

COMMITTEE ON ENVIRONMENTAL PROTECTION
CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL
PROTECTION

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

COUNCIL MEMBERS:

Jennifer Gutierrez
Kamillah Hanks
Robert F. Holden
Ari Kagan
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A P P E A R A N C E S

Rohit Aggarwal, DEP Commissioner
Vincent Sapienza, DEP Chief Operating Officer
Joseph Murin, DEP Chief Financial Officer
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Shravanthi Kanekal
Matt Malina
Karolina Gomez

SERGEANT LUGO: PC recording done.

SERGEANT-AT-ARMS: Cloud recording is up.

SERGEANT BRADLEY: Good morning, and welcome to today's New York City Council hearing on Environmental Protection.

At this time, will all panelists please turn on your videos for verification purposes?

To minimize disruption, please place electronic devices on vibrate or on silent mode.

If you wish to submit testimony, you may do so at testimony@council.nyc.gov. Again, that is testimony@council.nyc.gov.

Thank you. Chair, you may begin.

CHAIRPERSON GENNARO: Thank you. Thank you, Sergeants. I'm supposed to gavel in 3 times.

[GAVEL]

Good morning. I'm Jim Gennaro, Chair of the Committee on Environmental Protection. I'm coming through okay, Sergeant?

SERGEANT BRADLEY: Yes, you are.

CHAIRPERSON GENNARO: Okay. Good morning, I'm Jim Gennaro, Chair of the Committee on Environmental Protection. Today, this Committee will address the Mayor's fiscal 2023 preliminary budget

for DEP. The Department's proposed fiscal 2023 budget totals 1.40 billion dollars for programmatic funding and it's proposed capital commitment plan totals 14.8 billion dollars over 5 years. Going into this preliminary budget cycle, agencies citywide had to make steep cuts to the programs and services they provide. I was glad to see DEP only took a smaller cut of 1 million in fiscal 2023 when compared to other agencies. The Committee looks forward to hearing about the agency's citywide capital investment strategy and update on agency-wide vacancies and when these positions will be filled and a review of savings proposed in the preliminary plan and agency performance metrics.

I want to thank my staff, Legislative Director Nabjot Kaur, as well as the Committee staff, Jon Seltzer who is the finance person and did a lot of the heavy lifting for this hearing, Counsel to the Committee Samara Swanson, Policy Analyst Ricky Chawla for the help in preparing for today's hearing.

DEP Commissioner Rohit Aggarwala of DEP will be providing testimony today. I look forward to hearing your good testimony, Rohit.

I want to keep my opening short so as to maximize the time that the Commissioner and the Members who get to ask questions. I'm going to turn it over to the Moderator. Before I do that, I want to recognize the Council Members that I see here. I see Council Member Kagan, Council Member Moya, Council Member Hanif, Council Member Holden, Council Member Hanks. That's who I see on now. If I've missed anyone, if staff could text me any Council Members that I've not recognized, and I want to make sure that I do that. With that said, I'll now turn it over to our Counsel to the Committee to go over some procedural items and swear in the witnesses and then we'll hear testimony from DEP, after which we'll hear testimony from the public. Madam Moderator, if you could go through some housekeeping.

SAMARA SWANSTON, MODERATOR: Thank you.

I'm Samara Swanston, Counsel to the Environmental Protection Committee of the New York City Council. Before we begin, I want to remind everyone that you will be on mute until you are called to testify when you will be unmuted by the host. I will be calling on panelists to testify. Please be aware that there

could be a delay in muting and unmuting so be patient.

Please listen for your name to be called. I will be periodically announcing who the next panelist will be.

We will begin with testimony from the administration, which will be followed by testimony from members of the public.

During the hearing, if Council Members would like to ask a question, please use the Zoom raise hand function, and I will call on you in order.

We will be limiting Council Member questions to 5 minutes including responses. I will call on you when it is your turn to speak.

During the hearing, if Council Members would like to ask a question, again, raise the Zoom hand function. Thank you.

I will hand it off to the Chair. He did his opening statement so I'm going to turn to the administration at this point, and the administration is represented today by Rohit Aggarwala, Vince Sapienza, Joseph Murin, and Mikelle Adgate, Acting Deputy Commissioner of the Public Affairs and

Communications. Thank you. You may begin to testify when ready.

CHAIRPERSON GENNARO: Samara, I'm just going to jump in for a second just to make an introduction of Rit. He's served with great distinction in the Bloomberg administration, was a big part of PlaNYC, and we're very glad to see him back in city government taking on the role of DEP Commissioner and the Mayor's Climate, what's your City Hall title?

COMMISSIONER AGGARWALA: Chief Climate Officer.

CHAIRPERSON GENNARO: Chief Climate Officer. Just to show off a little bit for Rit, I'm wearing DEP jewelry today.

COMMISSIONER AGGARWALA: Matching.

CHAIRPERSON GENNARO: Oh, you got them on too. They're manhole covers. You can buy them in the city store in the municipal building so how do you like that. DEP jewelry. I see Vinnie about that. Thank you for, at least someone's laughing. Thank you, Vinnie. I appreciate that. With that, it is my privilege to introduce Rit for his good testimony.

2 SAMARA SWANSTON, MODERATOR: Before anyone
3 testifies though, I would like to administer the oath
4 to be followed by your testimony.

5 Do you affirm to tell the truth, the
6 whole truth, and nothing but the truth before this
7 Committee and to respond honestly to the Council
8 Member questions?

9 COMMISSIONER AGGARWALA: I do.

10 JOSEPH MURIN: I do.

11 MIKELLE ADGATE: Yes.

12 SAMARA SWANSTON, MODERATOR: All right.
13 Now you may begin when ready.

14 COMMISSIONER AGGARWALA: Okay. Thank you,
15 Mr. Chairman, and good morning everybody, Council
16 Members, Members of the Environmental Protection
17 Committee.

18 As the Chairman mentioned, my name's
19 Rohit Aggarawala. I'm the Commissioner of the
20 Department of Environmental Protection and the city's
21 Chief Climate Officer. I'm still quite new. This is
22 the last weekday of my 6th week on the job, and I'm
23 excited to be here and work with all of you as both
24 DEP and the Mayor's Office of Climate and
25

2 Environmental Justice prepare the city to meet the
3 environmental needs of coming decades.

4 I'm here, as the Chairman said, to
5 discuss the preliminary budget, the preliminary
6 capital plan, and also if you wish the preliminary
7 Mayor's Management Report.

8 I'm joined, also as the Counsel said, by
9 our Chief Operating Officer Vinnie Sapienza, Chief
10 Financial Officer Joe Murin, and Acting Deputy
11 Commissioner of Public Affairs Mikel Adgate.

12 I've been honored to take over as
13 Commissioner from Vinnie Sapienza, a lifelong
14 dedicated DEP employee who was an excellent
15 Commissioner, and I'm grateful, as I think all New
16 Yorkers should be grateful, that he is staying on as
17 Chief Operating Officer.

18 CHAIRPERSON GENNARO: I'm just going to
19 jump in for a second just to be associated with your
20 gracious remarks regarding Vinnie. He is a lifer, and
21 he's done so much for DEP, and we're very grateful
22 that he continues to serve DEP. I think I speak for
23 everyone when I say that. Pardon the interruption. I
24 can't let Vinnie go by. I had to second your
25 sentiments on Vinnie. Please continue.

COMMISSIONER AGGARWALA: Thank you, Mr. Chair. Happily, he's not going by anywhere, but I appreciate your endorsement of my comment.

I'd like to start by assuring that DEP is in very strong shape. We continue to have the best drinking water of any American city, and our water rates are much lower than in most of our peer cities. New Yorkers experience far fewer water main breaks or service disruptions than residents of other large cities. Our harbor, as we all know, has seen a rebirth as a vibrant estuary, and our water supply is safe, secure, and clean. Further, while the city's overall budget and headcount have grown dramatically over the last 5 years, DEP's headcount has remained fairly stable, and our operating expenses are up by only 1.1 percent annually over the last 5 years. In other words, DEP's spending has increased at a rate below the rate of inflation.

It is important to remember that DEP is a hybrid agency. We are both a water utility and an environmental regulator. About 2 percent of our expenses and 4 percent of our headcount relate to the environmental regulator function and are funded out of the city's general tax levy. These functions

include air and noise code enforcement and asbestos inspection. The water utility function is, of course, the vast majority of our work, which is funded directly out of water rates paid by the users.

In fiscal year '21, our revenues were 3.6 billion, of which 1.7 billion went for operations. The Water Board's public rate setting process will kick off later this spring so I can't speak to the future water rate now. The process will include public meetings so you and your constituents will be prepared for any changes. Continuing to keep rates affordable is key to our objective of long-term planning as is the need to maintain our financial health so as to preserve the high credit ratings that enable us to finance more than 30 billion dollars in current outstanding capital debt at low interest rates.

Each fiscal year, as you know, the city is entitled to request a rental payment from the Water Board. In FY-22, the city did not request a rental payment. The city has not indicated an intention at this point to request a rental payment for fiscal years '22 through '26 at this time.

DEP's finances are shaped in part by our billing system, which is also our main point of interaction with our almost 1 million account owners. We are proud of the fact that over the last year DEP implemented a new state-of-the-art billing system. Over the next year or 2, we will have the opportunity to explore the kinds of benefits this billing system offers, including helping us understand consumer behavior better, send out more targeted and customized notices and perhaps even more towards flexible billing approaches outside the standard 3-month cycle.

The combination of automatic water readers and our new billing system gives us great insight but also creates information that is potentially highly sensitive. We are cognizant of the privacy implications of this data and our need to comply with city, state, and federal privacy laws pertaining to utilities.

We also know that many New Yorkers have difficulty paying their water bills, despite our low rates. To help them, we offer a variety of options and programs including a leak forgiveness program, a multifamily conservation program, a home water

assistance program, and New York State's recent program to help people with outstanding water debts, which in fact offers up to 5,000 dollars to pay off overdue water bills. We at DEP also offer individualized payment plans for any account owner who has outstanding debt, which can stretch out payments and reduce or forgive interest on overdue bills. I mention this in part because our collections are a major concern to the agency's overall fiscal health. As of today, we have more than 1 billion dollars in overdue payments from rate payers, which is 40 percent more than it traditionally was prior to the pandemic. This week, we started mailing notices to customers with delinquent accounts letting them know about the multiple assistance programs we offer. Collecting ample revenues is what keeps the water authority's credit rating high and borrowing costs low. If DEP is unable to collect owed revenue, the losses will lead to higher water rates for those who do pay their bills. In conjunction with our Colleagues at the Department of Finance, we look forward to working with you on the Council to find the most equitable way to enforce payment obligations while assisting those who genuinely cannot pay.

It is no question that the crown jewel of our water system and perhaps of our entire municipal infrastructure is our water supply. Not only is it extensive, clean, and reliable, it is also efficient, gravity fed, and largely unfiltered. Our water supply system consumes very little energy compared to that of other cities.

In general, I'm happy to report that our water supply infrastructure is in good shape and highly robust. We have a significant ongoing capital investment program that is increasing the system's reliability and redundancy. We are undertaking the kind of major investment that must happen every 100 years or so such as our Ashoken Century Program to renew one of our largest reservoirs in the Catskills.

A few items I'll bring to the Committee's attention regarding our water supply. First, we are currently undertaking the scheduled midpoint review of our 10-year Filtration Avoidance Determination. That agreement with the State Department of Health runs through 2027. DEP submitted its recommended adjustments to the program in December. These were largely based on a review done at our request by the National Academies of Science which indicated that

our land acquisition program in the watershed has been highly successful but which in many cases is reaching a point of diminishing returns going forward. DEP did not propose to end the program, but we did propose to reduce the target rate at which we acquire property.

Second, I'll point out, and connected to the FAD, is that DEP is a major presence in many of our upstate communities and our activities there are frankly often treated with suspicion and concern. We at DEP have to work diligently to ensure that we deepen our positive relationships with our upstate communities.

Finally, I'll point out that climate change is already affecting our watershed, and it has significant long-term impacts we must provide for. Just as an example, in addition to the damage and deaths that Hurricane Ida caused in the 5 boroughs, it also disturbed organic materials in the watershed. Some of that organic material, such as soil and leaves, remained suspended in the water and reacted with the chemicals used in our purification process. This reaction increased the levels of a series of regulated organic acids, HAA5, in the distribution

system. When the increase was identified in our system, operators had to make a series of adjustments to reduce HAA5 levels. I assure you that the water continues to be absolutely safe, but this incident demonstrates the many kinds of impacts we face as a result of climate change. Similarly, while New York has generally been free from drought conditions for decades, climate change threatens the long-term reliability of our supply in terms of quantity, both because of rainfall changes and because of the way sea level change is affecting the Delaware River, from whose watershed we draw roughly half our water.

Once our water enters the city, it's distributed around the 5 boroughs through 7,000 miles of water mains and then back through 7,500 miles of sewer mains. Overall, our water and sewer operations continue to perform well. In FY-21, we had only 6.4 main breaks per year per 100 miles compared to an industry-wide best practice of 15. When breaks do happen, we restore water service in an average of less than 5 hours largely because we have multiple offices sited throughout the city, which reduces our reaction time. The number of recurring confirmed sewer backups has steadily decreased each year with

our 5-year average falling by 4 percent into 2021. To prevent backups, we clean over 600 miles of sewer each year and replace nearly 30 miles.

Overall, roughly 41 percent of our capital budget is dedicated to water and sewer operations. The preliminary budget provides continued funding for several major BWSO projects, and, of note, of course, is the continued funding for city water tunnel 3 and the continued buildout of sewers in Southeast Queens which is now an overall 2.5 billion dollars project.

Perhaps, top of mind for many New Yorkers when it comes to our sewers is their performance during major storms. As we know, climate change is increasing both the frequency and the intensity of storms as Henri and Ida demonstrated so devastatingly last year. New York's sewer systems was generally well-designed for the kind of regular rain storms we experienced over the last century. Our current standard for sewers today is to absorb a rainfall of 1.7 inches per hour, which historically was very rarely exceeded. At its most intense, however, Ida was dumping was more than 3.5 inches per hour of water on the city's hardest hit neighborhoods so

double that. Developing a comprehensive long-term approach for how to protect New Yorkers in this new level of storm intensity is a top priority, both at DEP and at the Mayor's Office of Climate and Environmental Justice. The New Normal report that the previous administration released in November is a good start but is not the final word on what this administration will do on storm water resilience.

A key highlight of our resilience efforts thus far is clearly our green infrastructure program, which we collaborate on with several other city agencies. We have constructed more than 10,000 rain gardens and 14,000 acres of Bluebelts. 90 percent of our green infrastructure program assets are in environmental justice neighborhoods including 85 percent of our assets along the right-of-way. We are also working on new approaches such as daylighting streams.

To date, our GI program has been designed to reduce pollution from combined sewer overflows. We are now in the process of thinking of our GI program as a component of a citywide resilient strategy.

I should point out that the DEP's assets end at the property line. DEP has water and sewer

infrastructure under virtually every street in the city, but property owners are responsible for the plumbing on their property. This includes the water and sanitary sewer lines that extend to the mains in the street and it's basically no different than a driveway. The street is owned and maintained by the city, but the driveway on the private property is private. There are many steps that property owners can take to protect their homes and businesses during storms. We offer a homeowners' guide to rain event preparedness on our website and for some buildings installing a backwater valve may be helpful to protect a basement. The Mayor's Office of Climate and Environmental Justice is currently conducting a study which was started through the New Normal report to determine where backwater valves may be appropriate for broader implementation.

This issue of city versus private infrastructure is a challenge that also affects our overall goal of replacing lead service lines. The New York City water supply system is lead-free when delivered, but water can absorb lead from soldered fixtures in pipes found in the private plumbing of some homes and buildings. DEP has no lead water

mains, but we estimate that there are more than 130,000 New York City buildings that have private lead service lines. We work to reduce the risks of lead in our water by carefully adjusting the pH levels of the water to prevent corrosion and to prevent lead from those lead pipes leaching into the drinking water. As a result, we're quite confident that New Yorkers are not in any clear and present danger from these pipes, but we agree that they are a long-term objective to replace them. We know this in part because we provide free lead test kits to any residents who request one, and, in 2021, DEP provided more than 7,000 free lead testing kits to residents across the city. Traditionally, DEP has only worked to eliminate lead from city-owned pipes because the remainder are on private property, but we recently launched a pilot program using state funds to help low-income homeowners replace lead service lines. We've replaced 280 lines so far and expect to replace more than 300 more with the existing grant funding we have. We are hopeful that federal funding may be available in the near term to expand this program significantly.

Protecting the harbor is the main task of the Bureau of Water Treatment and it's 14 wastewater resource recovery facilities. Each day, we treat 1.3 billion gallons of wastewater to meet the standards of the Clean Water Act. Since 2002, we have invested more than 14.5 billion dollars, 14.5 billion dollars over 20 years, to upgrade our treatment facilities. Thanks to these investments, New York Harbor is healthier today than it has been since the Civil War.

Through this work, we've reduced CSOs from 100 billion gallons per year to 18 billion today, an 80 percent reduction, and our work on this is governed by the CSO Consent Order and our long-term control plans which we developed with the State DEC. We've already committed more than 6 billion in projects going forward towards the long-term control plans. The challenge we face now is that each additional gallon of combined sewer overflow we prevent costs more and more because the easiest solutions have already been done. This is a key reason that our green infrastructure approach is so important to our overall long-term strategy.

CSOs are not the only reason we need to invest in our recovery facilities. First, the

recovery facilities have the potential to be a core part of the city's overall sustainability effort because the digesters that convert human waste to energy and material can also convert food waste to energy and material as we currently do at Newtown Creek. Several projects to extend that capacity are in the budget.

Second, many of our treatment facilities are falling well short of a state of good repair. A meaningful portion of our capital budget is dedicated to this kind of work, and I expect it will grow in future budgets. The price of not maintaining these facilities is an increased risk of catastrophic failure that will be expensive both financially and to the environment.

Finally, our recovery facilities are also on the front lines of climate change as rising sea levels threaten our outfalls and will require redesigns over time. Preparing for our future reality does sometimes offer opportunities such as the one we have to explore the consolidation of 4 recovery facilities onto a site at Rikers Island. That study required by Local Law 31 will kick off next month.

