we heard earlier,

2 using sand to restore wetlands in Jamaica Bay,
3 restore fish habitat in Bayonne, and others proving
4 that economic growth and environmental protection can
5 be complementary. These options should be accessible
6 to every dredge independent in our harbor, and we
7 salute EDC for working to identify opportunities to
8 create efficiencies. Currently, beneficial use of
9 dredged material requires a beneficial use
10 determination evaluated on a case-by-case basis.
11 Unfortunately, the current process is unpredictable
12 and time consuming, which creates a disincentive to
13 do business in New York. We salute New York State
14 DEC's commitment funded through Empire State
15 Development to identify solutions for dredged
16 material management and provide guidance to permanent
17 applicants, but a better model for long-term support
18 is right across the river. New Jersey uses—utilizes
19 most of its dredged material in a beneficial way
20 under a regulatory process that provides for
21 appropriate oversight and monitoring of the material.
22 We urge the City to work with its partners in the
23 state as well as our neighbors in New Jersey to
24 develop a regional sustainable policy for dredged
25 material for our shared waterways. This issue is

2 just one of several that again highlights the absence
3 of a centralized office to advocate for water
4 dependent uses citywide, and underscores the need for
5 improved governance of our waterways. We continue to
6 encourage the creation of a single local government
7 body such as the Mayor's Office of the Waterfront to
8 serve as a lead actor to coordinate planning efforts,
9 studies, funding and technical assistance to
10 waterfront users. Thank you for the opportunity to
11 present this testimony.

12 CHAIRPERSON ROSE: Thank you. Thank you
13 so much. I always want to—I—I have a desire to sort
14 of invert the order in which hearings, our testimony
15 is—is heard. Because had I known some of the things
16 cited in your testimony, I would have asked questions
17 a little differently of the agencies. But with that
18 said, I feel that your remarks were, you know, quite
19 elucidating and so, Captain Johansson, you were
20 saying that terminals are closing and—and—and
21 waterways are not being—there are waterways that are
22 not being addressed in terms of dredging. Could you
23 tell me, you know, specifically what waterways they
24 are, what terminals have been negative, and what
25 terminals have been negatively impacted?

2 ERIC JOHANSSON: Okay. I'm use the
3 example of the East Chester Creek. East Chester
4 Creek is dredged under the 1930 authorization. We
5 were really ahead of the times. The Army Corps did
6 another study and in the 1950 authorization it was
7 supposed to go down an additional two fee, but we
8 never did that one. We're still on the 1930. In
9 addition to that, under the warder (sic) in 1986
10 they—they authorized an order the East Chester Creek.
11 As a result of that, the creek started to fill from a
12 lack of dredging, and over the period of a few years,
13 the terminals were required then to take in more
14 product by truck than they were by water. This made
15 them uneconomical and eventually they all closed with
16 the exception of the one terminal that's sitting to
17 my left over here who was hanging on by a thread.
18 So, you know, we had at that time when they de-
19 authorized in 1986, over the years I'm going to
20 roughly guess about six terminals closed, and that
21 they were, you know, vital to that neighborhood.
22 That is why when you go through in the Bronx you're
23 always in a lot of traffic. It's not only just all
24 the additional traffic that comes through that area
25 from Port Elizabeth, Port Newark, it's also the local

2 area traffic that has now been forced to go by truck
3 rather than by water. That's just a small little
4 example of what we're talking about here and know
5 that some of it as, you know, was said earlier, too,
6 is some of us all fault a little, and—and I will take
7 credit for that one. I'll take the—the hit for that
8 one, the industry because of the reporting. You
9 know, I did a study on East Chester Creek about five
10 or six years ago. The Army Corps' numbers were about
11 720,000 tons of product. I did my own study, and by
12 reaching out to both the—the shippers, the carriers
13 and the consignees. So the shipper is the person
14 sending it, the consignee is tug and barge operating
15 carrying it and then, of course, the—the consignee is
16 the person getting it. My numbers were close to a
17 million tons. That's—that's a significant
18 difference.

