

COMMITTEE ON ENVIRONMENTAL PROTECTION, RESILIENCY
AND WATERFRONTS

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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 28, 2024
Start: 1:26 p.m.
Recess: 5:15 p.m.

HELD AT: COMMITTEE ROOM - CITY HALL

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

COUNCIL MEMBERS:

Alexa Avilés
Justin L. Brannan
Robert F. Holden
Kristy Marmorato
Lincoln Restler
Susan Zhuang

OTHER COUNCIL MEMBERS ATTENDING:

Keith Powers
Nantasha M. Williams

A P P E A R A N C E S

Rohit Aggarwala - Commissioner of New York City
Department of Environmental Protection

David Warne, Assistant Commissioner Bureau of
Water Supply at New York City Department of
Environmental Protection

Shilo Williams, Bureau of Water Supply at New
York City Department of Environmental Protection

Jordan Page, Environmental Budget and Project
Analysts for New York City Independent Budget
Office

Brian Cain, Assistant Director of Housing,
Environment and Infrastructure for New York City
Independent Budget Office

Victoria Leung, Riverkeeper

William Scarborough, President of the Addisleigh
Park Civic Association and President of
Southeast Queens Environmental Justice Coalition

Eric Goldstein, Natural Resources Defense
Council

Nikki Cross, Staff Attorney with New York Lawyers
for the Public Interest

Maite Duquela, Climate Policy Fellow at
Waterfront Alliance

George Jordan

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

Jane Selden, Chair of 350 NYC's Waste Reduction
Committee

Christopher Leon Johnson, self

Alia Soomro, Deputy Director for New York City
Policy at the New York League of Conservation
Voters

Matt Gove, Surfrider Foundation

Rachana Shah, Co-President of Beyond Plastics
Queens chapter

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2 SERGEANT-AT-ARMS: This is a mic check on
3 the Committee on Environmental Protection. Today's
4 date is October 28, 2024, in the Committee Room,
5 recorded by Walter Lewis.

6 SERGEANT-AT-ARMS: Good afternoon. Welcome
7 to the hearing on the Committee on Environmental
8 Protection.

9 At this time, please silence all
10 electronics and do not approach the dais. I repeat,
11 please do not approach the dais.

12 If you need any additional assistance,
13 please contact the Sergeant.

14 If you wish to testify online, you may do
15 so at testimony@council.nyc.gov. That is
16 testimony@council.nyc.gov.

17 Chair, you may begin.

18 CHAIRPERSON GENNARO: [GAVEL] Good
19 afternoon, I'm Council Member Jim Gennaro, Chair of
20 the Committee on Environmental Protection, Resiliency
21 and Waterfronts.

22 Today, we'll hold an oversight hearing on
23 DEP's efforts to maintain the quality of New York
24 City's drinking water, particularly with regard to
25 the Filtration Avoidance Determination, commonly

1 referred to as the FAD, that DEP was granted by the
2 EPA in 1997. This Committee and this Council were
3 deeply engaged in years of delegate negotiations
4 between the EPA, New York State, New York City, the
5 Coalition of Upstate Towns, and what was known as the
6 Environmental Coalition, which is a group of
7 environmental organizations that came together in
8 common cause with City government, State government,
9 the Federal government, and the upstate towns to keep
10 the New York City drinking water supply watershed
11 unfiltered and pristine in perpetuity. The 1997 FAD
12 was the result of a very historic Memorandum of
13 Agreement, or MOA, of all the aforementioned parties.
14 I know this well because I was there for those years
15 leading up to the MOA as the Policy Analyst at that
16 time for this Committee. This Committee went upstate
17 to engage the Coalition of Watershed Towns to work to
18 get to yes on this historic agreement. And more than
19 30 years after this process began, and now 27 years
20 since the FAD MOA, the FAD has been reauthorized
21 several times because of DEP's dedicated stewardship
22 and investment in the watershed and this Committee's
23 relentless oversight, which continues with this
24 oversight hearing today.
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2 Special recognition, I don't know if he's
3 here, special recognition goes to Eric Goldstein of
4 the Natural Resources Defense Council. He and I are
5 the last ones, I believe, that are still active on
6 this issue from among all those involved in forging
7 the 1997 FAD, but it is DEP that has worked to comply
8 with the FAD every day for the last 27 years, and we
9 look forward to DEP's good testimony today.

10 Additionally, this Committee will be
11 hearing Introductions 33, 225, 816, 900, and 1067,
12 pretty full docket.

13 The Committee welcomes testimony from the
14 Department of Environmental Protection, advocates,
15 and interested members of the public. Also, we have
16 the Independent Budget Office who will be testifying
17 as well.

18 New York City's potable water
19 infrastructure is truly a marvel of urban planning
20 and engineering. Every day, about one billion gallons
21 of water sourced across three watersheds spanning
22 thousands of square miles is collected, treated, and
23 routed via 7,000 miles of delivery infrastructure to
24 New York City residents as well as to some very lucky
25 residents of Westchester, Putnam, Orange, and Ulster

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2 counties. DEP services about a million customers
3 north of New York City. Our tap water is widely
4 regarded as among the finest and tastiest in the
5 world and is believed to be the secret behind the
6 City's amazing pizza and bagels. The staff put that
7 in. I didn't want to get hungry in the middle of my
8 statement, but they put it in anyway. Because the
9 water supply is derived from so-called surface
10 waters, meaning from reservoirs fed from rivers,
11 streams, and precipitation, federal law requires DEP
12 to either filter the water prior to delivery to the
13 end user or meet objective and stringent water
14 quality standards such that filtration is
15 unnecessary. I think it's appropriate for me here to
16 mention that it's very rare for a surface water
17 watershed not to have to abide by the surface water
18 treatment rule of the Safe Water Drinking Act, which
19 requires that all watersheds that use surface water
20 be filtered, and when that rule was first put into
21 effect, there was no such a thing as a Filtration
22 Avoidance Determination. There was no provision in
23 the rule to get one. If you use surface water, you
24 had to filter. And it was the EPA administrator under
25 Bush 41 who was on his way out of office, I think his

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2 name was Riley, who thought it'd be a good idea for
3 those watersheds that were completely pristine not to
4 be burdened, not to have the regulatory burden of
5 having to put up a filtration plant when they didn't
6 need one, and so many watersheds tried to apply for a
7 FAD and are turned down and there are precious few
8 that actually have that, we'll hear that in the
9 testimony of DEP, and New York City was a real
10 challenge in that we have, I mean, the number that
11 was thrown around 30 years ago was 50,000 people
12 living in the watershed. I don't know what the number
13 is now. We have scores of sewage treatment plant that
14 discharge, and the EPA had some trepidation about
15 even considering to give us a FAD, and this is all,
16 this is kind of like old guy lore here. When you know
17 stuff, you want to share it with younger generations.
18 So the EPA did a smart thing. They empaneled a blue-
19 ribbon panel of 10 watershed experts from around the
20 country, and they deliberated for a while, did all
21 kinds of analysis, and they came back with the
22 unanimous conclusion that the EPA should not even
23 entertain the notion of giving New York City a FAD,
24 and so EPA, with that in hand, went to New York City
25 and said, we're going to make some history here. You

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2 got a lot of people live in this watershed. We got
3 this panel of experts. Every single one says we
4 shouldn't even be entertaining this. We're going to
5 jump you through all kinds of hoops and make you do
6 all kinds of investments, do land acquisition, a farm
7 program, new watershed rules that hadn't been updated
8 since 1953, and we're going to try to make some
9 history here while at the same time putting DEP on a
10 track of building a water filtration plant just in
11 case this process didn't work out for maintaining the
12 FAD, and the EPA was so interested in this that
13 ordinarily the EPA devolves primacy over the day-to-
14 day operations of the FAD to the State Health
15 Department but, in this case, the EPA itself held on
16 to primacy itself for 10 years, which it rarely does,
17 and so it's good for people to know that we made a
18 lot of history and a lot of good people came together
19 to make this happen. It's just very, very difficult
20 to get and even harder to maintain, and I think a lot
21 of credit goes to DEP, as I said, for doing this day-
22 to-day upholding of the FAD. Now the FAD police are
23 like the New York State Department of Health and so,
24 as they say, now you know.

1
2 Where was I before I got wrapped up in my
3 own rhetoric here? Filter the water prior to
4 delivering (INAUDIBLE) Okay, fine. Specifically,
5 having a FAD, this means that DEP must maintain
6 adequate disinfection systems, implement watershed
7 control programs, keep concentrations of turbidity,
8 which is kind of a fancy way of saying sediment, and
9 there are things that you don't want in water that
10 can attach to these particles, and so we have to keep
11 our concentrations of turbidity below certain
12 thresholds, and meet other requirements or risk
13 losing our Filtration Avoidance Determination, the
14 FAD. The FAD came, if things happen, it can go away,
15 and then we have no other option than to build a
16 filtration plant, which at the time was estimated 30
17 years ago to be six to eight billion dollars, who
18 knows what it would cost today. I look forward to
19 hearing from DEP about the good work they are doing
20 to safeguard our drinking water supply and maintain
21 the status of our FAD.

22 As an aside, I'll turn briefly to the
23 issue of the so-called rental payment that the
24 Administration has requested of the New York City
25 Water Board to the tune of 1.4 billion dollars over

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2 the course of four years, 145 million in FY24, 289
3 million in FY25, which combines to 440 million, which
4 we just did in the last budget. This comes from water
5 rate proceeds with addition of rental payments
6 announced by the Administration every Fiscal Year
7 through 2028. The rental payments really have nothing
8 to do with DEP. They are not the bad guys here, but
9 there is a bill on the docket today that involves a
10 rental payment so I thought I'd give you a little
11 background on the rental payment. (INAUDIBLE) Let's
12 see, earlier this year, the Water Board announced
13 that it would increase water rates by 8.5 percent in
14 2025, in no small part to cover the rental payments
15 that the Adams' Administration is charging the Water
16 Board to lease the City's potable water and
17 wastewater infrastructure. To be clear, this is the
18 City charging the City for the use of City property
19 and the proceeds of this scam, oh, did I say scam? Oh
20 my God, and the proceeds of this scam goes to the
21 City's general fund to fill budget gaps that have
22 nothing to do with water and sewer, any kind of
23 service delivery in that realm. New York City water
24 rates is supposed to be collected for the purposes of
25 funding the entirety of the water and sewer systems

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2 operating and capital needs. By charging the Water
3 Board for the rental payments, Mayor Adams is
4 diverting money from these purposes to the City's
5 general fund, leaving fewer resources available for
6 much-needed infrastructure improvements and
7 significantly increasing the financial burdens on
8 rate payers at the same time. Recently, the Water
9 Board unanimously passed a Resolution condemning the
10 rental payment. However, the rental payment is legal.
11 The Mayor is allowed to ask for it. The rental
12 payment, once upon a time, had a legitimate purpose.
13 That purpose is now passed and paying off some old
14 debt. It's a whole big, long story. The debt that the
15 rental payment was born to kind of payoff is now all
16 paid off. Now it's just funneling money to the City's
17 general fund, and I have my personal kind of like
18 side project where I'm working with State Legislators
19 to try to put the rental payment out of business
20 permanently. The City doesn't have the authority to
21 do that. The Water Board and the Water Finance
22 Authority were created by the State, so only the
23 State can shut that down, and so that's what I'm kind
24 of working with my partners in the State government
25 to try to get that done.

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2 Let's get to the bills. My bill, Intro.
3 816, would require DEP to provide written notice to
4 rate payers every time the City requests the base
5 rental payment for our water and sewage
6 infrastructure from the New York City Water Board no
7 later than 15 days before the first water rate
8 hearing, following the request of the rental payment
9 from the Water Board. No, the rental payment, that
10 would be from the Mayor. You get what I'm talking
11 about. Requesting rental payments from the Water
12 Board, which is done by the Mayor, amounts to a
13 hidden tax on property owners and any time an
14 Administration chooses to take this action, the rate
15 payers should be informed so that's really like a
16 notification thing. This is not the end of the road.
17 I think I'm starting with that, but eventually I'm
18 not going to be satisfied until the rental payment is
19 out of business. It's a very seductive hidden tax
20 that no one knows about, which is why it's so
21 enticing for OMB, where I used to work once upon a
22 time, to grab money like wherever they can when the
23 City's trying to make a budget. That's what's really
24 going on here, but they shouldn't be allowed to do
25 that. If I have anything to say about it, they won't.

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2 Back to the text. Additionally, I have
3 introduced a resolution, Resolution 83, which would
4 call upon the New York City Water Board to notify all
5 Council Members and Community Boards at least 30 days
6 before a public hearing concerning an annual water
7 rate increase. While the Water Board currently cannot
8 change the water rate without both holding a public
9 hearing, notice at least 20 days in advance as well
10 as holding public hearings in each borough, each of
11 which we notice seven days in advance, judging from
12 the lack of public participation at these hearings,
13 the Water Board's current method of public notice are
14 not sufficient.

15 We'll also be hearing another of my
16 bills, how many bills do I have on? We'll also be
17 noticing another of my bills, Intro. 33, which
18 required DEP to notify relevant Community Boards and
19 Member offices 48 hours in advance of any planned
20 work that might lead to discolored water or reduction
21 in water pressure.

22 Intro. 225, sponsored by Council Member
23 Holden, to my left, would require DEP to post
24 information on its website pertaining to scheduled
25 and requested infrastructure. You know what, I'm

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2 going to let Bob talk about his bill in a minute.

3 Better to hear from him than from me.

4 We're going to hear Intro. 900, sponsored
5 by Council Member Powers. Council Member, I'm
6 assuming you're going to want to speak on your bill
7 as well. Okay, we'll let Council Member Powers talk
8 about his good bill.

9 Intro. 1067, sponsored by Council Member
10 Williams. Is Council Member Williams? I got my
11 reading glasses. What's that? Oh, Zoom, okay. Where
12 was I? Intro. 1067, sponsored by Council Member
13 Williams, would require DEP to issue a request for
14 proposals for a community-based organization, or CBO,
15 to identify residential... Oh, you know what? She's
16 going to talk about this, so I'll just let her do
17 that.

18 Oh, I'm up to the good part, thanking
19 people. I'd like to thank the Committee Staff, Policy
20 Analysts, Ricky Chawla and Andrew Bourne; Legislative
21 Counsel, Austin Malone, to my right; Financial
22 Analyst, Tanveer Singh; as well as my Legislative
23 Director, Josh Gachette, for all of their hard work.

24 I'm going to recognize the Council
25 Members that are here, then I'm going to call upon

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2 the members that have bills on, and they're going to
3 talk about that. So, with us, we have Council Member
4 Holden, Council Member Marmorato, Powers, Brannan,
5 Restler, Williams on Zoom. We also have Council
6 Member Avilés.

7 And with that said, why don't we start
8 this way and just go around? I recognize Council
9 Member Powers to speak on his bill. Council Member
10 Powers is duly recognized.

11 COUNCIL MEMBER POWERS: Thank you, Chair
12 Gennaro, and nice to see everyone here today, and
13 thank you to the Committee for letting me speak
14 about Introduction 900, my bill to increase access to
15 drinking fountains and water bottle refill stations
16 in public spaces across our city.

17 I think this summer's heat wave
18 underscored an issue that has long remained under the
19 radar for many New Yorkers, which is the lack of
20 water fountains and reusable water bottle stations in
21 our city parks. While the City's efforts to expand
22 the number of publicly accessible drinking fountains
23 in recent years have been admirable, and I want to
24 give them credit for that, in many of New York's
25 most densely populated neighborhoods, the number of
water

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2 fountains fell short of meeting the community's
3 needs. Access to drinking water is a fundamental
4 right for all New Yorkers and visitors, and ensuring
5 this right of safeguard is essential for public
6 health and our city's overall well-being. The lack of
7 convenient refilling stations promotes reliance on
8 single-use plastic bottles, which, of course,
9 undermines the City's efforts to reduce waste and
10 combat pollution. Intro. 900 will require the
11 addition of 500 new drinking fountains in our public
12 spaces by 2030, including water bottle refill
13 capability and an emphasis on accessibility. It will
14 require these new fountains to be distributed
15 equitably throughout the five boroughs so that all of
16 our neighborhoods have access to this. It also
17 requires our City agencies to make recommendations on
18 whether the program should be expanded and what
19 challenges and issues are presented in the program.
20 Each refillable water bottle filled at a public
21 fountain represents a step towards reducing our
22 environmental impact and increasing access to clean
23 drinking water for our constituents. Of course,
24 anybody who spends time inside of a city park,
25 whether you are a family with children or walking

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2 your dog or just taking a walk through, having access
3 to that water fountain, particularly on a hot day, is
4 extremely meaningful. And for people who spend a lot
5 of time in those parks that don't have access to it,
6 it can mean a whole lot to them and their family to
7 have access to clean drinking water and, of course,
8 to not have to rely on single plastic bottles in
9 order to do that.

10 I want to give a lot of credit. I have
11 some constituents and friends who are here today who
12 have been working on this. I want to give them credit
13 for being here and their work and their idea to
14 continue to build on existing efforts in the city to
15 expand access to water. I, of course, look forward to
16 hearing from testimony from the DEP, who I know will
17 certainly be in support of this bill and working
18 closely with the Administration to make this goal a
19 reality. I want to thank Chair Gennaro for hearing
20 this bill today and giving me an opportunity to speak
21 on this important issue and looking forward to
22 hearing from the public as well. Thanks so much.

23 CHAIRPERSON GENNARO: Thank you, Council
24 Member Powers. I recognize Council Member Holden to
25 speak on his bill followed by Council Member Williams

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2 on Zoom to speak about her bill. Council Member
3 Holden.

4 COUNCIL MEMBER HOLDEN: Thank you, Chair
5 Gennaro, and thank you to the members of the
6 Committee on Environmental Protection for the
7 opportunity to present my bill, Intro. 225.

8 This legislation would require the
9 Department of Environmental Protection to publish
10 information on its website about requests it receives
11 and work it has scheduled, anything from catch basin
12 maintenance to hydrant repairs and other essential
13 tasks. I know this may seem somewhat complex, but
14 it's actually not. It's very straightforward. With
15 today's technology and the clear need for
16 transparency, this bill would empower the DEP to
17 create a public database similar to tools that other
18 agencies do, like, for instance, the New York City
19 Trees Map and the DOT Case Status Map so this is done
20 already. Such a platform would allow New Yorkers to
21 see updates on catch basins, hydrants, sinkholes, and
22 other infrastructure showing when an issue was
23 reported and when it was inspected and when it was
24 repaired or slated to be repaired. While this may,
25 again, may seem like some work, I am confident the

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2 DEP can meet this standard, just like other agencies
3 that I mentioned have done. This tool would greatly
4 benefit New Yorkers by offering updates on essential
5 infrastructure near their homes and would allow
6 elected offices to check on issues in real time to
7 better serve constituents. Right now, we have to call
8 DEP. We've got to get somebody to talk to, and it
9 just goes around in circles many times. So, this
10 makes sense, and I thank the DEP and City Hall for
11 their willingness to discuss this bill with my office
12 even before today's hearing. I look forward to
13 hearing from the DEP and working with them to make
14 any necessary adjustments to help bring this valuable
15 resource to life, and again, I want to thank Chair
16 Gennaro for allowing me to speak and then for also
17 hearing the bill today. Thank you.

18 Thank you, Council Member Holden. It's a
19 pleasure. Next, I recognize on Zoom Council Member
20 Williams to speak on her bill. Council Member
21 Williams.

22 COUNCIL MEMBER WILLIAMS: Hello, thank
23 you, and good afternoon, Chair and Members of the
24 Committee on Environmental Protection. Today, I am
25 proud to sponsor 1067 being heard today, a bill

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2 designed to address a pervasive and overlooked threat
3 impacting residents across New York City, groundwater
4 flooding. Groundwater flooding has damaged countless
5 homes, affected essential infrastructure, and
6 disrupted the lives of families and our communities.
7 Yet, despite DEP's awareness of these challenges,
8 little has been done to systematically identify
9 effective properties or connect homeowners with the
10 resources they need for repairs and flood
11 adaptations. In Southeast Queens, groundwater
12 flooding has worsened significantly since 1996, when
13 the City's DEP took over the Jamaica Water Supply
14 Company, which had previously managed water levels by
15 pumping from local wells. DEP's cessation of well
16 pumping caused the water table to rise by at least 35
17 feet as admitted by the Agency in 2007. DEP
18 recognized the need for interventions then but has
19 yet to deliver an effective citywide solution. The
20 results are evident throughout our communities.
21 Constant basement flooding, damaged homes and
22 schools, and ongoing health and safety risk. For
23 years, residents have been left to run costly
24 electric pumps 24/7 to keep flood water out of their
25 homes, all while receiving little support from

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2 government. Intro. 1067 offers a proactive solution
3 to these ongoing issues and mandates that DEP issue a
4 request for proposals to contract a community-based
5 organization, or CBO, with direct ties to impacted
6 neighborhoods. This CBO will be responsible for
7 identifying properties citywide that are impacted by
8 groundwater flooding and for connecting those
9 properties with retrofit repair assistance and
10 resources for long-term management. For at least five
11 years, the contracted CBO will also provide case
12 management and informational support to homeowners
13 through mailings and other outreach efforts. The bill
14 further requires that the CBO submit an annual report
15 detailing the properties affected, the extent of the
16 damage, the estimated cost for retrofits, and any
17 insights for improving assistance programs. DEP will
18 then communicate these findings to relevant state and
19 federal agencies, because I do recognize, and I just
20 want to state for the record, that this is a very
21 complex issue, not solely on the City, but also to
22 much responsibility of the State and Federal
23 government. This bill also establishes an interagency
24 task force to focus on Southeast Queens, a community
25 that has shouldered the brunt of groundwater

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2 flooding. This task force will be charged with
3 recommending changes in the legislation to improve
4 flooding assistance for the area and will be
5 dissolved upon the submission of its fifth annual
6 report.

7 Intro. 1067 is about giving our
8 communities a voice and ensuring they have the tools
9 to respond to a crisis that DEP knew would unfold. I
10 urge the Committee to support this measure, enabling
11 us to bring relief to our constituents, protect their
12 homes, and create a foundation of resilience
13 citywide. Thank you so much, Chair. I looked at many
14 documents from my constituents from a few decades ago
15 and smiled to see that you were the Council Member
16 then, and I know as a staffer, when Archie Spinger
17 was the Council Member, you know this issue very
18 well, so thank you so much to you for hearing this
19 bill today, and I look forward to working with DEP.
20 We are working with them. So, thank you already to
21 DEP for really working with the Southeast Queens
22 community to find some sustainable solutions. Thank
23 you so much.

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2 CHAIRPERSON GENNARO: Thank you, Council
3 Member Williams. Your comments were most gracious. I
4 appreciate it. Thank you.

