



Testimony of
Rohit T. Aggarwala
Commissioner, New York City Department of Environmental Protection
before the
New York City Council
Committee on Environmental Protection, Resiliency, and Waterfronts
October 28, 2024

Good afternoon, Chair Gennaro and members of the Committees on Environmental Protection, Resiliency, and Waterfronts. I am Rohit T. Aggarwala, Commissioner of the Department of Environmental Protection (DEP). I am joined today by Assistant Commissioners David Warne and Shilo Williams of the Bureau of Water Supply to talk about the Filtration Avoidance Determination (FAD) and the preservation of our water supply in general. I will also share DEP's perspective on the several bills being heard today.

The Filtration Avoidance Determination

New York City's water supply comes from a network of 19 collecting reservoirs upstate, ranging from Kensico in Westchester to Schoharie and Cannonsville, each more than 100 miles away from the City. (Two other reservoirs – Hillview in Yonkers and Jerome Park in the Bronx – are only holding reservoirs and do not collect runoff.) Typically, 10% of our annual water consumption comes from the Croton network of reservoirs in Westchester, Putnam, and Dutchess Counties, which are the oldest reservoirs and are the successors of the original Croton system of 1842. Croton water is all filtered at our Croton Filtration Plant in the Bronx, which opened in 2015. (As you know, due to the currently ongoing repair of the Delaware Aqueduct, roughly 30% of our water right now is coming from the Croton system.)

In normal periods, 90% of our consumption comes from the Delaware and Catskill watersheds, which are entirely west of the Hudson River. These two watersheds are covered by the Filtration Avoidance Determination, which allows us – as its name implies – to avoid filtering the water from these systems. The water is treated with both chlorine and ultraviolet light to disinfect it, but we rely on natural systems to keep the water clear.

Going back to the origins of New York City's water supply in the 19th century, state law had given New York City the authority to regulate certain polluting activities to keep the water clean. This gave us a head start when, in 1989, the US Environmental Protection Agency (EPA) promulgated the federal Surface Water Treatment Rule. The Rule required all surface water supplies, like New York City's, to be mechanically filtered unless the water supplier could demonstrate the water met certain health-based criteria and that there were controls in place to protect against contamination. In fact, all of New York City's water supplies – including the Croton system – met the Rule's health-based water quality standards. However, the level of development in the Croton watershed meant that DEP did not believe it would be possible to control future potential pollution sources. As a result, DEP moved to adopt filtration for the Croton system, and to seek a FAD for the Catskill and Delaware systems.

What is the FAD?

The FAD is a regulatory waiver that allows New York City to avoid the filtration requirement of the Surface Water Treatment Rule. It is based on the ability of New York City to convince the EPA (now, the



New York State Department of Health (NYSDOH), under delegated authority from EPA) that there are controls in place to protect against future pollution. There are many tests and reports that are required to document that we are maintaining both water quality and ongoing pollution prevention, and there are key tests that we could fail, which would lead NYSDOH or the EPA to mandate that New York City immediately move to build a filtration plant. The FAD also requires us to develop contingency plans for such a situation.

When we speak of “the FAD,” in fact we are speaking of several interconnected protocols. The FAD itself is a 10-year directive from the State Department of Health. The current FAD will be up for renewal in 2027. Following the issuance of the first FAD in 1993, DEP was a party to the NYC Watershed Memorandum of Agreement (MOA), which was signed in 1997. This agreement between the City, the State, EPA, watershed jurisdictions, and environmental stakeholders such as Riverkeeper, further codified DEP’s land acquisition and Watershed Protection programs. In addition, DEP’s land acquisition activities in the watershed in compliance with the MOA are authorized by a withdrawal permit which is granted by New York State Department of Environmental Conservation (DEC). This permit expires in 2025 and we are currently negotiation the next ten-year permit.

The FAD is a globally-recognized pioneering example of payments for ecosystems services. Ultimately, by protecting nature, and compensating watershed residents for the costs of those protections, New York City water ratepayers are paying to ensure that nature can filter our water, and thus avoiding the expense of building and operating a massive filtration plant. Since 1993, New York City has invested roughly \$2.5 billion in the programs that make the FAD work. This is a sizeable investment, but one that continues to pay off and is far smaller than what a filtration plant would cost.

In 1993, when the first FAD criteria were implemented, the main risks to our water supply were human and agricultural. As a result, the FAD broadly includes three cornerstone programs.

The first was the land acquisition program, which preserves the pristine landscape that produces high quality source water and protects against excessive development. When the reservoirs were constructed, the City purchased about 78,000 acres of land – 35,000 for the reservoirs and an additional 43,000 acres around them. Since 1997, we have tripled our footprint, purchasing an additional 155,000 acres in the watersheds as buffer lands for water quality protection. By comparison, the entire land area of New York City is roughly 194,000 acres. We own more land in the watershed than there is land in the five boroughs.

The second program addressed wastewater from the population of the watershed. DEP funded installation of high-level treatment technology on more than 30 existing wastewater plants in the watershed. This treatment, know as tertiary treatment, effectively eliminates pathogens from the plant effluent and also reduces nutrient discharge. Further, DEP paid to construct new centralized wastewater systems in more than twenty communities. DEP has ensured that more than 6.000 septic systems – serving homes and small businesses – have been repaired.

The third program has addressed agricultural runoff. The watershed is home to hundreds of small, family-owned farms that produce dairy products, beef and produce. Working with local partners, DEP subsidizes on-site evaluations of each farming operation and recommends tailored practices to reduce or eliminate polluted runoff. With DEP funding, thousands of Best Management Practices, or BMPs, have been installed on hundreds of farms in the past 30 years. These BMPs have the added benefit of often enhancing farm operations and profitability, thereby sustaining farming as a vital part of the



watershed economy. These are voluntary programs, and today, 90% of the large farms in the watershed participate.

The FAD relies on a network of watershed partners, who receive funds from DEP and implement our programs. These partners include the Catskill Watershed Corporation, the Watershed Agricultural Council, four local Soil and Water Conservation Districts, the Cornell Cooperative Extension and the Catskill Center. These organizations are trusted in their communities and hence are often more effective at obtaining local support and participation than DEP would be directly.

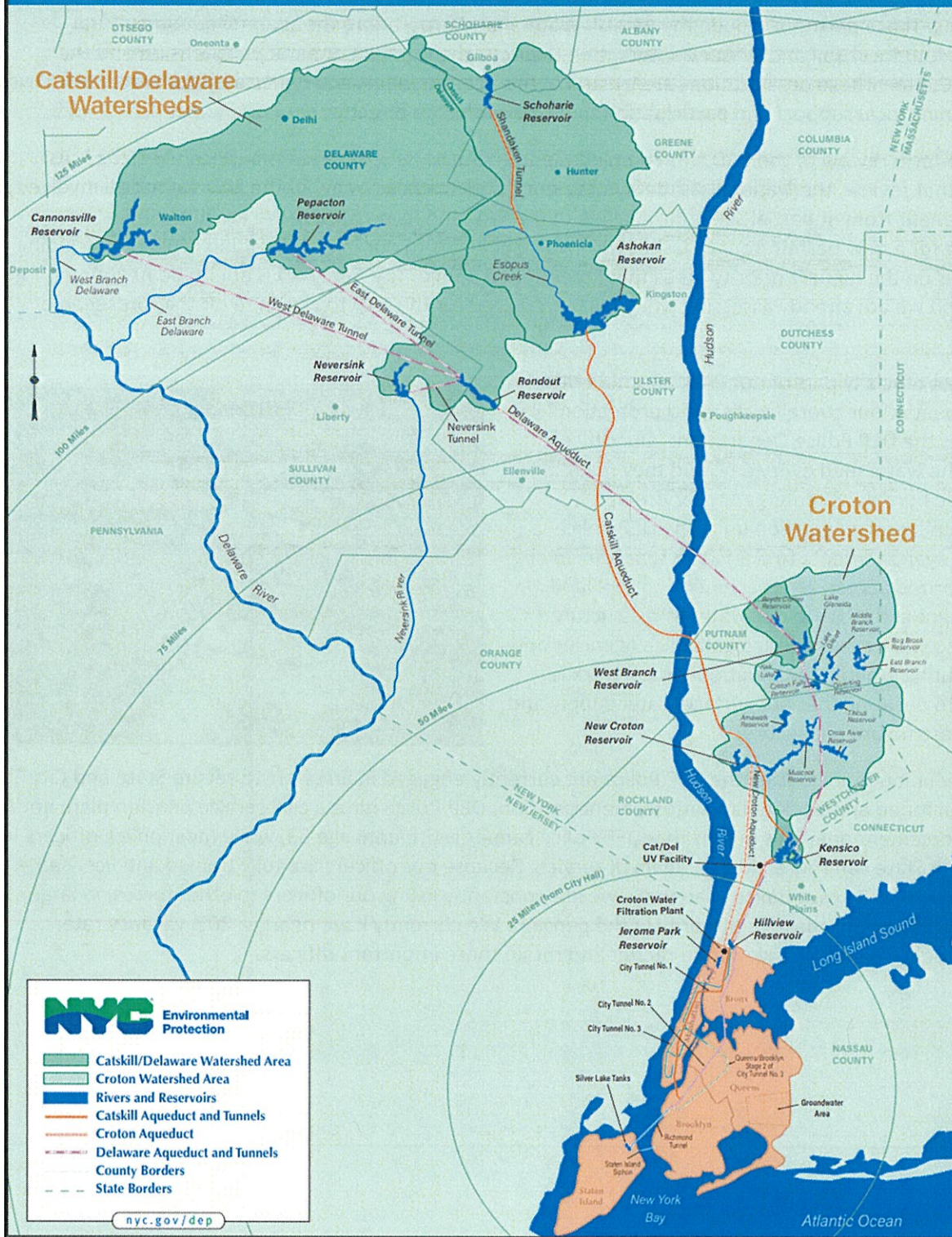
The mid-term review of the FAD was completed and NYSDOH issued revisions in December 2022. As part of that review, the National Academy of Science undertook a review of the FAD so that all involved could benefit from impartial scientific analysis of the FAD and its programs. We are in the midst of applying for a new permit from DEC that will involve changes to our land acquisition program, including the focus on the highest priority areas that I mentioned above. The next FAD is due to be negotiated for 2027, and we are already assessing what will be required for the FAD to continue for the foreseeable future.

While not officially part of our FAD, another critical component of our overall watershed protection efforts is the DEP Police Department. Our officers patrol the watershed every day; and they maintain a detective bureau, an emergency service unit, a canine unit, and an aviation unit. The DEP police protect against threats to our water supply including unauthorized access, encroachment on DEP land, and potential threats to our water infrastructure. They also work closely with local police agencies and assist during emergency situations. Their work is critical to ensuring that our surface water supply and our infrastructure are secure.



The new union representing the DEP Police are currently engaged in an effort to secure State and City approval for an appropriate law enforcement pension. DEP Police have a civil service pension plan, not a law enforcement one. This means that DEP Police cannot retire until age 63, while most police officers in New York State can retire after 25 years of service. Because our officers are fully trained and licensed – in fact, DEP has its own police academy – we are constantly losing our officers to other forces, in large part because of this massive disparity in the pension. We currently have nearly a 20% vacancy rate, despite doing everything we can to recruit and retain these important officers.

NEW YORK CITY'S WATER SUPPLY SYSTEM





Being an esteemed presence

DEP's outsized role in the watershed – as a land owner, a major employer, a police force – makes it critical that we are a valued member of the community. I'm pleased to say that in fact we are held in high esteem by residents of the watershed. In fact, we undertook a Siena poll last year to understand how watershed residents west of the Hudson viewed DEP, and we were rated very highly. In particular, watershed residents appreciate that DEP makes so much of our lands available for recreation, which is a cornerstone of the quality of life in the area and a key aspect of its tourism and second-home economy. They also appreciate the benefits the DEP police bring.

