



Testimony of
Paul Rush
Deputy Commissioner
New York City Department of Environmental Protection

before the
New York City Council
Committee on Environmental Protection, Resiliency, and Waterfronts

December 17, 2024

Good morning, Chairman Gennaro and members of the Committee on Environmental Protection, Resiliency, and Waterfronts. I'm Beth Paul Rush of our Bureau of Water Supply (BWS) at the Department of Environmental Protection (DEP). I am here today to discuss the ongoing drought. I am also joined by Chief Operating Officer Kathryn Mallon and Deputy Commissioner Julie Lubin from our Bureau of Environmental Compliance (BEC) to discuss the pieces of legislation on the agenda.

As was announced yesterday, we're happy to share that the drought warning has been downgraded to a drought watch. There has been significant rain and melting snowpack in the last few weeks that have significantly replenished our reservoirs. While storages are still below normal for this time of year, we're in a much better place than we were a few weeks ago. The high-pressure weather system that's been stubbornly parked over our region has finally shifted, allowing regular storm systems to come through. We are now starting to see more consistent precipitation patterns.

The drought we are coming out of is the first we have experienced in 20 years. In part, this is due to increases in precipitation due to climate change and a 35% reduction in water demand through conservation efforts. In 1979, we used about 1.5 billion gallons per day; today that's down to about 1 billion gallons per day today. This reduction in demand is also the result of a targeted investments by DEP, the emergence of water efficiency standards, as well as water conservation measures by good New Yorkers who have steadily reduced the daily water demand — all of which makes our system more resilient in a drought situation.

I should note that when we talk about drought conditions impacting the water supply, we are referring to conditions upstate in the watershed, not conditions in the city. The watershed extends more than 100 miles north of the city. So even if it rains here in the five boroughs, that rain does not help with our drinking water supply.

This year's drought has brought record low precipitation to both areas and across the Northeast region. We saw the lowest precipitation in recorded history in October, despite forecasts of a wetter than average October. In fact, the unprecedented deficit in rainfall we experienced this fall had only a 1% probability of occurring.



Ashokan Reservoir – Typical Conditions



Ashokan Reservoir – Drought Conditions

Thankfully, NYC has among the most resilient and robust water supply systems in the world. The resiliency and sheer scale of NYC’s water supply system provides us with unparalleled flexibility. In a typical fall, the system is filled to around 80% but it can operate safely and effectively even below average levels. Our team diligently monitors the conditions across the system and have been taking actions to ensure that our water supply remained reliable through the drought condition.

Prior to deciding to move forward with the Delaware Aqueduct shutdown this year, we had been closely tracking the forecast. In September, we announced our partnership with the Center for Western Weather and Water Extremes (CW3E) to bring advanced extreme weather and water forecasting capabilities to DEP. CW3E is embedded at the Scripps Institution of Oceanography at the University of California San Diego, which is one of the most important centers for global earth science research and education in the world.

But forecasts aren’t guaranteed. The drought came on suddenly and intensely. A high pressure system camped out over New York and much of the Northeast, which made it difficult for normal weather patterns to break through.

Delaware Aqueduct Repair

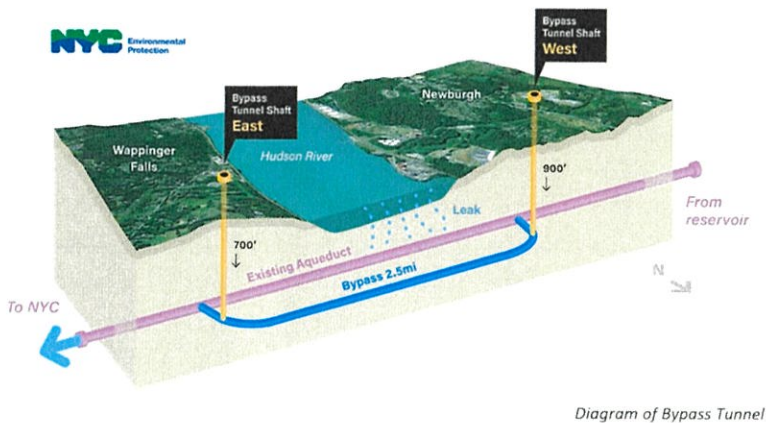
Unfortunately, the drought conditions led to our difficult decision to pause the final phase of the \$2 billion in repair work on the Delaware Aqueduct, which would have fixed significant leaks to a portion of the tunnel by connecting a 2.5-mile bypass tunnel near Newburgh.

In order to initiate that last phase of work, DEP stopped the flow of water from the four reservoirs that feed into the Delaware Aqueduct and increased the city’s reliance on the other two aqueduct systems — the Catskill and Croton Aqueduct Systems.

DEP has been actively preparing for this phase of the repair for decades and we have invested hundreds of millions in infrastructure upgrades to the Catskill and Croton water supply systems to ensure that they could effectively meet water supply demand. Nearly \$200 million of rehabilitation work was done to improve the flow of water and repair leaks in the Catskill Aqueduct. That work was completed at the end of 2021. The

Croton Falls and Cross River Pump Stations were upgraded to increase their size and capacity, allowing us to take more water from the Croton System.

We also completed a connection between the Croton system and City Tunnel 2 in the Bronx, so that water from the Croton system could be provided to more areas of the city. All of these precursor projects allowed us to push more water through the Catskill and Croton systems while the Delaware system was offline, ensuring that we would be able to meet demand.



The final phase of the repair work, which would stem the loss of over 35-million-gallons a day, started Oct. 1. The work was scheduled over the winter because that’s when water consumption is typically lowest and inflows from precipitation are the highest. But the drought was too severe to safely continue, so the project was paused.

The Delaware Aqueduct is now back online and supplying water to New Yorkers. We are optimistic that we will be able to resume the repair work next fall. In the meantime, DEP

continues to work proactively to reduce water demand and ensure that the system is fully prepared to complete the repairs.

Water Conservation

The increased precipitation over the last few weeks, particularly last week, has significantly increased the volume in our reservoirs. This precipitation allowed us to end the drought warning. And opening the Delaware aqueduct means that, if dry conditions return, we will be ideally situated to face them.

In or out of a drought, no one should waste water. While we have been strengthening our water supply, we are also working to reduce demand. DEP has been working to identify the highest-use customers and has been diligently monitoring water usage records to look for any possible leaks. We have been doing outreach and engagement to alert these customers to check for leaks or to advise on potential strategies to reduce consumption for big users. Since the Drought Watch was declared, DEP ~~located~~ nearly 1.8 million linear feet of water mains to prevent leaks, shut over 1,700 open or leaking hydrants across the city, and resolved more than 700 leaks.

New Yorkers are encouraged to identify and fix leaks in their homes and be mindful of wasting water – that will save them money on water bills too. In our changing climate, we need to use our natural resources wisely. Small changes in daily routine can always help, and we’ve got a website with simple things folks can do to save water in their daily routine. Visit nyc.gov/savewater.



Legislation

There are two pre-considered pieces of legislation being heard today. The first bill would establish a program that transfers liability for certain engine idling violations to lessees of vehicles. We have significant concerns about this bill. We are concerned that relieving truck owners of financial responsibility for idling violations could undermine the strength of the program, particularly the efficacy of the cure provisions that we have been working together to develop and hope to enact in the near future. The cure opportunity relies on the idling penalty to incentivize vehicle owners to install anti-idling technology or invest in electric vehicles. If owners are not responsible for paying the fine, there is no financial benefit to them to make these anti-idling investments. Transferring liability could make sense in cases when an owner has installed anti-idling technology and a driver has disabled it, but we do not think transferring liability is a good policy generally. We have been working closely with the Council and advocates to develop a cure policy. We do not want to undermine that policy before it is even passed. In addition, we are not sure how such a program would work, so would like to understand better what the Council is envisioning. The Law Department is also reviewing the bill and may have additional concerns.