As you see, much of our attention, especially in our capital budget, is focused on preserving and enhancing the systems' reliability. We know that failures are always disruptive and potentially catastrophic. In addition to climate change, we are also focused on protecting our system from malicious attacks. Cybersecurity is especially a top priority for DEP. As President Biden recently highlighted, utilities continue to be prime targets for cyberattacks, and DEP has developed a robust cybersecurity program. We work closely with federal, state, and local authorities including NYPD Counterterrorism, the FBI, and Homeland Security. As recently as this past Tuesday, DEP participated in a utility security call with the US Cybersecurity and Infrastructure Security Agency, and we've implemented several backup and contingency systems to ensure that the city's water supply is well-protected. We are also engaged in regular exercises to ensure that we know what to do in case of an attack.

As you can see, DEP's role as a water utility is large and critical, and it is the bulk of our agency's attention and budget, but we also have the critical role of protecting the health and

quality of life for residents by overseeing compliance with the air, noise, and asbestos codes. I'll highlight 2 items here.

New York City is one of the few cities in the country with city participation in its Idling Control Program. This program started in the 1970s, but a change allowed citizens to participate in an enforcement only in 2019. As a result, the program went from a handful of complaints each year to over 10,000 summons issued by DEP on behalf of citizen complainants in 2019. DEP has been currently undergoing a rulemaking process to strengthen idling enforcement.

DEP also enforces sections of the noise code, including the section limiting the noise of vehicles. This is traditionally enforced by personnel standing next to streets taking noise measurements. We are currently piloting a meter and camera-based system to automate this enforcement. We currently have 1 such setup and are working to assess its accuracy and effectiveness before deciding whether to expand it.

Several months ago, the federal government passed a major infrastructure bill that

includes funding for many water and sewer infrastructure projects. Most of the funding is allocated for grant programs, and we are waiting for those grant requirements to be issued. We are optimistic, however, that we may be able to secure federal funding for a range of projects, potentially including lead service lines replacements, green infrastructure, and water supply work, both in the city and with our upstate partners.

Overall, I'd like to conclude by saying that in my first 6 weeks I've focused on understanding the full extent of this important agency and its work. I have a long track record, as you noted, Mr. Chairman, as an environmentalist, and I'm very excited to be at an agency where the environment is literally our middle name. Over the coming months, I'll be looking to expand DEP's ambition in air quality and noise regulation, to reshape our role in the watershed, to place DEP squarely on the front lines of the fight to protect our city against climate change and to forestall it. I will also be focused on ensuring that we operate effectively and successfully as an organization considering the needs of our dedicated staff as well

as exploring the potential to do things better. I will also be very concerned with ensuring the security of our system and its financial health and customer service. Inevitably, many of these plans are only just beginning, but I look forward to working with you on this Committee as we develop new thinking.

Thank you for the opportunity to testify today. My Colleagues and I are happy to answer any questions that you have.

CHAIRPERSON GENNARO: Thank you, Commissioner. I'm grateful for your comprehensive testimony. I didn't want to take my eyes off your testimony as my Staff was sending me text messages about who has joined. Let's see. I want to recognize, am I unmuted? Okay. Staff tells me that we're joined by Council Member Brewer, Council Member Menin, Council Member Nurse, Council Member Gutierrez, Council Member Restler. Anyone I have not recognized, please Staff send me a text message.

I'm going to be very brief in my opening set of questions because we not only have Members of the Committee here, we have Council Members who are not Members of the Committee so I'm very excited by

their participation, and I want to get them on as quickly as possible. They have other things that they need to do.

I'll be very brief in just going over just a couple of items from your prepared statement, and then I'm going to open it up to Council Members so please put your hands up. I'm inclined to recognize Members of the Committee first, but I'm glad for everyone's participation.

Let me say how happy I am that the administration seems to be on a course to forego the rental payment. I know you speak for the agency, but not necessarily for the entire administration but by its presence in your testimony that you as Commissioner have not heard anything about the administration seeking a rental payment, many of the Council Members on the hearing today don't know the history of the rental payment. Its origin was to pay back pre-1985 in general obligation DEP debt back prior to the Water Board, the Water Finance Authority, when MDP had to stand in line with other agencies and it was kind of eating the city's capital budget alive, then the Water Board, the Water Finance Authority came into existence and Water Board and the

Water Finance Authority were able to go to Wall Street and float their own bonds and it became a pay-as-you-go sort of service, but there was a pre-1985 debt. The rental payment was brought into existence to address that pre-1985 debt, but there was kind of a Trojan Horse built into the law that created the Water Board and Water Finance Authority that led to the situation where we are now, where there's no pre-1985 debt, and the Water Board is obligated to pay the city a rental payment which goes to subsidize the city's general fund so water and sewer rate payers are paying money that has nothing to do with water and sewer if the administration were to collect that rental payment so that's a tribute to the Adams' administration that they seem to be committed in not collecting that unfair tax, and I salute that. I just wanted to get that on the record. (INAUDIBLE)

Regarding overdue payments, we do look forward to working with you to figure out a paradigm by which the 1 billion in outstanding water and sewer fees can be collected in a fair way. You mentioned the Filtration Avoidance Determination and the midpoint review. We'll be having a hearing dedicated

to that. It's critical that we keep that going and appreciate everything that you're doing there.

Part of your testimony indicated that to prevent backups, we, meaning DEP, clean over 600 miles of sewer mains each year and replaces 30 miles. With 7,500 miles of water mains out there, you're doing 30 miles. If you divide 30 into 7,500, it will take hundreds and hundreds of years to completely rebuild the system, and I'm wondering if you believe that, well, first of all, you can comment on whether or not 30 is kind of what you do on an average year, but what you believe the proper time to rebuild the system. If the system has to be completely rebuild, 7,500 miles of mains, every 100 years, 150 years, 200 years, whatever it is, we're not getting there by 30 miles per year of sewer main replacement and the same things with water mains. If you could just speak to that question of how the city rebuilds its system and whether or not 30 is an adequate number. I would ask you to comment on that, Commissioner.

COMMISSIONER AGGARWALA: Thank you, Mr. Chair. I'll ask our COO to speak in specifics about medium term historical replacement rates. I guess I'll say 2 things from my perspective.

The first is the good news is that many of our in-street pieces of infrastructure have very long lifespans so one thing we have to be careful of is how new something is not necessarily an indicator of how good it is, and one of the things I'm learning, and Vinnie, of course, knows very well is that, for example, the age of a water main is not a really good predictor of whether you'll have a water main break on that stretch. I think one of the things that we need to do is make sure that we are investing where it's important and not just blindly on a rote schedule. That said, we certainly agree with the thrust of your question, which is that we need to make sure that we are upgrading our system and maintaining it so that we don't wind up in the kind of situation that, say, New York City faced with the subways in the 1970s where we wound up with massive deferred maintenance, and I think one of the things that I'll certainly be looking to do over the coming months is fully understand our capital prioritization and perhaps bring some new thinking to that, but I don't say that because I think there's anything wrong. It's just an area that I will certainly want to bring my own personal attention to.

Vinnie, could you speak to the Chairman's questions specifically on our replacements rates, both of mains and sewers?

CHIEF OPERATING OFFICER SAPIENZA: Thank you, Commissioner, and thank you, Mr. Chair, for the question. I'll start with water mains and a statistic that we didn't have in the testimony is we replace about 50 miles of water mains per year, about a mile per week is what we say is the average. 7,000 miles so the replacement is a little bit over 100 years, which is the number we strive for, but, as our Commissioner noted, some of the older water mains are really robust (INAUDIBLE) cast iron in many cases and may last hundreds of years so it's not so much the age but we do condition surveys all the time. That's water mains.

On sewers, the statistic that we have there is 30 miles of replacement per year, but we are installing a lot of new sewers in neighborhoods that never had them so that wasn't included in that statistic.

CHAIRPERSON GENNARO: Thank you, Vinnie, and thank you, Commissioner. With regard to sewer mains, the Commissioner stated that most of the

infrastructure is built out to be able to assimilate 1.75 inches per hour, but there are parts of the city where it's 1.5, parts of the city where it's 1.0, and is there a focus on trying to build out those areas so that the whole city at a minimum could be at 1.75? What is the thinking on that?

COMMISSIONER AGGARWALA: Well, Mr. Chairman, I'll say as I said in my prepared testimony. It is certainly a top priority for me personally and this agency and the Climate Office to ensure that we have a robust short-term, medium, and long-term approach to dealing with climate change. As you know, the City Council in its previous session enacted a law requiring what is now the Mayor's Office of Climate and Environmental Justice to undertake a climate adaptation plan which is ongoing right now. We have something that you and I worked together on which is a year from next month the Adams' administration update to One NYC and PlaNYC is going to be due and I personally expect that that will be a moment when we bring together a number of strands. I'll say right now the New Normal report offered a, I'd argue, tactical approach to identifying some places where there are opportunities

to upgrade our ability to absorb water, both in the sewers and through green infrastructure, but a task ahead of us is to do so comprehensively. I'll also point out that it's really important to ensure that we are thinking broadly about a variety of strategies. Sewers are not the only way to absorb rainwater. In many cases, the street infrastructure will not be able to accommodate expanded sewers, and even at a minimum going ahead and retrofitting existing sewers well ahead of a normal replacement cycle is a massive potential investment, a back of the envelope number that I wouldn't stick to but, again, just illustrative was that it might cost 100 billion dollars to upgrade all of our sewers, and, if you do some more back of the envelope math, that requires our water bills to triple or quadruple, and so that's why the agency has been so focused on thinking about a variety of strategies, green infrastructure, Bluebelts, the daylighting I described, water retention on private property through things like green roofs and porous pavements, and I expect and intend that over the next year or so you will see a comprehensive and strategic approach

to that while right now we are pursuing the work that was undertaken in the New Normal report.

CHAIRPERSON GENNARO: Thank you, Commissioner. With regard to storm water, you and I both worked on the first comprehensive storm water management law that I and my Colleagues wrote many years ago and that's given rise to the rain gardens and all the other methodologies that we're using to keep storm water from having a heavy impact on our CSO problem. Right now, we have a bill being written out that would seek to do a storm water management plan 2.0. With regard to street flooding, we want to make sure we work closely with you on that so that we can put in law something that works for the Council, works for the administration, works for the people, so we'll be mindful of that.

With regard to Southeast Queens, one of the questions that I asked many years ago and I'm asking now, my Colleagues that represent Southeast Queens, there are, I think, fairly wide swaths of Southeast Queens that have no sewer infrastructure whatsoever, and we could talk about areas of the city that have 1.75, 1.5, or whatever, but there are parts of the city that have nothing, and I'm wondering

whether or not the 5-year or 10-year capital plan has some kind of date certain as to when the entire city will finally have storm water infrastructure everywhere. We're not there yet. (INAUDIBLE) at least on paper now when the last catch basin is going to be put in Southeast Queens? Is that part of the plan?

COMMISSIONER AGGARWALA: We certainly have a comprehensive strategy for Southeast Queens. I'll turn to Vinnie in a moment around the dates, but it is, as you know, a massive project, right? It is a large section of Southeast Queens that does not have sewers. We've done a ton of work, as you know, Mr. Chairman, we met with the Mayor only 2 weeks ago celebrating a stretch that happily was completed on time and under budget, and I think that demonstrates one of the issues with such a big project, which is that frankly it's very hard to predict, is it going to be complete in 7 years, in 10 years, in 12 years, because even in a situation where you have absolutely all the funding you can spend, which right now I think is a reasonable approximation of where we are, it would be difficult for us to accelerate spending much beyond what it is currently is at just because of the disruption to the neighborhood, because of the

way we'd have to do the work, but I'd say we are going as fast as we can. Money is not the constraint on our progress, and, as I think you saw from the Mayor's remarks, he fully appreciates the importance, especially as somebody who used to live in that part of the city, and so I think this will be something that he'll be asking us about on a regular basis.

Vinnie, is there anything further in terms of the dates?

CHIEF OPERATING OFFICER SAPIENZA: Just to add, Commissioner, how extensive the program is. It's a 2.5 billion dollar capital commitment. We've already put about 400 million dollars of sewers in the ground or in construction, provided relief to several communities already and, as the Commissioner said, that work will continue through the decade.

CHAIRPERSON GENNARO: Thank you. For a guy who said he was going to be pretty brief, I'm not so brief. I do want to turn it over to my Colleagues. I have many more questions. I'll hold them, but I will mention that with regard to lead service lines, going back many years, in order to create a buffer between lead service lines and the water that flows through them, previously DEP used to introduce calcium

orthophosphate in order to coat the inside of lead service lines, like my house has a lead service line and I test it all the time. It always comes back 0. Is that something that DEP is still doing? Presumably, that has been effective by virtue of the minimal amount of lead complaints that we have because it goes everywhere so is that still part of DEP's anti-lead strategy?

COMMISSIONER AGGARWALA: Yes. We still do both that and we pay close attention to, as I said in the testimony, the pH of the water, which is one of the key things, and so our Bureau of Water Supply pays very close attention to making sure that the chemistry of the water that's delivered into the entire system is precisely designed to absolutely minimize the risk of the lead service lines that we currently have.

CHAIRPERSON GENNARO: Thank you, Commissioner. With that, I want to turn it over to my Colleagues to ask questions. I don't know the order in which the Members of the Committee raised their hand so I will direct the Counsel of the Committee to open questions to, we'll start with Members of the Committee. I know we have people who are not Members

of the Committee who want to ask questions. It would be my preference to do the Committee Members first. What's the protocol for this, Samara? I mean how does this work? Here we are just doing, it's fun to have these strategy sessions as to how we proceed. What's the current protocol in recognizing people for questions, first come, first serve, or are we doing Committee Members first?

SAMARA SWANSTON, MODERATOR: I texted you the list. Can you hear me?

CHAIRPERSON GENNARO: Yeah, yeah. I got you, I got you.

SAMARA SWANSTON, MODERATOR: I texted you the list of the parties, and I have Brewer, Holden, Restler, Hanif, and Nurse.

CHAIRPERSON GENNARO: You know, without objection, because this is a budget hearing, I think I'm going to do first come, first serve if that doesn't offend anybody. Council Member Brewer is not a Member of the Committee, but she had her hand up first and so I will, let me just get to your message here. All right, Council Member Brewer, Holden, Hanif all have questions. Council Member Nurse, okay.

SAMARA SWANSTON, MODERATOR: Council Member Holden also.

CHAIRPERSON GENNARO: Yes, yes. Everybody's on the clock anyway so that'll be okay. I will recognize Council Member Brewer for questions, and we do 5 minutes, right? That's how we do it?

SAMARA SWANSTON, MODERATOR: Yes.

CHAIRPERSON GENNARO: Okay. Okay. Council Member Brewer.

SERGEANT LUGO: Starting time.

COUNCIL MEMBER BREWER: Thank you very much, Chair Gennaro. I will be very quick. You do happen to have the best Commissioner perhaps ever, not to say that you're number 2, sir, you're also fabulous, but I'm very partial.

COMMISSIONER AGGARWALA: Thank you, Council Member Brewer.

COUNCIL MEMBER BREWER: The issue is with noise in the communities. Everybody has different concerns, but I am swamped with noise complaints as is 311 so can you describe, I know you mentioned it in your testimony, I listened carefully, but you can just help me a little bit to understand what your idea is to address it. That's number one.

The second issue is I know I was around when Croton, there was a new plant built in the, I think the Chair was around too, we had to vote on it, in the Riverdale area and it was not supported unanimously, but I want to know again, just to reiterate, the cost of making sure that we don't have to filter, that we do keep our upstate water clean. Is there any number that you could give us on that so it's really clear to people? You had mentioned my suggestion that we take Council Members to Croton and to the other reservoirs and see the scientific and the security and all the issues. I want to know when you're going to do that.

Then I'm also, CSOs, so I know you mentioned that it's more complicated (INAUDIBLE) we'd like to have other ways of addressing the CSO issue. Trust for the Public Land does a great job in the playgrounds. What are some other ways that we can try to avoid the CSO issue? Those are my 3 questions.

COMMISSIONER AGGARWALA: Okay. Let's see. Let me (INAUDIBLE) Council Member, first of all, it's good to see you.

COUNCIL MEMBER BREWER: Gale is fine. Go ahead.

COMMISSIONER AGGARWALA: Gale, thank you.

Let's see, first of all, we're totally going to invite you all out to the watershed. We want to do a lot of trips. I've been loving the ability to visit the great assets that make up DEP from the water supply to the water treatment and everything in between and would love to share that experience with you so, definitely, we will be working on that. In fact, I thought we had started reaching out about scheduling, but, if not, we'll follow up soon.

You asked a question about Croton filtration and the FAD. The full FY-22 budget that we are spending on FAD-related protection is 65 million dollars. Again, this is something that is closely regulated so I think there is very little risk as long as we continue our work and we work closely with the State that we lose the FAD. The current FAD does require us to go back and do some conceptual design work because they require us to have an understanding of what we need to do if they told us that a full filtration was going to be necessary, but I don't think that implies that there's an expectation or an intention to do that, but, just so you know, there

will be some design work on that that we will be going forward with.

I'm sorry. You asked then a question about noise?

COUNCIL MEMBER BREWER: Noise, yes. Noise, and also how the CSOs, how Trust for the Public Land playgrounds or other projects can help us so that we collect the rainwater, blah, blah, blah. We're trying to fund ways of not...

COMMISSIONER AGGARWALA: Got it. I think one of the important observations as I said in the testimony is that part of what we're going to be doing is shifting from a focus on these best management practices onto CSO reduction and towards more general resilience and storm water retention, which is one of the reasons that right now our green infrastructure assets are really concentrated in those neighborhoods where the outflows lead to significant CSO pollution in the water bodies, and therefore they're not a citywide infrastructure at this point because they were designed for that very specific purpose. Going forward, we're going to be looking at them more broadly, and, yes, I could not agree more that we can be thinking about public

space. In the New Normal report, we're committed to exploring the creation of these 4 cloudburst neighborhoods or cloudburst corridors where we take a leaf from what places like Amsterdam, Rotterdam, and Copenhagen do to redesign the entire street right-of-way or other large public areas to channel storm water. Those are certainly things we are thinking about, and, as I said, I think you should expect that over the next year or so we will be thinking about that in a truly strategic way and not an opportunistic way. In the same way that the CSO plan was strategic, I think we'll see a broader embrace of those to deal with storm water.

SERGEANT LUGO: Time expired.

COUNCIL MEMBER BREWER: Just quickly, this god-awful noise. How (INAUDIBLE) we're going to deal with it? Noise meters, police don't have them. You have them. The middle of the night. I don't know.

