

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL
PROTECTION, RESILIENCY
AND WATERFRONTS

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October 22, 2025
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HELD AT: 250 Broadway- 8th Fl.- Hearing Rm. 1

B E F O R E: James F. Gennaro
Chairperson

COUNCIL MEMBERS:

Alexa Avilés
Justin L. Brannan
Robert F. Holden
Kristy Marmorato
Sandy Nurse
Lincoln Restler
Rafael Salamanca, Jr.
Susan Zhuang

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

Jumaane Williams
Public Advocate

Beth DeFalco
Department of Environmental Protection Deputy
Commissioner

Michael Farnan
Acting Deputy Commissioner of Bureau of Water
Supply

Joseph Ackroyd
Assistant Commissioner for Technical Affairs and
Code Development at Department of Buildings

Wendy Sperduto
Assistant Commissioner for Engineering and
Planning at Bureau of Water and Sewer Operations

Melissa Enoch
Assistant Commissioner Environmental Planning
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Protection

Paul Lozito
Deputy Executive Director of Mayor's Office of
Climate and Environmental Justice

Em Ruby
Riverkeeper

Dan Zarrili
Columbia University

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

Caroline Chen
NYLPI

Samuel Robinson
Field Form Inc.

Miranda Massie
Founding Director of Climate Museum

Cynthia Rosenzweig
NASA Goddard Institute

Mark Chambers
Terreform ONE

Guy Geier
FX Collaborative

Vicki Cerullo
New York Climate Exchange

Sonali McDermid
NYU

Drew Knotts
Climate Museum

Sari Goodfriend
Climate Museum

Idea Reid
Climate Museum

David Bergman
Parsons

Michelle Luebke
SWIM Coalition

Joe Charap
Greenwood Cemetery

SERGEANT AT ARMS: Okay, now I'm good.

Good afternoon and welcome to the New York City Council hearing of the Committee on Environmental Protection, Resiliency and Waterfronts. At this time, can everybody please silence your cell phones. If you wish to testify, please go to the back of the room to fill out a testimony slip. At this time and going forward, no one is to approach the dais. I repeat, no one is to approach the dais. Chair, we are ready to begin.

CHAIRPERSON GENNARO: Thank you very much. [gavel] Good afternoon. I'm Council Member Jim Gennaro, Chair of the Committee on Environmental Protection, Resiliency and waterfronts. Today, we'll be holding an oversight hearing on the city's efforts to maintain stormwater resiliency and a changing climate, as well as hearing Intro 403 sponsored by the Public Advocate, Jumaane Williams, who graces us with his presence today. This bill is in relation to the cleaning of catch basins and reporting on catch basins cleanup and maintenance. He has a statement, and I welcome his statement on the bill. Intro 1352 proposed by me in relation to the drainage location

2 of certain building roofs. Intro 1395 sponsored by
3 Council Member Brooks-Powers in relation to requiring
4 the Department of Environmental Protection to conduct
5 a green climate screen pilot project. Intro 1397
6 sponsored by me in relation to establishing a base
7 flood elevation and resilient construction standards
8 for 10-year rainfall flood risk areas. Everybody get
9 that? It was like a whole statement there. And Reso
10 82 sponsored by me supporting the mission and growth
11 of the climate museum. According to the MCPC's
12 fourth report which was published in June of 2024,
13 local sea levels are projected to rise between six
14 inches and approximately 12 inches by the 2030s, one
15 to two feet by the 2050s. I won't have to worry
16 about that. It's a little joke there. You know, a
17 little death joke, okay. And two to 5.5 feet by
18 2100. High-end estimates for annual precipitation
19 project an increase of up to 10 percent by the 2030s,
20 14 percent-- not 13, not 15, 14 percent by the 2050s,
21 and 30 percent by 2100. Our city is already
22 struggling to address the current volumes of rainfall
23 we are receiving with two major storms this summer
24 leading to widespread flooding, not only in our
25 subway system but also along the FDR in Manhattan and

the Clearview Expressway in Queens where flooding got so severe that people were forced to abandoned their cars, and two individuals required rescue from a stranded vehicle. It is clear that there is much work to be done to prepare for our weather future with more frequent and more intense rain events which brings us to the legislation that we'll be hearing today. First on the docket is Intro 403 sponsored by the Public Advocate. Since he is joining us today, I will leave it to him to speak on his own bill. I already said that, but I just said it again. My Introduction 1352 which would require that roofs on certain buildings drain onto permeable surfaces instead of being routed directly to the sewer system. This would reduce the volume of water that our stormwater infrastructure needs to handle and increase opportunities for natural infiltration of rain water into the ground. Intro 1395 would establish and include climate screen pilot program, increasing options for neighborhoods with high water tables. It's a certain-- for people-- it's a certain kind of stormwater adaptation that is critical in the areas-- or could be critical in areas that have high water tables which, you know, can absorb a lot of

stormwater. But yeah, so-- it's not my bill, but I like it. Where was I? Okay, the green climate screen program, increasing options for neighborhoods-- oh, okay. Increasing options for neighborhood with high water tables where our current toolbox of green infrastructure interventions are less effective. This would be a new tool for those areas. Intro 1397 would require the Office of Longterm Planning and Sustainability to indicate a base flood elevation level within the 10-year rainfall flood risk areas on the updated flood risk area map and require that new or substantially altered buildings in 10-year rainfall flood risk areas be built to the standards that apply to some federal special flood areas. Finally, we will also be hearing Reso 82 which supports the mission and growth of the Climate Museum. Already kind of said that, but we do-- okay. At this hearing, I'm looking forward to public hearing on the legislation on the docket today so that we can incorporate your feedback and ensure that these bills are the best and more effective versions of themselves. I would like to thank the Committee Staff, Legislative Counsels Natasha Bynum [sp?], right here, and Sierra Townsend right there, Policy

Analyst Ricky Chawla [sp?], Financial Analyst Tanveer Singh [sp?], as well as my Legislative Director, Josh Gachette [sp?] for all their hard work. I will recommend-- I will recognize the following Council Members who have joined us. A list will appear in my hand and I will read from it. We're joined by Council Members Holden, Nurse, and Public Advocate Jumaane Williams, and I'll now pass it along to the Public Advocate. Before I do that, you know, like once he speaks he's very dynamic and everyone, like, is very enthralled by what he says, but in the meantime I have a little show-and-tell here just to indulge, and Public Advocate's going to get a kick out of this. I want to my 50th high school reunion over the weekend, and they gave me these little things so you can tell what-- who you're talking to. So, this is what I looked like when I was 17, and yeah, you know. So, like, there you have it. What's that?

PUBLIC ADVOCATE WILLIAMS: No change at all.

CHAIRPERSON GENNARO: Yeah, nothing, no change. Yeah. And I'm wearing my class ring which still fits me. Take that, members of the class of

75. So, there you go. You know, anybody wants to make a copy of this, I'll sign them, but for now, I get everyone into a good mood for the minister of good moods. You know, the [inaudible] makes us all happy as he advocates for us relentlessly. It is my great honor to introduce the Public Advocate who will speak on his bill, after which I'll turn it over to committee counsel to give the affirmation to the witnesses. Public Advocate, you are recognized. It's all yours.

PUBLIC ADVOCATE WILLIAMS: Thank you, Mr. Chair, and congratulations on your--

CHAIRPERSON GENNARO: [interposing] On making it, I know. Yeah, yeah.

PUBLIC ADVOCATE WILLIAMS: Hello, good afternoon everyone. First, most important, let's go Knicks. It's their first game. Got to figure out if I'm watching that or the debate. It's going to be a very hard decision. We'll figure it out. And thank you for the administration being here. I just want to shout out Deputy Commissioner Michael Farnan. My Deputy Public Advocate for Infrastructure and Environment, Kashif Hussain, says you hired him back in 2004 when we worked for the DEP. So, thank you

for that. And you helped him become the great Deputy Public Advocate he is now. With that, good afternoon again. My name is Jumaane Williams and I'm the Public Advocate of the City of New York. Thank you very much to Chair Gennaro and the members of the Committee on Environmental Protection for holding this hearing, hearing my bill, and allowing me the opportunity to provide a statement. The last several years have demonstrated just how severe the effects of the climate crisis will be and already are for our city. Hurricane Ida took the lives of 13 New Yorkers in 2021, flooding from the remnants of Tropical Storm Ophelia costs millions of dollars' worth of damage in 2023, and Hurricane Erin took one person's life off the coast of Long Island just this past summer. The city's done a lot in recent years to prepare for communities and our infrastructure for the increase in frequency of severe storms, but we can and still should do more. I don't think many people realize we actually in 2020 are in a new climate now, so as people are denying climate change while it's actually happening is crazy work. But catch basins are a key component of New York's stormwater resilience infrastructure that require frequent attention and

upkeep. I sponsored in with the support of my former Council colleagues passed a bill that became Local Law 48 of 2015. This law required the city's Department of Environmental Protection to clear every catch basin in the city each year, and to submit semiannual reports on catch basin complaints can cleaning. Unfortunately, Local Law 48 sunset in 2019, and we've not yet passed legislation extending it. My legislation being heard today, Introduction 403 would ensure DEP submits the previously required reports and fixes catch basins within five days of inspection or receipt of a complaint. I applaud DEP for keeping the average catch basin clearing time under this threshold since 2020. And for the cat basin data that they have been reporting. Even so, five-day cleaning requirement is needed to ensure continues. No robust data reporting requirements will allow government agencies and offices to improve their storm resiliency planning. It's also the city to more better identify and address any geographic or socioeconomic inequities that may exist in our cast basin cleaning efforts. I urge the committee and Council to after they hear this please pass Into 403. We can't afford to go another five years without

2 catch basin data and cleaning requirements. Thank
3 you so much.

4 CHAIRPERSON GENNARO: Thank you, Mr.
5 Public Advocate. I hope that we're successful on the
6 second go-round. This was a success when you first
7 passed it. Then it sunsets, and hoping for a--
8 hoping for a sunrise here. And so-- and okay. I
9 recognized everybody. And then-- oh, now we're up to
10 the point where I turn it over to the Committee
11 Counsel to give the affirmation to the witnesses.

12 COMMITTEE COUNSEL: Please raise your
13 right hand. You can all do it at the same time. DO
14 you affirm to tell the truth, the whole truth and
15 nothing but the truth before this committee and to
16 respond honestly to Council Member questions? Great.
17 Thank you. When you do response, please just state
18 your name and title for the record.

19 CHAIRPERSON GENNARO: Okay. It's up to
20 the administration the order of which they want to
21 testify. I have the very convenient and very
22 gracious large-type font of DEP's testimony.
23 Buildings will have to squint. How many know I'm
24 having a bunch eye surgeries? They're not even
25 giving me reading classes yet, and I have to like

2 finish all of that. Whatever agency wishes to go
3 first, I'm sure you've worked that out. Please state
4 your name for the record and proceed with your good
5 testimony.

6 DEPUTY COMMISSIONER DEFALCO: Hi, good
7 afternoon, Chairman and members of the Committee.
8 I'm Beth DeFalco, Deputy Commissioner of--

9 CHAIRPERSON GENNARO: [interposing] Sure.
10 If you could speak right into the microphone like I'm
11 doing. Yep.

12 DEPUTY COMMISSIONER DEFALCO: Sure. Is
13 that better?

14 CHAIRPERSON GENNARO: Yeah.

15 DEPUTY COMMISSIONER DEFALCO: Okay. Good
16 afternoon, Chairman and members of the committee and
17 Public Advocate. I'm Beth DeFalco, Deputy
18 Commissioner for Public Affairs at Department of
19 Environmental Protection. First of all, I know that
20 our Commissioner was really looking forward to being
21 here today. Unfortunately, he got sick last night,
22 and couldn't make it. But up until this morning
23 planned to. I'm assuming he's telling the truth
24 since his wife is a doctor.

2 CHAIRPERSON GENNARO: I'm sure that he is.
3 I'll send him a text message after the hearing to,
4 you know, wish him a speedy recovery. He's a great
5 guy.

6 DEPUTY COMMISSIONER DEFALCO: So, I will
7 -- I'll be reading our testimony this morning, but
8 I'm also joined by several of our top experts
9 including Mike Farnan, Acting Deputy Commissioner who
10 leads our Bureau--

11 CHAIRPERSON GENNARO: [interposing] I
12 would just say that as you identify people, if they
13 could just signal to me who they are, so-- who's the
14 person you just mentioned?

15 DEPUTY COMMISSIONER DEFALCO: So, Acting
16 Deputy Commissioner Mike Farnan, who leads our Bureau
17 of Water and Sewer Operations, Assistant Commissioner
18 Wendy Sperduto, our Chief Engineer who oversees
19 engineering and capital planning, and Assistant
20 Commissioner Melissa Enoch who oversees green
21 enforcement and sustainability. We appreciate the
22 opportunity to speak about stormwater resilience and
23 legislation before you today. When the Commissioner
24 testified on Flooding and Stormwater Infrastructure
25 in 2024, he outlined five realities, which have

shaped everything DEP has done since: One, we're now living through climate impacts that scientists have warned us about. Some impacts will continue to surprise us because climate change brings more extremes and less predictability. Three, our infrastructure can't evolve as quickly as the climate is changing. Everyone has a role to play. DEP can't solve flooding and resiliency challenges alone. And finally, resilience comes with a cost paid for through our water rates, so we must invest wisely and make every dollar count. Three years later, all five lessons have proven true. We've made progress, but the pace of climate change means we can't slow down. Every New Yorker has been feeling the effects of climate change. In 2020, the U.S. National Climate Assessment officially moved New York City from a coastal temperate to a humid subtropical climate zone. So, essentially, we've moved 500 miles south without ever leaving home. That means hotter summers, more intense storms, and heavier rainfall. We've recently experienced some of the most extreme rainfall events in our city's history. The four storms with the highest hourly rainfall rates-- so the highest intensity per hour. At Central Park in

the last 50 years have all occurred since 2021. Just to go through them: September 1st, Hurricane Ida, 3.4 inches an hour; July 14th, 2025 2.08 inches an hour; September 29th, '23, 1.78 inches; and August 21st of 2021, this is Hurricane Henri, 1.84 inches. These intense rain events strain the capability of our sewers which were not designed to manage this sort of inundation. Until 2022, DEP's standard was to design infrastructure to what's known as the "Five-year Storm," but that storm was based on historical data. That meant that projects that were designed to handle at first a 1.75 inches of rain and more recently a 1.85 inches-per-hour. Prior to 1980, when DEP was formed, each borough established its own stormwater standard, and in some cases allowed developers to build without installing stormwater systems. Given that most of our infrastructure is more than 50 years old, large parts of Brooklyn and Queens have smaller sewers, which is contributing to more frequent flooding events. Some parts of the City, mostly on Staten Island and Southeast Queens, are just now beginning to get storm sewers. In addition to being more intense, the storms we experience now have different patterns than the ones we're accustomed to.

Traditionally, the most extreme storm we would routinely face was a nor'easter. Nor'easters are large, so they'd be predictable, and they'd cover the whole city more or less uniformly. Our new storms are more tropical in nature. They're hyper-local, hyper-intense, a very short duration, and, unfortunately, very hard to predict. Taking office soon after Hurricane Ida, this administration made one of its top priorities addressing stormwater resilience. The initiative has required several significant changes in how DEP approaches planning work. The first was to look ahead instead of looking back. Since we're building infrastructure for the next 50 years, not the last 50, we have to plan for the climate of the future, not the climate of the past. As a result, we now use the New York Panel on Climate Change's Five-year Storm as expected in 2080 as our design standard. This standard is 2.15 inches per hour, which equates roughly to the historical or what's known as a 10-year storm standard. The second was to create our own internal infrastructure to undertake smart stormwater planning. DEP built a digital model, essentially a digital twin of the sewer system, to help pinpoint the most impactful interventions.

Flooding may occur at one location, but the cause of that flooding may be upstream or downstream. The model now allows us to understand that. Third, teams used to model-- I'm sorry. Teams use the model to identify the locations that will experience the most impactful flooding in a 2.15-inch storm. Based on that information, we created a prioritized list of 86 locations across the City that have the highest need. This work is laid out in the 2024 Stormwater Analysis which is available on the DEP website. Finally, DEP has integrated planning across green and gray infrastructure. At each of these locations, we're looking at all potential solutions on an equal footing. Not only does the terrain, soil, and existing infrastructure in each location shape what is possible, but different solutions may take more or less time to construct. DEP is developing a citywide stormwater resilience strategy, building on what's in PlaNYC. A big step forward has been breaking down silos between our green infrastructure and gray infrastructure teams. Historically, they worked separately, one focused on rain gardens and permeable surfaces, the other on sewer and drainage pipes. Now, they're working side by side to find the

smartest mix of both. The 2024 Stormwater Analysis offered four neighborhood case studies of this new approach to planning: Dyker Heights, Knickerbocker--

CHAIRPERSON GENNARO: [interposing] Hang on. I just lost my place.

DEPUTY COMMISSIONER DEFALCO: It's page four for me, but it might be a different page.

CHAIRPERSON GENNARO: Right. Okay. so, last thing you said now they're working side by side to find the smartest mix of both, right?

DEPUTY COMMISSIONER DEFALCO: Yep.

CHAIRPERSON GENNARO: So, it's whatever is right.

DEPUTY COMMISSIONER DEFALCO: Right below stormwater management toolkit on your testimony.

CHAIRPERSON GENNARO: Oh, fine. I got it. Alright, sorry.

DEPUTY COMMISSIONER DEFALCO: The 2024 Stormwater Analysis offered four neighborhood case studies of this new approach to planning: Dyker Heights, Knickerbocker, Kissena Park, and Jewel Streets. The engineering teams examined which unique set of tools would best serve each of those locations. Each location has unique challenges and

unique solutions, but a few key lessons stand out:

When large trunk sewers have unused capacity, upgrading smaller local pipes to connect into that capacity can make a big impact. Green and gray infrastructure are most powerful when they work together. Green infrastructure is often faster and cheaper to install, but it can't handle every storm or every location. In some neighborhoods, expanding traditional sewers is still the best option. This analysis is just the beginning of a comprehensive Stormwater Master Plan that will guide future engineering, budgeting, and investment priorities. We'll continue to keep the Council and the public informed as that plan takes shape. We'll issue reports regularly starting in 2027 and will launch the stormwater analysis dashboard this coming summer to publicly track the status of various planning initiatives. So far, I've been discussing DEP's new approach to planning, but DEP has also been hard at work in the field undertaking construction as well. Since 2022, DEP has constructed: 170 stormwater management systems, underground tanks, porous pavement, rain gardens, all on public properties including schools, parks, and NYCHA developments.