19 CHAIRPERSON ROSE: Uh-huh.

20 ERIC JOHANSSON: The last study done on
21 that area the Army Corps had 350,000 tons. The
22 number is actually almost close to about 750,000
23 tons. So now, those numbers don't seem significant,
24 but they are if they start to close more and more and
25

2 more and more trucks are then required to go on the
3 road.

4 CHAIRPERSON ROSE: What—what is the cause
5 of the disparity in—in the reporting or what are the
6 obstacles to maybe reporting? Why—why the disparity?

7 ERIC JOHANSSON: That's a good question.
8 You know, a lot of people aren't even aware about the
9 fact that the Army Corps bases a lot of what they do
10 based on those numbers. So for some industries it's
11 very easy to be able to calculate the tonnage, you
12 know, like a container ship coming because those
13 numbers are all there. In an industry where you
14 might have a tug towing someone else's barge, nobody
15 knows who is supposed to report it, and so we did a
16 little seminar that the EDC actually put together
17 over in—in the Bronx, which I thought was very
18 enlightening, and you will see that, and I'm going
19 out of place by saying this, a lot of people weren't
20 aware. So the numbers are not getting reported not
21 because of the fact that people are not purposely
22 reporting the numbers, because it's—it's not really
23 clear to them who is supposed to report the numbers.

24 CHAIRPERSON ROSE: So there—there needs
25 to be clearly defined—a clearly defined process, and—

2 and identifying who should be reporting the amount of
3 tonnage--

4 ERIC JOHANSSON: Right.

5 CHAIRPERSON ROSE: --that's--that's being--
6 --? Okay, and--and so that responsibility really lies
7 with the Army Corps of Engineers because they are the
8 ones that collect that data, and--and make the
9 determination?

10 ERIC JOHANSSON: Correct.

11 CHAIRPERSON ROSE: Okay. So that's
12 something that maybe we can--we can work with. And it
13 seemed to be a common thread in--in your testimony--

14 RANDALL HINTZ: [off mic]

15 CHAIRPERSON ROSE: I'm sorry, you'll--
16 you'll have to let him--

17 ERIC JOHANSSON: [interposing] Yea, I--I
18 would like to see Clark (sic) clear these. I might
19 not be--am I not correct on this one. Just if you
20 want us to clarify that, and I'm okay about this, you
21 know.

22 RANDALL HINTZ: No, I just want to be
23 clear that--

24 CHAIRPERSON ROSE: [interposing] Please
25 identify yourself.

2 RANDALL HINTZ: Again, I'm Randall Hintz
3 at the Army Corps of Engineers, Chief of the
4 Navigation Branch for the New York District. When it
5 comes to—comes down to waterborne commerce
6 statistics, again, it's the terminal operator. We—we
7 are not part of the chain that receives the
8 information. It's collected centrally with the
9 Waterborne Commerce Statistics. We receive the
10 output from that, but the Army Corps does not control
11 those Waterborne Commerce Statistics. It's up to the
12 terminal operator—operators individually to provide
13 that information directly to the centers on the
14 amount of tonnage that moving through a particular
15 terminal.

16 CHAIRPERSON ROSE: To provide the
17 information to who?

18 RANDALL HINTZ: There's—there's a form.
19 There's a reporting form that goes—that—that the
20 operators have.

21 CHAIRPERSON ROSE: And that form goes to
22 the Army Corps of Engineers?

23 RANDALL HINTZ: It does not go there. It
24 goes to a central—I—I don't know the—the—

2 ERIC JOHANSSON: Well, it's-its an Army
3 Corps form. I don't know who collects it.

4 RANDALL HINTZ: Okay, it s the
5 Waterborne-

6 ERIC JOHANSSON: [interposing] It's not-
7 it's not in Louisiana address, it's the address--

8 RANDALL HINTZ: Okay, it's the Waterborne
9 Commerce Statistics Organization that-that collects
10 that.

11 ERIC JOHANSSON: This goes to show you
12 what's going on here.

13 CHAIRPERSON ROSE: [laughs] And then-
14 and-and that's the-the sort of the repository that
15 you go to get your statistics.