COMMISSIONER AGGARWALA: Council Member, first of all, we enforce about half of the noise complaints that come into 311. Those are that interpersonal, like from an apartment to a neighboring apartment, that falls under the jurisdiction of the police. Anything that is about

mechanical or commercial, we get involved. This is one of the reasons that, and this was under Vinnie's leadership so I can't claim personal credit for it, but I love this program of thinking about automated enforcement. As I said, we've got one set up. We are testing it. We have to think about the accuracy. We have to think about the privacy. We have to think about quite literally how much impact it has, but you can be assured that we are certainly going to be thinking about how we can make that successful and, if it is successful, how we can scale it up.

COUNCIL MEMBER BREWER: I'd love to hear more about it.

CHAIRPERSON GENNARO: Okay. We're going to leave that there. I've been told by Staff, I asked them to make sure that they gave me a list in the order that people had raised their hands and like the official list which is monitored by Ricky, next Council Member would be Council Member Hanif, not a Member of the Committee but certainly very, very welcomed to have her here with us today. I have a pretty good idea what she's going to ask about, but let me open up the floor to her and welcome her and thank you, Council Member Hanif, for being here.

SERGEANT LUGO: Starting time.

COUNCIL MEMBER HANIF: Thank you, Chair Gennaro, for being super welcoming. Good to meet you, Commissioner. I'm excited to have a separate meeting with my Colleague, Council Member Restler, just about Gowanus and the Gowanus rezoning. I'm not asking about Gowanus if that's what you thought, Chair Gennaro.

CHAIRPERSON GENNARO: That's what I thought, yeah.

COUNCIL MEMBER HANIF: I'm going to leave that for a separate and private meeting. Many constituents of mine have reached out about flooding issues in many hotspots in the district. I represent alongside Gowanus, Park Slope, Carroll Gardens, Cobble Hill, that section of Brooklyn. During Ida and other large storms, this issue has resulted in raw sewage pouring into their basements, and I'm talking specifically about Kermit Place. I know the DEP has done a thorough study on the sewage pipes and determined that their sewer line is too small and needs to be upgraded. Could you share, and I'm sorry if I missed this, how much money is going into sewer upgrades in the DEP budget in the wake of these

storms and you know these storms are going to continue and they're going to be far more devastating, one after the next, and their aftermath. Then what is the criteria and the timeline of these upgrades? I ask about the timeline because our constituents have really been following me around to ask about this, and this is really important. I'd love to give them something that really reassures them that this is being taken seriously and that the DEP is the agency tasked with our environmental justice work.

COMMISSIONER AGGARWALA: Thank you, Council Member, and I will certainly look forward to talking with you further about Gowanus as an inescapable and important project. In a moment, I'll ask our CFO to cite the numbers and perhaps our COO can talk about the timeline specifically, but before I turn it over to them for the specifics I'll just say to you what I said earlier which is that there is a reason that Mayor Adams, who experienced Hurricane Ida as a nominee and put out a resilience plan as a candidate, appointed me as both Chief Climate Officer for the city and to be DEP Commissioner. Being only 6 weeks in, I'm not going to tell you exactly how that

plays out, but I should point out that it is significant, it reflects the fact that we not only see the importance of resilience as well as decarbonization and environmental justice as core to the climate challenge, but also the unique relevance that DEP has to the city in that so it is top of mind, it is a top priority. There are current plans. As I said before, we know that those current plans are not comprehensive and strategic as they need to be, and that is something that we are going to be working on, but we know that there's a lot of work that is obvious and no regrets and therefore we're going to keep doing that and not slow down while we think about the longer-term approach.

Joe, maybe, could you cite the specific numbers that we're spending on sewer replacement, and, Vinnie, maybe you could speak to the specifics of the district?

CHIEF FINANCIAL OFFICER MURIN: Sure, Commissioner, thank you. Thank you, Council Member Hanif, as my Council Member as well as a resident of Park Slope. We have in the budget for the preliminary for fiscal year '22 through '26, there's 3.9 billion dollars dedicated to sewer infrastructure, and, if

you look at the 10 years, it's 7.4 billion dollars.
I'm sorry. Go ahead.

COUNCIL MEMBER HANIF: Is that enough?

CHIEF FINANCIAL OFFICER MURIN: I will
defer to the Chief Operating Officer, but it's very
adequate for our purposes right now. It's practically
almost a quarter of the budget for the total budget,
and those funds are programmed with DDC as the agency
that we coordinate with on doing all of our sewer and
water main projects, but I'll turn it over to Vinnie
to talk to the adequacy of the resources.

CHIEF OPERATING OFFICER SAPIENZA: Council
Member Hanif, thank you for the question. First, I'll
address Kermit Place. We all know that that ribbon of
land between, I guess, Prospect Park and Greenwood
Cemetery, when it rains hard, water flows downhill
from those 2 sources and into the lower ground so we
know that's a challenge, and, as the Commissioner
mentioned, we want to look at a variety of tools
beyond just traditional sewer to try to address those
and more will be forthcoming on that.

SERGEANT LUGO: Time expired.

COUNCIL MEMBER HANIF: Thank you. I'll be
following up. Appreciate it.

2 CHAIRPERSON GENNARO: Thank you very much,
3 Council Member Hanif. Before we go on to our next
4 Council Member for questions, there's been a lot of
5 talk about resilience, we're very honored to be
6 joined by the Resilience Chair, Council Member Kagan.
7 He's a valuable Member of this Committee and I'm on
8 his Committee, I'm his Chair, he's my Chair, it's all
9 good, and so thank him for his presence with us here
10 today. According to the verified list that I have
11 from Staff, the next Council Member to be recognized
12 for questions is the newest Member of the
13 Environmental Protection Committee, my good friend
14 who sits right next to me in the Council, Council
15 Member Bob Holden. I recognize Council Member Holden
16 for questions.

17 SERGEANT LUGO: Starting time.

18 COUNCIL MEMBER HOLDEN: Thank you, Chair.
19 We sit in the back row. I guess we can see everyone
20 that way.

21 CHAIRPERSON GENNARO: Exactly.

22 COUNCIL MEMBER HOLDEN: Thank you,
23 Commissioner, for your great testimony, and it's also
24 great to see Chief Operating Officer Vinnie Sapienza
25 who did an amazing job as the DEP Commissioner.

Again, very accommodating. Thank you so much for your service, Chief Operating Officer, that's a mouthful, Sapienza.

Anyway, a number of things. I want to echo my Colleague, Council Member Brewer, with the noise complaints. That's the number one complaint I have in my district, especially when it gets warmer, and we really have to do something so I'm looking forward to working with you, Commissioner, on addressing that. It's really residential. I'll give you an example. 8,500 noise complaints we got last year, and guess how many resulted in a summons on residential? None. So the NYPD is not really enforcing that. I've been very critical about that, but one creative CO over a precinct says we have to involve DEP in this, and their fines are substantial so if it's a chronic location, I think we have to really involve DEP, and I have a lot of those.

Anyway, let me get to some of my questions. I'll do it very quickly because I know my time is limited. Commissioner, can you explain how you use geospatial information systems (GIS) in planning for flooding? That's one question. I really would like if we can make public the schedule for

catch basin inspection and cleaning because that seems to be a huge problem. That's 2 questions. The third one, on the installation of bioswales, or rain gardens, what's the median cost of installing a rain garden and do you notify the homeowner of the installation because I think we need to get a little better coordination there, maybe they could even help, some of the homeowners could help maintain it, because that seems to be a problem, maintaining the bioswale after it's installed or sometimes the locations of the bioswale may interrupt some of the homeowners plans for, like I say, a driveway or so forth that I have contacted your office on. While on the topic of bioswales, I don't really get that much enforcement of the laws of paving over your front or back yards and homeowners are doing that, a lot of that in my district. The Department of Buildings, sometimes I'll send it back 2 or 3 times, and they don't understand even the law sometimes so I really would like to get DEP involved in enforcement because that seems to be counterproductive to the whole rainwater problem that we have and the overflow. I'll let you address some of those. Thanks, Commissioner.

2 COMMISSIONER AGGARWALA: All right. Thank
3 you, Council Member. That's a long list.

4 COUNCIL MEMBER HOLDEN: I know, I know.

5 COMMISSIONER AGGARWALA: I'm trying to
6 catch my notes here. I'll ask Vinnie to talk about
7 some of your rain garden and catch basin questions,
8 but I'll start with 2 observations. One, respecting
9 your question around GIS and flooding, our work to
10 use GIS to predict flooding started before Hurricane
11 Ida. It certainly took on greater urgency as a result
12 of Hurricane Ida. It's something that we are working
13 on, that I am actively working on, and so I don't
14 have too much to tell you right now, but I can tell
15 you that that kind of information technology and
16 analysis is going to be important to the way we think
17 about the long-term and comprehensive approach to
18 storm water resilience that I described so that's
19 kind of a stay-tuned answer. I hope that's okay.

20 Vinnie, maybe I could ask you just to say
21 a few words about rain gardens, and we can get back
22 to you, of course, on some of these separately.

23 CHIEF OPERATING OFFICER: Sure. Council
24 Member Holden, thanks for the question about the
25 bioswales and paving of yards. We've, as the

Commissioner mentioned in his testimony, installed more than 10,000 of these curbside rain gardens. They do a terrific job of peeling off storm water and having the ground absorb it before it gets into the sewer system and potentially causing overflows and flooding so we're all in on that, and we're going to continue to do more. We want to work with the communities where these are installed. Some property owners have some objections and so we've looked at different types of these bioswales beyond the traditional bushes and a tree to some that look like the grass strip in front of some properties, some that are just porous concrete so we'll continue to work with you and the communities on that, but, yeah, paving of front yards...

SERGEANT LUGO: Time expired.

CHIEF OPERATING OFFICER: Paving of front yards is a concern that we all have and we want to work with the Department of Buildings to try curb some that.

COUNCIL MEMBER HOLDEN: Do we have a, just my question about the median cost of installing a rain garden because, I think we need to find...

2 CHAIRPERSON GENNARO: The time is expired,
3 but I'm going to give Bob a little latitude here.

4 CHIEF OPERATING OFFICER: I'm sorry, but
5 this is a very important issue because...

6 CHAIRPERSON GENNARO: Yeah. That's why I'm
7 giving you the latitude.

8 COUNCIL MEMBER HOLDEN: Thank you, Chair.
9 The median cost of installing one and trying to get
10 DOB, because I think DEP has to work with DOB on the
11 paving over of, we'll spend a lot of money on
12 installing a rain garden in front of the house but
13 then the homeowner paves over their entire yard, and
14 I send DOB there 3 or 4 times, and I said they paved
15 over the front yard, look at this law, and then they
16 don't and I keep working with DOB so maybe we need to
17 get DEP involved.

18 CHAIRPERSON GENNARO: Why don't we do
19 this, if I may, Bob, why don't we get your office, my
20 office, and DOB and DEP together in a room just to
21 make sure that we take DOB to school on this issue
22 because I have the same thing and so if I can make a
23 note to my Legislative Director, Nabi, to try to set
24 that up so it's time we got DOB on the right page...

2 COUNCIL MEMBER HOLDEN: Great, Chair.

3 Could I just get an answer on the installation of the
4 bioswales, how much?

5 CHIEF OPERATING OFFICER: Council Member
6 Holden, it depends upon the configuration, the size,
7 some are bigger than others, but typically in the
8 20,000 to 30,000-dollar range.

9 COUNCIL MEMBER HOLDEN: Thank you. Okay.
10 Thank you, Chair.

11 CHAIRPERSON GENNARO: Thank you. You bet.
12 According to the list that I received from Staff in
13 terms of the order of people of which they raised
14 their hands, the next up would be Council Member
15 Restler followed by Council Member Nurse followed by
16 Council Member Hanks. We have more also, but let me
17 gladly recognize my good Colleague and Member of the
18 Committee, Lincoln Restler, for questions.

19 SERGEANT LUGO: Starting time.

20 COUNCIL MEMBER RESTLER: Thank you so
21 much, Chair Gennaro. I'm really excited to have your
22 experience in leadership (INAUDIBLE) vital Committee
23 and I'm so excited to serve with you and with all the
24 Members of the Committee.

25 CHAIRPERSON GENNARO: Thank you.

COUNCIL MEMBER RESTLER: I want to
(INAUDIBLE) the Commissioner on his appointment. I
think it was an inspired choice as I said to you
(INAUDIBLE) your work at (INAUDIBLE) really inspired
me as a young kid in my 20s in government of kind of
what we could do as policy makers in New York City
and so I'm really excited to have you back, and it is
a mitzvah that Vinnie has agreed to stay on as he is
really one of the great public servants and thrilled
to have his expertise continue at DEP.

A number of questions I just wanted to
ask. You highlighted some of the progress that we've
made the Newtown Creek facility, which is in my
district, 1 out of 6 times when you poop in New York
City, it comes to Greenpoint, it comes to our
community. We're happy to have you but there are
serious issues that have not been addressed. What I'm
most concerned about is the failure for you all in
National Grid to follow through on your ambitious
plans around methane gas. If we were to repurpose
that methane gas back into our energy supply, it
would be the equivalent of taking 19,000 cars off the
road. It is a big freaking deal, and I'm pissed that
it's delayed again and again and again. Can we get a

firm timeline on when this is finally going to be operational?

I have a bunch of questions so quick answers are appreciated with no disrespect.

COMMISSIONER AGGARWALA: All right, well, thank you, yes. I do know that that project, we received a delay notification from National Grid. I think they are currently saying, Vinnie, correct me if I'm wrong, I think it's June now...

CHIEF OPERATING OFFICER SAPIENZA: July.

COMMISSIONER AGGARWALA: July.

COUNCIL MEMBER RESTLER: Oh, we got another delay. Great. Last I heard was June. I mean it's been delayed years. We've gotten 20 delays across the board to get to where we are, and it's just incredibly disappointing.

COMMISSIONER AGGARWALA: Council Member, yes, and, as you know, that was actually a featured initiative in the first PlaNYC of 2007 so...

COUNCIL MEMBER RESTLER: Can I suggest, why don't we together and National Grid get together to make sure that there aren't any more delays because it's totally unacceptable. This is a big deal, important project, that I know is important to

2 you going on 15 years. Let's start pushing them
3 together to get some results.

4 COMMISSIONER AGGARWALA: Yes. I'll just
5 tell you. I had an initial meeting with National Grid
6 so I could meet their team and their New York area
7 President just a week ago, and so we started that
8 conversation and he committed to following up on that
9 project.

10 COUNCIL MEMBER RESTLER: Let's hold them
11 accountable because it's just, it's been totally
12 unacceptable, and if there are further delays I'm
13 going to lose my you-know-what so that was one.

14 Two is Gateway to Greenpoint. This was a
15 promised green space adjacent to the Newtown Creek
16 facility that I've been under the impression we were
17 going to get access to as a community this year. Now,
18 the EPA said 18 months. Can we get a firm timeline
19 from you now on when the community may have access to
20 this site?

21 COMMISSIONER AGGARWALA: Vinnie, I know of
22 this issue. I don't know quite what the latest in
23 terms of the timeline is.

CHIEF OPERATING OFFICER: Council Member Restler, this is the property just to the east of the treatment plant? Is that...

COUNCIL MEMBER RESTLER: That's right.

CHIEF OPERATING OFFICER: Yeah. I don't have the timeline on that. We'll get that for you.

COMMISSIONER AGGARWALA: We will get that...

ACTING DEPUTY COMMISSIONER ADGATE: I can chime in, Council Member. We have initiated conversations with our agency Chief Contracting Officer to use the 150,000 that was allocated by your predecessor in terms of funding for that space, and so we're looking at a cogent timeline for when we can clear off the current staging material that's there now because of the resiliency work that's happening...

COUNCIL MEMBER RESTLER: So the EPA's 18-month request is off the table?

ACTING DEPUTY COMMISSIONER ADGATE: As you know, when we first spoke to EPA, they asked for a few months...

COUNCIL MEMBER RESTLER: I'm just very tight on time. I'm just looking for quick answer if it's possible. I'm sorry.

ACTING DEPUTY COMMISSIONER ADGATE: Yeah.

I'll say that we're coordinating closely with EPA and, if we can't line up, we may look at other places that they could...

COUNCIL MEMBER RESTLER: Okay. I hope it's clear, but I've said it to you privately, I'm saying it's on this hearing, an 18-month timeline is totally unacceptable and we're going to have a problem. We have been under the impression we were getting access to the site this calendar year. If that's not going to be the case, I'd like to understand as quickly as possible so that we can work together on a path forward.

COMMISSIONER AGGARWALA: Council Member, let's you and I even talk about this and perhaps talk about how we interact with EPA together.

COUNCIL MEMBER RESTLER: Okay. Quick other things. Very excited about cloudburst corridors. We have a waterfront district. We want to see significant resiliency projects. I've asked DEP for sites where we can do resiliency projects together, I'll put resources in, but the Caring Site...

SERGEANT LUGO: Time expired.

COUNCIL MEMBER RESTLER: Area, the Columbus Park, I'd really like some direct feedback from DEP on which sites are viable for us to try and actually make a real difference to address the resiliency concerns in our community and then I just want to echo Gale's and Bob's sentiments on noise. Very excited about the pilot. Strongly, strongly support it. I want to see it successful and expanded, and I want to work with you on the most ambitious green infrastructure and green roof requirements that we can possibly achieve so with carrots and sticks I want to be your partner to make that all happen. Thank you.

COMMISSIONER AGGARWALA: Thank you, and we'll follow up separately on the specifics that you just pointed out around cloudbursts, okay.

CHAIRPERSON GENNARO: Thank you, Council Member Restler, for your questions. If I may, I'd be very happy to partner with you to have my office and your office meet with National Grid to try to make more of an issue of this and so I have my LD who is on the hearing now, I'll have my LD reach out to your Chief of Staff or LD, maybe we could put a meeting

together because National Grid, I got some juice with them...

COUNCIL MEMBER RESTLER: We'd love your help.

CHAIRPERSON GENNARO: This is completely unacceptable. DEP is trying everything we can, but I think they can hit them high and we'll hit them low and so why don't we do that, if that's okay with you, like why don't you and I go get them, okay?

COUNCIL MEMBER RESTLER: I appreciate it. I'll hit them every way I possibly can. We've been doing it on the (INAUDIBLE) pipeline and we really need your help here so it's greatly appreciated. Hopefully, we can all team up and make it happen together. Thank you, Chair.

CHAIRPERSON GENNARO: Sure. Thank you, Council Member Restler. Nabi, I urge you to reach out to Council Member Restler's LD and let's set up this meeting with National Grid. They always take my meetings and so this won't be that friendly, but it's got to be what it's got to be. Thank you.