It was less widely understood that – despite being a government entity – DEP pays taxes on its property in the watershed. In fact, we are the largest taxpayer in all of the west-of-Hudson watershed counties, and the second largest taxpayer in Westchester. In many school districts, DEP actually pays a majority of the school system's revenues. All told, we paid \$165 million in taxes upstate last year.

More broadly, we have to be sensitive to the concerns of watershed residents, who are often concerned that land acquisition and land-use restrictions can hinder economic development. We incorporate public amenities into capital work where we can, just like we do around the city. For example, we recently broke ground on an infrastructure project that will include a new parking lot for a local school. Going forward, we need to ensure that we are always on the lookout for ways that our operations can also create benefits for our watershed neighbors. By being an “esteemed presence” in the watershed, we can ensure that there is the long-term support that will allow us to protect the FAD for generations to come – and for DEP to play a leading role in defining the future of the FAD.

Future of the FAD

As successful as it is, the FAD is not necessarily permanent. It can be revoked on fairly short notice if we fail to fulfill our obligations or if our water quality fails to meet standards, even if those failures are caused by storms or other factors beyond our control. There are only six water systems in the US that have FADs or their equivalents, and one of them – Portland, Oregon – recently lost their FAD because of the detection of naturally-occurring pathogens that had not been in their source water before and require filtration to eliminate. EPA gave Portland only 10 years to build their treatment plant – which, at 135 MGD, is less than one-tenth the size of a plant we would need – and their filtration plant will cost roughly \$2 billion. This cost reinforces that we have to be vigilant.

It also reminds us that the FAD must be based on the science. The FAD has succeeded not because it was good environmental policy or good economic policy; it has succeeded because it was sound water quality policy.

The scientific review by the National Academy that I mentioned found that our land acquisition program could use adjustment. The region is divided into four areas – priority areas 1 through 4 – based on their potential to impact water sources. Most important are the lands bordering our reservoirs and their tributaries, and these are priority areas 1 and 2; further away are lands in priority areas 3 and 4. Until now, we have sought to acquire land in all of these areas. But the National Academy found that continued purchases in areas 3 and 4 would have no more benefits to water quality, while land in priority areas 1 and 2 remain as important as ever, if not more so. As a result, we recently altered our land acquisition practices to focus more on priority areas 1 and 2 and to end programmatic purchases in areas 3 and 4.



Going forward, we must continue to ensure that the FAD evolves as threats to water quality evolve. Increasing water quality standards mean that there are limits to how much chlorine we can use to disinfect water after a major storm. Climate change means that intense storms are more frequent. While we have traditionally worried about human and agricultural contamination, the massive rebound in wildlife populations, particularly around the Kensico Reservoir, means that these are also a source of potential contamination, especially after severe storms and after the short-term extreme droughts that climate change may bring. The new FAD in 2027 will need to continue to protect against historic threats, and also guard against these new ones. What is certain is that the FAD will need to evolve; if it does not, it is far more likely to fail. And if it does not evolve based on the science, it will certainly fail.

This is one more reason that DEP must be an esteemed presence in the watershed and that we have to invest in our own research: we need to ensure that DEP has the standing to play a leading role in defining the future of the FAD.

We also must plan for the possibility of full filtration at some point in the future, even as we seek to avoid it. The current FAD requires DEP to maintain contingency plans for filtration, and the experience of Portland – which was given only 10 years by the EPA to build its filtration plant – demonstrates the importance of such plans.

As I mentioned, the FAD has been a point of pride for DEP and the City for many decades. It is a credit to our staff and to the generations of dedicated civil servants who preceded us and laid the groundwork for the system we manage today.

Legislation

Before concluding, I will take a few minutes to speak about each of the bills on today's agenda.

Intro. 33 would require DEP to notify Council Members and community boards 48 hours before any work that would cause discolored water or loss of water pressure.

Currently, our community affairs team notifies community boards as soon as we confirm locations for emergency construction. They also update impacted community boards and elected officials during water main breaks in real time. Prior to water shut offs, our contractors and field operations teams post notices in neighborhoods and on doors with information on potential impacts and instructions. We are committed to keeping constituent, robust communication with elected officials and residents. We have recently created the position of Borough Commissioner in our community affairs unit, specifically to strengthen lines of communication. We welcome discussions about how we can make additional improvements.

Because this bill would codify and refine current DEP practice, we would like to work with the council to ensure that it does not unnecessarily add cost or complicate operations. For example, we currently schedule work the day before it is done, so could not send notifications 48 hours before. As a result, we agree with the objectives of this bill but would seek to collaborate on the language.

Intro. 225 would require DEP to establish a website with schedules and other information on a broad range of our operations. We currently provide a great deal of information both in real time and through NYC Open Data, which includes fully 43 datasets which DEP provides and updates. We offer real-time information on our website on a variety of topics, ranging from reservoir levels and the source of water to each part of the city to whether the Newtown Creek gas-to-grid facility is operational. In addition to



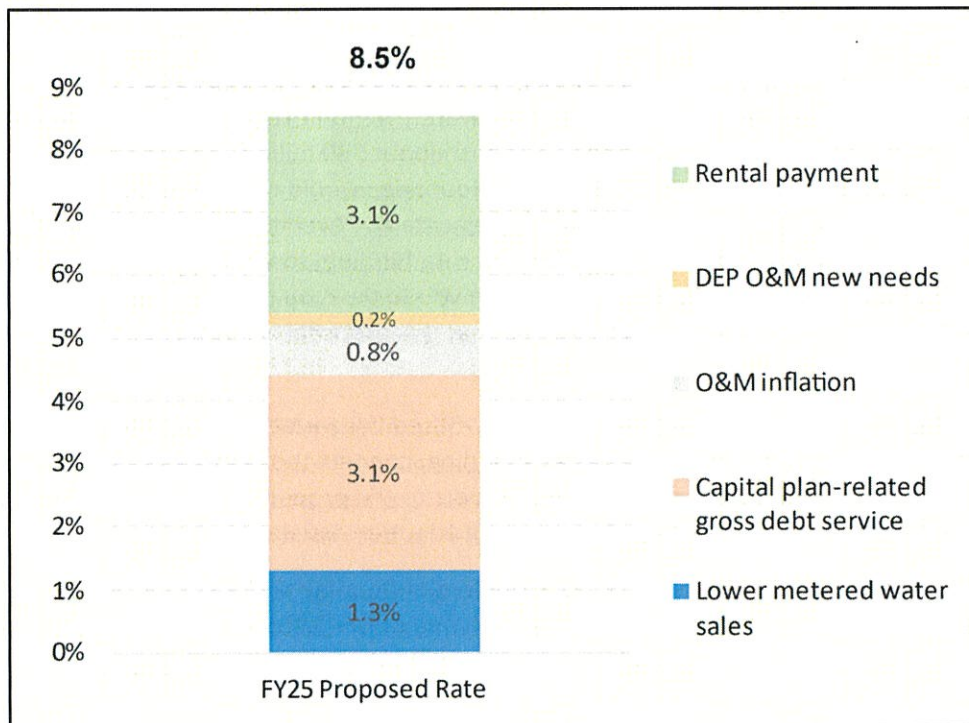
the MMR, we publish annual reports on water quality, on the state of the sewers, and of course on our finances.

The bill as written is breathtakingly broad and the information it seeks would, I believe, be essentially impossible to convey in the way the bill seems to intend; further, it would require significant cost and headcount to attempt to do. We have several ongoing internal efforts that map our work that could be made public, and we would be happy to work with the Council to narrow the bill's scope and understand what information is needed, for what purpose, and by whom.

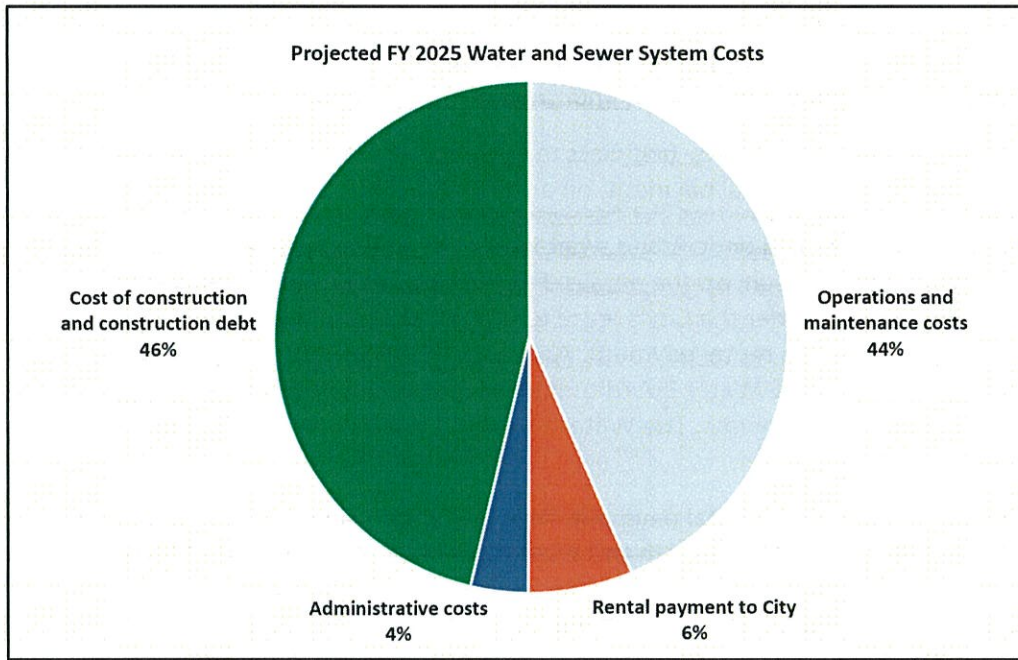
Intro. 816 would require DEP to notify, by first class mail, all owners of property with water or sewer service when the City requests a rental payment, on a strict timeline.

I certainly agree that people should understand what their water rate payments are spent on. I would like to work with the Council, though, on the details. For example, a dedicated first-class mailing would cost about \$1 million. Further, under the City's lease to the Water Board, we do not actually always know when the City will request a rental payment. Above all, DEP does not set water rates; rather, the rates are set every year by the NYC Water Board through a legally prescribed process that requires public hearings and public notice requirements. The Water Board is a state entity that is legally separate from the City and DEP.

It is also important to note that the rental payment, if there is one, is not the only factor that is included in the rate setting calculation, as illustrated in this chart from the FY25 water rate hearings earlier this year.



We have already been exploring the potential to let New Yorkers know how their water bills are being spent, as many other utilities do. An example of what that might look like is below.¹ If ratepayers understand what their payments are going to, they would have context to be more informed when looking at rate proposals for future years.



Intro. 900 would require DEP to install 500 drinking fountains around the city by 2030. While we support any effort that encourages more people to drink our tap water, we, unfortunately, do not believe that this proposal is feasible. Installing 500 fountains would cost about \$20 million. DEP does not currently maintain any water fountains, so maintaining these new fountains would require hiring a new, dedicated team of staff. We do not currently have sufficient staff or even the appropriate staff to do so. It is not clear that this would be a legitimate use of water rate funding, so we would need appropriations from general tax levy funding. We are happy to work with you to develop programs to ensure access to drinking water around the city, but we strongly believe that this proposal is not the best way to achieve that goal.

Finally, **Intro. 1067** would require DEP to hire Community-Based Organizations (CBO) to identify properties that have been damaged by groundwater flooding, connect those property owners to assistance programs, and provide case management support to the property owners. The bill also creates a taskforce focused on Southeast Queens flooding adaption assistance.

We have been very seriously focused on the overall problem of flooding and on the challenges of Southeast Queens. For several years, as you all know well, one of DEP’s top priorities has been to implement better flood management around the city. This has included assistance to property owners

¹ Cost of construction and construction debt includes cost of paying for debt on water and wastewater bonds and funds to provide cash for construction work in place of issuing bonds. Administrative costs include the costs of running the Water Board and Water Finance Authority. Rental payment to the city is the rental payment. Operations and maintenance costs agency costs of running the water and wastewater system.



through the Rainfall Ready program and the more recent townhall-style flooding information sessions that DEP has been hosting this past year, which included a flood preparation kit.

