

**Testimony of Anastasios Georgelis, P.E.  
Deputy Commissioner, Water and Sewer Operations  
New York City Department of Environmental Protection**

**New York City Council Committee on Environmental Protection**

**Introduction 268 in relation to backflow prevention device reporting and certification and  
Introductions 424 and 425 in relation to sewer system backups**

**250 Broadway  
June 25, 2018**

Good afternoon, Chairman Constantinides and Members of the Committee. I am Anastasios Georgelis, Deputy Commissioner for Water and Sewer Operations in the New York City Department of Environmental Protection (DEP). With me is Michael DeLoach, Deputy Commissioner of Public Affairs and other DEP staff.

Thank you for the opportunity to testify on these three bills: Introduction 268, relating to reporting on backflow prevention devices and Introductions 424 and 425, relating to sewer backups.

The Bureau of Water and Sewer Operations (BWSO) oversees approximately 14,000 miles of water and sewer mains, and 150,000 catch basins in New York City. Our work includes day-to-day management of the underground water and sewer infrastructure, emergency response to events like water main breaks, as well as capital planning and oversight of water and sewer infrastructure projects.

Intro. 268 of 2018 would repeal and replace existing provisions in the Administrative Code relating to reporting on the installation and testing of backflow prevention devices (BPDs).

Protecting New York City's public water supply is of paramount importance, and backflow prevention is one aspect of affording this protection. I would like to mention that DEP's extensive water quality testing and monitoring program is the front-line defense in ensuring the quality of water in the distribution system. New York City tests its drinking water in the distribution system for approximately 240 chemical constituents, well above regulatory requirements. We perform more than 1,100 tests daily; 34,000 monthly; and 400,000 on an annual basis on over 36,000 samples collected from about 1,000 sampling locations throughout the City. Test results are reported to our regulators and are summarized in our annual report on the quality of New York City's drinking water.

While we agree with the intent of this bill, we would like to work with the Council regarding new reporting requirements related to backflow prevention devices and replacing subdivision (d) of section 24-343.1 of the Administrative Code.

DEP has developed a comprehensive Cross Connection Control Program (Program) in which we first concentrate on those facilities representing the highest risk of possible contamination of our public water supply through cross connections. To assist building owners, we are constantly upgrading our Program guidelines, most recently in May 2017. We have made extensive efforts in the identification, inspection, enforcement and reporting of backflow prevention devices. Since 2012, we have reorganized the Program by setting up individual units within BWSO that focus on specific areas of expertise. The three units are Inspection, Enforcement, and Cross Connection Review. Our active program far exceeds our commitments to the New York State Department of Health and we continue our progress towards ensuring that any facility that requires a backflow prevention device has one.

DEP also maintains an active database comprising records on some 104,258 properties, up from 101,033 properties in my testimony last October. The number of properties tracked in this database is dynamic and changes due to the nature of the property's usage profile. We have been compiling more detailed and current information about the number of buildings in the City that require backflow prevention devices via both data mining and field inspection. Small residential properties such as one- to four-family homes are not a subject of concern. Our approach has been to target our inspection resources more efficiently by identifying the types of commercial and residential properties that are most likely to pose a risk. Our Inspection Unit uses a GIS mapping system along with information from the Department of City Planning to generate a citywide map that targets potential high-risk areas and buildings.

Each year we aim to inspect 4,000 properties citywide. For calendar year 2017, we conducted 4,569 inspections. The results from these inspections were that 1,104 properties did not require a device. The remaining 3,458 properties required actions from our Enforcement Unit. In calendar year 2017, the Enforcement Unit sent 2,263 Commissioner's Orders, of which 1,882 properties were newly notified of the need to install a backflow prevention device and 381 were for the need to replace a broken device, install additional devices or plans previously approved but with no record of an installed device. In calendar year 2017, 956 NOVs were issued for failure to install a device. Additionally, the Enforcement Unit processed 6,440 NOVs for failure to conduct the annual test. As it relates to the review process, in calendar year 2017, our Review Unit reviewed 6,546 initial test reports for newly installed devices and an additional 41,172 annual test reports for existing devices.

We continue to enhance our knowledge by employing inspectors in the field to do the labor-intensive job of inspecting previously identified properties.

As mentioned earlier, we agree with the intent of this bill and we would like to work with the Council regarding new reporting requirements.