The second bill being heard today would require DEP to create a comprehensive stormwater plan and a stormwater dashboard. These requirements complement some existing planning requirements and new stormwater map requirements set forth in the City of Yes legislation and Intro. 815, which were passed earlier this month. This bill also reflects commitments we made in the 2024 Stormwater Analysis that we released earlier this year. As the Council is aware, DEP has been taking a holistic approach to managing stormwater, which has been increasingly challenging as climate change has brought more frequent intense storms. We plan to develop a comprehensive stormwater plan, so we fully support the goals of this bill, but we cannot commit to the details or the timelines in the bill until we know how this work relates to the stormwater mapping work and until we can ensure that we have available funding. We are happy to work with the Chair on the details of legislation.



PUBLIC TESTIMONY OF WATERFRONT ALLIANCE

December 17, 2024

New York City Council Committee on Environmental Protection, Resiliency, and Waterfronts Preliminary Budgetary Hearing
RE: Supporting comprehensive planning and projects for flood risk mitigation

Submitted by Maité Duquela, Climate Policy Fellow, Waterfront Alliance

My name is Maité Duquela, climate policy fellow at the Waterfront Alliance. Waterfront Alliance is the leader in waterfront revitalization, climate resilience, and advocacy for the New York-New Jersey Harbor region.

The Waterfront Alliance is committed to sustainability and to mitigating the effects of climate change across the region's hundreds of miles of waterfront. We spearhead the Rise to Resilience Coalition of 100+ groups advocating for policy related to climate resilience, we bring education focused on climate resilience to students in NYC DOE schools through our Estuary Explorers program, and we run the Waterfront Edge Design Guidelines (WEDG®) program for promoting innovation in climate design. We thank the City Council Committee on Environmental Protection, Resilience, and Waterfronts Chair Gennaro for holding this hearing.

I'm grateful to be able to testify in front of you today in favor of effective planning for and implementation of climate resilience efforts. Unfortunately, climate change is already a reality for many New Yorkers. In fact, flooding events are the most common climate-related hazard across the city, such as Hurricanes Irene, Sandy, and Ida.¹ The New York State Climate Impacts Assessment, released in 2024, highlights a serious increase in annual precipitation and is projected to keep increasing over the century. The largest of such increases being projected for New York City².

The combination of all observed and projected climate impacts, particularly focused on precipitation, sea level rise, and storms, results in an increased probability of tidal flooding, coastal flooding, and extreme flood events in this area. Events that many New Yorkers are already experiencing first-hand.

¹ Rebuild by Design. *Atlas of Disaster: New York*. <https://rebuildbydesign.org/atlas-of-disaster-new-york-state/>

² New York State Climate Impacts Assessment. 2024. <https://nysclimateimpacts.org/>



Under this reality, there is a strong and urgent need to address the City’s stormwater management. The aging stormwater infrastructure system in New York requires constant repairing, maintaining, improving, and adapting to account for increasing pressure from a growing population. There must be a comprehensive plan that assesses flood risk areas and assesses the capacity status of the stormwater system. **Waterfront Alliance calls on the City Council to pass Preconsidered Int. No. T2024-2849, which assigns the Department of Environmental Protection (DEP) the development of a comprehensive stormwater plan and a stormwater dashboard.**

Waterfront Alliance has been advocating for comprehensive, long-term planning and implementation of projects focused on improving stormwater management across the city and the state. Effective and transparent stormwater management is an essential element in mitigating the risks of losing homes, businesses, and people’s lives due to more frequent and intense flood events. We need to plan and prepare for the reality of today and the future.

As part of our advocacy efforts, Waterfront Alliance and the Rise to Resilience Coalition organized a successful Advocacy Day on May 6 of this year, consisting of 24 meetings with various State Senators and Assembly Members in Albany in support of the Rain Ready New York Act. The bill was passed in the State Senate, and we will continue to raise support for it in the next state legislative session.

Waterfront Alliance also advocates for different types of solutions. We have urged the City to include new sites, especially in communities with intersected vulnerabilities, in the Cloudburst Management Program. We have also advocated for the expansion of the Bluebelt Program, to include the boroughs outside of Staten Island where nature can be a solution to reduce flood risk.

We have also raised support for voluntary buyouts as another one of the many solutions we need in the face of the climate crisis³. The City recently committed to launching a Housing Mobility and Land Adaptation Program, as part of the City’s PlaNYC report, and could be implemented as early as 2026. We have previously urged the City to leverage the initial \$250 million investment from the NYS Environmental Bond Act and to identify other funding sources

³ Taba, T. (2024) *Relocation for Resilience Protecting Homes and Businesses from Climate Change*. <https://waterfrontalliance.org/2024/08/29/relocation-for-resilience-protecting-homes-and-businesses-from-climate-change/>



to support the implementation of this program and all its components, such as education, mental health and counseling services, and financial assistance.

As part of these efforts, Waterfront Alliance joined the partnership called Rainproof NYC⁴, which gathered nonprofit, public, and private sector organizations to help inform NYC's future buyout program. Waterfront Alliance has continued to advocate for a permanent, long-term, and equity-driven program to support homeowners and renters who are interested in moving to safer grounds. **This is why Waterfront Alliance strongly urges the City Council to pass Res 0084-2024, which calls on the New York State Legislature to pass, and Governor to sign, legislation to create a permanent, citywide voluntary buyout program to mitigate flood risk.**

We strongly support this and look forward to working with our State and City partners to codify a voluntary buyout program for NYC. Waterfront Alliance considers the implementation of such a program must adhere to the principles developed by Rainproof NYC, as outlined below:

- **PRINCIPLE 1: Voluntary and Well Informed**

The program must be voluntary, and must prioritize the alleviation of substantial flooding risk in New York City neighborhoods where the following conditions exist: (1) property owners have expressed an interest in participating, and (2) a community-engagement plan has identified how the program will affect the neighborhood. Eligible residents must be provided necessary and sufficient information in accessible language of their choice to make informed decisions about their options, including why a buyout is being offered; what alternative options are available, appropriate, and feasible; and the tradeoffs of different options for mitigating current and future risks. Participants must also be able to withdraw their participation from the program at any stage in the process.

- **PRINCIPLE 2: Community-Based and Neighborhood-Specific**

While at the end of the day a buyout program serves individual homeowners, buyout programs can change the fabric of neighborhoods. Consequently, a community-driven process that is integrated into other long-term community planning initiatives is critical to ensuring that the buyout program will lead to improvements in the quality of life for all area residents as well as for owner-participants. Because every neighborhood is different, the program should be flexible enough to account for the diverse needs of participating communities, and have a clear process and procedure for doing so. To accomplish this, the housing mobility program must be inclusive of, and enabled by, partnerships with the

⁴ Rebuild by Design. Rainproof Working Groups. <https://rebuildbydesign.org/rainproof-working-groups/>



ecosystem of social service nonprofits, community groups, and social networks within participating neighborhoods in order to collaborate on outreach, intake, communication, and strategies for land reuse and stewardship when possible. This necessitates ensuring that outreach to such groups and residents is thorough and that materials are written accessibly, available in translated versions, and accompanied by counseling in multiple languages and culturally appropriate practices.

