

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL
PROTECTION

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HELD AT: COUNCIL CHAMBERS - CITY HALL

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

COUNCIL MEMBERS:

Jennifer Gutierrez
Ari Kagan
Julie Menin
Sandy Nurse
Lincoln Restler

A P P E A R A N C E S

Vincent Sapienza, Chief Operating Officer,
Department of Environmental Protection

Gina Bocra, Chief Sustainability Officer,
Department of Buildings

Keith Kerman, Deputy Commissioner, Department of
Citywide Administrative Services

Angela Licata, Deputy Commissioner, Department of
Environmental Protection

Matt Drury, Director of Government Relations,
Parks Department

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

Willis Elkins, Executive Director at the
Newtown Creek Alliance

2 SERGEANT-AT-ARMS: This is a microphone
3 check for the Committee on Environmental Protection
4 located in Chambers, recorded on February 3, 2023, by
5 Nazly Paytuvi.

6 SERGEANT-AT-ARMS: Good morning and
7 welcome to today's New York City Council hearing on
8 the Committee of Environmental Protection.

9 At this time, please silence all
10 electronic devices.

11 Chair, we are ready to begin.

12 CHAIRPERSON GENNARO: Thank you. Let me
13 silence my own phone. [GAVEL] Good morning. I am Jim
14 Gennaro, Chair of the Committee on Environmental
15 Protection. Today we will be holding an oversight
16 hearing on the City's water quality obligations under
17 the DEC CSO Consent Order and The City's Municipal
18 Separate Storm Sewer System (MS4). We'll also be
19 hearing related legislation.

20 Each year, billions of gallons of
21 sanitary sewage and stormwater runoff into the city's
22 waterways due to combined sewer overflows. That said,
23 many years ago, it was like 100 billion or whatever
24 it was and now it's a mere fraction of that so good
25 on us. CSOs which occur when the volume of sewage and

2 runoff exceed the capacity of the city's wastewater
3 treatment plants. Discharge from these overflows
4 includes fecal coliform bacteria which can prevent
5 safe recreation in the city's waterways and can harm
6 our coastal waters. While the quality of the city's
7 waterways has significantly improved over the last 40
8 years, CSO events continue to impose an environmental
9 and economic cost. The city has more than 6,400 miles
10 of sewer mains I am told with an approximate average
11 91 years. The city is served by 14 wastewater
12 treatment plants that have a total combined treatment
13 capacity of approximately 1.8 billion gallons daily.
14 While 60 percent of New York City is served by a
15 combined sewer system, which routes wastewater and
16 stormwater runoff to treatment plants for processing
17 prior to discharge to local waterways. However, only
18 1/10 of an inch of precipitation per hour, again I am
19 told, is enough to overwhelm wastewater treatment
20 plants and trigger a CSO events. CSO events are
21 expected to become more frequent as climate change
22 increases precipitation in New York City. The New
23 York City Panel on Climate Change, that's the one
24 that I created in law, isn't it, let the record show
25 that I patted myself on the back, the New York City

2 Panel on Climate Change predicts that the volume of
3 annual rainfall will rise 1 to 8 percent in the
4 2020s, 4 to 11 percent in 2050s, and up to 19 percent
5 by 2100. We get the idea. More importantly, the
6 number of days per year in which the city will
7 experience enough rain to trigger a CSO event is
8 expected to increase substantially so we're like in a
9 race here. The NPCC finds that the number of days in
10 which the city will experience rainfall in excess of
11 2 inches may increase by as much as 2,300 by the
12 2050s and the New York City Department of Emergency
13 Management reports that there is a 90 percent
14 probability that New York City will experience an
15 increase in heavy downpours by mid-century. Again,
16 you get the idea.

17 In 2012, a Consent Order between DEP and
18 DEC started development of 11 long-term control
19 plans, one for each of the city's sewer sheds. These
20 measures are intended to evaluate long-term solutions
21 to reduce CSO events and bring the city's waterways
22 into compliance with state and federal standards. We
23 look forward to the administration's testimony with
24 regard to CSO and MS4 discharges.

2 Now, let's get into the legislative part
3 of the hearing. Intro 102 would require DEP to post
4 on its website a map of all green roofs in the city.
5 Per Section blah, blah, blah of the Administrative
6 Code, a green roof is wholly or partially covered by
7 a living vegetative system. The map would also
8 include some information about each green roof
9 including the type of building, the area of the roof,
10 and the area covered by the green roof system, the
11 capacity of the green roof to absorb water, and the
12 function or functions of the green roof.

13 Intro 239 would require DOB to conduct
14 targeted outreach every five years to inform local
15 building owners about the solar and green roof
16 requirements of Local Law 92 and 94 of 2019 which
17 mandated that all new buildings or roof replacements
18 include solar voltaic system generating capacity of
19 at least 4 kilowatts, a green roof system, or a
20 combination of the two. DOB would also be required to
21 post notices and educational materials on the
22 Department's website and submit a report describing
23 the methods of targeted outreach employed by DOB
24 every five years.

2 Intro 531 would require DEP to issue an
3 annual report on the condition of the city's critical
4 drainage infrastructure including a description of
5 the operational condition of treatment facilities,
6 pump stations, and other critical drainage
7 infrastructure, and specific details regarding all
8 previous instances in the past that the
9 infrastructure was operating at a reduced capacity or
10 out of service.

11 Intro 532 would require DEP to create a
12 plan for establishing New York City's coastal waters
13 as vessel no-discharge zones and to install at least
14 three pump-out facilities per year until all coastal
15 waters are so designated and report annually on the
16 progress toward the goal of establishing all of the
17 city's coastal waters as vessel no-discharge zones.

18 Intro 533 would require DEP to study and
19 report on the presence of contaminants from CSOs in
20 New York City waterways and the Department's progress
21 towards milestones noted in the Sewer Overflow Long-
22 term Control Plan. The Department is also required to
23 study the effectiveness of its current regulations
24 and chlorination treatments for raw sewage. The
25 Department would then develop a watershed management

2 plan as well as a green infrastructure plan with the
3 assistance of an advisory group. Is this the
4 statement that I tweaked or is this the original one?
5 Anyway. I get the statement and I make modifications
6 to it. I'm not sure if this is the one I modified or
7 the one that Samara gave me, but they're both good.
8 The Department would the develop a watershed
9 management plan as well as a green infrastructure
10 plan with the assistance of an advisory group. Both
11 the study and the report are required on a yearly
12 basis, and the watershed management plan is required
13 on a yearly basis beginning 2023. That's pretty soon.
14 The Commissioner would also be required to hold a
15 public hearing to present the reports and allow a
16 public comment period before finalizing any plan or
17 recommendations.

18 Intro 603 would direct DOB, no, this is,
19 yeah, because my statement I got down to a couple of
20 pages, but anyway, but this is Samara's statement so
21 you're getting a good one. Intro 603 would direct the
22 Department of Buildings with assistance from DEP, the
23 Fire Department, and any other relevant agency to
24 conduct a yearlong study to determine the feasibility
25 of implementing solar-ready measures for commercial

2 buildings. DOB would then be required to submit a
3 report to the Speaker and the Mayor with the results
4 of the study.

5 Intro 614 would require DCAS to create a
6 pilot program on the use of low-emission exhaust
7 pipes. The pilot program would encompass 20 percent
8 of all motor vehicles owned by the City, 20 percent
9 doesn't sound like a pilot to me, but it sounds like
10 more than a pilot but we'll talk about that, owned by
11 the City that are not run exclusively by electric
12 power because they're not run by electricity. The
13 bill would also require DCAS to provide a written
14 report to the Speaker and post such report on its
15 website not later than one year following the start
16 of the pilot program. The report would include the
17 cost of the pilot program and the emissions
18 reductions from the program.

19 I would like to thank the terrific
20 Committee Staff who have done such great work over
21 the years, Committee Counsel Samara Swanson to my
22 left, Policy Analyst Ricky Chawla, he is great,
23 Andrew Bourne, the new guy who is also very good,
24 Financial Analyst Andrew Lane-Lawless, great guy, and
25

2 finally, last but not least my great LD Nabby Kaur
3 for all of her hard work and everyone's hard work.

4 That was something. I'm like tired now.

5 We are joined by Council Member Julie
6 Menin, a great Member of this Committee, we've got
7 bills of hers, Council Members Hanks, Holden, and
8 Moya on Zoom. We welcome them. We have Ari Kagan, a
9 Member of the Committee to my right.

10 With that, with everyone duly recognized,
11 I turn it over to Samara to do some housekeeping to
12 get everybody sworn and all that.

13 COMMITTEE COUNSEL SWANSON: Would you
14 please raise your right hand?

15 Do you swear or affirm to tell the truth,
16 the whole truth, and nothing but the truth today and
17 answer faithfully to the Council Members?

18 ADMINISTRATION: (INAUDIBLE)

19 CHAIRPERSON GENNARO: Okay. Hang on one
20 second. I have to get a pen. This is the all-leather
21 backpack that my wife got for me. It's very sort of
22 stylish, don't you think?

23 COMMITTEE COUNSEL SWANSON: Yeah.

24 CHAIRPERSON GENNARO: All in favor.

25 UNKNOWN: (INAUDIBLE)

2 CHAIRPERSON GENNARO: Very good. A leather
3 backpack is like a light backpack and she says like
4 at your age you can't be running around, you can't
5 look like a kid, I'll have to find you like a
6 dignified backpack and so there it is. So that's now
7 on the record. Okay, isn't that wonderful. Anyway,
8 but what is wonderful I'm sure is going to be your
9 testimony.