Moving now to Intro. 425, which would require that, by December 31, 2018, DEP submit and post on its website a plan to prevent sewer backups (SBUs), and Intro. 424, which would amend the Administrative Code to require that, where an SBU occurs more than once at the same location within a 12-month period, the portion of the sewer system causing the second or subsequent backup is identified and cleaned within 10 days of such subsequent backup.

Over the last decade, DEP has shifted from a reactive to a proactive, data-driven approach to operating and maintaining the sewer system. DEP employs the principles of adaptive management to continually improve our sewer maintenance program, while balancing our overarching responsibility to deliver high-quality drinking water and treat wastewater every day in an affordable and sustainable manner.

DEP also targets its efforts on reducing the amount of fats, oil and grease (FOG) discharged to the sewer system. These efforts include regulations that mandate the use of grease interceptors in certain commercial establishments, such as restaurants, as well as extensive public outreach to inform New Yorkers about actions they can take to prevent the improper disposal of grease into the system, a primary cause of SBUs.

DEP stepped up its FOG outreach efforts in 2015 to inform the public about grease problems in the sewer infrastructure. To date, we have reached over 80,000 households in targeted communities through a combination of activities including door-to-door canvassing and workshops with community organizations and local houses of worship. Additionally, our education staff conducts classroom and assembly programs, and has developed a special curriculum for teachers on the topic of grease and its proper disposal. We have established a compliance consultative program focused just on food service establishments, and DEP has just recently initiated a behavioral change advertising campaign with the Department of Health and Mental Hygiene to further educate residents in all neighborhoods. We have also reached out to other utilities to ensure we are using the best practices of the industry to reduce FOG to the sewer system.

Throughout the city, there are pocket areas that experience repeat sewer backup complaints. In these cases, we use analytical tools to identify streets that have a higher frequency of sewer backups. Once we identify these streets, we conduct a detailed inspection to identify the root cause of the backups. Since 2011, we have done this robust analysis on 2,530 locations. Once a root cause is identified, we deploy a targeted programmatic cleaning program to resolve the issue and monitor the site to ensure that the sewer continues to function.

If further issues arise on a site within 12 months, DEP will employ an even greater level of evaluation to identify what other contributing factors may be causing the sewer backups. Since 2012, DEP has done this level of analysis on 541 locations. Over the last 10 years, we have seen a 49% decrease in total sewer backup complaints citywide and a 70% decrease in the number of confirmed backups citywide.

Starting in July 2017, we began a three-year pilot program to conduct targeted sewer inspections in parts of the City that have a relatively higher rate of SBUs. The targeted areas we have chosen for this pilot program are Brooklyn Community Boards 13 and 15 and Queens Community Boards 12 and 13.

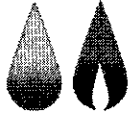
We are currently finishing year one of the pilot program and have completed our inspection target of 10,000 sewer segments. We will use the information gleaned from these 10,000 sewer segments, and those we inspect over the next two years of the pilot, to deepen our understanding of the traits specific to these locations and what has caused the repeat complaints.

Together, Intros. 424 and 425 mandate identification of locations with more than one SBU during a 12-month period and ensuring cleaning within 10 days. However, our three-year pilot incorporates escalating levels of response and investigation, which will allow us to accurately determine the causes of the increased rate of SBUs in our targeted areas. Understanding the root cause is a prerequisite to developing the solution. The most effective remedies flow from understanding the problem. The static timelines of 424 and 425 will not allow this.

We have committed considerable resources to this pilot and have collected a year's worth of data. Legislation requiring us to shift focus to locations with less frequent SBUs will interfere with the progress of our pilot. We must be allowed to properly diagnose the root causes and then develop appropriately targeted remedies, which can involve cleaning, flushing, degreasing, debris removal and vactoring, to name a few. To do otherwise is backwards. We need time to complete our analysis of the data; and we need to continue our methodology as is to keep the integrity of our data. We would be glad to share our insights into root causes, best remedies, and best timelines as our pilot progresses. However, we ask that the Council not require that we experiment with arbitrary cures before we finish identifying the disease.

Given DEP's robust commitment of staff and resources that has resulted in demonstrated success in continually reducing SBUs, we ask that the Council defer action on Intros. 424 and 425 until the completion of the three-year pilot in 2020. We are committed to keeping the committee apprised of our efforts and findings and welcome your comments and recommendations going forward.

Again, thank you for this opportunity to testify. I would be glad to answer any questions.