- **PRINCIPLE 3: Housing-Centered and Housing-Focused**

The program must recognize the intersections between buyouts and the housing market: New York City is facing a significant housing crisis, with some of the lowest vacancy rates seen in years. While buying and demolishing a home takes it out of harm's way, it also adds to this housing crisis. For the housing mobility program to be effective, it must promote access to safe, affordable housing. This could be achieved through: robust rehousing and case management services with mortgage resolution expertise; by combining housing mobility program resources with other housing programs; by providing sufficient financial resources for relocating owners and renters; and by investing in affordable housing out of flood prone areas for participants to access. In historically overburdened and underserved neighborhoods where histories of disinvestment have contributed to higher rates of vulnerability, the housing mobility program should recognize and account for these historic injustices when determining strategies for fair compensation, such as by using Fair Market Value adjustment factors. The program should strive to address other well-documented challenges including finding permanent replacement housing and increased housing costs, to the extent possible.

- **PRINCIPLE 4: Equitable and Renter-Inclusive**

The program should be human-centered and strive to prioritize assistance to New Yorkers who need the most help. The program should endeavor to provide access to holistic wrap-around services including housing counseling, financial counseling, and mental health support services with a trauma-informed response. These resources should be included before, during, and after the buyout process and should be available to both homeowners and renters. Recognizing that the majority of New Yorkers are renters – many with significantly less agency and resources in times of emergency than most homeowners – the program needs to provide sufficient resources to equitably support the relocation of renters above and beyond the requirements of the federal Uniform Relocation Act. Relocation opportunities should be in climate resilient communities and prioritize access to economic opportunities and social cohesion. The City should utilize all available tools to develop affordable rental housing and home ownership opportunities during blue skies to enable renters to have this housing mobility option before disaster strikes.



- **PRINCIPLE 5: Environmentally Restorative and Integrated**

The program should require that any acquired properties be preserved as open space in perpetuity, with no further residential, commercial, or industrial development allowed. However, rather than end uses with few ecological benefits, such as mowed lawns that absorb little stormwater, the buyout program should strive to restore natural floodplain function, create vital flood protection infrastructure, and integrate the bought-out parcels into a broader watershed management strategy for flood risk reduction. Tailored for each community, these restored floodplain ecosystems should maximize climate co-benefits such as reduced heat island effect, improved water quality, and restored habitat for improved biodiversity. Residents who engaged in previous buyout programs clearly stated that their participation was in part contingent on a clear understanding that the land will only be reused for ecological purposes. To the extent possible, the City should integrate planning and funding for the stewardship and maintenance of buyout parcels before the program begins. The City should partner with community organizations and use neighborhood feedback as a way to create and get buy in for adaptive reuse plans that maximize local benefit. As an example, buyout parcels could be used to expand access to bluebelts and greenbelts that increase access to nature and open space especially in neighborhoods lacking such amenities.

- **PRINCIPLE 6: Permanent and Accountable**

In order to help build a more resilient New York City, the housing mobility program should be viewed as a multi-decade, multi-generational effort to build resilience to flooding and mitigate climate impacts. A permanent program should operate year-round with the ability to be deployed rapidly in the event of a disaster or as funding is available. This kind of rolling program - rather than a more traditional pre-disaster or post-disaster one - can support more robust institutional learning and interagency collaboration. The housing mobility program touches on the work of many City agencies: By creating a permanent program, agencies will have the time to work collaboratively and test different methods for communication, outreach, engagement and delivery, as well as invest in receiving feedback from community partners, city staff, and participants to identify strategies for program improvement, with the goal of building trust and accountability.

Thank you for the opportunity to testify today and for your work to ensure New Yorkers are protected from the impacts of the climate crisis. Waterfront Alliance is willing and looking forward to partnering with the City Council to advance any and all of these recommendations and initiatives. I am happy to discuss these items in more detail with you at any point.

**Testimony for the NYC Council Committee on Environmental Protection, Resiliency, and Waterfronts
Victoria Dearborn, Program Specialist, The Nature Conservancy, New York
Dec 17, 2024**

My name is Victoria Dearborn, and I am The Nature Conservancy's Program Specialist with the Cities Program in New York. The Nature Conservancy is the world's largest conservation organization, and our diverse staff and more than 400 scientists conserve the lands and waters on which all life depends. We impact conservation in 76 countries and territories, directly and with partners. We have 90,000 members across New York, with 35,000 living in New York City. We advance strategies that create a healthy, resilient, and sustainable urban environment and are committed to improving New York City's air, land, and water to sustain and support the people and nature of this great city.

In New York City, we convene the [Forest for All NYC](#) coalition and we are leading practitioners on the science and policy of the NYC urban forest. In 2021, we published the [State of the Urban Forest in NYC](#) (SUFNYC) a comprehensive assessment of the local urban forest, and with Forest for All NYC, released the [NYC Urban Forest Agenda](#), a collaborative roadmap that provides detailed recommendations to meaningfully protect, maintain, expand, research, and promote the NYC urban forest to benefit all New Yorkers justly and equitably. We also conducted an analysis of local [tree canopy potential](#) that shows the feasibility of expanding canopy cover in every neighborhood across the city.

I am writing on behalf of The Nature Conservancy and as a proud member of Forest for All NYC and the Play Fair Coalition to testify regarding the devastating drought that contributed to an unprecedented number of brush fires in parks across NYC this fall. Thank you to Committee Chair Gennaro and our other partners in City Council for their continued commitment to parks and to growing the NYC urban forest to at least 30 percent by 2035. The persistent drought, in combination with chronic and current disinvestment in parks and trees in NYC, has created risks to public safety in parks, and led to damage in natural areas and of mature trees that will take decades to restore.

This October was the driest on record for NYC, resulting in hundreds of brush fires in parks – more than the New York City Fire Department (FDNY) has recorded at any other time in City history. In stark contrast, last fall was one of the wettest on record in NYC, with intense flooding shutting down public transit and leading to a state of emergency. The effects of climate change in NYC, including flooding, extreme heat, and drought and fire conditions, are dangerous and a critical threat to the health and safety of every New Yorker. As our city continues to face [significant increases in the number and intensity of heat waves](#) and extreme precipitation events in the coming decade, trees, parks, and bioswales, when adequately maintained, offer critical nature-based solutions to mitigate the impacts of droughts, floods, heatwaves, and other extreme weather events. Trees canopy, vegetation cover, and green space are crucial for the health, safety, and livability of NYC.

The urban forest includes not just the trees and their canopy, but also their physical infrastructure, such as tree beds and soil, the accompanying biodiversity, and a rich social infrastructure, such as the people who dedicate their careers and free time to it. The urban forest includes over 7 million trees, with their canopy covering 22 percent of the city as of 2017. It spans the whole of the city, crossing jurisdictions

and owners, and can be found on our streets, private backyards, New York City Housing Authority (NYCHA) campuses, City parks, schools, institutions, and other sites.

The urban forest provides substantial and meaningful benefits including for mental and physical health, educational outcomes, job creation, community cohesion, energy burden reduction, climate resilience, carbon storage, and as monuments or cultural symbols. Achieving Forest for All NYC's visionary goal of 30 percent canopy by 2035 (30x35) will increase these benefits and distribute them in a more equitable way. (See Ch. 4 of SUFNYC). [Research published in 2018 by the US Department of Agriculture \(USDA\) Forest Service](#) for the urban forest as a whole indicates that its benefits and services of carbon sequestration and mitigation, air pollution removal, avoided stormwater runoff, and reduced energy costs to be worth well over \$260 million per year, and the cost to replace this resource if lost would be about \$5.7 billion.