10 They're all ready to go, right?

11 COMMITTEE COUNSEL SWANSON: Yes.

12 CHAIRPERSON GENNARO: Okay. Pleasure to
13 have you all here. I look forward to your good
14 testimony, and, with that, you may commence.

15 CHIEF OPERATING OFFICER SAPIENZA: Thank
16 you. Good morning, Chair Gennaro and Member of the
17 Environmental Protection Committee. I am Vincent
18 Sapienza, the Chief Operating Officer at the
19 Department of Environmental Protection or DEP. I am
20 here today with my colleague Deputy Commissioner
21 Angela Licata to speak about the City's investments
22 to improve harbor water quality through operating
23 permits and a consent agreement with the New York
24 State Department of Environmental Conservation. My
25 testimony will touch on the DEP-related bills being

1 heard today, and then I will turn to my colleagues
2 Keith Kerman from the Department of Citywide
3 Administrative Services (DCAS) and Gina Bocra from
4 the Department of Buildings (DOB) to speak on the
5 other legislation.
6

7 Four of the bills being heard today
8 relate directly to DEP. Three of them propose new
9 reporting requirements. Intro 102, which would
10 require a map of green roofs to be posted online..

11 CHAIRPERSON GENNARO: Hang on. I'm reading
12 from the wrong statement. I have a Buildings. I have
13 a DCAS. Okay. There we go. Now I'm situated. Please
14 continue.

15 CHIEF OPERATING OFFICER SAPIENZA: Thank
16 you. Intro 102, which would require a map of green
17 roofs to be posted online; Intro 533, which would
18 require reporting on progress toward decreasing the
19 presence of sewage and stormwater contaminants in the
20 city waterways; and Intro. 531, which would require
21 reporting on the condition of drainage
22 infrastructure. DEP already reports extensively on
23 these topics so we would like to work with the
24 Council to ensure that these bills complement current
25

2 reports. The fourth bill, Intro 532, relates to pump-
3 out infrastructure for boaters.

4 CHAIRPERSON GENNARO: No, no. I still have
5 the wrong statement. I need DEP's statement.

6 COMMITTEE COUNSEL SWANSON: Isn't that
7 DEP's statement?

8 CHAIRPERSON GENNARO: This says Buildings.

9 COMMITTEE COUNSEL SWANSON: Where's DEP?

10 CHAIRPERSON GENNARO: I like when all the
11 chaos is on tv and everybody's watching it and the
12 Chairman doesn't have the right piece of paper in
13 front of him and he's talking about his backpack.

14 COMMITTEE COUNSEL SWANSON: Here you go.

15 CHAIRPERSON GENNARO: Here we go. All
16 right. Now where are you, Vinnie, exactly? You're in
17 the middle of the second paragraph, right?

18 CHIEF OPERATING OFFICER SAPIENZA:

19 Exactly.

20 CHAIRPERSON GENNARO: Okay, please, now I
21 got it.

22 CHIEF OPERATING OFFICER SAPIENZA: The
23 fourth bill, Intro 532 relates to pump-out
24 infrastructure structure for boaters. Several
25 agencies and private entities are involved in this

2 area so we would like to work with the Council and
3 our partner agencies to determine the best path to
4 achieve the goals of this bill, and I'll talk a
5 little bit about combined sewer overflows in the
6 long-term control plans.

7 New York City residents who pay a water
8 bill have invested 4.3 billion dollars in recent
9 years to reduce the quantity of combined sewer
10 overflows or CSOs into local waterways. Those
11 investments and improvements to treatment technology
12 have been paying off as we now regularly see dolphins
13 chasing large quantities of smaller fish that are
14 thriving in our rivers. The waters surrounding New
15 York City are cleaner and healthier than they have
16 been since the Civil War. Still, there is a lot of
17 work to do, and we will ask water bill payers for
18 many billions of dollars more in the coming years.

19 As background on CSOs, about 60 percent
20 of the city's sewers are a combined sewer system,
21 meaning that sanitary wastewater and stormwater both
22 flow into the same sewer pipes. This combined
23 wastewater is conveyed to and then treated at a
24 Wastewater Resource Recovery Facility, WRRF. Our 14
25 WRRFs treat about 1.3 billion gallons of wastewater

2 each dry weather day. Those plants have a combined
3 capacity to treat up to 3.8 billion gallons per day,
4 meaning they can accept more than 2 billion gallons
5 per day of stormwater. When the intensity of a storm
6 exceeds that capacity, the excess water is released
7 directly into a waterway without treatment. This
8 release is a CSO.

9 CSOs are not illegal. They are authorized
10 by the US Environmental Protection Agency (EPA) and
11 permitted by the NYS Department of Environmental
12 Conservation (DEC), but our collective goal under the
13 Clean Water Act is to continue to reduce the quantity
14 and frequency of CSOs by incrementally adding more
15 hard, grey infrastructure to handle water and more
16 green infrastructure to reduce the volume of water
17 entering the sewer system.

18 To achieve that goal in a structured way,
19 DEP has worked with DEC, environmental groups, and
20 the public to develop and implement Long-Term Control
21 Plans or LTCs. There are 11 LTCs, each representing
22 a discreet geographic area. The LTCs incorporate a
23 combination of gray and green infrastructure, and
24 each plan is specifically tailored around the unique
25 characteristics of each watershed and waterbody. The

2 work is consistent with the Federal CSO Policy and
3 EPA Guidelines and with the water quality goals of
4 the Clean Water Act. The 11 Long-term Control Plans
5 are dedicated to Alley Creek, Westchester Creek,
6 Hutchinson River, Flushing Creek, Bronx River,
7 Gowanus Canal, Coney Island Creek, Flushing Bay,
8 Newtown Creek, Jamaica Bay and its tributaries, and
9 then a Citywide/ Open Waters LTCP.

10 As indicated in the table below, the
11 LTCPs were developed through extensive sampling and
12 monitoring with hundreds of alternatives evaluated.
13 After public comment and review, 10 of the 11 LTCPs
14 were approved by DEC with more than 6 billion dollars
15 in committed work underway.

16 These CSO reduction efforts are reported
17 in quarterly updates, each of which can be found on
18 DEP's website. Additionally, we have been publishing
19 a comprehensive annual CSO BMP Report for more than a
20 decade. Further, the City has, since 1909, been doing
21 an annual Harbor Survey to sample and analyze waters
22 at dozens of locations around the City. Those reports
23 are on our website too. Water quality data from our
24 Harbor Survey Monitoring Program are also available
25 on NYC Open Data in almost a real-time fashion. Also,

2 DEP publishes an annual Green Infrastructure Report,
3 and, additionally, we publish an annual Stormwater
4 Management Program Report and an annual State of the
5 Sewers Report about drainage. Virtually all of the
6 information and data that are requested in 533 and
7 531 can be found in these resources.

8 A little bit about the Municipal Separate
9 Storm Sewer System. Our water quality efforts are not
10 limited to combined sewer areas. Other areas of the
11 city are served by the Municipal Separate Sewer
12 Systems or MS4. In MS4 areas, stormwater does not
13 combine with sanitary sewage. Rather, stormwater from
14 streets and rooftops flows through separate pipes
15 directly into nearby waterways. Stormwater is cleaner
16 than sanitary sewage, though it can pick up sediment,
17 street trash, and other types of pollution along the
18 way.

19 DEP has worked with DEC to develop and
20 implement Stormwater Management Program Plans or
21 SWMPs that includes numerous initiatives designed to
22 reduce pollution in stormwater runoff. The first plan
23 was developed pursuant to a 2015 MS4 permit that DEC
24 issued to the City. DEC issued has modified Citywide
25 MS4 permits in August 2022.

1 A key component of the SWMP is the
2
3 Construction and Post-Construction Program or C/PC
4 Program. This program requires management of
5 stormwater on construction sites so that eroded soil
6 and other construction wastes do not become a source
7 of stormwater pollution. Some projects also require
8 construction of stormwater management practices
9 (SMPs) on site to prevent stormwater from entering
10 the sewer system and to reduce the pollutants being
11 washed from the site. There are long-term management
12 practices, which will continue to operate after the
13 construction is complete. The C/PC program is an
14 enhanced regulatory program meaning it includes
15 permits, inspections, and enforcement based upon the
16 existing DEC Construction General Permit programs.

17 DEP initially administered this program
18 only in the MS4 area, but under Local Law 91 of 2020
19 we extended the program to the combined sewer area as
20 well, creating a citywide Unified Stormwater Rule.
21 Now, any construction project anywhere in the five
22 boroughs that disturbs 20,000 square feet or more of
23 soil or adds an additional 5,000 square feet of
24 impervious surface must be permitted and may be
25 required to install stormwater management practices.

2 This requirement will create more pervious and
3 resilient properties across the city. I want to thank
4 the Council for their partnership in implementing
5 this monumental program.

6 Through the MS4 Industrial and Commercial
7 Stormwater Program, the I/C Program, DEP is
8 responsible for the inspection and enforcement
9 portions of the State Pollution Discharge Elimination
10 System or SPDES Multi-Sector General Permit for
11 Stormwater Discharge from Industrial Activities at
12 privately owned facilities in the MS4 area. DEP also
13 inspects an inventory of unpermitted facilities to
14 assess their industrial activities' exposure to
15 stormwater and to determine whether the facilities
16 generate significant contributions of pollutants to
17 impaired waters and may require SPDES permit
18 coverage.