5 And before you swear in the witnesses, I
6 saw before we have former Assemblyman Bill
7 Scarborough is here. He'll be testifying. And
8 although he's no longer in office, he's still very
9 active, particularly on environmental issues. He
10 works a lot with Manny Kaufman. Is Manny here today
11 or whatever? Okay. But I want to recognize
12 Assemblyman Scarborough for his good work, and a lot
13 of Queens elected officials stand on his shoulders
14 for his decades of service to the people of Queens
15 and the people of the entirety of New York State.
16 Good to see you, Bill, and Robert Cataldo is here. I
17 give the Mayor's Office a hard time a lot, and Robert
18 is always very good sport about it so if I'm going to
19 be that guy, then at least I can give recognition for
20 his always good-natured interactions with me when I
21 probably deserve less than good-natured interaction,
22 let's put it that way, and so thank you, Robert, for
23 being here.

24 And with that, what do I do now? Just
25 call him?

1
2 Okay. The Counsel will swear in the
3 panel, and then the Commission will introduce his
4 Colleagues and proceed with his good testimony.

5 COMMITTEE COUNSEL MALONE: Please raise
6 your right hand.

7 Do you affirm to tell the truth, the
8 whole truth, and nothing but the truth, and to answer
9 all Council Member questions honestly?

10 COMMISSIONER AGGARWALA: I do.

11 ASSISTANT COMMISSIONER WARNE: I do.

12 ASSISTANT COMMISSIONER WILLIAMS: I do.

13 COMMITTEE COUNSEL MALONE: Thank you, you
14 may begin.

15 CHAIRPERSON GENNARO: Oh, hang on, I got
16 the big print version of your testimony. My Staff is
17 so good to me. Okay, I am good to go. Thank you,
18 Commissioner.

19 COMMISSIONER AGGARWALA: All right, thank
20 you, and good afternoon, Chair Gennaro and Members of
21 the Committee on Environmental Protection, Resilience
22 and Waterfronts. I'm Rohit T. Aggarwala, Commissioner
23 of the Department of Environmental Protection, and
24 I'm joined today by Assistant Commissioners David
25 Warne and Shiloh Williams of the Bureau of Water

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2 Supply to talk about the Filtration Avoidance
3 Determination, the FAD, and the preservation of our
4 water supply in general. I will also share DEP's
5 perspective on the several bills being heard today.

6 New York City's water supply comes from a
7 network of 19 collecting reservoirs upstate, ranging
8 from Kensico in Westchester to Schoharie and
9 Cannonsville, each more than 100 miles away from the
10 city. Two other reservoirs, Hillview and Yonkers and
11 Jerome Park in the Bronx, are only holding reservoirs
12 and do not collect runoff. Typically, 10 percent of
13 our annual water consumption comes from the Croton
14 network of reservoirs in Westchester, Putnam, and
15 Dutchess Counties, which are the oldest reservoirs
16 and are the successors of the original Croton system
17 of 1842. Croton water is all filtered at our Croton
18 filtration plant in the Bronx, which opened in 2015
19 and, as you know, due to the currently ongoing repair
20 of the Delaware aqueduct, roughly 30 percent of our
21 water right now is coming from the Croton system. In
22 normal periods, 90 percent of our consumption comes
23 from the Delaware and Catskill watersheds, which are
24 entirely west of the Hudson River. These two
25 watersheds are covered by the FAD, which allows us to

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2 avoid filtering the water from these systems. The
3 water is treated with both chlorine and ultraviolet
4 light to disinfect it, but we rely on natural systems
5 to keep the water clear. Going back to the origins of
6 New York City's water supply in the 19th century,
7 State law had given New York City the authority to
8 regulate certain polluting activities in the
9 watershed to keep the water clean. This gave us a
10 head start when, in 1989, the U.S. Environmental
11 Protection Agency promulgated the Federal Surface
12 Water Treatment Rule. The rule required all surface
13 water supplies, like New York's, to be mechanically
14 filtered unless the water supplier could demonstrate
15 the water met certain health-based criteria and that
16 there were controls in place to protect against
17 contamination. In fact, all of New York City's water
18 supplies, including the Croton system, met the rule's
19 health-based water quality standards. However, the
20 level of development in the Croton watershed meant
21 that DEP did not believe it would be possible to
22 control future potential pollution. As a result, DEP
23 moved to adopt filtration for the Croton system and
24 to seek a FAD for the Catskill and Delaware systems.

1
2 The FAD is the regulatory waiver that
3 allows New York City to avoid the filtration
4 requirement of the Surface Water Treatment Rule. It
5 is based on the ability of New York City to convince
6 the EPA, and now, as the Chair pointed out, the New
7 York State Department of Health, that there are
8 controls in place to protect against future
9 pollution. There are many tests and reports that are
10 required to document that we are maintaining both
11 water quality and ongoing pollution prevention, and
12 there are key tests we could fail, which would lead
13 the Department of Health or EPA to mandate that New
14 York City immediately move to build a filtration
15 plant. The FAD also requires us to develop and
16 maintain contingency plans for such a situation.

17 When we speak of the FAD, as the Chair
18 pointed out, we are, in fact, speaking of several
19 interconnected protocols. The FAD itself is a 10-year
20 directive from the State Department of Health. The
21 current FAD is up for renewal in 2027. Following the
22 issuance of the first FAD in 1993, DEP was a party to
23 the New York City Watershed MOA, as the Chair
24 mentioned, which was signed in 1997. In addition,
25 DEP's land acquisition activities in the watershed,

1
2 in compliance with the MOA, are authorized by a
3 withdrawal permit, which is granted by the New York
4 State Department of Environmental Conservation. This
5 permit expires in 2025, and we are currently
6 negotiating the next 10-year permit.

7 The FAD is a globally recognized
8 pioneering example of payments for ecosystem
9 services. Ultimately, by protecting nature and
10 compensating watershed residents for the costs of
11 those protections, New York City water ratepayers are
12 paying to ensure that nature can filter our water,
13 and thus avoiding the expense of building and
14 operating a massive filtration plant. Since 1993, New
15 York City has invested roughly 2.5 billion dollars in
16 the programs that make the FAD work. This is a
17 sizable investment, but one that continues to pay off
18 and is far smaller than what a filtration plant would
19 cost.

20 In 1993, when the first FAD criteria were
21 implemented, the main risks to our water supply were
22 human and agricultural. As a result, the FAD broadly
23 includes three cornerstone programs. The first was
24 the Land Acquisition Program, which preserves the
25 pristine landscape that produces high-quality source

1 water and protects against excessive development.

2
3 When the reservoirs were constructed, the City
4 purchased about 78,000 acres of land. Since 1997, we
5 have tripled our footprint, purchasing an additional
6 155,000 acres in the watershed as buffer lands for
7 water quality protection. By comparison, the entire
8 land area of New York City is roughly 194,000 acres.
9 We own more land in the watershed than there is land
10 in the five boroughs.

11 The second program addressed wastewater
12 from the population of the watershed. DEP funded the
13 installation of high-level treatment technology on
14 more than 30 existing wastewater plants in the
15 watershed. This treatment, known as tertiary
16 treatment, effectively eliminates pathogens from the
17 plant effluent and also reduces nutrient discharge.
18 Further, DEP paid to construct new centralized
19 wastewater systems in more than 20 communities, and
20 DEP has ensured that more than 6,000 septic systems
21 serving homes and small businesses have been
22 repaired.

23 The third program has addressed
24 agricultural runoff. The watershed is home to
25 hundreds of small family-owned farms that produce

1
2 dairy products, beef, and produce. Working with local
3 partners, DEP subsidizes on-site evaluations of each
4 farming operation and recommends tailored practices
5 to reduce or eliminate polluted runoff. With DEP
6 funding, thousands of best management practices have
7 been installed on hundreds of farms in the past 30
8 years. These BMPs have the added benefit of often
9 enhancing farm operations and profitability, thereby
10 sustaining farming as a vital part of the watershed
11 economy. These are voluntary programs, and today 90
12 percent of the large farms in the watershed
13 participate.

14 The FAD relies on a network of watershed
15 partners who receive funds from DEP and implement our
16 programs. These partners include the Catskill
17 Watershed Corporation, the Watershed Agricultural
18 Council, four local soil and water conservation
19 districts, the Cornell Cooperative Extension, and the
20 Catskill Center. These organizations are trusted in
21 their communities and hence are often more effective
22 at obtaining local support and participation than DEP
23 would be directly.

24 The midterm review of the FAD was
25 completed, and New York State Department of Health

1
2 issued revisions in 2022. As part of that review, the
3 National Academy of Science undertook a review of the
4 FAD so that all involved could benefit from impartial
5 scientific analysis of the FAD and its programs. We
6 are in the midst of applying for a new permit from
7 DEC that will involve changes to our land acquisition
8 program, including the focus on the highest priority
9 areas. The next FAD is due to be negotiated for 2027,
10 and we are already assessing what will be required
11 for the FAD to continue for the foreseeable future.

12 While not officially part of our FAD,
13 another critical component of our overall watershed
14 protection efforts is the DEP Police Department. Our
15 officers patrol the watershed every day, and they
16 maintain a detective bureau, an emergency service
17 unit, a canine unit, and an aviation unit. The DEP
18 police protect against threats to our water supply,
19 including unauthorized access, encroachment on DEP
20 land, and potential threats to our water
21 infrastructure. They also work closely with local
22 police agencies and assist during emergency
23 situations. In fact, I will point out just this
24 weekend, we participated along with local police in
25 helping to fight a forest fire up in Dutchess County,

1
2 including using our helicopter to dump water on it at
3 one point. Their work is critical to ensuring that
4 our surface water supply and our infrastructure are
5 secure. The new union representing the DEP police are
6 currently engaged in an effort to secure State and
7 City approval for an appropriate law enforcement
8 pension. DEP police have a civil service pension
9 plan, not a law enforcement one. This means that DEP
10 police cannot retire until age 63, while most police
11 officers in New York State can retire after 25 years
12 of service. Because our officers are fully trained
13 and licensed, in fact, DEP has its own police
14 academy, we are constantly losing our officers to
15 other forces, in large part because of this massive
16 disparity in the pension. We currently have nearly a
17 20 percent vacancy rate, despite doing everything we
18 can to recruit and retain these important officers.

19 DEP's outsized role in the watershed as a
20 landowner, major employer, and police force makes it
21 critical that we are a valued member of the
22 community. I'm pleased to say that, in fact, we are
23 held in high esteem by the residents of the
24 watershed. In fact, we undertook a Siena poll last
25 year to understand how watershed residents west of

1
2 the Hudson viewed DEP, and we were rated very highly.
3 In particular, watershed residents appreciate that
4 DEP makes so much of our lands available for
5 recreation, which is a cornerstone of the quality of
6 life in the area, and a key aspect of its tourism and
7 second home economy. They also appreciate the
8 benefits the DEP police bring. It was less widely
9 understood that, despite being a government entity,
10 DEP pays taxes on its property in the watershed. In
11 fact, we are the largest taxpayer in all of the west
12 of Hudson watershed counties and the second largest
13 taxpayer in Westchester. In many school districts,
14 DEP actually pays a majority of the school system's
15 revenues. All told, we paid 165 million dollars in
16 taxes upstate last year.

17 More broadly, we have to be sensitive to
18 the concerns of watershed residents who are often
19 concerned that land acquisition and land use
20 restrictions can hinder economic development. We
21 incorporate public amenities into capital work when
22 we can, just like we would do around the city. For
23 example, we recently broke ground on an
24 infrastructure project that will include a new
25 parking lot for a local school. Going forward, we

1
2 need to ensure that we are always on the lookout for
3 ways that our operations can also create benefits for
4 our watershed neighbors. By being an esteemed
5 presence in the watershed, we can ensure that there
6 is long-term support that will allow us to protect
7 the FAD for generations to come and for DEP to play a
8 leading role in defining the future of the FAD.

9 As successful as it is, the FAD is not
10 necessarily permanent. It can be revoked on fairly
11 short notice if we fail to fulfill our obligations or
12 if our water quality fails to meet standards, even if
13 those standards are caused by storms or other factors
14 beyond our control. There are only six water systems
15 in the United States that have FADs or their
16 equivalents, and one of them, Portland, Oregon,
17 recently lost their FAD because of the detection of
18 naturally occurring pathogens that had not been in
19 their sourced water before and required filtration to
20 eliminate. EPA gave Portland only 10 years to build
21 their treatment plant, which, at 135 million gallons
22 a day, is less than one-tenth the size of the plant
23 we would need, and their filtration plant will cost
24 roughly 2 billion dollars. This cost reinforces the
25 fact that we have to be vigilant.

1
2 It also reminds us that the FAD must be
3 based on the science. The FAD has succeeded not
4 because it was good environmental policy or good
5 economic policy. It has succeeded because it was
6 sound water quality policy. The scientific review by
7 the National Academy that I mentioned found that our
8 land acquisition program could use adjustment. The
9 region is divided into four areas, priority areas one
10 through four, based on their potential to impact
11 water sources. Most important are the lands bordering
12 our reservoirs and their tributaries, and these are
13 priority areas one and two. Further away are lands in
14 priority areas three and four. Until now, we have
15 sought to acquire land in all of these areas, but the
16 National Academy found that continued purchases in
17 areas three and four would have no more benefits to
18 water quality, while land in priority areas one and
19 two remain as important as ever, if not more so. As a
20 result, we recently altered our land acquisition
21 practices to focus more on areas one and two and to
22 end programmatic purchases in areas three and four.

23 Going forward, we must continue to ensure
24 that the FAD evolves as threats to water quality
25 evolve. Increasing water quality standards mean that

1
2 there are limits to how much chlorine we can use to
3 disinfect water after a major storm. Climate change
4 means that intense storms are more frequent. While we
5 have traditionally worried about human and
6 agricultural contamination, the massive rebound in
7 wildlife populations, particularly around the Kensico
8 Reservoir, means that these are also now a source of
9 potential contamination, especially after severe
10 storms and after the short-term extreme droughts that
11 climate change may bring, and in fact is bringing,
12 since we are in one right now.

13 The new FAD in 2027 will need to continue
14 to protect against historic threats and also guard
15 against these new ones. What is certain is that the
16 FAD will need to evolve. If it does not, it is far
17 more likely to fail, and if it does not evolve based
18 on the science, it will certainly fail. This is one
19 more reason that DEP must be an esteemed presence in
20 the watershed, and that we have to invest in our own
21 research. We need to ensure that DEP has the standing
22 to play a leading role in defining the future of the
23 FAD.

24 We must also plan for the possibility of
25 full filtration at some point in the future, even as

1
2 we seek to avoid it. The current FAD requires DEP to
3 maintain contingency plans for filtration, and the
4 experience of Portland, again, given only 10 years to
5 build its filtration plan, demonstrates the
6 importance of such contingency planning.

7 As I mentioned, the FAD has been a point
8 of pride for DEP and the city for many decades. It is
9 a credit to our staff, to the many involved in
10 creating it, as the Chairman so eloquently described,
11 and to the generations of dedicated civil servants
12 who preceded us and laid the groundwork for the
13 system we manage today.

14 Before concluding, I'll take a few
15 minutes to speak about each of the bills on today's
16 agenda. Intro. 33 would require DEP to notify Council
17 Members and Community Boards 48 hours before work
18 that would cause discolored water or loss of water
19 pressure. Currently, our Community Affairs Team
20 notifies Community Boards as soon as we confirm
21 locations for emergency construction. They also
22 update impacted Community Boards and elected
23 officials during water main breaks in real time.
24 Prior to water shutoffs, our contractors and field
25 operations teams post notices in neighborhoods and on

1
2 doors with information on potential impacts and
3 instructions. We are committed to keeping constant,
4 robust communication with elected officials and
5 residents. We have recently created the position of
6 Borough Commissioner in our Community Affairs Unit,
7 specifically to strengthen lines of communication. We
8 would welcome discussions about how we can make
9 additional improvements. Because this bill would
10 codify and refine current DEP practice, we would like
11 to work with the Council to ensure that it does not
12 unnecessarily add cost or complicate operations. For
13 example, we currently schedule work the day before it
14 is done so we could not send out notifications 48
15 hours before. As a result, we agree with the
16 objectives of this bill, but would seek to
17 collaborate on the language.

18 Intro. 225 would require DEP to establish
19 a website with schedules and other information on a
20 broad range of our operations. We currently provide a
21 great deal of information, both in real time and
22 through NYC Open Data, which includes fully 43 data
23 sets which DEP provides and updates. There's a list
24 of those data in the final page as an appendix to
25 this testimony. We offer real time information on our

1
2 website on a variety of topics ranging from reservoir
3 levels and the source of water to each part of the
4 city to whether the Newtown Creek gas-to-grid
5 facility is operational. In addition to the MMR, we
6 publish annual reports on water quality, on the state
7 of the sewers, and of course, on our finances. The
8 bill as written is breathtakingly broad and the
9 information it seeks would, I believe, be impossible
10 to convey in the way the bill seems to intend.
11 Further, it would require significant cost and
12 headcount to attempt to do so. We have several
13 ongoing internal efforts that map our work that could
14 be made public, and we would be happy to work with
15 the Council to narrow the bill's scope and understand
16 what information is needed for what purpose and by
17 whom.

18 Intro. 816 would require DEP to notify by
19 first class mail all owners of property with water or
20 sewer service when the City requests a rental payment
21 on a strict timeline. I certainly agree that people
22 should understand what their water rate payments are
23 spent on. I would like to work with the Council,
24 though, on the details. For example, a dedicated
25 first class mailing would cost about one million

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2 dollars. Further, under the City's lease to the Water
3 Board, we do not actually always know when the City
4 will request a rental payment. Above all, DEP does
5 not set water rates, rather they are set, as the
6 Chair noted, every year by the Water Board through a
7 legally prescribed process that requires public
8 hearings and notices. The Water Board is a State
9 entity as the Chair noted. It is also important to
10 note that the rental payment, if there is one, is not
11 the only factor that is included in rate setting, as
12 is illustrated in the chart included in the testimony
13 from our Fiscal Year '25 rate hearings earlier this
14 year. We have already been exploring the potential to
15 let New Yorkers know how their water bills are being
16 spent, as many other utilities do. An example of what
17 that might look like is in the testimony. If rate
18 payers understand what their payments are going to,
19 they would have the context to be more informed when
20 looking at rate proposals for future years.

21 Intro. 900 would require DEP to install
22 500 drinking fountains around the city by 2030. While
23 we support any effort that encourages more people to
24 drink our tap water, we unfortunately do not believe
25 that the proposal is feasible. Installing 500

1
2 fountains would cost about 20 million dollars. DEP
3 does not currently maintain any water fountains so
4 maintaining these new fountains would require hiring
5 a new dedicated team of staff. We do not currently
6 have sufficient staff or even the appropriate staff
7 to do so. It is not clear that this would be a
8 legitimate use of water rate funding, so we would
9 need appropriations from general tax levy funding. We
10 are happy to work with you to develop programs to
11 ensure access to drinking water around the city, but
12 we strongly believe that this proposal, as written,
13 is not the best way to achieve that goal.

14 Finally, Intro. 1067 would require DEP to
15 hire community-based organizations to identify
16 properties that have been damaged by groundwater
17 flooding, connect those property owners to assistance
18 programs, and provide case management support to
19 property owners. The bill also creates a task force
20 focused on Southeast Queens Flooding Adaptation
21 Assistance. We have been seriously focused on the
22 overall problem and on the challenges of Southeast
23 Queens. For several years, as you know well, one of
24 DEP's top priorities has been to implement better
25 flood management around the city. This has included

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2 assistance to property owners through the Rainfall
3 Ready Program and the more recent town hall-style
4 flooding information sessions that DEP has been
5 hosting this past year, which included a flood
6 preparation kit. We have also been focused on
7 groundwater flooding. We have an ongoing effort with
8 the U.S. Geological Survey to map and monitor
9 groundwater levels across the city, which is of
10 interest as sea level rise has been raising
11 groundwater levels across the eastern seaboard. We
12 have also been focused on those experiencing flooding
13 in Southeast Queens. That part of New York City has
14 2.5 billion dollars in the current capital plan for
15 stormwater management, which means that it is
16 receiving more investment than any other part of the
17 city. We have also been working to clarify the
18 groundwater flooding issue, and we find that some
19 residents may be conflating groundwater flooding with
20 other forms of flooding. We welcome the opportunity
21 to work with the Council to expand our work. We do
22 not think, though, that the program laid out in this
23 legislation is the best way that DEP can support
24 residents. DEP does not provide the sort of case
25 management assistance to homeowners that would be

1
2 required by this bill. Rather, one approach that we
3 are exploring is whether the New York City
4 Accelerator, overseen by the Mayor's Office of
5 Climate and Environmental Justice, which provides
6 precisely this kind of direct advice and assistance
7 to building owners around energy efficiency, could be
8 expanded to offer advice to homeowners on flooding
9 issues. We and the Mayor's Office of Contract
10 Services also have concerns about the contracting
11 requirements in the bill. The Law Department is
12 reviewing so we would like to discuss these issues in
13 the near future.

14 Today's hearing covers a number of
15 important areas. I'm joined by several colleagues in
16 addition to my two colleagues here at the table,
17 sitting here with me and behind in the audience, and
18 we are happy to answer any questions that you have.
19 Thank you.

20 CHAIRPERSON GENNARO: Thank you,
21 Commissioner. I appreciate your comprehensive
22 testimony.

23 In terms of how we proceed, we have,
24 (INAUDIBLE) Okay. I think I'm here for the whole
25 time, of course, but out of respect for my Colleagues

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2 that have bills on, I think I'm going to be the nice
3 Chairman and let my Colleagues that I know want to
4 pose questions to DEP on their bills to do so, so
5 we'll follow the same order as last time because
6 these folks have places to go, and they want to get
7 their questions in about their bills so I recognize
8 Council Member Powers to ask questions about his
9 bill.

10 COUNCIL MEMBER POWERS: Thank you. Thanks
11 so much. You're always a nice Chairman in my eyes so
12 I appreciate it.

13 Thanks for the testimony. Of course, we'd
14 love to have had your support on expanding more water
15 bottle fill stations here and drinking fountains
16 throughout the city, but can you just give us some
17 information today about the status on that? How many
18 drinking fountains today currently have water bottle
19 refill attachments?

20 COMMISSIONER AGGARWALA: Council Member,
21 DEP provides water to water customers. We do not
22 actually provide drinking water fountains. As you
23 noted in your comments, the bulk of the city's water
24 fountains are actually in parks and are maintained by
25

1
2 the Parks Department so I do not have a catalog nor
3 is it something that DEP actually does.

4 COUNCIL MEMBER POWERS: Got it, and so, in
5 your testimony, noting that, you had expressed
6 concerns or opposition to the bill based on access to
7 water, which is one of your main goals and missions.
8 I understand the cost factor of it, but are there
9 concerns that go beyond the cost of it in terms of
10 installing?