We've done 28-- excuse me-- 2,890 rain gardens and infiltration basins that we've installed in sidewalks, and we've done 36 green infrastructure practices such as storage systems, porous pavement, rain gardens, and green roofs that we've incentivized on private, non-city-owned properties through grants. In August, we completed construction of the City's first cloudburst project at NYCHA's South Jamaica Houses. This fall we are initiating construction on two additional cloudburst projects at Rufus King and Archie Spigner parks. Since 2022, we have also installed over 200 sewer sensors around the City placed in service so we can observe levels inside sewers. These sensors tell us where and when capacity is reached, information that we can use to inform project planning. DEP has been prioritizing projects within our capital plan based on which locations have the biggest challenges and most immediate needs. The 2024 Stormwater Analysis is a roadmap for these priorities. Already, significant work is underway for three of the four neighborhoods that were highlighted in the analysis: Specifically, we've got \$390 investment from DEP and DOT in Bushwick and Brooklyn that will address chronic flooding around

the Knickerbocker Avenue-- excuse me-- around Knickerbocker Avenue, by expanding the sewer under Knickerbocker so that it has nine times its current capacity. Design is currently underway for work in Dyker Heights in Brooklyn that will upsize key pipes to improve drainage capacity in that area. And a Bluebelt is being constructed for Kissena Park in Queens. DEP is working closely with Parks on a potential Bluebelt and holds regular community meetings to seek feedback and keep local electeds updated. As we've repeatedly said, however, climate is changing faster than our infrastructure can change. The unfortunate reality is that planning, designing, procuring, and constructing these projects takes usually seven to 10 years. The Knickerbocker Avenue project, for example, will only enter service in 2037. The long timeline to re-engineer our sewer system for our new climate is one reason that stormwater has to be thought of as a shared responsibility. In 2022, DEP implemented the Unified Stormwater Rule, which requires property owners, including city agencies such as Parks, DOT, and DDC, to build onsite stormwater management into new construction and renovation projects. The Stormwater

Pollution Prevention Plans, as you known as SWPPP, have been a concern for some developers as these requirements extend timelines and add costs, but we cannot be serious about addressing stormwater if we are not serious about requiring property owners to help. Similarly, we need New Yorkers to recognize that protecting their lives and property is a shared responsibility. That's why we've been working with communities across the city through our "Flooding 101" sessions, which many of you have helped us organize, which helps residents prepare for and recover from storms. These sessions include demonstrations of basic equipment, such as flood alarms, that homeowners can install to protect themselves. While a lot of stormwater planning requires construction, DEP's maintenance crews have also been doing tremendous work to ensure that we get full capacity from the infrastructure we already have. Since 2023, BWSO, Mike's team, has been using a data-driven, catch basin inspection schedules that prioritizes basins where maintenance is most often required. Because of this approach, and the new catch basin trucks added to the fleet this year, 98 percent of the more than 87,500 catch basins DEP inspected in

fiscal year 25 were functional. BWSO has also cut back their backlog of 5,000 uncleared catch basins to less than 1,000 across the city's 154,000 total. That's a big win for stormwater management and it is a key reason that, despite the heavy rain caused flooding, especially at one subway station-- at one subway station during the storm on July 14th that we got very few reports of basement flooding or sewer backups that day. Most of DEP's work, including our capital work, is funded by water and sewer rates. There is a direct, almost one-to-one correlation between the revenue that we collect and the work that we're able to do. Planned capital work is one of the factors taken into consideration when the Water Board considers rate increases every year. As the Commissioner has discussed before, we're constantly thinking about how we can use our resources most effectively, because our resources are finite. Making sure we get the most out of them is one way we keep water rates down and as affordable as possible. We always consider trade-offs and opportunity costs when we decide to allocate resources to one thing over another, and we ask that the Council think about these trade-offs as well when we're considering

2 legislation that would mandate expenses. Each new
3 requirement takes resources away from our other work,
4 or requires rates to be increased, or both. And now
5 I'd like to talk about some of the legislation that's
6 been proposed today. Intro 403: This first bill on
7 the agenda today would require quarterly reporting on
8 the inspection, cleanup--

9 CHAIRPERSON GENNARO: [interposing] Beth,
10 just hang on one second. Just want to point out to
11 the Public Advocate that they're talking about your
12 bill now. Oh, okay, I just want to-- you know, sure.

13 DEPUTY COMMISSIONER DEFALCO: If you want
14 to come back to that one-- okay. Again, 403, this
15 would require quarterly reporting on the inspection,
16 cleanup, maintenance, and repair of catch basins and
17 would require all catch basins in the city, 154,000
18 to be inspected once or twice a year. Again, there
19 are more than 150,000 catch basins around the city.
20 Just for some context, we have about 6,000 employees
21 at DEP, including our Upstate employees. For a few
22 years, we were required to inspect them all annually.
23 We found that doing so was not necessary and it was
24 not an effective use of our inspectors' time. BWSO
25 used the results of the annual inspections to create

the four-tiered inspection schedule that they are following now. As I mentioned, this schedule has proven to be very effective. More than 87,500 catch basins were inspected last year, and again, 98 percent of them were functional. A targeted, efficient, and effective catch basin inspection schedule allows our staff to use its time where it's most needed, such as in repairing broken catch basins more quickly or doing other needed system maintenance. It's difficult to compare year-to-year data about catch basins and what are known as SBUs or sewer backups, because they are so driven by rainfall. When you compare fiscal 2025 with recent years with similar rainfall like 2016 or 2023, we saw that there were fewer sewer backup complaints, fewer catch basin complaints, and faster resolution times. These are all encouraging indicators about the catch basin inspection schedule and the overall prioritization of our sewer maintenance resources. We're happy to work with the bill sponsor to codify a catch basin inspection and reporting schedule, but we don't think that the inspection schedule laid out in this bill is the way to go. Intro 1352, this would prohibit downspouts from being connected to a sewer

line during construction or renovations for certain properties in combined sewer areas. This is an issue that the Commissioner has discussed before.

Increasingly, with the intense rainstorms that we're seeing, homes are experiencing sewer backups not because the sewer is full but rather because the rush of water from the roof creates an internal backup.

Further, any water we can keep out of the sewers both creates capacity that we sorely need and helps us to reduce the combined sewer overflows. So, we are

grateful for this bill to shine a light on this concern. That said, we've discussed this legislation

with Chair Gennaro's staff and we'd like the opportunity to further assess this initiative. The

challenge is that water from a disconnected downspout has to go somewhere. So, on a single-family lot with

a yard, this may not be a problem. In a flood--

excuse me. This might not be a problem. We'd like

to work with Chair Gennaro and his staff to consider

this question, develop guidelines for property owners

and to consider what should be mandated. We've

discussed including this initiative as a component of

the Stormwater Master Plan, and the Department of

Buildings will also speak about this bill. While

downspout connections are legal in the combined sewer areas of the City, they are illegal in those parts of the City that are separately sewered. DEP is beginning to alert homeowners in separately sewered areas of the City that such connections to the sanitary sewer are illegal and must be corrected. We're starting this outreach in Midland Beach in Staten Island, because this neighborhood is experiencing an increase in sewer back-ups due to these connections. DEP has developed a website with directions and guidance on how to disconnect and a portal for the homeowner to self-certify the fix when that's been made. Our goal is not to issue citations or fines. We'd much rather ensure that stormwater is kept out of the sanitary system. We invite the Council's partnership to reach out to homeowners about this. Finally, Intro 1395. This would require DEP to construct five green climate screens across the city in a two-year pilot project. The technology proposed is a new technology; as far as we know, the only example on earth of this is constructed-- was in Denmark in 2019. Denmark has not done more than one-- basically it's not done more than one of this first installation, and we can only imagine that they

haven't done that because they haven't found a second appropriate location. It seems likely that the technology has not proven very valuable, or they would have prioritized more installations. Further, it seems only that one company makes this equipment, so legislation mandating that DEP pilot seems inappropriate. This might be an appropriate use for Council Member funds if an allocation were identified, but given that we have identified a \$30 billion program for stormwater resilience that must be our top priority, this bill's mandate seems like an unwise distraction. DEP is now in its third year of the Environmental Tech Lab. It's a partnership with the Partnership for New York City that helps DEP identify and pilot new technology in a systematic way driven by the agency's needs. We'd be happy to connect the provider of this technology with that program so it can compete on its own merits, but we've got to oppose the legislation that mandates this pilot of this specific technology as is written out. And then finally, Intro 1397. The Department of Buildings is here to testify about this, and then after that, my colleagues and I will be happy to answer any questions that you have.

2 CHAIRPERSON GENNARO: Okay, thank you
3 very much for your good and comprehensive testimony.
4 We've been joined by Council Members Restler and
5 Avilés. I'm grateful to have them with us, and I
6 know that the Department of Buildings is, you know,
7 eager to testify. We're certainly eager to hear it.
8 But what I think want to do is out of respect for the
9 Public Advocate's time-- you know, you can see how
10 busy he is. I think I just want to jump in now if
11 it's okay with you, Jumaane, to ask questions on your
12 bill, you know, to do that. There may be other
13 members of the committee that have questions on the
14 Public Advocate's bill as well, but I would ask them
15 to hold back until, you know, we get into the regular
16 questioning and start the questioning part of the
17 hearing. But it's not often that we're joined by a,
18 you know, citywide official, and I want to give the
19 Public Advocate an opportunity to ask his questions
20 of DEP on the bill that he's bringing forward. So, I
21 recognize the Public Advocate.

22 PUBLIC ADVOCATE WILLIAMS: Thank you so
23 much, Mr. Chair. There's probably some folks who
24 would prefer you keep me here than be outside. So,
25 there's probably some folks that probably prefer that

1 anyway. Thank you so much. I appreciate the
2 opportunity. Thank you for the testimony. I did want
3 to clarify. So, there was one spot where you said
4 use the results of annual inspection to create a
5 four-tier inspection schedule. So, is that-- did you
6 get that data after the bill pushed for the annual
7 inspections? Is that how we got the information to
8 create the four-tiers?
9

10 ACTING DEPUTY COMMISSIONER FARNAN: Good
11 afternoon, Council. Good afternoon, Public Advocate,
12 and I appreciate the shout out. My name is Michael
13 Farnan. I'm the Acting Deputy Commissioner at Bureau
14 of Water Supply. Yes, that initial three-year from
15 2016--

16 CHAIRPERSON GENNARO: [inaudible] Once
17 again, speak right into the microphone so people in
18 the back can hear.

19 ACTING DEPUTY COMMISSIONER FARNAN: Yes,
20 we did get most of the data from that first three
21 years. We inspected every single basin. It gave us a
22 lot of insight on, you know, where the difficulties
23 are in catch basins, the complaint history and stuff
24 like that. In 2021, we started with that four-tiered
25 approach where there's some catch basins we do twice

a year. There's some catch basins we do once a year. There's some catch basins we do every three years, but we hit them all within a three-year cycle. We feel that just going to every single one of them, most of the time we don't find any problems with them, and it has to do with, you know, the size of the catch basins and stuff like that. They can take on more debris. It's the older catch basins and the ones with less gratings and stuff like. They seem to clog up more, so we get to them more frequently. And then there's-- where there's more debris we seem to hit them more frequently, because they fill up with debris. Like, around the park there'd be leaves and stuff getting in it. But there's ones that where you go like on Fifth Avenue, you'll see the street are always clean. There's nothing in the catch basins when we go there. So, it doesn't make sense to go to those catch basins annually, but we do want to go every three years. And I just want to bring up something what was said, like the Clearview Expressway. It's not always the catch basin that's failing. The debris that piles up on a catch basin during a storm is one of the major problems that makes it look like the catch basin is failing, but

1 it's actually the debris. Someone, I believe, one of
2 you brought up the Clearview Expressway that day. If
3 you seen the aftermath of that Clearview Expressway
4 with the intensity of that rain, Sanitation had to
5 bring pay loaders in to clear the highway. There was
6 so much debris on top of the catch basins, the catch
7 basins couldn't function. So, we could have
8 inspected those catch basins that day, that same
9 incident was going to happen. So, we're confident in
10 the way we approach, and you're right it was that
11 first three years that gave us a lot of education on
12 it. Now, we have-- we took it upon ourselves to keep
13 the program going, but I think we're doing it in a
14 more fiscally responsible-- because we don't have
15 unlimited resources.

17 PUBLIC ADVOCATE WILLIAMS: No, I
18 appreciate that. I actually found some of the
19 testimony persuasive for some parts of the bill. I
20 don't want to just do things just to do them. I want
21 it to be effective. But also, the-- one,
22 congratulations because we moved from-- it looks like
23 we're doing the repairs within three days which is
24 good. Back then we were going up to almost eight
25 days.

2 MICHAEL FARNAN: I think our goal is
3 still eight days, but we want to exceed that by far.
4 So, I think it's 2.6 days we're at right now. Once
5 we find a non-functioning, we don't want it lasting
6 more than 2.6 days.

7 PUBLIC ADVOCATE WILLIAMS: So, there is a
8 couple of parts to the bill, and I think we should
9 have a discussion. I think the annual part of the
10 bill, what you mentioned is kind of persuasive, but
11 there are other parts that I would like to talk
12 about. The five day one is one of those. I'd like
13 to concretize the time period in which you should
14 repair it. Is there a reason why would not want to
15 concretize a time period to get these repaired. It's
16 actually higher than what you're currently doing.

17 DEPUTY COMMISSIONER DEFALCO: I think
18 we're very open to talking about that. And would
19 like to continue discussions to find a way to work on
20 and possibly modify the bills so that it makes sense
21 and is helping us and at the same time being
22 responsible and fiscally responsible about how we
23 allocate resources. So--

24 PUBLIC ADVOCATE WILLIAMS: [interposing]
25 And there's no testimony on that reporting part of

2 it. So, was there any issues on the reporting part
3 that was a part of the bill?

4 DEPUTY COMMISSIONER DEFALCO: I believe
5 the reporting part also is similar to what we had
6 previously reported. So, I don't think that there--
7 anything that you know of, Mike?

8 ACTING DEPUTY COMMISSIONER FARNAN: Sorry
9 about that, I turned myself off. I believe we do
10 some reporting and it's on our own. It's not part of
11 a bill, but we do report to the Council, especially
12 in the MMRs you would see too that our data's in the
13 Mayor's Management Reports.

14 PUBLIC ADVOCATE WILLIAMS: Okay. Thank
15 you, because as we know with the climate change,
16 rainfall is probably less predictable, a little bit
17 mor intense, so it'd be good to have the concretized
18 framework I think of which to work off of. So, I
19 look forward to continuing to have more
20 conversations. Thank you. And thank you, Mr. Chair.

21 CHAIRPERSON GENNARO: Thank you, Mr.
22 Public Advocate. Thanks for being with us. How
23 about that, we get elected-- we get citywide
24 officials to come to our hearings. and so now, we
25 have the Department of Buildings that wants to

2 commence with its testimony, right? Okay. Please
3 state your name for the record and proceed.

4 ASSISTANT COMMISSIONER ACKROYD: Good
5 afternoon, Chair Gennaro and members of the Committee
6 on Environmental Protection, Resiliency, and
7 waterfronts. I'm Joseph Ackroyd, Assistant
8 Commissioner for Technical Affairs and Code
9 Development at the Department of Buildings. I am
10 pleased to testify before the committee regarding
11 Intro 1352 which would add a new requirement for
12 storm water drainage from roofs and Intro 1397 which
13 would establish a base flood elevation and resilient
14 construction standard for 10-year rainfall risk
15 areas. Intro 1352 would establish a new requirement
16 for stormwater coming from the roofs of certain
17 buildings to drain toward the street and onto a
18 permeable surface. While we understand the desire to
19 address stormwater drainage, we have significant
20 concerns with legislation as drafted. The existing
21 regulatory framework requires on-site containment of
22 stormwater when not conveying stormwater to city
23 infrastructure. The proposed bill would effectively
24 allow drainage onto the ground which means on-site
25 containment would no longer be required. The bill

2 does not take into consideration that stormwater
3 drainage, if not contained, does not follow a set
4 path and will go beyond the property boundaries,
5 requiring stormwater to drain towards the street
6 could result in drainage towards neighboring
7 properties potentially causing flooding. This could
8 create unsafe conditions for pedestrians and damage
9 neighboring properties. Rather than limiting the use
10 of on-site stormwater disposal methods as proposed in
11 the bill, the Department suggests expanding the
12 applicability of such methods. Such methods includes
13 the use of a dry well, which is a chamber below the
14 surface of the property specially designed to contain
15 stormwater runoff. The use of dry wells would ensure
16 that stormwater is contained within the property and
17 is a more effective approach than what is currently
18 proposed. In addition to the concerns regarding
19 potential flooding of neighboring properties, there's
20 some confusing regarding the applicability. We read
21 the legislation as applying to new construction and
22 to alterations to applicable systems. However, it's
23 unclear what residential buildings would be subject
24 to the requirement. The proposed new section 110125
25 includes a formula for determining applicability and

relies upon terms defined in the zoning resolution. Those terms when used in the context of the subject section makes the provision unclear and would result in a calculation that could not be applied. As such, it's unclear which buildings would be required to comply. This would need to be clarified. The subject section also provides for exceptions to the new requirements, including one for buildings located in areas of high ground water level. Ground water elevation is not information that the Department captures on any plan or document unless a subsurface field investigation is required. As such determining whether a building qualifies for an exemption using this data point could be problematic. Moving on to Intro 1397 which would amend appendix G of the Building Code to require that new or substantially altered buildings located within the 10-year rainfall flood risk areas be built to the standards that apply to certain federal special flood hazard areas. The Department appreciates Council's goal of addressing inland flooding risk. However, we do not believe that the application of appendix G which is based on the national flood insurance program requirements is the most appropriate solution to address such risk,

particularly for existing buildings. New York City's built environment poses unique challenges.

