

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL  
PROTECTION

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December 17, 2013

Start: 1:05 p.m.

Recess: 1:26 p.m.

HELD AT: 250 Broadway - Committee Room  
16<sup>th</sup> Floor

B E F O R E:

James F. Gennaro  
Chairperson

COUNCIL MEMBERS:

Elizabeth S. Crowley  
G. Oliver Koppell  
Brad S. Lander  
Stephen T. Levin  
Donovan Richards  
Peter F. Vallone, Jr.

A P P E A R A N C E S (CONTINUED)

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COMMITTEE ON ENVIRONMENTAL PROTECTION

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CHAIRPERSON GENNARO: Okay. Okay. We ready? [gavel] So with that gavel bang, that is the last session the Committee. Who was here last time to hear my sappy speech when I got--okay, you heard, okay. So, I didn't know for sure that I was going to be coming back, so I laid on extra sap at that last hearing, thought it my last last, but this is not a hearing, but it's a vote by the Committee, but it gives me another opportunity to be sappy and silly. So good afternoon. Good afternoon. Good afternoon. I am Chairman James F. Gennaro. Normally I say Jim Gennaro. On this last day we're going with James F. I'm Chairman James F. Gennaro. I'm Chair of the Committee on Environmental Protection and today, the Committee will hold a vote on proposed Intro 876A and proposed Intro 1060A, two bills which when enacted will considerably improve indoor and outdoor air quality in New York City. I will tend to use an adjective stronger than considerably, but I didn't write this. So think of an adjective bigger than considerably and just insert that. Monumentally improved. Thank

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you, Oliver, thank you. Poor indoor air quality has been linked to an increased prevalence of a variety of respiratory diseases. For example, Americans spend up to 90 percent of their time indoors, and indoor allergens and irritants can play a significant role in triggering asthma attacks and other respiratory problems. In 2009, 13 percent of New York City children 12 and under, about 177,000 children had at some point in their lives been diagnosed with asthma, and more than one in eight of these children were exposed to asthma triggers in the home. Other respiratory conditions such as fungal infections, sinusitis and allergic rhinitis also have been linked to poor indoor air quality. Many adverse environmental events such as flooding or fires can significantly decrease indoor air quality and have negative health impacts on building occupants after waters had receded from many of the storms we've gotten and the fires have been put out. Proposed Intro 867A would create a voluntary, we repeat, voluntary registration program for master environmental hazard

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remediation technicians. To be eligible to register, an applicant would be required to complete a course of training involving classes in safety and remediation of various environmental hazards through a training provider approved by the department, meaning the Department of Environmental Protection. The bill would impose a 1,000 dollar minimum fine per violation on any person who holds himself or herself out as a master environmental hazard remediation technician, but who has not registered with the Department as such and is now taking the classes. The bill would also authorize the Commissioner of Environmental Protection to set registration and renewal fees. We want the program to pay for itself so the fees will be set at that level. We want the Commissioner also to be able to revoke registrations for negligence, incompetence, or legal violations and to update and audit the courses required for registration in response to developments in the field. This legislation will increase public health protection by providing standards, training

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materials and registration procedures for parties already engaged in this field as well as new entrance to this field. Let me go off script for a second and just indicate that, you know, while the City does a great job with asbestos, a great job with lead, there are other contaminants out there and there are companies and individuals who hold themselves out, you know, to be, you know, master remediators of these kinds of substances when in the end of the day they really know nothing. They come in, they charge a lot of money, they make a big mess. And so we don't like that, and so that's really what this is all about because there's a very, you know, vibrant industry of, you know, wonderful professionals who certainly are well trained, but are kind of, you know, being undercut by people who charge less but don't know what to do and come in make a big mess. And this will, you know, lead the City in a direction of people having the ability to select a company or a person that they know has the City's seal of approval in terms of taking these courses and actually being a master in

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what they do. So we think this is a real, you know, boom for consumers in New York City and is particularly very important in a post Sandy era when, you know, floods and all kinds of nonsense are creating mold and other kinds of hazardous conditions that really should be remediated by people who know what the hell they're doing. And so that's what this is about. The next bill proposed Intro--I don't think I've ever said hell before in an opening statement, but we're really going for it here. That wasn't written in here. I just did that, you know. Proposed Intro 1060A speaks to the adverse impacts of air pollution emitted by commercial refuse trucks. Many people know that, you know, that the Department of Sanitation, you know, trucks are very, very clean. They've, you know, won awards from the Environmental Protection Administration. They--and you know, the bills that we've done here in the Council to make them use biofuels and everything else. We've got very, very good fleet of trucks that pick up the City's municipal waste, but for the--but for private