19 Other programs in the SWMP include: the
20 Pollution Prevention Good Housekeeping Program,
21 which requires City agencies to perform regular
22 assessments of their facilities and operations to
23 determine sources of pollutants potentially generated
24 by their facilities and operations and to evaluate
25 the adequacy of the stormwater controls that they

2 implement, the IDDE program, which requires City
3 agencies to track down and eliminate any illicit
4 discharges into the MS4, and a broad range of
5 programs that prevent floatable and settleable trash
6 and debris from reaching local waterbodies through
7 the MS4.

8 A little bit about the Green
9 Infrastructure Program now. As I have touched on
10 earlier, a key component of our stormwater management
11 programs are the use of green infrastructure or GI.
12 New York's GI system is the most extensive in the
13 country. In just the last decade, our GI program has
14 constructed more than 11,000 assets, managed more
15 than 2,000 acres, added more than 660,000 square feet
16 of pervious surfaces to streets and sidewalks, and
17 created more than 14,000 acres of Bluebelts across
18 the city.

19 DEP utilizes a variety of assets, or
20 types of infrastructure, to manage stormwater,
21 including rain gardens, infiltration basins,
22 permeable pavers, and green roofs. All GI is
23 engineered to make land and buildings more efficient
24 at managing stormwater on site, so that the water
25 does not enter the sewer system. More information

2 about our GI program is available in the Green
3 Infrastructure Annual Report and the Stormwater
4 Management Program Annual Report, both of which are
5 available DEP's website.

6 DEP manages a public, city-wide GI map
7 that includes all of the green roofs funded by DEP as
8 well as those for which DEP has completed a technical
9 review. This map provides the locations and details
10 about GI around the city, in line with what Intro 102
11 calls for. I should note, however, that private
12 owners can green their roofs without City approval,
13 and so those locations on the map might not be
14 reflected.

15 We strongly encourage the use of green
16 roofs and other GI wherever possible. We, DEP, offer
17 a grant program to make it easier to install these
18 assets. Many green roofs have been funded through
19 that grant program, including the two biggest rooftop
20 assets: the green roof at the Brooklyn Navy Yard and
21 the green roof at Liberty View Plaza in Sunset Park.

22 We encourage everyone to incorporate
23 stormwater management practices on their properties.
24 Even efforts that seem small, such as installing a
25 rain barrel, can have an impact, and we are always

2 happy to work with Council Members to encourage these
3 practices among their constituents.

4 Thank you for the opportunity to testify
5 on this topic and on these bills. I will now turn to
6 my colleagues to speak about additional legislation
7 being considered today and then will be happy to
8 answer your questions.

9 CHAIRPERSON GENNARO: Thank you, Vinnie.
10 Just hold on for one second. I just want to note that
11 we're joined by Council Member Restler. Appreciate
12 having you with us. I have two other statements.
13 Looks like I have a DOB statement and a DCAS
14 statement. Is that right? Okay. I'm now ready to
15 proceed with the next witness.

16 CHIEF SUSTAINABILITY OFFICER BOCRA: Good
17 morning, Chair Gennaro and Members of the
18 Committee of Environmental Protection. My name is
19 Gina Bocra. I am the Chief Sustainability Officer
20 at the New York City Department of Buildings. I am
21 pleased to be here to discuss Introductions 239
22 and 603 regarding rooftop solar systems and green
23 roofs.

24 Introductions 239 and 603 come at a
25 critical moment in the city's and, truly, the

2 world's fight against climate change. New York
3 City is a leader. For years, the passage of
4 federal climate legislation grew increasingly
5 unlikely in Washington. Our city stepped up to the
6 plate, and through the Council, passed the Climate
7 Mobilization Act of 2019, which included Local Law
8 97 of 2019 regarding greenhouse gas emissions
9 limits for the city's largest buildings. The
10 Department and its government partners are working
11 steadfastly to promulgate rules, communicate
12 obligations under the law to impacted building
13 owners, and ensure the law is implemented
14 equitably and fairly.

15 Last year, we saw the passage of the
16 Inflation Reduction Act and the bipartisan
17 Infrastructure Bill, which together amount to a
18 once-in-a-generation investment in our country's
19 clean energy future and fight against climate
20 change, but our Federal Government rejoining this
21 fight does not mean that we can ease up. In fact,
22 now is the time to double down on our commitment to
23 leaving a better New York City for future
24 generations. As such, we applaud the Council's

2 continued leadership as it legislates an even
3 stronger commitment to clean energy.

4 Introduction 239 would require the
5 Department conduct education and outreach to
6 building owners on rooftop solar system and green
7 roof requirements. While new buildings are now
8 required by Local Laws 92 and 94 of 2019 to
9 install either rooftop solar systems or green
10 roofs, the Department is certainly supportive
11 of educating existing building owners about the
12 environmental benefits of these rooftop systems.
13 We support the goals of this legislation and look
14 forward to working with the Council to ensure that
15 the bill facilitates the most effective and
16 targeted outreach possible.

17 Introduction 603 would require that the
18 Department study the feasibility of implementing
19 solar-ready measures for commercial buildings. We
20 support the goals of this legislation. We would
21 like to work with the Council to ensure that
22 this bill complements existing requirements for
23 new buildings to install solar systems and green
24 roofs as part of Local Laws 92 and 94 of 2019. We
25 are also interested in ensuring that this

2 legislation complements and is not duplicative of
3 Local Law 24 of 2016, which requires the City to
4 study the feasibility of solar PV installation on
5 rooftops of City-owned buildings larger than
6 10,000 square feet.

7 Thank you again for your time today, and
8 I look forward to answering your questions.

9 CHAIRPERSON GENNARO: Thank you, Miss
10 Bocra. Thank you for your support and your good
11 cooperation on Intro 239 and 603. We look forward
12 to working with you on those as well. Keith is up
13 next, right?

14 DEPUTY COMMISSIONER KERMAN: Good
15 morning. My name is Keith Kerman, and I'm a Deputy
16 Commissioner at DCAS and the City's Chief Fleet
17 Officer. Thank you, Chair Gennaro and other
18 Council Members, for inviting us to discuss Intro
19 614 regarding low emission exhaust pipes and
20 systems, and I'm pleased to be here with
21 Colleagues from DEP, Buildings, and Parks.

22 As you know, DCAS is currently working
23 to electrify the City fleet through Executive
24 Order 90. We recently testified regarding Intro

2 612 which would codify the fleet electrification
3 into law.

4 There are currently over 4,100 electric
5 and plug-in units in the City fleet with over 900
6 more on order. DCAS manages the state's largest
7 plug-in fleet and also the largest EV charging
8 network at now over 1,400 ports and growing.

9 In addition, the City also operates
10 4,234 hybrid gas or diesel units with over 800
11 more on order. Consistent with Local Law 73 of
12 2013, City trucks use biodiesel blends from 5 to
13 20 percent as do our off-road equipment units. The
14 current goal is to electrify the fleet by 2035 for
15 most vehicle models, about 85 percent, and 2040
16 for emergency and specialized trucks. Full
17 electrification provides the promise of zero-
18 emissions vehicles at the tailpipe. Electric
19 vehicles and charging are also the focus for our
20 current sustainability funding.

21 DCAS currently procures original
22 equipment manufacturer (OEM) catalytic converters
23 for cars and trucks. These reduce and convert 90
24 percent or more of emissions on vehicles including
25 carbon monoxide, hydrocarbons, and nitrogen

2 oxides. City fleet trucks utilize catalytic
3 converters and diesel particulate filters
4 consistent with Federal and City law to greatly
5 reduce particulate matter.

6 DCAS is certainly willing to explore
7 the availability, functioning, and potential for
8 what the Intro defines as low emission exhaust
9 pipes. However, DCAS has not currently employed or
10 verified this type of technology, and we are not
11 aware of specific and proven products meeting the
12 definition for cars or trucks.

13 Research will need to be conducted to
14 determine the availability, costs, safety,
15 warranty compliance, durability, maintenance
16 requirements, and effectiveness of any such
17 products. If a product or products were available
18 for testing and piloting, this would need to
19 happen at a modest scale to establish the safety
20 and effectiveness of the equipment.

21 We are continuing to research this area
22 and available to share that research and to discuss
23 the proposal further with the Council. Thank you.

24

25

2 CHAIRPERSON GENNARO: Thank you, Deputy
3 Commissioner Kerman. Let me just get myself
4 together here.

5 We have Parks that's going to be giving
6 a statement as well? Okay.

7 I think we're going to work backwards.
8 Deputy Commissioner Kerman, as we said just before
9 the hearing started, the Staff and myself did kind
10 of a dive into what technology is out there for
11 regular passenger cars like non-heavy-duty
12 vehicles, and we really didn't find much either so
13 our findings are consistent with yours. I guess
14 the question would be then to what extent would
15 any part of this bill, what bill number are we
16 talking about here?

17 DEPUTY COMMISSIONER KERMAN: 614.

18 CHAIRPERSON GENNARO: 614. There is such
19 technology, and I guess which we're currently
20 using for heavy duty and maybe even some medium
21 duty trucks or whatever regarding like the diesel
22 particulate filters once upon a time, there was a
23 thing called trap oxidizers, I don't know if those
24 are still a thing. I was just wondering from your
25 perspective, is anything in Intro 614 kind of

2 worth salvaging at this point? I guess this would
3 be sort of for like the heavy duty trucks and
4 anything for which there is now technology
5 available or are we already doing that? I just
6 want your assessment of that.