Retrofitting existing buildings to comply with the requirements of appendix G can be expensive, and in some instances, retrofitting may not be feasible from a constructability standpoint. Furthermore, even with new buildings, the application of appendix G would impose certain requirements that would be overly restrictive. Additionally, expanding section G 30411 to apply post-rainfall flood risk area map construction standards to residential buildings would have the effect of prohibiting dry flood proofing which is the process of making a structure watertight. It could also prohibit ground floor uses for residential buildings. If these provision are applied as written, owners of the subject buildings would be prohibited from retaining or constructing subgrade spaces when substantially improved or newly constructed. Instead, residential buildings would be required to elevate the lowest floor, perhaps three or four feet above grade which could be used as an excessive measure for inland properties that would likely only be faced with four inches standing water from rain. Dry flood proofing and similar methods

would enable owners to maintain flexible options for their residential and non-residential buildings while allowing them to continue using ground floor spaces. The City of New York recently applied for a climate smart communities grant administered by the New York State Department of Environmental Conservation to research stormwater flood risk and identify effective stormwater management solutions with the goal of promoting the development and sustainability of structures located within the 10-year rainfall flood risk area. This grant if awarded would enable the City to conduct critical research to identify effective stormwater management solutions to address the specific environmental challenges New York City's built environment faces. That research will in turn inform the recommendations for necessary regulatory changes to address safety risks and reduce damage from stormwater flooding at the building level. The Department urges Council to allow this critical work to take place rather than enacting the proposed amendments to appendix G of the New York City building code. The Department welcomes the opportunity to further engage with Council and the Department of Environmental Protection to develop

2 viable stormwater management measures to address New
3 York City's built environment. Thank you for the
4 opportunity to testify before you today. We welcome
5 any questions you may have.

6 CHAIRPERSON GENNARO: Thank you. Thank
7 you very much. Let me just get myself together here.
8 Okay, sometimes it is my practice to let my
9 colleagues out of respect for their time ask
10 questions first, but no one wants to ask questions at
11 least right now, but I want to credit for offering.
12 Okay. okay. Credit has been bestowed. Yeah, let me
13 go through the-- the testimony of both agencies, then
14 I have some prepared questions. Looking at DEP now.
15 Beth, I guess I'll address it to you. In DEP's
16 testimony you made-- because I always thought that
17 the capacity, the city's sewer system they're like
18 four different measures. Some had 1.75 inches per
19 hour, others are 1.5, others are 1.0, and of course
20 the areas that have no storm system-- no storm sewers
21 are zero. In your testimony you make reference to
22 1.85 inch capacity. Is that an existing capacity or
23 am I just reading this wrong?

24 DEPUTY COMMISSIONER DEFALCO: I'm going
25 to let Wendy Sperduto talk about the capacity of the

different measurements that we use. I think as we said in the testimony the reason that we've got these different measurements throughout the city is because they used to be essentially dictated by the--

CHAIRPERSON GENNARO: [interposing]

Right. I just thought that 1.75 was like the roof, but I can be wrong. This is first time I'm hearing about 1.85. It's a curiosity thing. So, whoever wants to speak to that just state your name for the record and proceed.

ASSISTANT COMMISSIONER SPERDUTO: Thanks, Chair. My name is Wendy Spurduto. I'm the Assistant Commissioner for Engineering and Planning at the Bureau of Water and Sewer Operations. So, yeah, let me just clarify. First, as you know, our system is designed different based on boroughs. Primarily most of the city is designed to a 1.5 inch per hour standard, but there are areas such as Manhattan and Staten Island that are designed to the 1.75 inch per hour standard. I will say, you know, if you read in different locations different numbers, it is somewhat subjective what the level is based on the publication. So, sometimes you'll read 1.8 inch per

hour. Sometimes you'll read 2.1, 2.15, 2.2. So, we try to be consistent--

CHAIRPERSON GENNARO: [interposing] And-- and those numbers would be the current capacities?

ASSISTANT COMMISSIONER SPERDUTO: It depends on the context of the conversation, right? So, there's the design standard is what you--

CHAIRPERSON GENNARO: [interposing] Well, I mean, like-- capacity is what it is, so--

ASSISTANT COMMISSIONER SPERDUTO: Design standard is what the sewer is designed for, and we expect it to handle it based on that standard. Current capacity could be affected by-- as my Mike Farnan, Deputy Commissioner pointed out, sometimes our sewers get clogged. Our catch basins could be clogged. Our sewers could have sediment accumulated. So, the capacity could be affected by existing condition of those sewers. So, it could be--

CHAIRPERSON GENNARO: [interposing] Okay. So, let's kind of-- well, I was going to say fluid, but then turns into a pun, you know. And so--

ASSISTANT COMMISSIONER SPERDUTO: [interposing] Yes, somewhat.

2 CHAIRPERSON GENNARO: I don't want to do
3 that. Okay, thank you for that clarification. And
4 in the testimony, you make mention, you know, DEP
5 makes mention that DEP is now-- has the intention to
6 use the New York City panel of Climate Change's five-
7 year storm as expected in 2080 as our design
8 standard. The standard is 2.15 inches per hour. So,
9 is that what we're-- is that what we're going with?
10 And I-- its my understanding and this going to follow
11 up-- this kind of ties into my last question. As DEP
12 makes its measurements and looks at the hotspots,
13 those areas that flood more than others, I believe
14 the intent is to, you know, not create one standard
15 citywide, but certainly through kind of like triage
16 where now that we've taken steps to, you know,
17 measure where there-- we, like you know, I'm out
18 there right? You know, now that DEP has taken these
19 measures to painstakingly figure out like where the
20 worst problems are, it was my understanding that
21 there'd be kind of like a triage method where, you
22 know, those areas that need it the most would kind of
23 get it, and eventually over time and decides we could
24 build out to sort of like a higher standard, you
25 know, for the entire city. Can some one-- and I am

2 right, and if so, can someone kind of explain. Not
3 bad for a layman, right layman, right? Not bad.

4 ASSISTANT COMMISSIONER SPERDUTO: I'm
5 impressed. It does get complicated, so it impressive
6 that you speak the language.

7 CHAIRPERSON GENNARO: And I'm a
8 hydrogeologist. I am a hydrogeologist, so I'm trying
9 to-- I remember some of it you know.

10 ASSISTANT COMMISSIONER SPERDUTO: Okay,
11 so let me first just address the designed standard,
12 our current design standard for sewers. So, on our
13 current drainage planning, what we do when we address
14 an area for flood protection, our sewers are now
15 designed to take into account the 1.75 inch per hour
16 storm such that the storm would remain in the sewer
17 itself. So, the water would be well below ground
18 within the actual sewer. For the 10-year level of
19 protection as you just referenced with a 2.15 inch
20 per hour, we designed the sewers such that in that
21 storm the water remains below the ground surface
22 elevation so that you don't see flooding on the
23 street. So, that's our current practice. So, any of
24 the new projects that you've heard, the Knickerbocker
25 project, the Dyker Heights projects, other projects,

that's what we are designing the level of service to. You are right in that we are advancing our storm water master planning, we are evaluating citywide level of service. As you know, if you're on the top of the hill, even though we're designing a sewer to handle what I just said, it could be that you never flood even in a 50-year storm, because of nature of the topography it's in your favor. So, that's why we like to say, you know, depending on where you are, even though the sewers are designed as such, you may actually have a higher level of service. But over the next year, we're going to evaluate level of service and make recommendations citywide which may not be one level of service consistent across the city.

CHAIRPERSON GENNARO: Okay. I asked a complicate question, I get a complicated answer, you know. Alright, that covered that. DEP made mention of the Stormwater Pollution Plans, SWPPs, and about how people who get jammed and couldn't do anything-- but you know, passed the bill that's going to become a law that, you know, DEP and the building industry and everyone thought was-- so, where are we with that? I know we passed it. This mayor really doesn't sign a lot of bills in X amount of time, as to the

pass before it automatically becomes a law. Where are we with that? I'm asking kind of anybody who knows. Because we passed it I think on September 25th, or something?

ASSISTANT COMMISSIONER ENOCH: Yeah, I can answer that. Melissa Enoch, Assistant Commissioner, Environmental Planning and Analysis at DEP. So, thank you for the question and thank you for your support on that really critical--

CHAIRPERSON GENNARO: [interposing] Yeah, I mean, I was getting beat up about SWPPPs.

ASSISTANT COMMISSIONER ENOCH: I know. We understand.

CHAIRPERSON GENNARO: And DEP was getting beat up. You couldn't move your own projects.

ASSISTANT COMMISSIONER ENOCH: That's right. That's right. And the meeting that you held for us at your office with the Bronx and Staten Island builders was enlightening to kind of hear directly from them as well. So, thanks for organizing that.

CHAIRPERSON GENNARO: Sure.

ASSISTANT COMMISSIONER ENOCH: So, the legislation was--

2 CHAIRPERSON GENNARO: [interposing] Well,
3 I got a new office which has a new conference room. I
4 just wanted to show it off.

5 ASSISTANT COMMISSIONER ENOCH: Very
6 lovely. We'll come any time.

7 CHAIRPERSON GENNARO: I'm just looking
8 for a reason to do that.

9 ASSISTANT COMMISSIONER ENOCH: Very
10 lovely, yeah. So, the legislation was voted on and
11 passed I think on September 25th, and it is awaiting
12 mayoral signature and it's my understanding that on
13 October 25th, which is this Friday, it will--

14 CHAIRPERSON GENNARO: [interposing] It'll
15 just become law.

16 ASSISTANT COMMISSIONER ENOCH: It'll just
17 become law, yes. So--

18 CHAIRPERSON GENNARO: [interposing] This
19 mayor does that a lot. He isn't big on bill singing,
20 which is fine, you know? I'm not going to tell him
21 how to be mayor, you know.

22 ASSISTANT COMMISSIONER ENOCH: So we are
23 very excited to announce that officially. We've
24 gotten some inquiries from some of the more savvy
25

developers who are aware that that's becoming a reality.

CHAIRPERSON GENNARO: Yeah, because I'm getting calls, too. They want to know one-- and you know, the way the bill was written is that it takes effect immediately, now, what I'm wondering is in order for the bill to take effect-- normally, you know, bill gets passed and becomes law, and then goes into rule-making. Now, will this become effectively immediately or is there a rule-making period of time that has to happen before it can technically be in effect?

ASSISTANT COMMISSIONER ENOCH: Good question. We did our due diligence--

CHAIRPERSON GENNARO: [interposing] Do I normally ask-- I only ask good questions.

ASSISTANT COMMISSIONER ENOCH: with the Law Department. We did our due diligence with the City Law Department. It becomes effective immediately and we can start implementing that relief. We will still need to go through rule-making, because we have rules in place that are contradictory. So, we have drafted the rule amendments, but as of Monday we will be implementing this. And so the whole goal is to

2 get construction permits into the hands of developers
3 more quickly.

4 CHAIRPERSON GENNARO: Right. Because
5 when I say, you know, the bill is written to go into
6 effect right away, then people ask me well, does
7 right away mean right away, you know? And so--

8 ASSISTANT COMMISSIONER ENOCH:
9 [interposing] We wondered the same, but we got
10 clarification.

11 CHAIRPERSON GENNARO: [inaudible] right
12 away. Okay. Good. That was a win. Here's what I'm
13 going to do-- I'm formulating my questions. I know
14 that my colleague Lincoln Restler has questions that
15 he would like to pose. He's someone else like the
16 Public Advocate that gets around a lot. So, I'm
17 going to recognize him for questions while, you know,
18 get all my stuff in order. So, I recognize Council
19 Member Lincoln-- Council Member Restler for
20 questions. Lincoln's his first name, so it's like--
21 which is a last name, as we know.

22 COUNCIL MEMBER RESTLER: Chair, did you
23 recently get a haircut?

24 CHAIRPERSON GENNARO: What's that?
25

2 COUNCIL MEMBER RESTLER: Get a haircut?
3 Looking sharp?

4 CHAIRPERSON GENNARO: I did get-- I did
5 get-- well, it's my 50th year reunion.

6 COUNCIL MEMBER RESTLER: Wow.

7 CHAIRPERSON GENNARO: I thought that-- you
8 missed the whole thing. The beginning.

9 COUNCIL MEMBER RESTLER: I missed the
10 good part of the hearing.

11 CHAIRPERSON GENNARO: You missed the good
12 part where I had my 50th reunion and I had to wear
13 this.

14 COUNCIL MEMBER RESTLER: Your hair looked
15 better then.

16 CHAIRPERSON GENNARO: Yes, it did.
17 Thanks for reminding me.

18 COUNCIL MEMBER RESTLER: No, the haircut
19 looks good. I mean, that was--

20 CHAIRPERSON GENNARO: [interposing] I
21 know, it's just like there's this thing like when
22 you're losing your hair, if you get a haircut better
23 if not longer. That was-- that was what I was going
24 for.

2 COUNCIL MEMBER RESTLER: That'll look
3 sharp for the reunion. That's important.

4 CHAIRPERSON GENNARO: What's also great
5 is that people will read this on the record, you
6 know, like 100 years from now talking about my
7 haircut. And so, but--

8 COUNCIL MEMBER RESTLER: [interposing]
9 Maybe they'll look up the photo to see how good it
10 looks.

11 CHAIRPERSON GENNARO: Yes, well, I'm
12 going to have the photo entered into the record
13 somehow.

14 COUNCIL MEMBER RESTLER: Good.

15 CHAIRPERSON GENNARO: Yeah.

16 COUNCIL MEMBER RESTLER: With that--

17 CHAIRPERSON GENNARO: [interposing] You
18 are duly recognized.

19 COUNCIL MEMBER RESTLER: I'm on the
20 clock. So, thank you, Chair, for organizing this
21 hearing.

22 CHAIRPERSON GENNARO: Now you can take
23 the clock off for Lincoln.

24 COUNCIL MEMBER RESTLER: I'm not going to
25 take too much time. I really do appreciate the--

your leadership and expertise and this hearing is so important. And I want to say I'm grateful for the work of DEP to, you know, try and address these issues. You know, as a Council Member in a waterfront district, these issues are existential for my constituents. They are deeply, deeply fearful that that next big storm is going to ruin their homes, make their neighborhood inhabitable, and you know, it's why it's been such a priority for me and I'm grateful for the partnership with DEP. I think I annoy Melissa as much as any member of the City Council. That's a nod, in case anyone was wondering for the record. To try to bring as much green infrastructure and resiliency projects to District 33 as we can. If I recall correctly from the budget hearing in the spring, the Commissioner I think basically said we have like 86 priority kind of resiliency projects. I'm getting a nod. So that was-- I did-- I was at the hearing. I was listening. And that it would require about \$30 billion to fund them. We've got about \$10 billion put aside, and we've got a long way to go. And it just gnawed at me after the hearing and continues to that we're just so far away from actually allocating the resources and

1 having firm timelines and having a viable plan to
2 make this happen, and even for the projects we do
3 have funded like Knickerbocker in Bushwick-- and I
4 know Council Member Nurse has already left, but I
5 talk to Council Member Gutiérrez about this all the
6 time, and you know, 2037 is like not just the end,
7 it's the end of our successor's terms, right, in the
8 City Council. So whoever takes over Sandy and Jen,
9 they'll be out of office by the time Knickerbocker is
10 actually in place assuming everything goes according
11 to plan which the city capital projects, you know--
12 your guess is as good as mine. So, it's all to say,
13 is there any update on that 86 project number on what
14 we have funded? Are we still looking at funding
15 about a third of them? And what could we do to get
16 on track? What's the big picture vision for how we
17 come up with the necessary revenue and come up with a
18 reasonable timeline for how we can fund and execute
19 on these existing priority projects. And I'll just
20 say this, and then I'll stop. You know, as you note
21 rightly in your testimony as the Commissioner often
22 speaks to, we're planning for the next 50 years.
23 These are the 86 projects we recognize today are
24 critical priorities. Over the next 50 years, I'm
25

sure it's more like 250 projects or some much larger number that we actually we need to be solving for. So, it was a long preamble, but I really would like some greater clarity on this impossible question, but how are we thinking about it and how are we going to try and do better?

ASSISTANT COMMISSIONER SPERDUTO: Okay, Council Member, that is excellent question and a good follow-up. And I was at the previous hearing and heard your comments that you made at the time about how we're going to, you know, get to all these areas within a reasonable time frame and, you know, Melissa and I have been speaking about this as part of our stormwater master planning efforts and what will be our approach. So, we thought a lot about your question. Let me first-- before I address that, I want to talk about an update on the 86 priority areas. We've gone through pretty much all of the 86 areas to see if we have any current projects that we have in the books that will at least partially address those areas, and we've identified that 36 of the areas currently have investments that are in the works either in development, design or construction phase. So, I want to say that's really good news.

We've also identified over the last year an advanced-
- I think it's five projects for focus neighborhoods
including the Knickerbocker project neighborhood with
almost a billion dollars in investments to start
addressing additional locations. So, that's where we
stand right now in terms of how many we have started
to address. There are also many that were in-- we
started initiating drainage planning or drainage
analysis which is the first step to understanding the
root cause of the problem so that we can come up with
solutions either via stormwater sewer project or a
cloudburst project or green infrastructure and other
ways that we can try to bring relief to those
neighborhoods. I'm going to pause with that.

COUNCIL MEMBER RESTLER: And is it right
to say that there's still about a \$20 billion gap to
fulfill the breadth of what we think is needed for
those 86 areas?

ASSISTANT COMMISSIONER SPERDUTO: There
is.

COUNCIL MEMBER RESTLER: And just at a
high level, do you have any broad recommendations of
what the next administration could consider for how
do we start to tackle that much more ambitiously?

2 And not to say-- even more ambitiously, let me say.
3 Because I think that-- as I said, I think there's a
4 lot of good tha you all have been doing and I'm
5 grateful for it, and I feel like there's been a very
6 good partnership with me and I think many members of
7 this committee and the council on addressing issues
8 in our communities, but we just have such an
9 enormously long way to go. What are the, you know,
10 macro recommendations that we should be thinking
11 about for whoever the next mayor is for how they
12 should be address this? The funding gap, in
13 particular.

14 DEPUTY COMMISSIONR DEFALCO: Thank you,
15 Councilman. First of all, we appreciate your
16 partnership, and I know that these projects seem like
17 they take forever.

18 COUNCIL MEMBER RESTLER: It's not just
19 seem like.

20 DEPUTY COMMISSIONR DEFALCO: They do.
21 But if we put it into some context, Knickerbocker has
22 been flooding since the 60s, and I remember going out
23 with the Commissioner three years ago when I started
24 to look at the problems, and the idea that not only
25 have we designed a solution and found funding for

2 Knickerbocker, but that's a pretty quick turnaround
3 time in infrastructure measurements, so to speak.
4 So, I mean, it's not perfect, certainly.