The next Council Member that I'll recognize for questions is my Chair in the Sanitation Committee, my great Colleague, Council Member Nurse,

followed by Council Member Hanks followed by Council Member Gutierrez followed by Council Member Kagan, and I just want the Council staff to make sure that I have that list in the proper order in the sequence that they raised their hands. Nurse, Hanks, Gutierrez, and Kagan. With that, I recognize Council Member Nurse.

SERGEANT LUGO: Starting time.

COUNCIL MEMBER NURSE: Thank you. Good morning. I've lost my voice so I'm going to struggle through this. I just have 4 questions. I'm going to try to get them all out, and then let you all answer. Nice to meet you virtually, Chair, looking forward to talking to you later today. I saw that the Cleanup Corps is responsible for cleaning Bluebelts or it was part of the programmatic piece, and I was just curious, because I have a, I'm sorry I'm struggling through speaking, I have a Bluebelt over here at North Conduit Boulevard, and I'm very curious about how often that is cleaned up through that program. It's a big eyesore in the community for such a beautiful space. I'm wondering if there's any kind of permanent infrastructure solutions to provide the windblow from litter that just seems to accumulate in

that because it's kind of a dip, just seems to constantly accumulate there so that's one.

I was curious if there were any new plans, I'm still learning about DEP, potentially is the funder of the street sweeping for Sanitation, so I didn't know that, I'm just curious if there were plans to restore that to twice per week per side and if this was a priority for you all. I know it's a priority for us on the Sanitation front as many complaints about the streets.

A second question I had was how much does it cost in order to maintain a rain garden and what is DEP's plans for growing the workforce to meet the maintenance needs of this?

Another question is what is DEP doing to address the vulnerabilities around, for example in my district, the corridors of Knickerbocker Avenue where we had like incredible flash flooding from the rains of Ida so what is DEP doing to address these vulnerabilities?

One other thing, as someone who's super obsessed with, especially this year after Ida, the basins and just how clogged they are with litter during the pandemic. Has DEP considered making an

option for clogged bioswales or basins. One of the kind of popup ones that you can look up on the 311 app, oftentimes people are filing under dirty sidewalks or dirty streets and a lot of times I go around and I'm taking photos of these disgusting clogged water basins and I file it under dirty sidewalk and it oftentimes comes back to me as this street is clean, and I'm like I know the street is clean, but the basin isn't, and that's what I'm trying to get at so I'm just curious if you all, as part of a potentially education piece as well, allowing people to just see that more rapidly.

Lastly, I had a question about how the study is coming along, the feasibility study of the wastewater treatment plant that could be potentially on Rikers if we manage to get the census down and close it, if that study is on track to be completed. Those are my questions. Thank you.

COMMISSIONER AGGARWALA: Okay. That's quite a list, and I think maybe you and I, Council Member, have some time I know later today and again I think next week so we can cover some of this, and I'll ask Vinnie maybe, you can speak specifically to Knickerbocker Avenue and the 311 reporting tool

itself because I cannot, or Mikelle, perhaps you can. I'll just say overall the maintenance of our great infrastructure is something that we know, unfortunately, declined a little bit during the pandemic. There are a variety of reasons for that. Many of which you can understand and DEP, in fact, contributed a large number of staff to the pandemic response efforts of the city government. As you know, we got a lot of that back just recently. In addition, we are going to be expanding our green infrastructure maintenance corps dramatically as a summer program right now, and we are going to be exploring creative approaches to enhancing maintenance over time. I'll also say I think it's an important observation you make that we really can and should be enlisting help from citizens to be both eyes and ears and to maintain. Many times, while catch basins themselves are clogged and they've actually accumulated debris that DEP has to go in and clean out, in many cases, they're just matted over with leaves or with trash, and that takes nothing more than a rake or a shovel to brush it aside. An issue that we often deal with, and I'll say this and maybe something that we can work on with you at the Council is...

2 SERGEANT LUGO: Time expired.

3 COMMISSIONER AGGARWALA: Oftentimes catch
4 basins don't get cleaned even though Sanitation is
5 doing it's street sweeping because of cars parked
6 over the catch basin, right, and I think that's a
7 real issue that particularly as we think about long-
8 term resilience we're going to have to address. Look,
9 I promise we'll get you answers to all of your
10 questions...

11 COUNCIL MEMBER NURSE: Yeah, but are you
12 all planning to bring back twice a week alternate
13 side parking cleaning?

14 COMMISSIONER AGGARWALA: Vinnie...

15 COUNCIL MEMBER NURSE: Twice per week per
16 side.

17 COMMISSIONER AGGARWALA: Is that something
18 that we would shape or is that something Sanitation
19 would lead?

20 COUNCIL MEMBER NURSE: (INAUDIBLE) that
21 you all fund it.

22 CHIEF FINANCIAL OFFICER MURIN: If I may,
23 Commissioner, and, Council Member, thank you for the
24 question, but, yes, we partially fund that as it does
25 benefit the system, but we do not control that. That

is Sanitation's responsibility in terms of how they manage the street sweeping program and then they present us a bill at the end of each year and then we give a proportional share into that because it does benefit our system in terms of eliminating and mitigating some of the runoff that gets into the catch basins.

COUNCIL MEMBER NURSE: Okay, thank you. Then the question about the Bluebelt over here at North Conduit Boulevard.

CHIEF OPERATING OFFICER SAPIENZA: Yeah, I'll answer that quickly, Council Member. North Conduit and there are a couple of basins, bioswales, on Atlantic Avenue that have been a challenge for us to stay on top of. As the Commissioner mentioned, we're going to build up our workforce to make sure that those particular ones get cleaned more frequently.

COUNCIL MEMBER NURSE: And just the last one was on the Rikers study and then I'll yield my time, Chair. Being on track for the completion of that study?

COMMISSIONER AGGARWALA: As I said in my prepared remarks, that study is actually about to go

out so we will be starting it. I don't have the completion target date off the top of my head, but, rest assured, we are working on it, and it is underway.

COUNCIL MEMBER NURSE: Okay. Thank you. Thank you so much.

CHAIRPERSON GENNARO: Thank you, Council Member Nurse. Because you're Sanitation Chair, you have very easy access to the Sanitation Commissioner regarding street sweeping, and the reason DEP pays for part of the street sweeping is to keep floatables out of the system. People are wondering why is DEP paying for street sweeping, but it does have a direct impact on floatables that make their way into the system. Part of DEP's water (INAUDIBLE) money goes for the Fire Department to check fire hydrants to make sure they're in working order so some people don't know that but these are very important functions.

I know that Council Member Hanks was next for questions. I don't know if she's still on the hearing at this time. Samara, do you know if Council Member Hanks is here? It doesn't look like she's here...

SAMARA SWANSTON, MODERATOR: (INAUDIBLE)

RICKY CHAWLA: She does not have her hand raised.

CHAIRPERSON GENNARO: Okay. It's my pleasure to recognize Council Member Gutierrez for questions.

SERGEANT LUGO: Starting time.

COUNCIL MEMBER GUTIERREZ: Thank you, Chair Gennaro. Thank you, Commissioner and the whole DEP team. I'm really lucky to be on this Committee with my neighbor, Sandy, because I know she brought up really good questions about Knickerbocker so I just wanted to double down on that because for Ida our residents were deeply, deeply impacted by these dirty catch basins. I am right off of Knickerbocker, and so it's something that obviously my family's personally impacted by. You brought up, Commissioner, the fact that the basins are often covered by cars that are parked. You might not have the answer to this, but I have seen specifically on Knickerbocker but throughout the district where a lot of the outdoor dining vestibules were also covering these catch basins and so, obviously, just compounded challenges to keep them clean. If you can share what

the conversations have been with DEP and kind of this whole rollout of making the outdoor dining permanent, if you have all been looped into the conversation about what that's going to look like to amend it. It's something that I support but, hands down, in environmental justice communities, I think the enforcement has to be the rules have to really reflect the need that we have which is keeping the catch basins free of debris so I just want to know if your agency is a part of those conversations. If not, how we can plug you in because, as you mentioned before, this infrastructure is aging. It's going to cost so much money to improve it, and we should really be doing our best to keep these clear.

My second question is regarding the NYCHA drainage upgrade, which I think is wonderful. In my district, I represent 6 NYCHA developments. I believe Bushwick II which is Hope Gardens, I believe is on the list, but I did want to highlight that there a couple of other developments in my district specifically that are also need a review and if you could walk me through what the process is for consideration, and if I can highlight those developments, it's (INAUDIBLE) Houses and Cooper Park

that are experiencing sewer and drainage issues and I think could really benefit from this infrastructure project. Thank you.

COMMISSIONER AGGARWALA: Thank you, Council Member. To your first question about the open streets, I will confess I don't know so Vinnie and Mikelle, to what extent have we been involved in the work that DOT and City Planning are doing?

CHIEF OPERATING OFFICER SAPIENZA: I'll start and then I'll turn it over to Mikelle, but going back to 2020 when the Open Street Restaurant program was started, there was a lot of interagency coordination and we at DEP had certainly highlighted that we wanted to make sure that structures were not abutting the curb so that water could flow down the curb line and get into the catch basins and not have obviously any restaurant infrastructure on top of basins. That's been a bit of a challenge to enforce, but we are continuing to work with DOB and others on that.

Just on Knickerbocker Avenue, Council Member Gutierrez, we know that that was one of the hardest hit locations in the city. It's a very low-lying area. During Ida, unfortunately, the amount of

rainfall exceeded the capacity of the sewer system so it wasn't so much a catch basin issue, but, again, we know that catch basin maintenance there is particularly important given the topology there.

I'll stop. Mikelle, I don't know if you have more.

ACTING DEPUTY COMMISSIONER ADGATE: I would just add, Council Member, that we continue to regularly coordinate with DOT on the outside dining and their impact either on the catch basins or when we need to open up the street for sewer work or other issues so that work is sort of daily, weekly, depending on the area.

If I can add, Commissioner, on the question about NYCHA and coordination on green infrastructure or cloudburst planning, we have a very good coordination with NYCHA. Actually, the development that you listed, Hope Gardens, was one of our first green infrastructure partnerships with NYCHA, and so we continue to look at opportunities not only based on what's in NYCHA's capital plan that we can sort of add onto with green infrastructure opportunities but also proactively going after potential projects, both on our green infrastructure

side but also the cloudburst planning side. We're about to finalize design for South Jamaica Houses and others, so we'll continue to work with NYCHA, and, as we have more lists and more potential DEP projects in your district...

SERGEANT LUGO: Time expired.

ACTING DEPUTY COMMISSIONER ADGATE: We'll be happy to come out and talk you through those.

CHAIRPERSON GENNARO: Council Member Gutierrez, is that satisfactory?

COUNCIL MEMBER GUTIERREZ: Thank you, yes. I just wanted to, if I could take up one more second, I was on mute, I apologize. Just on the outdoor dining piece, if you could share what the enforcement, and I know it's a multiagency effort. I know it doesn't just fall under DEP, but what do you think the enforcement looks like for the continuation of this, and, then for the NYCHA front, I would like to just maybe set up some time down the line to just talk about kind of what support, I know this obviously is an effort that needs to be funded so what support you all need. Again, those 2 developments that I mentioned are in really dire,

dire need of this investment as well. That's it.

Thank you.

CHAIRPERSON GENNARO: Okay. I would say that with regard to NYCHA, that conversation can be continued offline, but your question about the dining, I'll give DEP a brief moment to reply to that.

CHIEF OPERATING OFFICER SAPIENZA: I'll just jump in so over the past couple of years, the enforcement hasn't been issuing violations as far as DEP is concerned, but we've been just telling restaurant owners, if we see something wrong, fix it, we'll be back tomorrow, make sure it's done, and in most cases it is, but we have to continually stay on top of it.

COUNCIL MEMBER GUTIERREZ: Thank you.

CHAIRPERSON GENNARO: Thank you, Council Member Gutierrez. Now it gives me great pleasure to bring on the Resiliency Chair, my great Colleague, Council Member Kagan, who Chairs Resiliency and Waterfronts. I'm very eagerly awaiting his good questions for DEP. Council Member Kagan.

SERGEANT LUGO: Starting time.

COUNCIL MEMBER KAGAN: Thank you very much, Chair Gennaro. My pleasure to be here. Some of my questions I will reserve for my hearing for the Committee on Waterfronts and Resilience on April 11th, but 2 questions I would like to ask right now. One, to Commissioner who mentioned the total replacement of our very outdated sewer system in New York City will take like 100 billion dollars from the federal government if I heard correctly, but, meanwhile, I would like to know do you have any ask the City Council this year should we do specifically right now. To make sure we cannot give you 100 billion dollars, of course, but I've heard before another number 3.9 billion dollars, etc., so how much money do you need to ask for from us? What do we need to do on our level to make sure that all of these things are moving forward? That's my first question, and my second question is related to small homeowners, not just in my district, and I represent Coney Island, Sea Gate, Bensonhurst, (INAUDIBLE) a lot of small homeowners, getting a lot of complaints from small homeowners that there is an issue of water drainage, etc., or pipes and DEP (INAUDIBLE) usually writes the bill to the wrong homeowner, not to the

homeowner who is responsible or sometimes DEP is responsible, not the homeowner so how can we rectify this issue? Do we need legislation to rectify it because it's a very usual situation? Thanks.

COMMISSIONER AGGARWALA: Thank you, Council Member. Vinnie, I'm going to ask you to take the second one about these issues with the inspectors, but to your first question, Council Member, I think the main thing right now is for us to complete the work that is currently in the budget. We have a significant amount, and, Joe, maybe you have the number off the top of your head, for the sewer and other storm water work that was envisioned in the New Normal, which again we are proceeding with. At the same time, we have already begun initial work to think about what that more comprehensive approach would look like, and, as I said earlier, I would ask that we work together, both with Chairman Gennaro's Committee and with your Committee over time as we develop that because, frankly, I think one of the worst things we could do is make unnecessary investments, right? These are going to be expensive. They are going to translate into water rate hikes. That is the other reality here. One of the things

that I certainly take very seriously is our need as an agency and as a whole city government and through the Mayor's Office of Climate and Environmental Justice to think comprehensively about how we address this in a way that's equitable, in a way that's effective, but also in a way that's cost effective, and, as I said earlier, that often means not focusing only on the gray infrastructure of the sewers but focusing much more broadly on the green infrastructure, on what's on private property. We recently issued this new unified storm water plan for private property where we brought together the rules for different kinds of storm water sewer districts and made them more robust so that property owners who do work on their property now have a higher standard to meet in terms of on-site absorption, and that is the kind of thing that I think we're going to have to do more of over time and do it in a really targeted way. I will expect over time that that will have a cost. To do that comprehensively is going to have a cost. I don't think it's something that we can put a confident number on this year, but I think it's something we will work on together and, again, Chairman Gennaro cited our work together in years

past. I will look forward to working very closely with both of your Committees as we develop that so that both the budget and any enabling legislation or any legislation that's necessary, and, again, Chairman Gennaro is sponsor of some of what I think is some of the most important sustainability local laws we have in terms of institutionalizing the New York City Panel on Climate Change and things like that. We'll see what we need to institutionalize that work, and then I think we would be very eager to work with you for wise legislation that does that.

Vinnie, can you address, or Mikelles, can you address the issue the Council Member cited on inspected?

CHIEF OPERATING OFFICER SAPIENZA: I will, Commissioner. Council Member Kagan, the question is about flooding and backups on individual properties, and when that happens, the DEP inspector will go out. Sometimes we'll find the problem is with DEP infrastructure and we'll make the repair or cleanout, but many times it's caused by the property owner's sewer service line...

SERGEANT LUGO: Time expired.

CHIEF OPERATING OFFICER SAPIENZA: And in those cases, our inspector will issue a directive to the homeowner to make the repair. If the homeowner thinks that the inspector was incorrect or if it was caused by a different property, they can please reach out to our office and we'll take a second look at it.

CHAIRPERSON GENNARO: Council Member Kagan, your time is expired, but I'm happy to give you a little more latitude if you have another question. You're co-environmental Chair and that comes with privilege.

COUNCIL MEMBER KAGAN: Thank you very much. We'll talk more, but definitely I'm ready to work with you and, Commissioner, it's a very important issue for the entire city. (INAUDIBLE) almost survival issue because it's like we can no longer (INAUDIBLE) during another storm. We barely survived, if I can say, Superstorm Sandy. I (INAUDIBLE) of how many issues we still have so I would be glad to work with you, Chair Gennaro, and Commissioner to try to return our city into the right direction.

About the second issue, (INAUDIBLE) specific problem because I see many complaints where

the inspector determines that this is homeowner's fault while it's DEP's fault or attribute it to the wrong homeowner, but you think it's only case-by-case issue.

COMMISSIONER AGGARWALA: I'll just chime in. Council Member, let's follow up, and we'll talk to you. I'd love to understand more about the pattern that you are seeing and then we'll see if there's a systematic fix that we need to implement and we'll do that.

COUNCIL MEMBER KAGAN: Thank you.

CHAIRPERSON GENNARO: Thank you, Chair Kagan, and thank you, Commissioner. With no other Council Members looking to be recognized, I have the balance of my questions that I'll just run through as quickly as I can. We talked about the FAD. There is a question here prepared by staff on departmental vacancies. Let me just read it. In review of DEP's fiscal 2023 budget, I noticed your agency has a number of vacancies, approximately 832 in total for fiscal '22. It appears that engineering positions are most difficult to fill with 307 vacant positions overall. Do you have any insight that you can share as to what maybe driving this issue?

COMMISSIONER AGGARWALA: Thank you, Mr. Chairman. Yes, I'm happy to share a little bit of insight. Our engineers are critical to the work that we do as an agency. They're critical to all of our key operating bureaus. They're critical to how and how quickly we can deliver our capital projects. Unfortunately, as you well know, this is a difficult environment in which to hire and it's especially a difficult environment in which to hire particular classes of skilled workers. One issue, frankly, is there's a bigger gap between the starting salaries that the city offers and the private sector, right? Due to inflation, private sector wages are going up, particularly for roles like that, while the city has been relatively stagnant. While we think that the city offers great work, the mission is fantastic, and the benefits are great, the reality is the gap for an early career engineer is pretty significant, and, therefore, we find ourselves at a disadvantage in recruiting.

CHAIRPERSON GENNARO: I can see that being a difficulty, but what is not having an impact, I wouldn't think, would be the hiring freeze. With regard to these engineers, they wouldn't be jammed up

in that. It's more of a recruitment thing than a hiring freeze thing, right?