7 DEPUTY COMMISSIONER KERMAN: Sure.

8 First, the diesel oxidation catalyst was really
9 prior to the diesel particulate filter which is
10 now federal law and then the city went back and
11 retrofitted which was really good policy and we
12 did that, but, yeah, the diesel oxidation catalyst
13 was kind of an older technology. We understand the
14 idea. Obviously, we want to do as much as we can
15 to reduce emissions at the tailpipe. Electric
16 vehicles are the best solution to get to zero
17 emissions. Until we can get there, we are always
18 looking for what we can do. Right now, there is
19 absolutely work done at the kind of engineering,
20 development level in this kind of area. How do you
21 bridge the gap between the 90 percent that's
22 reduced now and that extra 10 percent? It's just
23 not at a product level yet.

24 CHAIRPERSON GENNARO: When you say the
25 90 percent, meaning right now on these heavy duty

2 vehicles, you're using technology that gets 90
3 percent, right?

4 DEPUTY COMMISSIONER KERMAN: 90 or more.
5 Depends on the emission...

6 CHAIRPERSON GENNARO: And so like the
7 delta which would we seek out would be that last
8 10 or less percent?

9 DEPUTY COMMISSIONER KERMAN: Exactly, so
10 the 0 to 10 depending on which emission you're
11 talking about. There's a lot of work in the
12 engineering side. It just hasn't met the market
13 yet so there's no product yet that we can invest
14 in or pilot. We asked our main auto parts
15 supplier, Genuine Parts Company, to do a search,
16 and they're a global company, and we buy millions
17 of parts from them, and it's just not there yet so
18 I think we're still really at that research level.
19 I don't think we're ready to pilot. As products
20 are developed and come to the marketplace, then I
21 think they'd be a further conversation to have,
22 but right now we're in that research area. We're
23 going to continue researching it. We'll happily
24 share that research, but I just don't think

2 there's anything to pilot yet, so I don't think
3 we're ready for legislation.

4 CHAIRPERSON GENNARO: Right so why don't
5 we do this? Because we've got a lot of trucks on
6 the road that have a lot of life left in them, and
7 it's probably possible to make an analysis of what
8 there would be gained by capturing as much of that
9 10 or less percent that we could so in other words
10 let's just figure out like how big the pie is in
11 terms of what we could possibly get through the
12 deployment of advanced technology and then some
13 assessment of the status of what the current
14 technology is that is currently being looked at. I
15 guess we would like the Committee to be supplied
16 with what it is we're not able to capture right
17 now in terms of technology that we're doing and
18 what is out there that looks promising. I don't
19 think we have to turn this into a bill that would
20 require an actual report. I think we'd just like
21 to be made aware of what it is we're not capturing
22 now and what the technology holds. If you can just
23 send that to the Council, to the Committee, I
24 think that would suit our purposes for now rather
25 than turn this into a whole thing where it became

2 a formal report or whatever, and so I think we'll
3 just do that with 614. I would be remiss if I
4 didn't laud your efforts over the years through
5 all that you've done to make the fleet cleaner and
6 win EPA awards and everything that DCAS has done
7 for the fleets of all city agencies and all the
8 good work that you've done so we'll kind of leave
9 614 at that for now.

10 Rather than call you Gina, I'll call
11 you the Chief Sustainability Officer Bocra. How's
12 that? Chief Sustainability Officer Bocra, you
13 talked about the Inflation Reduction Act and the
14 infusion of funds. This is a little bit afield
15 from the actual technical part of the bills, is
16 the Buildings Department confident that this money
17 is actually going to flow as we were all lead to
18 believe, does it go directly to the City, is this
19 one of those things where it goes to the State and
20 the State has to figure out whether we're good
21 enough to get it or whatever? Just tell me a
22 little bit about your understanding of that
23 process? One of my little areas of inquiry is
24 whether New York City is actually directly going
25 to get money for certain things. DEP can tell

2 horror stories of money that's allocated by the
3 State and the City gets like 2 percent of it, and
4 federal dollars that go to the City and then
5 supposed to go to the State but we never actually
6 get them and so what's your sense of these federal
7 dollars from the Inflation Reduction Act? Are we
8 actually going to see those? Do you have a
9 handshake with the people in Washington or how's
10 that working?

11 CHIEF SUSTAINABILITY OFFICER BOCRA:

12 That's a great question. Thank you.

13 CHAIRPERSON GENNARO: I know it's a
14 great question. I asked it.

15 CHIEF SUSTAINABILITY OFFICER BOCRA: I
16 wish I had a firm handshake with somebody in
17 Washington. I think that we anticipate a lot of
18 this morning coming directly to owners in the form
19 of tax incentives for installing equipment in
20 their property. That being said, we are working
21 very closely with folks here at City Hall and at
22 NYSERDA to make sure that New Yorkers get their
23 fair share of these dollars coming from the
24 federal government, and that work is happening now

2 so there's still a lot of details to be worked
3 out.

4 CHAIRPERSON GENNARO: Okay, that is good
5 to hear. If that gets jammed up, that would be
6 Alfonso's area and Tiffany Raspberry, they can go
7 and shake up Washington, make sure that we get
8 what we need.

9 With regard to 239 and 603, I glean
10 from your statement that you are generally
11 supportive and wish to engage the Council in how
12 we can do both of these bills in a way that
13 realizes their full potential. Is that a fair
14 characterization of your testimony?

15 CHIEF SUSTAINABILITY OFFICER BOCRA:
16 Yes, absolutely.

17 CHAIRPERSON GENNARO: So let that
18 commence immediately. We look forward to that, and
19 we always like when we get favorable statements
20 from the Administration regarding the legislation
21 that we're putting forward so let's have a good
22 time working on that so I appreciate that.

23 Vinny, your title is Chief Operating
24 Officer, right? Chief Operating Officer Sapienza,
25 it is with great sorrow that it was brought to my

2 attention that you're going to be gradually moving
3 on to other greener horizons, and we are sad to
4 hear that but are happy for you. Like I said at
5 the outset of the hearing, I'm actually going to
6 leave this to Deputy Commissioner Licata that if
7 Vinny has a party and I don't get invited, because
8 I do get invited by whole City Council
9 proclamation, it'll be a nice thing suitable for
10 framing or wrapping fish so I would like to come.
11 Also, my new District as it's drawn is right
12 across the street from DEP so when you're talking
13 at LeFrak I will hear it.

14 We've been working on CSOs a long time.
15 Why don't we just briefly take a little stroll
16 back in time as to where we were at the outset of
17 the CSO problem when were like 100+ billion
18 gallons a day of CSO outflow or whatever the
19 number was, where we are today, and what is being
20 contemplated to bring that number even lower, and
21 the whole dance that's gone on between us and DEC
22 regarding entering into Consent Orders on that so
23 let's do the CSO piece first and then we'll go
24 over to the MS4 stuff. Once upon a time in the bad
25 old days, we were some place and now we're in a

2 much better place and we're going to an even
3 better place, briefly just walk us through that.

4 CHIEF OPERATING OFFICER SAPIENZA:

5 Thanks, Chair Gennaro, and again thank you for
6 your leadership and our long collaboration on
7 this, as you said in some opening statements, we
8 as a city once discharged 100 billion gallons a
9 year of CSOs back when you and I had as much hair
10 as Council Member Restler.

11 CHAIRPERSON GENNARO: Yes, I know. I'm
12 going for the hair transplant late, late this year
13 when it gets cold so I'll be wearing a hat all the
14 time.

15 COUNCIL MEMBER RESTLER: You can borrow
16 some of this.

17 CHAIRPERSON GENNARO: Yeah, but then if
18 I take your hair you'll have staples in the back
19 of your head. I don't want to do that to you. I'll
20 do that to myself because I think I have that
21 coming. I'm going for it though. I'll see if I go
22 through with it, but this is my plan. That's also
23 on the record now which is a beautiful thing so
24 people will be very entertained. You have to have
25 fun.

2 CHIEF OPERATING OFFICER SAPIENZA: Over
3 those decades, we've made a lot of investments as
4 a City and most of that has come from water rate
5 payers through their water bills. Improvements
6 were made in collections and expanding treatment
7 plants and building these large CSO structures.
8 I'll let Deputy Commissioner Licata talk about
9 green infrastructure...

10 CHAIRPERSON GENNARO: Yeah, she's not
11 getting away without speaking today.

12 CHIEF OPERATING OFFICER SAPIENZA: But
13 we've developed since some of the work that was
14 done, these long-term control plans with the New
15 York State Department of Environmental
16 Conservation and with the activists in the
17 community to come up with projects totaling about
18 6 billion dollars, new work that we're going to do
19 to continue to push down the quantities of CSOs.

20 CHAIRPERSON GENNARO: 6 billion dollars
21 in new investments to do that? This will be spent
22 on things like what?

23 CHIEF OPERATING OFFICER SAPIENZA: We
24 have in the works in those plans things like large
25 storage tunnels under Flushing Bay, under Newtown

2 Creek that would capture what would otherwise have
3 been CSO overflows, capture and store that
4 material until the rainfall ends and then that
5 held wastewater would be pumped to the wastewater
6 treatment plant.

7 CHAIRPERSON GENNARO: Which is also a
8 little tricky because if you don't get it into the
9 sewage treatment plant in a reasonable amount of
10 time the stuff gets a little septic and then it's
11 problematic. That's a thing, right?

12 CHIEF OPERATING OFFICER SAPIENZA:
13 That's exactly right. It's not just as easy as to
14 say we're going to build a tank or a tunnel
15 because the material settles out, it off-gases so
16 there's a lot of engineering behind it. Deputy
17 Commissioner Licata, would you like to talk about
18 the green infrastructure?