16 RANDALL HINTZ: Yes, that-that's right.

17 CHAIRPERSON ROSE: Okay.

18 RANDALL HINTZ: Those-those information-
19 that information does not come locally to the New
20 York district. It cannot generate commerce-commerce
21 numbers on local channels. It comes-it-it-we get our
22 information, the information that gets fed into the
23 budget process comes from this repository in-into-
24 it's pre-populated into our budget development
25 process.

2 CHAIRPERSON ROSE: So then we need to-to-
3 -

4 RANDALL HINTZ: [interposing] That's why
5 it's a form, as I said in my presentation.

6 CHAIRPERSON ROSE: --assess this process.

7 RANDALL HINTZ: In-in my presentation
8 that these-these operators are-are actually
9 completing this information and sending it to that
10 location. So, we capture the tonnage ships moving.

11 CHAIRPERSON ROSE: Thank you so much.

12 RANDALL HINTZ: Okay.

13 CHAIRPERSON ROSE: Thank you for
14 clarifying that, and-and one of the-it seems to be a
15 common thread in each of your testimony was that-that
16 the costs for dredging seems to be prohibitive
17 because of where the dredged material will actually
18 wind up being stored? Is that--

19 RANDALL HINTZ: [off mic] I'll let you
20 answer that.

21 ERIC JOHANSSON: Well, I'm not an expert
22 on that part about it.

23 RANDALL HINTZ: It-it is part of, you
24 know, the larger costs on what to do with the
25 dredging material and-and what the samples say and,

2 you know, where it has to be shipped to and, although
3 it would be great to find other uses as EDC and the
4 city has for some of the other dredged material, but
5 Madam Chair, I'd like--I'd like to make, you know,
6 two-two comments, and our waterways, which a lot of
7 people in the city of New York don't realize how many
8 we really have. They're truly an unused resource,
9 and--and dealing with commerce it's the paradigm as
10 the city has identified with the new ferry service,
11 with Citywide Ferry. Look at how many cars or, you
12 know, more room for people to use mass transportation
13 that will alleviate in getting people from one place
14 to another. It's the same time for our--making use of
15 our waterways. There--we could take so many more
16 trucks off the road, and--and especially in
17 environmental justice areas as well and, you know, we
18 have so many infrastructure issues with our bridges
19 and tunnels. The key is to use the waterways to--to--
20 to move that commerce, and as Eric had mentioned, you
21 know, relating to perhaps other terminals or asphalt
22 facilities or people that use the waterways now, if
23 they should close, our infrastructure will take even
24 a bigger hit, and--and hurt the programs like Vision
25 Zero and--and our emissions issues and so on. And the

2 other point I wanted to make is that not every
3 waterway is similar to allowing huge passenger ships,
4 you know, come into port where you need 50-foot or
5 55-foot drafts. Many of our secondary and tertiary
6 waterways around the city might only need 12 feet or
7 15 feet. So, just some other food for thought there.
8 Thank you.

9 CHAIRPERSON ROSE: Thank you and—and
10 it's—it's my hope with the—the revitalization of, you
11 know, the water—the WONAV that this is an area that
12 we will be, you know, exploring and—and how to
13 actually increase the utilization of the waterway
14 especially in communities where environmental—the
15 environmental impact has taken a toll on their health
16 in the Bronx. They have the highest asthma rates,
17 and there's a correlation especially to, you know,
18 the traffic, and so I—I think that that's a valuable
19 point, and—and one that we'll be exploring as part
20 of—when they get the WONAV up and—and running. And—
21 and I think—so the costs, again, I—I want to get to
22 the cost of—of dredging. Is—is that prohibitive for
23 some of the smaller waterways? Are they—are you able
24 to access help from any agencies in terms of costs
25 when dredging—a dredging project needs to be done?