5 COUNCIL MEMBER RESTLER: [inaudible]
6 deserve credit for the planning and funding for the
7 Knickerbocker project. Bushwick needs it
8 desperately. Just the recognition that we're in year
9 2025 and we're 12 years away from completion. That's
10 all I'm saying, but go ahead.

11 DEPUTY COMMISSIONER DEFALCO: I think one
12 of the biggest things standing out and one of the
13 largest problems that we're going to have to solve
14 for, and the Commissioner has-- certainly will speak
15 about this more eloquently, and has and they've put
16 together studies about this is the way that we fix
17 sewers and infrastructure is your water bill. That's
18 where the money comes from. And so as long as those
19 things are tied, we're required to be a good steward
20 of those water bills. We know how unaffordable this
21 city can be on any give day, and so if you would like
22 us to hit all 86, you know, and spend all utility
23 money or DEP money, great. Are you willing to see
24 your water bill go up by 10, 15, 20 times? Finding
25 that--

2 COUNCIL MEMBER RESTLER: [interposing]

3 Right, so it's increased the water bill.

4 DEPUTY COMMISSIONER DEFALCO: separate,
5 untouchable stream of money that is not connected to
6 people's water bill I think is probably one of the
7 biggest things that we can do. You'll hear us talk
8 about that all the time. Every single piece of
9 legislation and thing that we're asked to do, we
10 either have to raise rates, cut other projects, or
11 figure out a way to use those resources, or just--
12 these are all difficult choices that we're making
13 every day, but I think that those are things that we
14 hope that you'll keep in mind. Certainly want to
15 partner and find a way to get a better funding stream
16 than just water bills.

17 COUNCIL MEMBER RESTLER: I certainly
18 agree with that. I think we do need to go above and
19 beyond the water bill. I also think we need to look
20 at some of the other priorities that DEP has on
21 infrastructure side and see how do we make sure that
22 flood mitigation and resiliency is incorporated or
23 frankly at the top of the list, because I just think
24 it's the most existential threat that we face.
25 Climate change is the most existential threat that we

2 face as a city and we need to be doing more and be
3 working faster to have projects at-scale across these
4 just 86 priority areas for today, let alone all of
5 the areas that will need be to be addressed in the
6 years to come. So, with that-- oh, can I have one
7 last question, is that okay, Chair?

8 CHAIRPERSON GENNARO: Sure, sure. I'm a--

9 COUNCIL MEMBER RESTLER: [interposing] I
10 really appreciate it.

11 CHAIRPERSON GENNARO: I'm a soft touch
12 when it comes to you.

13 COUNCIL MEMBER RESTLER: Indeed. We have
14 been getting some incoming about the DEP Stormwater
15 Pollution Prevention Plan review timelines.

16 CHAIRPERSON GENNARO: Yeah, the SWPPP.
17 We did a law on that.

18 COUNCIL MEMBER RESTLER: totally. The
19 critique, though, is that we've heard that DEP is
20 unfortunately perhaps under resourced and taking a
21 healthy amount of time on the review and that it's
22 leading to meaningful delay on projects. We've been
23 getting reports from other agency partners of up to
24 10 months. I don't know if that's accurate. This is
25 just the reports we've been getting. Are there

2 things that we could to do help DEP to speed up that
3 SWPPP review, and to make--

4 CHAIRPERSON GENNARO: [interposing] We
5 did-- we did the law. It's going to go into effect in
6 a couple days.

7 COUNCIL MEMBER RESTLER: That's the law
8 you were just talking about, perfect.

9 CHAIRPERSON GENNARO: Yeah.

10 COUNCIL MEMBER RESTLER: So, you're
11 feeling good that we're going to--

12 CHAIRPERSON GENNARO: Yeah, I mean, we
13 got the building community together, you know, and
14 they're as happy as they could be. You know, like we
15 [inaudible] the SWPPP. Like I indicated, DEP was
16 having [inaudible] because they were having problems
17 moving their own projects. So, all the members are
18 getting like killed with like SWPPP stuff, and so--

19 COUNCIL MEMBER RESTLER: [interposing]
20 Good.

21 CHAIRPERSON GENNARO: that's why we did
22 that.

23 COUNCIL MEMBER RESTLER: Great. Melissa
24 anything to add?

2 ASSISTANT COMMISSIONER ENOCH: Yeah, I
3 think I should. So, you know, one thing I want to
4 say is that SWPPPs are one component of our unified
5 stormwater role, and the unified stormwater role is
6 essential to our stormwater resilience strategy,
7 because it requires on-site stormwater management
8 during development when it's cheaper than the city
9 going out and doing retrofits, and that additional
10 stormwater management takes pressure off of our sewer
11 system. So it goes hand-in-hand with increasing the
12 city's stormwater resiliency for future flooding.
13 So, that being said, we have a lot of process
14 improvements in the works for the SWPPP program. One
15 of which has been moving the maintenance easement
16 which the legislation helped us do. We have many
17 other things in the pipeline too. We have a rebuild
18 of our database similar to DOB. We have a very
19 robust permitting data systems, and it, you know,
20 wasn't quite up to par when the uniformed stormwater
21 rule was passed, and so we've been rolling out fixes
22 for that database for the last few months and we're
23 starting to see some good feedback from industry
24 there, and we're also going to be working on some
25 additional rule changes. So, separate from the

2 legislation, but having that legislation changed
3 enables us to move forward with some additional rule
4 changes where you should start feeling some relief
5 and agencies would, too.

6 CHAIRPERSON GENNARO: And then I think it
7 comes back to us in a couple of other ways, Lincoln,
8 about making sure that water and sewer money that
9 people pay in actually goes to water and sewer. You
10 know, Mayor Adams his first two years, he didn't take
11 a rental payment, and then he took a huge rental
12 payment of \$440 million, and then you know, he
13 indicated that he wants like the maximum rental
14 payment as far as the eye can see. There's no
15 rationale for the rental payment. It just diverts
16 water and sewer monies, you know, payments into the
17 general fund, and that's hundreds of millions of
18 dollars a year, and unlike when previous mayors use
19 to take a rental payment, once the rental payment--
20 so he takes a \$350 million rental payment. Then it
21 becomes baselined. It's like [inaudible] what is
22 that about?

23 COUNCIL MEMBER RESTLER: And there will
24 be a new director of OMB in about 70 days.

2 CHAIRPERSON GENNARO: Well, and also--
3 Josh do we have a bill on this? You can't answer
4 it, because you're not on the [inaudible]. You know,
5 we've-- I'm talking to the chairs of the corporation
6 committees in the Assembly and the Senate to kind of
7 like just make the rental payment go away so that--
8 because it's original rationale which is to pay of
9 the pre-1985 water and sewer general obligation debt,
10 you know, all that debt's been retired. And so now
11 they put kind of a Trojan horse in there and that's
12 what we're dealing with now. It's like a mockery of a
13 travesty of a sham. And there is a bill that would
14 give the City Council the ability to kind of have a
15 say in what the rental payment is to make us like co-
16 conspirators and like ripping off the water and sewer
17 rate payers. We don't want to be that. And so we
18 just want the rental payment to go away. So I'm in
19 conversations now with the Chairs of the relevant
20 committee. This should be a layup for them because
21 they get to go to their constituent. And both of
22 those, both of the corporation committee chairs have
23 districts in New York City. So this should be like,
24 okay, sure. We're going to like-- you know, we'll--
25 we're going to lower people's water bills. We're

2 going to take away the mayor's ability to kind of
3 fleece people. And so, you know, we're-- that's
4 [inaudible] as well, because that's like a lot of
5 money. Because you know, we're looking at rental
6 payments-- that could jack, you know, rates 10
7 percent just for the rental payment, you know, which
8 is not good. So, I-- how do I get off my soap box
9 now that I've gotten on--

10 COUNCIL MEMBER RESTLER: [interposing]
11 Thank you very much for the chance to go at length,
12 Chair, and I really look forward to working with the
13 DEP team get the McCarron [sp?] asphalt [sic] project
14 completed by 2029. Thank you.

15 CHAIRPERSON GENNARO: Thank you, Council
16 Member Restler. Because-- he's great to have on the
17 committee because in case I'm like a tough guy or
18 whatever it is, it's like okay, if you don't give me
19 what I want, then you have to face to Lincoln, you
20 know what I mean? And so it's like nobody wants to
21 do that. And so I always have-- I have a little
22 picture of Lincoln I just wave at people and stuff
23 like, and I just say you don't want me to call him
24 up. You don't want that to happen. And so, yeah,
25 he's a great American, Lincoln, absolutely. Okay,

I'm going to do-- I'm going to do some questions. The New York City Panel on Climate Change, NPCC-- oh, by the way-- now I'm really-- you know, I'm taking a bow here. So, who created the NPCC in law? So, I was telling people that at my reunion. They didn't seem to care, you know. The NPCC published its fourth assessment last June. This kind of goes over your testimony. Has DEP reviewed that assessment? If so, has DEP identified key finding specifically related to storm and rainfall projections that will inform the City's long-term stormwater planning? That is my question. Melissa, I guess you're up.

ASSISTANT COMMISSIONER ENOCH: Yes, we have, and through our partners at MOCEJ we've coordinated very closely with NPCC. Some of the new information that's come out has already started informing our new sewer design, but also we have new stormwater flood mapping that's required of legislation passed last year to determine the city's 10-year special flood risk area.

CHAIRPERSON GENNARO: Right, inland.

ASSISTANT COMMISSIONER ENOCH: Inland, exactly. And so we're using that data, the new sea level rise estimates and the precipitation levels to

2 run a pilot scenario to see how those might change
3 the current 10-year forward-looking flood hazard area
4 that we have identified. So, it's been very
5 informative as usual, and we coordinate really
6 closely with them and MOCEJ. Paul, I don't know if
7 you want to add anything.

8 CHAIRPERSON GENNARO: Sure, just state
9 your name for the record.

10 DEPUTY EXECUTIVE DIRECTOR LOZITO: Paul
11 Lozito, Deputy Executive Director of the Mayor's
12 Office of Climate and Environmental Justice. No, I
13 don't have anything significant to add. I'll say that
14 DEP's been wonderful partners with the NPCC. It's not
15 just even about the report publication, but we're
16 saying NPCC Five and we're partnering very closely
17 with DEP to inform how we approach our research and
18 make sure that the outcomes are reflective of the
19 practical realities that DEP sees everyday, that
20 they'll find the information useful.

21 CHAIRPERSON GENNARO: Thank you. Thank
22 you. Okay. This is a MOCEJ question. Get ready.
23 Get ready. MOC recently launched Resilient
24 Acquisitions, a voluntary home acquisition program
25 for New Yorkers interested in selling their high

2 flood risk homes. The program will be piloted in the
3 Jewel [sic] Streets Neighborhood. Can you share a
4 bit more about what the rollout of that program will
5 look like?

6 DEPUTY EXECUTIVE DIRECTOR LOZITO:

7 Absolutely. Thank you so much for your question.

8 CHAIRPERSON GENNARO: Yeah, and also just
9 speak loudly and slowly so people can hear you.

10 DEPUTY EXECUTIVE DIRECTOR LOZITO: Sorry,
11 I'm a fast talker. I will try to slow down. As you
12 correctly stated, we are piloting the program in the
13 Jewel Streets on the border of Brooklyn and Queens.
14 The Jewel Streets was identified as a priority area
15 in DEP's 2024 Stormwater Analysis Report. Again, we
16 work closely with DEP, HPD and other agency partners
17 with where we might target an acquisition program.
18 We are very cognizant to be very targeted about any
19 area where we would consider home acquisitions. We
20 are in the midst of a housing crisis in New York
21 City, so taking any number of units, we take-- taking
22 any number of units offline very seriously. And we
23 also want to make sure that any acquisitions program--
24 - again, this is resilient acquisitions-- complements
25 DEP or other agency flood resilient strategies across

the city. So we're taking a home offline. Perhaps there's an opportunity to utilize that space where that home occupied for a stormwater or flood protection use that maybe protects the rest of a community. And so for the pilot in the Jewel Streets, what we are doing is we're working closely with DEP and HPD. HPD, as we know, is conducting a comprehensive study of where additional housing could be located within the Jewel Streets. DEP is doing its stormwater improvements in the Jewel Streets. And where we are focusing any acquisition would be in areas where ultimately once all of the comprehensive improvements have been effectuated, there still may be some targeted unique circumstances where we should acquire a home. What we are doing in partnership with DEP and HPD is we've launched an expression of interest reform. This program is voluntary so we're asking people to effectively raise their hands in a way that's not contracting or obligating them to anything, just to have the conversation. What flooding are you seeing in your basement or in your home, or is your home experiencing? Have that conversation to figure out their circumstance, figure out where those homes are located, and then talking

with HPD and DEP about what information we're getting, and that's ultimately going to inform how we approach more comprehensive conversations with the community about where housing would be located, where infrastructure is located, where homes might be appropriate for a buyout, because we want to work with our agency partners to confirm, you know, what the appropriate end use is.

CHAIRPERSON GENNARO: Thank you. Before I ask my next question, I am 45 minutes overdue for a drop. Sorry, [inaudible]. This whole cataract surgery thing. It's like a lot of drops. Going to have to the eye dab. I want to point out that this handkerchief is only for eye dabbing, not for-- I have another handkerchief for the other thing. Can't use the same handkerchief for both. Just incase anyone was worried, you know. You get what I'm saying, you know. More for MOCEJ. Has MOCEJ secured or identified funding for the Resilient Acquisitions program? If not, what is the expected timeline for securing funding?

DEPUTY EXECUTIVE DIRECTOR LOZITO: Thank you for your question. So, for Resilient Acquisitions, it's intended to be flexible. So, the

2 first thing we look to do with this program is work
3 to identify what a priority area might be. Then we
4 identify what homeowners would want to participate,
5 what the ultimate end-use of those lands would be.

6 CHAIRPERSON GENNARO: Yeah, I'm talking
7 about money, though, right?

8 DEPUTY EXECUTIVE DIRECTOR LOZITO: But
9 once we identify who wants to participate and what
10 the use would be, that helps us identify how much
11 money we'll need for an acquisition in a certain
12 area. And so, in some instances, once we identify
13 who might want to raise their hand, it might be five
14 homes or it might be 10 homes, and that'll inform
15 what our budgetary ask would be. In the Jewel
16 Streets--

17 CHAIRPERSON GENNARO: [interposing] So,
18 this would be part of the city's budget process,
19 right?

20 DEPUTY EXECUTIVE DIRECTOR LOZITO: This
21 would be-- the way we are looking at it to be
22 maximally flexible is, you know, once we identify
23 willing homeowners and appropriate end use--

24 CHAIRPERSON GENNARO: [interposing] Right.
25

2 DEPUTY EXECUTIVE DIRECTOR LOZITO: There
3 might be a federal grant. The State has its
4 Environmental Bond Act money. We might pursue that.
5 it also might be a city capital budget ask as well.

6 CHAIRPERSON GENNARO: Yeah, I think it's
7 going to be city capital fund, because like we never
8 get any money from like the Bond Act. You know, we
9 just don't, and the federal government is like their-
10 - they don't want to talk to us. So, I think this is
11 going to-- I mean, what do I know? I mean, I started
12 out my career in 1983 with OMB in the capital
13 division. But I don't know. Have you put any
14 feelers for like Bond Act money? Is anyone talking
15 to you?

16 DEPUTY EXECUTIVE DIRECTOR LOZITO: We've
17 had conversations with HCR. We are talking with them
18 about some of our priority areas in two weeks. And
19 ultimately, the program is intended to be flexible
20 into the future, so we want to be realistic about
21 what's happening in 25, but we want this program to
22 be around and available whenever necessary, 35, 45,
23 and beyond, because we know the flood risk from the
24 NPCC. For the Jewel Streets, we've worked with the
25 Office of Management and Budget who's confirmed that

2 monies will be available for a home acquisition
3 program. They're currently-- we've confirmed that.
4 We've confirmed that to the community. We're
5 figuring out what the appropriate funding source is.
6 There are some federal community development block
7 grants for disaster recover monies--

8 CHAIRPERSON GENNARO: [interposing] Okay.

9 DEPUTY EXECUTIVE DIRECTOR LOZITO: that
10 might be appropriable.

11 CHAIRPERSON GENNARO: You better grab it.
12 Thank you. Thank you. The next one you've already
13 answered and I haven't even asked it yet, so I'm not
14 going to ask it. So, okay, let's talk about some of
15 the bills. We have 1352 in relation to the drainage
16 location of certain building roofs. This bill aims
17 to reduce stormwater flooding by reducing the burden
18 on the sewer system. Of course, it only works if
19 there is sufficient permeable surface to absorb the
20 stormwater. This bill tries to address this by
21 limiting its scope to residents with at least one to
22 five front yard to roof area ratio. So, like the land
23 area has to be like five times bigger than the roof.
24 Okay. Does DEP already track the size of the yards
25 or permeable surfaces on private properties? If so,

how? If not, what would be the barriers to tracking that information? So, a couple of questions all at once. I want to move it along. So, that's my question. Okay, I'm going to go to Melissa, my go-to.

ASSISTANT COMMISSIONER ENOCH: So, the question about tracking permeable surfaces across the city, we back in 2019, we published a-- actually it was a little bit earlier than that, I think 2017. We published a citywide parcel-based impervious covered data set which leveraged other--

CHAIRPERSON GENNARO: [interposing]
Impervious.

ASSISTANT COMMISSIONER ENOCH:
Impervious, right. And so the idea then is so somebody can download the data, and it's available on New York City Open Data. And when you couple that with other sort of city planning, you know, lot level information. You can identify-- an individual could identify what parts of their parcel are in parcel are impervious. So it would give you the available impervious area or pervious area, or pervious area, right.

CHAIRPERSON GENNARO: Pervious right.

2 ASSISTANT COMMISSIONER ENOCH: One
3 difficult challenge is there pervious versus
4 impervious doesn't necessarily equate to having-- a
5 surface having inflation capabilities.

6 CHAIRPERSON GENNARO: Right.

7 ASSISTANT COMMISSIONER ENOCH: So, that's
8 one challenge of saying--

9 CHAIRPERSON GENNARO: [interposing] I'll
10 just use my front lawn as an example. So, the house,
11 you know, you got the garden in the front. Then a
12 little bit of lawn, and then it really slopes. And
13 so, I don't know what that's going to pick up.