19 CHAIRPERSON GENNARO: Sure, just for the
20 record and give us your views.

21 DEPUTY COMMISSIONER LICATA: Pleased to
22 be here. Angela Licata, Deputy Commissioner.

23 CHAIRPERSON GENNARO: Always nice to see
24 you, Angela.

2 DEPUTY COMMISSIONER LICATA: For the
3 Department of Environmental Protection. With
4 respect to green infrastructure, we're very proud
5 of our accomplishments. We have over 11,000 assets
6 now that are in place. We believe that we are
7 controlling through those assets over 500 million
8 gallons a year of combined sewer overflows. Having
9 said that, we have a long road still to haul. We
10 believe that the green infrastructure program can
11 achieve as much as 1.67 billion gallons a year of
12 control through these distributed assets that we
13 consider source control.

14 CHAIRPERSON GENNARO: Just like anything
15 else, just like going from 100 billion gallons per
16 year to 17 billion gallons a year, it's kind of
17 like losing written testimony, the first few
18 billion gallons are the easiest and then it gets
19 much more difficult, and there is presumably a
20 long-term plan to get us below 17 to whatever we
21 can reasonably get to. Regarding the Consent Order
22 that we're engaged in now with DEC which I present
23 we're in compliance with, right?

24 CHIEF OPERATING OFFICER SAPIENZA: Yes,
25 we're in compliance for virtually everything.

2 There's a couple of water bodies where we're
3 discussing some changes into the proposed project.
4 It's related around disinfection, but as those
5 discussions go on, we'll be back in full
6 compliance.

7 CHAIRPERSON GENNARO: The order as it
8 stands now, does it mandate that DEP further
9 reduce its CSOs, and, if so, by how much and by
10 when?

11 CHIEF OPERATING OFFICER SAPIENZA: For
12 the 11 water bodies and watersheds where we've
13 submitted long-term control plans to DEC, 10 of
14 them have been approved, there's one still
15 pending, under review, but each of those long-term
16 control plans has dates with milestones when
17 things need to be built, how much CSOs need to be
18 reduced, and we can certainly get the Council the
19 specifics on each of those.

20 CHAIRPERSON GENNARO: Okay, so we're at
21 17, and we're getting better and lesser as this 6
22 billion dollars' worth of infrastructure gets
23 deployed, put in place or whatever, and that 6
24 billion dollars will be over what period of time?

2 CHIEF OPERATING OFFICER SAPIENZA: The
3 long-term control plans take us into the 2030s.
4 Some of these projects are very expensive, are
5 more than a billion dollars. I mentioned the two
6 storage tunnels that we're going to be..

7 CHAIRPERSON GENNARO: Into the 2030s?

8 CHIEF OPERATING OFFICER SAPIENZA: Yeah.

9 CHAIRPERSON GENNARO: All right. That's
10 okay. I should live to see that.

11 CHIEF OPERATING OFFICER SAPIENZA: I
12 want to just highlight what you had said, too, Mr.
13 Chair, about it gets tougher and tougher as you
14 try to get closer to zero and much more expensive.

15 CHAIRPERSON GENNARO: Okay. Let's talk a
16 little bit about the MS4. MS4 discharges are, of
17 course, subject to a permit with DEC to do that.
18 Based on the statement, it goes right out to local
19 water bodies. I could go on all day. I've got my
20 Colleague, Lincoln Restler, here. He's a very busy
21 man and he has things to do, and I'm going to be
22 here for the duration of the hearing. I'm sure
23 he's got great questions. Let me recognize him to
24 ask whatever questions he has then I can come
25 back. Busy guy, this guy.

2 COUNCIL MEMBER RESTLER: As we all are.
3 Chair Gennaro, thank you for holding this hearing.
4 This is a critically important topic. Keith and
5 Gina, good to see you both. I'm not going to
6 bother you guys today. I will bother one of my
7 favorite public officials, Vinny Sapienza. It's
8 always good to see you, Vinny.

9 I do just want to start before jumping
10 into my questions since I'm sitting here with my
11 Colleagues from North Brooklyn, Council Members
12 Gutierrez and Nurse. Jen spearheaded a letter to
13 Commissioner Aggarwala earlier this year
14 underscoring the need for deeper green
15 infrastructure investments in North Brooklyn. When
16 you look at the map of where we've seen green
17 infrastructure prioritized around the City of New
18 York, there has not been nearly enough in North
19 Brooklyn, which is an EJ community an desperately
20 needs to see that prioritization so Jen and Sandy
21 have been leading on this. I just want to start by
22 expressing my absolute strong support across the
23 33rd, 34th, and 37th Council Districts as an area
24 that we hope this Administration will deepen green
25 infrastructure investments.

2 A couple of general questions and then
3 a few questions about the 33rd, which of course is
4 a waterfront district and deals with these issues
5 all the time. Firstly, is there a timeline for the
6 City to come into compliance with the federal
7 standards on water quality? My understanding is
8 that New York State still uses an old standard.

9 CHAIRPERSON GENNARO: I'll just jump in
10 for a second. I realize that I was remiss in not
11 seeing that we're now joined by Council Members
12 Nurse and Gutierrez, and I just wanted to
13 recognize them before DEP replies to Council
14 Member Restler's good question. Sorry for the
15 interruption. Had to recognize my Colleagues and
16 please proceed.

17 DEPUTY COMMISSIONER LICATA: Thank you
18 for that question. It is a little complicated
19 because you're exactly right that the federal
20 government has a different standard now than the
21 State of New York. When we have completed our
22 long-term control plans on CSO reduction and when
23 we're looking at our MS4 obligations, which is the
24 Municipally Separated Sewer System, that's the
25 four Ss, we are looking at both standards, and we

2 believe now after the New York State DEC had an
3 advanced notice of public rulemaking that they
4 will be moving towards these federal standards and
5 more of the water bodies so we're very conscious
6 of the changing landscape as we're moving forward
7 with our long-term planning.

8 COUNCIL MEMBER RESTLER: Your hope is
9 that DEC will come into compliance with the
10 federal standard and New York City will therefore
11 have to comply with DEC's modifications?

12 DEPUTY COMMISSIONER LICATA: I'm not
13 going to speak for the State of New York. I'm just
14 going to reemphasize that we are looking to
15 achieve the highest water quality standards
16 possible in all of the water bodies, and sometimes
17 that means even with 100 percent CSO reductions
18 and stormwater sources controlled we are still
19 struggling in some water bodies with impairments,
20 and that's mainly because a lot of these water
21 bodies are manmade and they suffer from
22 anthropogenic types of impairments.

23 COUNCIL MEMBER RESTLER: I appreciate
24 that you're striving for the best that can be
25 accomplished, but we should be meeting the federal

1 standard in New York City, and I hope that if the
2 DEC is not going to swiftly going to make that
3 happen that we will go above and beyond ourselves
4 to meet the federal standards that are laid out
5 (INAUDIBLE) because New Yorkers deserve nothing
6 less.
7

8 Just generally on the East River, my
9 understanding is that there's no current plan to
10 reduce CSO outflow along the East River. Is that
11 accurate?

12 DEPUTY COMMISSIONER LICATA: The long-
13 term control plan for the East River was a
14 struggle, and because, again, and we share your
15 goals, believe me, I completely share your goals,
16 we want to make the water quality as good as they
17 can be, and we want to invest in cost-effective
18 controls and so we really struggle in some of the
19 water bodies that even with the reductions in
20 combined sewer overflows that these water bodies
21 don't respond as well, but we do have some
22 investments that are being made on the East River
23 although we do not have a very large tunnel or
24 tank at this point.
25

2 CHIEF OPERATING OFFICER SAPIENZA: I
3 just want to add too that the Newtown Creek
4 Wastewater Treatment Plant, which was upgraded a
5 few years, we actually expanded the capacity of
6 the plant. It went from about 620 million gallons
7 a day in wet weather and we're now into 780
8 million gallons a day we're capturing at some
9 point so that's helped to improve water quality in
10 the East River and reduce CSOs.

11 COUNCIL MEMBER RESTLER: I'd like to go
12 into specific questions about a few key areas
13 along the waterfront in our District, but my
14 understanding is that we're basically diverting
15 CSOs from Newtown Creek to other outlets along the
16 East River by the Navy Yard, Bushwick Inlet, etc.
17 I'll start with Bushwick Inlet, and I see we have
18 some friends from the Parks Department hiding in
19 the back. This is the most important new capital
20 project that we are advancing in the 33rd Council
21 District, the centerpiece of the (INAUDIBLE)
22 rezoning from nearly two decades ago was a park
23 the size of Fort Greene Park that we are waiting
24 to see built, and the City has already invested a
25 couple hundred million dollars in this effort. We

2 have a ways to go, and I'm frankly disappointed by
3 the lack of action by the City to get the sites
4 remediated for the park to be built out but
5 eventually we're going to have a beautiful
6 waterfront park or there's going to be hell to
7 pay. The question I have is the first phase with
8 access to the protected Bushwick Inlet off of the
9 East River will open soon complete with a beach
10 area and a kayak launch. Despite all of the demand
11 for people to be in touch and interact with our
12 waterway, the City has no plans to reduce the
13 amount of sewage overflow that flows into the
14 inlet during most rain events. In fact, the City
15 has the opposite plans to increase the amount of
16 CSO here in the coming years as part of the
17 Newtown Creek long-term control plan. Could you
18 all speak to that, and I don't know if the Parks
19 Department has any opinions on the fact that we're
20 building a waterfront park here and yet increasing
21 the amount of CSO overflow that constantly enters
22 into this area.

