

COMMITTEE ON ENVIRONMENTAL PROTECTION, RESILIENCY

AND WATERFRONTS

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CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL  
PROTECTION, RESILIENCY AND  
WATERFRONTS

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April 26, 2024  
Start: 10:15 a.m.  
Recess: 1:01 p.m.

HELD AT: COUNCIL CHAMBERS - CITY HALL

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

COUNCIL MEMBERS:

Alexa Avilés  
Robert F. Holden  
Kristy Marmorato  
Sandy Nurse  
Rafael Salamanca, Jr.  
Susan Zhuang

A P P E A R A N C E S

Rohit Aggarwala, Commissioner of the New York City Department of Environmental Protection

Kathryn Mallon, Chief Operating Officer of the New York City Department of Environmental Protection

Tasos Georgelis, Deputy Commissioner of the Bureau of Water and Sewer Operations of the New York City Department of Environmental Protection

Angela Licata, Deputy Commissioner for Sustainability of the New York City Department of Environmental Protection

Paul Lozito, Deputy Executive Director for the Mayor's Office of Climate and Environmental Justice

Joseph Charap, Vice President of Horticulture at the Greenwood Cemetery

Theodora Makris, Senior Program Manager at the Center for New York City Neighborhoods

Eric Goldstein, New York City Environment Director at the Natural Resources Defense Council

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

Dinu Ahmed, public defender and a longtime resident of East Elmhurst

COMMITTEE ON ENVIRONMENTAL PROTECTION, RESILIENCY  
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3

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

Aracelia Cook, President of the 149th South Ozone  
Park Civic Association and member of Southeast  
Queens Resident Environmental Justice Coalition

William Scarborough, President of the Southeast  
Queens Residents Environmental Justice Coalition  
and President of the Ashley Park Civic  
Organization in Queens

Suhali Mendez, Policy and Legislative Coordinator  
at New York Lawyers for the Public Interest

Nabil Jamaludin, resident of East Elmhurst,  
software engineer

SERGEANT-AT-ARMS: This is a microphone test for the Committee on Environmental Protection, Resiliency and Waterfronts, recorded on April 26, 2024, located in Chambers by Nazli Paytuvi.

SERGEANT-AT-ARMS: Good morning, and welcome to the New York City Hybrid Hearing on the Committee on Environmental Protection, Resiliency and Waterfronts.

Please silence all electronic devices.

At no time, please do not approach the desk.

If you have any questions, please raise your hand, and one of us, Sergeant-at-Arms, will kindly assist you.

Thank you very much for your kind cooperation.

Chair, we're ready to begin.

CHAIRPERSON GENNARO: Thank you. Okay, I'm going to tap this three times and, once we do that, there's no getting out of it. Okay, so here we go.

[GAVEL]

Good morning. I'm Council Member Jim Gennaro, Chair of the Committee on Environmental Protection, Resiliency and Waterfronts. Today, we'll

1 be holding an oversight hearing on flooding and  
2 stormwater infrastructure. The Committee will also  
3 hear several pieces of legislation related to  
4 stormwater management, resilient construction, and  
5 funding for infrastructure upgrades.  
6

7           The Committee welcomes testimony from the  
8 Department of Environmental Protection, advocates,  
9 and interested members of the public. This week, we  
10 mark the 55th Earth Day on a planet that is  
11 fundamentally different than when Earth Day was first  
12 celebrated in 1970, which I remember. While in New  
13 York City, our air and water are cleaner than at any  
14 point in recent history, we are also confronting the  
15 effects of human-caused climate change. On average,  
16 the U.S. is warmer by more than 2.6 degrees  
17 Fahrenheit than it was 54 years ago on the first  
18 Earth Day. Now, the first Earth Day was 54 years ago,  
19 but it's the 55th Earth Day because the first one was  
20 on 1970, so there's no kind of year zero. Everybody  
21 got that? I'm just trying to bring a little fun to  
22 the proceedings. Yeah, I know. Thank you, Alexa.

23           This difference has had a direct link to  
24 severe rain events, which used to be rare, but that  
25 New Yorkers have now become accustomed to. For each

1 degree Celsius of warming, the air can hold  
2 approximately 7 percent more moisture, leading to  
3 increased precipitation and more severe rainfall  
4 events. Our current 2.6 Fahrenheit degree temperature  
5 increase equals 1.5 degrees Celsius increase. I  
6 figured that out all by myself when they presented me  
7 with the thing. I converted it. New York City's  
8 stormwater and sewer infrastructure is struggling to  
9 keep up with today's very extreme weather. While the  
10 City's stormwater system is designed to process 1.75  
11 inches of rainfall per hour in most parts of the  
12 system and in some areas less than that, the rate of  
13 rainfall during storms has exceeded the capacity of  
14 the City's stormwater infrastructure in many areas on  
15 many occasions in only the last few years. Many New  
16 Yorkers are learning to live with the realities of  
17 regular flooding, including sewer backups, property  
18 damage, and threats to health and life. Helping our  
19 stormwater infrastructure adapt to the new climate  
20 reality has been a focus of my career. In 2008, the  
21 Council passed my bill, which became Local Law 5 of  
22 2008, directing the City to develop a sustainable  
23 stormwater management plan to reduce the volume of  
24 stormwater flowing into the sewer system. This law  
25