14 ASSISTANT COMMISSIONER ENOCH: Exactly.

15 CHAIRPERSON GENNARO: It's just going to
16 run off, you know.

17 ASSISTANT COMMISSIONER ENOCH: Exactly,
18 yeah.

19 CHAIRPERSON GENNARO: So, it's not only
20 surface area. It's the characteristic of, yeah.

21 ASSISTANT COMMISSIONER ENOCH: The
22 characteristics. Right, the ability for stormwater
23 to absorb into that permeable area, and that's not
24 data that's available citywide at the parcel level.

2 CHAIRPERSON GENNARO: Right. Okay.

3 Thank you for that. okay. Next question about that
4 bill. The bill provides exceptions for properties
5 for which DEP or DEP to which-- forwards DEP or DOB
6 determines compliance would threaten health the
7 safety or property. For example, for buildings in
8 areas with high ground water tales. What kind of
9 staffing would be required for DEP or DOB to make
10 such determinations on a lot by lot basis?

11 Government's complicated [inaudible]

12 ASSISTANT COMMISSIONER ENOCH: Yeah,
13 well, speaking for DEP, we haven't done a staff
14 analysis of this bill yet. As we mentioned in our
15 testimony, we have a really great pilot that we're
16 launching now for disconnection for an area where we
17 have stormwater discharging to a sanitary sewer which
18 is really problematic, right, because sanitary sewers
19 don't have capacity at all for stormwater. So, we
20 want to start with that pilot and kind of understand
21 what that engagement with the property owners and the
22 analysis of the lots and the availability for safe
23 discharge of stormwater onto lawns really is. And so
24 without that information, I'm not sure we could
25 really come up with a thoughtful staff analysis.

2 CHAIRPERSON GENNARO: Okay.

3 ASSISTANT COMMISSIONER ACKROYD: Chair,
4 are you interested in hearing from DOB on that
5 particular question?

6 CHAIRPERSON GENNARO: Sure, sure. I mean,
7 I'm-- I was on my way in unlike-- you know, I get to
8 talk to DOB today. Good day, you know.

9 ASSISTANT COMMISSIONER ACKROYD: Doesn't
10 get better. It doesn't get better.

11 CHAIRPERSON GENNARO: Yeah, it's just
12 like it's a beautiful thing, yeah.

13 ASSISTANT COMMISSIONER ACKROYD: So, I
14 kind of concur with Melissa on the difficulty of
15 telling you exactly what the resources might be. I
16 think that the way the exception is drafted, there's
17 probably a need for additional guidance on what
18 constitutes--

19 CHAIRPERSON GENNARO: [interposing] Right.

20 ASSISTANT COMMISSIONER ACKROYD: you
21 know, a threat to health, life safety, or whatever.
22 So, whether this is a case by case approval--

23 CHAIRPERSON GENNARO: [interposing] Right.

24 ASSISTANT COMMISSIONER ACKROYD: that
25 drive the resource need. So, I think it's going to

2 take a bit more digging and confirmation of what the
3 final product looks like before we can--

4 CHAIRPERSON GENNARO: [interposing] Right.

5 And everybody was clear in their testimony that-- I
6 know we get credit for putting a lot of, you know,
7 clay on the wheel here, but we have to make it into a
8 pot that's pretty, you know, and so this is why we
9 have hearings. And I appreciate that. I appreciate
10 your, you know, candid testimony. Did you have any
11 more on that?

12 ASSISTANT COMMISSIONER ACKROYD: I think
13 no.

14 CHAIRPERSON GENNARO: Okay. Alright.

15 Okay. We're doing you all favors here. We're just
16 trying to cut down on questions that, you know, kind
17 of overlap with stuff that's already been said.

18 Okay. Intro 1397, the one you guys hated. Okay.

19 What's that? You know, it's a little hyperbole. You
20 know, it's like done for effect. 1397, okay. This
21 bill 1397 requires DEP to include a base flood
22 elevation for the 10-year flood risk area map and use
23 that base flood area elevation to apply. The ASCE
24 24-- do you say ASCE, or do you just try to pronounce
25 it? You just ASCE? Okay. I just want to say it

right. To apply the ASCE-- let me start over. This bill requires DEP to include a base flood elevation of the 10-year flood risk map and use that base flood elevation to study the ASCE 24 flood resistant design and construction standards to new construction and substantial improvement in those areas. Is this a correct-- I mean, the testimony gets this, but is this the correct standard to use for area vulnerable to stormwater flooding? And if not, are there other construction and design standards that would better apply to construction in the 10-year flood risk area? You talked a little bit in your testimony about, you know, why this isn't a good idea-- why certain things would cause this that and the other thing, but this is kind of flipping it over saying, like, you know, are we doing it correctly, and if not, are there any other construction and design standards that would better apply to construction in the 10-year flood risk area? So, like, we made our pitch, you know. So, if we're going to do it better, like, how would we do it?

ASSISTANT COMMISSIONER ACKROYD: So,--

CHAIRPERSON GENNARO: [interposing] You got to get right up close, yeah.

2 ASSISTANT COMMISSIONER ACKROYD: I think
3 the answer is, it is a good standard. It is the best
4 standard that we have for river rain and coastal
5 flooding. However, it has limitations in the context
6 of urban flooding, and we are in the process of
7 attempting to get a grant from New York State DEC--

8 CHAIRPERSON GENNARO: [interposing] Oh,
9 yeah, right. I remember that from your [inaudible]
10 testimony.

11 ASSISTANT COMMISSIONER ACKROYD: Yep.

12 CHAIRPERSON GENNARO: It's like, you
13 know, DEC giving out money, you know. And so I see
14 Deputy Commissioner at-- one of the Deputy
15 Commissioners at State DEC, and we love saying no to
16 New York City, you know. Hopefully, you know, new
17 management there now, okay. And I was kind of a boat
18 rocker at like DEC which is why I got fired, so.
19 Yeah. You know.

20 ASSISTANT COMMISSIONER ACKROYD: We're
21 hopeful.

22 CHAIRPERSON GENNARO: [interposing] a
23 little too much Gennaro, you know what I mean? It
24 was just like no, this is where good environmental
25

ideas come to die, and I didn't see it that way. And so they just got sick of me.

ASSISTANT COMMISSIONER ACKROYD: We should hear in the next month or two if we get the grant, so. We'll have a better--

CHAIRPERSON GENNARO: [interposing] Anyway, but you're in the middle of talking when I got--

ASSISTANT COMMISSIONER ACKROYD: [interposing] Yeah.

CHAIRPERSON GENNARO: silly. So, go ahead.

ASSISTANT COMMISSIONER ACKROYD: It's fine. So, the-- whether it's DEC funding or not, we do feel as though the standard needs to be studied and modified for urban flooding, that it's not appropriate-- that it's based on a federal framework that is insurance-driven and it puts significant limitations on residential buildings as I highlighted in testimony.

CHAIRPERSON GENNARO: Right.

ASSISTANT COMMISSIONER ACKROYD: And so since we have an opportunity, we're not bound by these federal requirements. Why not be more

2 thoughtful and try to allow for retrofits without
3 limiting uses the way that ASCE 24 does.

4 CHAIRPERSON GENNARO: Right. So, here's
5 another question. You folks want to do this. That's
6 great. No one's telling you to do it. It's just a
7 good thing. It's just the right thing to do. We have
8 a new administration coming in. They may not see it
9 that way or whatever. I'm wondering if this is an
10 opportunity for the Council to put in the bill that
11 would mandate that you do this. What do you think
12 about that? I mean, you know, it would be like what
13 you want. So it'd be like what you're doing now, but
14 we just put it in the bill, and then the new
15 administration comes in. We pass the bill, and then
16 that's that. So, you get to do it.

17 ASSISTANT COMMISSIONER ACKROYD: I think
18 that's a better approach than the way 1397 is
19 currently drafted. Certainly giving us the
20 flexibility to come to a solution which I think is
21 more suitable for New York City.

22 CHAIRPERSON GENNARO: Oh, so do that in
23 lieu of this one.

24 ASSISTANT COMMISSIONER ACKROYD: I
25 thought that was what you were offering.

2 CHAIRPERSON GENNARO: No, no, no, I'm
3 just saying--

4 ASSISTANT COMMISSIONER ACKROYD:
5 [interposing] Oh, a code-- can you elaborate on what
6 your bill might look like?

7 CHAIRPERSON GENNARO: You just talked
8 about how you're-- you know, how you want to do this
9 study that you want to get funded by the DEC, and
10 this is going to lead to great happiness if we do the
11 study, because good things will come from it. I
12 think that is a little-- and so we've got 1397 which
13 does what it does, but-- oh, I see how you say, you
14 know. I'm thinking like we could do some version of
15 1397, but-- so, 1397 is never really going to happen
16 unless you do this study, because the study is
17 needed, right?

18 ASSISTANT COMMISSIONER ACKROYD: I think
19 our preference would be that we do the study and then
20 coordinate with you what 1397 might look like to
21 incorporate the findings of our consultant services
22 and our collective brain trust here on--

23 CHAIRPERSON GENNARO: [interposing] Right.

24 ASSISTANT COMMISSIONER ACKROYD: what is
25 the right approach.

2 CHAIRPERSON GENNARO: Okay. I'm going to
3 ask Committee Counsel to-- both Committee Counsels to
4 kind of like think about what we were just talking
5 about, and maybe-- because this thing is not getting
6 passed this year anyway, right? Is it? Oh, okay.
7 How long is the study, you know, you think would take
8 if it were to commence? I mean, I'm like already 50
9 years out of high school, you know what I mean? I
10 need-- like, I'm to like the results part of my life.
11 I have to start wrapping it up, you know?

12 ASSISTANT COMMISSIONER ACKROYD: Well, I
13 guess the good news is if it's funded from the State,
14 then maybe the procurement process might be a little
15 quicker, and I would imagine we'd probably be able to
16 get a consultant once the money's awarded within 18
17 months or so, and then typically these types of
18 consultant services take probably 24 months before
19 they provide us with final recommendations.

20 CHAIRPERSON GENNARO: Right. Let's just
21 say no money, you know, appears for this, but if it
22 were in a bill that this was something that like had
23 to be done, then the City would have to find the
24 money in order to comply with the law, right?

2 ASSISTANT COMMISSIONER ACKROYD: In
3 theory. I've experienced requirements for studies
4 that have gone unfunded.

5 CHAIRPERSON GENNARO: Yeah, I mean, I get
6 that, but it's just like it-- you know, if we-- I'm--
7 I don't have an opponent. I'm probably still going
8 to be here. I'll probably win in November. Just
9 have to-- I don't think anything will launch like a
10 write-in campaign against me. I haven't heard
11 anything about it, but so I'm going to be around.
12 Hopefully, I'll be chairing this committee, and so
13 I'll just move this along. I'll just ask our, you
14 know, co-counsels to kind of think about everything
15 that just transpired in the last couple of minutes
16 and figure out how we might amend, you know, 13-- I
17 keep on having to look up the number of the bill.
18 Yeah, 1397. 50 years out of high school, so it's
19 like numbers, little thing, you know, it's just
20 whatever. You know, I'm just-- at least when I do
21 laundry I can pair the socks. I can still do that,
22 you know what I mean? I can-- it's more of a visual
23 exercise, you know, the pairing of the socks. Oh, so
24 we're good now. Okay. Alright, well, you know, this
25 is-- really appreciate the collaboration that we have

here both from our DEP-- I was going to say DEC-- DEP and DOB on these complicated matters, and really appreciate your candid testimony and willingness to engage collaboratively, you know, going forward. And so I've asked all the questions that we have for you. The only thing left to determine which I'll leave to my co-counsel is like who won, who won. They said we won, and so just-- but good effort, though. You know, good effort, though. We do appreciate that. But you know, better luck next time, you know? And so thanks [inaudible] coming. You know, we'll work. We'll try to have a little fun while we're doing it. Arrest me. What are you going to do? So, thank you very much. And what we're going to do is we're going to-- I'm going to have to take care of just a brief recess while they are going to get the panels set up for the people and so why don't we do that while I just take a break for a second. And yeah.

[break]

SERGEANT AT ARMS: Can everybody please settle down and find a seat. We are getting ready to continue. Everybody please settle down and find a seat. We are getting ready to continue. Can

2 everybody find a seat, please? Everybody find a
3 seat, please.

4 CHAIRPERSON GENNARO: Josh, hey, I'm
5 moving you up. Come and sit up here with us. No, I
6 do not have a spare pin. I had difficulty getting
7 mine. You have a pen? Here we go. I now open the
8 hearing for public testimony. I remind members of the
9 public that this is a formal government proceeding
10 and that decorum shall be observed at all times. As
11 such, members of the public shall remain-- pardon me.
12 As such, members of the public shall remain silent at
13 all times. The witness table is reserved for people
14 who wish testify. Sorry about that. had a little
15 sidebar. The witness table is reserved for people
16 who wish to testify. No video recording or
17 photography is allowed from the witness table.
18 Further, members of the public may not present audio
19 or video recordings as testimony, but may submit
20 transcripts of such recordings to the Sergeant at
21 Arms for inclusion in the hearing record. If you wish
22 to speak at today's hearing, please fill out an
23 appearance card with the Sergeant at Arms and wit to
24 be recognized. A lot of people have already done
25 that and people have signed up in advance of the

hearing. Thank you for that. When recognized, you will have two minutes to speak-- two minutes to speak on today's hearing topic which is stormwater resilience-- hang on. Two minutes to speak on today's hearing topic: stormwater resiliency in a changing climate and the legislation and resolution being heard today. If you have a written statement or additional written testimony you wish to submit for the record, please provide a copy of that testimony to the Sergeant at Arms. You may also email written testimony to testimony@council.nyc.gov within 72 hours of this hearing. audio and video recordings will not be accepted. And so, okay, call the first panel, and this is the first panel. Here I go. Okay, the first-- I'll say the name and who they're with. Looks like Em Ruby, Em Ruby, representing Riverkeeper, Caroline Chen, New York Lawyers for the Public Interest. So, everyone can come forward. Yeah, I can't make this out. Give that a try. Samuel, we figured out the first name is Samuel, and representing Field something. What's that? Is Samuel here? Okay, great. Sorry about that. Oh, fine, fine, fine. Oh, so that's Field Form. Okay, great. Michelle Florenti [sp?], maybe, New York Lawyers for

2 the Public Interest. So, sorry. Oh, so that's Field
3 Form, okay, great. Florentin maybe, New York Lawyers
4 for the Public Interest.

5 UNIDENTIFIED: sorry, well, both of the
6 New York Lawyers for the Public Interest and I can
7 speak on behalf the organization. We just weren't
8 sure what time you would you, and have to leave in
9 half an hour. So we can take Michelle out of the
10 rotation.

11 CHAIRPERSON GENNARO: Okay. And so--

12 [interposing] Thank you.

13 CHAIRPERSON GENNARO: Okay, so that
14 person's not testifying, right?

15 UNIDENTIFIED:: Correct.

16 CHAIRPERSON GENNARO: Okay, and so we're
17 going to fill that slot with Dan Zarili of Columbia
18 University. Okay. woah. Woah, woah, okay. let me
19 just get this paperwork out of the way. So, I have a
20 statement from Riverkeeper. I got a print out o my
21 own district, okay. Field Form and remember that
22 people are limited to-- and you had to wait all this
23 time to like talk for two minutes. Life is unfair.
24 I'm not trying to be funny when I say that. It's no
25 fair. But okay, so we have the panel set, and why

1 don't we go from my right to my left. And if you
2 could identify yourself for the record. Oh, don't
3 you have to swear them in. there's a whole another
4 thing. Oh, so we're not doing that. I read everything
5 I needed to read, the preamble? Okay. and so-- so
6 the Sergeant will set the clock at two minutes.
7 Please state your name for the record and we look
8 forward to your good testimony.
9

10 EM RUBY: Thank you, Council Member
11 Gennaro. My name is Em Ruby and I'm the Senior
12 Coordinator for Advocacy and Policy at Riverkeeper. I
13 appreciate the opportunity to testify today. Since
14 Hurricane Ida, stormwater resiliency has become a
15 major concern for New Yorkers in every borough. In
16 fact, flooding is now the top public health threat
17 facing New Yorkers according to NYC DOH's five-year
18 jurisdictional risk assessment. This is the new
19 normal for New York City, and increasing stormwater
20 resiliency is absolutely essential in order to reduce
21 street flooding and protect New Yorkers. Riverkeeper
22 today will focus on Intro 1352. Intro 1352 is
23 designed to increase stormwater management on private
24 properties and specifically applies to residential
25 buildings in the combined sewer system that have a

front yard with an area that is at least 20 percent of lot coverage. This scope leaves out many residential lots that have significant back and side yardage as well as all non-residential lots, forgoing the opportunity to address some of the largest contributors to stormwater flooding and pollution, commercial and industrial properties. While Riverkeepers supports the intent behind Intro 1352, in order for the bill to be effective, we ask the Council to ensure the following: that the scope of the bill is sufficiently broad by considering recommendations to one, conduct a preliminary mapping to better understand what residential lots this legislation would apply to. Two, review current zoning to examine opportunities for similar requirements for planting and permeability for back and side yards as zoning resolution 23613 requires for front yards. If zoning can be updated to include the above introduced follow-up legislation to expand the program beyond this scope. If it cannot decouple this legislation from zoning resolution 23613 and apply the requirement more broadly to encompass overall yardage, not just front yardage. Further to ensure that the bill will retain flexibilities for

2 homeowners by allowing for downspout disconnections
3 to green infrastructure that is not directed toward
4 the street or located in the front yard. And to
5 introduce legislation to require on-site stormwater
6 management practices and permeability requirements
7 for nonresidential properties particularly targeting
8 large and permeable lots. Further, we would like
9 Intro 1352 to be consistent with parallel efforts to
10 increase green infrastructure on private property and
11 manage stormwater citywide, including through the
12 Rain Ready New York Act. And particularly to ensure
13 that the unified stormwater rule and the stormwater
14 master plan are properly funded by including more
15 funding in the FY27 budget.

16 CHAIRPERSON GENNARO: Ma'am, I'm going to
17 need you to wrap up.

18 EM RUBY: Thank you very much.

19 CHAIRPERSON GENNARO: Thank you very
20 much. This is-- this is the kind of testimony that I
21 dream about, you know, that's like really focused,
22 on-point. We support the bill. You know, it was
23 great. Because we just like focused testimony.
24 Like, tell us what you want, you know? So, in like a
25 lot of testimony is like philosophy, but this is

very, very much on-point. Always been great working for Riverkeeper. I have a Riverkeeper hat, by the way. I got the black one, and then I got the one from a long, long time ago where it was like all kind of-- yeah.