There are severe inequities in the spatial distribution of the NYC urban forest, and thus meaningful disparities in terms of where benefits and services are provisioned and to whom. In general, areas with lower income residents and higher proportions of people of color, and ultimately more socially and heat-vulnerable communities, tend to have less canopy than other areas, and should be prioritized for potential expansion for the urban forest (see Ch. 4 of SUFNYC). These areas also frequently are the subject of environmental hazards, such as high air pollution, and the disparities are a meaningful environmental justice concern. To achieve long-term growth and canopy increases, trees require ongoing care and protection alongside additional plantings. Further, it is critical that investments in greening the landscape be carried out in ways that align with community visions, elevate community leadership, and work to avoid potential adverse impacts on the existing residents, such as economic displacement or gentrification.

Public funding dedicated to the NYC urban forest and parks is insufficient and has been heavily variable. While drought was the primary driver of the brush fires across NYC parks this fall, chronic disinvestment in the workforce which maintains, cleans, and protects parks has unequivocally contributed to their scale and severity. Despite the urban forest's essential role in the health and resilience of our city, it continues to be underfunded and has been vulnerable to disproportionate cuts during times of financial hardship. The NYC Department of Parks and Recreation (DPR) is responsible for 53.5% of tree canopy in NYC, but only received an annual average of 0.34 percent of the total City Other than Personal Services (OTPS) expense budget from FY18 to FY22. The portion allocated to urban forestry work was only 0.04 percent of the total City OTPS expense budget (or an average of \$23 million per year, adjusted for inflation to 2021 dollars). This funding limits critical maintenance activities necessary to keep trees healthy, like pruning, stump removal, and pest and disease management. It also constrains the number of new tree plantings each year despite a large potential for this activity, as demonstrated in our recent [tree canopy factsheets](#) for every Council and Community District.

In addition to limited funding, the urban forest also suffers from inconsistent funding, and is vulnerable to drastic cuts, and these funding fluctuations interrupt cycles of regular tree maintenance and long-term planning that are essential to a long-lasting, healthy urban forest. The NYC Parks budget was cut by \$25M for FY24 and the FY25 Executive Budget is nearly \$55M less than the adopted FY24 Budget. The overall City Budget is growing by \$4.5 billion this year compared the approved FY24 Budget, and yet, DPR's Budget is still being slashed. The hiring freeze and reduced budget will result in nearly 1,000 fewer DPR workers, making it much more difficult for the agency to ensure parks are safe, clean, green, and resilient across the city.

In the November Plan released last month, the Administration identified \$200M in additional revenue for FY25, as well as reduced migrant-related spending, and yet there was no new funding directed to filling in the gaps in Parks department staffing. The Administration has said that it values the expansion of the urban forest and has made commitments to environmental justice and equity in climate resilience. Despite these verbal commitments, the Administration's budgets continue to demonstrate that parks and the urban forest are not a priority.

This upcoming July, the Mayor's Office of Climate and Environmental Justice will complete the City's first ever citywide Urban Forest Plan. This Plan will demonstrate a unifying, ambitious, and lasting vision and roadmap for the longevity of the NYC urban forest, ensuring and expanding its benefits to New Yorkers. This Plan presents an opportunity for this Administration to be proactive in caring for the urban forest to help ensure its economic, social, and environmental value is sustained. It has the potential to position NYC as a standout leader in forestry and environmental justice. But it will not achieve that vision or status unless it is paired with long-term, sustained funding. Investing in the Urban Forest and NYC Parks is critical to realize the vision of an equitable and healthy NYC and to reduce the impacts of future droughts, future floods, future heatwaves, and other extreme weather events driven by climate change.

The urban forest is a critical part of the fabric of our city, as well as a vital solution to mitigating climate change and advancing environmental justice. We urge this Council and the Administration to acknowledge its value as a critical element of public safety, resilience, and well-being, by properly resourcing regular tree and parks maintenance and care.

Thank you for the opportunity to share testimony. The Nature Conservancy is pleased to make ourselves available for discussion.

Thank you,



Victoria Dearborn
Program Specialist, NY Cities
The Nature Conservancy
v.dearborn@tnc.org

December 9, 2022

Attention NYC City Council members,

HUB Truck Rental Corp. is a truck rental and leasing company with 2500 trucks, and over 600 lease customers in the NY metro region, and we have serious concerns with the anti-idling legislation.

- The incentive system that rewards the public to target idling trucks has serious flaws when it comes to due process, and not properly issuing the violation to the actual offender of the idling law, since all of our trucks are registered in HUB Truck Rentals name, this is causing our company to be classified as a repeat offender. A transfer of liability option needs to be added to this regulation. The NYC DOF and EZ Pass already have the transfer of liability option in place.
- 100 percent of the trucks we rent and lease are equipped with certified clean idle engines that include diesel particulate filters, and diesel exhaust fluid after treatment systems. We would like to see an exemption added to this regulation for these vehicles, since an exemption already exists in the state of California for trucks with systems previously mentioned, and also have decals from the truck manufacturer so they can be easily be identified:



- The trucks we operate are also equipped with a 3-minute idle timer that is programmed into the vehicles ECM, unless the engine is required to operate a PTO device such as a boom or refrigeration unit.

Regards,

HUB TRUCK RENTAL CORP.

Christopher Gawarecki
Customer Compliance Manager

Testimony of Hayden Brockett before the Committee on Environmental Protection, Resiliency, and Waterfronts – December 17, 2024

Thank you Chair Gennaro for holding today's hearing. I am Hayden Brockett, a founding member of the New York Clean Air Collective (NYCAC), and a father and husband who lives in Manhattan and participates in the Citizens Air Complaint Program (CACP). I took time off from work today to testify in support of that Program, which is the most successful citizen environmental program in the world and would be directly impacted by Intro. 2810.

I agree with several of the concerns expressed by the Department of Environmental Protection (DEP) about Intro. 2810. The current program is working! Citizens and DEP are working together to get big companies like Ryder, Budget, and Enterprise to stop polluting our city. We need to keep the pressure on these companies to electrify, and idling fines are doing exactly what they're supposed to do—hold big companies accountable. Civilian enforcement of our environmental laws works well.

To my knowledge, there has been no environmental review of Intro. 2810. As DEP Deputy Commissioner Rush correctly raised in his testimony, Intro. 2810 will clearly affect the environment by disincentivizing rental companies from addressing air pollution. The State Environmental Quality Review Act requires an environmental impact statement for all government activities that may potentially harm the environment. At minimum, the Council must conduct a SEQRA review for Intro. 2810 and hold a hearing to consider what it shows, when that review is complete.

Furthermore, I am not aware of any study of Intro. 2810's effects on the City's budget. As DEP correctly noted, passing the fines on to lessees will cause leasing companies to lose their incentive to electrify or install anti-idling technology. That will increase pollution, which will certainly affect the City's budget by increasing health care costs, increasing asthma attacks, and deaths. Fine revenue and DEP labor and administrative costs may also be affected. There must be a thorough review of Intro. 2810's budget impacts.

I hear the concerns about fairness, but those are deceptive. While at first blush we may feel for companies like Avis, Enterprise, Budget, and Ryder, the reality is that these companies own trucks that pollute our city. They rent them for profit. They have a responsibility for pumping pollution into our city. They need to modify their

behavior by electrifying their fleets and ensuring that their trucks cannot illegally idle. They are also more than capable of recouping their fees from lessees.