11 COMMISSIONER AGGARWALA: Well, first of
12 all, we are concerned whenever the scope of our
13 activities are expanded, and this proposed
14 legislation would basically require DEP to get into a
15 line of business it has not been in in the past, and
16 so we would need a new set of operations, and it is
17 often assumed that everything DEP does can be funded
18 by water bills, but in fact the State legislation
19 that authorizes the Water Board does lay out what
20 water payments can and cannot be used for, which
21 means that a project like this would come out of the
22 same pot of money that it would if the Parks
23 Department or the schools or DOT through its street
24 furniture contracts were asked to provide this.

1
2 COUNCIL MEMBER POWERS: I do recall that
3 DEP does programs where they provide mobile water in
4 the past, mobile water fountains in parks and open
5 spaces. I think there used to be one right outside
6 here at City Hall Park, I remember seeing one. What
7 is DEP's role responsibility in terms of providing
8 that? That is an example where you provide water
9 fountain access.

10 COMMISSIONER AGGARWALA: Yes.

11 COUNCIL MEMBER POWERS: Mobile, I
12 understand but seems to be part of the plan to
13 provide access to water.

14 COMMISSIONER AGGARWALA: Well, I think it
15 is. So, the water-on-the-go stations, which you're
16 describing are very much temporary. They are not
17 cheap because they have to be staffed, right, and so
18 we tend not to leave them unattended. They really
19 were developed as an emergency response mechanism, so
20 what we do when we have a water main break and there
21 are going to be households without water for more
22 than an hour or two, right? If we find out that it's
23 going to take six hours, 10 hours, which is a
24 minority of water main breaks, but nonetheless, an
25 extended water main break that will leave people

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2 without water, we will deploy one or depending on the
3 size of it, sometimes two water-on-the-go stations so
4 that people can fill a bucket, fill a jug, get safe
5 drinking water without having to purchase it during
6 that. That's why we have those water on the go
7 stations. We have on occasion for events, we did it
8 for Open Streets earlier over the summer. We have
9 provided the water-on-the-go stations. To be entirely
10 honest, we have been reducing the number of instances
11 that we do that because we are effectively staffing
12 that with people on overtime, and it's often on
13 Saturdays and Sundays and it was getting quite
14 expensive so those are mobile, a mobile station is
15 very different from a permanent one.

16 COUNCIL MEMBER POWERS: Are you staffing
17 that with overtime because you are under your
18 headcount relative to where you used to be when you
19 would staff those with normal staff or what has
20 changed in terms of your staffing that requires you
21 to scale back?

22 COMMISSIONER AGGARWALA: Well, I mean, A,
23 we are certainly conscious of managing our expense
24 budget. That's something I'm sure everybody is
25 concerned about, and they were basically a marketing

1
2 device, right? It built awareness, provided an
3 amenity, but it's really only justifiable as a
4 marketing effort, an educational effort, because it
5 is not really consistent with DEP's mandate. We have
6 other things that we also do, as I mentioned, the
7 flood kits. You know, it's not clear at all that it
8 would be an appropriate use of water rate funding for
9 us to send every citizen in New York City or every
10 resident of New York City a flood preparation kit.
11 However, as a way to educate people about the need to
12 do flood preparation, we've invested in that.

13 COUNCIL MEMBER POWERS: Got it. I won't
14 take up too much time here. I certainly want the
15 Administration, whether it's DEP or other..

16 CHAIRPERSON GENNARO: Keith, I'm happy to
17 give you a little latitude. Go ahead.

18 COUNCIL MEMBER POWERS: Okay, I appreciate
19 it. I'll still stick on my point, which is that, you
20 know, whether it's DEP or it's Parks Department, the
21 goal here is to try to expand access to places where,
22 we did a survey in my office and found a lot of water
23 fountains in public spaces, mostly parks, that still
24 a lack of in my District and places on the east side.
25 I'm sure that's for the city as well. There's about

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2 455 fountains, I think, currently in the city that
3 have the water filling capabilities so we're still
4 have a long way to go. I certainly would have enjoyed
5 if Parks was here too, if they were going to speak to
6 this bill, and the answer is going to be that your
7 agency is not responsible. We certainly would love to
8 have the agency that is responsible here to speak to
9 it, because maybe it is their mandate then to help
10 expand us with that and also figure out a partnership
11 with the Council with our capital funding, perhaps,
12 about how we might do that in certain parks or DDC if
13 it's their projects that are leading to that so I'm
14 not putting that on you. I certainly know you speak
15 for your agency, but from an Administration
16 standpoint, we'd certainly love to have more
17 receptiveness to that and think about with us a plan
18 to get you there, to get the city there, I should
19 say, get us all there so I'm going to forego other
20 questions here but mostly to just restate that I
21 think this is a goal that we can achieve in the next
22 few years, that we can work together with the
23 agencies to find it, whether it's DDC, because I know
24 they did some projects in my District recently where
25 they did put these stations in, Parks, figure out the

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2 right agencies to do this, and then also figure out
3 how to maintain them so certainly would love to have
4 them here as well to provide feedback, and we will
5 reach out to them to get their feedback. But from an
6 Administration standpoint, for folks who are here for
7 Administration, I think there is a lot of public
8 support for this, and do not want to live in the
9 world of just being siloed for one agency or the
10 other. Let's have a conversation with it, and we'll
11 work with the Administration beyond you guys to work
12 on that, and we appreciate your cooperation as we do
13 that. Thanks.

14 CHAIRPERSON GENARO: Thank you, Council
15 Member Powers. Now I recognize Council Member Holden
16 for questions on his bill.

17 COUNCIL MEMBER HOLDEN: Thank you, Chair.
18 You know, I see in your testimony, you said my bill
19 would be almost impossible for you to carry this out,
20 but that's why we have hearings to negotiate. So, for
21 instance, we have a lot of catch basin requests, and
22 you said it's on Open Data, but are there any other
23 platforms that you have where we can check on the
24 existence of, or at least the progress in a complaint
25 other than open data?

1
2 COMMISSIONER AGGARWALA: Right now, I
3 don't think so, and so your characterization of the
4 fact that you are calling us, that your office and
5 others are calling us, is not wrong.

6 COUNCIL MEMBER HOLDEN: So how do you
7 solve that? My bill's trying to, and it doesn't have
8 to be everything, like every complaint possible,
9 because I understand that can get unwieldy, but if
10 other agencies like Tree Maps can do it or DOT can do
11 it, I think there's a model already so if we can, you
12 know, with the technology, I think that it's
13 possible. It's not like, you know, it's not insanely
14 ridiculous to request, you know, some kind of
15 database.

16 COMMISSIONER AGGARWALA: Yes, and Council
17 Member, I certainly didn't use the word ridiculous in
18 characterizing your bill. What I mentioned in the
19 testimony is that we do have a number of dashboards
20 that we use in our operation, and your bill is
21 prompting us to take a look at those, to see what of
22 those we might make available, and we'd be happy to
23 work with you on the specifics. I think there are
24 some, you know, for example, we have a schedule of
25 when catch basins are due to be inspected. As I've

1
2 mentioned in previous testimony, we do that based on
3 an algorithm of risk. However, that schedule is not
4 necessarily fixed because the same crews sometimes
5 are the ones who do the cleaning and so if you find a
6 lot that need cleaning, that's an inspection, then
7 the inspections get delayed and we do more of the
8 cleaning and usually it averages out so we maintain a
9 kind of a predictive schedule, but sometimes that
10 happens. And then of course the cleanings aren't
11 scheduled unless and until there is a finding that an
12 inspection yields that it needs to be cleaned so, as
13 I said, and as I appreciated in your statement, you
14 know, I think there's a way for us to work with you
15 to use the data we have and we will be happy to talk
16 with you and your staff directly on the Committee.

17 COUNCIL MEMBER HOLDEN: Right, because
18 here's what's happening on the front lines, and I
19 guess you know some of this, but for instance, we
20 have a catch basin that needs cleaning. Somebody says
21 there's an odor. It's been going on for months. We
22 can't get anything done, and then the person tells
23 us, well, you know, there's a car always parked in
24 front of it and DOT doesn't even come out and put out
25 a, you know, no parking sign the night before, and

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2 that's even in front of my house. I have the same
3 situation. They never clean that. On certain days,
4 you really get, it's a terrible odor coming from it.
5 But for instance, the biggest complaint I get is
6 about water possibly being brown, I'm getting brown
7 water or, you know, it's discolored. Why is this
8 happening? Something very simple like DOT is milling
9 the streets in the area so that probably shook, I
10 guess, I'm just guessing on whether that would cause,
11 you know, that discoloration of water, but there's a
12 million other things and, again, it doesn't have to
13 be, we could look at the top 15 complaints, what
14 people care about, and then put that on some kind of,
15 and just like we could log the complaints and it
16 might just take a few employees. I don't know. I
17 mean, that's up to, you know, I guess talking to the
18 other agencies and see what they do, it might be a
19 good thing, but I get a lot of sinkholes, you know,
20 fire hydrants leaking that take a very, very long
21 time, but the sinkholes are all over the city, and I
22 guess DEP puts it in priority because sometimes they
23 go on for years and so that's where we could say,
24 we're expecting this to be done in 2025, you know,
25 toward the end, depending on the severity of it. So,

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2 other than personnel, what are the barriers from your
3 agency to do this or preventing you because you came
4 out really kind of against it.

5 COMMISSIONER AGGARWALA: Well, Council
6 Member, what concerns me and us is really the list of
7 things here. As I said, we would be very open, and in
8 fact, already have prompted by this bill, looking at
9 our existing dashboards and our existing schedules,
10 and we'd be happy to share kind of what we think
11 would be easy to do, because if we're already using
12 data to manage our operations and there's nothing
13 sensitive in it, then it would be very easy for us to
14 share. Creating a new data set or a new set of
15 protocols, that would be where the trouble is. And,
16 you know, and I know it can be very frustrating as a
17 nearly lifelong resident of New York, I feel
18 similarly, and Council Member Powers kind of cited
19 it. Sinkholes are sometimes a DOT task, sometimes a
20 DEP task, and sometimes to be honest, it goes
21 entirely back and forth, and when you see a sinkhole
22 that takes a very long time, it's usually one of
23 those.

24 COUNCIL MEMBER HOLDEN: Yeah, no, and we
25 know this because we get bounced back and forth many

1
2 times, and that's what this might correct. Because
3 right now, once the, let's say DOT mill, I'm sorry, I
4 just, the Chair's not here, oh, there he is, over
5 there, let's say DOT mills and paves the street, and
6 then when they put the manhole covers on, it's loose,
7 and now we go into another complaint area of DEP
8 saying, well, that's really DOT because when they put
9 the asphalt down, the rim, they didn't clean out the
10 rim, and then it's sitting wrong, and that happened
11 to me three times, where, and it still happens so
12 it's like we're getting bounced, and DOT says, no,
13 it's DEP, DEP said, no, it's really a DOT issue, so
14 this is where I think some kind of service where we
15 can see the progress, we can see who has it. If it's
16 DOT, let it go in a database. But I think OTI might,
17 if you work with them, I think they might have a
18 solution to this. Thank you. Thank you, Chair.

19 CHAIRPERSON GENNARO: Thank you, Council
20 Member Holden.

21 I'd like to recognize and join my Council
22 Member Zhuang.

23 I'm going to call upon Council Member
24 Williams to ask questions on her bill.

25

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2 Just kind of like a point of order and
3 Council rules. The rules of the Council require that
4 there be a quorum of Council Members in the room when
5 a Council Member is asking questions remotely so if
6 any of you four were to leave while Nan is asking
7 questions, I'd have to cut her off and I don't want
8 to do that and so we have a lot of rules around here.
9 I recognize Council Member Williams to ask her good
10 questions of the Commissioner about her bill.

11 COUNCIL MEMBER WILLIAMS: Thank you. The
12 first question I have, and hi, Commissioner. Sorry,
13 I'm not there in person. I have a little person that
14 is sick.

15 This is about mapping impacted
16 communities so I wanted to know what progress has DEP
17 made in mapping the residential properties in Queens,
18 Community District 12 and 13 that have been affected
19 by groundwater flooding, how are these properties
20 being identified, and what resources are available to
21 help homeowners?

22 COMMISSIONER AGGARWALA: Thank you,
23 Council Member. As you know, as your question
24 indicates, one of the things that we have been
25 working on since earlier this year, really about

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2 February we started, is an effort to understand who
3 is experiencing groundwater flooding, particularly in
4 your District and some of the areas that have
5 longstanding complaints about the closure of the
6 Jamaica water supply. To date, we've done some
7 targeted outreach, including at one of the flooding
8 training sessions that I mentioned. We've had 75
9 homeowners contact us or fill out the surveys that we
10 have been handing out and asking for. We've targeted
11 some of those through conversation with the Borough
12 President's Office, who, as you know, has been
13 involved on this issue for a while, and this is
14 actually one of the reasons that I think very
15 strongly that we need to think more broadly than
16 groundwater in helping homeowners. As you know, we've
17 done these citywide efforts or it was really a pilot.
18 We did a number of these flood awareness meetings
19 because what we found was actually the majority of
20 the people in the area of Southeast Queens that we
21 talked to who replied to the survey, what they
22 described was not likely to be groundwater flooding.
23 Groundwater flooding seeps up usually through the
24 foundation. There could be a sewer backup, which
25 comes through the toilets or drains. It could be

1
2 overland flooding that comes through windows or
3 doors. And that's actually what a large number of the
4 people we surveyed were describing so that's as far
5 as we've got.

6 Also, thanks to your help, we do have a
7 list of seven non-profit organizations that have
8 experienced ongoing basement flooding, and we have
9 been reaching out to them to understand more
10 precisely what they are experiencing, and what at
11 least currently they are thinking about what they can
12 do about it.

13 COUNCIL MEMBER WILLIAMS: The other
14 question I had had to do with the pumping stations
15 and largely just, I know I've had some of these
16 conversations with you already, but also wanted to
17 know some activists, many who might be in the
18 Chambers today have advocated for us to open back up
19 the pumping station, so I just wanted to know if
20 there was any feasibility studies on cost or what
21 that could look like. Of course, I know it's
22 contingent upon the State as well but just wanted to
23 know if there was any other feasibility studies to
24 assess the viability of opening the pumping stations
25 back up.

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2 COMMISSIONER AGGARWALA: Well, two efforts
3 have been undertaken on this topic. One, we took a
4 look over the last year or so at the feasibility of
5 restarting them. We did conclude, and I think I gave
6 testimony on this in the past, that restarting the
7 wells, basically, they've been out of service for
8 such a long time, and water quality standards and the
9 overall regulatory regime has changed so much that we
10 think we would basically have to rebuild them
11 entirely. It would cost about one billion dollars.
12 Separately, however, the State DEC, which would have
13 to give a permit for any extractions from the old
14 wells, issued a report that basically said it would
15 be completely unfeasible for them ever to give a
16 permit for us to restart the wells so, in fact, I
17 think we need to be going the other way. I think it's
18 time to start permanently decommissioning the wells
19 because if DEC, which is the regulating agency, says
20 that they would never give a permit for us to extract
21 water, there, then it just becomes infeasible. Just
22 to be clear, the reason, there were two concerns that
23 they identified, but the most important one is that
24 they determined that if those wells were restarted,

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2 it would have a significantly negative effect on the
3 underwater water supply that Nassau County relies on.

4 COUNCIL MEMBER WILLIAMS: Okay, just one
5 more question, and thank you so much, Chair, for your
6 graciousness.

7 On the bill, the Retrofit Assistance
8 Program, I know Senator Sanders convened a meeting
9 between DAP and the New York State Department of
10 Environmental Conservation in May 2024 to discuss
11 flooding assistance and retrofit programs available
12 to its constituents. HCR, Resilience Retrofit
13 Program, was discussed, and all parties believed it
14 was an effective program to assist homeowners with
15 retrofitting their homes to mitigate flood damage. If
16 Intro. 1067 passes, is it the assessment of your
17 agency that homeowners can receive assistance with
18 retrofitting their homes due to groundwater flooding
19 through this program, and has DAP and other sister
20 agencies looked into the effectiveness of this
21 program to provide funding to constituents in need
22 and, lastly, what dialogue has your office had with
23 HCR to make sure the program can serve our
24 constituents here in New York City?

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2 CHAIRPERSON GENNARO: And before the
3 Commissioner replies to the questions, I'd like to
4 indicate that I'm happy to give the Council Member a
5 little latitude. She's over her time, but it's a very
6 compelling question, and I'll have the Commissioner
7 speak to the questions just posed, and then we'll
8 kind of move on in the hearing but happy to give you
9 the latitude, Nan.

10 Commissioner.

11 COMMISSIONER AGGARWALA: Thank you. Yes,
12 we did have that meeting as you described. Of course,
13 you participated as well. So, to date, we've had a
14 number of conversations with HCR about their program.
15 Right now, my understanding is that they are
16 acquiring or contracting with a new partner to
17 deliver it. It's a reason that they asked us to hold
18 off on actively making residents aware of the program
19 because they were not in a position to disperse more
20 funding. I think the reality is, right now, the pot
21 of money is relatively limited so it is not clear
22 whether, you know, if we got a lot of New York City
23 residents. Traditionally, that program was marketed
24 only to people on Long Island, even though, in
25 theory, it's a statewide program. That was the

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2 conversation we started having with them about how
3 they needed to focus more on New York City. They
4 also, frankly, had been avoiding or excluding those
5 homes that had the most chronic flooding, which seems
6 counterintuitive, and to be honest, I couldn't quite
7 understand it myself. They were basically saying that
8 it's only houses that have occasional flooding that
9 should be eligible, and we've been in discussion with
10 them. I don't have anything definitive to report, as
11 far as I know, but I will check with staff, and we
12 can follow up at our next scheduled conversation,
13 that HCR still doesn't have their new implementing
14 partner lined up yet.

15 COUNCIL MEMBER WILLIAMS: Thank you, and
16 thank you, Chair.

17 CHAIRPERSON GENNARO: Thank you, Council
18 Member Williams.

19 Okay, Council Member Marmorato does not
20 have a bill on, but I let everyone else go first, and
21 it wouldn't seem right to just kind of wait for after
22 all my volume of questions so I recognize Council
23 Member Marmorato for questions.

24 COUNCIL MEMBER MARMORATO: Thank you so
25 much, Chair. It seems like a lot of great legislation

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2 is presented here today, and the unfortunate thing is
3 it seems like a lot of them are getting the kibosh
4 because of budgeting and lack of funding from DEP,
5 and I just want to kind of go over something just to
6 kind of get it on record.

7 CHAIRPERSON GENNARO: Council Member,
8 could you pull your microphone a little closer?

9 COUNCIL MEMBER MARMORATO: Sure, sure. Is
10 it safe to say that DEP provides most of the city's
11 stormwater flooding prevention?

12 COMMISSIONER AGGARWALA: Yes.

13 COUNCIL MEMBER MARMORATO: Yes, okay. When
14 we discussed the City of Yes with Chair Garodnik, he
15 had mentioned that over the last year, the City
16 invested 1.2 billion dollars in stormwater flooding.
17 Does that sound about right?

18 COMMISSIONER AGGARWALA: I don't have it
19 in front of me, but it sounds about right, yes.

20 COUNCIL MEMBER MARMORATO: And over the
21 next 10 years, there's going to be 20 billion for
22 stormwater flooding. Does that sound great? Does that
23 sound like kind of correct?

24 COMMISSIONER AGGARWALA: I would have
25 said, hold on just a minute, 20 sounds a little high.

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2 COUNCIL MEMBER MARMORATO: It does sound
3 high.

4 COMMISSIONER AGGARWALA: Our water and
5 sewer budget in the 10-year Capital Plan is I think
6 9.7, but that doesn't include all the green
7 infrastructure so it's certainly more than nine. I'm
8 not sure it's 20.

9 COUNCIL MEMBER MARMORATO: And I asked him
10 if there was other grants, federal or state. He was
11 not aware of any of it, that it would be funding for
12 you, and I was just curious as to where this 20
13 billion dollars was coming from.

14 COMMISSIONER AGGARWALA: I will find out.
15 But we are very aggressively seeking federal money.
16 There was a...

17 COUNCIL MEMBER MARMORATO: But it's not
18 there right now, as of now.

19 COMMISSIONER AGGARWALA: Well, no, in
20 fairness, we've gotten a lot of federal grants. We've
21 been very successful at programs that are directly
22 administered in Washington. We've gotten...

23 COUNCIL MEMBER MARMORATO: But not what
24 we've gotten, what there is now for the next 20
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2 billion over the 10 years. There's nothing in place
3 right now. Is that correct?

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COMMISSIONER AGGARWALA: Well, no, some of
5 what we are going to be spending is awards we have
6 received that we will be spending over the next
7 couple of years, including, I think it's over 100
8 million in...

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DEPUTY COMMISSIONER LICATA: 230 million.

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COMMISSIONER AGGARWALA: Thank you, 230
11 million dollars in federal money for cloudburst
12 programs.

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COUNCIL MEMBER MARMORATO: Okay, but I'm
14 talking about the 20 billion that they said...

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COMMISSIONER AGGARWALA: Well, that would
16 be rolling into...

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COUNCIL MEMBER MARMORATO: 200 million and
18 20 billion are...

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COMMISSIONER AGGARWALA: Understood.

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COUNCIL MEMBER MARMORATO: That's a big
21 difference, I mean...

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COMMISSIONER AGGARWALA: I'd need to get
23 back to you on what the...

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COUNCIL MEMBER MARMORATO: I would like to
25 have that information because that's really

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2 concerning, considering my District floods all the
3 time from small little rainstorms, and we're going to
4 create this City of Yes and put a lot more stress
5 over my infrastructure, and I just want to know where
6 the money's coming from, how we're going to get it,
7 because we can't build if we can't fix the problem
8 before...

9 COMMISSIONER AGGARWALA: Council Member,
10 if I could, though, as I have testified here before,
11 I think we have to be careful not to conflate two
12 separate issues. The City of Yes proposals...

13 COUNCIL MEMBER MARMORATO: This is not two
14 separate issues. This is my District floods, and you
15 want to build more in a low-density district that
16 already cannot handle the infrastructure, and I don't
17 think it's a DEP issue. I just want to know where the
18 funding's coming from. I can't honestly, in good
19 faith, vote on something to create more
20 infrastructure issues in my community if we're
21 already struggling.

22 COMMISSIONER AGGARWALA: All right, well,
23 Council Member, as I have stated...

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2 COUNCIL MEMBER MARMORATO: And there's
3 nothing in place, there's no plan to fix it as of
4 now.