**PLUMBING  
FOUNDATION  
CITY OF NEW YORK**

**To:** Committee on Environmental Protection, NYC Council

**From:** April McIver, Executive Director, The Plumbing Foundation

**Date:** June 25, 2018

**Re:** Testimony on Intro. No. 268 (Backflow prevention devices)

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### **Introduction**

My name is April McIver and I am the Executive Director of the Plumbing Foundation City of New York, Inc. I am joined by my colleague, Terence O'Brien, Senior Director of the Plumbing Foundation and the Executive Vice President of the Association of Contracting Plumbers.

The Plumbing Foundation was founded in 1986 and is a non-profit organization of small and large, union and non-union plumbing contractors, engineering associations, supply houses, and manufacturers whose mission is to protect the public health and safety of New York City through the enactment and enforcement of safe plumbing and related codes.

We strongly support Council Member Richards' bill, Intro. No. 268, but we are here today to provide recommendations on how to strengthen the bill's provisions.

### **Background of Problem**

Backflow occurs when drinking water is contaminated by hazardous substances. It happens when street pressure pushes water into buildings where dangerous materials and chemicals may exist, and no device prevents that now contaminated water from re-entering the drinking water supply. Sometimes water flow can be reversed due to a water main break or a mistaken or accidental cross connection between the building's water distribution and drainage systems. Therefore, it is vital that buildings install and maintain backflow devices to prevent the harmful results of contaminated water, which can contain bacteria like E. coli and Salmonella.

There have been countless cases of contamination caused by car washes, drycleaners, and—the biggest culprit—mother nature—all of which affect many homes and businesses throughout the City. For example, severe flooding causes backflow conditions in Jamaica Bay and low-lying areas of Staten Island and Brooklyn many times a year. SuperStorm Sandy caused backflow incidents citywide, including at the Staten Island University Hospital. With the increase in major weather events due to climate change, this may become a more frequent occurrence.

The issue of backflow dates back decades, and as you may be aware, the Plumbing Foundation has been an advocate on enforcement and transparency for years. In 2007, the *NY Times* reported 85,000 large residential and commercial buildings lacked backflow prevention devices, and that



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26,000 buildings in New York City were considered high risk.<sup>1</sup> In that article, the City admitted to not meeting goals set by a task force in 2000, even though State law had required the devices be installed in certain buildings since 1981.<sup>2</sup> My predecessor at the Foundation, Stewart O'Brien, was quoted then and I reiterate today: the lax enforcement on backflow prevention devices is putting New Yorkers at risk.

Ten years following the *NY Times* article, in 2017, *City Limits* reported residents in Queens and Brooklyn experiencing flooding in their basements of raw sewage; one resident said this occurs once a year and is a common problem in her Queens neighborhood.<sup>3</sup> The article cites to an August 2016 administrative compliance order from the U.S. Environmental Protection Agency requiring NYC to address its longstanding issues with backflow prevention, including requiring NYC to comply with the Clean Water Act and to provide increased transparency.<sup>4</sup> The article stated there were no relevant DEP reports available on its website after 2013.

New York State Department of Health regulations require suppliers of water (in NYC that is the Department of Environmental Protection [DEP]) to classify all buildings in terms of the degree of hazard they pose, and assure appropriate devices are installed and tested annually.<sup>5</sup> However, thousands of NYC buildings still lack the required devices, including tens of thousands that are considered "high risk" buildings.<sup>6</sup>

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<sup>1</sup> Anthony DePalma, *Thousands of Buildings Lack Required Water Valve, New York Records Show*, NY TIMES (May 19, 2007), available at <https://www.nytimes.com/2007/05/19/nyregion/19water.html>

<sup>2</sup> *Id.*

<sup>3</sup> EPA Presses New York City to Address Sewage Backups, CITY LIMITS (Mar. 15, 2017), available at <https://citylimits.org/2017/03/15/epa-presses-new-york-city-to-address-sewage-backups/>.

<sup>4</sup> Letter to Mr. Vincent Sapienza, P.E., Acting Commissioner, NYC Department of Environmental Protection from Dore LaPosta, Director, Division of Enforcement and Compliance Assistance, United States Environmental Protection Agency (Aug. 31, 2016), available at [https://www.epa.gov/sites/production/files/2016-08/documents/nyc\\_ao\\_cwa-02-2016-3012.pdf](https://www.epa.gov/sites/production/files/2016-08/documents/nyc_ao_cwa-02-2016-3012.pdf)

<sup>5</sup> 10 NYCRR 5-1.31.