2 RANDALL HINTZ: Yes, and—and I will give
3 you another example to follow up on—on Eric's
4 comments about on East Chester Creek with six
5 terminals closing down and Sprague being the last
6 survivor. We were able to obtain some dollars to
7 help subsidize some—a little dredging to keep the
8 terminal going from the state of New York, Economic
9 Development and—and if we weren't what essentially
10 happens years ago we would be able to bring in a—to—
11 to keep it simple, a million gallons at a time on a
12 barge. Now, we can only bring about 400,000 gallons
13 at a time. Now, what does that mean? Well, it means
14 that, you know, it needs to be dredged--

15 CHAIRPERSON ROSE: [interposing] That's
16 right, uh-huh.

17 RANDALL HINTZ: --but also very
18 importantly you have to move that barge more often
19 and that the cost of moving 400,000 gallons versus
20 one million gallons is obviously more money--

21 CHAIRPERSON ROSE: [interposing] Uh-huh.

22 RANDALL HINTZ: --which increase the price
23 to people that have to use the fuel. So whether it's
24 heating oil for a—a residential building or a home
25 user, or a diesel fuel for when we deliver to the

2 city fleet, or the—or the MTA, it's—it's—it affects—
3 dredging affects a lot of different areas. So if we
4 have the circle, we put a lot of different areas
5 within that circle.

6 CHAIRPERSON ROSE: Okay.

7 RANDALL HINTZ: So we were fortunate
8 enough to get some money, and we're putting in some
9 money to keep this terminal going until—what our goal
10 is is to get the entire East Chester Creek
11 reauthorized and to—to have an ongoing [coughing]
12 maintenance program there every few years, and—and if
13 the Army Corps if we can get them to go deeper than
14 they have been, then maybe they don't have to come
15 back for five or eight years. If they keep it
16 shallow, maybe they have to keep it coming back every
17 couple of years. [background comments]

18 CHAIRPERSON ROSE: Thank you. Thank you
19 so much for your—for your testimony, and I want you
20 to know that we'll be looking into—into that
21 particular issue.

22 ERIC JOHANSSON: If I can—

23 CHAIRPERSON ROSE: yes.

24

25

2 ERIC JOHANSSON: I just want to clarify
3 one thing. It is an Army Corps form and actually I
4 had to look it up on my phone.

5 CHAIRPERSON ROSE: Uh-huh.

6 ERIC JOHANSSON: It's the Army Corps form
7 that E-N--hold on. I just had it here. EN Form 20-
8 3925 and the instructions are say fill it, and so it
9 says the Army Corps of Engineers Waterborne Commerce
10 Statistical Center in New Orleans, Louisiana. So
11 that's where it all goes it but it is--it's an Army
12 Corps operation so--

13 CHAIRPERSON ROSE: Okay. Thank you so
14 much. Thank you, gentlemen.

15 ERIC JOHANSSON: Thank you.

16 RANDALL HINTZ: Thank you.

17 CHAIRPERSON ROSE: Have a good, and our
18 next and last panel will be Harold Dorfman from West
19 74th Street Marina.

20 HAROLD DORFMAN: 79th.

21 CHAIRPERSON ROSE: Oh, 79th. Sorry, and
22 John Quadrozzi from the Quadrozzi Urban Enterprises.
23 [background comments] So gentlemen Do you affirm to--
24 oh, I'll let you take a seat. Do you affirm to tell

2 the truth, the whole truth and nothing but the truth
3 in our testimony before this committee today?

4 PANEL MEMBERS: [in unison] I do.

5 CHAIRPERSON ROSE: Okay. Thank you.

6 State your name and affiliation and begin and speak
7 into the mic.

8 HAROLD DORFMAN: My name is Harold
9 Dorfman. I am a resident of the Bronx. I live in
10 Riverdale, and I'm here to speak about the commerce
11 in regards to recreational boaters in New York City>
12 I've been a resident of New York City all life
13 growing up on Jamaica Bay and boating from Jamaica
14 Bay now up all the way to New Rochelle. I've
15 finally after many decades received a permit to keep
16 a boat the 79th Street Marina after being a permittee
17 of Dyckman Marina and Hammond Cover Marina. All these
18 are city-owned or leased to operator marinas. I was
19 very fortunate to be able to acquire a boat last year
20 after paying for a slip for four seasons and not
21 being able to use the marina because I waited for ten
22 years to finally get a permit to keep a boat that
23 marina, and I was given the deepest slip, and I went
24 out there at low tide. To my disappointment that
25 marina was silted up that I could basically step off