COMMISSIONER AGGARWALA: I'd say, and I'll look to Vinnie to correct me to the extent that I'm wrong, I think right now engineering is more about the hiring challenge, but certainly the city's 2-for-1 hiring process right now is leading to a long-term increase in vacancies. There's no question about that.

CHAIRPERSON GENNARO: Okay. We'll just continue to track that. Next is about biosolids. This Committee is aware that a core function of your agency is to process, export, and dispose of biosolid materials. Currently, what barriers does DEP face when faced trying to increase the beneficial reuse of biosolid material? Some sub questions. Of the biosolid material that you're agency deals with annually, what percentage is actually beneficial to reuse after treatment and what is the cost per ton of landfilling biosolid material versus beneficial reuse? Before you answer, I would just say I would imagine that with regard to beneficial reuse it could be the presence of heavy metals and other things in the biosolids that may impact on your ability to

beneficially reuse it and there's the cost factor of beneficial reuse versus landfilling. If you could just walk us through that, that'll be helpful.

COMMISSIONER AGGARWALA: Sure. Happy to do that. Just a couple of data points to start with. In calendar year '21, roughly 39 percent of our biosolids were beneficially used and 61 percent did go to landfill. There is, as you point out, a cost differential that right now landfilling is still cheaper by about 20 dollars a ton. Landfilling is roughly 125 dollars a ton, and beneficial use is about 145 dollars a ton, so at least to date we've been making a choice driven by the desire to save money and keep the water rates low. More broadly, I think one of the challenges is structural, and this is true for composting and other kinds of aspects of the circular economy which is that the tri-state area has right now a limited market for many outcomes of good circular economy practices, and I think in a medium-term strategic way one of the challenges and needs that we face as a city is to figure out how we can grow that market structurally.

CHAIRPERSON GENNARO: That sounds find to me. Next question is regards to air complaints. This

is something that staff had culled from the Mayor's Management Report. In the first 4 months of fiscal 2022, that was before your time, the number of air complaints received increased by 1,308 to 3,647 complaints when compared to the same period last year. That is quite an uptick in air complaints, and what do you believe was driving this uptick in air complaints? Is this like the idling thing, maybe, was creating the uptick or...

COMMISSIONER AGGARWALA: Thank you, Mr. Chairman. It's relevant to that, but it is not actually due to that. This particular PMMR metric does not capture the citizen-generated idling complaints nor is it as simple as it might appear. It's not inbound 311 calls. In fact, this increase that you're identifying reflects in fact more air complaint violations that DEP inspectors have filed so this reflects actually an increase in enforcement activity by the agency...

CHAIRPERSON GENNARO: I see.

COMMISSIONER AGGARWALA: That is parallel to what the citizen complaints are doing as well, but it's not just inbound 311 complaints as a measure of

a change in the way citizens are experiencing the city.

CHAIRPERSON GENNARO: Right, but overall there is a sense within DEP that there's a handle on this, right? I mean we're able to ride this bull, right?

COMMISSIONER AGGARWALA: Well, Mr. Chairman, I'll say I'm not sure I'd go that far. I think we can all agree that particularly the presence of illegal idling behavior is unacceptable around the city. I think that the way the City Council created the citizen enforcement approach, I think is a great addition to the way the city tackles this issue. As I mentioned in my testimony, we are in the process of a rulemaking that we actually believe will strengthen the ability of the citizens complaint approach to be effective. Frankly, there's been some press that portrays it as a weakening of the law, but, in fact, the rulemaking that we've undertaken is designed precisely so that more complaints are upheld because there's a vagueness in the rules that we're seeking to clarify and that vagueness became a loophole. As I also mentioned in my testimony, personally, again you and I have a long history, we started DEP down the

path of clean heat back in 2010 when your legislation brought DEP's permitting authority over number 4 boilers as well, and so I assure you that I'm going to be looking to see how we can increase what DEP does in terms of air quality enforcement, and I think there are some real opportunities there.

CHAIRPERSON GENNARO: Great. Thank you. With regard to the Delaware Aqueduct Bypass Tunnel, like the longstanding leak by (INAUDIBLE) wherever the location is, just looking for an update on the Bypass Tunnel, which I believe is the methodology that's going to be used in order to do the fix of the Delaware Aqueduct. I guess I'm just wondering when the Bypass Tunnel is built, is the fix going to be the development of the Bypass Tunnel? Will that be like the permanent solution or will that be the temporary thing while the main aqueduct is repaired, and when do we expect this work will be fully complete?

COMMISSIONER AGGARWALA: Sure, and, yes, the Delaware Bypass is something that DEP's been working on for a long time. It was also a project that was highlighted in PlaNYC back 15 years ago. It's exciting to see it coming towards a close. In

answer to one of your questions, the new tunnel is going to be the permanent tunnel so the older portion that is leaking eventually will be cut out and sealed up because it's just better to build a new tunnel and use that than do it on a temporary basis. That Bypass Tunnel, 2-1/2 miles, is in place. It's been drilled. It's been reinforced. It's got the concrete lining that we need to put water through it. The work that is going on now is preparing the rest of the system for the 5 to 8 months that we will need to put the entire Delaware system, roughly 50 percent of our water, offline while we cut the new section of the aqueduct into the rest of the system. So as you would imagine, several of our reservoirs offline for a couple of months, that requires us to make sure that, number 1, that the remaining water, the Croton and Catskill supplies, are at their absolutely peak capacity, that they are extremely reliable, that we can protect the water quality in the city, and there are also a number of upstate communities where there's work that has to be done to ensure that they have a water supply during the period when that aqueduct is out of service.

2 CHAIRPERSON GENNARO: Okay. You say that
3 the Delaware will be out of service between like 5
4 and 8 months, something like that?

5 COMMISSIONER AGGARWALA: That's correct.
6 It really has to take place over the course of the
7 winter because that's when our water consumption is
8 lower because people aren't watering lawns and things
9 like that, and so we are currently working towards a
10 date to begin that cutover this fall, which would
11 take completion into the beginning of next calendar
12 year. However, that is contingent on a number of
13 projects that are currently ongoing, and we are
14 closely monitoring their success to see whether this
15 fall makes sense or whether we might choose a
16 different year.

17 CHAIRPERSON GENNARO: Okay. That's kind of
18 like a hot question. Is there any circumstance in
19 which, to cover our water needs for that 5 to 8 month
20 period, that the Southeast Queens, (INAUDIBLE)
21 Jamaica water service wells might be called into
22 service?

23 COMMISSIONER AGGARWALA: That is not in
24 the contingency plans right now, and, in fact, as I
25 said, a lot of the work that is going on right now is

to make sure that we can continue to use the Croton and Catskill water supplies, make sure that water supply, water pressure, and water quality, and water (INAUDIBLE) are all consistent throughout the period for both all of the residents of the 5 boroughs who use our water and the million residents upstate.

Vinnie, anything that you'd like to add on this one?

CHIEF OPERATING OFFICER SAPIENZA: No, I think you covered everything, Commissioner.

CHAIRPERSON GENNARO: Let's see. My Colleagues that live near the Gowanus didn't ask about it, but I will. The preliminary capital commitment plan includes 895 million for construction of new CSO abatement/control facilities at 2 locations on the Gowanus Canal referred to as outfalls, whatever. One of the outfalls is located at the head end of the Canal and the other outfall is located at the west side of the Canal. Here are the questions. What is the timeline to complete this project, and is there additional funding in the 10-year strategy for this work, and are there other activities such as dredging currently being employed

at the Canal for cleanup efforts? That's my Gowanus question.

COMMISSIONER AGGARWALA: All right, excellent. Thank you, Mr. Chairman, and I'll ask Joe in just a moment to cite the actual dollar figures that we have in the budget, but, rest assured, I was at this site myself, I don't know, maybe it was 2 weeks ago, getting a tour of how the work is proceeding. The Owl's Head site which is the OH1 and is the bigger one, that is under construction very much. The other one, the smaller one, is progressing through final design. They're both huge projects as you well know. The final completion is scheduled around the end of this decade, but they are both progressing as quickly as we can make them happen.

Joe, can you share the actual dollar figures in the budget right now for these two?

CHIEF FINANCIAL OFFICER MURIN: Sure, Commissioner. The Chair was correct in the period for '23 to '26. There is 847 million dollars, but then when you include the outyears as well which the second tunnel is in, the period after the '26, there is a total of 1.23 billion so the second tunnel is

outside the 4-year window that we're looking at right now.

CHAIRPERSON GENNARO: Okay. Thank you, Joe. Appreciate that. Thank you, Commissioner. The next question, and I'm not going to go on. I think I have just one more after this. When I was staff to the Committee in the 1990s, the big issue decades ago was the Hillview Reservoir, do we cover, don't we cover, there was a whole bunch of ping-pong between DEP and the federal government, do we, don't we, should we, shouldn't we, can we, don't we, and so presumably that ball has landed some place and there is some sort of handshake on what's going to happen with Hillview. I want to hear about that. Also, back when I had the job of preparing questions for Council Members, the technology for covering such holding reservoirs like Hillview, there were some jurisdictions that use kind of like a floating membrane cover which at the time was like 5 dollars a square foot or something. This is going back a long time of course. DEP wanted to build a huge concrete cover with a reflecting pool. It was going to be 200 dollars a square foot back then or something so I'm just wondering where we are with do we indeed have to

cover, and, if we do, what is your vision for what kind of cover will be used?

COMMISSIONER AGGARWALA: Actually, Vinnie, let me ask you to go ahead and walk us through the last several years of that saga.

CHIEF OPERATING OFFICER SAPIENZA: Council Member, you remember correctly. This has been going on for a while. The Safe Drinking Water...

CHAIRPERSON GENNARO: A while? It's been going on since I...

CHIEF OPERATING OFFICER SAPIENZA: Yeah.

CHAIRPERSON GENNARO: Since my hair was jet black and my waist was 32 inches, yeah, a long time.

CHIEF OPERATING OFFICER SAPIENZA: The Safe Drinking Water Act in '90s required all finished water reservoirs to have a cover. I think EPA and others recognized that the Hillview Reservoir is probably a little bit different than what this law envisioned. The law is still there. There was some discussion about modification. The law is still there so we are required to put a cover on it, but EPA recognizes that given it's such a large area, 90 acres, and given all the other financial commitments

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2 we have to a variety of other things in the coming
3 15, 20 years, they are giving us some additional time
4 to build the cover, and it doesn't have to be done
5 until 2042.

6 CHAIRPERSON GENNARO: 2042?

7 CHIEF OPERATING OFFICER SAPIENZA:

8 Correct. February 28, 2042.

9 CHAIRPERSON GENNARO: Okay. So that's 20
10 years between now and when it has to be completed,
11 right?

12 CHIEF OPERATING OFFICER SAPIENZA:

13 Correct.

14 CHAIRPERSON GENNARO: This will be one of
15 these things where, you would still use the
16 reservoir, you'd do like half at a time, right? Is
17 that still the thinking?

18 CHIEF OPERATING OFFICER SAPIENZA: You're
19 100 percent correct.

20 CHAIRPERSON GENNARO: Okay. Now just as a
21 kind of an interesting question. You didn't see this
22 question coming. Let me tell you. I had a
23 conversation with a Colleague of mine who represents
24 City Island and she was asking about City Island and
25 she also represents Hart Island, and she asked me

about any particular environmental issues that might be affecting Hart Island. I remember decades ago when I was staff, I think it was Kennedy Airport was going to site some kind of radar facility where they have to, I don't know much about radar, but they have to like triangulate it and they have to have like 1 at the airport and 2 in other places so that they can bounce the radar signals off each other, and one of the sites that was considered for that but never actually got it was Hart Island, and I read with interest the environmental impact statement, which are very detailed. As you know, they talk about the flora, the fauna, the history, and one of the interesting things that was in that environmental impact statement is that once upon a time during World War 2 Hart Island, I'd be surprised if you even know this, that Hart Island was the site of a military installation where we had the biggest missiles we had in the arsenal back then, which were the Nike missiles, this predates the ICBM era. I remember at the time, it was Council Member June Eisland or whatever who represented the area, and I said look, you have this defunct military facility and sometimes the military is not known for doing a

real good job of cleaning up after itself, and Nike missile silos and a full installation sounds like a pretty robust military facility, and they probably left some stuff behind. Again, I wouldn't have asked it now but for the fact that my conversation yesterday jogged my memory. Does DEP know of the existence of this old military facility and has the military done any kind of job about cleaning up after itself or is this some kind of ongoing thing? If you don't even know about it, maybe it's an interesting area of inquiry. I don't think we're putting the missiles back, but I think it's more about just kind of cleaning it up. (INAUDIBLE) didn't see this question coming, but there, you have it. We're asking about missiles and whether or not that site was appropriately cleaned because, as I said, the military doesn't have a great record of cleaning up after itself. They have a good record of doing other things but maybe not that. Anybody got anything to add on that?

COMMISSIONER AGGARWALA: Council Member, I love the fact that you're here giving me a history lesson on New York, and I appreciate that. However, I do not know. We will get back to you.

CHAIRPERSON GENNARO: Yeah. I think it's worth a look because when I was with DEC and a lot of my work was in Long Island and with Grumman and the big spill and whatever and the Navy, not being very responsive to the plume that they caused or whatever, stuff happens, and, yeah, please send somebody out there or at least maybe just call the military and find out if you talk to the Department of Defense and see if they left some stuff behind.

COMMISSIONER AGGARWALA: I'll at least find out what we know, and we'll convey it to you, okay?

CHAIRPERSON GENNARO: Yeah, because I thought that was kind of curious. Again, I hadn't brought that up in decades, but I was asked about the history of Hart Island and it jumped into my head.

With that, we're going to go to the public part of the testimony. I would ask the administration to leave behind someone to hear the good testimony of the public. We'd certainly appreciate that. I want to thank you, Commissioner, and Chief Operating Officer Sapienza, Joe Murin, you're title is kind of obscured but...

2 CHIEF FINANCIAL OFFICER MURIN:

3 (INAUDIBLE)

4 CHAIRPERSON GENNARO: Thank you, Joe, and
5 Mikelles, I don't know how to say your name. I'm
6 sorry.

7 ACTING DEPUTY COMMISSIONER ADGATE: It's
8 Mikelles Adate, and thank you, Chair.

9 CHAIRPERSON GENNARO: Okay. Miss Adgate,
10 thank you for being here as well, and thanks for
11 leaving someone behind to hear the rest of the good
12 testimony.

13 With that, I'll go to my script
14 (INAUDIBLE) Thank you all. Appreciate that. We're
15 going to be moving to the public part. Have a good
16 weekend.

17 The run of show here. Samara, I'm going
18 to invoke you in walking me through the next part of
19 the hearing in which we engage members of the public
20 who've signed up to testify.

21 SAMARA SWANSTON, MODERATOR: Thank you,
22 Jim. We'll now turn to the public testimony. I will
23 remind everyone that unlike our typical Council
24 hearings, we will be calling individuals one-by-one
25 to testify.

Council Members who have questions for a particular panelist should use the raise hand function in Zoom.

For panelists, once your name is called, a member of our staff will unmute you and the Sergeant-at-Arms will give you the go ahead to begin upon setting the timer. Please wait for the Sergeant to announce before you begin delivering your testimony.

We're going to put them on a 2-minute clock, and, Council Member Gennaro, you can give them additional time if you want to.

I would now like to welcome Tyler Taba who is representing the Waterfront Alliance to testify followed by Noah Chesnin of the Wildlife Conservation Society.

TYLER TABA: Can y'all hear me?

SERGEANT LUGO: Yes, we can.

CHAIRPERSON GENNARO: Thank you, Tyler. I appreciate you being here. Please proceed with your good testimony.

SERGEANT LUGO: Starting time.

TYLER TABA: Great. Thank you. Hi, my name is Tyler Taba, Senior Manager for Climate Policy at

Waterfront Alliance, the leader in waterfront revitalization, climate resilience, and advocacy for the New York/New Jersey Harbor region. I'm grateful to be able to testify in front of you today in favor of a climate-resilient budget for New York City. Over the last few years, New York City has witnessed firsthand the risks and the impacts that climate change poses for residents, infrastructure, and natural resources. Our city has experienced several complex challenges like Superstorm Sander, COVID-19, and Hurricane Ida that have each provided lessons for where our systems are highly vulnerable, and we now have an opportunity to address these vulnerabilities through meaningful and concentrated action. That action starts with a climate-resilient budget that lays the foundation for long-term investments and community engagement, green infrastructure, green infrastructure upgrades, and climate adaptation.

For starters, we must ensure that New York City understands where vulnerabilities exist at a hyperlocal, community level through data collection, analysis, and neighborhood planning and engagement. This process has already taken place in some neighborhoods, but a coordinated fully funded

plan for citywide adaptation resilience that can be completed within a reasonable timeframe does not exist. Last year, the City Council passed Intro 1620, now Local Law 122, which establishes a 5-borough climate adaptation plan. This plan has the potential to be the backbone for climate resiliency in New York City, but only if adequately funded, sustained, and prioritized. More specifically, we strongly recommend the neighborhood planning component of this plan remain in the forefront of the city's holistic approach to advancing solutions that will allow the city to solve overlapping environmental, social, and economic challenges simultaneously. The goal for this engagement should be to develop capacity within communities to guide and engage climate-resilient strategies over time, and the level of engagement should be prioritized with public funding first before private philanthropy is considered. Most importantly, strong neighborhood planning efforts undertaken by the city, especially in high-risk areas, can bring shovel-ready climate resilient projects to reality.

On the topic of preparedness for the effects of climate change, I would also like to point

to funding concerns through HPD and NYCHA. Mayor Adams' preliminary budget shows no increase in funding for either of these agencies, and to ensure that the city can tackle affordability, homelessness, and threats to climate...

SERGEANT LUGO: Time expired.

TYLER TABA: Public housing, we strongly recommend that funding for these 2 agencies be increased. I know that I'm out of time so thank you for the opportunity to testify today and for your work to ensure that New Yorkers are protected from the impacts of climate change, and I'll be sure to share the full testimony with all of you and I'm happy to discuss these items in more detail at any point.

CHAIRPERSON GENNARO: Thank you, Tyler, for testifying. Please share your full testimony with the Council...

TYLER TABA: Absolutely.

CHAIRPERSON GENNARO: The website, and there's an email to send it to. We can have someone from staff put that up on the chat.

I'd also direct Jonathan Seltzer and the finance team regarding the funding in the budget for

Local Law 122 that Tyler was talking about. Jonathan, you can give me a little write-up if you could regarding whether or not, a summation of the Council's financial division, Local Law 122, is fully financed.