EM RUBY: We need to get the new logo hat in the mail to your office.

CHAIRPERSON GENNARO: If I'm allowed to accept the hat. We'll have to check the ethics people, you know, whatever. I proudly wear my Riverkeeper hat. That's a little hint to other, you know, environmental organizations that might want to give me some swag, you know, under five dollars, you know. So, thank you. Please?

CAROLINE CHEN: Good afternoon. We have water bottles NYLPI. Happy to--

CHAIRPERSON GENNARO: [interposing] Water bottles, interesting.

CAROLINE CHEN: Good afternoon. My name is--

CHAIRPERSON GENNARO: [interposing] My pals [sic].

CAROLINE CHEN: Yes. Yeah, that's recyclable, but we have--

2 CHAIRPERSON GENNARO: [interposing] Yes,
3 it is. I'm going to consume it.

4 CAROLINE CHEN: Stainless steel. My name
5 is Caroline Chen. I'm the Director of the
6 Environmental Justice of the New York Lawyers for the
7 Public Interest. Thank you for having this oversight
8 committee. I'm not going to speak about the into
9 bills that were on the agenda today, because we
10 haven't had a chance to look at them, but I am really
11 encouraged by all the initiatives that were presented
12 today and discussed with the various commissioners
13 and deputy commissioners that prioritize this area of
14 work, because it's incredibly important to
15 communities as everybody has acknowledged across the
16 board today. I'm here today to talk about our
17 community clients in southeast Queens. I know Queens
18 was touched on, you know, by other members today. We
19 issued a report-- NYLPI issued a report earlier this
20 year on this inland flooding issue that is
21 confronting southeast Queens, disadvantaged
22 communities, communities of color, low-income owners
23 of homes that are heavily impacted by flooding that
24 occurs over and over again in their districts. For
25 example, we have in south Jamaica a street full of

homeowners that are impacted by shared infrastructure that is outdated that the DEP promised to repair and fix in 2023 within the next three, four years.

That's next year in 2027. We found earlier this week from BP Richards office is now delayed by two years for reasons that are not known to us. We have been trying to engage with DEP since 2023 to get insight on that progress, and we've been stonewalled every step of the way. We've engaged with City Council Members, with other agencies to try to engage DEP specifically on this which I think is a very clear ask and a very concrete target, and unfortunately we can't get engagement from DEP. So, I think what we're trying to do here and highlight here today in front of you, because you can't get answers from DEP, is to continue your oversight of laws that have been passed. In the last year, for example, you passed Local Law 70 which you have cosponsored. You've passed Local Law 87 which again you have cosponsored. And we urge you to please--

CHAIRPERSON GENNARO: [interposing] I'm going to give you a little bit of latitude, because this is of interest to me. I mean, everything is of interest to me, but this is-- go ahead.

2 CAROLINE CHEN: Thank you. Thank you.
3 Local Law 97 is about a comprehensive stormwater plan
4 that is tasked to DEP. Local Law 87 is about
5 creating a southeast Queens taskforce, and it's
6 supposed to be holding public hearings. Since the
7 law has passed, we've gotten nothing from DEP about
8 what's happening, whether they're planning on it,
9 whether they're allocating, whether they're studying
10 and providing staffing studies on those laws.

11 CHAIRPERSON GENNARO: Okay. So, here's
12 what we're going to do. You know, when this panel is
13 done, I want you to meet with my legislative director
14 Josh right here. He's going to meet you back there,
15 and we'll-- you know, we got the Borough Commissioner
16 Alfonso [sp?], right, and so get her so you and
17 Alfonso and the witness will all have a conference
18 call and figure out like what's going on. He's a
19 super responsive guy and he is the Queens Borough
20 Commissioner. So, we'll get you set up with him, and
21 then Alfonso will have to like answer to me if things
22 don't like go right.

23 CAROLINE CHEN: Incredible. Thank you
24 very much, Chair.

2 CHAIRPERSON GENNARO: No problem. It
3 pays to show up, you know? And I thank the New York
4 Lawyers for all the good work that you've always
5 done, even though you never give me a hat. Okay.

6 CAROLINE CHEN: Thank you.

7 CHAIRPERSON GENNARO: Please. And now--
8 this is [inaudible] I have your testimony here.

9 SAMUEL ROBINSON: Sure. My name is
10 [inaudible] and I'm the Principle at Field Form, a
11 New York based landscape design and build firm. I
12 want to thank you Chairperson Gennaro and members of
13 the committee for your time today. Field Form
14 strongly supports the City's commitment to expanding
15 flood mitigation solutions. While we support the
16 intent of Intro 1352 to reduce stormwater entering
17 the combined sewer system, we have concerns about how
18 it can be implemented effectively. Many residential
19 sites simply lack the sewer capacity or hydrological
20 conditions to infiltrate roof runoff properly.
21 Without flexibility for complementary strategies such
22 as rain guards and subsurface storage or other
23 engineered systems, compliance could be difficult and
24 might even worsen localized flooding. Understanding
25 local geology along with accurate flood mapping is

2 critical to reducing flood risk and protecting public
3 health. Our analysis of Council District 24, your
4 district Chairperson Gennaro--

5 CHAIRPERSON GENNARO: [interposing] Yes.

6 SAMUEL ROBINSON: found that of roughly
7 18,000 total lots, more than 11,000 have potential
8 for downspout disconnection and on-site infiltration.
9 Yet, roughly 7,000 lots do not have suitable
10 conditions. And even those that do will require
11 sites specific adaptation such as soil amendments,
12 grading and micro mitigation updates. Currently,
13 there's no clear citywide framework to help property
14 owners retrofit existing sites for downspout
15 diversion even when infiltration potential is high.
16 Therefore, we urge the Council and DEP to establish a
17 citywide retrofit pathway will clear design
18 standards, permitting guidance, and funding to make
19 this work feasible and equitable across all
20 neighborhoods. We also recommend refining Intro 1352
21 to include data-driven design flexibility aligned
22 with DEP's investments such as the identification of
23 errors that have already received green
24 infrastructure installations which may be better
25 suited to deal with downspout diversions.

1 Importantly, eligibility should extend to all
2 property citywide that meet infiltration criteria,
3 not just those in front yards. Many properties with
4 rear or side yard areas could also make a significant
5 impact [inaudible]. Field Form stands ready to
6 collaborate with DEP and the Council to ensure that
7 Intro 1352 not only strengthens new design standards,
8 but also delivers a clear actionable retrofit plan
9 for existing buildings an essential step towards
10 reserving Climate Ready New York City. Thank you.

12 CHAIRPERSON GENNARO: Thank you, Mr.
13 Robinson. This is, you know, really good testimony
14 as well. And as we work through what we're going to
15 do on these bills, this is-- you know, what you put
16 forward would, you know-- no one's done anything like
17 this. So, we really appreciate your good testimony.
18 Thanks for being here and being patient and waiting.

19 DAN ZARRILI: Good afternoon, Mr.
20 Chairman. I'm-- my name is Dan Zarrili. I'm a
21 Chief--

22 CHAIRPERSON GENNARO: [interposing]
23 Everybody knows your name. Everybody knows your
24 name.

25 DAN ZARRILI: It's like Cheers in here.

2 CHAIRPERSON GENNARO: Yeah, right.

3 DAN ZARRILI: I'm here to testify on
4 Resolution 82 which is supporting the mission and
5 growth of the climate museum. One, thank you for
6 holding this hearing and for putting forth this
7 resolution today. It's a really important topic. So,
8 much will already have been said today about the
9 climate crisis that's already arrived on our
10 doorstep. I'm proud to say that the work being done
11 here in New York since Hurricane Sandy really is at
12 the cutting edge of climate policy, whether it's
13 Local Law 97, the environmental justice legislation,
14 or all the investments in resiliency happening across
15 the city. However positive all this action is,
16 however, the reality is that we have so much more to
17 do. And one of the answers to this challenge is not
18 just technical in nature, it really requires a
19 cultural change in how we relate to our only planet
20 in its natural, social, and built systems. The
21 Climate Musuem has been a key player introducing
22 culture alongside the policy, technology and finance
23 themes that dominate climate discourse, and if we
24 hope to make more progress here in New York, we need
25 even more stronger on focus on culture to activate

the public. When I served as the City's Chief Climate Policy Advisor, I was proud to work alongside Miranda Massie [sp?] and the Climate Museum and see firsthand the success of groundbreaking public art exhibitions like climate signals which introduced easily digestible climate messages to New Yorkers in familiar public spaces. Similarly at Columbia University, we've been proud to work alongside the Climate Museum as part of our teaching and education mission with the Climate Museum collaborating with us to teach students to oversee student capstone projects and help new students understand these cultural challenges. You know, these are just a few examples of the reach and importance of the Climate Museum and we're at such a critical moment than which the city can continue to expand its work, and the support for an organization to create the conditions for positive change is essential. I wholeheartedly endorse this resolution. I encourage the Council to pass this resolution in order to amplify the good work of the Climate Museum which will continue to help support the City in generating the work that we need to see happen to protect all of New Yorkers.

Thank you.

2 CHAIRPERSON GENNARO: Thank you, Dan, not
3 only for being here today, but you know, all the
4 things you've done over the many, many years to, you
5 know, make this more sustainable city-- more, you
6 resilient city. Because you came on when I created
7 the Office of Resilience and-- or Resiliency as it
8 was called then. And you know, you took control of
9 that, did wonderful things, and it was really-- have
10 a lot of respect for everything that you've doen and
11 are still doing, and you're such a young man still
12 so, so much more to do. And so--

13 DAN ZARRILI: [interposing] Thank you for
14 those kind comments, Mr. Chairman. Thank you for
15 your leadership and supporting all this work. It's
16 been critical. Everything that's happened since
17 Hurricane Sandy really came out, you know, of that
18 experience.

19 CHAIRPERSON GENNARO: Yeah.

20 DAN ZARRILI: And you were at the start
21 of it, so thank you for--

22 CHAIRPERSON GENNARO: [interposing] Yeah,
23 it was a whole thing, but you know, thank you very
24 Dan. I appreciate it. This was a great panel. This
25 was a great panel. And so we're going to call the

2 next panel. Remember, New York Lawyers, you're going
3 to meet with Josh and we're going to work on your
4 problem. Okay? Oh, we have none other than Miranda
5 Massie of the Climate Museum herself here. Now we're
6 talking. Cynthia Rosenzweig, oh my God, Cynthia from
7 the NASA Goddard Institute for Space-- yeah. Is
8 Bruce Areki [sp?] here, too? He's not here.

9 CYNTHIA ROSENZWEIG: As usual, I'm
10 speaking for him as well.

11 CHAIRPERSON GENNARO: Oh, okay. Okay.
12 Well, so good to see you, Cynthia. Mark Chambers
13 from Terreform ONE and Guy-- looks like Geier-- from
14 FX Collaborative. Pocket square and everything, my
15 God, this is like-- this is serious business here,
16 you know. Do we have any testimony? Okay, good.
17 Let me just put this aside, and so this time we'll
18 go-- we went from this way. So this time we'll go
19 from this way to that way, okay? And so, Guy, I
20 guess you're up, right?

21 GUY GEIER: Thank you.

22 CHAIRPERSON GENNARO: Okay.

23 GUY GEIER: Thank you, Chairperson
24 Gennaro. My name is Guy Geier, Senior Partner at FX
25 Collaborative. We're New York City founded and based

architecture firm that has been shaping the city's built environment for more than 40 years. I'd like to thank the sponsors of Resolution 82, yourself, as well as Council Members Hanif, Nurse, Restler and Louis for their leadership and for bringing this important resolution in support of the Climate Museum. I've worked in New York most of my life and like so many of us I care deeply about what makes this city so special, its diversity, its creativity, and its spirit of community. At FX Collaborative, we've had the privilege to design many civic and cultural projects across the City, including the Javits Convention Center and the Statue of Liberty Museum, always with the goal of making New York more vibrant, equitable and sustainable. We are thrilled now to be involved in the design of the Climate Museum's permanent space. I'm here today to urge you to support Resolution 82 and express strong support for the Climate Museum. We believe that the museum will be a genuine community benefit, a place where people can come together to learn, to create and connect, and as a result to learn how climate change is affecting us and as a result, to learn how climate change is affecting us and what we can do about it.

2 The museum will be perfectly located adjacent to
3 seven subway line, the Bell Obshead [sp?] Park and
4 the year of the terminous of the high line, helping
5 to extend the cultural energy that runs along the
6 west side from the Whitney to the shed and to the
7 Javits Center. This project is about creating public
8 spaces that reflect who we are as New Yorkers, open,
9 inclusive and forward-looking. Thank you,
10 Chairperson Gennaro and thank you to all the Council
11 Members and sponsors for your time, your leadership,
12 and your dedication in keeping New York City dynamic
13 and welcoming to everyone.

14 CHAIRPERSON GENNARO: Thank you very
15 much. I appreciate you being here today, and you
16 know, the good work of your firm which now I am--
17 which I'm now familiar with, and so that is also
18 great. So thank you. And Mark, right? Okay.
19 Pleasure.

20 MARK CHAMBERS: Pleasure. Same. Good
21 afternoon, Chairperson Gennaro. Thank you for the
22 opportunity to testify in support, strong support, of
23 Resolution 82 and the Climate Museum. My name is Mark
24 Chambers. I'm a licensed architect. I am the
25 Executive Director of Terreform ONE which is an

2 ecological design and research laboratory here in New
3 York City, but I don't just come here in that
4 capacity. I speak today as someone who has spent a
5 career advancing public policy at the intersection of
6 climate and equity and design, serving alongside Mr.
7 Zarrilli and many others here as Chief Sustainability
8 Officer for Mayor De Blasio and later as Senior
9 Director for building emissions and community
10 resilience in the Biden Whitehouse. Across these
11 roles nationally and here in New York City, I have
12 seen the crisis not only as a technical challenge,
13 but also as a cultural one. Transforming our civic
14 culture, how we talk about, imagine, and participate
15 in climate action is essential if we are to meet our
16 city's commitments and also our obligation to lead
17 others by example, particularly when others in
18 positions of power wont. That's exactly where the
19 Climate Museum has proven to be indispensable. Under
20 the amazing and expert leadership of Miranda Massie,
21 the museum represents and has created public space
22 for art, science, and community converge where
23 climate policy becomes personal and where possibility
24 becomes public. It's exhibitions, youth programs,
25 and free events including on the stage of the Apollo

2 at Climate Speaks which is a lifetime goal of mine,
3 and the free events have engaged tens of thousands of
4 New Yorkers turning abstract data into shared civic
5 experience and inspiring concrete local action. And
6 for those that have spent our lifetime working and
7 implementing climate policy, we know it could be a
8 blunt instrument. Climate Museum wields a precision
9 and an empathy that policy alone cannot. Helping
10 communities to interpret, to challenge, and
11 ultimately to co-author the future that we're all
12 building together. So, I encourage you absolutely to
13 support this resolution, the strength in New
14 Yorker's-- New York's leadership by supporting the
15 Climate Museum is a vital cultural infrastructure
16 component of this city.

17 CHAIRPERSON GENARO: Thank you. Thank
18 you very much, Mr. Chambers. And just you're, you
19 know, resume reads like a screen play of a major
20 motion picture. So, I mean, looking at that on
21 Netflix, and so it's got the whole look, to, you
22 know. Just like, you know, serious guy, you know?
23 Yeah. And so thank you. Thank you. This is-- we're
24 killing it today, everybody. And now, you know, this
25 is like the legend of, you know, Cynthia Rosenzweig

who I've know for a real long time and you know, and
wow. Wouldn't be NASA Goddard without you. And so
Cynthia, hit it.

CYNTHIA ROSENZWEIG: Thank you, Chair
Gennaro. My name is Doctor Cynthia Rosenzweig, and
I'm a climate scientist. From 2008 to 2019 I was co-
chair of the NPCC which was put in-- established in
Local Law 42 of 2012 sponsored by Chair Gennaro. I
was also the founding Chair of the Climate Board of
Trustees beginning in 2018, and I've been actively
involved in the board ever since. I am testifying
today as a private citizen. The City Council --

CHAIRPERSON GENNARO: [interposing] You
can put down this and Goddard here by the way.

CYNTHIA ROSENZWEIG: No, I'm a--

CHAIRPERSON GENNARO: [interposing] Okay.

CYNTHIA ROSENZWEIG: I'm on furlough.

CHAIRPERSON GENNARO: Okay.

CYNTHIA ROSENZWEIG: Is now the City
Council is springing forward Resolution 82. As a
climate scientist, I realized early on that action on
climate change depends not just on people's heads as
important as that is. That's what we scientist focus
on, but also on people's hearts. The kind of museum

with its tri-apartheid focus on arts, community, as well as science is essential for mobilizing hearts, not just heads. I want to highlight three activities of the Climate Museum that are especially close to my heart. One was, ask a Scientist Day at the Climate Signals show where all over the five boroughs, we mobilize the science to talk to everybody across the whole city. The other was-- another one was the poetry slam at the Appollo. It was so fantastic. And the end of fossil fuel pop-up show in SoHo. I lived in SoHo for many years and it was so great that the museum brought something so serious, yet engaging in the midst of the all boutiques and restaurants of SoHo. So, finally, with a tireless momentum provided by the Climate Museum, we've moved away beyond scientists--

CHAIRPERSON GENNARO: [interposing] Please continue because I was talking to you. So, yeah.

CYNTHIA ROSENZWEIG: Thank you. We've moved away behind we scientists ringing the alarm bells about heat waves, heavy downpours, coastal flooding. We are now in the solution phase of climate change, and we will not be able to do that without the climate museum here in New York City so

2 that New York city will continue to be the leader of
3 climate change around the world, of solving climate
4 change, not just here for New York but for the world.
5 Thank you.

6 CHAIRPERSON GENNARO: Here, here. Here,
7 here. And you know, please give my best to Bill
8 Selecki [sp?].

9 CYNTHIA ROSENZWEIG: I certainly will.

10 CHAIRPERSON GENNARO: Yeah, he is really
11 terrific. And now, you know, she's a legend. You're
12 more like legend in the making with that you're doing
13 with the Climate Museum.