2 the dock into the mud, and the deepest slip was only
3 four feet. And—and what I'm here to basically say is
4 that the city has such resources and I'm an
5 architect. I've worked for the Army Corps of
6 Engineers as a student while I was—while I was a
7 student at Pratt Institute here in New York City. I
8 also have a merchant marine's license. So I'm well
9 versed in terms of navigation. I've been a member of
10 the Manhattan Yacht Club or Salmon Club down in
11 Battery Park and recreational sailing has been a
12 tremendous part of this city since the late '80s when
13 waterfront zoning was enacted in the city, and people
14 bought recreational boating. Now, under the Brooklyn
15 Bridge there's more recreational boating that's
16 happening. Just on Sunday I sailed past Brother
17 Island. So I'm very versed in the—the 475 miles of
18 coastline that this city has. What we need is to
19 find a way to maintain the marinas that we have that
20 were granted to us by the people that were here
21 before us. They gave us these marinas as gifts, and
22 we just need to maintain them. The City just spent a
23 tremendous amount of money to upgrade Pier A West
24 79th Street. There's no Pier B. It's open to the
25 south end. The—the sludge comes down the river. I

2 believe the gentleman that was sitting here from DEC
3 the just had a dredging project from 96th Street from
4 the combined sewer out falls. The CSO is the—and I
5 believe that some off that silt probably washed into
6 79th Street and keeps contributing to that marina. I
7 don't—I've been working with—with Seth here from the
8 Parks Department and Nate Grove who was sitting here.
9 I've been working with Andrew Cohen's Office, my
10 local Councilman. I've also been working with Helen
11 Rosenthal's office, and Seth Fitzpatrick her
12 Legislative Director, and we've been trying to find a
13 way. We've been I—I believe Nate Grove and Seth just
14 addressed a letter to the Army Corps of Engineers and
15 we received a response that this too small a commerce
16 generating project. So it's something I'd like to
17 appeal in the hope that one day instead of just
18 paying monies for a permit, that I can actually keep
19 a boat at 79th Street. So I don't know the exact
20 process to get to the Council. I know you are the
21 Chair of the Waterfront Committee and we've been even
22 trying to just get money for testing so that we can
23 get that underway because I understand and you've
24 heard from the Army Corps of Engineers. I'm just a
25 citizen and I'm here to put my time in, and I've

2 served on a lot of committees with the Building
3 Department as well as other city agencies when I
4 think there's something that—some wrong that needs to
5 be righted. So I'm just appealing to you as a
6 council person to see maybe we can move this off for
7 step one, and then it's not just West 79th Street,
8 Flushing Marina. I mean there are hundreds if not
9 thousands if not tens of thousands of boaters from
10 kayakers all the way up to large, you know, pleasure
11 crafts let's call it because we do generate commerce
12 by needing recreational facilities, by maintenance
13 facilities, by dock storage facilities all around the
14 city. So I thank you for hearing me out, and I just
15 hope that something could be done to facilitated
16 that.

17 CHAIRPERSON ROSE: Are these marinas that
18 you're talking about, are they Parks Department
19 affiliated?

20 HAROLD DORFMAN: These—the ones on West
21 79th Street in this marina is an owned and operated
22 marina that's owned by the city of New York.

23 CHAIRPERSON ROSE: It is?

24 HAROLD DORFMAN: Yes.

2 CHAIRPERSON ROSE: Okay, thank you.

3 [pause] Can you—is your mic on?