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waste is a much different story, and that's what this bill speaks to. It is part of, you know, the Mayor's overall revamp of the City's air code which was given to us a very, you know, late moment in the term, and so what we did is we worked with the administration to, you know, to get to the biggest piece of what they wanted to do in the air code, which is this piece that deals with the commercial refuse trucks, because you know, the amount of numbers that are being put up in terms of harmful emissions is very substantial and we feel that we not only have the duty, but you know, really the obligation to make sure that we, you know, do what we can to make this fleet of trucks cleaner in the private sector. Although doing it in such a way where we don't, you know, gouge people and drive them out of business. So, every attempt to be fair was made and there were, you know, very extensive negotiations. I'd like to thank Jeff Baker [phonetic] and also Samara Swanson [phonetic] for the work that they did, but let me read what they wanted me to read about the bill.



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Okay. Proposed Intro 1060A addresses the adverse impact of air pollution emitted by commercial refuse trucks. I don't think this is going to be as good as what I said, but I'm going to go--I'm going to do it for them, you know. The commercial refuse trucks in the license and CL2 fleets, okay, use heavy-duty diesel engines. Diesel exhausts include substances that have been proven to be detrimental to both human health and the environment, including nitrogen oxides, which we call NOX, particulate matter which we call PM. NOX is a direct respiratory irritant and also combines in the atmosphere with unburned hydrocarbons in the presence of sunlight to form ground level ozone or what we like to call smog. Currently, the License, and CL2 fleets together are estimated to produce 2,188 tons of NOX and 125 tons of PM, which is particulate matter per year. Those are huge numbers which really, you know, dwarf what the city trucks put up. So we just really had to do this, and I give credit to the Administration for working, you know, with the business integrity

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commission, you know, to work with the marketplace to find out that we can do this in a fair way and this is what we have arrived at. Particulate matter particles formed by combustion and fossil fuels including diesel fuel are a complex mixture of elemental, which is to say black carbon unburned or partially combusted fuel sulfate and fuel sulfur and lubricant products. These are all the funky stuff that's like part of the particulate matter which gets, you know, really in dead-- which these are particles that are small enough that bypass like the natural filters in the lungs and go right into your lungs, and it's just like, it's unacceptable. Diesel particulate matter includes more than 40 substances considered by the US EPA to be air toxins, and so this bill does something about that. Proposed Intro 1060A creates a new section, 42-163.11 in the administrative code in the City of New York which mandates the use of an EPA certified 2007 or later engine, 2007 being the year where they, you know, really started to mandate clean engines for diesels,

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or the best available retrofit technology as determined by the Commissioner of Environmental Protection in heavy-duty trade waste hauling vehicles by January 1<sup>st</sup>, 2020. It also provides for waivers where such retrofit would create financial hardship to the licensee or registrant. However, all waivers issued pursuant to the subdivision would expire by January 1<sup>st</sup>, 2025. Violation of this section carries a civil penalty of 10,000 per vehicle. In order--so this this serious business. An order to correct is issued at the same time-- God bless you. God bless you again. An order to correct is issued at the same time as the violation which allows these violations to be corrected without penalty. So you don't have to pay the 10,000 dollars if you do within 60 days from the date of the order. Where such penalty is not corrected within 60 days, a separate additional penalty may be imposed of not more than 500 dollars for each day that the violation is not corrected beyond 60 days from such order. The combined impact of these local laws will be a reduction in the adverse impacts

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from poor air quality due to the presence of unremediated--this is--now we're talking about both laws. Will be a reduction in adverse impact and poor air quality due to the presence of unremediated mold and exposure to pathogens and hazardous non-biological contaminants such as pesticides and heavy metals as well as reduction in nitrogen oxides and particulate matter, black carbon, and carbon dioxide emissions that also attribute to global warming. Enactment of these local laws would make New York City indoor and outdoor air cleaner and healthier. I strongly support this legislation and of course, recommend a yes vote. We're joined by Council Member Koppell, Council Members Lander, Levin, and Richards. Want to tip my hat to the staff that are here. We have Samara Swanson [phonetic] Counsel to the Committee. We have Dan Avery, the policy analyst to the Committee. Bill Murray works in my staff doing all of my environmental policy stuff. Jeff Baker who worked long and hard to get the air code piece with the bill done, stayed up real late to do that. We certainly