We have also been focused on groundwater flooding. We have an ongoing effort with the US Geological Survey to map and monitor groundwater levels across the City, which is of interest as sea level rise has been raising groundwater levels across the Eastern Seaboard. We have also been focused on those experiencing flooding in Southeast Queens. That part of New York City has \$2.5 billion in the current capital plan for stormwater management, which means that it is receiving more investment than any other part of the city. We have also been working to clarify the groundwater flooding issue, and we find that some residents may be conflating groundwater flooding with other forms of flooding.

We welcome the opportunity to work with the Council to expand this work. We do not think, though, that the program laid out in this legislation is the best way that DEP can support residents. DEP does not provide the sort of case management assistance to homeowners that would be required by this bill. Rather, one approach we are exploring is whether the NYC Accelerator, which provides precisely this kind of direct advice and assistance to building owners around energy efficiency, could be expanded to offer advice to homeowners on flooding issues.

We and the Mayor's Office of Contract Services (MOCS) also have concerns about the contracting requirements in the bill. The Law Department is reviewing, so we would like to discuss these issues in the near future.

Today's hearing covers a number of important areas. I am joined by several colleagues, sitting here with me and behind me in the audience. We are happy to answer any questions that you have.



Appendix: DEP-provided data to NYC Open Data

1. DEP Green Infrastructure
2. DEP - Cryptosporidium And Giardia Data Set
3. DEP's Citywide Parcel-Based Impervious Area GIS Study
4. DEP Demand Management Projects
5. NYCDEP Citywide Hydrants
6. Water Consumption in the City of New York
7. Municipal Separate Storm Sewer System (MS4) Data
8. NYCDEP Citywide Catch Basins
9. Citywide Outfalls
10. Current Reservoir Levels
11. Certified Asbestos Investigators
12. NYCDEP Recreation Area Maps
13. Drinking Water Quality Distribution Monitoring Data
14. Wastewater Treatment Plant Performance Data
15. Significant Noncompliance List
16. Water and Sewer Permits (Historic)
17. Compliance at-the-tap Lead and Copper Data
18. Work Order Management Module
19. Land Acquisition Statistics
20. Clean Air Tracking System (CATS) Permits
21. Free Residential at-the-tap Lead and Copper Data
22. Watershed Water Quality - Sites
23. Water and Sewer Permits
24. Recreational Boating Permits
25. Watershed Water Quality - Hydrology
26. Recreational Boating Permits
27. Watershed Water Quality Data
28. Watershed Water Quality - Wastewater Qualifiers
29. Watershed Water Quality - Limnology Qualifiers
30. Watershed Water Quality - Hydrology Qualifiers
31. Distribution Sites LCR Monitoring Results
32. Entry Point LCR Monitoring Results
33. Watershed Water Quality - Limnology
34. Watershed Water Quality - Keypoint
35. Watershed Water Quality - Keypoint Qualifiers
36. NYC Stormwater Flood Maps
37. Harbor Water Quality
38. Summary of DBP Quarterly Report
39. Asbestos Control Program (ACP7)
40. Dewatered Solids and Biosolids Allocations per Biosolids Management Practice Site
41. Lead Service Line Location Coordinates (Map)
42. Wastewater Co-digestion and Biogas-to-grid Performance Indicators
43. Lead Service Line Location Coordinates



THE CITY OF NEW YORK INDEPENDENT BUDGET OFFICE

110 William Street, 14th Floor
New York, New York 10038

www.ibo.nyc.gov • iboenews@ibo.nyc.ny.us

Testimony of Jordan Paige, Lead Budget and Policy Analyst New York City Independent Budget Office

To the New York City Council Committee on Environmental Protection, Resiliency, and Waterfronts on the Water Board Rental Payment and the Multi-Family Conservation Program Monday, October 28, 2024

Good afternoon, Chair Gennaro and members of the Environmental Protection, Resiliency, and Waterfronts Committee. I am Jordan Paige, Environmental Budget and Policy Analyst for the New York City Independent Budget Office (IBO). I am joined here today by my colleague, Brian Cain, Assistant Director of Housing, Environment, and Infrastructure. IBO is an independent, non-mayoral City agency that conducts fiscal and policy research for the City.

Earlier this month, IBO published a [report](#) examining the rate setting and billing process of the City’s water and sewer system. My testimony today will highlight key takeaways from this research.

Rental Payment

After the 1970s fiscal crisis, investors were hesitant to buy general obligation bonds backed by the City’s general fund. In the 1980s, the water and sewer system was financially separated from the City government to issue water & sewer bonds. Water bill revenue was removed from the general fund and moved to the control of the Water Board to be used exclusively for water system maintenance, operations, and the debt service on the new Water Finance Authority bonds.

The 1985 Water Board lease agreement granted the Water Board permission to use the City’s water and sewer system. However, one provision in the agreement allows the City to request an annual payment from the Water Board. The so-called “rental payment” was intended to make the City whole as it paid off pre-existing debt related to the water system. That debt—the initial justification for the rental payment—was fully paid off

Water Board Rental Payments	
Fiscal Year	Rental Payment (in millions)
2011	\$205
2012	\$196
2013	\$207
2014	\$214
2015	\$205
2016	\$137
2017	\$0
2018	\$0
2019	\$0
2020	\$128
2021	\$137
2022	\$0
2023	\$0
2024	\$145
2025	\$289 (projected)
2026	\$313 (projected)
2027	\$325 (projected)
2028	\$369 (projected)

SOURCE: IBO analysis of Office of Management and Budget data
NOTES: The 2025 through 2028 rental payments are the amounts requested by the City, as reflected in the City’s 2025 Adopted Budget (released June 2024). All prior year amounts reflect the actual payments in those years.

in 2005, but the City's collection of the rental payment did not end there. Since then, the rental payment has simply become a mechanism to move revenue from the water system to the City's general fund as a source of additional revenue. Once in the general fund, it can be spent at the discretion of the mayoral administration and can be put towards any of the City's budget priorities.

In recent years, the City's use of the rental payment has varied.

- Referring to City fiscal years here, every year from 1985 through 2015, mayoral administrations requested the rental payment.
- In 2016, notably when the City saw particularly strong revenue collections, the de Blasio administration requested only a partial rental payment. The City did not request rental payments for the next three years.
- When the City faced financial uncertainties during the pandemic in 2020 and 2021, the de Blasio administration then requested partial rental payments.
- Under the Adams administration, there were no rental payments in 2022 and 2023. The rental payments were resumed midway through 2024, when the Adams administration requested a partial rental payment of \$145 million. This was predicated on the basis that the City needed help covering the rising costs of caring for asylum seekers, although [IBO's revenue and expense forecasts](#) painted a less dire financial picture than the administration's.
- Under the same justification, the City plans to charge the maximum annual rental payment from 2025 through 2028, around \$300 million each year.

Whatever amount of rental payment the City requests, the Water Board has to set rates to cover not only the cost of maintenance and operations for the water and sewer system but also cover the cost of the rental payment. Of the 8.5% total water bill rate increase in 2025, 3.1 percentage points has been attributed to the rental payment request. These rate increases are seen directly by property owners because they receive their water bill. Rate increases also indirectly impact residents of rental, condo, and coop apartment buildings, because economic theory suggests that some, if not all, of water bill costs for apartment buildings are ultimately borne by the residents. However, renters rarely see water bills directly and are likely to miss public notices included therein.

Whether or not the City will request the rental payment lends to uncertainty in the Water Board's rate setting process each year, and has fiscal implications for city residents. Additionally, with the retirement of the water system-related general obligation debt in 2005, the rationale for the rental payment continuing is unclear.

Metered vs. Multi-Family Conservation Program Billing

Turning our attention now to water billing structures, IBO would like to briefly highlight a key finding from our analysis. New York City has four billing structures for water and sewer ratepayers. The two most common structures make up about 94% of all water bill charges in the City. The first is metered bills, which are assessed based on the amount of water used at a property (about 70%). The other is the Multi-Family Conservation Program, or MCP, which charges a flat rate per residential unit to qualifying multi-family buildings (about 24%).

The other two billing structures making up the remaining 6% of water bill charges are for legacy “frontage” billing which are based on physical characteristics of a property, and water bills charged for City municipal buildings. IBO would like to focus on some observations related to property bills under the metered and MCP structures.

- Using 2020 water bill data, IBO found that among large multi-family properties, 82% of metered properties were charged less per residential unit than the flat MCP rate of \$1,052.29 per unit. In other words, 82% of large apartment buildings that pay metered water bills owed less than those bill under MCP, per apartment.
- MCP properties are typically larger, older apartment buildings. The Bronx has the highest concentration of MCP properties, and many NYCHA properties are enrolled in the MCP.
- New York City has some of the lowest water rates in the country. However, in general, water bills are seen as regressive, in the sense that everyone pays the same rate regardless of having limited income or ample disposable income. But if MCP properties are charged more on average than most metered multi-family buildings, that could signal an even greater level of regressivity.

Without seeing actual water usage for these MCP properties, it is impossible to say whether they would pay more or less if they switched to metered billing. Because MCP is not tied to water usage, there is no direct incentive to reduce water waste (beyond the initial program requirement to install low-flow fixtures). It could be that the MCP either charges these properties more than they would otherwise pay under metered billing, fails to discourage the water conservation, or both. On the other hand, some property owners may prefer rate certainty and are willing to potentially pay a premium to avoid unexpected bill shock.

IBO would like to thank you for this opportunity to testify, and we welcome any questions.



STATEMENT OF THE NATURAL RESOURCES DEFENSE COUNCIL

BEFORE THE NEW YORK CITY COUNCIL

ENVIRONMENTAL PROTECTION, RESILIENCY, WATERFRONTS COMMITTEE

RE: DRINKING WATER FILTRATION AVOIDANCE AND RELATED LEGISLATION

October 28, 2024

Good afternoon, Chair Gennaro and Members of the Committee. I'm Eric A. Goldstein, New York City Environment Director at the Natural Resources Defense Council ("NRDC"). As you know, NRDC is a non-profit legal and scientific organization, active on a wide range of environmental, natural resource protection and quality of life issues around the country, across the globe and here in New York City, where we have had our main offices since NRDC's founding in 1970. For over 35 years, NRDC has made it a regional priority to safeguard the nation's largest municipal water supply that provides drinking water to half the State's population.

We welcome this opportunity to testify at this oversight hearing on the topics of filtration avoidance and water system rental payments and thank you for your leadership in both areas. In addition, we will explain our support for Intro 816 and Intro 900, and our agreement with the intent and objectives of Intro 1067.

I. Filtration Avoidance – Protecting Water Quality and Ratepayers' Pocketbooks

New York City's drinking water supply, including its 19 upstate reservoirs and more than 6,000 miles of aqueducts, tunnels, and mains, is the region's single most valuable capital asset. It is hard to envision New York functioning with this system for even a single day. Since the 1990s, the city and state have advanced an innovative program to protect this unfiltered water supply via a comprehensive watershed protection and pollution prevention program. Now, almost 30 years later, it is safe to conclude that this experiment has been a major success. Over these last three decades, the city has secured more than 150,000 acres of fragile watershed lands; rebuilt watershed sewage treatment plants and repaired thousands of septic systems; restored stream ecosystems to reduce turbidity; advanced pollution best management practices on hundreds of watershed farms; and worked in partnership with watershed communities to advance sustainable development and new recreation opportunities for residents and visitors.