4 JOHN QUADROZZI: I don't know. [coughs]
5 Is that better?

6 CHAIRPERSON ROSE: Yes, much. Thank you.

7 HAROLD DORFMAN:

8 JOHN QUADROZZI: Okay, so it be John
9 Quadrozzi representing Quadrozzi Urban Enterprises.
10 We're a marketing and development company for Gowanus
11 Bay Terminal, and just to clarify, there's been speak
12 of—of Gowanus in this panel. The Gowanus Bay is
13 outside of Gowanus Canal, very distinct from the
14 Gowanus Canal, which is a narrow waterway very
15 shallow and—and as—as was stated here, only will be
16 dredged to a few feet for barge type traffic.
17 Whereas the Gowanus Bay is a very significant
18 waterway. In fact, it is—it is probably the most
19 active body of water for industrial maritime in
20 Brooklyn. It's-it's, if you know, about it, but
21 it's-it's every pier is working. The difference
22 there between what is more publicized like the
23 Brooklyn Army Terminal—and—and the Red Hook Container
24 Port and the SBMT is these are public facilities so
25 that they get a lot more recognition, large—large in—

2 in size as an individual facility, but the Gowanus
3 Bay itself is a fully active waterfront. So-so-
4 Gowanus Bay we-we-myself, for example, I've been
5 operating on the Gowanus Bay since 1985. So I
6 started when I was young, but I've been unloading
7 boats since I was a boy. My family was in the sand
8 and gravel business, but in 1985 we started an import
9 business for cement, and we have supplied cement to
10 some of the highest profiled projects in Manhattan,
11 Trump World Tower, the Freedom Tower and so forth
12 were done through cement that was imported right here
13 on Gowanus Bay. We took over a facility called
14 Gowanus Bay Terminal in 1997, which was dormant at
15 the time. We've been handling materials like slag,
16 which is a beneficial reused material. It looks just
17 like cement, but it's made from the steel
18 fabrication. The ash, which would have been a waste
19 is beneficially used and turned into a Cementitious
20 product that replaces cement. So not only is it a
21 beneficial reused material, but it replaces cement,
22 which is one of the most energy intensive materials
23 to make. We also handle rock salt at the terminal.
24 I've been doing that for a number of years. These
25 vessels, which are larger in size, are off-loaded,

2 large vessels off-loaded in the harbor into barges
3 and then shuttled into our terminal because of
4 limited depth issues. The—the site I want to mention
5 Brand Lander had spoke of the Superfund site the—the
6 EPA ultimately rejected was our site. We have 33
7 acres of underwater land at the facility with pier,
8 bulkhead and dredging—filling lights. It was the—
9 the—it was going to be for about 10 acres of cubic
10 fill called a CDF, a Confined Disposable Facility for
11 the EPA and the Gowanus Canal site. It was
12 ultimately rejected not because the site wasn't
13 suitable, but because people were concerned that the
14 EPA couldn't properly safeguard the community. We're
15 seeking to use this facility for—for dredge
16 retention. This not only provides a solution to the
17 dredge problem in the harbor, but right there in the
18 Gowanus Bay, which we need. The—what better place to
19 take the dredge material from and placed in the same
20 body of water affecting the same habitat instead of
21 somewhere else. It also would afford us the ability
22 to get out to our deeper water in the terminal to be
23 able to—to be able to facilitate big draft ships—
24 ships. I'm sorry. Recently, we just came upon a
25 contract to bring in large vessels, a Handymax and

2 Paramax size vessel into the terminals. We were
3 going to use a floating pier to get out to our
4 bulkhead line where we have the deeper water to
5 accommodate it only to find that the Gownus Bay has
6 silted in significantly and now we can't get the
7 ships into our-our terminal. We had contact with the
8 Corps of Engineers to notify them about this knowing
9 that they are the responsible entity to maintain the-
10 the channels. They first referred us to the Port
11 Authority of New York, but we told them no we're no
12 longer owned by the Port Authority. It was purchased
13 in the '90s and now it's part of the facility and
14 we're coming to you for that service. We haven't
15 gotten any return phone calls or follow up. It's
16 been going on for a month. We're hoping that after
17 this panel discussion maybe we'll get a little
18 attention. The-the facility can handle up to a
19 million cubic yards of dredged materials, and-and as
20 I stated, that could be a beneficial reuse allowing
21 us to get out to the-the deeper water within our
22 facility. The-the other thing that I want to mention
23 is that we are a proactive facility engaged in
24 community projects and interests. We have a
25 component that we want to create for a public access