23 CHAIRPERSON GENNARO: Before that
24 question is replied to, I just want to make it

2 known, Council Member Restler, that I'm not
3 putting you on a clock so just...

4 COUNCIL MEMBER RESTLER: Oh, well, tell
5 me when you want me to shut up.

6 CHAIRPERSON GENNARO: Knock yourself
7 out.

8 COUNCIL MEMBER RESTLER: I really
9 appreciate it. I have questions.

10 CHAIRPERSON GENNARO: I know.

11 COUNCIL MEMBER RESTLER: You're very
12 kind.

13 CHAIRPERSON GENNARO: Do your thing.
14 Sure.

15 CHIEF OPERATING OFFICER SAPIENZA:
16 Council Member, a lot of it is about
17 prioritization. The East River has made a
18 significant recovery in its quality over the last
19 many years, whereby we have some significantly
20 impacted water bodies, Newtown Creek, the Gowanus
21 Canal, Coney Island Creek, Flushing Bay, and a lot
22 of the investments that we're making in the next
23 decade are on those very impaired water bodies.
24 Angela, if you want to add anything.

2 DEPUTY COMMISSIONER LICATA: No, just to
3 say that the Newtown Creek Tunnel that is proposed
4 is really maximizing the potential for the pump-
5 back to that sewage treatment plant or what we
6 call today wastewater recovery facility so that's
7 going to result in, if my memory serves correctly,
8 about a 62 percent reduction in the combined sewer
9 overflows to the Newtown Creek itself.

10 COUNCIL MEMBER RESTLER: Am I accurate
11 that as a result of the Newtown Creek long-term
12 control plan we will see additional CSO outflow at
13 Bushwick Inlet Park?

14 CHIEF OPERATING OFFICER SAPIENZA: We'll
15 check that, Council Member. That may be accurate.
16 We'll confirm that.

17 COUNCIL MEMBER RESTLER: Does the Parks
18 Department want to comment on the increased
19 outflow of sewage that's happening at the new
20 waterfront park that we're desperately trying to
21 build in our community?

22 How are you, Matt?

23 DIRECTOR DRURY: I'm well. Thank you,
24 Council Member.

2 COUNCIL MEMBER RESTLER: Good to see
3 you.

4 DIRECTOR DRURY: My name's Matt Drury,
5 Director of Government Relations for the Parks
6 Department. I think as you heard DEP plans to
7 gather some more information and follow up so I
8 think it would be premature to kind of comment at
9 this time, but we're obviously very excited about
10 the broader project, been working closely with
11 your office, and appreciate to continue this
12 dialogue.

13 COUNCIL MEMBER RESTLER: I just want to
14 underscore I think the Parks Department should
15 take responsibility for advocating for reducing
16 CSO outflow at this area within the Administration
17 and for the remediation of the relevant sites as
18 Bushwick Inlet Park moves forward. Until Chair
19 Gennaro tells me to shut up, I'm going to keep
20 going.

21 Next up, the Navy Yard, we'll just keep
22 going along the waterfront of the East River.
23 Additionally, the northern end along the Navy Yard
24 is seeing rapid, both residential and commercial
25 or mixed-use development, bringing more people to

2 the water, specifically around Wallabout Channel
3 and I'm sure you're familiar with the Navy Yard's
4 new plans to open up that area on the northern end
5 of the industrial park. Wallabout is home to one
6 of the city's largest CSOs. Over 500 million
7 gallons of untreated sewage discharge on an
8 average year and, like Bushwick Inlet, my
9 understanding is that the City is only planning to
10 increase the amount of CSO runoff here to divert
11 from Newtown Creek. Is that you all's
12 understanding as well? How does that fit with new
13 dense development happening in this very area?

14 CHIEF OPERATING OFFICER SAPIENZA:

15 Thanks for the question, Council Member, and I'm
16 going to give to Deputy Commissioner Licata, if
17 you can just speak quickly for any new development
18 what the requirements are for holding or retaining
19 stormwater?

20 DEPUTY COMMISSIONER LICATA: Sure.

21 February of last year we adopted a new rule which
22 was quite monumental in my opinion and what this
23 rule required is that any new development of
24 20,000 square feet or greater or any new
25 impervious surfaces of 5,000 square feet or

2 greater, and that's on both systems, both the
3 separated sewer system and the combined system,
4 would have to maximize their stormwater management
5 on-site so really taking the opportunity when we
6 have that new construction proposed to maximize
7 that on-site retention or detention depending upon
8 the on-site soils and their capacity to infiltrate
9 the stormwater.

10 COUNCIL MEMBER RESTLER: Which is great
11 and I strongly support it, but that only relates
12 to the building that's on that waterfront site
13 that's being constructed. What we are going to
14 experience is significant new outflows of CSOs in
15 these areas where new development is happening,
16 and it just seems like there is no consideration,
17 it's a totally incongruous approach from the City
18 to say we want to build and develop on these areas
19 while we're also increasing sewage outflow and not
20 managing or mitigating it or reducing it in any
21 tangible way. I understand you guys are putting in
22 phenomenal sums of money, these are really
23 complicated long-term plans, and you're bound by
24 court decisions and superfund designations that
25 are requiring you to make certain investments, but

2 it doesn't make sense in my opinion to be saying
3 let's build dense residential and mixed-use
4 development on sites where there is huge outflows
5 that are only increasing of CSOs, and I don't hear
6 a plan to reduce them in these very same places.

7 CHIEF OPERATING OFFICER SAPIENZA:

8 Council Member, again, it's a prioritization. All
9 of this work that's being done is on the backs of
10 people who pay a water bill. Each year, we try to
11 keep those increases as small as we can, but any
12 additional work we want to do to try to expedite
13 some of these CSO projects, it's just going to
14 impact water bills.

15 COUNCIL MEMBER RESTLER: I hear you, and
16 I'm not saying all of this to provide a NIMBY
17 perspective. I'm not discouraging the development.
18 I'm saying that we need to make the investments to
19 address the CSO outflows if you want to build an
20 develop on these areas, that it has to come hand-
21 in-hand, and I realize as you noted, Deputy
22 Commissioner Licata, we have seen improvements in
23 the East River in recent years that are notable,
24 that help certainly at the mouth of Newtown Creek,
25 but I'm very concerned about the development in

2 precisely the areas where these major outflows are
3 happening.

4 I will try to wrap up in a moment. The
5 City is implementing a long-term control plan for
6 Newtown Creek. It will still leave us, though, as
7 you mentioned, you referenced this a moment ago,
8 Deputy Commissioner, close to half a billion
9 gallons of CSO discharge annually upon its
10 completion in 2042 so 20 years from now when I
11 will be almost 60. Additionally, the Creek is
12 surrounded by MS4 areas where industrial runoff
13 goes untreated to the Creek during every single
14 rain event. The City is expanding the MS4 program,
15 but it does not currently go far enough to address
16 the public streets and sidewalks and many of the
17 facilities that drain to the Creek. What is the
18 plan and timeline for properly addressing all
19 contaminated runoff that enters Newtown Creek?

20 CHIEF OPERATING OFFICER SAPIENZA:

21 Thanks, Council Member, for that question, and
22 it's a challenge because, again, as Deputy
23 Commissioner Licata mentioned, this is a man-made
24 creek with a lot of twists and turns, a lot of
25 activity on it. The work that we're doing on the

2 long-term control plan to build a major storage
3 tunnel, which will be the largest in the city,
4 will probably cost somewhere over 2 billion
5 dollars. We've started the design. The design
6 contract itself is a 90-million-dollar design
7 contract so it's significant sums of money just to
8 achieve what we want to over the next 20 years,
9 but, again, the work that's completed after the
10 long-term control plans will continue on until
11 you're as old as Council Member Gennaro and I, and
12 we'll keep pushing forward, but these are very
13 expensive projects that take a long time.

14 COUNCIL MEMBER RESTLER: Okay. I
15 appreciate the answer. It's not satisfying, and I
16 don't think you're satisfied in giving it and I
17 know how strongly you want to do more.

18 Last question, I promise to shut up.
19 Just to go to the southern portion of my District
20 in Brooklyn Bridge Park. There are kayaking
21 programs, beaches, water-based educational
22 programming that takes place in Brooklyn Bridge
23 Park that serve young people all across our
24 borough, but there are strict no swimming, no
25 wading rules in place because of our CSO problem.

2 While the water quality of Brooklyn Bridge Park is
3 safe enough for primary contact, the majority of
4 the year there's no communication to Park users
5 about current water quality conditions or when
6 CSOs have most recently occurred, leaving visitors
7 uninformed about the risk. What is the City doing
8 to properly inform the public and Park users on
9 local CSO discharges? We really want to have
10 active waterfront spaces like Brooklyn Bridge
11 Park, but the communication is not there. How do
12 we do better?

13 CHAIRPERSON GENNARO: That sounds like a
14 Parks question.

15 COUNCIL MEMBER RESTLER: He's not
16 responsible for Brooklyn Bridge Park, but let's
17 see what Matt has to say.

18 CHAIRPERSON GENNARO: Oh, okay.

19 DIRECTOR DRURY: I failed to swear in
20 earlier so I think just really quickly. Please, go
21 ahead.

22 COMMITTEE COUNSEL SWANSON: Do you
23 affirm to tell the truth, the whole truth, and
24 nothing but the truth today and honestly answer
25 the Council Members' questions?

2 DIRECTOR DRURY: I do. As the Council
3 Member just noted, Brooklyn Bridge Park isn't
4 under the direct jurisdiction or management of the
5 Parks Department. We work obviously very, very
6 closely with them as partners so I can't speak to
7 the exact configuration of how access is allowed,
8 the signage, those kind of things, but we're
9 obviously happy to work with them as close
10 partners and get more information...