TYLER TABA: Thank you, Chair Gennaro.

CHAIRPERSON GENNARO: That would be great, and if you could share that with Tyler and the Waterfront Alliance, also share it with me, but that would be great. Thank you, Tyler, for being here. Give my best regards to the Waterfront Alliance. Who's running things these days over there?

TYLER TABA: Cortney Worrall is our President and CEO now. I'm not sure how much you've interacted with her, but Karen Imas as well, I think you and her have had a relationship before..

CHAIRPERSON GENNARO: Yeah, yeah, yeah.

TYLER TABA: We're great friends of yours.

CHAIRPERSON GENNARO: Great. Keep up the good work. Keep up the good work.

TYLER TABA: Thank you, Chair Gennaro.

CHAIRPERSON GENNARO: Thank you, Tyler, you bet. Samara, who is next up?

2 SAMARA SWANSTON, MODERATOR: I will now
3 call on Noah Chesnin of the Wildlife Conservation
4 Society.

5 SERGEANT LUGO: Starting time.

6 NOAH CHESNIN: Thank you, Chair Gennaro
7 and Members of the New York City Council
8 Environmental Protection Committee. My name is Noah
9 Chesnin. I'm the Associate Director of the
10 Conservation Program of the Wildlife Conservation
11 Society's New York Aquarium located in Coney Island.
12 To most New Yorkers, WCS is the Bronx Zoo, New York
13 Aquarium. We also run the Central Park, Queens, and
14 Prospect Park Zoos where we're part of the CIG. WCS
15 is also a global conservation organization, but we do
16 conservation work here in New York City and in the
17 waters around New York and New York City as well. The
18 Aquarium is a leader in research, outreach, and
19 conservation. I'll be submitting written testimony
20 with WCS' requests but want to use a little time
21 today to discuss WCS' work in Hudson Canyon and in
22 Coney Island Creek. You have heard about the Grand
23 Canyon. Hudson Canyon is on a scale of the Grand
24 Canyon. It's the largest deep sea off the Atlantic
25 Coast, and it's only 100 miles from New York City.

It's an incredible place with hundreds of species like sharks, whales, deep sea corals, fishes. It's important economically for fisheries as well as for whale and birdwatching, and, if you were to visit the New York Aquarium, our Ocean Wonders Sharks exhibit transports New Yorkers to the edge of the Canyon. WCS is leading a campaign to conserve Hudson Canyon by having it designated as a National Marine Sanctuary by the federal government. This would bring important federal funding and programming for New York City residents and students, STEM education programming, career advancement programming, and other opportunities for stakeholders and members of the public. We look forward to working with the Committee to garner support to make the sanctuary a reality.

In Coney Island Creek, we've been working with the community to address coastal restoration, climate resilience, environmental justice, and increase recreational access to the important water body in our own backyard. The creek is an important resource...

SERGEANT LUGO: Time expired.

NOAH CHESNIN: We've been organizing workshops with residents to...

CHAIRPERSON GENNARO: Please continue.

Please continue.

NOAH CHESNIN: Thank you, Chair. It'll be just a moment. We've been organizing community workshops with local partners to listen to residents and understand the needs and community vision for addressing coastal resilience, park access, and environmental conservation in the creek. We are currently working with community partners to establish a Coney Island Creek Conservancy that can serve as a community forum to advance issues pertaining to the creek.

Thank you all for your time today. Please consider WCS, the Aquarium and the Zoos, as the resource for the Council and please don't hesitate to reach out to myself or to my Colleague, Chris Durosini, at the Aquarium.

CHAIRPERSON GENNARO: Thank you, Noah, for being with us here on behalf of the WCS, and it sounds like we have more of a role to play with regard to Coney Island Creek than with the deep sea canyon 100 miles out, but the Council can be supportive of that with a resolution calling upon the federal government to do that. If my Legislative

Director, Nabi, can reach out to Noah and find out more particulars about that, that might form the basis of a Council resolution or like a City Council letter to our federal partners like the US Senators or whatever, but I think that the Council in some way, shape, or form should weigh in with regard to the federal government's disposition regarding the deep floor canyon and any role that we can play in being of help and trying to facilitate the Coney Island part of your testimony we'd be happy to do it. There should be a free exchange of information between you and my team so thank you very much for coming here today and giving us the benefit of these 2 items that you brought to our attention, and we'll make sure in other parts of the budget that WCS gets its proper due.

NOAH CHESNIN: Thank you, Chair, and I look forward to working with your staff on those issues. We appreciate your time.

CHAIRPERSON GENNARO: Thank you. Thank you. Nabi, please connect with Noah and get that information. Appreciate that. Samara, we have our next witness.

SAMARA SWANSTON, MODERATOR: I would now like to call on Joseph Charap of the Glenwood Cemetery, and his testimony will be followed by Anthony Karefa Rogers-Wright of the New York Lawyers for the Public Interest.

CHAIRPERSON GENNARO: Okay. I'll just mention, Samara, that on my copy I have Glenn Bolofsky. Is he no longer on the hearing? That was the order...

SAMARA SWANSTON, MODERATOR: He actually did sign up. I'm happy to call him now and then follow with Joseph Charap.

CHAIRPERSON GENNARO: I mean I was kind of assuming the order I was given was the proper order. I don't know.

SAMARA SWANSTON, MODERATOR: That's fine. Let's have Glen Bolofsky followed by Joseph Charap.

CHAIRPERSON GENNARO: Okay.

SAMARA SWANSTON, MODERATOR: Glen Bolofsky is from parkingticket.com.

SERGEANT LUGO: Starting time.

CHAIRPERSON GENNARO: Glen, you there? I don't see Glen...

SAMARA SWANSTON, MODERATOR: He is here.

He is here.

CHAIRPERSON GENNARO: I understand that, but we have, Joseph's probably ready to go so why don't we go to him then we'll come back to Glen?

SAMARA SWANSTON, MODERATOR: Joseph Charap of Glenwood Cemetery.

SERGEANT LUGO: Starting time.

JOSEPH CHARAP: That's Green-Wood Cemetery. Good afternoon, Chair Gennaro and esteemed Members of the Committee. My name is Joseph Charap, and I'm the Director of Horticulture at Green-Wood Cemetery. We are a National Historic Landmark and a 478-acre green space in the heart of Brooklyn. Why is the Cemetery providing testimony before the Council about matters of environmental protection? In 1838, Green-Wood Cemetery was founded as the first largescale green space in New York City. Today, as the city's largest contiguous private landowner, we've embraced our legacy as a pioneering national landscape and are committed to leveraging our acreage to support the resilience of the city. We are here to announce that we want to help in whatever way we can right now. What can we do? For starters, storm water.

Through a grant awarded by New York State's Green Innovation Grant Program, in the next few years Green-Wood will design and implement 22,750 square feet of bioretention basins on our grounds, making it one of the largest projects in New York City. We hope that our work sets a model for the city's largest green spaces which include cemeteries, parks, and even golf courses.

Next up, maintaining our urban forests. As an arboretum, our living collection of over 8,000 trees sequesters over 250,000 pounds of carbon annually. Thanks to a grant from the New York State Department of Environmental Conservation, we will plant around nearly 300 trees throughout our grounds this spring.

But what about the next generation of stewards? We are proud to announce this year's launch of a comprehensive environmental education program at Green-Wood. The program will first present a series of middle school workshops focused on biodiversity and climate change. We are planning to expand to offer programs for pre-K through 12th grade including camps and afterschool.

We stand with others who are committed to ensuring New York City's climate resilience and are proud members of the Forest for All NYC Coalition, which seeks to ensure that the urban forests provide New Yorkers with its crucial benefits in a manner that advances equity, health, quality of life, and resilience. We endorse their goal of establishing a citywide goal of 30 percent tree canopy cover by 2035 as a critical step in ensuring that the benefits of the urban forest are available to all New Yorkers.

What happens at Green-Wood does not just affect us but all those who live around us. We may be private...

SERGEANT LUGO: Time expired.

CHAIRPERSON GENNARO: Please continue, please continue.

JOSEPH CHARAP: We may be private. Please let us know what we can do to help the public good. I'd like to personally invite Members of this Committee to visit Green-Wood and let us know how we can help advance the city's priorities. We are your teammates. My contact information is in the printed testimony, and I look forward to welcoming you all to Green-Wood soon.

CHAIRPERSON GENNARO: Thank you, Joseph.

I've been to Green-Wood many times, like during the height of the pandemic. It was like the place to go. My daughter and I walked the grounds many times, and I appreciate this. People come from all over the world to visit Green-Wood Cemetery and rightfully so. If you want to request that myself or Members of the Committee make a formal visit to look at a specific environmental function that you're doing, please feel free to pass that along through staff, and it's something we would really consider. We want to give recognition to people, private entities like yourself, that are doing the right thing, being the right kind of steward, and taking a forward-looking approach on how open spaces can be used not just for people enjoying the open space but the urban forest and water capture. If you ever need any help with DEC and their programs, I used to be Deputy Commissioner over there, based out of Albany, not based out of Long Island City, but let me know, and we really appreciate you being with us today, and I want to congratulate you on your good stewardship of this incredible resource.

JOSEPH CHARAP: Thank you very much, Chair, and we would love to host you soon. Thank you very much for your time.

CHAIRPERSON GENNARO: Invite me. Invite me.

JOSEPH CHARAP: Okay. Will do, will do.

CHAIRPERSON GENNARO: Very good. Okay.

JOSEPH CHARAP: Thanks.

CHAIRPERSON GENNARO: You bet.

SAMARA SWANSTON, MODERATOR: Thank you. I would now like to welcome Anthony Karefa Rogers-Wright of the New York Lawyers for the Public Interest whose testimony will be followed by Jessica Vodoor of the Snug Harbor Cultural Center.

SERGEANT LUGO: Starting time.

ANTHONY KAREFA ROGERS-WRIGHT: Thank you, Chair Gennaro and Members of the Committee. My name is Anthony Karefa Rogers-Wright, Director of Environmental Justice with New York Lawyers for the Public Interest. Last month, the United Nations Intergovernmental Panel on Climate Change released its most dire report yet, warning that irreparable harms await low-lying cities like New York if we don't expeditiously reduce greenhouse gas emissions

that continue to scorch our atmosphere and inflict disproportionate harms on the most vulnerable populations, specifically those residing in disadvantaged and other environmental justice communities. The climate crisis is here, environmental racism is here, and this is no time to act in an extemporaneous manner. Lives and the livelihood of our city are literally on the line. When Mayor Adams announced his budget, many New Yorkers were surely befuddled at how the administration celebrated cuts in spending at a time when our city is still reeling from a global pandemic that disproportionately impacted New York's black, brown, and poor communities as well as the climate crisis exacerbated event Ida that took at least 16 lives. While it's pleasing to see that the Department of Environmental Protection is one of the 14 agencies with budgets over a billion dollars, (INAUDIBLE) DEP is not adequately funded to efficaciously address and dismantle challenges that have cost and are costing the city tens of billions of dollars. In order to properly and expeditiously implement key laws that would deliver both climate action and environmental justice, DEP must work in concert with other key

agencies including, but not limited to, Sanitation to ensure the city follows through on Local Law 199, Commercial Waste Zones, the Department of Buildings to ensure the city follows through on Local Law 97, the Climate Mobilization Act, and the Department of Corrections to ensure the successful transfer of the ignominious Rikers Island to the Department of Citywide Administrative Services pursuant to Local Law 16, the Renewable Rikers Act. It should be noted that the city is already in violation of this law as a Rikers Island Advisory Committee has still not been selected nor has it convened its first meeting, which was supposed to happen last August.

For these reasons and more, New York Lawyers for the Public Interest calls on this Committee to press Mayor Adams to provide adequate funding for DEP. At the height of a climate crisis that scientists...

SERGEANT LUGO: Time expired.

ANTHONY KAREFA ROGERS-WRIGHT: I'll be just 1 more minute, sir.

CHAIRPERSON GENNARO: Please continue, please continue.

ANTHONY KAREFA ROGERS-WRIGHT: Thank you, sir. Thank you, Chair. At the height of a climate crisis that scientists are telling us we have less than a decade to address, it's erroneous for DEP's budget to be 5 times less than NYPD's because for all the talk about public safety, while there's no evidence that increased spending on police correlates to less crime, it's irrefutable that more investments in environmental protection are necessary to keep us safe from the climate crisis and environmental injustices. The people's government must not commit the crimes of complacency in the form of inadequate parsimonious budgets that don't meet the scale of the climate and environmental justice challenges facing our city. The Big Apple's on the brink of (INAUDIBLE) due to extreme heat, extreme storms, extreme environmental racism, and extreme inaction. However, City Council, this Committee, Chair, and properly funded city agencies can turn the tide and ensure a more sustainable city that fosters a just transition to a return to the economies and communities rooted in equity and inclusiveness. NYLPI stands at the ready to assist City Council and you, Chair Gennaro, in ensuring our landmark laws are properly

implemented and, of course, to continue providing myriad community services as required and requested. Thank you so much.

CHAIRPERSON GENNARO: Thank you, Anthony, and I really appreciate your good testimony. You can rest assured that when it comes to Local Law 97, the Council will tolerate nothing less than full compliance with Local Law 97. That was a successor to the New York City Climate Protection Act of 2008 that I passed. With regard to the Rikers Island Local Law, you indicated that the city is out of compliance in that we haven't had a meeting of (INAUDIBLE) that's associated with it. We need you to submit your full testimony to the Council. Pardon my ignorance, but what Local Law were you referring to that the city's out of compliance with?

ANTHONY KAREFA ROGERS-WRIGHT: Yes. Thank you, Chair. Local Law 16 which actually called for the Rikers Island Advisory Committee. It was supposed to be (INAUDIBLE) established 180 days, and that was August 2021.

CHAIRPERSON GENNARO: Right, and so within 180 days they were supposed to put together like a panel and it was supposed to convene, right?

ANTHONY KAREFA ROGERS-WRIGHT: Yes, sir.

CHAIRPERSON GENNARO: Has it now been put together? I'm asking you about what we're supposed to do.

ANTHONY KAREFA ROGERS-WRIGHT: No. At this point, it still has not been selected and they haven't held their first meeting yet.

CHAIRPERSON GENNARO: Right. Now, again continuing my questioning of what I'm supposed to know, what entity was supposed to make appointments to this body? Was it the administration and the Council or just the administration?

ANTHONY KAREFA ROGERS-WRIGHT: I believe it was a combination of both the administration and the Council. I would definitely have to revisit that.

CHAIRPERSON GENNARO: That's okay. I'm going to direct the Committee Counsel to give me a briefing on the state of compliance with this Local Law, Samara. If you can get that to me, then I'll take it up with the Council leadership...

GLEN BOLOFSKY: Hello (INAUDIBLE)

I'm going to ask Glen just to mute himself until we get to him.

Anthony, we're going to get your full testimony. Samara, if you can write up something on the state of compliance with Local Law 16. Is that what it is, Anthony, Local Law 16?

ANTHONY KAREFA ROGERS-WRIGHT: Yes, Chair.

CHAIRPERSON GENNARO: That'll be great, and I will recognize Council Member Nurse for questions of Anthony. I recognize Council Member Nurse.

COUNCIL MEMBER NURSE: Thank you, Chair. Just one note. Not a question, just a one note that we did ask the new Chief of Staff to the Speaker to inquire about the confirmation status because I do remember the Coalition asked about the confirmation status of whether or not folks have been confirmed. What I was told is if they were nominated, they should be on the Board and that they were speaking with the Mayor's office about convening that so that is the last I heard in the last 2 weeks. Just wanted to add that additional context.

CHAIRPERSON GENNARO: No, no, thank you. It's obvious that Council Member Nurse is more up-to-date on this than I am. Shame on me, good for her. Samara, I will look forward to that brief about the

2 current state of compliance with Local Law 16, and I
3 could bring that to the attention of the Council
4 leadership. I have a good relationship with the
5 Adams' administration leadership. I can walk over to
6 his Chief of Staff's office anytime I want. We talk
7 all the time, and so I'll bring this up with the
8 administration as well.

9 Anthony, you've done your good deed for
10 the day.

11 ANTHONY KAREFA ROGERS-WRIGHT: Thank you,
12 Chair.

13 CHAIRPERSON GENNARO: Not to tell you what
14 to do but you guys are the New York Lawyers, sue us.

15 ANTHONY KAREFA ROGERS-WRIGHT: We'll just
16 use that as a last resort. We're more organizers than
17 litigators.

18 CHAIRPERSON GENNARO: That is kind of the
19 nuclear option. Maybe we could just settle this out
20 of court, but thank you for your restraint. Thank
21 you, Anthony. Thank you, Council Member Nurse.

22 Samara, if we can go to Glen who was
23 called before, but now he is with us.

24 SAMARA SWANSTON, MODERATOR: Okay. Glen
25 Bolofsky of parkingticket.com.

2 SERGEANT LUGO: Starting time.

3 GLEN BOLOFSKY: Good afternoon, Mr. Chair,
4 and how are you, sir?

5 CHAIRPERSON GENNARO: Glen, good to see
6 you as always. What do you have for us? The clock is
7 ticking.

8 GLEN BOLOFSKY: Thank you, sir, and thank
9 you to Central staff and to all the Council Members
10 and the agencies who have joined us today.

11 Simply put, as a preliminary budget
12 matter, we know that the Department of Finance
13 impacts the environment. The reason they impact the
14 environment is they created a program that gives
15 discounts on illegally double parked vehicles, which
16 then are idling and causing traffic congestion and
17 causing pollution, and the Council had a bill in
18 front of it in the last session introduced by Council
19 Member Costa Constantinides to end that program, to
20 stop giving out the discounts, to try to calm the
21 pollution, reduce it, and improve the environment,
22 and now recently, just about a week ago, the
23 Department of Finance announced further discounts
24 where vehicles blocking bus lanes including bus lanes
25 in Southeast Queens and throughout the city, buses

will be slowed down because new discounts on these fines.

CHAIRPERSON GENNARO: I certainly thank you for bringing this to our attention. I would urge you, Glen, to send in your testimony in full to the email noted. I think the witnesses know this email address better than I do. We can put that up on the chat for Glen and other people to make sure that they know where to send their testimony, and I'll bring this to the attention of Council leadership and to the Adams' administration regarding, to follow up on (INAUDIBLE) always happy to do that, always happy to see you. Thank you for making a valuable contribution to this hearing.

GLEN BOLOFSKY: Thank you.

CHAIRPERSON GENNARO: You bet, Glen. Thanks very much. Samara, if you could call our next witness, that'd be great.