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appreciate his efforts. And as we're sitting around, I think it bears mentioning, I think it bears mentioning not with standing the fact that we've passed a lot of bills in this committee out of the last 12 years. I was talking to Council Member Koppell, who used to chair once upon a time the Environmental Conservation of the New York State Assembly and I was compelled to ask him after bragging to him how many bills I had passed here, which is like a relatively small two digit number, Oliver, you know, modestly indicated to me that he had passed a real big number. What's that number again Oliver? 280 environmental bills? Are you kidding me? Oh, bills. Oh, well that-- I mean, that's--that's like barely worth clapping for, like you know, 280 bills. And so, you know, that is a great career right there. He could have just kind of signed out at that point, but wanted to come back and do more public service and, you know, the city is better for it and the state is certainly, you know, better for that. And so if no one wishes to be heard or make a statement, I would ask

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the Clerk to--I think we're going to join these, right? We've got Intro 1060A. We've got Intro 867A, and I think we're also passing a--whatever the verbage I'm supposed to use here. We're passing a resolution that indicates, you know, that we have a notice of the termination of non-significance with regard to environmental impact, which is what we call a negative declaration, and so we're passing the resolution that declares that there is no financial--that there is no negative impact. Are you guys--am I a part of this conversation? Okay. I'm part of this conversation. Just hang on a second. Alright. Let me just repeat the numbers of the bill so we're crystal clear. This is Intro 1060A, 867A, and the accompanying resolution which is for the Neg Deck [phonetic], which is for which bill? I'm just going based on that. Okay. Okay. Yeah, we're making a correction here. Okay. Okay. Staff error. Staff error. We're voting on Proposed Intro 1160, not 1060, 1160, which is the air code piece. I'll correct it on this document as well, and we're doing 867A, which is the

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environmental hazard remediation bill. And Samara, if I could have your attention for a second. Like the Neg deck, the resolution associated with the Neg deck is for which bill? Is for 1160. So it'll be the two bills that I mentioned plus the Neg deck which is associated with 1160A. Okay? And so with that said I think we're all set to go. We got our numbers right and I would ask to--I would ask the clerk to call the role. Then we'll have a vote, and then I'll have a closing comment, okay? And so--Yeah, you get whatever--I don't want to step down as Chairman of the Committee. As long I'm sitting here I'm like still Chairman. Like once I bang that gavel like I'm done. And so its just like I'm in no rush to get done. So talk all you want. So with that said, we will call the role. As I said I request that I would urge a yes vote on all three items.

CLERK MARTIN: William Martin, Committee Clerk. Role call vote Committee on Environmental Protection. Council Member Gennaro?

CHAIRPERSON GENNARO: Yes.

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CLERK MARTIN: Koppell?

COUNCIL MEMBER KOPPELL: Yes.

CLERK MARTIN: Lander?

COUNCIL MEMBER LANDER: Yes.

CLERK MARTIN: Levin?

COUNCIL MEMBER LEVIN: Mr. Chairman,  
permission to explain my vote?

CHAIRPERSON GENNARO: Yeah, sure. So  
ordered.

COUNCIL MEMBER LEVIN: I--Mr.  
Chairman, I just wanted to take this  
opportunity to acknowledge your hard work and  
what a learning experience it has been for me  
to serve on this committee with you at the  
helm, and what a solid job you have done at the  
helm of very important committee and this  
Council has benefitted greatly and the City of  
New York has benefitted greatly from having  
your expertise as the chair of the  
Environmental Protection Committee and having  
your really generous and wonderful outlook on  
how we address very important issues through  
this committee and through the Council, and so  
I just wanted to take this moment to



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acknowledge your great work and let you know how much we're going to miss you in the next term because you're kind of irreplaceable guy. So I just want to thank you.

CHAIRPERSON GENNARO: Thank you.

Thank you, Steve. No one is indispensable. You know, we do what we, you know, should do during the time we have to do it. All good things come to an end, but you know, your comments are greatly appreciated. So thank you, Steve.

COUNCIL MEMBER LEVIN: And I vote aye on all.