2 at the terminal. We call it the edge of industry
3 because we're not looking to compromise the terminal.
4 We want to have the public be aware of a working
5 waterfront and be able to sit alongside a working
6 waterfront, and see how it works, and also educate
7 the public into how infrastructure provides for them
8 as well. We're also looking into utilizing
9 techniques to create marine habitat-inducting systems
10 so that we're—as we build the terminal, the terminal
11 becomes a benefit to the estuary that it once was.
12 We are also looking into the ability to engage in CSO
13 retention. It's a major outfall that comes through
14 our property. The—the one that actually comes from
15 the whole Gowanus Canal area and then up to the
16 Brooklyn Navy Yard. So it turns at our facility, and
17 whenever there is a heavy downfall, empties out into
18 our facility. So we've had engineers look at the
19 facility as a—a pre-cleaning location for this water
20 so as it's discharging out into the bay, it can be
21 pre-cleaned, retrained—retained, pre-cleaned and then
22 released in—in a responsible manner. Some of the
23 things that will be done with these materials on the
24 property once we get them the—the—the sand and the
25 stone is we're looking to put in manufacturing of the

2 ice fault and—and concrete. So this is a—as far as
3 the way the water is used, this is a win-win because
4 we're not only bringing in materials in large
5 capacity and taking trucks off the road as other
6 people have spoken, but that secondary handling of
7 that material going to smaller manufacturing sites as
8 illuminated (sic) because we can do it right on site.
9 So, you know, the long and short we need the Gowanus
10 Bay dredged to ensure economic Viability to be able
11 to do these great things—and—and one—one—the
12 gentleman that spoke a little before me he talked
13 about how does the cost go up in—in shipping when you
14 cannot fully load the vessel or you have to charter a
15 smaller vessel to come in. So it not only drives the
16 price of the material up, but it—it destroys the
17 economic vitality of the—of the facility the terminal
18 because if the terminal cannot be competitive to be
19 able to get in these ships, they'll go elsewhere. So
20 more of our—our—these—these waterfront terminal
21 assets will fall to speculation, housing and thee
22 like that—that we see everywhere.

23 CHAIRPERSON ROSE: Thank you so much for
24 your testimony, and do I understand you correctly
25 that you would also want to be COS for-

2 JOHN QUADROZZI: It's C--

3 CHAIRPERSON ROSE: CSO?

4 JOHN QUADROZZI: The CDF, Confined
5 Disposal Facility, the CDF.

6 CHAIRPERSON ROSE: Okay. [laughs] Okay.

7 JOHN QUADROZZI: I didn't mean to say
8 that you said that wrong, but yes.

9 CHAIRPERSON ROSE: Would you use--

10 JOHN QUADROZZI: [interposing] It's
11 called a Confined Disposal Facility, CDF.

12 CHAIRPERSON ROSE: [interposing] CDF.
13 Okay.

14 JOHN QUADROZZI: Confined Disposal
15 Facility. So yes we were the---we were the
16 identified CDF for the EPA Gowanus Canal dredge
17 material. Rejected because of the--the public's
18 concern of--of the--the--

19 CHAIRPERSON ROSE: [interposing] The
20 toxins.

21 JOHN QUADROZZI: --the toxic condition
22 of the material and their ability to control that,
23 but yes, we--we would--we would like to be the CDF as
24 well. We have a lot of underwater lands with rights
25 to fill, which was way the EPA chose us, that are not

2 significant enough for the shipping, and it would be
3 more worthwhile for us to fill that and create more
4 upland for the industrial type uses that we have. A
5 lot of stockpiling of open material requires a lot of
6 open land.

7 CHAIRPERSON ROSE: Thank you so much.

8 JOHN QUADROZZI: You're welcome.

9 CHAIRPERSON ROSE: And again, you know,
10 this is a--an important issue and I'm sure that we'll
11 be--it will be one of the agenda items when we get the
12 WONAV up and running.

13 JOHN QUADROZZI: Okay.

14 CHAIRPERSON ROSE: So thank you. Thank
15 you for your testimony today, and I'd like to now
16 adjourn this meeting at 12:20. [gavel] This meeting
17 is adjourned. Thank you for coming.

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date May 2, 2017