SAMARA SWANSTON, MODERATOR: Our next witness is Jessica Vodoor, and Jessica Vodoor is with the Snug Harbor, and her testimony will also be followed by Miranda Massie of the Climate Museum. Jessica Vodoor.

SERGEANT LUGO: Starting time.

JESSICA VODOOR: Good afternoon, Chairperson Gennaro and Members of the Committee. Thank you for having me today. My name is Jessica Baker Vodoor. I am the President and CEO of Snug Harbor Cultural Center and Botanical Garden. We're located in Council District 49 on Staten Islands Northshore, and we are also a member of the Cultural Institutions Group, a collection of 34 organizations that operate on city-owned property. Snug Harbor is tasked with stewarding a unique historical and environmental asset owned by the city. Our campus encompasses 20 acres of state-mapped wetlands, 12 distinct botanical gardens, a diverse forest, park land and waterfront access as well as 26 historic buildings spread over 83 acres. We have multiple ecosystems that provide a haven for our communities and support healthy populations of mammals, birds, reptiles, amphibians, and insects. Our campus is open daily from dawn to dusk free of charge, and we provide accessible open green space for a diverse district that is home to a plurality of white, black, Latinx residents, 23 percent of whom live in poverty. Snug Harbor provides green education and workforce development programs that are funded through the

Council's A Greener NYC Initiative, and we serve upwards of 25,000 people each year in these efforts. We manage and deliver a robust curriculum in environmental sciences, plant biology, watershed systems, and urban farming. We're also deeply committed to providing entry-level green jobs to young adults in our community. One of Snug Harbor's priorities is developing a new generation of environmental stewards and promoting to our communities the benefits of access to open green space.

I'm here today because I wanted to let you know that the city of New York has made robust capital investments in Snug Harbor in the past, and we are asking again for investment in fiscal '23, and we've submitted a somewhat unusual request to the Department of Cultural Affairs for a storm water management and resiliency project, an issue that is..

SERGEANT LUGO: Time expired.

CHAIRPERSON GENNARO: Please continue, please continue.

JESSICA VODOOR: Thank you, Chair. We seek to address these issues that are compromising existing city investment from excess flooding during

every storm. Our on-campus storm water retention systems are currently at 300 percent of their capacity, and Snug Harbor's campus actually offers unique ability for installing bioswales, grasses and sedges, permeable pavers, and a French drain to store and capture water. We're also interested to expand our existing pond as a catchment for excess storm water, and these improvements proposed will enhance long-term campus sustainability while also protecting the integrity and resiliency of a critical community storm water drainage corridor. These projects along with other resiliency upgrades are in sync with city's goals for sustainability and resiliency. In short, I'm here today make the Committee aware of both our Cultural Center and Botanical Garden, our unique environmentally focused cultural capital investment request, and also to offer our partnership as our Colleagues have with this Committee's work to support the resiliency of New York City's landscapes at large. Thank you for allowing me time today.

CHAIRPERSON GENNARO: Thank you very much for being here, Jessica. You said you have an application in for a capital plan?

JESSICA VODOOR: That's right.

CHAIRPERSON GENNARO: Is that through the Council or...

JESSICA VODOOR: Through the Cultural Capital Request process so we are making requests of both the Council and also Mayor's office and Borough President's office to support this request.

CHAIRPERSON GENNARO: How much is the capital request for?

JESSICA VODOOR: For this particular project, it's a 12 million dollar investment request.

CHAIRPERSON GENNARO: Do you have someone in Staten Island who is kind of carrying this for you, a delegation or...

JESSICA VODOOR: Yes, we've spoken with all of our delegation members and advocating on behalf of this project. The city's really put a lot of investment into Snug Harbor (INAUDIBLE) and this issue is really putting at risk the city investment. We're seeing a lot of damage from this ongoing flooding, and, as a unique campus that is somewhat outside of the DEP investment areas, we're needing to take this as a priority in our cultural request so I mostly just wanted to make this Council Committee aware of this request, ask for your support, and also

extend our partnership if there's anything we can do to help support any of your efforts.

CHAIRPERSON GENNARO: Thank you, Jessica.

If you can send in your testimony, and I'll ask Samara to get your capital request to me. I'll mention to Minority Leader Borelli, and he and I have a good relationship, and I'll see if I can put my thumb on the scale for you.

JESSICA VODOOR: Thank you so much. Thank you for your advocacy.

CHAIRPERSON GENNARO: It's a great jewel. I'm not from Staten Island, but, of course, Snug Harbor's a great jewel. We have Arlington Cove Marsh, and I went through extraordinary measures to try to get that preserve through another Local Law that I did many years ago. Certainly, what you're asking for, to maintain the ability for your institution and your grounds, to help in the citywide effort to mitigate storm water seems like a very worthy thing. I'll mention it to Minority Leader Borelli, and let's see if that has an impact. I hope it does.

JESSICA VODOOR: Thank you so much.

CHAIRPERSON GENNARO: Samara, I'm going to be looking for that from you, okay?

SAMARA SWANSTON, MODERATOR: Okay.

CHAIRPERSON GENNARO: Okay. Thank you, Jessica, for being here today, and thank you for your stewardship of Snug Harbor. It's a precious New York City jewel.

SAMARA SWANSTON, MODERATOR: Now we'll call on Miranda Massie of the Climate Museum.

SERGEANT LUGO: Starting time.

MIRANDA MASSIE: Thank you, Chair Gennaro. Thank you, Samara. Thank you, Council Members. It's great to be here today. Mr. Chairman, I want to take a brief moment to elevate a thanks to you for work we did together, my hair was never jet black unlike yours but it was darker. You won't recognize me. It's great to see you both again.

CHAIRPERSON GENNARO: I remember you. I remember you, Miranda. What are you saying...

MIRANDA MASSIE: You did amazing working helping New York Lawyers for the Public Interest where Mr. Rogers-Wright was just testifying from and me as part of that organization get PCPs out of New York City's public schools so that was a great environmental justice victory and a great environmental health victory for New York City kids.

I am here today to talk to you about what we hope will become another tool like Snug Harbor in the constellation of New York City cultural and environmental leadership, which is the Climate Museum. We are 4 years into doing public programming. I'm leading this effort. It's the first Climate Museum in the US, and we'll be submitting written testimony to supplement what I saw here today given the shortness of time that you guys have. There are 2 main takeaways. The first is that cultural engagement with climate is absolutely necessary to generating the kind of support that elected officials need in the population for the ambitious action that's required now. We've seen how this kind of cultural and arts programming empowers people to step out of the isolation and anxiety that they feel in relation to the climate crisis and take civic action, talk to their neighbors, build communities of support where they work and live and play and so we want to encourage you all, we've already had the opportunity to speak to some of the new Members of City Council about this, and we look forward to more conversations. This kind of intervention, while it's not as quantifiable, is just as essential to progress

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2 forward toward a climate-safe future for everyone as
3 making the right choices on infrastructure.

4 Finally, I'll just say it's an immense
5 opportunity for leadership as well by the City
6 Council to combine these 2 historic areas of
7 leadership...

8 SERGEANT LUGO: Time expired.

9 CHAIRPERSON GENNARO: Please continue.
10 Please continue.

11 MIRANDA MASSIE: These 2 historic, thank
12 you very much, areas of leadership on climate and
13 then on culture where New York City is an undisputed
14 frontrunner nationally and internationally, to be
15 leaders at the intersection of those 2 critical areas
16 as we move forward into brighter futures is a
17 profound opportunity so in addition to the pressing
18 need, there's a huge opportunity here, and we really
19 look forward to working with you all on that going
20 forward. Thank you for your time.

21 CHAIRPERSON GENNARO: Thank you very much,
22 Miranda. Tell me where the Climate Museum is. I don't
23 know.

24 MIRANDA MASSIE: We're scaling out to
25 year-round space as we speak so we've been operating

across New York City in a range of different districts with a home base on Governor's Island seasonally, and our next move in order to make the work more accessible to more people is precisely to gain a year-round foothold and headquarters from which we can provide a home for cultural and arts programming on the climate crisis, which again is just galvanizing and empowering to members of the public.

CHAIRPERSON GENNARO: When they do the Climate Institute on Governor's Island, are you folks going to be a part of that?

MIRANDA MASSIE: Absolutely, yes. We're part of all of the finalists' proposals and partnering with all the finalists on that. As you know, the lead submitters in response to that are (INAUDIBLE) major research universities. We're involved in all of those proposals and very much looking forward to maintaining our footprint on Governor's Island, which I'll just say as a shoutout to that incredible team...

CHAIRPERSON GENNARO: Right, right.

MIRANDA MASSIE: We wouldn't be where we are without them. I mean the work they've done is

amazing and the plans that they have for the Climate Solution Center are amazing. We also need a space that's subway accessible in order to...

CHAIRPERSON GENNARO: Right.

MIRANDA MASSIE: Be socially accessible in New York City. One of our main emphases is on equity and inclusion and belonging in all the work that we do, and we think that really means a subway stop, but we'll definitely be continuing to program on Governor's as well and we have an exhibition opening on climate and inequality in June, which we'd love to invite you and other interested Members (INAUDIBLE) attend on a VIP tour.

CHAIRPERSON GENNARO: That'll be great.

You work with Claire on that, right?

MIRANDA MASSIE: Yes. Claire and her team have been astoundingly great.

CHAIRPERSON GENNARO: Yeah. Claire is terrific. The Climate Museum, are you part of the Committee that's going to be evaluating the RFPs for the Climate Center because you indicate...

MIRANDA MASSIE: No. We'll be part of the submissions, the finalist submissions.

CHAIRPERSON GENNARO: Oh, okay. Oh, because the people who are doing RFPs are reaching out to you because they want to weave you into their proposals, right?

MIRANDA MASSIE: Exactly.

CHAIRPERSON GENNARO: Okay. Are several of them reaching out to you to do that?

MIRANDA MASSIE: We're going to partner with all 4 of the finalists.

CHAIRPERSON GENNARO: Okay, okay.

MIRANDA MASSIE: Yeah, so we were part of 2 of the proposals that were made before the finalists were selected, and the other 2 finalists have expressed enthusiasm about our being part of their application going forward as they refine it.

CHAIRPERSON GENNARO: Yeah, because they finally woke up.

MIRANDA MASSIE: We have a nice footprint in Metro NYC at this point, but, beyond the boundaries of Metro NYC, we're working on so we don't hold it against it them.

CHAIRPERSON GENNARO: Okay. If you could submit your written testimony to the Committee and any background information on the Climate Museum.

Nabi, if I could ask you to put up in the chat, my email so that it will come directly to my office.

Nabi, if I could ask you to put that in the chat so that Miranda could send me the direct information on the Climate Museum because I just want to be more up to date and versed on what you're doing.

MIRANDA MASSIE: We're prepared and excited to fill you in that way. Thank you so much for that.

CHAIRPERSON GENNARO: Yeah, that'd be great.

MIRANDA MASSIE: We would love to sit down and meet with you and Samara whenever it works for you guys.

CHAIRPERSON GENNARO: Right. Jonathan, I see you. Jonathan, I think Nabi's on, right? Is Nabi on? Hang on.

NOAH BRICK: Chair, while there's no chat, we can certainly follow up with a direct email to...

CHAIRPERSON GENNARO: Yeah...

NOAH BRICK: So that she can connect with you.

CHAIRPERSON GENNARO: Jonathan, you know my email, my office's email, you could just put it up

on the chat, Jonathan, if you wouldn't mind doing that.

NOAH BRICK: Chair, there is no chat during these meetings.

CHAIRPERSON GENNARO: Oh, okay.

NOAH BRICK: But we can send an offline email directly to Miss Massie.

CHAIRPERSON GENNARO: Oh, okay, great, okay, great, thanks.

MIRANDA MASSIE: Thank you, Noah.

CHAIRPERSON GENNARO: Miranda, we'll get that and then send that stuff directly to me, send your testimony to the Council, and we'll do it that way. Very nice to see you again, Miranda, congratulations on your good work. Say hi to Claire for me. I owe her a call. Look forward to seeing you soon. Okay?

MIRANDA MASSIE: Same here. Thank you so much, everyone. Take care. Bye-bye.

SAMARA SWANSTON, MODERATOR: I would now like to welcome Lonnie J. Portis of WE ACT whose testimony will be followed by Aaron Sanders.

SERGEANT LUGO: Starting time.

LONNIE J. PORTIS: Good afternoon, Chair Gennaro.

CHAIRPERSON GENNARO: Lonnie, Lonnie. How are you doing?

LONNIE J. PORTIS: I'm good. Long time. Thank you for allowing me to testify.

CHAIRPERSON GENNARO: Long time? You talked to me days ago, but always good to see you, Lonnie.

LONNIE J. PORTIS: Great to see you too. Thank you, again, for the opportunity to testify on the need to invest in the city's future by funding environmental and climate policies and programs. I'm Lonnie Portis for everyone else on the call who doesn't know. I'm the Environmental Policy and Advocacy Coordinator here at WE ACT for Environmental Justice, and I analyze New York City policies and programs for equity and climate justice and support a group of community members mobilized around environmental issues in Northern Manhattan. WE ACT is an organization based in Harlem, and we've been fighting environmental racism at the city, state, and federal levels for more than 30 years. Right now, we're in the midst of a worsening climate crisis, and

the city must do everything it can to reduce emissions, decarbonize our buildings, remediate environmental health hazards, and more, all with the environmental and climate justice as the foundation of this work. I strongly urge the Committee to make this budget as climate-forward as possible, which means bold and necessary investments in the following policies and programs. I'll briefly go through them, but we will definitely be providing a more detailed written report. We definitely need to fund the Mayor's Office of Climate and Environmental Justice. The Environmental Justice program does require funding in order to fight the wrongs of the past and present and prevent injustice in the future. WE ACT is asking specifically for 1 million dollars to Environmental Justice program for fiscal year 2023. This will enable the Mayor's Office of Climate and Environmental Justice to properly execute their plan to consult impacted communities and to do meaningful outreach as outlined in Local Law 60 and 64 of 2017. Also needs to focus on funding childhood lead prevention poisoning. While NYC has an inventory and a map of lead service lines, DEP must fund a plan to

replace lead service lines and to enforce Local Law 1
and other lead laws.

SERGEANT LUGO: Time expired.

LONNIE J. PORTIS: (INAUDIBLE) 97 as
important as well, if you don't mind, just one
moment.

CHAIRPERSON GENNARO: Please continue,
please continue.

LONNIE J. PORTIS: Thank you. This year,
we are fighting for funding to ensure that we have
significant process in implementing Local Law 97
equitably to create thousands of green jobs in New
York City. For the fiscal year 2023 New York City
budget, we're asking for increased staff at DOB's
Office of Building Energy and Emissions Performance
which is responsible for implementing emission
performance laws like Local Law 97.

Also, want to see funding for Green
Healthy Schools. WE ACT strongly supports Climate
Works for All's Green Healthy School Campaign, which
calls for the city to invest 14.5 billion dollars by
2030 or an annual investment of 1.8 billion dollars
over the next 8 years to install solar panels and
conduct deep retrofits to public schools.

Finally, last year with great leadership and advocacy from Chair Gennaro and former Council Member Daniel Dromm, we were able to pass Intro 455 which is now called Local Law 120, which mandates school buses be electric by 2035 so it is imperative that we fund the equitable implementation of this law that we worked so hard to pass.

Again, thank you for the opportunity to testify today. I will provide expanded written testimony on all these topics, and I'm personally motivated and looking forward to working with you, Chair Gennaro, and the Environmental Protection Committee on these and many other priorities for the year. Thanks again for the time.

CHAIRPERSON GENNARO: Thank you, Lonnie. I appreciate it. Please submit your testimony in full and any other backup information you have regarding specific budget requests for the Mayor's Climate Office and the whole slate. I really appreciate working with you. The bus thing was a lot of fun. Please say hi to Peggy for me, okay?

LONNIE J. PORTIS: Will do. Thank you.

CHAIRPERSON GENNARO: Okay. Thank you, Lonnie. I appreciate it. Thanks for being here.

SAMARA SWANSTON, MODERATOR: I'd now like to welcome Aaron Sanders whose testimony will be followed by Shravanthi Kenekal of NEJA.

CHAIRPERSON GENNARO: Samara, before we start with Aaron, if you could tell me the organization he represents?

SAMARA SWANSTON, MODERATOR: Aaron, would you please indicate the organization you represent?

AARON SANDERS: Yes, the Natural Areas Conservancy.

CHAIRPERSON GENNARO: Thank you, thank you. I'm just going to make a note of that, and please continue with your good testimony.

SERGEANT LUGO: Starting time.

AARON SANDERS: My name is Aaron Sanders, and I'm the Associate Director of Advocacy and Policy at the Natural Areas Conservancy. Thank you, Chair Gennaro and Committee, for the opportunity to provide testimony about the importance of funding wetlands as a climate resilient resource. The Natural Areas Conservancy is a nonprofit organization that was formed in 2012 with the goal of increasing capacity for New York City Parks and it's partners to restore and manage 10,000 acres of forest and wetlands under

the agency's jurisdiction. Today, I am testifying to highlight the importance of this efficient, climate-resilient budget and the need to protect wetlands as a natural resource. Recognizing the ever-increasing importance of wetlands, in 2021 the Natural Areas Conservancy and New York City Parks released the Wetlands Management Framework for New York City. This framework represents a bold vision for the restoration and long-term care of New York City wetlands. NAC hopes to mobilize the city around this framework and seeks support around building investment, staff, and volunteers to save these natural areas. The plan calls for the following: 40 permanent staff, 550,000 dollars in expense funding per year, and 10-year capital funding at the tune of 22 million per year. Based on extensive field research and building on decades of work by New York City Parks, this 30-year plan presents the first revision for continuing the protection, restoration, and care of the city's remaining wetlands. Out of New York City's 5,650 remaining wetlands, nearly 50 percent of them are within New York City parks, and this is tantamount to about 2,820 acres of wetlands. The recommendations laid out in the framework calls

for increased protections of those very fragile wetlands and dozens of streams that under the jurisdiction of Parks. The Wetlands Management Framework was initially funded by a from the Environmental Protection Agency in 2021. The de Blasio administration committed 7.1 million dollars to coastal wetland restoration...

SERGEANT LUGO: Time expired.

AARON SANDERS: And 4.6 million...

CHAIRPERSON GENNARO: Please continue.

Please continue.

AARON SANDERS: The de Blasio administration committed 7.1 million dollars for coastal wetland restoration and 4.6 million for storm water gray infrastructure, and, Chair, we applaud this effort but more needs to be done to mitigate potential damage to wetlands.