CHAIRPERSON GENNARO: Yeah, I was going to say. Yeah, I really want you to vote, yeah.

CLERK MARTIN: Richards?

COUNCIL MEMBER RICHARDS: Permission to explain my vote? I just wanted to second what Council Member Levin certainly said, and you know, there was certainly some interesting times we shared this--during my short tenure serving with you in the Council over the past few months. One of the greatest and fondest

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memories I have with you is when you taught me how to make iced coffee.

CHAIRPERSON GENNARO: Oh, yeah. That's a whole science thing.

COUNCIL MEMBER RICHARDS: Yeah, so it's definitely environmentally friendly. But just wanted to commend you for the job you did and we've learned a great deal from you, and I look forward to seeing you in the future do good things as well, and I'm sure we will see you doing something along the lines of protecting the environment and making sure. Obviously, the City is more sustainable, and actually, I passed my first bill in this committee too. Now that I think about it.

CHAIRPERSON GENNARO: It's a beautiful thing.

COUNCIL MEMBER RICHARDS: So I just wanted to say thank you for all your hard work. Thank you.

CHAIRPERSON GENNARO: Thank you, Donovan, I appreciate that very much. How do you vote.

COUNCIL MEMBER RICHARDS: I vote aye.

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CLERK MARTIN: By a vote of five in the affirmative, zero in the negative, and no abstentions items are adopted.

CHAIRPERSON GENNARO: Did Brad vote?

COUNCIL MEMBER LANDER: I'm asking to be recognized after the votes.

CHAIRPERSON GENNARO: Oh, okay. Oh, sure, sure. Yeah, so thank you all for your votes and for your comments. Now, and I wasn't quite sure we were going to come back here, you know, today and do a final vote so it could have been that in the last time, the last hearing we had was going to be my last. I dedicated that hearing to my mom. I dedicated the hearing before that to my dad. And you know, so I was--I'm going to steal a little thunder because I was going to dedicated my whole, you know, tenure in the Council to my, you know, to my loving wife and beautiful children and so you'll get a little taste of what I'm going to say on Thursday. And, you know, you get into this business, you know, you kind of don't have as much time for the people that you really love as you--because you're out

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there. You're doing your thing, and it's very, very consuming, but, you know, they provided a--you know, there was no burden I had to bore, that I had to bear in this job that they, you know, didn't lessen, and you know, they are and continue to be refuge and I'm leaving this job with an understanding, you know, of much more of a, you know, a firm understanding of how important that is than when I came in. When I came in I was single, and I was this and that, and now, you know, my wife and I are married 23 years. We have two beautiful children, and so I have a, you know--over the course of my tenure in the Council I have a much different view of, you know, what is important in life and my beautiful family is the people that have provided that love and grace to me to come to this understanding, and I owe everything I am to them, and I, you know, dedicate my 12 years, actually my 24 years of service to the Council, you know, to my family. And I know Brad wants to be recognized, so I will recognize Brad. Brad, you said you wanted to be recognized, right?

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COUNCIL MEMBER LANDER: I just wanted to associate myself with the remarks of my colleagues in thanking you for your extraordinary leadership on behalf of the City, and it's environment for the last years and for your leadership here. So I thought, I would like to leave it with your final words as being the final words, so. So you should say a few more final words, but--

CHAIRPERSON GENNARO: [interposing]

Yes--

COUNCIL MEMBER LANDER:

[interposing] I know all of us really want to be associated with that.

CHAIRPERSON GENNARO: And I--it has

been--it has been a privilege to serve with the people that I've served with. Oliver and I will be moving onto, you know, other things, but when I look at the members who will be staying on, and I look at the new members that are, you know, coming in, I am very confident that that the Council will be in excellent hands, and in all the issues that we deal with and particularly, you know, the issues that I care

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a lot about which are the environmental issues.  
I think I've broken everyone in. So they really  
kind of like get that. And so I see I Danny  
out in the audience. Want to say hi to Danny,  
and with that said, I love you all. God bless  
us everyone, and this hearing, my last hearing,  
my last vote--here we go. Here we go. Here we  
go. Wait for it. Wait for it. Wait for it.  
Is adjourned.

[gavel]

[applause]

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 there is no relation to any of the parties to this action by blood or marriage, and that there is no interest in the outcome of this matter.



Date 01/03/2014