<sup>6</sup> Letter to Joel A. Miele Sr., P.E., Commissioner of the New York City Department of Environmental Protection from Anthony S. Cosentino, P.E., Chief Engineer (May 1, 2000). "It was obvious that after 12 years, compliance is at a low level. Compliance is only 30% if viewing the higher risk buildings (6541 out of approximately 22,765). It should be noted that there may be an additional 82,235 buildings which may also require devices and which may not be in compliance." *Id.* at 2.



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### Local Law 76

The NYC Council adopted Local Law 76 of 2009 to address this issue, but it only required DEP to report the number of buildings with devices installed, updated semiannually. For purposes of transparency and compliance, it is not of much use to know the number of buildings with devices installed when there is no set universe of buildings that are required to have such devices. Therefore, no *real* compliance rate can be determined. The public deserves to know which buildings require these devices and which are violating the law. In an October 30, 2017 hearing held by the NYC Council Committee on Environmental Protection, Chairman Costa Constantinides asked DEP what the compliance rate was in 2016. DEP said they issued 2,266 violations. When asked of the 2,266 buildings whether all have installed required backflow devices, DEP could not respond with a clear answer, stating “not all of them. . . in 2016 we also issued a little over 1,300 summonses for failure to install a backflow device. . . just to be clear I am not sure if that’s a subset of the [2,266] or could be previous years.”<sup>7</sup>

### Intro. No. 268

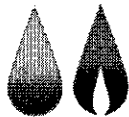
The proposed legislation we discuss today requires DEP to report annually to the Council the number of facilities, including the number of “hazardous” facilities, estimated to require the installation of backflow prevention devices, the number of such facilities in which backflow prevention devices have already been installed, the number of test reports filed with DEP in the preceding year, and the number of violations issued for failure to install a backflow prevention device and for failure to file a required test report with DEP.

As stated, we strongly support passage of this legislation, but we recommend the Council consider a number of revisions. First, the industry urges the Council to require DEP to report the *actual* number of buildings requiring a backflow prevention device, the *actual* number of installed devices, and the *actual* number of buildings that are not in compliance. In DEP's prior testimony dated October 30, 2017, they claim they have “made extensive efforts in the identification, inspection, enforcement and reporting of backflow prevention devices.”<sup>8</sup> They also state they have an **active**

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<sup>7</sup> Hearing on Intro. No. 821, Committee on Environmental Protection, The New York City Council (Oct. 30, 2017), available at [legistar.council.nyc.gov/MeetingDetail.aspx?ID=570525&GUID=5D8F873C-F56D-44EF-93C8-42AFCE992A8F&Options=ID|Text|&Search=821](http://legistar.council.nyc.gov/MeetingDetail.aspx?ID=570525&GUID=5D8F873C-F56D-44EF-93C8-42AFCE992A8F&Options=ID|Text|&Search=821).

<sup>8</sup> Hearing Testimony, Hearing on Intro. No. 821, Committee on Environmental Protection, The New York City Council, 21 (Oct. 30, 2017), available at <http://legistar.council.nyc.gov/View.ashx?M=F&ID=5553782&GUID=BCF39B12-CBA4-40CE-920C-151264780EBF>.



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database comprised of over 101,000 records of properties and that properties tracked are "dynamic" as the nature of a property's usage profile can change. The Plumbing Foundation still believes that *actual* figures can be reported each year, for instance by reporting "as of January 15, 20XX, this is the number of buildings requiring devices, etc."

Further, because the Code currently allows first-time fines to be imposed anywhere from \$50-\$1,000<sup>9</sup> for violation of the requirement to install a backflow device, the industry strongly believes that such fines do not provide enough of an incentive for owners to comply with the law. In the Hearing Transcript from October 30th, the Chairman asked DEP about fines imposed on building owners for not installing the required backflow prevention devices. On pages 50-51 of the Hearing Transcript, DEP says fines are between \$500-\$5,000, yet devices can cost anywhere from \$3,000-\$20,000.<sup>10</sup> This is why the industry believes fines should be increased, so that owners do not continue merely paying the lower fine but rather comply with the law and actually install the required devices.

### **Conclusion**

The installation of backflow devices should be a public health priority. It is apparent that the understanding of and compliance with backflow prevention is still an issue at large in the City of New York. There is limited transparency on the part of DEP regarding enforcement, installation of backflow devices, and proper comprehensive reporting, all of which needs to change.