In my conclusion, we have a few recommendations that will help advance this party. Create new wetlands and allow space to mitigate sea level rise, transfer approximately 93 acres of publicly owned property to the jurisdiction of NYC Parks, restore 288 acres of salt and freshwater marshes with capital funding, and, in closing, we

urge the New York City Council to fully adopt the Wetlands Management Framework and to protect wetlands that are at risk, and by investing in our waterway maintenance we can mitigate future storm surges and flooding. Chair, Committee, and other Council Members, I thank you for your time and consideration, and I will submit more robust testimony. Thank you for your time.

CHAIRPERSON GENARO: Thank you, Aaron, and thank you for your interest in wetlands and for all your work with the Natural Areas Conservancy. You made a point there regarding the transfer of publicly owned wetlands property to the jurisdiction of the Parks Department. Of course, you do that because that protects in perpetuity because once it's Parks' property, it has to be alienated and there's a lot of yelling and screaming to get something (INAUDIBLE). You may or may not know that a while back I wrote into a Local Law that mandated the creation of a working group to identify all of the city-government-owned wetlands that were not part of the Parks inventory and transfer them to Parks for permanent protection, and I'm curious, Samara, this is a note to Counsel, I think you were around, Samara, when we...

SAMARA SWANSTON, MODERATOR: I was.

CHAIRPERSON GENNARO: The working group came into existence. They made a bunch of recommendations to transfer wetlands to the Parks Department for permanent protection. There was one, as I mentioned before when I was talking to the representative from Snug Harbor, I mentioned Arlington Marsh Cove, that was something that the administration at the time did not want to transfer. They thought it might be necessary to expand the container port in Staten Island to that area, but we managed to prevail on Arlington Marsh Cove. I guess my question for Samara, and I'll get you in a minute, Aaron, is whether or not the law we wrote back then, was just like a static thing where they made an evaluation and then they transferred the properties that were going to be transferred, and I guess that didn't go beyond that, right? They looked at the inventory, they transferred whatever they're going to transfer, and so that was that. Now I'm going to get to you, Aaron, about what wetlands owned by city government are you looking to transfer to the Parks Department because I kind of already did that, but

2 (INAUDIBLE) everything so what are you talking about
3 specifically?

4 AARON SANDERS: Thank you, Chair. I can
5 get additional information from Parks Department
6 about that potential acquisition. We have a
7 Memorandum of Understanding with Parks, and I can
8 follow up with additional information about...

9 CHAIRPERSON GENNARO: Okay. The Natural
10 Areas Conservancy's been talking to the Parks
11 Department about getting things transferred to the
12 Parks Department. That's not the Parks Department's
13 call because the agency or whatever entity owns it
14 now has to give it up, you know, so you folks are
15 involved in discussions on this?

16 AARON SANDERS: As an organization, our
17 policy priority is that we want to advance and we
18 just seek assistance from Parks regarding some of the
19 technical information about where...

20 CHAIRPERSON GENNARO: Right, but you say
21 that the Natural Areas Conservancy has identified
22 government-owned wetland parcels that you would like
23 to see transferred. Is that fair to say?

24

25

AARON SANDERS: I can answer that question. I believe so. Again, I can always follow up.

CHAIRPERSON GENNARO: Yeah. Why don't we do this? Why don't you, if it's the case that Natural Areas Conservancy has identified city-government-owned wetlands that are not under the domain of the Parks Department that you want to transfer to the Parks Department then that's something that I, because I've already done that once. I can always do it again. Whether it involves, yeah, we can figure it out. That was wildly successful. We transferred I don't know how many acres of wetlands got transferred, Samara, but it was a lot. There are certain little parcels in the middle of nowhere that the Parks Department didn't want to maintain, but anything that was worth transferring got transferred. If you have more inventory that you want to transfer to the Parks Department, let us know. Let Samara know. She'll let me know, and then we can get involved.

AARON SANDERS: Thank you, Chair.

CHAIRPERSON GENNARO: Yeah, wetlands are a real passion of mine so I'm grateful for your work and willing to help you in any way I can.

AARON SANDERS: Thank you, Chair, and before you pivot to the next witness, we've been doing work on the state level to sort of push Hochul's executive proposal (INAUDIBLE) regulations around state wetlands as well so this falls within that scope as well so we appreciate your support and leadership on this issue.

CHAIRPERSON GENNARO: Sure, and anything going on DEC, like I said, I was Deputy Commissioner at DEC so I know everybody in the agency from the Commissioner on down. I was Deputy Commissioner there for more than 6 years so if I can help on that front let me know. This is great. I appreciate the Natural Areas Conservancy and you, Aaron, for all the work that you and your organization are doing. Get Samara that information, and we can help out.

AARON SANDERS: Thank you.

CHAIRPERSON GENNARO: Okay. Thank you.

SAMARA SWANSTON, MODERATOR: The next witness we have is Shravanthi Kanekal.

SERGEANT LUGO: Starting time.

SHRAVANTHI KANEKAL: Good afternoon, Chair Gennaro and Members of the Committee. My name is Shravanthi Kanekal. I am the Resiliency Planner at the New York City Environmental Justice Alliance. NEJA is a nonprofit citywide membership network linking 11 grassroots organizations from low-income neighborhoods and communities of color in their struggle for environmental justice. Today, my testimony will focus on the complete and equitable implementation of Local Law 97, and I will be submitting more detailed testimony.

In 2014, NEJA along with ALIGN cofounded the Climate Works for All Coalition which organized for years around Local Law 97 and finally celebrated its passage in 2019. While that was a historic win, we cannot wait any longer on implementation. With only 2 years until the first compliance standards as the law takes effect, the Coalition urges the City to focus its efforts on equitably and aggressively implementing the law.

There are a few important considerations on this front. There is an urgent need for additional funding in the upcoming fiscal year budget for increased staffing at DOB's Office of Building,

Energy, and Emissions Performance. The successful implementation of Local Law 97 depends on adequate funding for a larger dedicated team at OBEEP. We commend the staff on all of their hard work so far in facilitating the Advisory Board process to shape the technical details of the law, but we remain extremely concerned that the Office's current staff and positions and funding are not consistent with upcoming responsibilities including conducting technical analyses, driving outreach and education to building owners, and eventually managing compliance and enforcement. The city also needs to expand outreach to all building sectors to ensure that building owners are aware of the law, their compliance obligations as well as resources available to them such as New York City Accelerator and other funding opportunities. On this front, there needs to be...

SERGEANT LUGO: Time expired.

CHAIRPERSON GENNARO: Please continue.

Please continue.

SHRAVANTHI KANEKAL: Thank you, Chair. On this front, there needs to be transparency on the working and progress of the New York City Accelerator

including how many building owners have been assisted and how many are on the way so that we understand the progress. One final point that I will make is that environmental justice communities have long held a deep skepticism of (INAUDIBLE) solutions such as carbon trading to address the climate crisis. We're concerned that any emissions trading schemes will allow large polluting buildings avoid making deep energy efficiency improvements by engaging in a complex trading scheme that will be difficult to enforce, leading environmental justice communities vulnerable to continued localized pollutions and further contributing to greenhouse gas emissions that fuel the climate crisis. We must move forward with the implementation of Local Law 97 in a fair, equitable way to advance New York City's climate and economic recovery goals, create environmental justice, equity, and create thousands of good green jobs. Thank you for your time and the opportunity to testify today.

CHAIRPERSON GENNARO: Thank you very much, Shrivanthi. I really appreciate all that you and the Environmental Justice Alliance and Eddie, the great contributions you make. Just a note to Council staff,

yes, this is the budget hearing on DEP, but, Samara, and also to Jonathan and the finance person for the Committee, I think we need kind of like a separate budget discussion just on Local Law 97 compliance. I'm not on the Housing and Building Committee, but I understand that during that presentation that the funding for the office that handles the (INAUDIBLE) financing which is OBEEP is woefully understaffed and it's been just like a lot of discussion regarding carbon trading paradigms that have been advanced by an NYU study. We have to do our job with regard to the DEP budget, and, Samara, I had that conversations with Rhit, the DEP Commissioner who is also the Chief Climate Officer, about the administration's full commitment to Local Law 97 compliance, but I think, Samara, Jonathan, Nabi, we have to have like our own Local Law 97 compliance budget manifesto so to speak, like this Committee advances because that kind of stands on its as how we get from where we are to where we want to be. I'm glad that we're (INAUDIBLE) hearing with this very compelling testimony about OBEEP, about the Accelerator, about Local Law 97 compliance, about all the various tentacles where Local Law 97 reaches, even to the point as we just

2 made of making sure that people have to comply know
3 they have to comply. This is a really good way to
4 close out the hearing, and I thank you for coming
5 forward on behalf of the Environmental Justice
6 Alliance.

7 SAMARA SWANSTON, MODERATOR: We have 2
8 more witnesses.

9 CHAIRPERSON GENNARO: Oh, we do have 2
10 more witnesses. Okay.

11 SAMARA SWANSTON, MODERATOR: Yes, we do.

12 CHAIRPERSON GENNARO: So I'm not closing
13 out the hearing. Okay. Good.

14 SAMARA SWANSTON, MODERATOR: Our next
15 witness is Matt...

16 CHAIRPERSON GENNARO: Whoa, whoa, whoa.
17 Let me say a proper goodbye to Shravanthi. I was in
18 the middle of my proper goodbye.

19 SAMARA SWANSTON, MODERATOR: Okay.

20 CHAIRPERSON GENNARO: Thank you very much
21 for (INAUDIBLE) today. Please give my best to Eddie,
22 and we will act on your good recommendations.

23 SHRAVANTHI KANEKAL: Thank you so much,
24 Chair. Thanks for your time.

SAMARA SWANSTON, MODERATOR: Thank you. We have 2 more witnesses. Our next witness is Matt Malina from NYCH20, and our final witness is Karolina Gomez from ALIGN.

SERGEANT LUGO: Starting time.

MATT MALINA: Good afternoon, Chairman. My name's Matt Malina. I'm the Director and Founder of NYCH20. I don't know that you've heard of us, but I've definitely followed your work since your first go around in the Council when you were also Chair of the (INAUDIBLE)

CHAIRPERSON GENNARO: Thank you, Matt, and, yes, of course, I've heard of NYCH20.

MATT MALINA: Okay, great.

CHAIRPERSON GENNARO: I'm also drinking some of it right now by the way.

MATT MALINA: That's great.

CHAIRPERSON GENNARO: (INAUDIBLE) here, you know.

MATT MALINA: You heard from my Colleague at the Natural Areas Conservancy, Aaron, about the city having 10,000 acres of natural areas and wetlands in its portfolio, and you also mentioned that there's ample land that the Parks Department

doesn't want to take care of. I attended the Parks Committee hearing a couple days ago and heard from at least 10 organizations that work hard in city parks to help steward the land and involve local volunteers who regularly use the parks to leverage the effect. Speaking from our experience, just this past weekend, we had 115 volunteers at Oakwood Beach in Staten Island and Councilman Carr joined us and then the following day, on Sunday, we had 30 volunteers at the Ridgewood Reservoir, and we cleaned up the greenway that led into the Ridgewood Reservoir in Highland Park. I can say, and I think you know, the power of volunteers is enormous, and we have incredible NGOs in the city that already involve volunteers...

SERGEANT LUGO: Time expired.

MATT MALINA: In a very effective way.

CHAIRPERSON GENNARO: Please continue.

Please continue, Matt.

MATT MALINA: Thank you. My ask is that the Parks Department adjust its Office of Partnerships to actually do their job to engage organizations like ours. You may or may not know that we worked very hard to, number 1, get the Ridgewood Reservoir designated as a national landmark but also

a national engineering landmark, a freshwater wetland. It's the first freshwater wetland that was designated in New York City since the Clean Water Act was enacted. Anyway, we still do not have a partnership agreement with the Parks Department after years of trying and engaging hundreds of volunteers there. The reservoir that's pictured behind me is the Ridgewood Reservoir. Hundreds of trees have been blown over because it's not being taken care of in the forests that have grown in the basins. We talk about planting another million trees. These trees are not even being taken care of. We want to help, and we need the Parks Department to step up and actually engage with us. I would say in a more structural way there should be metrics within the Parks Department for engaging in these license agreements and maintenance agreements rather than just handing them out to corporations that have political connections. Thank you.

CHAIRPERSON GENNARO: Thank you, Matt. I'm not on the Parks Committee, but the Chair of that Committee is my Colleague so I can talk to Shekar about this. If you send me a proposal, I can pull him aside and lend him support. He's new, but he knows

what he's doing, and he's a great advocate for Parks. Really wanted that Committee in a very bad way, he got it, and now he's all over the place so he's killing it. He's doing a good job so if you send to Samara your ask I'll take it up with Shekar and I'll see what I can do. It's kind of like his area, but...

MATT MALINA: (INAUDIBLE)

CHAIRPERSON GENNARO: Back him up, I think that'll make a difference.

MATT MALINA: That's wonderful. Thank you, Chairman.

CHAIRPERSON GENNARO: Sure, Matt. Thank you very much and thanks to all the good friends at NYCH20. Go get them. Appreciate it.

MATT MALINA: Thank you.

CHAIRPERSON GENNARO: Take care.

SAMARA SWANSTON, MODERATOR: Our final speaker today is Karolina Gomez of ALIGN.

SERGEANT LUGO: Starting time.

KAROLINA GOMEZ: (INAUDIBLE) My name is Karolina Gomez, and I am the Campaign Coordinator at ALIGN, the Alliance for Greater New York. ALIGN is a longstanding alliance with labor and community organizations united for a just and sustainable New

York. ALIGN co-coordinates the Climate Works for All Coalition alongside NEJA. Climate Works for All is a citywide partnership of over 50 labor, EJ, faith, and environmental groups united to ensure that efforts addressing climate change also create good career track jobs and prioritize low-income climate-vulnerable New Yorkers.

 Last year, our Coalition released our Green Health Schools report, an action plan that outlines why the city should prioritize investments for solar installation and deep retrofits of schools to address the immediate public health, economic, and the climate crisis environmental justice communities continue to face.

 Today, we are calling for an annual investment of 1.8 billion in the city budget to install solar panels and conduct deep retrofits in public schools, prioritizing those located in environmental justice communities. Installing solar panels and conducting deep retrofits will help enhance air quality and reduce greenhouse gas emissions, create green career jobs, and foster resilient communities. Reducing the city's greenhouse gas emissions while improving air quality for EJ

communities could have consequential positive health outcomes and save lives. Deep retrofits, especially installation of HVACs and air control systems, are an immediate mitigation tactic that provides long-term solutions and help in daily life. Investing in green healthy schools will ensure all New Yorkers have equitable access to clean air. New York City public schools are among the biggest public climate polluters and account for 1/4 of all city-owned buildings. Further, our Coalition estimates conducting these deep retrofits will yield at least 50 percent in energy savings and emissions reductions. Focusing on this sector of the city's public portfolio will ensure the city makes significant progress towards key solar and resiliency goals while establishing compliance standards for the private sector. Now, more than ever, the city must prioritize Local Law 97 implementation as the city looks toward an equitable recovery for all and must continue the practice of community-led resiliency planning to identify...

SERGEANT LUGO: Time expired.

KAROLINA GOMEZ: Issues and priorities for the most climate-burdened New Yorkers.

CHAIRPERSON GENNARO: Please continue.

KAROLINA GOMEZ: I've only got one line left.

CHAIRPERSON GENNARO: Okay.

KAROLINA GOMEZ: We believe an annual 1.8 billion investment to create green healthy schools will move New Yorkers on the path towards an equitable recovery. Thank you so much.

CHAIRPERSON GENNARO: Thank you, Karolina. Weren't you there yesterday at the thing? Yeah.

KAROLINA GOMEZ: Yes, we saw each other yesterday.

CHAIRPERSON GENNARO: Yeah. That was a great event, but events are only as good as the outcome you get from it. I had a conversation with Education Chair Joseph yesterday who was supportive, and I will continue advocating for that. The healthy schools, what's the connection between your organization and Climate Jobs New York? You kind of work hand in glove, don't they?

KAROLINA GOMEZ: Yes. Yes, we have the same budget asks, and we are working in tandem for essentially the same goal.

2 CHAIRPERSON GENNARO: Okay. On Climate
3 Jobs New York, the list of priorities would be the
4 items that you just mentioned, right?

5 KAROLINA GOMEZ: Very similar. Obviously,
6 Climate Jobs focuses on the unions and the jobs, and
7 we also represent community and environmental justice
8 organizations.

9 CHAIRPERSON GENNARO: Right, right, right.

10 KAROLINA GOMEZ: We just have a little bit
11 of a broader scope of folks that we represent, but we
12 are trying to work in hand in hand to reach our
13 shared goals.

14 CHAIRPERSON GENNARO: Yeah, because I have
15 an upcoming meeting with Climate Jobs New York. Could
16 you submit your full, I guess it's probably your
17 testimony, but whatever specific budget asks even
18 though it goes a little beyond the scope of this
19 hearing but so what, I mean it's still important,
20 still environmentally related so I want to hear you
21 in full. Please send that to the staff, and that will
22 further support what you're trying to make happen.
23 Thank you very much, Karolina. It was cold yesterday,
24 but it was cold day, warm hearts, everybody there. It
25 was very nice so that was great. Thank you, Karolina.

Appreciate seeing you again, and keep up the good fight, and we will get there. Take care.

Madam Moderator, how are we doing?

SAMARA SWANSTON, MODERATOR: No more witnesses.

CHAIRPERSON GENNARO: Okay. Let me end where I started which is thanking the staff and the Council for putting together this great hearing. I certainly appreciate it. I appreciate you taking the steps to follow up on all this stuff I kind of threw at you during this hearing, and we should have kind of a followup session to see where we go, particularly with like the Local Law 97. That should be its own little budget thing that we do, Jonathan, and I would ask Nabi to coordinate that from my office's side. With that, I wish to thank one and all, particularly all the witnesses and from the administration. Matt is waving. I'm waving at Matt, too. I want to thank the Sergeants for keeping us going and making sure as we do these remote hearings that we thank them for their good work in making sure that the hearing is able to proceed smoothly.

With those thanks, I'm going to adjourn the hearing. I have my gavel. I'm going to do it

1	COMMITTEE ON ENVIRONMENTAL PROTECTION	162
2	right now. Hearing adjourned and have a great	
3	weekend. [GAVEL]	
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C E R T I F I C A T E

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



Date May 25, 2022