But the job of safeguarding this unfiltered drinking water supply is a continuing one. And the need for an ongoing investment of resources and application of protective measures remains as urgent as ever. Acquiring top priority lands closest to the reservoirs; expanding the long-debated streamside acquisition program run by the Catskill Center; assisting in the maintenance of septic systems and community sewage systems; and dealing with emerging

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contaminants and the challenges of climate change -- these programs will all need to be funded for the foreseeable future if New York is to continue to obtain a filtration avoidance waiver from the State pursuant to the federal Safe Drinking Water Act.

Safeguarding this system is not only necessary from a public health perspective; it is essential to protecting New York City residents from an enormous boost in water rates. Simply stated, if we don't invest in preventative, anti-pollution reservoir protection strategies, we will be required to spend billions of capital dollars to construct enormous, energy-gobbling, costly-to-operate filtration facilities. (In response to a question at today's hearing, DEP Commissioner Rit Aggarwala estimated that such a treatment plant could cost anywhere between 20 and 40 billion dollars and "could easily be the most expensive factory anywhere in the United States.") Not surprisingly, this could result in a significant increase in water rates paid by every New York City household. And while filtration facilities of some sort may still be needed in some future decade to meet increasingly stringent national tap water standards, watershed water quality investments the city makes over the next ten years will benefit the system and New Yorkers for generations.

II. Water System Rental Payments – A Mayoral Raid on Precious Water & Sewer Funds

Speaking of economics, if there is one thing the Council can do in the coming year to protect city water ratepayers and ensure that necessary funding is available for needed water and sewer infrastructure investments, it would be to press the Adams Administration to change course and abandon plans to charge the city "rental payments" for use of the water supply system. As you know, this is the irrational, regressive, anachronistic loophole that allows the mayor to charge water ratepayers for non-water-related expenditures. And although then-mayors Bloomberg and DeBlasio began moving away from this unwarranted charge, Mayor Adams and his budget chieftains have restored the rental fee and are planning to take 1.4 billion dollars from water ratepayers over a four-year period.

Such a money grab comes at a time when the city's capital needs for our drinking water and sewage systems are large and growing. For example, DEP Commissioner Aggarwala testified recently that the costs for the Department's new flood program alone was \$30 billion over 30 years, and that neighborhoods across the city would remain vulnerable and in jeopardy until the program was completed. With these and other urgent water and wastewater programs waiting in the wings, the City Council can and must press the mayor to reduce, if not eliminate, the proposed rental payment fee even before the FY'26 budget process begins.

III. Intro Numbers 816, 900 and 1067 (and Resolution Number 83)

Intro 816 (Gennaro) would require DEP to notify each owner of property served by the water system alerting the owner in the event the Water Board is requesting an increase in water rates to cover rental payments, funds from which would be used for non-water, non-sewer related expenses. NRDC strongly supports this legislation for the reasons outlined above.



Intro 900 (Powers) would require DEP in collaboration with the Transportation and Parks Commissioners, to install a total of 500 drinking water fountains in public locations like park entrances throughout the city by 2030, focused on neighborhoods underserved by publicly accessible drinking fountains. These fountains must be designed to accommodate reusable water bottles. As such the legislation would help to reduce litter and pollution associated with throw-away plastic bottles while also saving money by providing convenient locations to access high quality drinking water at no cost to consumers. NRDC strongly supports this legislation.

Intro 1067 (Williams) would require DEP to take actions to address historic flooding problems in southeast Queens and created a Southeast Queens Flooding Adaptation Task Force. This is an area that has suffered disproportionate property damage from flooding episodes arising in part out of the City's shut-down of the Jamaica Water Supply. While NRDC has not studied the details of this legislation, we recognize the problem this community has been confronting and believe stepped up action is warranted and that the city has an obligation to act. We support the purpose and intent of this legislation and urge the Department to work with Councilmember Williams to revise this legislation as may be necessary to address the problems most effectively and expeditiously.

Resolution 82 (Gennaro) would urge the New York City Water Board to notify all councilmembers and community boards at least 30 days before public hearings on annual water rate increases. There has been ineffective public notice of such hearings in recent years and minimal public engagement in these important hearings. NRDC strongly supports this resolution.

* * * *

NRDC looks forward to working with you, Chair Gennaro, and members of the Committee to advance filtration avoidance, address the continuing threat posed by the mayor's rental payment billing approach, and move forward with the legislation discussed above. Thank you for your attention.



All SWAB Testimony for the October 28, 2024

Committee on Environmental Protection, Resiliency, and Waterfronts

Intro 900: The SWABs support the Hydration for All Act as a means to reduce the use of water that is bottled in single-use plastic. Intro 900 will enable New Yorkers to reduce the use of single-use bottled water and give them access to the city's high quality potable water supply as they move around the city. Intro 900 will reduce a ubiquitous source of litter, plastic and microplastic waste, and pollution. Reducing the use of bottled water will reduce adverse impacts from single-use plastic waste and microplastics on environmental and public health. It also will reduce the costs to taxpayers of carting, processing, and exporting these discards. Reduction is a major strategy for achieving the requirements of NYC's Zero Waste Laws, and the state's Climate Leadership and Community Protection Act. Intro 900 provides a substantive pathway for the Reduction of waste that is required now.





PUBLIC TESTIMONY OF WATERFRONT ALLIANCE

October 28, 2024

New York City Council Committee on Environmental Protection, Resiliency, and Waterfronts Preliminary Budgetary Hearing RE: DEP's Efforts to Maintain the Filtration Avoidance Determination.

Submitted by Maité Duquela, Climate Policy Fellow, Waterfront Alliance

Thank you, Chair Gennaro and Council Members, for hosting this hearing. I am Maité Duquela, the 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.

Waterfront Alliance is pleased to testify in support of two bills and one resolution brought to today's hearing: **Intro 0816-2024**; **Reso 0083-2024**; and **Intro 1067-2024**.

Intro 0816 and Reso 0083 are both related to water rental payments. Waterfront Alliance does not support the City charging the Water Board for a rental payment. We find this to be a regressive tax on ratepayers. We were disappointed to see the \$1.4 billion rental payment over four years, which has been referred to as a "hidden tax" by *The New York Times*¹.

The rental charge is a legacy of the initial creation of the Water Board, at a time when there were mountains of debt related to the water and sewage systems. City officials agreed that this debt would be satisfied through a lease agreement in which revenue from water charges would pay off the rent and fund the New York City Department of Environmental Protection

¹ <https://www.nytimes.com/2024/05/03/nyregion/water-bills-nyc.html>



(DEP). This debt is almost entirely rectified, prompting former Mayor Bill De Blasio to abandon the rental payment in 2017².

Waterfront Alliance sees the rental payment as nothing more than a money grab for the City when the budget is tight. We would strongly support efforts to eliminate this authority all together. Among our primary concerns is the fact that the \$1.4 billion raised from the water board is not guaranteed to go towards funding DEP projects, as the funding would be allocated to the City's general fund within the New York City Office of Management and Budget (OMB).

Forcing a payment upon the Water Board not only further strains the budget of DEP and handcuffs the city's ability to respond to climate change³, but puts pressure on homeowners and landlords throughout the city. Waterfront Alliance has long called on the City Council and City Hall to ensure that major climate offices and agencies, like DEP, are prioritizing stormwater and coastal flooding across New York City. DEP currently allocated around \$1 billion per year to manage stormwater. The rental payment stifles advocacy from organizations like Waterfront Alliance who are advocating for state and federal funding for climate resilience. We urge OMB and City Hall to eliminate the water rental payment in the upcoming November Financial Plan.

While discussions around eliminating the water rental payment are discussed, we would like to express our support for **Intro 0816** and **Reso 0083**. We thank Chair Gennaro for his leadership on this issue. Waterfront Alliance strongly believes in transparency for residents and ratepayers on any water rate adjustments. Ratepayers, Council Members, and Community Boards should be made aware of changes to water rates and have ample opportunity to testify at Water Board hearings to challenge any future rental payment charges.

Thank you to all the Council Members who have co-sponsored **Intro 0816** and **Reso 0083**. We encourage the Council to pass both, and to work with advocates to put an end to the rental payment.

Waterfront Alliance would also like to express strong support for **Intro 1067**, and we thank Council Member Williams for her leadership on this important issue. The fact is that climate change is no longer a projection in the future. It is the reality, today, for many communities in the City including Southeast Queens. **Intro 1067** would provide meaningful and necessary

² <https://www.wsj.com/articles/new-york-city-ends-water-board-rental-payments-1461634826>

³ <https://gothamist.com/news/nyc-water-bills-to-go-up-85-largest-hike-since-2011>



support to residents in southeast Queens who are experiencing groundwater flooding. Groundwater flooding has been an issue for Southeast Queens since the 1990's, when the water supply was found to be contaminated. Groundwater stopped being pumped in the area around 1996. The water table has been rising ever since, causing regular flooding and structural damage for many residents.

Groundwater flooding was studied in the area in 2017, and recommendations were proposed; however, little has been done since and residents are still dealing with the same challenges.⁴

Waterfront Alliance supports the Southeast Queens Residents Environmental Justice Coalition (SQREJC), who have been advocating for solutions like **Intro 1067**. Communities in district 12 and 13 in Queens deserve solutions to the flooding challenges related to groundwater. For these reasons, we support **Intro 1067**.

Given the overlap in groundwater and stormwater flood risks, not just in Southeast Queens but across the entire city, we see an opportunity to potentially expand this bill to address inland flood risks more broadly. We are willing to work with the Council to explore this option now or in the future. Through expansion of established and successful programs, like HomeFix, there are opportunities to create a robust citywide program to support residents experiencing groundwater and stormwater flood risks.

Waterfront Alliance has been exploring opportunities to expand climate resilience retrofits across the city, and we are ready to partner with Council Member Williams, the City Council, DEP, and any other relevant agencies to support such a program.

Thank you to the City Council Committee on Environmental Protection, Resiliency, and Waterfronts and Chair Gennaro for hosting this hearing. Thank you for your continued work to ensure New Yorkers are protected from the impacts of the climate crisis.

⁴ <https://ny1.com/nyc/all-boroughs/public-safety/2024/03/22/southeast-queens-groundwater-issues>



October 28, 2024

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Testimony of WE ACT for Environmental Justice to the New York City Council Committee on Environmental Protection, Resiliency and Waterfronts on October 28, 2024 regarding Int 0816-2024, Res 0083-2024, and Int 0900-2024.

Dear Chair James Gennaro and Committee on Environmental Protection, Resiliency and Waterfronts:

WE ACT for Environmental Justice, an organization based in Harlem, has been fighting environmental racism at the city, state, and federal levels for more than 30 years. We recognize and fight to remedy the negative cumulative impacts of unjust policies that have plagued communities of color for decades. WE ACT's mission is to build healthy communities by ensuring that low-income and people of color are meaningfully involved in the creation of fair and sound environmental health policies and practices.

WE ACT is testifying in support of Int 0816-2024, Res 0083-2024, and Int 0900-2024.

Int 0816-2024 – Requiring the department of environmental protection to notify owners of property when the city of New York requests a base rental payment from the New York city water board.

In the Fiscal Year 25 adopted budget, WE ACT was disappointed to see that the Department of Environmental Protection (DEP) water rental payment was included. The city plans to charge its own Water Board more than \$1.4 billion in rent over four years to lease its water and sewer systems from the city. This is a mechanism where DEP's water payment revenue is handed over to the City's general fund instead of staying with DEP. Originally, this funding mechanism was used to pay down the large water- and sewer-related debt that was backed by the city's general fund. However, these rental payments are no longer necessary since nearly all of the pre-1985 general obligation debt is retired.