11 COUNCIL MEMBER RESTLER: But it's a
12 broader question I think that you could speak to
13 of Park policy on these issues and with DEP
14 guidance. Obviously, it's in coordination between
15 the two agencies. I'm concerned about the 33rd as
16 a parochial Council Member, but these same issues
17 apply in waterfront areas across the city.

18 CHAIRPERSON GENNARO: I think I want to
19 piggyback on that question. Council Member Restler
20 was talking about it like on the micro level in
21 his area, but this is a citywide macro issue, and
22 to what extent is there communication between DEP,
23 Department of Health, Parks Department to make
24 sure that the public is duly informed? I know
25 after it rains for a couple of days I'm not going

2 in the water, but I know that. Let me make it a
3 larger question. I guess it would be DEP and
4 Health and Parks, right, so how does that all
5 work?

6 DIRECTOR DRURY: The agencies certainly
7 work very closely together in terms of water
8 quality and safety. I'll defer to...

9 CHAIRPERSON GENNARO: Yes, everyone
10 knows that, but is there a formal functional
11 paradigm by which information is properly
12 disseminated in some way that visitors are
13 informed about water quality with regard to
14 recreational swimming?

15 CHIEF OPERATING OFFICER SAPIENZA: I'll
16 try to answer it, and we can discuss whether or
17 not that's sufficient. The primary purpose of our
18 programs for CSO and MS4 is to increase
19 recreational opportunities of our waterways. For
20 all of the city's public beaches, Department of
21 Health and Mental Hygiene takes samples along the
22 waterway, and those beaches are run by the Parks
23 Department so there's coordination there. During
24 the bathing season, they do the regular testing
25 every week. DEP does a lot of analysis in other

2 water bodies. We take samples. When there are
3 combined sewer overflow events, those get reported
4 through Notify NYC so we encourage everyone to
5 sign up for that. You can get alerts for I think
6 it's about 40 different water bodies. You can get
7 an alert there. That's generally how we get that
8 information out.

9 CHAIRPERSON GENNARO: I'd just say a
10 note to the Committee Counsel and the Committee
11 Staff we should look into this a little bit
12 because I think Council Member Restler makes a
13 great point in that the City has an obligation to
14 duly inform people of conditions that they should
15 know about.

16 COUNCIL MEMBER RESTLER: I strongly
17 agree. I think that Notify NYC communication is
18 helpful, it's a good thing to do, but there should
19 be on-site localized communication in the areas
20 where people are interacting with the waterways to
21 be able to inform people of the risk, and it
22 doesn't exist now and I think it would be very
23 helpful for us to think about how to develop those
24 localized strategies at key spots to let people
25 know.

2 If you have five minutes after this,
3 I'm going to try to find you on the South
4 Williamsburg issues and the Gateway to Greenpoint.
5 I'll stick around. Thank you to DEP for answering
6 these questions. I appreciate you both. I know you
7 all want to do more, and I hope that we can find
8 creative ways to make that happen.

9 Thank you, Chair Gennaro, for giving
10 much latitude. I really appreciate it.

11 CHAIRPERSON GENNARO: Thank you, Council
12 Member Restler, for making this a better hearing.
13 I wasn't aware of the disconnect between the
14 federal standards and state standards. I'm going
15 to follow up on my own question with that before I
16 recognize Council Member Nurse.

17 This will just be a brief question.
18 DEC, having been a Deputy Commissioner there for
19 six years, is the agent of the federal government
20 with regard to the enforcement of all the federal
21 government's environmental laws, how does it work
22 if I can sound naïve about this that DEC, the
23 agent of the federal government when it comes to
24 environmental enforcement has standards that are

2 less than the federal standards? What's that about
3 for lack of a better way to ask it?

4 CHIEF OPERATING OFFICER SAPIENZA: I'll
5 start and then Angela can jump in. In 2012, EPA
6 issued standards for what they called recreational
7 water bodies, some people called it the Beach Act,
8 so it was interpreted by some to mean where people
9 go swimming these are the standards that you have
10 to meet and DEC said we have industrial canals,
11 does a recreational water body standard or a beach
12 act apply to those and there's been a lot of
13 discussion over the years. Angela, you can add to
14 that.

15 CHAIRPERSON GENNARO: So it's like a
16 clarification thing or whatever? Angela, please,
17 if you have something to add to that.

18 DEPUTY COMMISSIONER LICATA: The only
19 thing I would add is to continue where Vinny was
20 going with this is the Beach Act does apply to all
21 the coastal-facing waters and then when you have
22 these man-made tributaries and some of the other
23 water bodies like the Bronx River, Harlem River,
24 Gowanus Canal, those have use classifications so
25 the State of New York determines what is the best

2 use of that particular water body and swimming is
3 not the best use that has been designated there so
4 at this point most of those are for secondary
5 contact or for kayaking and such, and it gets a
6 little bit complicated after that..

7 CHAIRPERSON GENNARO: Oh, I see, because
8 the State has the authority to make designations
9 in such a way so that's their power so that's how
10 that all happened. Okay, but we're not done with
11 this issue fully. We'll continue to talk about it,
12 and I thank Council Member Restler for bringing
13 this to our attention and all of his good
14 questions and the way he advocates for his
15 community so strongly and forcefully and with such
16 a full head of hair.

17 With that, I'm happy to recognize
18 Council Member Nurse for questions if you're
19 ready.

20 COUNCIL MEMBER NURSE: Thank you, Chair.
21 I don't actually have any questions. I just wanted
22 to thank DEP for coming out, for the Commissioner,
23 please let him know we're very thankful for him
24 coming out to Knickerbocker Avenue in Bushwick.
25 Council Member Gutierrez (INAUDIBLE) town hall

2 came and walked Knickerbocker which we've
3 testified before, raised questions before on just
4 the constant flooding with any rain, just a drop
5 of rain becomes a problem there, but we've seen in
6 the followup our community members sharing that
7 the trucks have been out and there are folks on
8 the sewer line so just really want to thank you
9 for paying attention to that. It's been a very
10 long, like decades-long struggle, 40 years of just
11 constant flooding and the merchants were very,
12 very grateful to see the immediate followup action
13 of that, and we're looking forward to seeing the
14 outcome of the new, I don't know what you're
15 calling it, the supplemental storm drain that's on
16 the sidewalk. It was really great to see that
17 actual physical improvement or solution, something
18 that was being experimented, was really helpful to
19 our community to know that this is being taken
20 seriously so just wanted to thank you all.

21 CHIEF OPERATING OFFICER SAPIENZA:

22 Thanks, Council Member Nurse. Commissioner
23 Aggarwala brought that information back to us, and
24 we've been doing a lot of evaluation of how we can
25 improve some of the local issues.

2 CHAIRPERSON GENNARO: I will add that
3 way back when dinosaurs roamed the earth, I passed
4 the first Comprehensive Stormwater Protection Act
5 and worked with DEP to do that. I was in the midst
6 of writing that bill version 2.0, but DEP has a
7 lot of things going on right now with regard to
8 everything it's doing with regard to stormwater,
9 and that is going to be forthcoming and I think
10 we'll just crystalize that into law. This is a way
11 of saying more to come on stormwater management.

12 We'll get back to the MS4 discharges.
13 Certainly, as I said before, they're done pursuant
14 to a permit, and your testimony indicates that
15 they go into the sewer and this is stormflow, so
16 they pick up some contaminants, whatever it is,
17 but it's my recollection that there is some kind
18 of treatment with regard to floatables or whatever
19 that is performed, if we could talk about. It's
20 not treatment like in a sewage treatment plant,
21 but there is something that happens that prevents
22 floatables and certain other kinds of materials
23 from going out with that flow, and that's probably
24 done pursuant to the permit. If you could talk
25 about that a little bit.

2 CHIEF OPERATING OFFICER SAPIENZA: Sure.
3 Thanks, Mr. Chair. As we mentioned earlier, the
4 storm sewer outlets don't go to a sewage treatment
5 plant, but there are ways to collect materials
6 that are littered...

7 CHAIRPERSON GENNARO: Didn't you used to
8 have like flocculators or something like that?

9 CHIEF OPERATING OFFICER SAPIENZA: Yeah,
10 we've got a bunch of things. I'll start with the
11 corner catch basin. That basin, that box is meant
12 to catch a certain amount of debris. We clean them
13 out periodically to make sure that they continue
14 to function. We've looked at and installed a bunch
15 of different technology from netting facilities
16 that capture debris. We boom right at the outlet
17 in some waterways to catch debris. We've got these
18 centrifugal swirl concentrators that separate the
19 water and the floatables so we've done a bunch of
20 things, and there's certainly more to do.

21 CHAIRPERSON GENNARO: This is all done
22 pursuant to the discharge permit, right?

23 CHIEF OPERATING OFFICER SAPIENZA:
24 That's right. We've been working with DEC over the
25 years to come up with best technology for those.

2 CHAIRPERSON GENNARO: Right, and DEP is
3 fully compliant with the permit it gets from the
4 State, right?

5 CHIEF OPERATING OFFICER SAPIENZA:
6 That's right, it is.

7 CHAIRPERSON GENNARO: So we're not under
8 any kind of consent decree, we have a permit, we
9 follow the permit, and that's how that works.