We thank the Chairman and the Committee for their time today, and the Sponsor for consideration of our proposed amendments to Intro. No. 268.

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<sup>9</sup> NYC ADMIN. CODE § 24-346 ("Any person who violates or fails to comply with any of the provisions of this chapter and chapter four of this title or any order, rule or regulation issued by the board or commissioner or with the conditions of any permit issued by the commissioner within the city of New York shall be liable for a civil penalty of not less than fifty nor more than one thousand dollars for each violation"). As stated, in the October 30, 2017 hearing on Intro. No. 821, DEP clarified that they fine building owners \$500-\$5,000 (this likely depends on whether there are misdemeanor charges as in subdivision (b) of § 24-346 or if charged for continuing violations under (c) of § 24-346). In contrast, a backflow device itself can cost up to \$20,000. Hearing on Intro. No. 821, *supra* note 7.

<sup>10</sup> Hearing Transcript, Hearing on Intro. No. 821, Committee on Environmental Protection, The New York City Council, 50-51 (Oct. 30, 2017), *available at* <http://legistar.council.nyc.gov/View.ashx?M=F&ID=5560542&GUID=2535EDDB-1132-40DD-8C61-217611B3CE9E>. In the 2007 *NY Times* article mentioned, it was reported that businesses were objecting to the high cost of backflow prevention devices, prices ranging at that time from \$8,000-\$16,000. DePalma, *supra* note 1.



## **STATEMENT OF ARTHUR KLOCK IN SUPPORT OF INTRO 268**

My name is Arthur Klock, and I am the Training Director for Plumbers Local Union No.1. The jointly administered Labor and Management Fund operates a 40,000 square foot Training Center located in Queens. In that facility we operate the Cross Connection Control Bureau, a New York State Department of Health regulated training program to certify Backflow Prevention Device testers.

In fact, it is the largest and most active certifying program of this type in New York State. The Cross Connection Control Bureau training is open to any individual who needs this New York State Department of Health certification. Students in this program study the causes and effects of backflow in the water supply system, and learn the skills necessary to keep the equipment which prevents backflow in good working order.

### **Backflow is a Serious Hazard**

The New York City Department of Environmental Protection operates our public water supply, controlling the water as it travels from source to consumer; however, once the water enters a building, it becomes exposed to a wide array of opportunities for contamination while it is being used inside a building.

In our public water supply system, water is maintained at a significant pressure in the street mains to enable it to flow into buildings from those mains. Water pressure in the street system occasionally fails, and more commonly is reduced, when a water main breaks, or if there is unexpectedly high demand on the water system (for example, when fire hydrants are opened). Reduced pressure in the water main causes a reversal of flow wherein water flows **out of buildings** and back into the street mains.

This can be extremely dangerous, because after water has entered a building, it is being used by customers in ways which can cause it to become contaminated. Think of water used in boilers, cleaning facilities, medical facilities, commercial and industrial facilities being drawn back into the public piping in the street, then travelling on and into another building and coming out of someone's faucet.

The best defense against illness or death occurring from hazardous backflow events is a good backflow prevention program. In fact, a rigorous program, prosecuted diligently and effectively, is the only defense there is, which is why it is mandated by both our State and Federal Governments.

### **The need to install these Safety Devices**

The New York State Department of Health requires suppliers of water to classify all connected buildings in terms of the degree of hazard they pose, and to make sure backflow preventers are installed and tested annually; however, a great many buildings in New York City still lack the backflow preventers they are mandated to have, including many that are considered “high risk” buildings.

It is the absolute responsibility under the law for the “purveyor of water” (the DEP) to operate an effective backflow prevention program. Failure to do so opens the City to tremendous legal exposure if a catastrophic backflow event should occur, sickening or killing unsuspecting New Yorkers.

### **The need to test and maintain these Safety Devices**

Approved backflow prevention assemblies should be tested at least annually, as outlined by the American Water Works Association (AWWA), and all manufacturers' literature.

The annual failure rates of approved assemblies varies, but they do become fouled and fail over time. The AWWA and the manufacturers of these devices require testing at least every year to be sure of proper function. If the device fails to operate when it is needed, it is useless. In light of these facts, just installing these devices and then failing to enforce the requirements for testing and maintaining them, does not protect the public. It only gives the public a false sense of security, and subverts the intention of the program.