We are in the midst of a climate crisis and DEP needs to keep this revenue (\$145 million in Fiscal Year 2025 and \$295 million Fiscal Year 2026) to make essential infrastructure upgrades especially in environmental justice communities. Rate payers do not expect their money to go to the City's general fund but toward DEP capital infrastructure projects. Furthermore, according to [Gothamist](#), "The city Water Board begrudgingly approved the new rates during a meeting where the group also passed a resolution saying they were forced to approve such a steep hike due to a budget maneuver by Mayor Eric Adams." However, [according to the New York Times](#), the rate hike will only

New York, NY Office: 1854 Amsterdam Avenue, 2nd Floor | New York, NY 10031 | Phone: (212) 961-1000 | Fax: (212) 961-1015

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pay for a portion of the rent charges. Some of the rest are likely to come from funds that typically finance capital upgrades to the water and sewer system, potentially leaving the city more vulnerable to critical breakdowns.

Overall, reinstating the water rental payment is not a good policy decision since it negatively impacts water ratepayers and tenants due to the fact that increased costs will be passed down to ratepayers with no added benefits to the water and sewer system; especially, essential water infrastructure upgrades that could protect communities vulnerable to sea level rise and stormwater and coastal flooding due to the ongoing climate crisis. We strongly urge the Office of Management and Budget (OMB) and the Adam's Administration to eliminate this water rental payment in the upcoming November Financial Plan.

This is the reason WE ACT supports Int 0816-2024. The notice would include the amount of the requested base rental payment, the estimated impact of making the requested base rental payment on the property's water and sewer rates over the next three fiscal years, and information about how to comment at an upcoming water rate hearing and how to submit a written comment to DEP.

Most ratepayers were unaware of the water rental payment mechanism and had no genuine opportunity to engage in the decision making process. Int 0816-2024 will improve transparency by helping notify New Yorkers about base rental payments, water rate adjustments, and upcoming water rate hearings.

Res 0083-2024 – NYC Water Board to notify all council members and community boards at least 30 days before a public hearing concerning an annual water rate adjustment.

Res 0083-2024 adds an additional layer of transparency by providing additional notice to Council Members and Community Boards, which can disperse that information more readily and may increase public participation at water rate hearings, and, consequently, improve transparency of and accountability over the Water Board.

Ideally, WE ACT believe that the City should eliminate future base rental payments; however, we know that City Council does not have the power to do this so we encourage City Council to urgently pass Int 0816-2024 and Res 0083-2024.

Int 0900-2024 – Installing drinking fountains in public spaces.

On July 22nd, we reached the hottest global temperature ever, an alarming milestone amongst a record setting 13-month streak of record setting temperatures. There has never been a more urgent time for local leaders to diversify our tool kit to protect residents from the heat.



As extreme heat events become more common due to climate change, access to drinking water in public spaces is crucial for New Yorkers, particularly during the summer months when high temperatures increase the risk of dehydration and heat-related illnesses like heat exhaustion and heatstroke. This is especially important for vulnerable groups such as children, the elderly, and outdoor workers, as it helps ensure their safety and reduces the strain on emergency services. For individuals who are unhoused, public access to drinking water is a lifeline, providing them with a critical resource in the absence of stable shelter and helping to protect them from the severe health risks associated with prolonged heat exposure.

Int 0900-2024 directly addresses issues with access to drinking water in public spaces by requiring the City to install 500 new drinking water fountains by 2030. In addition, the bill requires fountains to include bottle filling stations. Bottle filling stations encourage the use of reusable bottles, directly reducing the demand for single-use plastic water bottles. This helps reduce plastic waste in the city, lessening landfill pressure and the environmental impact associated with plastic production, transportation, and disposal.

One recommendation from WE ACT is that Int 0900-2024 be amended to include language that ensures equity in the placement of new drinking water fountains. Placement should be based on neighborhoods with a high [heat vulnerability index](#) (HVI). The factors included in the HVI are surface temperature, green space, access to home air conditioning, and the percentage of residents who are low-income or non-Latinx Black. Since extreme heat disproportionately impacts low income and communities of color, this bill has the potential to ensure that New Yorkers most vulnerable to extreme heat have access to resources such as free public drinking water.

Although not considered during this hearing but complementary to Int 0900-2024, WE ACT would like to uplift support for Int 0563-2024. This bill would require water bottle-filling stations in city buildings operated by the Department of Citywide Administrative Services (DCAS) to be made available for use by members of the public. And additionally require the locations of city buildings with water bottle-filling stations available for public use to be posted on the 311 website and mobile device platforms

Thank you for the opportunity to provide testimony – WE ACT looks forward to working with the City Council to advance these bills.

Sincerely,

Lonnie J. Portis | NYC Policy and Advocacy Manager
lonnie@weact.org





Testimony of Victoria Leung, Esq.,

before the

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

Oversight Hearing on

October 28, 2024

Thank you, Chairperson Gennaro and Members of the New York City Council Committee on Environmental Protection, Resiliency and Waterfronts, for your leadership and oversight of New York City's water supply, which provides 9.5 million New Yorkers with pristine, unfiltered drinking water. I appreciate the opportunity to testify today.

I am submitting this testimony on behalf of Riverkeeper, a member-supported watchdog organization dedicated to protecting and restoring the Hudson River from source to sea and safeguarding drinking water supplies, through advocacy rooted in community partnerships, science and law. Riverkeeper is a signatory of the landmark 1997 New York City Watershed Memorandum of Agreement to ensure the water supply for 9.5 million New Yorkers is protected at its source rather than through filtration. We continue to work with stakeholders to uphold and improve those protections so they are strong enough to protect human health for the next century.

Riverkeeper applauds the efforts of Department of Environmental Protection (DEP) staff, state and federal government regulators, and upstate community leaders upstate for their dedicated efforts to ensure the future of the Filtration Avoidance Determination ("FAD") in the face of numerous threats and difficulties.

I. The City Council should direct DEP to convene a National Academies of Sciences, Engineering, and Medicine (NASEM) Panel to review the threat to the FAD posed by disinfection byproducts and climate change.

The FAD has been remarkably effective at controlling the key water contaminants that it has been designed to address, primarily turbidity and pathogens. Yet it has become clear in recent years that the greatest immediate threat to the unfiltered water supply is the formation of disinfection byproducts (DBPs), forthcoming regulations that are anticipated to protect public health from exposure to these contaminants, and the risk that climate extremes will make it difficult to control these contaminants through watershed management alone.. To be clear, Riverkeeper strongly supports these regulations to support human health, and we support the cost-effective use of watershed management strategies to reduce risks to water quality to the maximum extent possible.

That said, meeting new regulations to safeguard public health will make it much more difficult for New York City to maintain the FAD in its current form, and could potentially force the City to spend more than \$10 billion to build a filtration plant and more than \$365 million per year in annual operating costs. Compare this with the roughly \$200 million per year the city currently spends to protect water at the source. While the 2020 NASEM report recognized that dissolved organic matter and the DBPs that those pollutants can cause are a significant threat, the NASEM report did not analyze forthcoming federal regulations that the current FAD programs might not be able to meet. DEP has hired a consultant to review the DBP issue and is actively discussing it with regulators, but it is clear more needs to be done.

Riverkeeper urges the Council to oversee this effort by passing a bill directing DEP to convene an *independent* NASEM panel of experts to assess whether and how the FAD and the water delivery system could be adapted to meet the forthcoming disinfection byproduct regulations. The historic 1997 agreement that established New York City's world-renowned drinking water source protection effort in its current form, and the billions of dollars it has saved city ratepayers, is at risk without a reinvention to meet this challenge.

II. Riverkeeper supports the DEP's recently launched study of PFAS in the Kensico Reservoir watershed, and urges the Council to provide oversight and funding for it to implement its findings.

Polyfluoroalkyl substances (PFAS) are a group of chemicals that pose health concerns at extremely low levels of exposure. These ubiquitous chemicals are resistant to degradation, and are the subject of new and forthcoming regulations in drinking water. These regulations could result in the need for filtration, if sources of these chemicals cannot be adequately identified and controlled in the watershed. As with DBPs, Riverkeeper supports both the drinking water

regulations to protect public health, and the use of watershed management strategies to the maximum extent possible to reduce the threat they pose. The DEP has recently launched a study of PFAS in the basin of the Kensico Reservoir, the terminal reservoir for the city's Catskill and Delaware Aqueducts. Riverkeeper supports this effort, and urges the Council to provide oversight and funding to ensure that findings from the study are implemented. Riverkeeper also urges the Council to ensure DEP has adequate funding to extend the geographic scope of the study into other portions of the watershed.

III. Riverkeeper supports a strong land acquisition program to ensure protection of the FAD into the future and requests Council oversight of any attempts to curtail the program.

Land acquisition has been a critical component of the Watershed Memorandum of Agreement's success in preserving water quality. As the State Department of Health stated, "land acquisition is one of the most effective, and therefore, important mechanisms to protect the City's Catskill/Delaware watershed." In congruence with the 2020 NASEM report on the city's Watershed Protection Program, we recognize that the city's maturing Land Acquisition Program must now shift to focus on the lands that contribute most to water quality protection, while providing for increased flexibility for the benefit of local communities. NASEM recommended that the city "focus on acquisition of the most valuable lands for water quality protection," "focus on smaller, higher-priority parcels," and "shift funding and emphasis to acquiring riparian lands on critical areas of tributary streams through the Flood Buy-Out and Streamside Acquisition programs."

A recent *Times Union* article reported that New York City would cease most of its land purchases in the Catskills.¹ Riverkeeper is concerned about the city's backing off of previous commitments to continue these purchases, as land and forest conservation is the most effective long-term strategy to protect water quality. Not only is the curtailing of the program incongruent with the 2020 NASEM report, but by giving up on land acquisition, the city is unnecessarily limiting its toolkit for water quality preservation just when it needs it the most to adapt to climate change.

We urge the Council to investigate the necessity of this major policy revision by the city *immediately*, as the city continues to pursue agreements among its regulators, upstate communities and other stakeholders. The fundamental importance of a strategically targeted land protection program must not be overlooked as the Filtration Avoidance Determination is refined to better balance water quality protection with community vitality, in keeping with the Watershed Memorandum of Agreement.

¹ Roger Hannigan Gilson, *New York City to Stop Most Land Purchases in Catskills*, *Times Union* (Oct. 15, 2024), <https://www.timesunion.com/hudsonvalley/catskills/article/dep-stops-land-purchases-catskills-19836485.php>.

IV. Riverkeeper supports Intro No. 816 and Resolution No. 83 seeking notification to ratepayers, Council Members and Community boards before the city diverts ratepayer funds for general use through a rental payment.

Riverkeeper and the SWIM (Stormwater Infrastructure Matters) Coalition have long opposed the Mayor’s collection of the rental payment and believe the practice should be stopped. The Mayor did not collect the rental payment for five of the seven years between FY 2017 and FY 2023, which is strong evidence that the payment is not an integral part of the City’s budget. When the Adams Administration collected the rental payment this past year, the Water Board proposed a water rate increase of 8.5 percent.

Foregoing the payment allows DEP to fund and carry out numerous critical infrastructure projects, such as protecting the drinking water supply, improving the performance of the sewer and stormwater management system, and building plans for future resilience. Collection of the rental payment by the Mayor reroutes this money to the general tax fund.

The rental payment is a relic of an outdated agreement made almost four decades ago. Avoiding diversion of ratepayer funds to the City’s general fund would provide an opportunity to direct additional, necessary resources toward improving our water infrastructure, overall water quality, and flooding protections for communities increasingly impacted by climate change.

Riverkeeper supports Intro No. 816, which would require DEP to notify property owners (i.e., ratepayers) whenever the City requests an annual “rental payment,” which drives up water rates to subsidize unrelated expenses in the general city budget. The bill will help New Yorkers understand how their money is being spent. Riverkeeper also supports Resolution No. 83 and urges the Water Board to notify Council Members and community boards before its ratemaking hearings.

Regarding Intro No. 816, it is not clear to Riverkeeper whether the City technically “requests” the rental payment for a given year before rates are proposed. In May 2024, DEP stated that the city “intends” to request the rental payment in fiscal years 24 and 25, and that this was built into the proposed rate increase.² The bill as written, though, the requirement to send notice to property owners is triggered by the city’s actual “request.” We recommend that the Council amend the language to make sure the notice is timely. The bill should require notice any time the city requests a rental payment or any time a proposed rate increase is due in part to an actual or anticipated request by the city to collect the rental payment, whichever comes first.