5 COMMISSIONER AGGARWALA: Well, Council
6 Member, I disagree.

7 CHAIRPERSON GENNARO: We're going a little
8 far afield into City of Yes.

9 COUNCIL MEMBER MARMORATO: Okay, that's
10 fine. I just wanted to know where that 20 million
11 was...

12 CHAIRPERSON GENNARO: I mean, I'll give a
13 little latitude, but there's a limit.

14 COUNCIL MEMBER MARMORATO: Yeah, no, I'm
15 fine. That's all I wanted. I just wanted that on
16 record. Thanks, Chair, I appreciate it.

17 CHAIRPERSON GENNARO: Oh, you bet, of
18 course. Council Member Zhuang has questions as well.
19 I get the good guy Chair award of the year.
20 Everyone's asking questions before me, and so I'm
21 going to close the show, so Council Member Zhuang.

22 COUNCIL MEMBER ZHUANG: Thank you, Chair.

23 CHAIRPERSON GENNARO: I gladly recognize
24 you for questions.

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COUNCIL MEMBER ZHUANG: Thank you. I actually have similar question. My District also get flooded, and also, a lot of time, it's not be reported also. So, the flooded chart you guys have in the website is not really reflect the District, because there's a lot of people have flooded because they don't speak English, and that they don't know how to report it. And then, do you guys have other language access program for the people that don't speak English?

COMMISSIONER AGGARWALA: Yes, of course. You know, DEP, all of our programs are covered by the City's All Access Laws, and we do comply with those. I think it's important to note that our flood maps are not only based on 3-1-1 calls. They are based on our maps of our sewer system, as I mentioned in a previous hearing, kind of a digital twin that we've now constructed of our sewer system so that we can understand water flows. It's got topographical data in there. It's got historical waterway, you know, wetlands and things like that are in there. So, it is not just a question of 3-1-1 data that informs those maps. Any model is going to be partially wrong. I will say I've been generally pleased when I have

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2 visited neighborhoods that what we see on the map
3 conforms to what people say. There have been
4 occasions when we have updated it because we have
5 found a pocket of something that didn't appear in our
6 model and didn't appear in the 3-1-1 data. But of
7 course, as you know, 3-1-1 is available in multiple
8 languages, and we do ask people to call 3-1-1 when
9 they have flooding so that that can be an input into
10 what we do.

11 COUNCIL MEMBER ZHUANG: And also, in my
12 district, we also have a lot of times have, the
13 electricity has blackout in my District very often.
14 Is any suggestion or anything you guys can do about
15 it?

16 COMMISSIONER AGGARWALA: Blackouts?

17 COUNCIL MEMBER ZHUANG: Yeah.

18 COMMISSIONER AGGARWALA: I'm sorry,
19 Council Member, that is entirely beyond our scope.
20 DEP does not interact with that.

21 COUNCIL MEMBER ZHUANG: So, if we don't
22 have enough infrastructure to support City of Yes, so
23 how are we going to, as my Colleague already said, we
24 don't have the infrastructure there. How do you guys
25 convince us to vote City of Yes?

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CHAIRPERSON GENNARO: Council Member...

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COMMISSIONER AGGARWALA: Let me...

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CHAIRPERSON GENNARO: The Chair has
already kind of, just if I could, the Chair has

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already indicated that we're wandering a little too

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far into the City of Yes. I mean, there has to be

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some tenuous connection to the topic before us, and

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we're talking about the FAD, which is where New York

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City's water comes from, so that's really like the

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topic of the oversight hearing, where the City's

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water comes from. This is not a storm water hearing,

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per se. This is where the water comes from so I'll

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give you, just to finish your thought or whatever,

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but I can't have Members ask questions that don't

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have any connection to what the topic is today, and

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so something that relates to where the water comes

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from, that's what we're going for today.

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COUNCIL MEMBER ZHUANG: Okay, thank you.

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Thank you. And also, I just want to echo my

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Colleague, Council Member Bob Holden said, he had the

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issue about when they pave the street, some place

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saying this is DEP issue, sometimes they are saying

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this is DOT issue. For us, we just wanted the problem

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resolved. This type of situation, who we should go

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to? Go to your Administration, who we should speak
to?

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COMMISSIONER AGGARWALA: Council Member,
as I mentioned to Council Member Holden, just the
different agencies do have different jobs, and even
if it is a...

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COUNCIL MEMBER ZHUANG: We have like a
joint, this type of issue, have joint, couple member
from DOT, couple member from DEP.

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COMMISSIONER AGGARWALA: Council Member,
what we do, and in fact, has been very successful. We
started it on Staten Island. We have undertaken it in
Manhattan over the last year or so and, if funding
allows, we will roll it out across the city, is a
program where we actually have a DEP crew, basically
embedded with the DOT crew that is doing street
repaving, and they go in, they do work before the
milling and the repaving happens, and they go in
afterwards, and it addresses, actually, precisely
this problem that you've identified and that Council
Member Holden identified. We actually did it, if you
look right here on Broadway, about six months ago.
That stretch of Broadway is perfect because we had
DOT and DEP working together, and that is the kind of

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2 thing that, more than customer service, I think what
3 we really want to aspire to is actually doing the job
4 well in an integrated way, and that's something I
5 hope we will be able to expand citywide.

6 COUNCIL MEMBER ZHUANG: Thank you. I would
7 like to see more. Thank you.

8 CHAIRPERSON GENNARO: Thank you, Council
9 Member, for your questions.

10 During the last round of questions,
11 Deputy Commissioner Licata chimed in, and so, oh yes,
12 I know, I'm just saying, and I just want to recognize
13 that she's here because she chimed in and because
14 we're like friends so it's okay. I take care of my
15 friends.

16 I recognize Council Member Avilés for
17 questions.

18 COUNCIL MEMBER AVILÉS: Thank you, Chair.
19 You are certainly the most gracious Chair.

20 CHAIRPERSON GENNARO: Thank you.

21 COUNCIL MEMBER AVILÉS: Good afternoon. I
22 wanted to follow up on a couple of questions related
23 to the legislation 1067, and apologies if you may
24 have actually talked about this and I missed it
25 because I had to step out. In particular, related to,

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2 does DEP measure the incidence of groundwater
3 flooding across the city and, if so, how frequently
4 does this kind of flooding occur and in what areas?

5 COMMISSIONER AGGARWALA: We do not. We do
6 not have a map. It is actually one of the reasons
7 that we started this work with the U.S. Geological
8 Survey, just to understand where the water table is
9 and, therefore, to be able to keep track of how it
10 may be changing over time. As you know, DEP is
11 responsible for the water and sewer infrastructure.
12 It does not mean that wherever there is water, it is
13 our responsibility, and keeping basements dry is
14 actually primarily the responsibility of the
15 homeowner. Because of climate change, as I said, the
16 water table is rising across the city and this is
17 something that's going on up and down the Atlantic
18 coast, and so we are working with USGS to try to
19 understand that but, no, as a result, we have not
20 maintained a data set of who is experiencing
21 groundwater flooding.

22 COUNCIL MEMBER AVILÉS: In terms of the
23 partnership with USGS, are there particular
24 timeframes related to that study and kind of
25 milestones you're hoping to meet?

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2 COMMISSIONER AGGARWALA: It is a multi-
3 year effort. It did unfortunately take about a year
4 and a half to get the contracting done. The contract
5 is now underway, and I believe we should expect our
6 first results in a year or a year and a half, but I
7 would get back to you to be more precise and more
8 confident in that.

9 COUNCIL MEMBER AVILÉS: Great, thank you.
10 In terms of, in your estimation, what have been some
11 of the most kind of effective infrastructure
12 interventions to remediate groundwater flooding?

13 COMMISSIONER AGGARWALA: Council Member,
14 as I've said, we do not have the responsibility to
15 manage groundwater tables around the city. That has
16 not been part of DEP's role and responsibility.
17 Generally speaking, when a home is built or any
18 building is built, the groundwater table has to be
19 taken into account and lots of buildings, both around
20 New York City and around the country, actually build
21 in management of groundwater into their basements
22 usually, and so the most effective thing that is
23 often done is what's called the French drain, which
24 is kind of a passive system that allows groundwater
25 to drain out and stay out of the areas that should be

1
2 kept dry. Many homes have sump pumps that they just
3 use on a regular basis, or many homes and businesses,
4 and that's particularly true where you have a larger
5 building that is going deeper and deeper so it's one
6 thing if a home has a basement that goes 10 feet
7 below ground level, but sometimes you have buildings
8 that go 30, even 40 feet below ground level and often
9 have mechanical equipment down there, and the reality
10 is that if you're that level underground, there is a
11 high likelihood you're going to have groundwater.

12 COUNCIL MEMBER AVILÉS: No, thank you for
13 that, and what I hear you saying is certainly
14 industry standards in terms of building should be
15 very clear and up-to-date around climate change
16 impacts. I guess what I'm wondering is where building
17 standards meets kind of regulatory government
18 engagement, so I guess what I'm trying to figure out
19 there is how does government set the standards and
20 protection given we know what the trajectory will
21 continue to be, and it sounds like you've started
22 that work with USGS, but it seems like it will
23 probably be more and more if the city continues to
24 experience more particular flooding.

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2 COMMISSIONER AGGARWALA: I think you are
3 certainly correct in saying that this is something
4 that collectively the City has to take into account.
5 We are excited to get this information from USGS. The
6 building standards, as you know, are led by the
7 Department of Buildings and in some cases by the
8 Department of City Planning, and it may be that at
9 some point we have to think about groundwater the way
10 we are beginning to think about stormwater the way
11 that we have now dealt with coastal.

12 COUNCIL MEMBER AVILÉS: Yeah, thank you so
13 much. And it was a real pleasure to visit the
14 watershed with your team so thank you, and I
15 encourage my Colleagues to do that.

16 COMMISSIONER AGGARWALA: Thank you for
17 joining us.

18 COUNCIL MEMBER AVILÉS: It's quite
19 incredible infrastructure.

20 CHAIRPERSON GENNARO: Thank you, Council
21 Member. I appreciate it very much. I have great
22 Committee Members.

23 Now, I'm going to get going. I'm going
24 through your statement here as I normally do. I was
25 making notes here. Where did I write that? Okay. You

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2 talked in your testimony, Commissioner, on page 10
3 about the Kensico Reservoir, and now, once upon a
4 time, the 10 square mile watershed of Kensico, the
5 watershed's still the same size, it hasn't changed,
6 so you got the 10 square miles of the Kensico
7 Reservoir. I'm going back a ways. I don't know if
8 these numbers still hold up. And because water passes
9 through, the idea is that the least amount of native
10 water in the Kensico Reservoir is the best situation.
11 Now, when I last checked in, about 2 percent of the
12 water in the Kensico Reservoir was native water from
13 the watershed in which it resides, and once upon a
14 time, how do I put this delicately, about 50 percent
15 of material that would make its way into the water
16 supply that presented some concern or challenge came
17 from that 2 percent of native water, and I'm
18 wondering if that's still the reality or whether
19 there have been mechanisms that have been put into
20 place that have changed that dynamic. Whoever wants
21 to speak.

22 COMMISSIONER AGGARWALA: Well, I'm going
23 to say a word, and then I'll ask Assistant
24 Commissioner Warne to say more. So, what you're
25 describing is basically one of the reasons that we've

1
2 made the decision that we've made to sunset our
3 active land acquisition and priority areas three and
4 four, and focus on these really high priority areas,
5 and to a certain extent, like we don't have it, but
6 that Kensico Watershed is kind of priority area zero.
7 Right, I mean, it doesn't get more valuable than
8 that, and in fact, I'm very pleased we had a very
9 expensive but very successful piece of land in Mount
10 Pleasant that we've had our eyes on for a long time
11 that we are actually in the process of acquiring,
12 which is a big win because any piece of land we can
13 get in that Kensico Watershed is super valuable, and
14 of course is sometimes two orders of magnitude more
15 expensive than land in the west of Hudson Watershed,
16 just because of the property values in that area.
17 There have been a number of things that we have done
18 in terms of shoreline stabilization and other things
19 around Kensico, but for the details on those, I would
20 turn it over to the Assistant Commissioner.

21 ASSISTANT COMMISSIONER WARNE: Sure, thank
22 you, Commissioner. Yes, and Mr. Chair, you're...

23 CHAIRPERSON GENNARO: Please state your
24 name for the record for me.

1
2 ASSISTANT COMMISSIONER WARNE: Of course,
3 yeah, David Warne, Assistant Commissioner for Bureau
4 of Water Supply. And yes, Mr. Chair, your
5 recollection is correct about the size of the
6 watershed and the approximate contribution of the
7 water that comes from the watershed as opposed to the
8 aqueducts that bring water from west of Hudson.
9 Because of the importance of Kensico in our
10 operational scheme, a lot of effort has been focused
11 on the basin since the early 1990s, and we have
12 implemented a number of practices around the
13 reservoir. We've put stormwater detention basins on
14 every single tributary that comes in from the
15 drainage area. We have installed spill control booms
16 and measures at key points around the transportation
17 infrastructure.

18 CHAIRPERSON GENNARO: All this being done
19 to keep native water out of the reservoir.

20 ASSISTANT COMMISSIONER WARNE: To keep
21 contaminants in native water out of the reservoir,
22 yes.

23 As the Commissioner mentioned, land
24 acquisition has been a focus. There's a limited
25 number of vacant eligible acres in the Kensico Basin,

1
2 approximately 1,000. Thus far, we've bought about 375
3 of that 1,000 acres, and we have an additional key
4 parcel under contract, which would be about another
5 60 acres that we intend to acquire. And then most
6 recently, we've completed projects right around one
7 of the intakes to stabilize the shoreline. We came to
8 understand that wind that was coming from a certain
9 direction was building up wave action coming down the
10 basin, and it was eroding the shoreline immediately
11 adjacent to the intake and then causing or
12 contributing to turbidity readings at the intake, and
13 so we undertook an extensive program to riprap the
14 shoreline on both sides of the intake to prevent that
15 kind of wave action, that wind-induced turbidity,
16 from causing impacts at the intake, so a lot of
17 effort has been made and focused on Kensico since the
18 earliest days of the FAD, and it continues to be a
19 primary focus.

20 CHAIRPERSON GENNARO: Thank you for your
21 good efforts.

22 With regard to the continuation of the
23 FAD, Commissioner, what is the perspective of the
24 regulator in this case, you know, State DOH, you
25 interact with them, and in terms of threat to the

1
2 FAD, would you put the Kensico high on that list of
3 things that you're concerned about?

4 COMMISSIONER AGGARWALA: Well, look,
5 Kensico, as you've described, Kensico, to a certain
6 extent, is one of the key potential points of failure
7 and has been since the beginning, and, you know, as I
8 mentioned in the testimony, the dramatic increase in
9 wildlife has the potential, coupled with extreme
10 storms or particularly periods of drought that
11 accumulate a lot of stuff that then gets followed by
12 an extreme storm, to flush contaminants into Kensico,
13 kind of at the point in the system that we are least
14 well-equipped to deal with it, because upstate, of
15 course, we have lots of reservoirs. If one of them
16 gets turbid, we turn it off, right?

17 CHAIRPERSON GENARO: Right.

18 COMMISSIONER AGGARWALA: We let it settle.
19 We can use one of the others. We only have one
20 Kensico, and so that is why it continues to be, and
21 probably the changes that we are seeing in terms of
22 water quality standards, climate change, and changing
23 wildlife populations probably makes Kensico even more
24 outsized as we think about the future of the family.

1
2 CHAIRPERSON GENNARO: When we talk about
3 wildlife, what kind of species are we talking about?

4 COMMISSIONER AGGARWALA: Go ahead.

5 ASSISTANT COMMISSIONER WARNE: It's a
6 combination of white-tailed deer populations,
7 raccoons, other small mammals that are abundant
8 around the shore.

9 CHAIRPERSON GENNARO: Pardon?

10 ASSISTANT COMMISSIONER WARNE: They're
11 abundant. There are a lot of them around the shores
12 of the reservoir. As you know, we do have an active
13 waterfowl management program that has been in place
14 since the early 1990s. We've done a very effective
15 job of controlling potential pollution threats from
16 ducks, geese, gulls, and the monitoring data showing
17 the effectiveness of that program is quite striking,
18 but it's really the mammal populations that are of
19 concern at this point.

20 CHAIRPERSON GENNARO: The mammal
21 population. Not to sound like a meanie, but one way
22 of controlling mammals is to control mammals. Has
23 that been given any thought? I'm trying to use a
24 euphemism here, I mean, trapping, relocating, I don't
25

1
2 want to roll out the K word here, but I don't know.
3 What's the thought process there?

4 COMMISSIONER AGGARWALA: Well, Council
5 Member, look, I think what you're talking about is
6 exactly the kind of thing that we have to start
7 thinking broadly about, whether some of the solutions
8 you've just identified are the right ones, I don't
9 know, but Dave and Shilo have begun working together
10 on thinking about what the new threats are and what
11 some of the potential solutions might be.

12 CHAIRPERSON GENNARO: Yeah.

13 COMMISSIONER AGGARWALA: As Dave just
14 pointed out, the issue of waterfowl has been clear
15 since the beginning of the FAD, and that's why
16 there's been a longstanding effort. Frankly, as we
17 know, the deer population in Westchester County was a
18 lot lower in 1993 than it is today so it wasn't top
19 of mind, but thinking about a science-based way to
20 address that risk is exactly what we have to do going
21 forward, which may mean that other aspects of the FAD
22 change in order to add something along those lines.
23 But again, we will be thinking about what the best
24 approaches are, and I don't know enough about
25 wildlife to speculate, but at least just logically,

1
2 one of the challenges is, as you point out, the
3 Kensico Watershed itself is actually quite small,
4 particularly deer walk, so it's not necessarily a
5 captive and resident population. It's a moving
6 population.

7 ASSISTANT COMMISSIONER WARNE: And we have
8 taken some initial steps. We've done some limited
9 trapping and relocation, but we also have, on a
10 regular basis, a scat collection program immediately
11 around the intake. Well, actually, I think on a
12 weekly basis now, we're doing scat collection where
13 we go out and we collect scat piles from any and all
14 species that may have been in the area...

15 CHAIRPERSON GENNARO: Right.

16 ASSISTANT COMMISSIONER WARNE: And that
17 has helped us control baseline coliform levels at the
18 intakes.

19 CHAIRPERSON GENNARO: Sure, because now
20 it's, you know, to lose the FAD is, as the
21 Commissioner outlined, a real big deal.

22 How are we doing with impacts from
23 Westchester County Airport? How's that going?

24 COMMISSIONER AGGARWALA: Look, so
25 Westchester County Airport, again, is something that

1
2 we've long known is one of the big risks. We have an
3 active effort basically to seal off runoff from the
4 airport. Most of the airport actually does not drain
5 into Kensico, it's only a small portion that does,
6 and over the last 30 years, there have been a lot of
7 stormwater management systems put in place so that
8 that does not drain.

9 CHAIRPERSON GENNARO: Great, because once
10 upon a time, that was, yeah, that was a lot of action
11 about that.

12 So, the new FAD would be reauthorized in
13 2027, I think you said, right, and so what steps are
14 going on right now with DOH and other regulators?
15 Because there's a run-up to the reauthorization of
16 the FAD, of these regular meetings. Does it include
17 just DEP and State Health, or are there other actors
18 that are part of that process? I'm just trying to get
19 a handle on how the process works.

20 COMMISSIONER AGGARWALA: Sure, well, I'll
21 ask both Dave and Shilo to say more specifically
22 about the tasks they are undertaking, but basically
23 we started thinking about this about a year and a
24 half ago and, as part of a strategic review of the
25 agency, we took a look at the long-term risks facing

1
2 the FAD, which of course, Dave and his colleagues at
3 BWS had been seeing in the data, in the numbers, some
4 of our episodes in the past, in the aftermath of
5 extreme storms and things like that. We actually,
6 gosh, when was it? It was last year, I think, that we
7 presented to DEC, right? Yeah, so we actually took,
8 once we had coalesced some of our findings about this
9 issue of water quality standards, climate change, and
10 the changing landscape, meaning that the next FAD
11 would have to be different. We took that to, we first
12 did a joint presentation of our thinking to the
13 Department of Health and DEC. They were both
14 involved. We've had a number of conversations at the
15 staff level with them over time. I also presented
16 that same information to some members of the advocacy
17 world, including, I think, Eric at NRDC, who's here.

18 CHAIRPERSON GENNARO: Right, you know,
19 that was going to be my next question because when we
20 first did this, there was, you know, the
21 Environmental Coalition, or like whatever they call
22 themselves, that were very active in trying to, you
23 know, create common cause and move this forward so.

24 COMMISSIONER AGGARWALA: Right.
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CHAIRPERSON GENNARO: And so is that formalized, or is there?

COMMISSIONER AGGARWALA: It's not formalized at the moment. What we have, and I will ask you to talk about, we do have an ongoing set of conversations now with DOH and DEC, kind of in an informal way, but nonetheless ongoing. Dave and Shilo actually organized, several months ago, a research symposium where we actually had senior officials from all of the other cities that have Filtration Avoidance Determinations came to Westchester County, and we spent two days with them. I joined for one full day, because it was so valuable to understand what they are seeing and what they are doing in their watersheds. Some are very similar, some are very different, but it's always very useful, and in fact, Shilo and Dave are working together on developing a kind of a DEP perspective on what the future of the FAD will be in conjunction with these conversations with DOH, DOC, DEC, and certainly we are keeping a dialogue with key stakeholders as well.

Anything that I didn't talk about that we should add?

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2 ASSISTANT COMMISSIONER WARNE: I would add
3 one thing, and this was referenced in the
4 Commissioner's testimony. Part of the framework here
5 is a permit that is issued by New York State DEC that
6 allows us to acquire land. Our current permit expires
7 at the end of 2025, and we have been for some time in
8 active discussions with a broad group of
9 stakeholders, including the State, including the
10 communities, including the environmental parties. I
11 believe Eric is here today. I think I also saw
12 Victoria from Riverkeeper, who has been at the table,
13 to negotiate the terms and enhancements and
14 modifications to the land acquisition program, so the
15 focus has been for the moment on that first deadline
16 of 2025 with the permit for the land acquisition
17 program, and then that is going to build into the
18 discussions around the successor.

19 CHAIRPERSON GENNARO: Now, having been a
20 Deputy Commissioner at DEC for a number of years,
21 they're very sensitive, that agency is, to the wants
22 and needs of the upstate community as they well
23 should be, but in my tenure there, sometimes I see a
24 little bit of a tilt towards the upstate communities,
25 and I'm just wondering, I don't know if you want to

1
2 answer this, but is there any pushback from DEC
3 regarding reauthorizing the Land Act permit by virtue
4 of local stakeholders up there feeling that New York
5 City currently owns enough of upstate land and they
6 would prefer to be, to control the destiny of their
7 area? I think you know what I'm saying in a very
8 clumsy manner here. I know what, and, because there
9 have been other things. I mean, like the State, I
10 mean, I think if the State had its druthers, we'd be
11 using the reservoirs for upstate flood control. I
12 mean, you know, it is what it is, and so how's it
13 going with regard to, yeah, I mean, I know you don't
14 want to say anything that's going to get back to DEC
15 or whatever, but am I getting warm here, or like,
16 what do you think?