### **How to improve this Bill**

We have a host of possible backflow hazards to worry about in our interconnected grid of pipes feeding fire hydrants, commercial, industrial and residential buildings. The ongoing danger is elevated when we do not really know if we have properly addressed the problem. *In light of this, we recommend the Council consider additionally requiring the DEP to report the actual number of installed devices and the actual number of buildings requiring a device, so we can all understand where we really are.*

### **Conclusion**

**Plumbers Local Union No.1 strongly supports Council Member Richards' bill, and feels that Intro 268, if enacted into law with additional requirements for the actual number of installed devices and the actual number of buildings requiring a device, will help keep New York City a healthy city.**

Testimony to N.Y. City Council Committee on Environmental Protection re: **Intro 268: In relation to backflow prevention device reporting and certification, and the repeal and replacement of subdivision d of section 24-343.1 of such code, Intro 424: In relation to reducing sewer system backups. Intro 425: In relation to requiring the city to prepare a plan to prevent sewer system backups** – June 25, 2018- Marcia O'Brien

Good afternoon, Chairman and Council members - my name is Marcia O'Brien, and I am the President of the 148<sup>th</sup> Drive & Community Block Association, Inc., Board Member of Community Board Thirteen and President & Board Chairperson of the Rosedale Civic Association, Inc.

Thank you for inviting my testimony at this public hearing to address the problem of sewage backups that has disproportionately impact upon Southeastern Queens.

Since 1946, the Rosedale Civic Association has continuously maintained its mission to preserve and enhance the quality of life of this Southeastern Queens suburban enclave within NY city boundaries. As a longtime resident and homeowner in Rosedale, with first hand experience of the damage done by flooding in Southeast Queens both to our homes and businesses, I support, with great fervor, the city's intention to enact enhancements relating to backflow prevention device reporting and certification. I also support the methodology of reducing sewer system backups by requiring the city to prepare a plan to prevent sewer system backups.

Such an effort is commendable and necessary. DEP should be required to vigorously investigate and inspect any locations that require backflow prevention devices and strictly enforce their installation and maintenance. Sewage and other contaminants entering our drinking water is a health hazard and it is unacceptable.

The cleaning of the sewers on a regular basis is a necessity and the requirement that a plan be presented by the end of the year is a good way to push DEP to achieve that goal. However any plan that truly seeks to solve this problem must acknowledge that the still unfinished sewer infrastructure in Southeast Queens will continue to cause backups because we do not have a complete system to take away debris and water. The system is thus still overloaded and backups will continue until we have a full build-out.

The \$1billion sewer construction for Southeast Queens won by our Councilmembers must be completed. Also, a solution to the high water table issue that continues in parts of Southeast Queens must be implemented. As long as the standing water level is so close to the street surface any strong rain or impediments in the sewers will lead to backups because there is no room beneath the street surface to accept storm water or deal with impediments.

What is being proposed is commendable and will help and should be supported but until the above issues are addressed we will still risk sewer backups and flood conditions in our community. I am pleased to leave with you this document showing more details about our enthusiastic support of the two bills.

I thank the city's administration in advance for tackling these issues head on with analysis, capital and implementation. Our Organizations, along with thousands of residents, support these two bills that are intended to address sewer backup that has disproportionately impacted southern Queens.

Thank you again for the opportunity to testify.

**-Marcia O'Brien**



## The Master Plumbers Council of the City of New York

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**OFFICERS:** **To:** Committee on Environmental Protection, NYC Council

**From:** John DeLillo, Executive Director

George Bassolino, III  
*President*

**Date:** June 25, 2018

**Re:** Testimony on Intro. No. 268 (Backflow prevention devices)

Richard Bonelli  
*Vice President*

**Introduction:**

My name is John DeLillo and I am the Executive Director of the Master Plumbers Council of City of New York, Inc.

Timothy Donohue  
*Treasurer*

Leonard Williams  
*Secretary*

The Master Plumbers Council was founded in 1892 and is a non-profit organization of small and large, union and non-union plumbing contractors, and affiliates whose primary mission is to protect the public safety of New York City residents through the enforcement of plumbing codes. We strongly support Council Member Richards' bill, Intro. No. 268, with some minor recommend changes.

John F. DeLillo, Jr.  
*Executive Director*

**DIRECTORS:**

James DeMaria

Darren Lundin

The proposed legislation being considered today would require the DEP to report annually to the Council the number of facilities, including the number of "hazardous" facilities, estimated to require the installation of backflow prevention devices, the number of such facilities in which backflow prevention devices have already been installed, the number of test reports filed with DEP in the preceding year, and the number of violations issued for failure to install a backflow prevention device and for failure to file a required test report with DEP.