² New York City Department of Environmental Protection, Presentation: Water and Wastewater Rate Outlook for the Fiscal Year Beginning July 1, 2024, at 9 (pdf page 16) (May 3, 2024), <https://www.nyc.gov/assets/nycwaterboard/downloads/pdf/rates/fy25-rate-proposal.pdf>.

V. The Delaware Aqueduct Repair Project is a crucial project that presents a number of immediate challenges for Water Quality Protection and Ulster County community safety.

Since Riverkeeper released our 2001 report *Finger in the Dyke Head in the Sand: DEP's Crumbling Water Supply Infrastructure*, Riverkeeper has long argued that the Delaware Aqueduct, which leaked between 33 and 37 million gallons per day and caused flooding in Wawarsing and other communities, must be repaired. In normal years, the Delaware Aqueduct provides roughly 50% of the City's water supply. Therefore, the current repairs are needed for the long-term viability of the water supply infrastructure; and it is critical that the water supply be protected and supplemented during the Delaware Aqueduct's shutdown for these repairs.

At the onset of the Delaware Aqueduct shutdown, the Catskill System was operating at closer to full capacity, and the Ashokan Reservoir was initially at 90% capacity. The shutdown coincided with one of the most active and destructive hurricane seasons in history, highlighting a longstanding concern in Ulster County about the potential for extreme storms coinciding with full reservoir conditions, which exacerbates downstream flooding in the Lower Esopus Valley. While the heightened risk has abated somewhat with the drawdown of the Ashokan Reservoir through the first weeks of the shutdown, the issue remains a concern. We appreciate that DEP staff are aware of this issue and have already addressed a core concern of the downstream community by utilizing flexibility made possible by infrastructure upgrades preceding the Aqueduct repairs to reduce the likelihood of releasing excessively turbid water from the Ashokan. We ask DEP to work collaboratively with the Ashokan Release Working Group to analyze options for adjusting the conditional seasonal storage objective and related operational and community outreach and communications protocols to improve safety for downstream communities along the Esopus Creek in Ulster County.

While we have been expecting flooding West of Hudson, what we are seeing in the East of Hudson system in Westchester and Putnam Counties is drought and warm temperatures. Alongside the lack of water, the drought conditions create a particular issue in that falling leaves and debris, along with animal waste, tend to build up. If a major precipitation event occurs, these pollutants will be swept into the reservoirs and create the potential for the creation of the aforementioned disinfection byproducts (DBPs) in the system. We appreciate the adaptive approach DEP is taking to control these DBPs in the near term by adding alum at the Kensico Reservoir, among other strategies. We recognize that alum use must be minimized in the long term, and intermittently dredged from the bottom of the reservoir, as it harms the benthic habitat.

* * *

Thank you for your consideration of Riverkeeper's testimony. We appreciate your attention to the New York City Watershed and look forward to continuing to work with the Council

Members, DEP and others to ensure New York City's water supply remains safe and in perpetuity.

Contact:

Victoria Leung, Staff Attorney, (914) 478-4501, [vleung@riverkeeper.org](mailto: vleung@riverkeeper.org)



TESTIMONY IN SUPPORT OF INTRO 1067-2024

New York Lawyers for the Public Interest testifies in strong support of [Intro 1067](#). This bill will provide necessary help for New Yorkers facing the increasing costs of flooding and sewage backups and aid in protecting the safety, financial stability, and housing security of homeowners. The current options available for financial assistance are difficult to navigate for many at-risk New Yorkers and Intro 1067 would help ensure that residents know the best options available to them and ease the burdens of applications.

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, but each homeowner must then make private ‘lateral’ connections to the public line, which will cost \$15,000 per household. This is a prohibitive cost for these homeowners. Without this infrastructure, they will continue to endure horrific sewage backups during rain events that have become increasingly extreme and frequent given climate change. Dealing with this persistent problem has been tearing the neighborhood apart and causing ongoing anxiety.

Communities like this, 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

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/>

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

In summary, Intro 1067 would help New Yorkers access life-changing support in the face of the dire and rapidly worsening consequences of climate change and inadequate sewer infrastructure. This bill 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 Councilmember Williams, Chair Gennaro, and Speaker Adams for advancing this critical bill, and to the Council for your consideration. Thanks also to the tireless advocacy of SQREJC on behalf of their community.

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.



**Testimony of Alia Soomro, Deputy Director for New York City Policy
New York League of Conservation Voters
City Council Committee on Environmental Protection, Resiliency, and Waterfronts
Oversight Hearing on DEP's Efforts to Maintain the Filtration Avoidance Determination
October 28, 2024**

My name is Alia Soomro and I am the Deputy Director for New York City Policy at the New York League of Conservation Voters (NYLCV). NYLCV is a statewide environmental advocacy organization representing over 30,000 members in New York City. Thank you, Chair Gennaro and members of the Committee on Environmental Protection, Resiliency and Waterfronts for the opportunity to comment.

NYLCV was very disappointed to see that the DEP water rental payment was included in the adopted FY25 budget, despite [major concerns](#) from advocates and elected officials. Going forward, the city plans to charge its own Water Board more than \$1.4 billion in rent over four years to lease its water and sewer systems from the city. This mechanism dates back decades ago when the City had mountains of water- and sewer-related debt backed by the city's general fund. The Water Board would pay for the debt with rental payments. However, these rental payments are unnecessary today since nearly all of the pre-1985 general obligation debt is retired.

As of FY25, however, DEP's water payment revenue will be handed over to the City general fund for non-water purposes, instead of staying with DEP, where the agency can direct it towards water capital infrastructure projects. The City's Water Board then [begrudgingly](#) raised its rates for homeowners and landlords [by 8.5% in July](#), despite passing a resolution saying they were forced to approve such a steep hike due to a budget maneuver by Mayor Eric Adams. However, [according to the New York Times](#), the rate hike will only pay for a portion of the rent charges. Some of the rest are likely to come from funds that typically finance capital upgrades to the water and sewer system, potentially leaving the city more vulnerable to critical breakdowns.

NYLCV believes reinstating the water rental payment is a poor policy decision, one that negatively impacts water ratepayers and tenants alike since charging rent to the City's Water Board causes increased costs to be passed down to ratepayers. Moreover, New York City water payments have been shown to be regressive since it is assessed on homeowners regardless of income, and tenants see payments passed down to them in the form of rent hikes.

Given the urgency of the climate crisis, it is essential that DEP keep this revenue to make essential water infrastructure upgrades, especially in parts of the City that have historically been neglected and will suffer the brunt of sea level rise and stormwater and coastal flooding. To put

the rental payment in perspective, [DEP's current rate of funding](#) to manage stormwater is roughly \$1 billion per year. Eliminating the water rental payment will also help New York City better leverage its fair share of NYS Environmental Bond Act funding. We cannot successfully advocate for more state funding while our City continues to give away \$1.4 billion in rental payments over the next four years for non-water purposes. **We urge OMB and the Administration to eliminate this water rental payment in the upcoming November Financial Plan.**

With that said, NYLCV supports Intro 816, sponsored by Council Member Gennaro, requiring DEP to notify property owners when the City requests a base rental payment from the New York City Water Board. The notice would include the amount of the requested base rental payment, the estimated impact of making the requested base rental payment on the property's water and sewer rates over the next three fiscal years, and information about how to comment at an upcoming water rate hearing and how to submit a written comment to DEP. We also support Reso 83, sponsored by Council Member Gennaro, calling on the New York City Water Board to notify all Council Members and Community Boards at least 30 days before a public hearing concerning an annual water rate adjustment.

While the City Council cannot fully eliminate the use of water rental payments, both of these bills will improve transparency by helping notify New Yorkers about base rental payments, water rate adjustments, and upcoming water rate hearings going forward. Currently, the Water Board satisfies water rate hearing notice requirements by posting the time, date, and location of hearings on its website. Reso 83 will provide additional notice to Council Members and Community Boards, which can disperse that information more readily and may increase public participation at water rate hearings, and, consequently, improve transparency of and accountability over the Board. Ultimately, NYLCV believes that the City should eliminate future base rental payments since the initial issue and payments were made decades ago.

Additionally, we support the intent of Intro 900, sponsored by Council Member Powers, requiring the city to install 500 new drinking water fountains in public locations by 2030. The fountains must include bottle filling stations, be accessible to persons with disabilities, and also requires the installation of at least 50 drinking fountains per borough in communities underserved by publicly accessible drinking fountains. Our main recommendation is that the final number of drinking fountains to be installed balances ambition and practicality, but most importantly, the final number to be installed in each borough should also be determined based on neighborhoods with a high [heat vulnerability index](#) (HVI). The factors included in the HVI are surface temperature, green space, access to home air conditioning, and the percentage of residents who are low-income or non-Latinx Black. Since extreme heat disproportionately impacts low income and communities of color, this bill has the potential to ensure that New Yorkers most vulnerable to extreme heat have access to resources such as free public drinking water.

Thank you for the opportunity to speak.



Submitted electronically to <https://council.nyc.gov/testify/>

October 28, 2024

New York City Council
Committee on Environmental Protection, Resiliency and Waterfronts
250 Broadway, New York, NY 10007

RE: Introduction 0900-2024 Installing drinking fountains in public spaces

Chairman Gennaro and Committee Council Members,

The Surfrider Foundation (Surfrider) submits these comments to the New York City Council concerning [Introduction 0900-2024](#), *A Local Law to amend the administrative code of the city of New York, in relation to installing drinking fountains in public spaces.*

We support this bill.

The Surfrider Foundation is a grassroots environmental organization of 80 chapters, 130 youth clubs, and more than 500,000 supporters, activists, and members in the United States, dedicated to the protection and enjoyment of the world's oceans, waves, and beaches. In New York City, the Surfrider Foundation is represented by our grassroots, and volunteer-led, New York City Chapter.

New York City is known for its excellent tap water, but it is not very accessible to the public when travelling around the city. New Yorkers often resort to purchasing bottled water as public drinking fountains and refill stations are pretty rare. As New York summers get hotter because of climate change, it is sensible to increase public access points for all New Yorkers to our tap water.

Water refill stations will help New Yorkers save money. Instead of buying bottled water, which is [exponentially more expensive](#) than tap water, New Yorkers will be able to access refill stations while out and about in the city. Bottled water has time and time again been shown to have lots of microplastics in it—[up to 240,000 pieces of nanoplastics per liter](#). Refill stations will reduce the use of bottled water, reducing litter in our communities. Used water bottles and bottle caps are some of the [most littered items found in clean ups](#).

Thank you for your Committee's leadership on this common sense bill. Please support Int. 0900-2024.

Sincerely,

Moe Magali
NYC Chapter of the Surfrider Foundation
chair@nyc.surfrider.org



Committee on Environmental Protection, Resiliency, and Waterfronts

Monday, October 28, 2024

Good Morning, Chairperson Gennaro and members of the Committee on Environmental Protection, Resiliency and Waterfronts. My name is Tom Harris, and I am the President of the Times Square Alliance, the organization that works to improve and promote Times Square – cultivating the creativity, energy and edge that have made the area an icon of entertainment, culture and urban life for over a century. I appreciate the opportunity to submit testimony in response to Intro 0900-2024, requiring the installation of an additional 500 drinking water fountains in public spaces by 2030.

**TIMES
SQUARE
ALLIANCE**

First, I would like to thank the Committee, and Council Member Powers, for addressing this critical need in our city's public spaces, which the Alliance fully supports. The Times Square Alliance is the city's maintenance and management partner for the Broadway pedestrian plazas, between 41st Street and 47th Street, with our concession soon to be extended to include many more spaces north of 47th Street. While we support the installation of additional water fountains, we request that this bill clarify that these fountains - and any related infrastructure - will be installed and maintained by the City of New York, and not imposed upon not-for-profit maintenance partners. In addition, as we manage these busy public spaces every day on behalf of the city, we would request input as to the locations selected for these water fountains.