So upon further reflection, we have to ask: Why would we put the burden on the City agencies to track down payments from lessees? The companies own the trucks, they can and in many cases already do that work—and they can modify their behavior and rental fleets and not get any idling fines at all. That is a serious concern with Intro. 2810 that should be thoroughly examined, and DEP's objections to the bill on this score are worth considerable weight.

While I am concerned about Intro. 2810's effects on the CACP, I am grateful today for your work, Chair Gennaro, on behalf of our air and water here in New York. You and your staff are dedicated, I know, to fixing the poor air quality we suffer from in New York, which unfortunately kills 3,000 New Yorkers each year. I am also grateful to the DEP staff who keep the Citizens Air Complaint Program working each day—they have hard jobs and they need to be fairly compensated. This program raised \$50 million for the City in 2023, and yet DEP's budget does not reflect the added costs of administering this program. The Air Inspectors need better compensation, and they need more colleagues—right now, a new idling violation does not get a hearing for 18 months. That is not fair to companies that illegally idle or to citizen reporters.

That is another reason Intro. 2810 concerns me. By mandating that DEP create a new program, with additional administrative overhead, Intro. 2810 will give DEP more work to do without increasing its budget. We need Air Inspectors laser-focused on ensuring companies stop their illegal and dangerous idling. Intro. 2810 is deceptively simple, but in practice would add significant hurdles for DEP's front-line employees' day-to-day work. Companies like Ryder, Hub, and Enterprise already have the information to work with their rental clients to address illegal idling and to ensure any fines are paid by the appropriate party, per their contractual agreements. They should responsibly handle the administrative burden of getting tickets for air pollution paid by the responsible party, and they should not instead shift the administrative burden on to the already overburdened DEP.



Testimony In Support of Intro 1150 and Resolution 84
Submitted by Niki Cross, Staff Attorney of the Environmental Justice Program at
the New York Lawyers for the Public Interest to the NYC Committee on
Environmental Protection, Resiliency, and Waterfronts on December 17, 2024

New York Lawyers for the Public Interest testifies in strong support of [Intro 1150](#) and [Resolution 84](#). These measures will provide necessary help and information for New Yorkers facing the increasing costs, dangers, and uncertainty of flooding and aid in protecting the safety, financial stability, and housing security of homeowners.

Intro 1150 would require the Department of Environmental Protection (DEP) to develop a comprehensive stormwater plan that would identify projects or policies necessary to achieve sufficient capacity and to reduce stormwater flooding. The bill also requires DEP to develop and maintain a dashboard that indicates the status of the comprehensive stormwater plan and of any projects recommended by the plan, which will help ensure transparency and relieve citizens of some of the anxiety caused by the unknown status of many resiliency projects and sewer upgradees.

We represent clients in South Jamaica, a historically redlined area of Queens. There, a community of 20 homes is connected on a failing shared private sewer line requiring frequent repair and maintenance, costing the community approximately \$10,000 per year.¹ DEP has pledged to build a public line for this area within 3 years. Dealing with this persistent problem has been tearing the neighborhood apart and causing ongoing anxiety. There is no publicly available information regarding the critically important public sewer upgrades, and DEP has been either unresponsive or slow to respond to requests for updates on the project. Because of this, residents are left uncertain about how much to invest in their private sewer line and how long-term the fixes need to be. Passing Intro 1150 would allow the residents to track DEP's progress, plan appropriately and efficiently with limited resources, and increase trust in the City and its agencies.

Resolution 84 would call on the State Legislature to pass, and the Governor to sign, legislation to create a permanent, citywide voluntary buyout program to mitigate flood risk. NYLPI also represents clients in Hollis, Queens, a community devastated by flooding from Ida, which killed two residents and caused hundreds of thousands of dollars' worth of property damage. Many of these homeowners are desperate for a buy-out program that would ensure their fair compensation and relocation. Voluntary buyout programs also critically safeguard communities against future

¹ Roxanne Scott, Sewer Backups, *Increasing from Climate Change, are Costing City's Homeowners*, City Limits (Oct. 12, 2022), <https://citylimits.org/2022/10/12/sewer-backups-increasing-from-climate-change-are-costing-citys-homeowners/>

storms, as purchased properties are typically transformed into natural, open space storm water management systems.

Communities like Hollis and South Jamaica, in which the City has historically invested less money and resources—which tend to be Black, Brown, and low-income communities—disproportionately bear the burdens of flooding and sewage backups.² For example, residents in Queens, the City’s most racially diverse borough,³ made over 4,000 backup complaints involving private sewer systems to the NYC Department of Environmental Protection (DEP) in 2022 alone—nearly six times as many as Manhattan.⁴ Many in Southeast Queens are underwater. Sewer backups make residents’ environments unsafe, unhealthy, and inhumane.⁵

These measures would help New Yorkers access life-changing support and critical information in the face of the dire and rapidly worsening consequences of climate change and inadequate sewer infrastructure. They will increase the safety, financial stability, housing security, health, and well-being of New Yorkers and help uphold their rights to a clean and healthy environment.

Many thanks to Chair Gennaro for advancing these critical measures, and to the Council for your consideration.

Niki Cross
New York Lawyers for the Public Interest
Environmental Justice Staff Attorney
ncross@nylpi.org

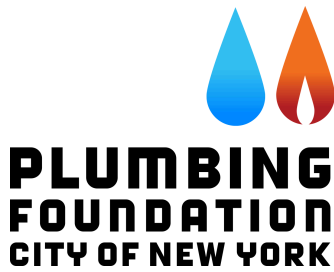
Founded 45 years ago by leaders of the bar, New York Lawyers for the Public Interest (NYLPI) is a community-driven civil rights organization that pursues justice for all New Yorkers. NYLPI works toward a New York where all people can thrive in their communities, with quality healthcare and housing, safe jobs, good schools, and healthy neighborhoods. Our Environmental Justice program fights environmental racism, works to eliminate the unfair burden of environmental hazards borne by low-income communities and communities of color, and seeks to create a more equitable and sustainable city.

² Kriston Capps & Christopher Cannon, *Redlined, Now Flooding*, BLOOMBERG (March 15, 2021); Office of the New Comptroller, *Bringing Basement Apartments Into the Light*, 6 (Aug. 30, 2022).

³ NYU Furman Center, *American Community Survey: City and Borough Data*, <https://furmancenter.org/stateofthecity/view/citywide-and-borough-data> (last accessed Feb. 27, 2024)

⁴ NYC Department of Environmental Protection, *State of the Sewers 2022*, <https://www.nyc.gov/assets/dep/downloads/pdf/water/wastewater/state-of-the-sewers-2022.pdf>

⁵ See Dennis Pillion, *Alabama Black Belt Becomes Environmental Justice Test Case: Is Sanitation a Civil Right?*, Inside Climate News (July 10, 2023), https://insideclimatenews.org/news/10072023/alabama-sanitation-civil-rights-biden/?utm_source=InsideClimate+News&utm_campaign=e91b9fb4e0-EMAIL_CAMPAIGN_2023_07_15_01_00&utm_medium=email&utm_term=0_29c928ffb5-e91b9fb4e0-330506442



To: NYC Council Committee on Environmental Protection, Resiliency and Waterfronts

From: April McIver, Executive Director, The Plumbing Foundation

Date: December 17, 2024

Re: T2024-2849 & Int. T2024-2810

INTRODUCTION

My name is April McIver and I am the Executive Director of the Plumbing Foundation City of New York, Inc. The Plumbing Foundation was founded in 1986 and is a non-profit organization of small and large, union and non-union plumbing contractors, engineering associations, supply houses, and manufacturers whose mission is to protect the public health and safety of New York City through the enactment and enforcement of safe plumbing codes.