John Martin  
Robert McManus

Pat Sementa

John Sideris

Jesse Skinner

Edwin Vazquez

Anthony Vigilante

While we strongly support passage of this legislation, we would like to recommend the following revisions. In order for this proposed legislation to be most effective, the Council should consider requiring the DEP to report the **actual** number of buildings requiring a backflow prevention device, the **actual** number of installed devices, and the **actual** number of buildings that are not in compliance. The requirement to install backflow devices has been in existence for over thirty years. While building occupancy classifications may change over time, the requirement for a device to be installed does not. The only change from an occupancy perspective would be the level of containment required. This recommended change would help ensure that the information presented would be accurate for that point in time.

The second recommended change we propose is an increase in the level of violations for noncompliance. Not having the proper protection in place can threaten public safety. As we have stated, this program and requirements to install these devices have been in place for over thirty years. Lower fines are not an incentive for compliance.

The installation of adequate backflow devices must be a public health priority. It is a shame that there may still be a lack of understanding of just how important this issue really is. In the past there has been limited transparency on the part of DEP regarding enforcement of the installation of backflow devices. This bill, with our recommended changes, would help to solve that.

We thank the Chairman and the Committee for their continued efforts in drafting and supporting legislation such as Intro No. 268. This type of legislation that promotes plumbing practices also promotes public safety.

Regards,

John F. DeLillo, Jr.  
*Executive Director*

TO: The City Council of the City Of New York  
Environmental Protection Committee Hearing  
Honorable Costantinides, Chair

June 25, 2018

**TESTIMONY REGARDING BASEMENT FLOODING AND SEWAGE BACK-UP IN QUEENS**

My name is Jacqueline (Jackie) Campbell and, I reside in Councilman Donovan Richards' District. I am a member of Queens Community Board 13; the Founder and President of the Rosedale Blocks Community Association/aka 147<sup>th</sup> Road Block & Community Association (a 5 year old 501C organization); member of the Rosedale Civic Association, Board Member of Friends of Rosedale Library and member of the JFK Aviation Committee and more.

Since 1991, I have lived in Rosedale in the same house and since then I have experienced sewage back-up in my basement at least twice per year. And, due to this problem, I had no choice but to purchase a plumbing maintenance contract to clean the sewer lines as needed. Eventually, the frequency and severity of the problem resulted in the contractor placing a camera in the sewer line. It was discovered that **roots from New York City trees planted on the sidewalk** had damaged the sewer lines leading to my house. The contractor recommended that I my best course of action at that time was continue cleaning the lines.

When NYC rolled out the insurance program which covers outside and inside sewer line problems, I enrolled immediately and cancelled the private contract. The NYC's contractor also discovered the tree root problem and twice in 4 years they had to replace defective sewer pipes – once on the street in front of my house and once in my driveway. The latter repair resulted in damage to the concrete in my driveway and a broken fence. So, I incurred additional expense of fixing the driveway and the fence without reimbursement from NYC and/or the contractor because I was informed that it is not the policy.

Roots from NYC trees are the main cause of sewage back-up in Rosedale. NYC Parks Department have repeatedly refused my requests to remove the trees creating the problem (side note...they have even refused to prune the trees) claiming that the trees are healthy. Many of my neighbors and group members have complained to me about the same problems and the lack of response from various NYC Agencies. Also, some Rosedale residents who experience continuous flooding and sewage back-up in their basements have water pumps which are supposed to alleviate the problem but do not.

I believe that any reduction in flooding and back-up complaints to 311 is due in part to homeowners' enrollment in the NYC's sewer insurance program. ***Calls are placed directly to the plumbing contractor and there is no linkage to 311. This is a flaw in the contract.*** Also many homeowners have stopped calling 311 because they are discouraged by the lack of response and non-action of NYC Agencies, so they eventually incur the expense to resolve the problem.

***Question: What about those homeowners who cannot afford the insurance or self-fund damages?***

***Question: How severe are the damages to the City's the sewer lines caused by the tree roots?***

**RECOMMENDATION**

I know that Mayor Bill de Blasio and Councilman Donovan Richards have secured funds to replace and install sewer lines throughout South East Queens. However, I am not sure if there is a plan (other than the insurance) in place to solve the **ongoing tree root problems** linking private property sewer lines to the City's sewer system. This should be investigated.