Though Times Square attracts hundreds of thousands of visitors daily, there is currently only one temporary water fountain in our district, which is privately owned. In August 2024, as temperatures across NYC regularly climbed above 90 degrees, this fountain filled over 7,000 water bottles, keeping visitors hydrated and reducing pollution from plastic water bottles. Expanding the availability of free drinking water will aid NYC's climate adaptation efforts, and we are pleased to support this initiative.

Tom Harris
President
Times Square Alliance

Anita Chan's Testimony
Committee on Environmental Protection, Resiliency, and Waterfronts Hearing
Monday, October 28, 2024 1:00 PM

Dear City Council Members,

My name is Anita Chan and I am testifying in support of Council Member Powers Intro 900 that would require the city to install 500 new drinking water fountains by 2030. As a lifelong New Yorker, I grew up on New York City tap water and as everyone knows, and with data to prove it, it is totally safe water to drink, many even claim it is very tasty water to drink! But the current situation is that there still aren't enough public water fountains in public spaces for New Yorkers and visitors alike to get drinking water from year round.

Having access to drinking water is important to keep people hydrated and healthy. It is important to ensure that access is made available to everyone, including people with disabilities which is often a neglected group in public infrastructure design and implementation which this bill seeks to address.

Having access to public water fountains help people save money because they can refill their reusable bottles instead of buying bottled water which then helps alleviate the burden on the environment. It is a well known issue that single use plastic is devastating to the environment and our health because of the microplastics that are generated from leaching and the breakdown of plastic over time. It is also a huge litter issue in our communities where bottles and caps are strewn on our streets and end up in our waterways.

This bill is a start of a very much needed investment in our community. I urge the city council to pass this bill and increase access to water, a necessity to the wellbeing of everyone.

Thank you,
Anita Chan

My name is Carolina Korth, I am a Queens resident, a member of the state Democratic Committee, and co-founder and co-president of Beyond Plastics, Queens. I speak in strong support of Intro 900, which I see as a **first** step in what is realistically a **long** journey that we *must* take as a city towards sustainability.

Sustainability is not just a word or an ethereal idea that sounds catchy or attractive. **It is a practice** that requires action, and in my opinion and that of many experts, if we want to continue living *somewhat comfortably* on this planet, we need to take **immediate** actions toward sustainable systems to halt our trajectories of ecosystem degradation and greenhouse gas emissions. The stakes are very real, not hyperbole.

Providing systems that encourage reuse and refill over single-use waste are urgently necessary, *especially* when they reduce the use of single-use plastics, which are a cause of greenhouse gas emissions at every stage of their lifecycle, and their production and disposal cause serious harms to the health and ecosystems of environmental justice communities.

The health risks of consuming water out of plastic bottles are now becoming increasingly clear. According to the NIH, the average human consumes & inhales up to *121 thousand* plastic particles every single year.¹ For someone who drinks plastic-bottled water instead of tap, that number increases by another 90,000.

Evidence of the adverse health effects of micro and nano plastics is increasing exponentially, and rather than share a laundry list of studies, I believe this quote from the British medical journal *The Lancet* - one of the most respected journals in the world - covers the gravity of published research.

“Exposure to micro and nano plastics can lead to health effects through oxidative stress, inflammation, immune dysfunction, altered biochemical and energy metabolism, impaired cell proliferation, disrupted microbial metabolic pathways, abnormal organ development, and carcinogenicity.”²

Quite frankly, the findings are terrifying, and they touch on adverse health effects on nearly every system in the body.

The only way that we are realistically going to be able to reduce the public health impact of microplastics ingested from plastic water bottles is to reduce the need for them, which means that **we need to provide ample options** for people to access drinking water and refill their non-plastic water bottles.

Thank you,

Carolina Korth

¹ Impact of Microplastics and Nanoplastics on Human Health.
www.ncbi.nlm.nih.gov/pmc/articles/PMC7920297/

² The Potential Impacts of Micro-and-Nano Plastics On Various Organ Systems in Humans. *The Lancet*
[www.thelancet.com/journals/ebiom/article/PIIS2352-3964\(23\)00467-X/fulltext](http://www.thelancet.com/journals/ebiom/article/PIIS2352-3964(23)00467-X/fulltext)

Written testimony in support of Hydration for All
NYC Council hearing, Int 900-2024 bill, October 28th, 2024
New York City Council Committee on Environmental Protection, Resiliency and Waterfronts
Hon. James F. Gennaro, Chair

Thank you to Chair Gennaro and the City Council for your work in protecting our city's environment and surrounding waters. I'm writing in support of the **Hydration for All** bill introduced by Councilmember Keith Powers.

As a resident of Northern Manhattan, I am concerned about the amounts of trash in our streets, particularly plastic waste. Living a couple blocks from the Hudson River, I see empty plastic water bottles in the gutters and storm drains and picture the path they will take to the river and eventually the ocean. We learn more each day of the amounts of plastic in our oceans and how it is harming fish life and subsequently humans. A paper titled, "Reckoning with the U.S. Role in Global Ocean Plastic Waste", from the National Academies of Sciences, Engineering, Medicine, states that without changes toward better management, plastics will continue to accumulate, with adverse consequences for ecosystems and people. *

The dangers of plastic are becoming more well known and the common plastic bottle water is shown to have enormous amounts of micro and nanoplastics. Nanoplastics, created when plastic breaks down, is being passed through human organs like the heart and brain, and even the placenta of unborn children.**

The **Hydration for All** bill can begin to address these problems.

- Avoiding plastic water bottles will protect the health of New Yorkers from the dangers of microplastics and nanoplastics.
- Water fountains and bottle refill stations installed in outdoor spaces across the city will reduce the use of bottled water and reduce litter in our communities, protecting our streets and waterways. It will save the city money in sanitation and transportation costs.
- NYC is known for its clean drinking water and people are encouraged to drink water regularly for their good health. As a matter of equity, free water needs to be available to all New Yorkers year-round. Refill stations can be placed in plazas and outside subway stations. They should be outfitted with non-freezing equipment so that they do not need to be shut down in cold weather.
- Refill stations will break the habit of people buying bottled water, saving New Yorkers money that they can spend on other needs.

The Hydration for All bill is an opportunity to make a significant and visible improvement to the health and quality of life of New York.

Thank you for your service and I appreciate your attention and consideration.

Eileen Leonard, LMSW
Volunteer: 350NYC / WasteNot and Beyond Plastics
Washington Heights

*"Reckoning with the U.S. Role in Global Ocean Plastic Waste", National Academies of Sciences, Engineering, Medicine, www.nap.edu; December 1, 2021

**"Bottled Water Can Contain Hundreds of Thousands of Nanoplastics", Columbia University, Mailman School of Public Health, January 9, 2024.

**Written testimony in support of Hydration for All
NYC Council hearing, Int 900-2024 bill, October 28th, 2024**

Thank you for the opportunity to express my strong support for NYC Council bill Int900-2024, inspiringly named “Hydration for All,” introduced by NYC Councilmember Keith Powers.

As plastic waste reaches proportions that overwhelm our earth and endanger our health, we need to urgently take steps to reduce disposable plastic water bottles in our environment. Each year, billions of single-use water bottles are discarded in the city. Because these do not biodegrade, and recycling remains ineffective, the optimal approach for reduction is to reduce use.

Personal refillable water bottles work well, but only if freely available water is easily obtained. Ubiquitous water availability will go a long way toward reducing plastic waste. Importantly, the city will save money by decreasing the costs of plastic bottle disposal.

Please ensure that Hydration for All contains these critical specifications for models and installation:

(a) Freeze-resistant water refill stations are essential, to provide consistent year-round public water access. Single-use water bottle habits are best broken when the alternative is constantly available.

As explained in the links below, the sealed freeze valve pulls water down from above the frost line and stores it in an isolated chamber. The valve of a freeze-resistant unit is designed to be installed 18” below the frost line.

(b) Combination water refill stations and water fountain units are ideal. Water spigots allow personal reusable bottles to be filled directly, without mouth contact. Water fountains extending laterally are available at various heights, for adults, children, and pets (pictured below).

(c) Brightly colored units and large, attractive signage are necessary to attract users. Water refill station/fountain units have been admirably placed in newly renovated NYC parks. However, their dark color and small instruction signs are less likely to draw attention.

(d) Locations in outdoor public spaces to be strategically sited in parks, playgrounds, sports courts, plazas, bike routes, walking paths, and riverside esplanades.

With heartfelt gratitude for your game-changing Hydration for All bill,

Jacqueline Crawley, PhD

Member, 350NYC, WasteNot subcommittee, and Beyond Plastics

Resident, Murray Hill, Manhattan



<https://bottlefillingstations.com/products/elkay-outdoor-bottle-filling-station-freeze-resistant-lk4420bf1udbfrk-multi-station-w-dog-fountain?variant=41471091021>

https://www.pittsburghwatercooler.com/Outdoor-Water-Bottle-Filling-Stations_c_399.html

To the Committee on Environmental Protection, Resiliency, and Waterfronts,

Here is my testimony in support of the Water Refill Station Bill #900.

Refill stations will reduce the use of bottled water, decreasing vast amounts of litter in our communities. Used water bottles and bottle caps are some of the most littered items found in the city and in beach clean ups.

Bottled water not only produces litter, but also contributes to climate change and greenhouse gas emissions throughout its life cycle, from production and transportation all the way to disposal. Bottled water has also been proven to contain thousands of micro plastics. We are only just beginning to learn the harmful effects of micro plastics on human health, but what we do know is scary.

Water refill stations will help New Yorkers save money. And New York has great water that is almost definitely healthier than bottled water. They should have better access to it!

In summary, providing more water refill stations to New Yorkers is a no brainer. Please support Bill #900!

Sincerely,

Kate Weil

[REDACTED]
NY, NY 10025

[REDACTED]

October 28, 2024

Subject: Support of Intro 0900-2024 to install water refill stations in NYC parks

As a constituent of Manhattan and a bureau speaker volunteer for Beyond Plastics, I strongly support placing water refill stations in NYC public spaces to reduce the use of plastic bottles. My reasons are:

- **Unsustainable amount of single use plastic in society:** 1M plastic bottles are being sold per minute and this is expected to grow without solutions like refillable water stations. A mere <6% of all plastic in the US is recycled. The process is a super polluter and it is NOT environmentally safe. Our current model of consumption is unsustainable. The only solution is to reduce the amount of plastic we are using and regularly consuming. Refillable stations are a big step toward reducing single use water bottles.
- **Purity of our Parks and Animal Welfare:** As a runner (often along the East River Park in Manhattan), I see garbage from single use plastics all the time, especially plastic bottle caps. Plastic stays in the environment for a long time, it does not break down, it breaks up into smaller pieces. Animals mistake it for food. Yesterday I was running and a squirrel mistook a plastic chapstick and started handling it, I had to throw it away so there was no injury. The same is true for plastic bottle caps. Europe now requires bottles to tether the cap so that it is impossible or difficult to discard them into the environment. Unfortunately, we, in the US, do not have this regulation. I volunteered on Sunday for a park clean up in Sunset Park in Brooklyn and picked up easily 100 plastic bottle caps in just a small section of this huge park.
- **NYC Rat Problem and Quality of Life:** Plastic bottles feed rats. I just completed NYC Rat Pack yesterday and learned that a rat can live on 1 oz of water per day. The litter in our parks directly helps sustain our rat problem and overall quality of life in the city. Discarded bottles usually have some water left, certainly a small amount that can provide sustenance for a rat or many rats.

Please pass [Intro. 900](#), I strongly support it.

With Sincere Appreciation,

Kristin Shevis
Manhattan, 10010

Intro 900 - NYC Council October 29, 2024 - Written Testimony

The Rev. Lynne A. Grifo, Resident of Brooklyn

Member: Bay Ridge Environmental Group; WasteNot; Beyond Plastics; NRDC.