The Plumbing Foundation submits the following comments in support of the preconsidered introductions.

COMMENTS

Preconsidered T2024-2849

The above referenced bill for reconsideration would require the NYC Department of Environmental Protection (DEP) to develop a comprehensive stormwater plan that recommends a capacity at which the stormwater system should be able to convey rainfall. The plan would also identify projects or policies necessary to achieve such capacity and to reduce stormwater flooding. Additionally, this bill would require DEP to develop and maintain a dashboard that indicates the status of the comprehensive stormwater plan and any projects recommended by the plan.

The Plumbing Foundation is in support of the legislation and tactics that support resiliency in our City and preparedness for the increasing storms and the wear and tear it puts on our infrastructure and housing. The Foundation urges that in the Council's adoption of and DEP's creation and implementation of such a plan that plumbing and other relevant trade associations and experts are consulted and used as resources to create a truly comprehensive and thorough plan.

Preconsidered T2024-2810

The above referenced bill for reconsideration proposes to establish a program that would allow lessors of motor vehicles to transfer liability for engine idling violations to lessees.

The Plumbing Foundation submitted comments on September 18th to the NYC Council Committee on Environmental Protection pursuant to the oversight hearing on the Citizens Air Complaint Program. As noted during that hearing, we and many across various industries believe there are serious due process concerns with the program. Due process is a constitutional guarantee of legality and fair procedure. The lack of evidence offered to a respondent and

therefore is a hindrance to a proper defense, as well as the absolutely inconsistent timeline and process of sending summonses and scheduling hearings raises unfair procedural concerns. From a practical standpoint, it is apparent that the goal behind New York City's idling law, to change driver behavior, is hardly achievable if company owners are receiving summonses so far after an idling complaint was sent in, or if complaints are sent in by citizens way after the observation.

Therefore, T2024-2810 is a step in the right direction to reforming the Citizens Air Complaint Program to be more equitable and in line with due process rights. In other enforcement programs such as for parking tickets, camera tickets, and weigh-in-motion tickets, there is a built-in mechanism to transfer liability. This does not exist in the Citizens Air Complaint Program, thus this new bill would be a first positive step towards addressing that concern. We urge the Council and Chairman Gennaro to take further steps to address all concerns raised on September 18th.

CONCLUSION

We thank the NYC Council Committee on Environmental Protection for their consideration of our comments. Please do not hesitate to contact us for any reason.



SWIM Coalition

Stormwater Infrastructure Matters

December 17, 2024

Testimony of Michelle Luebke

On behalf of Stormwater Infrastructure Matters (SWIM) Coalition

**before the New York City Council Committee on Environmental Protection,
Resiliency and Waterfronts**

on the Oversight - New York City Drought

and the Intro T2024-2849 for a comprehensive stormwater plan

Thank you, Chairpersons and Members of the New York City Council Committees on Environmental Protection, Resiliency and Waterfronts, for your leadership in convening this hearing, and thank you for providing the opportunity to deliver public testimony on behalf of the SWIM Coalition asking for consideration of key issues while deliberating the need for City Council oversight of urban stormwater flooding, combined sewer overflows, and green infrastructure in New York City through a comprehensive stormwater plan.

Stormwater Infrastructure Matters (SWIM) Coalition is a group of 70 organizations dedicated to ensuring swimmable and fishable waters around New York City through sustainable stormwater management practices — both green and grey infrastructure. SWIM Coalition member organizations endorse a truly sustainable view of watershed management, one that restores ecological systems, creates local economic opportunities and equitably distributes the numerous benefits of green infrastructure (GI).

The next decade is crucial in terms of how we address our stormwater and climate change-related challenges in NYC. According to the [NYC Panel on Climate Change](#), our region can expect to see a 1 – 8% increase in precipitation in the 2020s, and 4 – 11% increase by the 2050s. Sea level for our region is projected to rise 11 – 21 inches by the 2050's and 18 – 39 inches by the 2080's. From storms that caused catastrophic flooding to current unprecedented and historic drought conditions, NYC's water infrastructure has become more burdened than ever. The time to adapt is now. SWIM Coalition supports a comprehensive citywide stormwater plan that prioritizes natural and nature-based solutions and prioritizes rectifying historic injustices by allocating resources to historically disadvantaged communities (DACs). We have submitted a more extensive written testimony with key concerns and clarifications on Intro T2024-2849. Thank you for your time.



SWIM Coalition

Stormwater Infrastructure Matters

December 17, 2024

Testimony of Michelle Luebke

On behalf of Stormwater Infrastructure Matters (SWIM) Coalition

before the New York City Council Committee on Environmental Protection,
Resiliency and Waterfronts
on the Oversight - New York City Drought
and Intro T2024-2849 for a comprehensive stormwater plan

Thank you, Chairperson and Members of the New York City Council Committees on Environmental Protection, Resiliency and Waterfronts, for your leadership in convening this hearing, and thank you for providing the opportunity to deliver public testimony on behalf of the SWIM Coalition asking for consideration of key issues while deliberating the need for City Council oversight of urban stormwater flooding, combined sewer overflows, and green infrastructure in New York City through a comprehensive stormwater plan.

Stormwater Infrastructure Matters (SWIM) Coalition is a group of 70 organizations dedicated to ensuring swimmable and fishable waters around New York City through sustainable stormwater management practices — both green and grey infrastructure. SWIM Coalition member organizations endorse a truly sustainable view of watershed management, one that restores ecological systems, creates local economic opportunities and equitably distributes the numerous benefits of green infrastructure (GI). Since our founding in 2007, SWIM Coalition members across every borough have closely monitored and provided vital public input for the City's eleven Combined Sewer Overflow Long Term Control Plans (CSO LTCPs), the NYC Green Infrastructure Plan (GI Plan), and the Storm Water Management Plan for the City's Municipal Separate Storm Sewer System (MS4), as well as the many policies that have informed these programs.

The next decade is crucial in terms of how we address our stormwater and climate change-related challenges in NYC. According to the [NYC Panel on Climate Change](#) (NPCC), our region can expect to see a 1 – 8% increase in precipitation in the 2020s, and 4 – 11% increase by the 2050s. Sea level for our region is projected to rise 11 – 21 inches by the 2050's and 18 – 39 inches by the 2080's. From storms that caused catastrophic flooding to current unprecedented and historic drought conditions, NYC's water infrastructure has become more burdened than ever. The time to adapt is now. SWIM Coalition supports a comprehensive citywide stormwater plan that prioritizes natural and nature-based solutions and prioritizes rectifying historic injustices by allocating resources to historically disadvantaged communities (DACs).