17 COMMISSIONER AGGARWALA: Council Member,
18 first of all I'll say, I think we are on track to get
19 this permit renewed, right, and there has been an
20 ongoing intensive collaborative process that involves
21 DEC, that involves the local communities, that
22 involves many of the institutional stakeholders like
23 NRDC and Riverkeeper. It's through that set of
24 conversations that in fact DEP may put forward the
25 statement that we would intentionally suspend in

1
2 programmatic land acquisition priority areas three
3 and four which was something that the local
4 communities were very in favor of. You know, the
5 dynamic that you're describing is really why I was
6 stressing in my testimony that what's important to
7 the FAD is that we remember that it has to be good
8 water quality policy, right? If we allow other issues
9 like economic development or more general
10 environmental efforts or what have you to take
11 primacy over the water quality science, then we put
12 the FAD at risk, and, you know, that is something
13 that no matter who's listening, that is something
14 that DEP is going to be saying over and over again.

15 CHAIRPERSON GENNARO: I just came up with
16 a question. Let me put it this way, that that doesn't
17 get anybody in trouble. Let's just say there was like
18 a host of severe storms upstate and the State were to
19 put pressure on DEP to regulate its reservoir levels
20 in order to accommodate upstate flood control. What
21 ability, like legal ability, would DEP have to
22 preclude the State from leaning on you folks like
23 that? How would that work? The State said, look, we
24 need a little, you know, like we need a little help
25 with flood control, this reservoir's going to have to

1
2 take a little bit of a hit, but you have other
3 reservoirs, you're going to let this settle out or
4 whatever. I don't know how that power dynamic works
5 or like the legal authority of that would work.

6 COMMISSIONER AGGARWALA: Well, look, I
7 will say, and I would have to get back to you on kind
8 of the legal specifics of that. Ultimately, as we all
9 know, the City is a creature of the State. So
10 ultimately, one way or another, the State will get
11 its way. What I would also point out...

12 CHAIRPERSON GENNARO: Because that's where
13 I see like the benefit of the environmental community
14 being involved, the Eric Goldsteins of the world, you
15 know, to rally the troops to make sure that the State
16 doesn't get any ideas about, you know, about, you
17 know, let the State have any ideas other than having
18 as first and foremost the, you know, water quality
19 for half the people in New York state, and so that's
20 how I see the benefit of the environmental coalition,
21 because they have, you know, everybody knows, they
22 all have the Governor's phone number, and so that's
23 how I think that is a good thing that you're doing
24 that.

COMMISSIONER AGGARWALA: And Council

Member, or Chairman, certainly I've been trying to work very closely with the environmental community. I would hope that particularly NRDC and Riverkeeper would say that we have been doing that, certainly under my leadership, but I think that's got a long tradition of DEP. I will say, I think, frankly, it doesn't matter who, what we are always going to be focused on is the water quality science, right? I would say there are people who also want to use the FAD as an excuse to do all sorts of things for recreation or wildlife protection or land acquisition, whether it matters for water quality or not, we need to defend against that. I would agree with you that we need to make sure that everybody understands that our water infrastructure is mainly there to deliver clean drinking water to 10 million people across New York state, and, you know, where we can be a positive force in the watershed, of course, we can and should do that, and one of the things that we have to do is regularly look at what we are doing, and I think that's something we've done a lot. This rethinking of land acquisition is based on the fact that this National Academy review took place. We're

1
2 thinking differently about the threats to the FAD
3 because we stepped back to say, well, all right, how
4 are circumstances changing, how does the FAD have to
5 change. I was really pleased earlier this year to do
6 an announcement with a number of officials in the
7 watershed and with the Ulster County Executive and
8 State Senator Hinchey about the interim release
9 protocol from the Ashokan Reservoir, which for, what,
10 14 years, I think, has generated a lot of controversy
11 because it directed us to release turbid water into
12 the Lower Esopus Creek, which had primarily visual
13 and aesthetic impacts on the communities downriver,
14 but nonetheless, they were vociferous about how much
15 they didn't like it, and frankly, 14 years ago, those
16 releases were important to our ability to maintain
17 water quality. With some changes and investments that
18 we've made, particularly the interconnection at Shaft
19 4 that allows us to send Delaware water through the
20 Catskill Aqueduct, we found on reconsideration, we
21 didn't need to do those releases at all so we were
22 basically able to go to the local community and say,
23 hey, look, do you want us to do releases for flood
24 control or do you want us to do no releases so that
25 the water in the Lower Esopus stays clear? You

1
2 choose, we really don't care, because it's fine
3 either way. And working with the local community,
4 they reached a consensus that we have now embraced
5 and is now enshrined by DEC so that was a great
6 example of how, because we looked again at something
7 that we had looked at 14 years ago, but circumstances
8 have changed, we found a way to avoid being a
9 negative impact, and yet to protect our primary job
10 of delivering clean water.

11 CHAIRPERSON GENNARO: Thank you. Is there
12 any successor to the organization that used to be
13 called the Coalition of Watershed Towns, or now you
14 just deal with the county executives and elected
15 representatives? So, in terms of, because there was
16 this formal Coalition of Watershed Towns, does that
17 still exist?

18 COMMISSIONER AGGARWALA: They're still
19 there, yeah. I met with CWT only a couple of weeks
20 ago, actually. Rick Coombs and I got together. So
21 yeah, no, CWT is certainly an active participant
22 still.

23 COMMISSIONER AGGARWALA: Is their lawyer
24 still Jeff Baker?

25 ASSISTANT COMMISSIONER WARNE; Yeah.

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CHAIRPERSON GENNARO: Really? Oh my God, so let me amend my previous statement at the outset of the hearing so it's Eric Goldstein, it's Jeff Baker and me, and so, okay, after all these years, I haven't talked to him in 30 years, but I just remember his name. Wow, I guess he's getting older too, right, and so, yeah, a lot of that going around, so the construct's still there.

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Is there anything you need from us about like the vacancy rate and the cops? I don't think there's anything, that's not a Council thing, right? We can't legislate that, we can't whatever. That is correct.

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COMMISSIONER AGGARWALA: That is correct.

CHAIRPERSON GENNARO: The cops get the best training and they get cherry picked by local police departments.

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COMMISSIONER AGGARWALA: Yeah, we routinely, we do have very high-quality training, really proud of them. We just did a graduation of what was unfortunately one of our smallest classes ever. Just last Friday, I was up at Kingston to do the graduation, only four new officers from a class. We need a lot more in the next class next summer. As

1
2 you say, the pension is a State legislative issue. At
3 some point, were the State Legislature to consider
4 that, there would be a need for a home rule.

5 CHAIRPERSON GENNARO: Do we have anybody
6 to do that? Anybody interested in doing that?

7 COMMISSIONER AGGARWALA: Sorry?

8 CHAIRPERSON GENNARO: Is there anybody
9 interested in doing that?

10 COMMISSIONER AGGARWALA: Well, look, as I
11 said..

12 CHAIRPERSON GENNARO: Or is it the case
13 that upstate communities like to hire the best
14 trained cops without having them going through the
15 expensive training themselves.

16 COMMISSIONER AGGARWALA: Well, I would
17 certainly believe that they do appreciate that. I
18 don't know that I've seen any evidence that anybody
19 is actively trying to get in the way of our police
20 getting a fair pension. But as I was going to say, at
21 some point, were that legislation to move forward,
22 which as I said is thus far being pushed by the
23 union, it would require a home rule message from the
24 Council so the Council would have a role.

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2 CHAIRPERSON GENNARO: Okay. You should put
3 Shams on that. Oh, no.

4 COMMISSIONER AGGARWALA: I'll take that
5 under advisement. Thank you, sir.

6 CHAIRPERSON GENNARO: Shams not here, is
7 he?

8 COMMISSIONER AGGARWALA: Yeah, he is.

9 CHAIRPERSON GENNARO: Oh, really? Oh,
10 okay. Good for Shams. He used to work for my office
11 once upon a time, but then he realized that, what am
12 I doing here, you know? Josh, don't get any ideas.

13 You made reference to Portland, Oregon.
14 They lost their FAD. They had pathogens that they
15 heretofore had not seen. You know, like we're all
16 concerned about Portland, but you know, do we have an
17 analog here in terms of same kind of pathogens or
18 whatever or?

19 ASSISTANT COMMISSIONER WARNE: So the
20 detection, they had a pathogen detection of
21 cryptosporidium, which they identified as being from
22 a wildlife source, and yes, we do have similar
23 sources of cryptosporidium from wildlife. At the
24 time, Portland did not have, well, we have
25 ultraviolet disinfection, right, and so we have that

1
2 second barrier of disinfection between the chlorine
3 and ultraviolet.

4 CHAIRPERSON GENNARO: But yeah, but the
5 crypto don't care about chlorine. How about the UV,
6 does that get the crypto?

7 ASSISTANT COMMISSIONER WARNE: The UV is
8 effective at ensuring that the cryptosporidium, the
9 pathogens cannot reproduce. It doesn't remove them
10 from the water, but it renders them inability to
11 reproduce and that reproduction in the human gut is
12 what causes illness. So, we have very low levels of
13 pathogens at our key points, our regulated intakes,
14 and then with the two barriers of disinfection, we
15 feel confident that we're protected against pathogen
16 introduction into the distribution system.

17 CHAIRPERSON GENNARO: Good, good, I want
18 that, good answer.

19 What's the final final on Hillview?
20 Another 30-year-old issue. I think Rit told me
21 recently but might as well just put it on the record,
22 that like Hillview, the feds wanted us to cover the
23 Hillview Reservoir. You know, DEP wisely said this is
24 the best use of DEP resources to protect water
25 quality. This has gone around and around so many

1
2 times that I can't remember like where it even is so,
3 but it's someplace, so what's the final final on
4 Hillview?

5 COMMISSIONER AGGARWALA: Right, so yes,
6 despite the perspective that New York City embraced
7 at the time, EPA did require us to undertake the
8 cover at Hillview. It was memorialized through a
9 consent decree that was actually, now the Department
10 of Justice so we have a DOJ consent decree that
11 incorporates a series of steps through to 2049, which
12 is the final date at which Hillview must be
13 completely covered. There are a number of milestones
14 that we have to meet. Two of them are currently
15 underway. One is a set of upgrades to the intakes at
16 the southern end of Hillview, which are about to be
17 completely reconstructed, and another one is the
18 Kensico Eastview connection, which provides the
19 second connection between Kensico Reservoir and the
20 UV plant, a really important project. The current
21 work at Hillview is something like 800 million
22 dollars. The KEC is going to be about 1.2. This
23 particular project, and then there's actually further
24 work that will have to happen sometime over the next
25 several years. Ultimately, we will be covering it.

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2 Next year, we have to submit a report to DOJ as to a
3 preferred design, and there are several different
4 strategies under consideration, and we'll have more
5 to say as we get closer.

6 CHAIRPERSON GENNARO: Great, thank you.

7 No, I don't think I want to do that. You know what,
8 that's it. I think we're good.

9 I just want to sort of close out with a
10 statement and a pledge, you know, this is how I
11 started my career. You know, I came to the Council in
12 1990. As a Staff Member, this thing started to pick
13 up, and this was such an amazing journey for a then
14 young man to be engaged in, to kind of be a little
15 part of making watershed history. Nothing like this
16 has ever been done in any other watershed across the
17 country, and the journey continues, and I have, you
18 know, a lot of faith in the good folks from DEP,
19 including Paul Rush, who I understand couldn't be
20 here today. He's doing important things, as he always
21 does. And you have a partner in me as Chair of this
22 Committee, and I'll speak for the full Council. And I
23 look forward to ongoing engagement, you know, with
24 DEP, you know, and the environmental community, you
25

1
2 know, to make sure that, you know, we can meet the
3 new challenges, keep the Fed going.

4 I guess one more question. Is there any
5 estimate whatsoever as to, how about I just ask this
6 scary question? Is there any estimate of how much a
7 fully loaded, you know, (INAUDIBLE) filter with all
8 the options and the power steering wheel on the
9 Landau roof and everything you can imagine in a
10 filtration plant, you know, how much that would cost
11 and how long would it take it to build, and do we
12 even have a site for it?

13 COMMISSIONER AGGARWALA: Well, so under
14 the...

15 CHAIRPERSON GENNARO: It's going to be
16 scary so you should give a scary answer.

17 COMMISSIONER AGGARWALA: Yeah, well, it is
18 pretty scary, no question. We do have a site for it,
19 although one of the things we are doing as part of
20 this work is exploring whether there are different
21 approaches to a filtration system. Kind of most
22 straightforward way would be to build a filtration
23 plant that would be sized to not the daily maximum
24 draw of the city but actually the peak hour, so it
25 would require roughly a 2 billion gallon per day

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2 equivalent. If you take the Portland example and you
3 scale it up, the Portland plant is 135 million
4 gallons a day and it's a 2-billion-dollar plant.
5 We're looking at something between 20 and maybe 40
6 billion. Could easily be the most expensive factory
7 anywhere in the United States. The site, as I said,
8 is at the bottom of Kensico near the UV plant. We
9 could build it there. However, again, as I said, we
10 are also thinking about different constructs. Even in
11 a world in which we needed filtration, do we really
12 need that 2-billion-gallon capacity or are there ways
13 to manage the peak couple of hours in the morning so
14 that we don't have to build that church for Easter
15 Sunday, as they say? Are there ways that we could
16 think about locating plants further upstream,
17 especially west of Hudson, which would be much more
18 effective in terms of construction costs and land
19 prices? All of those are things that we are thinking
20 about as part of this going forward, but yeah, it's
21 an expensive and scary idea.

22 CHAIRPERSON GENNARO: And the purpose of
23 that question is to scare everybody into the
24 imperative that we keep the FAD going in perpetuity,
25 and for those in the audience who don't know what a

1
2 landau roof is on a car, you have to look it up, but
3 that was a thing once upon a time, and I make notes
4 on words that have never been used in the Committee
5 before, and this is the first time the words landau
6 roof have been used in this Committee, and so that is
7 in the record now. But not to close off on a silly
8 note, this is a very serious endeavor that I
9 indicated you have my full cooperation, but you also
10 have my full confidence that we'll be able to do this
11 and that is the, you know, collective us. It's you
12 folks, it's the Council, it's the environmental
13 community, and if you need anybody to push DEC
14 around, let me know.

15 Okay, we're back. We never closed.

16 Okay, and so with that said, I thank this
17 panel for its excellent testimony. Shams knows what
18 he has to do, and we're just going to take a brief
19 reset while I go wash my hands.

20 I think the first panel is going to be
21 the Independent Budget Office. And you know what,
22 while I'm doing it, like why don't you read the
23 boilerplate stuff or do I have to read that? Oh, I
24 have to read that? Okay, we're taking a two-minute
25 recess anyway, okay.

1
2 Being a full-fledged City government
3 institution, whatever, there's no way I could in
4 clear conscience just hold it to the two minutes that
5 the public testimony folks get, so you get the two
6 plus the five for a total of seven. I figured that
7 was the least I could do for our partners in
8 government, and so I'm very grateful that the IBO is
9 involved and I welcome the IBO to all our hearings,
10 and so you have to swear them,, right? Okay.

11 COMMITTEE COUNSEL MALONE: Please raise
12 your right hand.

13 Do you affirm to tell the truth, the
14 whole truth, and nothing but the truth, and to answer
15 any Council Member questions honestly?

16 POLICY ANALYST PAGE: I do.

17 ASSISTANT DIRECTOR CAIN: I do.

18 CHAIRPERSON GENNARO: And before you go,
19 do we have written testimony from IBO in hand that I
20 can? Oh, is the print small enough? I have to hold it
21 like this.

22 Once again, thank you very much for being
23 here and please proceed with your good testimony.

24 POLICY ANALYST PAGE: Thank you. Good
25 afternoon, Chair Gennaro and Members of the

1
2 Committee. I am Jordan Page, Environmental Budget and
3 Policy Analyst for the New York City Independent
4 Budget Office, or IBO. I'm joined here today by my
5 colleague, Brian Cain, Assistant Director of Housing,
6 Environment and Infrastructure. IBO is an independent
7 non-mayoral City agency that conducts fiscal and
8 policy research for the City. Earlier this month, we
9 published a report examining the rate setting and
10 billing process of the City's water and sewer system.
11 My testimony today will highlight key takeaways from
12 this research. After the 1970s fiscal crisis,
13 investors were hesitant to buy general obligation
14 bonds backed by the City's general fund. In the
15 1980s, the water and sewer system was financially
16 separated from the City government to issue water
17 bonds. Water bill revenue was removed from its
18 general fund and moved to control of the Water Board
19 to be used exclusively for water system maintenance,
20 operations and debt service, or new water finance
21 authority bonds. The 1985 Water Board Lease Agreement
22 granted the Water Board permission to use the City's
23 water and sewer system. However, one provision of the
24 agreement allows the City to request an annual rental
25 payment from the Water Board. This so-called rental

1
2 payment was intended to make the City whole as it
3 paid off pre-existing debt related to the water
4 system. That debt, which was the initial
5 justification of the rental payment, was fully paid
6 off in 2005.

7 CHAIRPERSON GENNARO: Was fully paid off
8 in 2005, like that's where we are, right? Okay, keep
9 going.

10 POLICY ANALYST PAGE: But the City's
11 collection of the rental payment did not end there.
12 Since then, the rental payment has simply become a
13 mechanism to move revenue from the water and sewer
14 system to the City's general fund as a source of
15 additional revenue. Once in the general fund, it can
16 be spent at the discretion of the Mayoral
17 Administration and can be put towards any of the
18 City's budget priorities.

19 In recent years, the City's use of the
20 rental payment has varied. Referring to City Fiscal
21 Years here, every year from 1985 to 2015, Mayoral
22 Administrations requested the rental payment. In
23 2016, notably, when the City saw strong revenue
24 collections, the de Blasio Administration requested
25 only a partial rental payment. The City did not

1
2 request rental payments for the next three years.
3 When the City faced financial uncertainties during
4 the pandemic in 2020 and 2021, the de Blasio
5 Administration requested partial rental payments.
6 Under the Adams' Administration, there were no rental
7 payments in 2022 and 2023. The rental payments were
8 resumed midway through 2024 when the Adams'
9 Administration requested a partial rental payment of
10 145 million dollars.

11 CHAIRPERSON GENNARO: Which they didn't do
12 in FY24. They waited until the next year and then
13 they reached back. We were still in '24, but they
14 reached back, and so they did the combined '24 and
15 '25 for a total of 440 million, which you're probably
16 going to talk about.

17 ASSISTANT DIRECTOR CAIN: So this
18 collection of the rental payment was predicated on
19 the basis that the City needed help covering the
20 rising cost.

21 CHAIRPERSON GENNARO: Oh, I lost you
22 again. When the City, okay, under the Adams'
23 Administration. Oh, this was predicated, right?
24 That's where you are?

25 POLICY ANALYST PAGE: Yes, sir.

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CHAIRPERSON GENNARO: Okay, go ahead.

POLICY ANALYST PAGE: This was predicated on the basis that the City needed help covering the rising cost of caring for asylum seekers, but IBO's revenue and expense forecast painted a less dire financial picture than the Administration's.

Under the same justification, the City plans to charge the maximum annual rental payment from 2025 through 2028 at around 300 million dollars each year. Whatever amount of the rental payment the City requests, the Water Board has to assess rates to not only cover the cost of water system maintenance and operations but also the cost of the rental payment. Of the 8.5 percent total rate increase in 2025, 3.1 percentage points are attributable to the rental payment. These rate increases are seen directly by property owners because they receive the water bills. Rate increases also indirectly affects residents of rental, condo, and co-op apartment buildings because economic theory suggests that some, if not all, of water bill costs for apartment buildings are ultimately borne by the residents. However, renters rarely see water bills directly and are likely to miss public notices included therein.

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2 Whether or not the City will request the rental
3 payment creates uncertainty in the Water Board's
4 rate-setting process each year and has fiscal
5 implications for city residents. With the retirement
6 of the Water System General Obligation Debt in 2005,
7 the rationale for the rental payment continuing is
8 not clear.

9 Turning our attention now to water
10 billing structures, IBO would like to briefly
11 highlight a key finding from our analysis. New York
12 City has four billing structures for water and sewer
13 rate payers. The two most common structures make up
14 about 94 percent of all water bill charges. 70
15 percent is for meter bills, which are assessed based
16 on the amount of water used at a property. The other
17 24 percent is from the Multifamily Conservation
18 Program, or MCP, which charges a flat rate per
19 apartment to qualifying multifamily buildings. IBO
20 made some important observations to property bills
21 under the metered and MCP structures. Using 2020
22 water bill data, we found 82 percent of apartment
23 buildings that pay metered water bills were billed
24 less.

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CHAIRPERSON GENNARO: Lost you again, lost
you again. What's that last sentence?

3

4

ASSISTANT DIRECTOR CAIN: We're in the
bullets now.

5

6

CHAIRPERSON GENNARO: What's that?

7

8

ASSISTANT DIRECTOR CAIN: We're in the
second bulleted section on the last page now.

9

10

CHAIRPERSON GENNARO: Bulleted, so, okay.
Using 2020 water bill data, is that where we are?

11

POLICY ANALYST PAGE: Yes, sir.

12

CHAIRPERSON GENNARO: Okay, go ahead.

13

14

POLICY ANALYST PAGE: Using 2020 water
bill data, we found 82 percent of apartment buildings
that pay metered water bills were billed less than
those in the MCP per apartment. The MCP rate in 2020
was about 1,000 dollars per apartment. MCP properties
are typically larger, older apartment buildings.

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Notably, the Bronx has the highest concentration of
MCP properties, and also many nicer properties are
enrolled in the MCP.

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New York City still has some of the
lowest water rates in the country. However, in
general, water bills are seen as regressive in the
sense that everyone pays the same rate, regardless of

1
2 having limited income or ample disposable income. But
3 if MCP properties are charged more on average than
4 most metered apartment buildings, that could make
5 water bills even more regressive. Without seeing
6 actual water usage data for these MCP properties, it
7 is impossible to say whether they would pay more or
8 less if they switched to metered billing. Regardless,
9 because MCP is not tied to water usage, there is no
10 direct incentive to reduce water waste. Therefore, it
11 could be that MCP either charges these properties
12 more than they would otherwise pay under metered
13 billing, fails to discourage water conservation, or
14 both. On the other hand, some property owners may
15 prefer rate certainty and are willing to potentially
16 pay a premium to avoid unexpected bill shock.