NYC Department of Environmental Protection should partner with NYC Parks Department to determine what can be done to resolve the tree root problems. Replacing larger and older problematic trees with smaller trees is one option.

On behalf of my community I thank NYC City Council for advocating on our behalf. I hope for continued dialogue and interest in this issue and trust for result a positive resolution in the near-term.

Respectfully submitted:  
Jacqueline Campbell  
249-24 147<sup>th</sup> Road  
Rosedale, NY 11422  
(718) 525-1757/(347) 678-1601

*Attachment: Southeast Queens **PRESS** Newspaper article dated July 12-18, 2002*

4/11/85  
JUL 5 1985

# Getting To The Root Of A Tree Problem

BY TARA FROWNS

Jackie Campbell has lived in her Rosedale home for almost 12 years.

Throughout this time, the resident has experienced major sewage problems, she said.

The roots of the tree in front of her home have probed the earth supporting her home, cracking the sewer line and causing blockage, she said.

"For the past 11 years, I've been paying a sewer company to clear [it]," said Campbell.

Recognizing a pattern with her annual cleaning call, representatives from Roto-Rooter, the company Campbell uses, informed the homeowner that the constant need for cleaning and repair may cause severe problems in the near future.

A friend of Campbell's residing relatively near Elmont, Long Island, endured a similar situation in which she was compelled to pay "thousands of dollars" to a company of her choice to have her pipes replaced.

Knowing that the roots could continue to interfere with her home, Campbell contacted the *PAESS Action Desk*.

In support of Ms. Campbell's tree

complaint, the New York City Parks & Recreation Department was contacted.

The *PAESS* and Ms. Campbell were reminded of the tree's seasonality and informed that trees are not removed for virtually any reason barring a fallen street position or its death.

A representative there informed us that Campbell (or anyone in a similar situation) would have to follow through with a pipe removal on her own and submit receipts and a claim form from the City Comptroller's Property Damage Dept. within 90 days of the procedure.

The claim form was requested and may take up to 10 days to arrive at Campbell's home.

Once the form is completed, she will be notified about the steps to begin the reimbursement process, Parks Dept. officials said.

## Help Line

### Tree Trouble?

If you are experiencing problems with a street tree in New York City, contact the Parks Department at 1-800-201-PARK.

Mail this form to: *PAESS ACTION DESK*, c/o The Parks of Southeast Queens, 174-15 Horace Harding Expy., Fresh Meadows, NY 11366

JMS:PAES 2002 PAESS of Southeast Queens Form 21

THE COUNCIL  
THE CITY OF NEW YORK

4

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/25/18

Name: Anastasio Georgelis (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: DEP

Address: \_\_\_\_\_

THE COUNCIL  
THE CITY OF NEW YORK

4

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

Name: Michael DeLoach (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: DEP

Address: Not testifying - at witness table

THE COUNCIL  
THE CITY OF NEW YORK

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Appearance Card

[ ]

I intend to appear and speak on Int. No. 268 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

Name: ARTHUR KLOCK (PLEASE PRINT)

Address: 37-11 47TH AVE LIC NY

I represent: PLUMBERS LOCAL 1

Address: SAME



THE COUNCIL  
THE CITY OF NEW YORK

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Appearance Card

[ ]

I intend to appear and speak on Int. No. 268 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/25/2018

(PLEASE PRINT)

Name: April McIVER

Address: 535 8<sup>th</sup> Ave, 17<sup>th</sup> FL New York, NY 10018

I represent: The Plumbing Foundation City of New York

Address: \_\_\_\_\_

THE COUNCIL  
THE CITY OF NEW YORK

15

Appearance Card

[ ]

I intend to appear and speak on Int. No. 268/424/425 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/25/18

(PLEASE PRINT)

Name: Marcia O'Brien

Address: 148-20 Edgewood St. Rosedale, NY 11422

I represent: Rosedale Civic Assoc. Inc. / 148<sup>th</sup> St. & Community

Address: Rosedale NY BLOCK ASSOC.

THE COUNCIL  
THE CITY OF NEW YORK

15

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Jackie Campbell

Address: 249-24 147<sup>th</sup> Rd, Rosedale

I represent: Rosedale Block Community / 147<sup>th</sup> Rd Block

Address: 249-24 147<sup>th</sup> Rd, Rosedale + Community  
ASSOC.