Below are some of the key concerns and clarifications the SWIM Coalition requests the Committee to consider regarding Intro T2024-2849, to amend the administrative code of the city of New York, in relation to the creation of a comprehensive stormwater plan and a stormwater dashboard:

- I. **How does information from the proposed 'comprehensive stormwater plan' differ from existing plans?**

SWIM Coalition wishes to acknowledge the ongoing efforts of the NYC Department of Environmental Protection (DEP) staff to adapt to the myriad challenges and conditions they face on a daily basis as they implement the City's multi-pronged approach to address the negative impacts on our city from stormwater runoff. The dedicated staff at DEP have made a commendable effort to sustain an ongoing and productive dialogue with stakeholders as they've implemented the various phases of the city's long-term plans to reduce the negative impacts of polluted stormwater runoff and combined sewer system overflows in NYC. These include waterbody-specific and citywide CSO Long Term Control Plans, Stormwater Management Plan, Stormwater Resiliency Plan, Green Infrastructure Plan and annual reports. Additionally, staff at the Department of City Planning (DCP) held public listening sessions and solicited comments to improve the Comprehensive Waterfront Plan (CWP) that assessed coastal and riverine flooding. Together, these documents provide understanding about a number of different issues related to stormwater, flooding, CSOs, and pollution, and spell out concrete actions and mitigation strategies. While the SWIM Coalition generally supports comprehensive stormwater plans, Intro T2024-2849 lacks sufficient detail to understand how it would differ from and complement existing documents and plans, and request more information and clarity be supplied.

A. Advocate for improved water quality

SWIM Coalition was founded to advocate for water quality that meets the Clean Water Act goals of 'swimmable and fishable' throughout the New York City area. Current conditions fall below this federal goal, with New York State Department of Environmental Conservation (NYS DEC) downgrading water quality standards around NYC to secondary-recreation-level protection (i.e. boating), even when it is known that primary-level recreation (i.e. swimming) takes place in these waters and shirking the responsibility of meeting the federally mandated goal. Priority should be given to protecting water quality in areas of historic negligence and neglect that predominantly occur in neighborhoods of the most marginalized populations.

1. Plan "recommends capacity at which the stormwater system should be able to convey rainfall"

It is unclear if this language is referring to the "stormwater system" as gray infrastructure only or as combined green and gray, much less with any specifics as to the proportion of green/gray. It also is unclear if "capacity" is in reference to current conditions or a future scenario in which there are zero CSOs and if "rainfall" includes coastal flooding and sunny-day flooding (e.g. a neighborhood opens fire hydrants on a hot summer day, overwhelming capacity with no rainfall). The NPCC has found NYC is vulnerable to [four different types of flooding](#): rain-driven, riverine, coastal and groundwater. SWIM Coalition seeks clarity on these points and generally advocates for green infrastructure to be used wherever feasible.

2. Consent Order milestones not met

Existing plans are not advancing rapidly, and thus are not meeting metrics and milestones set by the Consent Order. The NYC Green Infrastructure Plan is behind schedule on the stormwater management milestones set forth in the plan, thus affecting the true impact analysis in each LTCP. SWIM has previously signed onto a stakeholder letter to NYC DEP regarding our concerns about the City's plans to meet the milestones in the plan by 2030. You can see the letter [here](#).

B. Advocate for climate-change-informed future rainfall levels

The capacity of NYC’s storm sewer and combined sewer infrastructure has frequently been surpassed on a regular basis in recent years ([nearly every three days in 2018](#)). Although the city has plans underway to reduce polluted discharges from these systems, the plans are not based on current or future rainfall projections for our region; they are based on rainfall data from 2008. The NPCC has found that rainfall is the largest contributor to flooding in NYC, but still [remains poorly understood](#).

The current capacity for the City’s combined sewer system is maxed out when it rains 1.75 inches per hour, with some portions of the system overwhelmed by as little as one tenth of an inch of rain per hour. Rainfall data from Ida indicated that we had 3.15 inches of rain per hour. It is imperative that the City accelerates its timetables to prepare our stormwater and wastewater infrastructure for increased rainfall and sea level rise.

Based on recently increasing catastrophic storm events and future projections, the current system capacity will be overburdened far more often in the years ahead. We know that higher than normal levels of *Enterococcus* bacteria —indicators of pollution with health risks to humans— are found in our waterways after rain events, indicating sewage overflows. The City’s own Climate Resiliency Design Guidelines state that sea level rise is of equal importance to future rainfall, as there are certain CSO outfalls that are currently inundated by seawater entering the combined sewer system during certain tide cycles, and this problem is expected to worsen with the sea level rising.

Unless the proposed comprehensive stormwater plan supersedes all other plans and uses forward-looking rainfall levels, what is needed is to expedite the CSO Long Term Control Plans, Stormwater Management Plans, Stormwater Resiliency Plan, and Green Infrastructure Plan with updated projections using climate-change-informed future rainfall levels. These existing plans have completion dates ranging from 2030 to 2042, with goals based on rainfall projections from 2008, and must be updated.

II. Prioritize natural and nature-based solutions where feasible

The SWIM Coalition supports using natural and nature-based solutions to stormwater and flooding issues, referring to the collective of these mitigation strategies as green infrastructure (GI), easing the strain on New York City’s already overburdened sewer system, improving water quality citywide, and complying with multiple regulatory compliance requirements mandated by the state Department of Environmental Conservation. There are often co-benefits associated with each type of GI feature, improving air quality, wildlife habitat, mitigating urban heat island effect, aesthetics, economic value, providing community space, just to name a few. SWIM Coalition advocates that the text of Intro T2024-2849 should include “prioritize natural and nature-based solutions where feasible” when addressing stormwater and/or flooding.

A. “Recommend measures owners of private property could adopt to mitigate stormwater flooding”

The NYC Stormwater Management Plan for the City’s MS4 areas relies heavily on property owners to manage stormwater more effectively on site. The DEP has programs for private property owners to install GI practices to reduce stormwater, but participation in retrofit programs (installing GI on existing buildings) has been low due to a variety of issues. In addition to regulatory requirements for private property owners, the City should develop a suite of incentives and technical assistance programs so that property owners are able to comply with new regulations.

B. Buy-in from the Department of Transportation (DOT)

The Dept. of Transportation historically has been hesitant to embrace a wide scale use of permeable pavement options to better absorb the billions of gallons of stormwater volume generated by our roads, streets and sidewalks. DEP has piloted a few small-scale permeable pavement projects but will need the cooperation of DOT to deploy this type of stormwater management solution at scale.

C. Long-term funding for maintenance

Green Infrastructure assets in the public right of way are nearly complete. Maintenance of the City's assets in the public right of way is critical. To date, the City has struggled to maintain the rain gardens that are installed in the priority areas where they are most needed. Adequate funding must be allocated to ensure that this vital green infrastructure is properly maintained over the course of its full life span. GI maintenance presents an opportunity for workforce development. As such, allocation of funding is a sound investment that has benefits beyond the environment, and would be a key component of any comprehensive plan.

III. Prioritize projects benefiting historically disadvantaged communities (DACs)

SWIM Coalition advocates that the text of Intro T2024-2849 should include “prioritizing projects benefiting historically disadvantaged communities (DACs),” particularly when the highest flooding and greatest impacts occur in DACs. At the same time we urge city agencies to engage community members early and often and empower them to drive the planning process to the extent possible. We must be intentional about preventing displacement as a result of green infrastructure investments in DACs. This can only be done through authentic and empowerment-based community engagement.

IV. Plan should identify how the DEP funds the projects

The plan should identify how DEP will fund the projects needed to reach recommended level of service.