17 Thank you for the opportunity to testify,
18 and we welcome any questions.

19 CHAIRPERSON GENNARO: Well, I really thank
20 IBO for getting on the anti-rental payment bandwagon.
21 I've already flipped the Water Board into doing a
22 resolution. I got my bill today is about like
23 notification, but we have to get the State to sort of
24 like cut this out altogether, only they can do that.
25 And what's not in your testimony is that the maximum

1 rental payment that the Mayor can ask for is 15
2 percent of the annual debt service paid by the Water
3 Finance Authority, and so early in the Bloomberg
4 Admin... because up until then, the rental payment was
5 equal to the debt service on the pre-1985 general
6 obligation debt for DEP, that pile of debt, or 15
7 percent of the Water Finance Authority debt,
8 whichever was higher. At a certain point, as the pre-
9 1985 debt got paid down, the debt service went down,
10 and the 15 percent of the Water Finance Authority
11 debt service went up, the lines crossed, and then the
12 Administration, once the debt was paid off, was
13 flipped over to the 50 percent of the Water Finance
14 Authority, and then they would get the rental
15 payment, pay off the pre-1985 debt, and put the rest
16 into the general fund, and now they're putting 100
17 percent of it into the general fund. One thing I'm
18 looking into now is that with the 440 million dollars
19 that the Administration took in the form of a rental
20 payment in this budget year, FY25 plus FY24, by your
21 own, I think you indicated that, yeah, so rates went
22 up 8.5 percent. The chart that DEP put out when they
23 break down the charges means that they, for the
24 rental payment in this Fiscal Year, I think it was

1
2 3.1 rate points that they put, at about 40-odd
3 million dollars per rate point, that's only, you
4 know, that's only like 100, maybe 130 million or
5 whatever, so the City has, so the Adams'
6 Administration has taken a 440-million-dollar rental
7 payment, charged the rate payers only 3.1 percent,
8 but if you have like a pay-as-you-go system, that
9 would have been 11 points on the rate right there
10 just to pay the 440, so the question remains, and
11 this is your homework assignment, because I can't get
12 it, is, so they take 440, they charge the rate
13 payers, what did I say, 130, so that's like 310
14 million that the Administration is going to spend
15 this year of rental payment money that it's not
16 getting from the rate payers so where's it coming
17 from? Is it in some reserve somewhere, or are they
18 just going to do this thing where, okay, we don't
19 want to shock the heck out of people, so we're only
20 going to do 3.1 points on the rate, but we're going
21 to take the 440 million, and we're going to pay it
22 off over the next couple of years, which is not
23 exactly a pay-as-you-go kind of budget system, which
24 is what we're supposed to have. I mean, and I used to
25 work in OMB back in, I was working in OMB back in

1
2 1985 in the Capital Division when they did this, and
3 I was just a kid back then, but the joke was that
4 we've got this mechanism, because nobody wanted to
5 touch the pre-1985 debt, and so the New Water Finance
6 Authority was like, the Water Board was like, don't
7 look at us, like, we're not going to pay that, and
8 the City wanted to be, you know, OMB just wanted the
9 DEP capital budget just to be out of its hair, like,
10 for good, and so who was going to pay for this huge
11 mountain of pre-1985 DEP geo-debt, and that was going
12 to be the rental payment, and so the Trojan horse
13 that they built in was that rather than coming to an
14 agreement whereby once the pre-1985 debt is all paid
15 off, the rental payment, which is brought into
16 existence to pay that debt, gets paid down and goes
17 away, that the rental payment goes away, they put a
18 Trojan horse in, like, whatever State Legislature,
19 like, the State Legislature did this in consultation
20 with OMB, who the heck knows, I was just like an
21 entry-level person, it wasn't up to me, but there was
22 a Trojan horse built in there that the Mayor, whoever
23 it is, you know, many, many years down the road would
24 have a cash machine in the form of a rental payment
25 if, you know, she or he needed money to balance the

1
2 budget. That is an outrage, and I'm glad you folks
3 are on it, and because the Board of Finance Authority
4 is a State-created entity, they're not going to give
5 me any information on it, but I'm working on this,
6 and it's good to see you, you know, in common cause
7 with me on this really important issue, and bringing
8 daylight to this issue that nobody knows about,
9 nobody knows about this, but that issue about,
10 where's the 330 million dollars coming from, right,
11 isn't that what it is, 440 minus 130, and so, you got
12 310 million dollars, it's coming from someplace, it's
13 not coming from the rate payers, either we're going
14 to collect it from rate payers going forward and add
15 that in the future, I don't even know how it's going
16 to work, but it just doesn't seem right to me, but
17 the biggest thing that's not right is that we have
18 the ability for the Mayor to legally, 100 percent
19 legally, fleece the rate payers of New York City and
20 impede with DEP's ability to appeal to the Water
21 Board for higher rates for stuff that they really
22 need to do that relates to DEP, like doing all this
23 stuff relating to the FAD, and, you know, building
24 out the storm sewer system and everything we're
25 doing, you know, to push back against, you know, this

1
2 new era of flooding storms every five seconds, and I
3 say that in a month where we haven't had any rain
4 yet, and I don't even know, what's the date, 29th,
5 28th, 20-something, so it's been like four weeks
6 without rain, so it's kind of an irony that I'm
7 talking about, you know, super flooding storms like
8 every month, we haven't had a drop of rain this whole
9 month, but I thank the IBO for being here, because
10 this is a well-written, you know, this is more
11 concise than I could put it, and you laid down the
12 history, and I look forward to working together with
13 you guys on it, I would urge you to make sure you
14 touch base with my Legislative Director, Josh
15 Gachette, who's right there, he's going to raise his
16 hand, and, you know, give him your contact
17 information, and we appreciate, you know, the real
18 value added that IBO has brought to this proceeding.
19 With that, I'm kicking you out, okay, in a nice way,
20 in a nice way. Thank you very much. Thanks so much
21 for being here, I'm not really kicking you out, you
22 know, I'm just saying, you know. It's not that way,
23 you know, but thank you very much, really appreciate
24 your hard work on this, this is really good work.

1
2 So, now I have to read the thing? This
3 form is not my idea. They make me read it. Okay.

4 Public comment period, section one, at
5 the beginning of the public comment period, oh, start
6 here, all right, I can't even do it right. I now open
7 the hearing for public testimony. I remind members of
8 the public that this is a formal government
9 proceeding and that decorum shall be observed at all
10 times. As such, members of the public shall remain
11 silent at all times.

12 The witness table is reserved for people
13 who wish to testify. No video recording or
14 photography is allowed from the witness table.
15 Further, members of the public may not present audio
16 or video recording as testimony, but may submit
17 transcripts of such recordings to the Sergeant-at-
18 Arms for inclusion in the hearing record.

19 If you wish to speak at today's hearing,
20 please fill out an appearance card with the Sergeant-
21 at-Arms and wait to be recognized. When recognized,
22 you will have two minutes to speak on today's hearing
23 topic of the Filtration Avoidance Determination and
24 Intros 33, 225, 816, 900, and also Proposed Intro.
25 1067-A and Resolution 83. That means you can only

1
2 talk about what we're talking about today and not
3 what you feel like talking about.

4 If you have a written statement or
5 additional written testimony you wish to submit for
6 the record, please provide a copy of that testimony
7 to the Sergeant-at-Arms. You may also, is my mic
8 ringing or something? Is it, am I too close? You may
9 also email written testimony to
10 testimony@council.nyc.gov within 72 hours of this
11 hearing. Audio and video recordings will not be
12 accepted as testimony. So that's it for now.

13 All right. So, we have the first panel,
14 and the first witness of the first panel, a long-time
15 friend and colleague, Eric Goldstein of the Natural
16 Resources Defense Council. I call him to the witness
17 table. Victoria Leung from Riverkeeper, the Honorable
18 William Scarborough, he is representing Southeast
19 Queens Environmental Justice Coalition and Addisleigh
20 Park Civic Organization. It's a real pleasure to have
21 Bill with us. And to round out this first panel, we
22 have Nikki Cross of the New York Lawyers for Public
23 Interest.

24 Victoria is going to go first because she
25 has to leave, so I was going to go this way, but I

1
2 have Victoria first, then we'll have Bill, who's a
3 real gentleman, a real ladies first kind of guy, and
4 then we'll just go this way. And so, Victoria, please
5 proceed with your good testimony. Do I have a copy of
6 it? Okay. All right, I'll just listen.

7 VICTORIA LEUNG: Hi, my name's Victoria
8 Leung. I'm from Riverkeeper. Thank you so much,
9 Chairperson Gennaro and the Committee for your
10 oversight of the New York City water supply. We
11 really appreciate this opportunity to give testimony.
12 Riverkeeper is an organization that's dedicated to
13 the protection of the Hudson River.

14 CHAIRPERSON GENNARO: Yeah, speak really
15 close to the mic.

16 VICTORIA LEUNG: Riverkeeper is an
17 organization dedicated to protection of the Hudson
18 River from source to sea and safeguarding drinking
19 water. We are also a signatory of the 1997 New York
20 City Watershed Memorandum Agreement. I'll keep this
21 brief.

22 We're in full support of Intro. 816 and
23 Resolution 83. Riverkeeper and also the Stormwater
24 Infrastructure Matters, SWIM, Coalition, we have been
25 against the rental payment for a long time. We do not

1
2 believe that it is necessary. Between Fiscal Years
3 2017 and 2023, the rental payment was waived for five
4 of the seven years, and there's a rate increase of
5 8.5 percent this year. So, we're in full support of
6 the notification so the rate payers know exactly
7 where their money is going and that perhaps public
8 pressure can lead to change of the rental payment. In
9 addition, as we heard earlier from DEP, there are a
10 number of infrastructure projects that are needed to
11 keep our water system in good shape so it is critical
12 that this money that is being collected is being used
13 for water infrastructure purposes. For example, the
14 current Delaware aqueduct shutdown that is going on.

15 However, we'll offer one comment on the
16 proposed law. There could be some clarity on the
17 language of the legislation regarding the City's
18 request.

19 CHAIRPERSON GENNARO: You know what I'm
20 going to do? I'm going to stop you there, and I'll
21 come back to you on questions, okay, so you can
22 finish your thought when I come back to you on
23 questions, all right, because the panel's going to
24 stay here until everybody's done.

1
2 Bill, you're up, and again, I'm going to
3 hold everyone to their two minutes pretty much then
4 I'll come back with questions.

5 WILLIAM SCARBOROUGH: Thank you, Chairman
6 Gennaro.

7 CHAIRPERSON GENNARO: Oh, wait a minute. I
8 was just reminded that you have to leave, and so why
9 don't you just finish your thought right now, but I
10 have to be here so I have to ask you, and so I have
11 to ask you to, my question is it seems like you had a
12 couple more thoughts that you wanted to convey to the
13 Committee. My question is, I ask you to convey what
14 you had left to say, as long as it's not too long.

15 VICTORIA LEUNG: Thank you, Chairman
16 Gennaro. We are recommending clarity on what the
17 City's request of the rental payment. It appears that
18 the rate increase is sometimes based on anticipated
19 rental payments so we would ask that the language be
20 amended so notification is made upon either actual
21 request of rental payments or anticipated request of
22 rental payments. Thank you.

23 CHAIRPERSON GENNARO: Thank you, thank
24 you, and please, if you could, please provide a
25 written copy of your testimony to the Council. I

1 explained how to do that. You know how to do that.
2
3 There's a link or whatever. My Staff can provide
4 that.

5 The Honorable William Scarborough. It's
6 so good to have you, Bill.

7 WILLIAM SCARBOROUGH: Thank you, Chairman
8 Gennaro. Good afternoon, Chairman Gennaro, Council
9 Member Williams. My name is William Scarborough, and
10 I'm the President of the Addisleigh Park Civic
11 Organization in Jamaica, Queens.

12 CHAIRPERSON GENNARO: Vicki, you're just
13 waving goodbye.

14 WILLIAM SCARBOROUGH: And the President of
15 the Southeast Queens Residents Environmental Justice
16 Coalition and a former State Assemblymember. It's
17 good to see you again, Chairman.

18 I'm here today in support of Intro. 1067-
19 A, the legislation by Council Member Williams to
20 address flooding issues in Southeast Queens and the
21 City of New York. Our area of Queens has suffered
22 from groundwater flooding for over 30 years, and to a
23 large degree, this has been a direct result of the
24 actions of the New York City and the Department of
25 Environmental Protection. When DEP purchased the

1
2 former Jamaica Water Supply Company in the 1990s, the
3 City stopped pumping groundwater from the 69 wells in
4 Southeast Queens that removed 60 million gallons of
5 water per day. Although this switch improved the
6 quality of water received by our residents, it
7 allowed the groundwater level to rise precipitously.
8 DEP knew from the outset that this would happen, and
9 documents at the time showed that DEP officials
10 promised to take steps to mitigate the rising water
11 level. The rising groundwater level, which has risen
12 by 35 feet between 1996 and 2007 and is still rising,
13 has created flooding conditions in our institutions,
14 such as York College and the Parsons/Archer Subway,
15 which must pump water daily, as well as our
16 residents, some of whom run electric pipes 24 hours a
17 day, seven days a week. In an effort at revisionist
18 history, DEP is now telling our elected officials
19 that groundwater flooding mitigation is not the
20 City's responsibility but the responsibility of
21 homeowners. This is unacceptable, as groundwater
22 flooding in Southeast Queens is a direct result of
23 New York City actions and inactions.

24 Intro. 1067-A addresses key components of
25 the groundwater flooding problem. It would require

1
2 that DEP annually report to the Mayor and the Council
3 on its efforts to address groundwater flooding. The
4 bill also creates a framework to identify property
5 owners impacted by flooding on an ongoing basis and
6 to connect those property owners with available
7 federal, state, and city resources to protect their
8 properties from flooding, such as retrofitting.

9 CHAIRPERSON GENNARO: Yeah, you know what,
10 Bill? I'm going to come back to you and ask you
11 questions because I got a whole thing for you.

12 WILLIAM SCARBOROUGH: Okay.

13 CHAIRPERSON GENNARO: And then, yeah, so
14 everybody just stay there, and everyone's going to,
15 yeah, this is a good panel. I'm not going to waste
16 it. Everyone's going to, you know, you're all going
17 to be talked out by the time you leave the table
18 there.

19 My pal, Eric.

20 ERIC GOLDSTEIN: Good afternoon, Chairman
21 Gennaro. Thank you. Eric Goldstein from the Natural
22 Resources Defense Council, which, as you know, has
23 worked intensively on watershed issues for 35 years.
24 We appreciate your leadership over that period. We
25 welcome the opportunity to testify today in support

1
2 of Intro. 816 and 900 and support at least the goals
3 and objectives of Intro. 1067. The city's water
4 supply is its single most important capital asset.
5 Since the 1990s, the City has advanced an innovative
6 program to protect this unfiltered water supply via a
7 comprehensive watershed protection and pollution
8 prevention program. Now, more than 30 years later,
9 it's safe to conclude that this experiment has been a
10 major success. But the job of safeguarding this
11 unfiltered water supply is a continuing one, and the
12 need for ongoing investments of resources and
13 protective measures remains as urgent as ever. We
14 detail some of these in our written statement, but
15 I'll simply say that safeguarding this system is not
16 only necessary from a public health perspective, but
17 it's essential to protect New York City residents
18 from an enormous boost in water rates, and you heard
19 today the testimony from the Commissioner as to what
20 filtration could cost down the line. While filtration
21 facilities may ultimately be needed at some future
22 decade, investments made today in protecting the
23 upstate water quality now will benefit this system
24 for generations. And speaking of economics, if
25 there's one thing the Council can do in the coming

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2 year to protect the City water rate payers, in
3 addition to fully funding the capital program for the
4 Department of Environmental Protection, it's to
5 ensure that necessary funding is made available for
6 these water and sewer infrastructure investments, and
7 it would be to press the Administration to change
8 course and abandon its plans to charge the City for
9 rental payments. This is an irrational, regressive,
10 anachronistic loophole that allows the Mayor to
11 charge water rate payers for non-water-related city
12 expenditures. I'd be happy to talk about this further
13 as well as the legislation on today's agenda down the
14 line.

15 CHAIRPERSON GENNARO: Great, Eric, I'm
16 going to get back to you on that.

17 Nikki, right? Okay.

18 NIKKI CROSS: Yes. Thank you, Chair
19 Gennaro. I'm a staff attorney with New York Lawyers
20 for the Public Interests Environmental Justice
21 Program, testifying in strong support of Intro. 1067.
22 This bill will provide necessary help for New Yorkers
23 facing the increasing costs of flooding and sewage
24 backups, and aid in protecting the safety, financial
25 stability, and housing security of homeowners. The

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2 current options available for financial assistance
3 are difficult to navigate for many at-risk New
4 Yorkers, and this bill would help ensure that
5 residents know the best options available to them and
6 ease the burdens of applications. We represent
7 clients in South Jamaica, a historically redlined
8 area of Queens. There, a community of 20 homes is
9 connected on a failing shared private sewer line,
10 requiring frequent repair and maintenance, costing
11 the community approximately 10,000 dollars a year.
12 DEP has pledged to build a public line for this area
13 within three years, but at that point, each homeowner
14 must make private lateral connections to the public
15 line, which would cost 15,000 dollars per household.
16 This is a prohibitive cost for these homeowners.
17 Without this infrastructure, they will continue to
18 endure horrific sewage backups during rain events
19 that have become increasingly extreme and frequent
20 given climate change. Dealing with this persistent
21 problem has been tearing the neighborhood apart and
22 causing ongoing anxiety. Communities like this, in
23 which the City has historically invested less money
24 and resources, which tend to be black, brown, and
25 low-income communities, disproportionately bear the

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2 burdens of flooding and sewage backups. In Queens,
3 the City's most racially diverse borough, residents
4 made over 4,000 backup complaints involving private
5 sewer systems in 2022 alone, nearly six times as many
6 as Manhattan. And I'll end there, and you can come
7 back.

8 CHAIRPERSON GENNARO: Okay, now I'll go to
9 my questions.

10 Yeah, so it looks like this is a good day
11 for Intro. 1067, and so, Bill, you were right in the
12 middle of something, so I would ask you to continue.

13 WILLIAM SCARBOROUGH: Yeah, thank you,
14 Chairman.

15 CHAIRPERSON GENNARO: Give me your final
16 thoughts, and then.

17 WILLIAM SCARBOROUGH: As I said, this will
18 protect the best properties.

19 CHAIRPERSON GENNARO: By the way, so you
20 guys are all for 1067. You guys talk to each other?

21 ERIC GOLDSTEIN: We have worked together,
22 yeah.

23 WILLIAM SCARBOROUGH: We've worked
24 together in the past.

25 CHAIRPERSON GENNARO: Okay, great.

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2 WILLIAM SCARBOROUGH: Besides protecting
3 the homeowner's property through retrofitting of
4 equal importance, those property owners will receive
5 case management services to address issues such as
6 the mental stress of dealing with flooding, and we
7 have learned how stressful that is to people who have
8 flooding. The bill also creates a task force of
9 relevant City agencies, officials, and community
10 representatives to meet quarterly to address ongoing
11 efforts to solve this problem. This legislation can
12 be a critical driver in the effort to address
13 groundwater flooding, and it deserves strong support.
14 We urge the council to support it wholeheartedly.

15 CHAIRPERSON GENNARO: Thank you, Bill, if
16 I may call you that, on the record. You've obviously
17 had meetings with the Administration, and what has
18 that yielded? You've had meetings with the
19 Administration. I'm sure the community has maybe held
20 town halls or something, and the Administration comes
21 down, and what have you, what does that result in?

22 WILLIAM SCARBOROUGH: Over the course of
23 years, we've been dealing with this for quite some
24 time, the City and the Commissioner referred to it
25 earlier, they have put a substantial amount of money

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2 into the flooding issue, but there are two issues
3 relating to flooding in Southeast Queens.

4 One is stormwater, which is what they
5 have addressed with sewers and so on, but they have
6 not addressed the issue of the groundwater flooding,
7 which has to be pumped out of the ground, and because
8 that's difficult, the Commissioner or the Department
9 is now trying to put that back on homeowners, saying
10 it's not the City's responsibility. That we find very
11 frustrating, because they have stated from the outset
12 that they knew when they ceased pumping the water,
13 that flooding would exist. You go back to July of
14 1987 at a hearing on eminent domain when they were
15 about to acquire.

16 CHAIRPERSON GENNARO: Right, yeah, because
17 the City took over the Jamaica Water Service by
18 condemnation.

19 WILLIAM SCARBOROUGH: Yeah...

20 CHAIRPERSON GENNARO: And then they
21 started systematically shutting down the wells,
22 because the water was of inferior quality...

23 WILLIAM SCARBOROUGH: (INAUDIBLE)

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2 CHAIRPERSON GENNARO: They pump it when
3 they need to to keep subway tunnels open and that
4 kind of thing.

5 WILLIAM SCARBOROUGH: Right.

6 CHAIRPERSON GENNARO: So at the time when
7 it was, I think the water service in its heyday, the
8 Jamaica Water Service, was pumping about 100 MGD, I
9 think, so what is it, but it's pumping something to
10 waste now, right, for subway tunnels, so do you know
11 how much it was pumping, and what it's pumping now?

12 WILLIAM SCARBOROUGH: You're talking about
13 the City, or?

14 CHAIRPERSON GENNARO: No, I'm talking
15 about the former Jamaica Water Service wells,
16 because...

17 WILLIAM SCARBOROUGH: They're not pumping
18 them.

19 CHAIRPERSON GENNARO: The City took them
20 over by condemnation, started to shut them down, but
21 some wells, they had to pump to waste in order to
22 keep subway tunnels from flooding so I think there's
23 still some pumping of the wells going on, that's my
24 question.

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2 WILLIAM SCARBOROUGH: We're waiting to
3 hear from the USGS as to what exactly the status is,
4 but the most recent information we had was that in
5 2022, there was some pumping. The DEP has not been
6 communicating with us as community residents, they've
7 been communicating with the elected officials, but
8 they have not had any communication so it's difficult
9 to get information, but from other sources, we have
10 learned that there were a few wells that are being
11 pumped as of 2022. We're trying to get more
12 information.

13 CHAIRPERSON GENNARO: And when they pumped
14 the well to send the water, because they're not
15 putting it in the distribution system, they're
16 pumping it to waste, so is that going to a sewage
17 treatment plant, is it going to Jamaica Bay, what are
18 they doing with it?

19 WILLIAM SCARBOROUGH: Yeah, it has to go
20 through the wastewater treatment plant and into
21 Jamaica Bay.

22 CHAIRPERSON GENNARO: Right, and okay,
23 yeah, so the question is, and this is like a USGS
24 question, which is how much would you have to pump of
25 the wells in order to regulate the water table so

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2 that people could live with it, and that amount of
3 water, they'd have to pump it, which costs money,
4 they'd have to send it to the sewage treatment plant,
5 could the sewage treatment plant handle it? So, we
6 don't even have all the parameters on that so we need
7 a study as to what, which presumably the bill calls
8 for, right?