10 CHIEF OPERATING OFFICER SAPIENZA:
11 That's right.

12 CHAIRPERSON GENNARO: Okay, I just
13 wanted to get that on record and find out a little
14 bit about that.

15 Okay, that will conclude this part of
16 the hearing from the Administration. We always
17 have a good time and we learn a lot and we work
18 together and that's all good. We'll have to figure
19 out who won this session of the hearing or
20 whatever, whether we won or you won or whatever, I
21 think Alfonso is keeping score for your side and
22 Samara is keeping score our side. We'll compare
23 notes, and we'll indicate who won so I'm going to
24 call it a draw, I'm going to say that we had great
25 collaboration and we look forward particularly on

2 those bills that we have common cause on so I
3 thank the Administration for being here. Vinny, I
4 hope it's not the last time you come before the
5 Committee but always good to see you and Angela.

6 With that, I thank the Administration
7 for being here, and we'll be in touch and follow
8 up on stuff that we agree on. Thank you all very
9 much. Have a great weekend.

10 We have two witnesses who have signed
11 up. They're on Zoom. Oh, look at myself on the TV,
12 all that gray, oh my god.

13 The first witness on Zoom is Alia
14 Soomro. Feel free to commence your testimony.
15 Thank you very much for being with us today.

16 ALIA SOOMRO: Great. Thank you. Good
17 afternoon. My name is Alia Soomro, and I'm the
18 Deputy Director for New York City Policy at the
19 New York League of Conservation Voters.

20 CHAIRPERSON GENNARO: You know what? If
21 you'll just hang on for one second? I want to make
22 sure that the Administration leaves a
23 representative. What happened to Alfonso? Who's
24 going to stay on the part of the Administration to
25 hear these two witnesses? We need to do that.

2 You're going to be here? Okay. I just want to be
3 able to assure our witness that not only the
4 Council but the Administration is going to get the
5 benefits of your good testimony so please
6 continue. Sorry for the interruption.

7 ALIA SOOMRO: Can you hear me?

8 CHAIRPERSON GENNARO: Yes, I can.

9 ALIA SOOMRO: Okay, great. Thanks. Good
10 afternoon. My name is Alia Soomro, and I'm the
11 Deputy Director for New York City Policy at the
12 New York League of Conservation Voters. Thank you,
13 Chair Gennaro and Members of the Committee on
14 Environmental Protection, for the opportunity to
15 testify today. I have submitted longer written
16 comments.

17 NYLCV supports the passage of Intros
18 102, 531, 533, and 603 because they will
19 prioritize updating our city's water drainage
20 infrastructure and encourage more green
21 infrastructure investments and sustainability
22 measures as we continue to improve water quality
23 in the city's waterways, work to reduce CSOs. and
24 mitigate the worst impacts of climate change. We
25 are also encouraged that Intros 102 and 533 are

2 being heard today as they were included on our
3 2022 City Council Environmental Scorecard. NYLCV
4 supports Intro 102 because green roofs mitigate
5 the urban heat island effect, provide insulation
6 that cuts indoor heating and cooling costs,
7 absorbs stormwater, and improves air quality. In
8 addition to providing basic information about the
9 state of green roofs in the city, this bill will
10 also help advocates track the distribution of
11 green roofs throughout the city, especially in
12 identifying areas that are lacking. As of November
13 2022, the vast majority of green roofs are located
14 in wealthier areas of Manhattan. While this bill
15 is an important step in creating more awareness
16 and transparency about green roofs, to ensure
17 there is an equitable allocation throughout the
18 city, DEP should consider producing an annual
19 report that identifies incentives in areas where
20 more green roofs should be installed, prioritizing
21 environmental justice communities and public
22 buildings. NYLCV supports Intro 531 and recommends
23 that the bill include language that it requires
24 the report to consider not only current
25 operational conditions but also future conditions

2 due to climate change impacts. We also support
3 Intro 533 because our city's sewer system is not
4 up to modern best standards for managing storm
5 water and sewage overflows. These bills are vital
6 to making our city more resilient, healthy, and..

7 SERGEANT-AT-ARMS: Time expired.

8 CHAIRPERSON GENNARO: Please continue.
9 Please continue. I took up some of your time so
10 please continue.

11 ALIA SOOMRO: Okay. I was just going to
12 say we look forward to working with the City
13 Council and the Administration working today, and
14 I've submitted longer written testimony. Thank
15 you.

16 CHAIRPERSON GENNARO: Thank you very
17 much for being with us here today. We love working
18 with LCV. Please give our best to Julie, and we
19 appreciate you having one of these bills on your
20 Environmental Scorecard, and we really value your
21 presence here today, and we'll duly consider the
22 full text of your good testimony. Thank you very
23 much. Appreciate it.

24 ALIA SOOMRO: Great. Thank you. Thanks.

2 CHAIRPERSON GENNARO: You bet. The next
3 and final witness is Willis Elkins. It seems like
4 you've got a fan section here. Not all witnesses
5 have that, but we certainly appreciate your
6 presence here today and we look forward to your
7 good testimony. Please commence.

8 WILLIS ELKINS: Great. Thank you for
9 allowing me to testify. My name is Willis Elkins.
10 I'm the Executive Director at the Newtown Creek
11 Alliance overseeing the cleanup of one of the
12 city's most polluted waterways. Major thanks to
13 the Committee, especially to the Council Members
14 that represent our watershed, Council Members
15 Restler, Gutierrez, Holden, and Nurse who are here
16 today. I also want to acknowledge DEP. We work
17 very closely with them and their commitment to
18 clean water.

19 However, I do want to talk about a lot
20 of the stuff that's been discussed today. We've
21 talked about CSO and improvements to water quality
22 that have occurred in New York Harbor, things like
23 cleaner since the Civil War, that we're releasing
24 a fraction as compared to what used to be the
25 case, but we're talking about like the 1980s there

1 were sections of the city, huge sections that were
2 not connected to a wastewater treatment plant at
3 all, and so we've made improvements over this long
4 scale but what's happening now is not sufficient
5 and so I want to talk about like basically the
6 long-term control plans and what we can expect in
7 the coming decades. The LTCs are this legal
8 framework for reducing CSO in the foreseeable
9 future. They are woefully inadequate. They don't
10 actually, as Council Member Restler, said provide
11 significant reduction throughout most of the
12 Harbor. Most of the Harbor, and again we're
13 talking about 20 billion gallons of untreated
14 sewage going to our waterways around Manhattan,
15 Brooklyn, Bronx, Queens, Staten Island is not
16 going to be reduced for the foreseeable future.
17 Think about that. Fifty years after the Clean
18 Water Act, we're still going to have multi-billion
19 gallons of discharge every single year. On Newtown
20 Creek, we talked about a 60 percent reduction.
21 We're not going to get that until 2042. The big
22 issue, though, is that with Newtown Creek, that 60
23 percent reduction is based on outdated data so the
24 City is looking at rainfall projections for 2008.

2 We know already that 2008 rainfall is not what
3 we're getting right now and it's not what we're
4 going to be getting in 2042 when this project is
5 done so a 60 percent reduction is only a 60
6 percent from a past figure.

7 SERGEANT-AT-ARMS: Time expired.

8 CHAIRPERSON GENNARO: Please continue.
9 Your time is expired, but I'm not putting you on
10 the clock so please continue.

11 WILLIS ELKINS: I appreciate that. I
12 just want to make the point that these plans that
13 have been put in place are not addressing current
14 issues and they're not addressing future trends
15 that are related to climate change., and the City
16 is very well-aware of this. Agencies and Mayor's
17 Climate Office, etc., DEP that are looking at
18 this, but it is not addressed in the long-term
19 control plan so that's a major issue.

20 The other issue I'll pass forward which
21 is about federal standards. This is a very big
22 issue. Again, these plans are not going to go into
23 place for 20 years from now, and they're meeting
24 standards that are already outdated so (INAUDIBLE)
25 these are very complicated issues. There's a lot

2 to understand about water quality designations,
3 but it really needs more communication and it
4 needs more coordination and it especially needs
5 more funding. We know that agencies like DEP want
6 to fix these problems but they are limited because
7 the revenue that they can put into this, the money
8 that they can invest in things like gray
9 infrastructure to prevent sewage overflow are all
10 connected to rate payers, and we can't put that on
11 the residents of the city to pay for these
12 investments. We need new funding mechanisms so
13 that's a whole other conversation, but the Council
14 needs to be more involved in this.

15 I thank you for your time and really
16 look forward to a day when people all around the
17 city can go and touch their waterway any day of
18 the year without fear of coming in contact with
19 harmful pathogens. Thank you.

20 CHAIRPERSON GENNARO: Thank you, Mr.
21 Elkins, and thank you for all the work that you do
22 on behalf of your organization. There's not very
23 much witnesses that have a fan section in the
24 Committee, and we really appreciate your good work
25 and feel free to communicate with the Council or

2 the Committee regarding on an ongoing basis on
3 anything you believe we need to know about and act
4 on, but I know you've got a good relationship
5 already with Members of the Committee so we feel
6 like we have, pardon the pun, like a pipeline
7 between us and you already, and we really
8 appreciate your good testimony and how you labor
9 in the vineyard for clean water all the time. Your
10 comments are duly noted and are not lost on this
11 Chair or the other Members of the Committee. We
12 appreciate it.

13 WILLIS ELKINS: Thank you.

14 CHAIRPERSON GENNARO: Thank you very
15 much, Mr. Elkins.

16 COMMITTEE COUNSEL SWANSON: Thank you,
17 Willis.

18 CHAIRPERSON GENNARO: With that said,
19 this hearing is adjourned.

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C E R T I F I C A T E

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



Date February 10, 2023