A. Advocate for water rate valuing stormwater costs

SWIM Coalition continues to advocate for valuing stormwater costs appropriately based on stormwater discharge off a property to equitably incentivize responsible stormwater management to reduce the burden that polluted stormwater places on the city's sewer system and waterways. This is particularly true for when stormwater burdens the system simultaneously when flooding may occur from rainfall and/or coastal flooding. The current rate structure puts an unfair burden on many New Yorkers—including residents of affordable housing—and fails to create incentives for sustainable stormwater management. Currently, the rate does not calculate how much stormwater pollution a property generates and instead lumps wastewater and stormwater into one charge based on how much potable water is used. This is an inequitable system in which properties with large impervious areas but only a few bathrooms (e.g., a big box retail commercial site with a large parking lot) pay far less than the true cost of managing their runoff into the public sewer system, while more compact residential properties, with higher water use relative to their impervious footprint, the pay more than their fair share of DEP's stormwater management costs. Charging users proportionately for the cost of their stormwater will shift the burden of the cost to the largest contributors that have traditionally paid the least. The benefits of this restructuring include the ability to tie stormwater customer revenues directly to the costs associated with stormwater management (i.e., a dedicated revenue source), an equitable allocation of those costs among ratepayers, and an incentive for the private sector to invest in green infrastructure and sustainable stormwater management.

Thank you for your consideration of the SWIM Coalition's testimony. We look forward to continuing to work with the Council Members, DEP, the Office of Long-Term Planning and Sustainability, and our partner organizations to ensure New Yorkers and their waters are protected against flooding and climate change impacts.

Contact:

Michelle Luebke, Stormwater Infrastructure Matters Coalition, swimmablenyc@gmail.com

December 17, 2024

**Comments of Zach Miller
Vice President of Government Affairs
Trucking Association of New York**

before the

**New York City Council Committee on Environmental Protection, Resiliency and
Waterfronts**

Good morning, Chair Gennaro and members of the Committee on Environmental Protection, Resiliency and Waterfronts. My name is Zach Miller, I am the Vice President of Government Affairs for the Trucking Association of New York (TANY). Since 1932, TANY has advocated on behalf of the trucking industry at all levels of government, providing compliance assistance, safety programs, and educational opportunities to our members, and in the process, creating jobs, supporting the economy, driving safety, and delivering a sustainable future.

I testify today in full support of the pre-considered introduction that would require the Commissioner of Environmental Protection to establish a program that would allow lessors of motor vehicles to transfer the liability for engine idling violations to lessees.

The omission of a transfer of liability has been one of the due process impediments in this program. In every other enforcement program, from parking tickets, camera tickets, WIM tickets, etc. there is a built-in mechanism to transfer liability, which does not currently exist here. This is especially burdensome on rental & leasing companies, as well as fleets utilizing independent contractors. This prevents summonses going to the liable party, which paints them as repeat violators even though they are not operating the equipment.

The requirement of a transfer of liability to this program will right a significant wrong along with previously introduced bills such as Int-941 and Int-747 will help restore due process to the citizens air complaint program.

Thank you for your leadership in this important matter. As always, the Trucking Association of New York looks forward to ongoing collaboration with the City Council, DEP, and OATH.

Thank you for your consideration of my comments and for your time.

Walton Hauling
a division
F 718.383.1701
Kharieh Bros Inc.
171 West Street
Brooklyn, NY 11222



T 718.383.1700
of

waltonhauling.com
D.O.T. # 098568

12/17/2024

I am writing to express my support for Councilman Gennaro's bills (Int-941 and Int-747). These bills improve on some of the significant flaws in the current idling violation system. I also support holding Councilwoman Menin's bill, INT-291 until all flaws in the current idling violation system are fixed. I also strongly support the creation of a public facing website to house the video evidence of all idling violations.

Additionally, although this is outside the scope of the bills being discussed right now, I support an exemption for trucks with the clean idle certification. Numerous states have exemptions for clean idle vehicles, and New York should as well.

Thank you,

F.Tommy Kharieh
President
Walton Hauling

Subject: In favor of transfer of liability to lessees

Dear chairperson Gennaro and staff,

I have been participating in the Citizen Idling Complaint program for the past 2 years. I support T2024-2810. I think allowing leasers the option to transfer liability to the lessee is fair

Large fleet rentals can install anti-idling devices, but they can be defeated by the lessees whose driver behaviors are harder to control because they are not part of the same organization. Beyond that, I imagine rental companies have difficulty enforcing compliance for their customers. This bill will let those closest to the violation to be ticked, so behavior change can happen with the source.

A side effect to monitor for is that this could discourage rental companies from proactively trying to stop idling. If they can transfer idling violations, then they have significantly reduced incentives prevent it with anti-idling devices.

Sincerely,

Wanfang Wu

Dec 17, 2024

I am here before the Environmental Committee to speak about Jim Gennaro's bill to transfer liability for idling offenses.

Initially, I applaud the general idea of making sure summonses go to the person or entity most responsible for air pollution, but believe that, in view of potential economic and environmental unintended consequences, the bill needs additional economic and environmental review prior to any vote.

It would of course be beneficial for lessees to understand their obligations with respect to the idling law, and to comply with it. But simply properly funding the DEP to be able to issue tickets, and hold hearings on those tickets, promptly, may accomplish this goal just as well or better than the bill.

Rental companies are already well positioned to deal with idling tickets and to avoid idling. They are repeat players, often with large fleets, and understand these tickets and how to appear at OATH hearings. They can opt for electric vehicles that will not receive idling tickets. They can install true, non-overridable, auto-shutoffs that likewise prevent tickets. One company, CC rental, went so far as to provide a prominent anti-idling educational campaign to each of their renters. By shifting the legal consequences of trucks' air pollution away from the rental companies, the rental companies lose their incentive to engage in these beneficial practices, and air pollution in New York City may well increase.

Moreover, rental companies already regularly agree with their lessees, in the rental contract, that the lessees will be responsible for any idling tickets, even without this bill. These contracts put the lessees on notice that they must not pollute unnecessarily. The problem though, is that DEP is so slow in issuing summonses and scheduling hearings, often years out, that the lessees may, come hearing time, be unreachable and unbillable. Having the city write tickets to a no-longer reachable renter based on outdated contact information is not the solution to this problem. The solution to this problem is giving the badly underfunded DEP air enforcement division appropriate resources to promptly issue tickets with prompt hearing dates. The funding would more than pay for itself, not only in fine revenue, but also in environmental benefit. This funding solution has been repeatedly recommended at prior environmental hearings by many individuals and by the DEP itself, but for some reason the city's budgets never seem to adequately fund the idling program despite the program being net-positive for the city's finances. Unfortunately, requiring the DEP to create and run a transfer of liability program may well further burden its too-limited resources, and further delay summons issuance and hearing dates, creating lasting environmental damage.

In sum, while this bill is well-intentioned, I recommend that the city closely review it from a financial and SEQRA-mandated environmental perspective, considering alongside the bill the alternative solution of appropriately funding the DEP's anti-idling program.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Julie Lubin, Deputy Comm. Bureau of En-

Address: NYC DEP Environmental Compliance

I represent: NYC DEP

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Kathryn Mellon, Chief Operating Officer

Address: NYC DEP

I represent: NYC DEP

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 12/17/24

(PLEASE PRINT)

Name: Beth DeFalco, Deputy Comm Public Affairs

Address: _____

I represent: NYC DEP

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Paul Rush, Deputy Comm. Water Supply

Address: _____

I represent: NYC DEP

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 12/17/24

(PLEASE PRINT)

Name: Matt D'Arcy

Address: NYC Parks + Recreation 805 G.F.H. Ave

I represent: "

Address: "

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 12/17/24

(PLEASE PRINT)

Name: Hayden Brackett

Address: _____

I represent: New York Clean Air Collective

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 12/17/24

(PLEASE PRINT)

Name: Sara Evans

Address: _____

I represent: Green-Wood Historic Fund

Address: 500 25TH St, Brooklyn NY