9 WILLIAM SCARBOROUGH: Yes, yes.

10 CHAIRPERSON GENNARO: Okay.

11 WILLIAM SCARBOROUGH: One of the thoughts
12 that...

13 CHAIRPERSON GENNARO: Yeah, go ahead, go
14 ahead, Bill.

15 WILLIAM SCARBOROUGH: Yeah, one of the
16 thoughts that had been put forward in one of the
17 studies that was done, I believe it was Malcolm
18 Pirnie, I'm not sure, but they indicated that the
19 water that was being pumped by Jamaica Water Supply
20 was at a different aquifer than Nassau, so the
21 argument that pumping water from Queens would hurt
22 Nassau was not accurate.

23 CHAIRPERSON GENNARO: No, that's bogus,
24 like you're talking to a geologist here.

1
2 WILLIAM SCARBOROUGH: Right, right, and
3 there is a thought that water could, since Nassau
4 does have an issue with their water supply..

5 CHAIRPERSON GENNARO: Nassau (INAUDIBLE)

6 WILLIAM SCARBOROUGH: Could be given to
7 Nassau or some sort of arrangement to sell it,
8 whereby they could reduce the water level in Queens
9 and provide a resource to Nassau County.

10 CHAIRPERSON GENNARO: Yeah, now we're
11 getting really complicated, but certainly Nassau has
12 a lot of, I mean, so were this water, I mean, I used
13 to do water stuff up at DEC. Nassau has a lot of, has
14 a big salt wedge coming in, and they're getting a lot
15 of intrusion.

16 WILLIAM SCARBOROUGH: Right, salt wedge
17 intrusion, yeah.

18 CHAIRPERSON GENNARO: Because the Magothy
19 aquifer, and I worked on a project where they did a
20 reclamation recharge thing, they tried to get that
21 going, because they're taking whatever Nassau uses, I
22 don't know how many MGD they use, but the Magothy
23 aquifer in Nassau, you're getting drawdown from the
24 Upper Glacial aquifer at the south shore, and then
25 north shore, you're getting salt wedges in. I would

1
2 take the Jamaica water, if I were them, and just pump
3 it into the ground to maintain the hydraulic
4 stability to kind of push against the salt wedge
5 that's trying to come in. I'm not an engineer, but I
6 know a little about hydrogeology, I don't know what's
7 in the water.

8 WILLIAM SCARBOROUGH: That would seem to
9 make sense, yeah.

10 CHAIRPERSON GENNARO: That's like another
11 issue, but yeah, I certainly support all the brain
12 waves that would need to, because this is kind of
13 everybody, because everybody's going to be, DEP's
14 going to point to someone else, and someone's going
15 to point to the State, and so you got a lot of
16 finger-pointing here.

17 WILLIAM SCARBOROUGH: The beauty of this
18 is that it takes steps, this legislation takes steps
19 to help the homeowner who is suffering, and at the
20 same time, it pushes...

21 CHAIRPERSON GENNARO: Oh yeah, it has that
22 too, but I'm just thinking from like a geologic point
23 of view. That's where my mind kind of naturally goes.

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2 WILLIAM SCARBOROUGH: And the legislation
3 will push the relevant agencies to seek to resolve
4 the problem so we think it's very good legislation.

5 CHAIRPERSON GENNARO: Well, I look forward
6 to working with, and I guess you worked with NAN to
7 get this going, right?

8 WILLIAM SCARBOROUGH: Yes, yes, yeah, we
9 worked very closely with the Council.

10 CHAIRPERSON GENNARO: Yeah, and so I will
11 talk to Nan, and if you and Nan, and like the
12 coalition, and also, I mean, I'll talk to the
13 leadership about the bill, as will Nan. I mean, it's
14 her bill, but I'm the Chairman. It's not like I have
15 nothing to say. And so, yeah, I look forward to
16 ongoing engagement on, it's 1067, right?

17 WILLIAM SCARBOROUGH: 1067.

18 CHAIRPERSON GENNARO: Yeah, I never get
19 the numbers of the bills. I never, I always, this is
20 like the, so this is the Nantasha bill. That's what I
21 call it.

22 WILLIAM SCARBOROUGH: I know the feeling.

23 CHAIRPERSON GENNARO: Yeah, so, but I
24 could call it the Scarborough bill if you want, you
25 know, but.

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WILLIAM SCARBOROUGH: No, no, no.

CHAIRPERSON GENNARO: Okay, so this will
be the Nantasha bill.

WILLIAM SCARBOROUGH: Yes.

CHAIRPERSON GENNARO: All right, so Bill,
thank you for being here today.

WILLIAM SCARBOROUGH: Thank you.

CHAIRPERSON GENNARO: Give my best to
Manny Coffin. How's he doing?

WILLIAM SCARBOROUGH: He's doing good. He
wanted to be here today, but he had a VA hospital
commitment so he wasn't. Well, I'm sure he's..

CHAIRPERSON GENNARO: God bless him. He's
been working in the vineyard a long time, too.

WILLIAM SCARBOROUGH: A long time.

CHAIRPERSON GENNARO: Yeah, he's really,
really a good guy, and so, thank you, Bill. It's a
pleasure to see you.

Okay, Eric, I think you had a few more
thoughts you wanted to put on the record.

ERIC GOLDSTEIN: Yeah, thank you. Well,
first..

CHAIRPERSON GENNARO: Let me formally ask
you to do that.

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2 ERIC GOLDSTEIN: Just on this bill, again,
3 one of the reasons, while there may be details to be
4 worked out, there can be no question that this issue
5 is one of importance. The City has responsibility for
6 dealing with this groundwater problem in Southeast
7 Queens. Since it was known at the time that the
8 Jamaica water supply was acquired by the City, and
9 then ultimately shut down, that there would be a
10 groundwater intrusion problem. This was known and
11 discussed at hearings and in environmental reviews,
12 so the City..

13 CHAIRPERSON GENNARO: Wouldn't that make
14 it a lawsuit? Wouldn't that make it a lawsuit at that
15 point?

16 ERIC GOLDSTEIN: It certainly is something
17 where lawyers would be well-advised to take a look at
18 this issue. I think that there may well be some basis
19 for compensation in this instance. Again, my one
20 point on this issue is, this is not an unexpected
21 problem. The City knew when it acquired the Jamaica
22 water supply and started using the water for water
23 supply purposes then abandoned the water system
24 because of quality concerns that there would be a
25 groundwater intrusion problem, and at least we

1
2 believe they have a responsibility to help the
3 residents in the community deal with it.

4 I'd like to turn back for one second to
5 the rental payment, because this is a really
6 important issue if you care about avoiding regressive
7 charges for city water rate payers, and I'll just say
8 that Mayor Bloomberg in his time, his Administration
9 recognized this as a problem. Mayor de Blasio moved
10 away from this unwarranted charge, but Mayor Adams
11 and his budget chieftains have restored the charge.
12 They're planning to take, as you know, 1.4 billion
13 dollars from the water rate payers over the next four
14 years, and the Council can and must reduce, if not
15 completely eliminate this as part of its budget
16 negotiations in FY26. Now, of course, if we can get
17 some State legislation, that would be enormously
18 helpful too, but the Council has a direct role in
19 budget negotiations, which we hope will be advanced
20 next year.

21 CHAIRPERSON GENNARO: Let me just kind of
22 speak to that for a second, just because now we're
23 just talking about the way things are. Once the
24 Mayor, I don't care who hears this, because it's
25 true. Once the Mayor put in the budget that he's

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2 going to do, like this year was 440-million-dollars'
3 worth of rental payments, the Council has no ability
4 to get that number out of the budget. The only way
5 this works is if the Mayor cannot put the number in
6 the budget in the first place because the Mayor, so
7 let's say nothing happens and we go to the, like we
8 start making next year's budget, and the Mayor puts
9 300-and-something million dollars in the budget in
10 terms of rental payment. Then the Council takes it
11 out, then the Council has to figure out what's going
12 to get, you know, like what are the 300-million-
13 dollars' worth of cuts that are going to have to
14 happen to offset the rental payment, and then all the
15 stink is on us, and so, speaking very practically,
16 you know, the Council has almost, we're certainly
17 players in the budget process, but like this year, to
18 move a 440-million-dollar number like out of the
19 budget, it's just not going to happen. Or even if we
20 manage to say, okay, don't make it 440, make it like
21 330, we'd have to find 110 million dollars of cuts to
22 make up, and then you still got 330 million dollars
23 sitting in there, and that's just like, you know,
24 somebody stabs you with a knife, and they put it in
25 four inches, and you pull it out one inch, and it's

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2 just like, what do you do, so the only way the knife
3 doesn't go in is if the Mayor doesn't have the
4 ability to do the rental payment in the first place.
5 I mean, from where I sit, as someone who wants to see
6 the DEP be able to make the investments it needs to
7 make for precisely doing what needs to be done under
8 1067, you know, the rental payment is totally
9 anathema, and it just gets in the way of what DEP has
10 to do in this age of possibly building a filtration
11 plant, making things right with the people of
12 Southeast Queens. And if we this year, you know, we
13 did a pay-as-you-go system, just the 440 million
14 dollars in rental payment would have been 11 points
15 on the rate just for the rental payment so this is
16 going to, and so even though this is bad, you know,
17 next year it's going to be worse, because if the
18 Mayor does 300-something million, divide 300-
19 something million by 40 million per rate point, and
20 you got almost 10 points on the rate just to cover
21 the rental payment, and so this is, and you're right,
22 I mean, if I controlled the budget process in the
23 council, I mean, I tried to make that case this
24 budget year, like the 440 has to go because it's like
25 stolen money, and then, you know, everyone in the

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2 Council is just kind of looking at me like, you have
3 to be kidding me, you know, this is a huge number,
4 and the only way to really solve this, and there's a
5 bill in the State Assembly, or State, you know, in
6 the State Legislature saying that the City Council
7 has to like be partners with the Mayor on figuring
8 out how big the rental payment has to be or
9 something, right, isn't that bill? Yeah, and, you
10 know, I don't want the mayors to be, I don't want the
11 Council to be partnered with the Mayor on the rental
12 payment. I want the rental payment to go away. I
13 don't want us to acquire rental payment like power
14 and work with him on it. Like, it has to go, every
15 penny, and so, and, you know, I'm going to be sort of
16 doing what I can do, you know, both from like a
17 fiscal perspective of how this takes resources away
18 from DEP, and also from the environmental justice
19 perspective, because the reason why we can't get
20 certain EJ stuff done is that DEP just doesn't have
21 enough money. There's only so high one can raise
22 interest rates so if we're starting out every budget
23 year with a 10 percent water rate increase just to
24 cover the rental payment and then we have to do
25 everything else on top of that to build out the storm

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2 system from 1.75 inches per capacity per hour to 2.1
3 or wherever they want to take it, that's like untold
4 billions of dollars. So, I appreciate your
5 perspective, Eric, of having the Council kind of, you
6 know, flex its budget muscles, but I mean, I tried
7 that this year, and my glasses are like, I have to
8 get them fixed, they don't stay on, that we have to
9 get, I'm going to try to build a real coalition, this
10 is where, you know, and build those people in the
11 State Legislature. We're working with an entity right
12 now that's trying to, you know, get State Legislators
13 to sign on to this and to create a bill that would
14 just get rid of the rental payment once and for all.
15 I just think that there'll be problems up and until
16 we actually get that done, so that's where things are
17 at, and I'm happy to apply whatever pressure I can by
18 myself or from, you know, good folks like yourself to
19 impress upon, to come to budget hearings when we're
20 doing the budget and all that, but, you know, I think
21 if we're going to hit this thing sort of center mass,
22 it would be a coalition of, you know, Southeast
23 Queens people who are getting flooded, the people
24 from the EJ community, everybody just, you know,
25 coming down on the Mayor saying, you know, don't you,

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2 notwithstanding the fact that you're legally able to
3 do it, like, don't dare go there, and I think that's
4 a good way, if that was organized in such a way that
5 that could, you know, to send the signal now to the
6 Mayor that notwithstanding, you know, his ability to
7 get future rental payments, he shouldn't do that, and
8 I think if he maybe, I mean, he's going to hear from
9 the Council, but, you know, to the extent that he
10 hears it from the people of Southeast Queens, that he
11 hears it from the environmental community, that he
12 hears it from the EJ community, and more, and more,
13 and more, and this is, you know, bring some daylight
14 in on this issue and all the ramifications it's going
15 to have, then it really looks like the Mayor just has
16 his hand in the cookie jar because up until now, he's
17 been able to take it, he's been, like, this year, he
18 was able to take the money in stealth.

19 ERIC GOLDSTEIN: Right.

20 CHAIRPERSON GENNARO: No one thought he
21 was going to do this, so by the time anyone knew
22 anything, there was 440 million dollars of rental
23 payment money in the budget, and that concrete
24 solidifies very fast. That's just what happened. And
25 so, I think the clarion call has to go out now that

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2 if you're thinking of going there, and while you're
3 at it, he took 440, you know, the rate payers are
4 only paying between, you know, like 130-ish million,
5 and so where's the other 310 million dollars even
6 coming from? Like, what is that, like, where's it
7 coming from? What is this, Albany, where we just do,
8 like, no offense, Bill, you know, but Albany, where
9 they just, like, sell the thruway to the thruway
10 authority, the thruway authority issues bonds, buys
11 the thruway, gives it to the, you know, gives it to
12 the Governor to put into the budget, and stuff like
13 that. This is, like, Albany stuff. I don't even know,
14 and not for nothing, like, the Water Finance
15 Authority is a State-created entity. If I tell them
16 where's the 300 million dollars, what are they doing?
17 They're going to tell me to go jump in the lake. And
18 so, that's just sort of, like, where we are. And so,
19 I think we have to, there's one of these things
20 where, you know, to kill a vampire, stake through the
21 heart, that's the only way that I think that, I'm for
22 the other things. I'm for saying, you know, that this
23 is an insult to the environmental justice movement in
24 New York City, this is an insult to the people of
25 Southeast Queens, this is an insult to, like, all the

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2 new needs that, you know, DEP is going to have. They
3 need as much leeway as possible to be able to, like,
4 raise water rates, to raise water and sewer rates for
5 water and sewer, and to the extent that becomes a
6 campaign that we have a lot of people in different
7 constituencies, all linking arms, you know, maybe,
8 and I'll talk about it from my end, but I think the
9 pressure has to be, it has to be different than this
10 year, when Jacques, the Budget Director can just say,
11 I got 440 million dollars, I don't even think the
12 Mayor knew it went into the budget. I mean, I think
13 Jacques just put it in because he knew he could do it
14 and so, oh, what?

15 Oh, okay, all right. Well, note from
16 Counsel.

17 ERIC GOLDSTEIN: We think you're on
18 exactly the right track on that. Part of the problem
19 is the public has largely been unaware of the
20 intricacies and of this lunacy, and all of us,
21 including the Council, need to do a better job of
22 shedding light on the issue.

23 CHAIRPERSON GENNARO: Right. We should get
24 Jim Tripp back on this. What's he up to these days?
25 He was the original rental payment waterer.

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2 ERIC GOLDSTEIN: Yeah, he stepped down
3 from the Environmental Defense Fund, but there has
4 been a significant muttering of talk among
5 environmental groups, and I think that getting a
6 coalition together with our environmental justice
7 colleagues and all, we could put together quite an
8 effort for the coming budget.

9 CHAIRPERSON GENNARO: So, Josh, you should
10 talk to Eric after this, and let's, I mean, I have no
11 problem meeting with, and again, like, do all the EJ
12 groups get along, or like, you know, I don't care. I
13 mean, I just, I think we should all get together and
14 figure out some sort of public, I mean, I'll do what
15 I can from this side of the table, but I'm also very
16 comfortable talking to environment, and then I can go
17 to my Colleagues and go to the Speaker's Office and
18 just say, look, we've really got, like, this City's
19 got a big, you know, rental payment problem, and I
20 did everything I could last budget year. I mean,
21 high-level meetings, Budget Director, Chief-of-Staff
22 of the Council, and all that. It's just, it's a very,
23 very big lift once that number gets put in the
24 budget.

25 ERIC GOLDSTEIN: Yeah.

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CHAIRPERSON GENNARO: It's huge. It's
huge. It just is what it is. I wish...

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ERIC GOLDSTEIN: And DEP should be a
natural ally of us on this issue, because, again...

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CHAIRPERSON GENNARO: But DEP works for
the Mayor. DEP works for the Mayor. But, you know, if
Rit said something that, like, that's his last day as
Commissioner, and so, you know, he has to stay out of
it, and so, but, I mean, of course DEP doesn't like
this. They can't say anything. I run very candid
hearings. I don't care who's listening, you know what
I mean? I just, what's that? Read what?

14

Okay, yeah, Eric, you were saying.

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16

ERIC GOLDSTEIN: Great, I've just got one
other point.

17

18

CHAIRPERSON GENNARO: I got wrapped up my
own rhetoric, yeah.

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ERIC GOLDSTEIN: No problem. So, I think
we're going to move forward with your suggestion, see
if we can put together a really powerful coalition to
make a push on this for the next budget. It's so
important.

24

25

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2 CHAIRPERSON GENNARO: And please loop in
3 my Legislative Director, Josh. Josh, you're on this
4 now, okay? Yeah.

5 ERIC GOLDSTEIN: Josh is the man. We'll be
6 in touch.

7 Okay, finally, another bill on the agenda
8 was Intro. 900. NRDC strongly supports this bill,
9 which would require DEP and other City agencies to
10 install 500 drinking water fountains in public
11 locations around the city. This is legislation that
12 would both, it's a double win. It would reduce the
13 use of throwaway plastic water bottles, which are an
14 enormous environmental problem, and at the same time
15 provide high-quality drinking water at no cost to
16 consumers. We heard the Commissioner talk about the
17 fact that perhaps it couldn't fit in their budget. We
18 disagree with that conclusion. We also think that the
19 Parks Department should be involved in this. Maybe
20 the place to start is having these locations, these
21 water fountains be replaced at entrances to the major
22 parks around the city, because right now, most of
23 those water fountains are not operative or can't be
24 used, or if you have a water bottle, you can't fill
25 it up in those old cement water fountains that have

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2 been in the playgrounds since Robert Moses built
3 them, but this is something that would advance water
4 quality protection, would get New Yorkers drinking
5 New York City water, would get rid of the millions
6 and millions of plastic throwaway bottles. It's a
7 good bill, and we hope that in one form or another,
8 you can help advance it.

9 CHAIRPERSON GENNARO: Sure.

10 ERIC GOLDSTEIN: We thank Council Member
11 Powers for introducing it.

12 CHAIRPERSON GENNARO: Yeah, he's a good
13 guy, he's a good guy, and you and I have to talk
14 more, although I have to move it along about the
15 whole FAD thing. I mean, this is, you know, Josh, you
16 should talk to Eric about that too, because we've got
17 a whole, you know, we have to put the band back
18 together regarding the FAD, okay, and you're not
19 getting out of it, okay?

20 ERIC GOLDSTEIN: Thanks for your
21 leadership, it's great to have you.

22 CHAIRPERSON GENNARO: Yeah, and with
23 regard to New York lawyers, I kind of know what
24 you're going to say, but go ahead.

1
2 NIKKI CROSS: Just finally, I wanted to
3 voice support for Council Member Holden's bill, 0225.
4 That's something that residents have directly called
5 for, which is increasing transparency on things like
6 catch basin and sewer maintenance and providing all
7 of that information to residents to keep them posted.
8 Thank you very much for your support. Thanks to
9 Council Member Williams and to Andrea and Bill
10 Scarborough for all your work on this.

11 CHAIRPERSON GENNARO: Thank you, thank
12 you, and Josh, I also want to meet with Eric
13 separately about the FAD. You and I should just
14 compare notes on like where this is all going. You
15 know, I, you know, this is, you know, the FAD is too
16 big to fail, okay?

17 Hey, how's this for a panel, folks? Are
18 you kidding me? We put on quality panels here? We get
19 it. You guys can collect your citations right outside
20 the door, okay?

21 Okay, and before the next panel is
22 impaneled, I have to wash my hands for a second. I'll
23 be right back.

24 Okay, the next panel is, what is this?
25 Jane Selden, representing 350YC, Maite Duquela,

1
2 Waterfront Alliance, I don't know if I said that
3 right, George Jordan looks like, or something like
4 that, representing, I can't really make it out but
5 when you testify, you can clarify that, and, what's
6 that, Christopher Leon Johnson, okay.

7 CHRISTOPHER LEON JOHNSON: Hello, Chair.

8 CHAIRPERSON GENNARO: Were you asking
9 about the water, or whether you can go first?

10 CHRISTOPHER LEON JOHNSON: I'm going to go
11 first.

12 CHAIRPERSON GENNARO: Oh, you're just
13 declaring that you're going first?

14 CHRISTOPHER LEON JOHNSON: Yeah, can I
15 please, please go first, or is it?

16 CHAIRPERSON GENNARO: Okay, I mean, I was
17 going to do the ladies first thing.

18 CHRISTOPHER LEON JOHNSON: Yeah, ladies
19 first, ladies first, ladies first. Ladies first, not
20 ladies, you sure?

21 CHRISTOPHER LEON JOHNSON: So I start? All
22 right, cool.

23 CHAIRPERSON GENNARO: Yeah, it's just the
24 way I wanted to do it.

1
2 CHRISTOPHER LEON JOHNSON: All right, no
3 problem, ladies first, no problem. All right. Sorry.

4 CHAIRPERSON GENNARO: But I like the, you
5 know, I like how you just come forward, you know.

6 CHRISTOPHER LEON JOHNSON: All right, so?

7 CHAIRPERSON GENNARO: Yeah, but we're
8 going to go with the ladies first.

9 CHRISTOPHER LEON JOHNSON: All right,
10 okay.

11 CHAIRPERSON GENNARO: Yeah, and you have
12 to speak right into the microphone, nice and loud.

13 MAITE DUQUELA: All right, thank you for
14 hosting this hearing. My name is Maite Duquela, the
15 Climate Policy Fellow at Waterfront Alliance, an
16 organization dedicated to advocate for climate
17 resilience policy in the New York and New Jersey
18 region. Waterfront Alliance is pleased to testify in
19 support of two bills and one resolution brought to
20 today's hearing, Intro. 816, Resolution 83, and
21 Intro. 1067.

22 First, like many others here have said,
23 we also want to express the Waterfront Alliance does
24 not support the City charging the water board for
25 rental payment. We find this to be a regressive tax

1
2 on rate payers. While discussions around eliminating
3 the water rental payment are ongoing, we would like
4 to express our support for 816 and Resolution 83. We
5 thank Chair Gennaro for this leadership on this
6 issue, and Waterfront Alliance strongly believes in
7 transparency for residents and rate payers on any
8 water rate adjustments.