14 MIRANDA MASSIE: Very flattering
15 comparison. Thank you.

16 CHAIRPERSON GENNARO: Miranda Massie,
17 please, please. You know? Preach it. Do it.

18 MIRANDA MASSIE: Chair Gennaro, thank you
19 so much for introducing this resolution. I just want
20 to thank the co-sponsors of the reso. Thank you to
21 Counsel. Thanks to Josh Guchette [sp?] and the
22 entire staff team. This is such a proud moment of
23 inflection for us at the Climate Museum, and we're
24 really grateful to you. I want to also say that this
25 is a moment, Dr. Rosenzweig's furlough is one exhibit

where some of the values that most animate the work that we do like freedom of expression and the integrity of the fabric of our communities and progress toward a safe and just future for everyone are under concerted federal attack. And so, proud as we are at the Climate Museum of this moment-- and I'd like to ask the staff team to silently stand and wave hello, because this is on behalf of all of us.

CHAIRPERSON GENNARO: Hello.

MIRANDA MASSIE: Proud as we are as an organizations of what this moment of inflection that you created means for us, we're even prouder to live in a city where elected officials stand up for those values. So, thank you for that,

CHAIRPERSON GENNARO: It's my pleasure just to be able to, you know, run my support, you know, make noise, try to figure out how we get this done. That's why I love my job as much as I hate it sometimes. And so it's days like today that I'm glad I do all the, you know, the dancing bear political stuff and then I have to do just--

MIRANDA MASSIE: [interposing] Well, we want to clear your love quotient high. Sorry to--

2 CHAIRPERSON GENNARO: [interposing] What's
3 that.

4 MIRANDA MASSIE: We want to keep your
5 love quotient high.

6 CHAIRPERSON GENNARO: Yeah, I just-- it's
7 just a great committee to chair and all the things
8 we've been able to be involved in, all the partners
9 that we've had, you know, when we got-- and that was--
10 - we did the-- that Local Law 42. That was six weeks
11 before Sandy. That was six weeks before Sandy,
12 because Cynthia and I were like hey, what if we get
13 some like real big thing and we don't have--
14 everyone's going to be running around like a chicken
15 with their head cut off, and everyone's going to have
16 like their own like little thing. Like, we have to
17 figure out-- you know, we have something like this
18 happen. We have to have it organized, financed, you
19 know, systematized or whatever so that when it
20 happens we just like press the button. Plus also, we
21 have to do-- what we need to do to get ahead of it,
22 you know. So, the law passed six weeks before Sandy,
23 because things weren't all crystalized yet, everyone
24 ran around like with their head cut of anyway, but
25 you know. It was-- yeah, and that's my biggest fear

1 is like storm surge. That's like-- yes, you know,
2 climate change, of course, but in terms of what can
3 do something just like that, you know, is storm
4 surge. But you know, [inaudible] really great to
5 have partners like this panel and everyone here
6 today. And so let's make this happen. Let's get
7 this done. We're not taking-- you know, we're not
8 taking now for an answer. And like, the new Mayor
9 whoever it is just has to get on board or like answer
10 to us, you know? And Lincoln who's not here now.
11 So, thank you so much. It's really a privilege to be
12 able to advocate for the Climate Museum.
13

14 MIRANDA MASSIE: Thank you very much.

15 CHAIRPERSON GENNARO: You bet. Another
16 stellar panel, my God. These other-- okay. Next--
17 what are this? This is done? This is done? Okay,
18 yeah. Okay, this panel you got-- okay alright. So,
19 this panel here, pretty big shoes to fill. Okay.
20 looks like Vicki Cerullo, New York Climate Exchange.
21 Looks like Sari-- last name I'm having trouble. Okay.
22 Good friend, okay. There you go. With the Climate
23 Museum. Sonali McDermid, NYU. We got some-- we got
24 it. Drew Knotts with the Climate Museum and also
25 looks like Hiltzik Strategies. Right, okay. So,

according to my thing, so now we're going this way to this way now. So, it-- oh and I have some testimony here. Hang on to this. And so, yes, yes, look forward to your good testimony. Please state your name for the record and proceed.

: Sure. Thank you so much, Chair Gennaro for holding this hearing, for--

CHAIRPERSON GENNARO: [interposing] Yeah, got to be a little closer.

VICKI CERULLO: introducing this important Resolution 82 supporting the mission and growth of the Climate Museum. I'm Vicki Cerullo, Director of Urban Engagement at the New York Climate Exchange. We're a nonprofit organization on Governor's Island focused on accelerating equitable climate solutions with a consortium of 48 partners including the Climate Museum. We at the Exchange know that climate solutions can only be unlocked at speed and scale if they are multidisciplinary. The arts are key to that equation. Art sparks conversation, evokes emotion, and most importantly, research shows that it leads to action. That is exactly what the Climate Museum does. I've supported the Climate Museum since its early days in other roles at the Mayor's Office of

2 Climate and Environmental Justice, as a board member
3 of the Jamaica Bay Rockaway Parks Conservancy and can
4 attest to the museum's importance, engagement and
5 mission delivery. When I worked at City Hall just
6 about two years ago, we collaborated with Miranda and
7 her amazing team on a public art installation right
8 in the rotunda at City Hall. This installation
9 greeted international visitors during the United
10 Nations General Assembly, showcasing the leadership
11 of New York City on climate, and leading to
12 constructive conversations between local leaders from
13 across the globe and administration staff and even
14 Council Members. More recently, this year, the New
15 York Climate exchange collaborated with the Climate
16 Museum on a free concert, leveraging the power of
17 music to bring attention to ocean conservation and
18 care, a climate issue that greatly impacts us as a
19 coastal city of islands. Art meets people where they
20 are, and in this case, if we had simply held just
21 another panel discussion about the topic, we
22 definitely would not have had the same engagement and
23 impact as we did the MET Opera Orchestra led by a
24 native Hawaiian musician at the Pearlman Performing
25 Arts Center who noted that this was their most-

attended lobby stage concert to date. This event in partnership with [inaudible] project but to increase commitment from attendees care for the ocean, volunteer their time with all their 33 community partners. And just to say at this time when actionable engagement around climate is more important than ever, the mission and growth of the Climate Museum is critical. So, thank you so much.

CHAIRPERSON GENNARO: Thank you. Tell me a little bit about the New York Climate Exchange. So, just a little bit about that.

VICKI CERULLO: Yeah.

CHAIRPERSON GENNARO: I need to know more about the Climate Exchange.

VICKI CERULLO: Yeah, sure.

CHAIRPERSON GENNARO: Like what do we need to know?

VICKI CERULLO: So, we're thankful for the City's support of the Climate Exchange. We're building a climate campus on Governor's Island.

CHAIRPERSON GENNARO: Oh, it's a whole--

VICKI CERULLO: Breaking ground next year.

2 CHAIRPERSON GENNARO: So you're part of
3 the whole hoopla there with Stoney Brook and all
4 that, right?

5 VICKI CERULLO: Yes, yes. 40 partners,
6 but we're starting programming now with an expected
7 opening in 2029.

8 CHAIRPERSON GENNARO: Okay, but you're
9 part of the whole thing, right? The--

10 VICKI CERULLO: [interposing] I'm part of
11 the whole thing.

12 CHAIRPERSON GENNARO: Yeah, it's like--

13 VICKI CERULLO: [interposing] We want you
14 to be a part of the whole thing, too. So, we'd love
15 to work with you.

16 CHAIRPERSON GENNARO: Yeah, I went to
17 Stoney Brook for undergrad and grad, you know, and
18 so, yeah, and I was like hitting for them like behind
19 the scenes that they might, you know-- I'm not
20 powerful enough to put my thumb on the scale, but you
21 know, if I were I would have.

22 VICKI CERULLO: Stoney Brook has a new
23 president, our board chair, so we're excited about--

24 CHAIRPERSON GENNARO: [interposing] What's
25 that, sorry?

2 VICKI CERULLO: Andrea Goldsmith is
3 Stoney Brook's new President who's also our board
4 chair.

5 CHAIRPERSON GENNARO: Who's the new
6 President?

7 VICKI CERULLO: Andrea Goldsmith, Stoney
8 Brook.

9 CHAIRPERSON GENNARO: Oh, the new-- the
10 new President of Stoney Brook.

11 VICKI CERULLO: That's right.

12 CHAIRPERSON GENNARO: Is on your board.

13 VICKI CERULLO: Yes. But as Stoney Brook
14 alum, excited--

15 CHAIRPERSON GENNARO: [interposing] Yeah,
16 you think they'd invite me to something, you know
17 what I mean?

18 VICKI CERULLO: Well, you're invited to
19 all our events.

20 CHAIRPERSON GENNARO: Yeah, I'll have a
21 talk with Stoney Brook about this, yeah.

22 VICKI CERULLO: Fair enough.

23 CHAIRPERSON GENNARO: Thank you very
24 much, Vicki.

25 VICKI CERULLO: Thank you so much.

2 CHAIRPERSON GENNARO: Okay.

3 SARI GOODFRIEND: Good afternoon Chair
4 Gennaro and members of the Committee. Thank you so
5 much for your time today and your past support of the
6 Climate Museum. My name is Sari Goodfriend and I'm a
7 proud New Yorker, born and raised. As the Climate
8 Museum's primary photographer, I've had the joy and
9 privilege over the last eight years of covering
10 around 70 of their hundreds of events and workshops
11 and concerts as we've heard. Every New Yorker
12 remembers the day the sky turned orange, June 7th,
13 2023. We all shared a sense of hopelessness and
14 anxiety. Paradoxically, that same feeling is
15 collective vulnerability.

16 CHAIRPERSON GENNARO: Oh, the fires.

17 SARI GOODFRIEND: Yeah. From Canada.
18 Paradoxically, that same feeling, collective
19 vulnerability is something I often experience at the
20 Climate Museum. Thankfully, though, the Museum
21 provides an opportunity for discussion and action
22 which illicit hope. As visitors move through its
23 beautifully constructed exhibitions, learning about
24 the vast challenges we faced as a planet, they don't
25 stay silent. Strangers speak to each other and bond

over shared outrage. But amid the horror of human impact, there's also this sense of hope that I mentioned. Information presented clearly and aesthetically is grounding. The museum helps us confront a very existential question, where do we fit in and what can we do to ensure a safe future for our planet and humanity as a whole. At a time when misinformation is rampant, the Climate Musuem is a leader in its ability to translate urgent research into experiences everyone can understand. A unique part of the museum is that staff are always present to discuss the exhibits with visitors and people of all ages engage deeply. I've witnessed children pointing things out to their parents, teenagers debating their future, and I've seen the same people return again and again because it's such a welcoming space that helps lift spirits. I've seen tourists from places like Colorado-- do you mind if I finish.

CHAIRPERSON GENNARO: I'll let you finish your thought.

SARI GOODFRIEND: Thank you. Thank you. I've seen tourists from places like Colorado come to New York specifically to look at the Climate Museum and are relieved that we are concerned, not only

aware of climate change, but taking action. We have a responsibility and an opportunity to expand that leadership. Even if just two or 10 people from Florida, Shanghai or Mexico City come here and then go back to their communities to engage and activate, it makes a difference. Just to conclude, when we realize we're not alone--

CHAIRPERSON GENNARO: [interposing]
Please. You know, I got to-- you know.

SARI GOODFRIEND: Okay thank you. The Climate Museum builds that bond and that community, proving that while individual action matters, collective action changes everything. Thank you.

CHAIRPERSON GENNARO: Amen. Amen. Thank you so much. Okay. Next witness.

SONALI MCDERMID: Yeah, thank you, Chair Gennaro and Committee Members for your support of the Climate Museum. I'm Sonali Shukla McDermid. I'm a Climate Scientist, Associate Professor, and Chair of the NYU Environmental Studies Department.

CHAIRPERSON GENNARO: What's your name again, sorry?

SONALI MCDERMID: Sonali Shukla McDermid.

2 CHAIRPERSON GENNARO: Okay, okay. Got
3 it. Got it.

4 SONALI MCDERMID: Yeah.

5 CHAIRPERSON GENNARO: Oh, here's your--
6 got it.

7 SONALI MCDERMID: I'm there, yeah. I'm
8 there. So, I'm a Climate Scientist. I work to
9 understand the drivers of climate change, its impacts
10 particularly on agriculture and food security, but as
11 a professor, one of my core goals is training the
12 next generation of scientists and researchers and
13 members of the public to think critically and take
14 action on climate change. I'm also here to ask you
15 to continue your great support of the Climate Museum
16 in this resolution. My first experience with the
17 Climate Musuem was in 2019 on a panel about how
18 climate change would impact our local communities and
19 what we could do about it. My first impression of
20 the Climate Museum was that this place was going to
21 become extremely important. This is a place that
22 cared about getting the science right, right? And
23 not only representing it well, but representing it in
24 a way that was motivating to the public in a way that
25 the science itself maybe could not be. I see the

Climate Museum as a transformative institution that could close the critical gap between how we produce the knowledge and how it's acted upon by the public. After this experience I have sought out engagement with the Climate Museum. I serve on their Scientific Advisory Panel and I've worked with their tireless staff to conduct workshops for grade school students to incorporate rigorous climate science into creative expressions of climate action and justice. These workshops are critical because they give our children, our local children the tools, knowledge, and experience they need to be well informed citizens. More generally, the Climate Museum through their programming empowers people both here in New York City and visitors from elsewhere to see their agency and maybe even their responsibility in tackling the climate crisis. More recently, I've asked the Climate Museum for their help to conceptualize-- if I may just finish the thought-- conceptualizing the exhibit that raises awareness of how recent migrants to New York City may be experiencing climate change. And I say this because it's not just that I'm giving advice to the Climate Museum. It's that the Climate Museum can actually

inform the work at our higher-- our institutions of higher education in New York. And so the Climate Museum is not just a place to learn about climate change. It's a place to gather our community and galvanize our community toward action and create the city and the world we want to live in. So, thank you for your support and I hope you'll continue it.

CHAIRPERSON GENNARO: Thank you. Thank you, Professor. It's a privilege to have you here and thank you for all your great work at NYU and at the Climate Museum. Yes, and okay, you're right here. Drew Knotts, right?

DREW KNOTTS: Yes, yes.

CHAIRPERSON GENNARO: Okay.

DREW KNOTTS: Hi, good afternoon, Chair and members of the committee. Thank you for the opportunity to testify today and for your ongoing support. My name is Drew Knotts and I'm a former volunteer and social media intern with the Climate Museum. I'm here today to urge you to pass the resolution supporting the Climate Museum's mission and expansion. I was born in 2002 and I've grown up witnessing enormous social, political, and environmental change. My generation has seen the

country unravel in many ways during the most formative years of our lives, even as we're told that this is the best it's ever been. Meanwhile, our planet is deteriorating, and the future we were promised is increasingly uncertain. According to a survey published in the Lancet Planetary Health, 85 percent of Gen Z across the U.S. are worried about the climate crisis, and nearly two-thirds agree with the statement humanity is doomed. The concerns aren't youthful hysteria. They're real fears of a generation inheriting a world in crisis. The Climate Museum does more than educate people about the climate emergency. It restores hope. During my time as a volunteer, I watch visitors wander in off the streets of SoHo often not expecting to be changed by their visits. I watch families sit together at the drawing station and children and adults be taken over while drawing their favorite parts of the planet. I listen to visitors describe the relief of a space where they realized they weren't alone in caring. I even watch audiences laugh at a night of climate comedy finding joy and community amid the mental chaos conversations about climate often bring. For me, the museum is deeply transformative. I discovered

it at a time in my life where I was an undergrad student rethinking my plans for law school and a political career due to extreme burnout. What I expected to be another college volunteer role became one of the most meaningful experiences of my life. I learned that art, story-telling, and culture could be tools for justice and that my own strengths could serve a purpose greater than myself. The Climate Musuem taught me how to turn my anxiety about the future into action, creativity and hope. New York City has always been a hub for cultural and political revolution, a place that challenges what's possible. The Climate Musuem continues that legacy. It embodies the spirit of the city, art meeting activism, education meeting empathy and grit meeting hope. At a time when cultural institutions like the Climate Museum face unjust political attacks and our country feels increasingly unfamiliar, we must choose to invest in spaces that bring people together to act for the common good. Today, I'm asking you to stand with us to support the Climate Musuem and help it continue its vital work. I am asking you quite simply to continue to have hope. Thank you.

2 CHAIRPERSON GENNARO: Thank you. I have
3 to comment on your remarks which were wonderful, your
4 testimony. You know, when I-- I speak to a lot of
5 groups, and you know, I speak to young people. I
6 used to teach at Queens College, and you know, I was
7 working with the Council, but I also taught. And
8 just like this culture of fear and what you said
9 about, you know, turning anxiety into action and
10 hope. You think I'm not listening up here. I'm
11 listening. I think that's a critical message. We're
12 having, you know, kids growing up in fear and I don't
13 like it. And so, for me, who am I, but it's about--
14 it's about challenge. It's not about dread. You
15 know, it's not about all is lost. And you know, fear
16 is a poison. You know, being concerned about
17 something, having something get your attention and,
18 you know, being outraged, that's great. That's like
19 energetic. You know, just like-- some young people
20 are paralyzed with fear about, you know, like what's
21 my life going to be like? And am I even going to
22 bring kids into this world or whatever. Stop, stop,
23 stop. You know, it's just-- you know, it's your
24 message. And so this is like the perfect message,
25 you know, turning anxiety into action and into hope

and into results, and the world has taken on a lot of things in the last I don't know how many thousand years. The hell do I know? But you know, we can-- I really believe we can do this, and if I didn't believe it, then that's just-- I wouldn't be sitting here right now. And so I think this-- I don't like kids being scared. I had stuff going on when I was young that made me scared, you know, and I remember that.

DREW KNOTTS: Yeah.

CHAIRPERSON GENNARO: Like it was, you know--

DREW KNOTTS: [interposing] Fear is not a plan.

CHAIRPERSON GENNARO: I don't know how personal I want to get here, but it's just totally different. But you know, my mother and father got divorced and my mother married somebody abusive. You know, I was just a kid. What was I going to do? I was afraid, you know, for her, you know? And you know, I hated that fear, you know, and then all my-- and my siblings were afraid and they're like don't tell dad, you know. My father was a World War II veteran, and I knew that if I told him that, this

guy's going away, you know? And that's exactly what happened. And so he knew what was going on, and you know, he stepped in, you know, made it known that this whole situation had to change, and somebody had to leave the picture. And he made that happen. So, at any time I see kids scared about anything, it just takes me back when I was like a scared kid. So, good for you.