I urge the Council to pass Intro 900 for the health of NYC's waterways and the health of city residents. As a resident of Brooklyn I regularly visit many NYC Parks in the borough and in Manhattan. I live one block from Shore Road in Bay Ridge and almost daily walk on one of the many walkways there. To my knowledge I have seen only one old fashioned water fountain along a stretch from 4th Ave. north to 86th St. —and I'm not sure it is always working.

After all I have learned over the past years about the extreme environmental and health damage micro plastics and other plastic pollution can cause I have stopped buying one-use bottles of water and carry my refillable flask. When I walk along Shore Rd. I am constantly dismayed by the plastic bottle trash that fills public areas. I have participated in many street and park cleanups in Bay Ridge; and when out walking I try to move litter and especially plastic bottles to the trash bins.

From experience and research we know:

- Fountains will help people break the habit of buying bottled water.
- Water refill stations offer an easy way to fill up reusable water bottles from the touchless refill spigot.
- A growing body of research shows that plastic is a public health issue.
- Access to free water for everyone is an equity issue.
- The recycling rate for plastic bottles is very low, less than 30%; most are “downcycled” into an item of lower quality that can't be recycled again.
- The city will save money since fewer plastic bottles will end up being sent to landfill and incinerators. NYC spends close to \$500 million dollars a year exporting its trash to landfill and incinerators.

Thank you for recording my testimony. Please pass Intro 900.

October 28, 2024

Mark McKoy
Greater Allen Cathedral Senior Residence
107-37 166th Street
Jamaica NY 11433
Maintenance Department
RE: Buildings Basement Water

To whom it may concern,

I Mark Mckoy have been employed at the Greater Allen Cathedral Senior Building for fifteen years.

I have been through two major disasters of the building taking in water in the basement, the most recent disaster called Hurricane Ida. The building lost its boilers, elevators, compactor, community room, laundry room, HVAC system, Security cameras, and underground sprinkler system.

The building has taken in Hundreds of thousands of gallons of water in a matter of less than an hour. The entire basement was filled with water and up to six inches of the first floor. Causing not only physical damage but emotional damage for all the residents. It took three days to pump all the water out of the basement from the storm. The building and residents are still in recovery, trying to put the building back together so a normal safe and healthy way of life can be lived.

Although sub-pumps have been installed throughout the basement, the water continues to find its way back and floods out the basement.

Water seepage has been a problem for many years, causing the tenants to be unable to enjoy a comfortable life as they are aging.

If you have any questions, feel free to contact me at (██████████).

Sincerely,

Mark Mckoy

I testify in favor of Intro900, the Hydration for All Act. This bill has only upsides. It benefits the health of New Yorkers by keeping them hydrated. It helps keep harmful microplastics out of our bodies and our waterways by making it unnecessary for people to buy bottled water. It saves money for those who would otherwise buy bottled water. It reduces litter from thrown away bottles.

I urge the City Council to pass this bill.

Mary Krieger



NY, NY 10025

October 28, 2024

Dear Councilmen, woman and other pronouns,

The Bill Intro 900 is an important bill which must be passed in order to save taxpayers money and to address public health issues. This Bill will install 500 new water fountains with bottle refill capacity across the five boroughs, prioritizing underserved communities. These fountains are an important step in decreasing the proliferation of one-time use plastic bottles. There is no down side to installing these fountains. First of all, the City will actually save money since fewer plastic bottles will end up being sent to landfill and incinerators. NYC spends close to \$500 million dollars a year exporting its trash to landfill and incinerators. So, money is not an issue ultimately. Also, fountains will help people break the habit of buying bottled water. Water refill stations offer New Yorkers an easy way to fill up their reusable water bottles. Finally, a growing body of research shows that plastic is a public health issue and the remedy is not to drink liquids from these flimsy plastic bottles which are promoted by corporations including the oil and gas industry which stands to make higher profits from their sales.

Thank you for serving the public and getting good bills passed.

Sincerely,
Monica Barach
West 86th Street
350NYC

Memorandum of Support Beyond Plastics Queens

Oral testimony via Zoom by Rachana Shah on 10/28/24.

Written testimony submitted 10/30/24

As an organization committed to reducing plastics in the world, Beyond Plastics Queens (a chapter of Beyond Plastics <https://www.beyondplastics.org/>) enthusiastically supports Int. No. 900 and considers installing public drinking fountains essential to **Public Health** on two critical counts.

First, it alleviates the need to buy bottled water which has been proven in numerous studies to contain [up to 240,000 pieces of nanoplastics per liter](#). Ingested microplastics and nanoplastics have been found in the human liver, blood, lungs, brain, gut, breast

milk(<https://www.theguardian.com/environment/2022/oct/07/microplastics-human-breast-milk-first-time>), placenta and

testes(<https://academic.oup.com/toxsci/advance-article-abstract/doi/10.1093/toxsci/kfae060/7673133>). A recent study found microplastics linked to heart disease risk.

(<https://www.health.harvard.edu/heart-health/microplastics-in-arteries-linked-to-heart-disease-risk>)

Fundamental to human health is the health of the environment. Only 6% of plastic waste is recycled in New York City. Plasticlitter winds up on our streets, in our sewers, then our waterways and oceans

(<https://www.surfrider.org/news/surfriders-2023-beach-cleanup-report>).

Therefore, reducing the use of bottled water will reduce plastic litter, thereby reducing the amount of microplastics we absorb into our bodies.

Secondly, clean drinking water is the foundation of **Public Health**. New York City is privileged to have such pristine and bountiful drinking water. Access to water fountains/filling stations should be available to pedestrians in every borough of New York, particularly since our residents are so fond of walking and biking. Also consider tourists, who are only beginning to reach pre-pandemic levels again. We must make our environment more welcoming and accommodating to visitors. Especially Europeans are accustomed to water fountain amenities in all the great cities abroad. What with global warming, hydration is fundamental to preventing the kind of catastrophe seen in India last summer.

From a behavior change perspective, one of the biggest barriers to adopt reuse systems is access. There is less incentive to carry around a clunky water bottle if there is a large barrier to refill it. The current options are to go to a bar or restaurant and ask them to refill, or to find a fountain in a public place, both of which are not easy options.

It is imperative that New York City makes water—a human right—available to all New Yorker's. A related consequence of a warming planet, hotter summers, will require easy access to water to prevent thirst and death. It would be a sign of great foresight for New York City legislators to implement this plan, with an eye to rapidly expand in the near future, making our city ahead of future disasters that threaten human health.

Written testimony in support of Hydration for All
NYC Council hearing, Int 900-2024 bill, October 28th, 2024
New York City Council Committee on Environmental Protection, Resiliency and
Waterfronts

Hon. James F. Gennaro, Chair

Thank you to Chair Gennaro and the City Council for your work in protecting our city's environment. I'm writing in support of the **Hydration for All** bill introduced by Councilmember Keith Powers.

I'm the Founder and Leader of It's Easy Being Green, an Upper West Side climate education and personal action group. We publish a newsletter which goes to 600 subscribers and has a 67% open rate. These numbers alone tell me that interest in the health of our environment is high and support for Hydration for All will be robust.

As a resident of Riverside Drive I am concerned by the amount of plastic water bottles I see overflowing from trash bins on streets, in Riverside Park and especially on Broadway. When these bottles find their way to storm drains and gutters they break up into microplastics and make their way to the Hudson and the ocean where they are consumed by fish and ultimately by humans.

When a recent study done by Columbia and Rutgers scientists proved that thousands of microplastics float in bottled water, (read about it in the NIH report [Plastic Particles in Bottled Water](#)), I thought this news would reduce bottled water consumption. Regrettably it hasn't. Articles about the health risks of consuming nanoplastics, however, are showing up more frequently in news media and fortunately are raising awareness. See the recent New York Times piece, [How to Minimize Your Exposure to Microplastics](#).

The **Hydration for All** bill will be an excellent companion to other planet forward laws passed by the City Council (Skip the Stuff, Reusables in Sports Stadiums) which as the National Resource Defense Council has written are "aimed at slashing the amount of fossil-fuel based plastic products entering the waste stream and part of a broader council focus on cutting the city's contribution to the climate crisis."

Modern water fountains and bottle refills stations installed at outdoor spaces across the city will :

- Serve as an incentive to carry reusable water containers

- Make it more likely that people will drink more water
- Save residents the money they spend on bottled water
- Reduce the waste stream

Thank you for considering the health of city residents, lowering the waste stream and making the survival of our planet a priority.

Sharon Waskow, MEd, MLS

Founder and Leader It's Easy Being Green

Riverside Drive Resident

I support the Hydration For All Act (Int. 900).

All New Yorkers need access to clean drinking water when travelling around the city, especially as days get hotter and hotter because of climate change. Water refill stations will help New Yorkers save money by not having to buy bottled water. This bottled water has been shown to have lots of microplastics in it in addition to the plastic in the bottle. The refill stations will reduce the litter in our community by removing plastic from the waste stream.

Upper West Side Recycling

I'm writing in support of NYC Bill #900 which provides for the installation of water fountains throughout NYC. This bill will encourage constituents to Bring Your Own Containers to fill and will contribute to a reduction of single use plastic bottles which end up polluting our water systems with microplastics. It also provides a free and healthy alternative to sodas. I head a UWS neighborhood group that is encouraging local stores to accept BYO (Bring Your Own). Thank you for introducing this important bill.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0816/1067 Res. No. 0083

in favor in opposition

Date: 10/28/2024

(PLEASE PRINT)

Name: Maitte Duguela

Address: [REDACTED] The Bronx NY 10458

I represent: Waterfront Alliance

Address: 256 W 36th St

**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: Chris Lorraine Johnson

Address: [REDACTED]

I represent: STIF

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1067 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: George Jordan

Address: 111-46 17 8th Street Saint Albans NY

I represent: Mrs Lucille Jordan Home Health

Address: 111-46 17 8th Street Saint Albans NY 1155

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 816,900 Res. No. 83

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ERIC GOLDSTEIN

Address: _____

I represent: NATURAL RESOURCES DEFENSE COUNCIL

Address: 40 WEST 20 ST NY NY 10011

**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: 10/28/2024

(PLEASE PRINT)

Name: Brian Cain

Address: _____

I represent: NYC Independent Budget Office

Address: 110 William St, 14th floor, New York, NY 10069

**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: 10/28/24

(PLEASE PRINT)

Name: Jordan Paige

Address: _____

I represent: NYC Independent Budget office

Address: 110 William St, NY, 100038

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: 10/28/24

(PLEASE PRINT)

Name: Shilo Williams

Address: Assistant Commissioner

I represent: Source Water Protection

Address: DEP

**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: 10/28/24

(PLEASE PRINT)

Name: David Warner

Address: Assistant Commissioner

I represent: Core Services

Address: DEP

**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: 10/28/24

(PLEASE PRINT)

Name: Rohit Aggarwala

Address: Commissioner, DEP

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1069-A Res. No. _____

in favor in opposition

Date: 10/28/24

(PLEASE PRINT)

Name: WILLIAM SCARBOROUGH

Address: 115-05 179 STREET, JAMAICA, NY 11434

I represent: SOUTHEAST QUEENS ENVIRONMENTAL JUSTICE COALITION AND ADDISLEIGH PARK CIVIC ORGANIZATION

Address: SAME

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. 900 Res. No. #

in favor in opposition

Date: 10/28/24

(PLEASE PRINT)

Name: Jane Selden

Address: _____

I represent: 350 NYC

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: 10/28/2024

(PLEASE PRINT)

Name: Victoria Leung

Address: _____, NY 10562

I represent: Riverkeeper, Inc.

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: 10/28/24

(PLEASE PRINT)

Name: Niki Cross

Address: _____

I represent: New York Lawyers for the Public

Address: _____ Interest

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