9 We would also like to express strong
10 support for 1067, and we thank Council Member
11 Williams for her leadership on this important issue.
12 This would provide meaningful and necessary support
13 to residents in Southeast Queens who are experiencing
14 groundwater flooding, and Waterfront Alliance
15 supports the Southeast Queens Residents Environmental
16 Justice Coalition who have been advocating for
17 solutions like 1067. Given the overlap in groundwater
18 and stormwater flood risk, not just in Southeast
19 Queens but across the entire city, we see an
20 opportunity to potentially expand this bill to
21 address inland flood risks more broadly. We are
22 willing to work with the Council to explore this
23 option now or in the future, and thank you to the
24 Committee for this hearing.

1
2 CHAIRPERSON GENNARO: Yeah, thank you. I
3 got my first environmental award from the Waterfront
4 Alliance like 30 pounds ago. I got like a life
5 preserver that said Hero of the Harbor, and so it was
6 the first environmental award I ever got, but I like
7 the Waterfront Alliance because of the work you do
8 and not because you gave me something, and so thank
9 you very much for your good and compelling testimony.

10 GEORGE JORDAN: Good afternoon,
11 Chairperson.

12 CHAIRPERSON GENNARO: Yeah, speak right
13 into it. Just move it, just move it where you need it
14 to be. Just move the thing, yeah.

15 GEORGE JORDAN: Yes, my name is George
16 Jordan. I'm in support of Bill 1067. I'm here to
17 testify on the cost. My mother has two pumps that's
18 running 24/7 that's pumping groundwater. Okay,
19 initially when the pump system was put in, it was for
20 the rainwater, and the pumps can last for many years.
21 With the groundwater, we're pumping water 24/7. The
22 pumps last maybe a year. The replacements cost is 675
23 dollars a pump. For the last 20 years, she's spent
24 over 15,000 dollars replacing pumps, plus the initial
25 7,000 when she had the new pump system in. When her

1
2 and my father brought the house in 1960, there was no
3 rainwater issue. Now, her Con Edison light bill, it's
4 through the roof, and every year we're spending like
5 500, 600 dollars on just replacing pumps, and it's
6 just groundwater, we're just pumping groundwater
7 24/7, rain or shine, snow, or even if it's not
8 raining. Like you stated, we haven't had four weeks
9 of rain, her pumps are still running.

10 CHAIRPERSON GENNARO: Right.

11 GEORGE JORDAN: So this is why I'm here to
12 testify, just to give you an idea of how much the
13 homeowner is paying replacing pumps, and the Council,
14 the DEP said it's up to the homeowners. That's
15 totally false, because we're just paying money every
16 year, and we're just pumping groundwater.

17 CHAIRPERSON GENNARO: And as we heard
18 earlier, it was known that this was going to happen,
19 and so yours is precisely the kind of witness that
20 needs to be brought to this, once we, you know, under
21 Nan's leadership, this is her thing, but, and, you
22 know, notwithstanding the fact that she's, you know,
23 not a Member of this Committee, I mean, she's, you
24 know, we're neighbors, you know, her District is
25 right next to mine, and I've long, you know, tried to

1
2 champion, like, the cause of sort of, you know, water
3 equity in Southeast Queens, because when it comes to
4 a lot of issues, you know, Southeast Queens is not
5 getting its due, and I'm sure Nan's going to try to
6 pull the Speaker in as well, and that's always a good
7 thing, and so great to have your views on the record.
8 You know, anything else that you want to, you know,
9 get to the Committee, you know, you know how to do
10 that, and my Legislative Director is sitting right in
11 the back, so, you know, form some linkage with him,
12 because you're a Queens resident, and you're a
13 victim, and, you know, make sure Josh has your
14 information, and then we will work with Nan to try to
15 move the bill forward so thank you for your patience,
16 and staying for the whole hearing to bear witness to
17 this terrible problem. Thank you, sir.

18 JANE SELDEN: Thank you, Chair Gennaro,
19 for giving me the opportunity to speak today. My name
20 is Jane Selden. I'm a retired CUNY lecturer, and
21 Chair of 350 NYC's Waste Reduction Committee. As a
22 climate activist group, we recognize that the world
23 can't achieve its greenhouse gas emission reduction
24 goals without seriously addressing the cradle-to-
25 grave environmental impact of single-use plastic. If

1
2 plastics were a country, it would be the fifth
3 largest emitter of greenhouse gas.

4 CHAIRPERSON GENNARO: That's not the topic
5 of today's hearing.

6 JANE SELDEN: No, can you...

7 CHAIRPERSON GENNARO: Can you tie it into
8 today's hearing?

9 JANE SELDEN: Absolutely.

10 CHAIRPERSON GENNARO: Okay, sure.

11 JANE SELDEN: Yeah, I'm sorry, yeah. If
12 plastics were a country, it would be the fifth
13 largest emitter of greenhouse gases in the world. The
14 key to reducing the production of single-use plastic
15 is to reduce demand for it, which is why we fully
16 support Intro. 900.

17 CHAIRPERSON GENNARO: Yeah, you did. Okay,
18 you tied it, you tied it. Good.

19 JANE SELDEN: New Yorkers purchased and
20 discard approximately five billion, billion with a B,
21 bottles of water a year. Only a fraction is recycled.
22 Most end up exported to landfill and incinerators at
23 great expense to the City or as litter on our
24 streets. More than just an eyesore, this litter clogs
25 our drainage system, exacerbating the flooding on our

1
2 streets and in our subways from torrential rainfalls,
3 which will continue to increase in frequency because
4 of climate change. In addition, nobody should be
5 paying for water, especially in a city that enjoys
6 some of the highest quality tap water in the world.
7 On the other hand, bottled water contains significant
8 levels of nano and microplastics, containing
9 chemicals that threaten our health and contribute to
10 the microplastics that have been found in our lungs,
11 our hearts, our intestine, bloodstream, and in human
12 placenta. This is a great bill and we're fully behind
13 it, but for the bill to be fully effective, we
14 recommend that the City install freeze-proof water
15 fountains. Can I just finish?

16 CHAIRPERSON GENNARO: Yeah, just finish
17 your thought, but also that last word.

18 JANE SELDEN: Freeze-proof. It means the
19 pipes won't freeze. Right now, the water fountains.

20 CHAIRPERSON GENNARO: Oh, oh, got it, got
21 it, got it, okay.

22 JANE SELDEN: So that their availability
23 isn't limited to the warmer months. Year-round access
24 to public water fountains with refill stations will
25 motivate New Yorkers to break the bottled water habit

1
2 by providing them with a convenient, healthier, eco-
3 friendly alternative. Thank you.

4 CHAIRPERSON GENNARO: Thank you. Thank you
5 very much.

6 Okay, sir.

7 CHRISTOPHER LEON JOHNSON: Hello, Chair
8 Gennaro. My name is Christopher Leon Johnson, The
9 Record.

10 CHAIRPERSON GENNARO: Yep.

11 CHRISTOPHER LEON JOHNSON: Yeah, so I'm
12 here to show my support for Intro. 225, introduced by
13 Holden. This is really needed, but one thing I want
14 to ask the Chair, I mean, the person introduced the
15 bill, Bob Holden, what about the impoverished
16 communities that don't have access to computers,
17 don't have access to internet? Some people still use
18 flip phones. How are they going to access this
19 information at their convenience? That's one thing I
20 want to ask the Chair, I mean, Bob Holden, how will
21 this affect the inner Districts? We all know that
22 inner Districts don't have that access to internet
23 like that. We could say ACP and free wi-fi, but
24 that's not enough. What about people that just flat-
25 out old school and that just rely on paperwork? And

1
2 that's one of my, I was trying to ask, like, Holden,
3 I know you're the Chair, you should ask Holden, like,
4 what about the people that don't have access to the
5 computers? I understand that everything's digital,
6 but there's people that still do things online.

7 And another bill I support is the Keith
8 Powers' bill to require that there be more water
9 fountain stations, but we need to know where they at.
10 That's the problem, we need to know where all these
11 water fountains are at. And my suggestion, Chair
12 Gennaro, is to take out that water fountain right
13 outside the, in the hallway that enters the Chambers
14 and replace it with a new filter, like the new type
15 filter where you can put water bottles in other than
16 the old school, like you guys do this and old school,
17 you need to change that up.

18 CHAIRPERSON GENNARO: Oh, you mean the one
19 right here?

20 CHRISTOPHER LEON JOHNSON: Yeah, right
21 outside, yeah, in the hallway, right before we walk
22 inside the Chambers for Stated Meetings and Council
23 Chambers.

24 CHAIRPERSON GENNARO: I didn't realize
25 there was one there..

1
2 CHRISTOPHER LEON JOHNSON: I know, I think
3 that's where my DCAS, but I mean, DCAS, I mean, this
4 is, for the record, DCAS should update that water
5 fountain and update all the water fountain in City
6 Council Chambers to make it for like the new
7 versions, like water filters and you put bottles and
8 cups and things like that, instead of like using your
9 mouth so I support Powers' bill with that, it needs
10 more.

11 CHAIRPERSON GENNARO: Yeah, I think that
12 makes sense. And also with regard to any concerns you
13 might have regarding the Holden bill and its scope, I
14 don't want to sort of speak for the author of the
15 bill. I mean, those are really questions for the
16 author of the bill, Bob Holden, he's a very
17 accessible guy.

18 CHRISTOPHER LEON JOHNSON: Yeah, I know he
19 is.

20 CHAIRPERSON GENNARO: Yeah, I mean, if you
21 called his District office, he would definitely call
22 you back.

23 CHRISTOPHER LEON JOHNSON: Yeah.

24 CHAIRPERSON GENNARO: He's like, you know,
25 he's old school like me.

1
2 CHRISTOPHER LEON JOHNSON: Yeah, I know,
3 old school, we should have access to the people. I
4 mean, like the people need to know old school things.
5 Some people don't use computers. I don't know why to
6 this day, but people just don't use computers, so.

7 CHAIRPERSON GENNARO: I mean, certainly,
8 you know, we have Staff to the Committee that's
9 taking notes on every, you know, word of testimony
10 that's coming out here so notwithstanding the fact
11 that Bob is not here or Council Member Holden's not
12 hearing what you have to say at this moment, you
13 know, we have Staff taking notes of your good
14 suggestions, and this will be, you know, part of the
15 record and part of the back and forth between the
16 Staff and Council Member Holden as to where this bill
17 goes.

18 CHRISTOPHER LEON JOHNSON: And by the way,
19 about the filter request, do you have to introduce a
20 bill for that, or does this, because I know City
21 Council Chambers, this is (INAUDIBLE) DCAS, do you
22 have to introduce a special bill to update all water
23 fountain filters in the City Council Chambers? Like,
24 basically, it's, I know 250 Broadway.

1
2 CHAIRPERSON GENNARO: Yeah, I mean, you
3 know, this building is run by DCAS, but, you know, we
4 can, you know, a note to the Committee Counsel that
5 we should, you know, put a request into DCAS to
6 upgrade our drinking water fountain, because, you
7 know, not so much for the Members, but we have a lot
8 of people who come here.

9 CHRISTOPHER LEON JOHNSON: Yeah.

10 CHAIRPERSON GENNARO: You know, who want,
11 I don't even know what the policy is regarding having
12 water bottles in the Chamber. I think it's allowed.

13 CHRISTOPHER LEON JOHNSON: Yeah.

14 CHAIRPERSON GENNARO: I don't know, I
15 mean, or whatever, but I mean, I just think it sets a
16 good tone when, you know, we want to get people into
17 the rhythm of, you know, refilling their bottles, and
18 as I'm saying that, try not to look at the collection
19 of plastic cups, which is, you know, which has
20 accumulated, like, in front of me during this
21 hearing.

22 CHRISTOPHER LEON JOHNSON: Kick the stuff,
23 I mean, we should get rid of plastic. I mean.

24 CHAIRPERSON GENNARO: You know, these
25 aren't the drudge you're looking for, okay, and so,

1
2 Star Wars reference, I'm a geek, you know, and so,
3 thank you very much for your compelling testimony.

4 CHRISTOPHER LEON JOHNSON: Yeah.

5 CHAIRPERSON GENNARO: Do you have anything
6 more to add, or?

7 CHRISTOPHER LEON JOHNSON: No, I mean,
8 this is about climate change. I mean, hey, we need to
9 go to the, we got the, I don't know, the cardboard,
10 but we need to get rid of the plastic cups going
11 forward, Mr. Gennaro. I know you're (INAUDIBLE)
12 plastic cups right now. I mean, we should get rid of
13 those. I mean, for climate change, you know what I'm
14 saying?

15 CHAIRPERSON GENNARO: Yeah.

16 CHRISTOPHER LEON JOHNSON: For climate
17 change, we need no more plastic cups inside the
18 Chambers. More like these, guys, like.

19 CHAIRPERSON GENNARO: I like the big cups.
20 I mean, I have my refillable one, but I, you know,
21 didn't bring it with me today. I was, long story, but
22 now I have a big yellow one. It's made of, it's
23 steel, and so, and my wife got it for me so I got to
24 use it, yeah.

1
2 Well, I want to thank this panel very
3 much for your very good and compelling testimony.
4 Really appreciate your patience, and, you know, for
5 staying so long, maybe it was the benefit of your
6 good views and anything additional that you want to
7 submit to the Council, that can be done online, or
8 whatever you want to tell my Legislative Director,
9 he's right there in captivity, and if people want to
10 take his information so you can be in touch with him,
11 he's a great resource in my office, my Legislative
12 Director. I couldn't do it, you know, he's really
13 good at what he does so I thank this panel very much
14 for its excellent testimony. Appreciate you being
15 here today. Thank you, thank you.

16 Okay, I have to read the following
17 statement for people who will be testifying on Zoom.

18 We will now turn to remote testimony.
19 Once your name is called, a Member of our Staff will
20 unmute you. Don't speak until you get unmuted, and
21 the Sergeant-at-Arms will give you the go-ahead to
22 begin. Please wait for the Sergeant to announce that
23 you may begin before delivering your testimony.

24 Do we have witnesses? Why don't you just
25 call the witnesses?

1
2 Okay, the first remote witness is Alia
3 Soomro of NYLCV, League of Conservation Voters. Alia,
4 I hope I'm saying that correctly.

5 ALIA SOOMRO: Yes, good evening. My name
6 is Alia Soomro, and I'm the Deputy Director for New
7 York City Policy at the New York League of
8 Conservation Voters. Thank you, Chair Gennaro and
9 Members of the Committee on Environmental Protection
10 for the opportunity to comment. I've submitted longer
11 written comments.

12 NYLCV was deeply disappointed to see that
13 the DEP water rental payment was included in the
14 adopted FY25 budget, despite major concerns from
15 advocates and elected officials. The City plans to
16 charge its own Water Board more than 1.4 billion
17 dollars in rent over the next four years to lease its
18 water and sewer systems from the City. This mechanism
19 date backs decades ago when the City had mountains of
20 water and sewer-related debt backed by the City's
21 general fund. However, these rental payments are
22 unnecessary today since nearly all of the pre-1985
23 general obligation debt is retired. However, DEP's
24 water payment revenue will be handed over to the City
25 general fund for non-water purposes instead of

1
2 staying with DEP, where the agency could direct it
3 towards water-related capital infrastructure
4 projects. NYLCV believes that reinstating the water
5 rental payment is a poor policy decision, one that
6 negatively impacts water rate payers and tenants
7 alike, since charging rent to the City's Water Board
8 causes increased costs to be passed down to rate
9 payers. Moreover, the New York City water payments
10 have been shown to be regressive since it is assessed
11 on homeowners regardless of income and tenants see
12 payments passed down to them in the form of rent
13 hikes. Given the urgency of the climate crisis, it is
14 essential that DEP keeps this revenue to make
15 essential water infrastructure upgrades.

16 Eliminating the water rental payment will
17 also help New York City better leverage its fair
18 share of the New York State Environmental Bond Act
19 funding. We cannot successfully advocate for more
20 State funding while our City continues to give away
21 1.4 billion dollars in rental payments over the next
22 four years for non-water purposes.

23 SERGEANT-AT-ARMS: Time is expired.

24 ALIA SOOMRO: And I'll just wrap up. We
25 urge OMB and the Administration to eliminate the

1
2 water rental payment, and we are aligned with the
3 Council Member in working with the State and other
4 advocates to eliminate future water rental payments.
5 We support the bill Intro. 816, Reso. 83, and Intro.
6 900. Thank you for the opportunity to speak.

7 CHAIRPERSON GENNARO: Thank you. I want to
8 thank LCV for joining the Anti-Rental Payment
9 Coalition. I've been fighting this for the last 20
10 years. It was 20 years ago that the line, well, a
11 little less than 20 years ago that the lines crossed
12 and the rental payment went from being the payment
13 for the 1985 debt service to 15 percent of the Water
14 Finance Authority's annual debt service. Mayor
15 Bloomberg did that, and I blew my stack back then. It
16 was only a couple of million dollars, but I knew what
17 was going to happen. We'd get to a time when we'll be
18 talking about hundreds of millions of dollars per
19 year in rental payment, and so we have a strategy. I
20 mean, this has to come from the State. The only way
21 to make it happen on the City level, not to happen,
22 is for the Mayor not to put the number in the budget
23 in the first place, and I'm sure that LCV will try to
24 do everything it can to prevail upon the Mayor not to
25 do this. Once, as I've said before, if you've been

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2 listening for the whole testimony, to the whole
3 hearing, once that number goes in the budget, it's
4 very difficult for the Council to get that out and do
5 all the other budget things it needs to do. It's just
6 a 440-million-dollar budget hole for the Council to
7 fill on. It just doesn't work. The Mayor has to not
8 ask for the money. And LCV has a lot of clout with
9 the State, we know, and so once I get further down
10 the road of trying to get sponsors in the State
11 Legislature who will take this rental payment power
12 away from the Mayor, we count on LCV's support for
13 that bill in the State Legislature so that's where we
14 can partner on this, and it's really, I couldn't be
15 more pleased that LCV is so totally on board with
16 this issue. Good for you. Thank you very much. I
17 appreciate your testimony here today.

18 The next witness, we have Matt, either
19 Gove or Govey, I don't know, from the Surfrider
20 Foundation.

21 MATT GOVE: Hello. Thanks for having us
22 give some testimony. My name is Matt Gove. I'm with
23 the Surfrider Foundation representing the New York
24 City chapter of Surfrider. We do a lot of different
25 things, but one of our main things we do is a lot of

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2 beach cleanups and we find a lot of plastic bottles
3 and bottle caps, and so we're here to support INT
4 900. Seems like a pretty straightforward and smart
5 bill to get New York's delicious and fantastic water
6 out to all New Yorkers, make it easily accessible.
7 You know, the summers are only getting hotter. It
8 saves New Yorkers money. Bottled water is like a
9 hundred to a thousand times more expensive than tap
10 water. Also, you know, we found over and over again
11 that there's tons of microplastics in plastic bottled
12 water, so it's not really that great for you, and it
13 also would reduce litter. Like I said, we find these
14 bottles and bottle caps all over the place so it's a
15 real win/win. Obviously, it's going to cost some
16 money, but it seems like a worthwhile thing to do to
17 get our great tap water out to all New Yorkers and
18 Surfrider supports INT 900.

19 Thank you, Council Member Powers and
20 Chairman Gennaro.

21 CHAIRPERSON GENNARO: Thank you very much
22 for your compelling testimony and thank you for the
23 work that you and the Surfrider Foundation do in
24 keeping our beaches clean, and I think the greatest
25 city in the world can find it within its means to put

1
2 500 more water fountains out there so people can
3 enjoy our good water and we say goodbye to plastic
4 bottles. I really appreciate your presence here today
5 and your patience in waiting so long to give us your
6 good testimony. Thank you.

7 We have Rachana Shah from Beyond Plastics
8 Queens. Hope I pronounced your name correctly.

9 RACHANA SHAH: Hello. It was close. It was
10 Rachana Shah.

11 CHAIRPERSON GENNARO: Oh, I'm sorry, I'm
12 sorry.

13 RACHANA SHAH: That's okay, that's okay.
14 So yes, my name's Rachana Shah. I'm the Co-President
15 of Beyond Plastics Queens chapter, a chapter of the
16 larger National Beyond Plastics organization. We
17 strongly support INT number 900, and we consider
18 installing public drinking fountains essential to
19 public health. Before I go on, I just want to explain
20 my background. I'm here canvassing in Lehigh County
21 in Pennsylvania for the election, and I'm saying that
22 because as a zero-waste consultant by profession,
23 I've studied behavior change around pro-environmental
24 behaviors since 2009, and I've learned one of the
25 biggest barriers to adopt reuse systems is access.

1
2 There's less incentive to bring a clunky water bottle
3 like this if there is a large barrier to refill it.
4 The current options are you can go into a bar or
5 restaurant and ask them to do it, which they have no
6 obligation to do, or to go and find a public water
7 fountain in a public place, which is not really easy.
8 So, it's imperative, we believe, that New York City
9 makes water, which is a human right, available to all
10 New Yorkers. A related consequence of a warming
11 planet is hotter summers that will require easy
12 access to water to prevent thirst and death, and we
13 think it would be a sign of great foresight for New
14 York City legislators to implement this plan with an
15 eye to rapidly expand in the near future, making our
16 city ahead of the curve on future disasters that
17 threaten human health. It would also show foresight
18 to make systemic and infrastructural changes that
19 allow us to rapidly reduce the amount of single-use
20 plastics we dispose of in New York. I mean, the fact
21 that part of this bill is referring to flooding in
22 Southeast Queens, it just proves that not addressing
23 climate issues results in more time and money having
24 to be spent to analyze the damage...

25 SERGEANT-AT-ARMS: Your time is expired.

1
2 RACHANA SHAH: And that costs New Yorkers
3 a lot of time and energy so creating solutions that
4 allow us to rapidly decline the use of single-use
5 plastics has major climate mitigation impacts. And I
6 guess I'll end there, thanks.

7 CHAIRPERSON GENNARO: I thank you very
8 much for your work with Beyond Plastics. I would
9 imagine that you work with Judith Enck. Okay, so
10 yeah, you know Judith. I know Judith a real long
11 time. I support your efforts on behalf of eliminating
12 plastics, and I really appreciate your support of
13 Council Member Power's Bill Intro. 900. Good luck to
14 you and look forward to you joining one of our future
15 hearings. We appreciate the contribution that you
16 made today and safe travels. Thank you.

17 If we inadvertently missed anyone who
18 registered to testify today and has yet to be called,
19 please use the Zoom raise hand function if you are
20 testifying remotely and you'll be called in the order
21 that your hand has been raised. If you're testifying
22 in person, please come to the dais.

23 Seeing none, I will now close the
24 hearing. Thank you to the Members of the
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Administration, members of the public who have joined
us today. This hearing is adjourned. [GAVEL]

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 6, 2024