DREW KNOTTS: Thank you.

CHAIRPERSON GENNARO: And your message.

DREW KNOTTS: Thank you.

CHAIRPERSON GENNARO: Really a great message. Good for you. Good for you. Good for you.

DREW KNOTTS: Thank you.

CHAIRPERSON GENNARO: So, I guess that's all on the record now.

DREW KNOTTS: Yeah.

CHAIRPERSON GENNARO: And my sibling said like-- they're like, don't tell dad. I'm like, what do you mean don't tell dad? He's a World War II vet. This-- you know. This problem goes away, you know, when he gets involved and whatever. Didn't have do anything, but he just made it known that the guy had 30 days--

2 DREW KNOTTS: Yeah.

3 CHAIRPERSON GENNARO: to go away unless
4 he did something in those 30 days, in which case this
5 guy is gone immediately, you know? And so-- and
6 there you go. Some things that-- yeah, that was
7 wild. That was wild. It's amazing how it's so, you
8 know-- it just-- yeah. Some stuff you don't forget.
9 But anyway, great panel again. Oh my God. We're
10 just like boom, boom, boom. This is like-- yeah. I
11 definitely have to get this committee in the next
12 term. Definitely got to do that. I got to figure
13 that out. So thank you all very much. Great. We
14 got more. We got more. We got-- I can't make out
15 the first name, last name Reid, who is a student, and
16 David Bergman from Parsons. Your last name is Reid,
17 is that right? What's your first name? What's that.
18 Oh.

19 IDEA REID: Idea.

20 CHAIRPERSON GENNARO: Oh, yeah.

21 IDEA REID: Looks like idea.

22 CHAIRPERSON GENNARO: Yeah, looks like
23 idea, but I figured it was something other than that,
24 you know. There you go. And David Bergman. And so--
25 - what's your first name again?

2 IDEA REID: Idea.

3 CHAIRPERSON GENNARO: Idea Reid.

4 IDEA REID: Yes.

5 CHAIRPERSON GENNARO: You're first.

6 IDEA REID: Okay. Greetings Chair and
7 members of the committee. Thank you for the
8 opportunity to testify today.

9 CHAIRPERSON GENNARO: Yeah, a little
10 louder, a little louder.

11 IDEA REID: My name is Idea Reid. I am a
12 former intern with the Climate Museum, and I'm
13 currently a freelance dancer and assistant teacher at
14 the Toddler Center at Barnard College. My
15 relationship with the museum began in high school
16 when I was 16, and here's where I was coming from. I
17 went to a public performing arts school in Hell's
18 Kitchen. The pandemic had just hit and that meant I
19 wasn't able to do much of what I loved day-to-day.
20 The catalyst for applying for the Climate Museum
21 internship was after the Black Lives Matter movement
22 of 2020 where I first learned what the term
23 environmental racism meant, and that that term hit
24 closer to home than I thought in my Staten Island
25 neighborhood. I applied, liking what I saw on the

website about the arts and activism coming together and that was my way in. At the time, I had no idea the impact that the museum would have on me. As a high school intern with the museum, I had the opportunity to learn about climate advocacy and climate arts and that was over Zoom. Over time, learning turned to practice. I wrote a research paper on environmental racism on the north shore of Staten Island. I spoke at panels and climate policy rallies. I made a dance film about climate change, and as a college intern with the youth programming team, I helped program events that passed along the joy and purpose that the museum gave to me to other young people. Those years of 2020 to 2023 were formative for me and action-filled. The world was seemingly at its most hopeless during COVID, yet I don't think I've ever felt as unafraid and bold as I did then. And it's not that I didn't feel afraid or overwhelmed at times with something as big as the climate crisis, it's that the museum brought those feelings to the forefront and then gave me the tools to turn all that passion and artistry into action. And this is why the Climate Museum is so important. It urges us to feel and use those feelings and turn

2 them into fuel. It's an antidote to the disconnected
3 times that we live in, and it connects us to the
4 climate crisis, to ourselves, to our humanness which
5 is what all great art does. Thank you.

6 CHAIRPERSON GENNARO: Thank you. Thank
7 you. Well put. Well put. And David, you're up.
8 You're up. Thank you for your patience.

9 DAVID BERGMAN: Thank you.

10 CHAIRPERSON GENNARO: Yeah.

11 DAVID BERGMAN: Chairman Gennaro for the
12 opportunity to express my support--

13 CHAIRPERSON GENNARO: [interposing] No,
14 it's a pleasure. I'm just, you know-- I'm just
15 annoyed that you have so much hair and I don't, and
16 so I hate you.

17 DAVID BERGMAN: I'll see what I can do
18 balance that out.

19 CHAIRPERSON GENNARO: Yeah, I hate you.
20 Hopefully I'll learn to love you. At first glance,
21 though, I hate you.

22 DAVID BERGMAN: See what I can do about
23 that. My name is David Bergman. I'm an architect and
24 author and professor. I direct a Master's Degree
25 program in Sustainable Design and a lifelong New York

City resident, and I've been involved for most of that time, many decades, in advancing sustainability in the city and beyond. For climate issues to get the attention and buy-in needed which is an ongoing problem, it's essential to reach as many people as possible in as many ways as possible. And the Climate Museum presents a unique resource in that respect, because art and especially interactive work such as many the museum has are a way to educate and involve people who might not otherwise be exposed to or open to the issues. Art is a visceral means of communication unlike books and articles and talks and has the ability-- and this is something I tell my design students often-- that they have a power and ability to reach a different audience from the usual. And I teach sustainable design at two colleges. In the time that the museum has existed, I've been able to take numerous groups of student to see what artists, both local artists and non-local artists, are doing as well as help them see what they as students and residents can be doing in the environmental action. Their experience is inevitably positive, and more importantly, it's positive in a way that not only educates but involves and helps

show them what the future can be. The museum's work and exhibits are not directed to the typical art going audience, but to a wider public including especially younger residents in the city showing through art--

CHAIRPERSON GENNARO: [interposing] Please continue because you're the last in-person witness, so you get the last in-person witness bonus.

DAVID BERGMAN: Thank you, sir. So, the work of the museum gets to show through art the environmental issues in a different way, a way that perhaps is more relatable especially to younger people. And I don't know of another resource like it. So, thank you for your support, your support of the museum.

CHAIRPERSON GENNARO: Thank you, and thank you for all-- you know, for you know-- bringing art into it. It's the ultimate expression. People learn. They go to school. Information comes in, comes in, comes in, comes in, and you know, so this is-- so your being is full of all this knowledge. But you know, some people think that, you know, education is all about, you know, input. But

then people synthesize everything that's in them and then they put it out there in the form of art.

DAVID BERGMAN: Right.

CHAIRPERSON GENNARO: I mean, you know. It could be a written piece. It could be a poem. It could be a painting, and so if we're filling up people with information but not giving them the ability to crystalize that into something that comes from them and then goes out, you know, that to me from-- you know, I'm not really artist, but that's-- you know this is my art, whatever.

DAVID BERGMAN: Absolutely.

CHAIRPERSON GENNARO: And you know, people have to have the opportunity to express and if they don't have that, you know-- if you're not cultivated, you know, to engage in art--

DAVID BERGMAN: [interposing] Yeah, it's not just the expression, though. It's the--

CHAIRPERSON GENNARO: [interposing] What's that?

DAVID BERGMAN: It's not just the ability to express it, it's a different way for people to absorb the information other than words and graphs

and charts. It does-- I said it's more visceral.
It's more emotional.

CHAIRPERSON GENNARO: Sure, sure. And
because information is what it is. It's kind of dry,
but then, you know, people mix that with other parts
of their being and they create something and it comes
forward, and it, you know, enriches them, because
like they made this thing and then touches people in
a way that, you know, academic information, you know,
doesn't.

DAVID BERGMAN: Yeah.

CHAIRPERSON GENNARO: And so yeah. I may
not know a lot, but I know that, you know?

DAVID BERGMAN: No, I'm in awe of the
artists who do that.

CHAIRPERSON GENNARO: And also on behalf
of everyone here, you know, regarding the Climate
Museum, I got a museum story for you, very short. I
was an undergrad at Stoney Brook studying Geology and
there was someone on the faculty, Steve Englebright
[sp?]- people may know that name. He used to be the
Chair of the Environmental Conservation Committee in
the State Assembly for many years until he was, you
know, pretty recently defeated and went back to the

1 Suffolk County Legislature where he began his
2 political career. But he was a faculty member--
3 well, he was a lecturer in the geology department and
4 he was also the curator of the mineral collection.
5 Every geology department has a mineral collection. He
6 said why don't we make it like a natural science
7 collection, and they're like we don't care what you
8 do just as long as you do what you have to with the
9 mineral collection. And so he got-- you know, he got
10 grants from like the Natural Heritage Trust and he
11 developed this whole like natural sciences
12 collection, and then he says well, we should put this
13 like in a museum in the Department of Earth and Space
14 Sciences which is where the geology school was, and
15 you know, the university did not like the idea. It
16 just like-- we're going to have a bunch of school
17 buses with kids coming in and just like-- like, we're
18 a university. We don't do that. And so I was his
19 like helper and like intern at the time, and I did
20 independent study with him, and he commandeered a
21 couple of lab rooms, just commandeered them, and we
22 just created a museum. You know, it was called like
23 the Museum of Long Island Natural Sciences with like
24 dioramas and the whole thing and you had to bring
25

certain people to do that, and you had to get grant money to do this. You know, like the university was just like we got better things to do than worry about what Steve Englebreit is doing, and everybody like laughed at him that he wanted to create this like museum. And two years later, then Governor Kerry [sp?]- no one knows who Governor Kerry is, but once upon a time he was Governor. He came down to cut the ribbon on the museum and no one was laughing anymore. And within a couple of years the amount of school kids that went through that museum was more than the entire undergraduate and graduate student body. And so, you know-- and I got my start in this business by going to a museum exhibit that really touched me. And so had I not gone like on that day, I may not be doing what I'm doing now. And so-- you know, so it was-- and to work with Steve when everybody was laughing at him and stuff like that. It was me and him and these other people, these artisans, because we couldn't make dioramas and stuff like that. they got to be like good, you know? I could build something in a shoebox, but I don't think anybody wants to look at it, you know? So, it was a wonderful experience working with him, and then, you

1 know, then he went onto the-- what do you call, the--
2 to the County Legislature, then to the State
3 Assembly. He chaired the Encon [sic] Committee for a
4 long time, did a lot of cool stuff, and he's still--
5 you know, he's pushing 80 now, but I remember when he
6 was in his 20s, but I was in my teens. That was a
7 long time ago. So, there you have it. More personal
8 stories from the old man. And so-- what's that? Oh,
9 okay. We got two people online, so I'm kind of
10 obliged to sort of like keep the hearing going. So,
11 but really enjoyed this panel. And so even though
12 you were only two on this panel, I'd put you up
13 against any other panel we had today, and so there
14 you go. Alright, so now I'm being-- really
15 appreciate you being here. Congratulations on the
16 hair. Okay, we're now-- okay. So, we'll now turn to
17 remote testimony. Once your name is called, a member
18 of our staff will unmute you and the Sergeant at Arms
19 will give you the go-ahead to begin. Please wait for
20 the Sergeant to announce you-- to announce that you
21 may begin before delivering your testimony. Okay.
22 So, that's all I say for now, right? Okay. And then
23 first witness-- are we doing both of them together?

No. Okay. First witness is Michelle Luebke from the SWIM Coalition, a group very familiar to me.

MICHELLE LUEBKE: Yeah, sorry we don't have any swag to give you.

CHAIRPERSON GENNARO: That's okay.

SERGEANT AT ARMS: You may begin.

MICHELLE LUEBKE: Thank you, Chair Gennaro and the committee for your work on stormwater resiliency in a changing climate and for the opportunity to deliver public testimony. Sorry, I have to go fast, because I've got a lot. On behalf of more than 70 member organizations, the SWIM Coalition has long advocated for more sustainable, resilient stormwater management as effects from climate change challenge and often overwhelm our current sewer systems. While we are generally supportive of the intent of introduced legislation today, we have specific recommendations that we hope will enhance the goals of each bill. First, we along with the Rise to Resilience Coalition strongly urge this committee to introduce a resolution to call on the New York State Legislature to pass the Rain Ready New York Act which would correctly define stormwater as a pollutant and grant power to water utilities to

2 address local flooding and protect water quality.

3 Although it was co-sponsored by 54 State Senators and

4 Assemblymembers and passed in the State Senate, it

5 has not passed in the State Assembly. This will

6 strengthen the proposed legislation in this hearing.

7 the SWIM Coalition would like to provide support for

8 the passage of Intro 1327 which we had supported with

9 suggested changes in June that we hope will

10 streamline the SWPP permitting process. In terms of

11 Intro 403, we support a tiered inspection program for

12 catch basins, particularly those in flood prone MS4

13 areas since these drain directly to water bodies.

14 And we uplift WEACTION's forthcoming comments that the

15 City Council allocate additional resources to assess

16 where insufficient care for catch basins is

17 contributing to flood events, identify sufficient

18 funding for maintenance and include community-driven

19 programs like Adopt a Catch Basin in the final plan.

20 In terms of Intro 1352, like Riverkeeper, while we

21 are generally supportive of the intent of this bill,

22 we have serious concerns particularly about directing

23 downspouts towards the street and thus storm drains,

24 potentially causing more CSOs or localized flooding.

25 Intro 1395, the SWIM Coalition would gladly work with

2 Council Member Brooks-Powers to find an alternative
3 GI technology for high water table areas that can
4 work without infiltration.

5 CHAIRPERSON GENNARO: Please continue.

6 MICHELLE LUEBKE: Thank you.

7 CHAIRPERSON GENNARO: Please continue.

8 MICHELLE LUEBKE: For 1397, given the
9 testimony and remarks from both DEP and DOB today, we
10 support the proposed study, funding for the study,
11 and a replacement bill that more appropriately fits
12 the realities of New York City. Thank you for the
13 opportunity to provide this testimony and for your
14 leadership in addressing problems related to flowing,
15 climate change and water pollution. We thank the
16 Council for introducing all of these legislation and
17 the SWIM Coalition along with our partners at
18 Riverkeeper are happy to work with Council or any of
19 the other Council Members on any of our concerns and
20 recommendations to ensure these bills achieve their
21 goals. Thank you.

22 CHAIRPERSON GENNARO: Thank you very
23 much, Michelle. Certainly appreciate you and all of
24 the-- everybody that's part of the SWIM Coalition.
25 You know, you've been great partners on our, you

2 know, environmental journey, our journey towards
3 sustainability, resiliency and you know, really
4 appreciate everything that you do. So, and thank you
5 for your patience and waiting around to give us the
6 benefit of your good views, and no--

7 MICHELLE LUEBKE: [interposing] Yeah, I
8 heard a lot of stories today.

9 CHAIRPERSON GENNARO: Yeah, I was just
10 like, I don't know, just an emotional day. What can
11 I tell you? You know.

12 MICHELLE LUEBKE: Thank you for your
13 leadership on this. We appreciate it.

14 CHAIRPERSON GENNARO: Thank you so much.
15 Thank you so much. And next witness is Joe Charap
16 from Greenwood Cemetery.

17 SERGEANT AT ARMS: You may begin.

18 JOE CHARAP: Good afternoon, Chair
19 Gennaro and members of the committee. My name is Joe
20 Charap and I'm Vice President of Horticulture at the
21 Greenwood Cemetery, a natural historic landmark in a
22 478-acre greenspace in Brooklyn. Storms since
23 Hurricane Ida have shown how quickly New York City's
24 sewer system is overwhelmed. When that happens,
25 untreated wastewater and polluted runoff enter our

waterways and streets, and the most vulnerable communities are hit the hardest. At Greenwood, we are working to be part of the solution. With support from the state's Green Innovation Grant program and New York City DEP's Resilient NYC Partners Program, we built a system that now manages 51 million gallons of stormwater every year, with the detention basins, bioswells, permeable pavers, and smart controls that also cut our potable water use by eight million gallons annually. This summer, we were awarded \$1.81 million through the New York State Environmental Facilities Corporation to expand our permeable pavement installations. Thanks to this investment and in partnership with our great colleagues at the DEP, we'll further reduce runoff into the Owl's Head Sewer Shed and improve water quality in upper New York Bay. The climate crisis is happening now. Private institutions like Greenwood must join city and state government in making bold changes. What happens in our 478 acres affects not just us, but the tens of thousands of Brooklynites around us. I'd like to invite members of this committee to visit Greenwood and see these forward-looking stormwater projects firsthand. Thank you.

2 CHAIRPERSON GENNARO: Joe, thank you, and
3 I'm always amazed by, you know, how much Greenwood
4 does and how much of, you know, great environmental
5 partner your facility is, if there were only, you
6 know, more organizations like yours that would, you
7 know, try to do everything-- to make a positive
8 difference like you do. I mean, I love going there. I
9 love walking around. I have no intention of moving
10 in anytime soon, but you know, really appreciate you
11 being here today and giving us the benefit of your
12 views. You know, Greenwood is always welcome here
13 and we're always happy to partner with you. And thank
14 you so much for, you know, waiting so long to give us
15 the benefit of your good views, and I really
16 appreciate everything that Greenwood does to make New
17 York City better. God bless.

18 JOE CHARAP: My thanks to you, Chair, for
19 continuing to bring up this subject, and we hope that
20 more private institutions heed your call to
21 contribute.

22 CHAIRPERSON GENNARO: Yeah, they better.
23 They better. And so, thank you, Joe. Appreciate
24 that. Appreciate, appreciate you being here. Here
25 we go. Now I have to read this. If we

inadvertently-- no, if they inadvertently missed anyone who registered to testify today and has yet to be called, please use the Zoom raise hand function, I guess period. Oh, raise hand function if you are testifying remotely and you'll be called in the order that your hand has been raised. If you are testifying in person, please come to the dais. Okay. Seeing no one-- is that how you write no one? Oh, no, seeing none. Seeing none, okay. Alright. Seeing none, I will now close the hearing. I'm having such fun, though. I'll now close the hearing. Thank you to the members of the administration, the members of the public for joining us today. This hearing is adjourned. Imagine that.

[gavel]

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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 November 24, 2025