1 formed the basis for much of the stormwater reporting  
2 and planning the City does today. Thanks to the  
3 efforts of DEP and consent orders from the state and  
4 mandates like those imposed by laws like Local Law 5,  
5 the City has managed to reduce the volume of combined  
6 sewer overflows, commonly referred to as CSOs, which  
7 occur when heavy rainfall causes the city's combined  
8 sewer system to discharge sewage into the city's  
9 waterways. The City's CSO discharges have decreased  
10 by more than 40 percent since 2008. That's a huge  
11 number, and DEP is to be commended for that. This is  
12 tremendous progress. The importance of public  
13 infrastructure that can convey stormwater without  
14 polluting waterways will only grow as climate change  
15 continues to increase the intensity of rainfall in  
16 New York City, but CSOs that pollute our coastal  
17 waters are only part of the story. The new frontier  
18 is mitigating street flooding, sewer backups, and  
19 other manifestations of flooding in the City's  
20 terrestrial environment. DEP has taken extraordinary  
21 steps to reduce the impacts of flooding and to  
22 prepare for our new climate, including the Cloud  
23 Burst Program, Rainfall Ready NYC, Rainproof NYC,  
24 among other efforts. DEP also undertakes regular,

1 rigorous planning for rain events and flash  
2 floodings. I applaud these efforts, and I look  
3 forward to hearing how we can work together to better  
4 prepare New York City's infrastructure for today's  
5 climate realities.

6  
7 In addition to hearing from the  
8 Administration, the Committee will hear the following  
9 legislation, including two bills that I authored.

10 Intro. 814 would require DEP to identify areas prone  
11 to sewer backups that regularly flood after rainfall  
12 events, update requirements for DEP's sustainable  
13 stormwater management plan, and conduct community  
14 outreach about stormwater management practices.

15 Intro. 815 would require the creation of an inland  
16 flood hazard area map, climate adaptation planning,  
17 and resilient construction for inland areas. Finally,  
18 Proposed Resolution 144A, sponsored by Council Member  
19 Julie Menin, who could not be with us today, she  
20 called me and indicated that she regretted not being  
21 able to be here, calls upon the New York State  
22 Environmental Facilities Corporation to remove  
23 restrictive barriers to uncapped funds New York City  
24 can receive for water infrastructure upgrades. I  
25 think she was put up to that by Rit. He probably



1 suggested that to her or whatever. These pieces of  
2 legislation would help New Yorkers prepare for a  
3 warmer, rainier future by paving the way for  
4 infrastructure improvements and safer construction  
5 designed for the world we live in today and will live  
6 in tomorrow and not the world we left behind in 1970.

7  
8 I would like to thank the Committee  
9 Staff, Committee Council Claire MacLachlan, Policy  
10 Analysts Ricky Chawla and Andrew Bourne, Financial  
11 Analyst Tanveer Singh, and finally, my Legislative  
12 Director, Nabi Kaur, for all their hard work.

13 It is my privilege to recognize the  
14 following Members who have joined us, Council Member  
15 Marmorato, Holden, Avilés, and Zhuang.

16 The first witnesses will be from the  
17 Administration, Rit Aggarwala, Commissioner of DEP,  
18 Catherine Mallon, Chief Operating Officer, Tasos  
19 Georgelis, I hope, Deputy Commissioner of the Bureau  
20 of Water and Sewer Operations, and Angela Licata, my  
21 buddy, Deputy Commissioner for Sustainability. There  
22 you have it.

23 I will now turn it over to the Committee  
24 Counsel to give the affirmation to the witnesses and  
25 then, after that, the Commissioner can commence with

1 his good testimony that's in number four font. Thank  
2 you very much.

3  
4 COMMITTEE COUNSEL MACLACHLAN: Thank you.  
5 Please raise your right hands.

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

10 ADMINISTRATION: (INAUDIBLE)

11 COMMITTEE COUNSEL MACLACHLAN: Thank you.  
12 You may begin when ready.

13 COMMISSIONER AGGARWALA: Good morning,  
14 Chair Gennaro, and good morning, Members of the  
15 Committee. I'm Rit Aggarwala, Commissioner of the New  
16 York City Department of Environmental Protection and,  
17 as the good Chair pointed out, I'm joined by our  
18 Chief Operating Officer and our two Deputy  
19 Commissioners with direct oversight over stormwater  
20 management, and thank you for convening this hearing.  
21 In the interest of time and knowing, Mr. Chairman,  
22 that you've got a constraint, I will abridge my  
23 testimony, which we sent to you. We try to be  
24 complete and, hence, the smaller font. I'm sorry

1 about that. We'll get you a different version if you  
2 prefer.  
3

4           Let me begin and start by saying, of  
5 course, as your remarks pointed out, Mr. Chairman,  
6 that we do not have to tell you that climate change  
7 is real and it is here, and as I point out on a  
8 number of occasions, in 2020, the U.S. National  
9 Climate Assessment reclassified New York City from a  
10 coastal temperate zone to the humid subtropical  
11 climate zone, a recognition that we now live in a  
12 place that our infrastructure was not designed for.  
13 We face several types of flooding impacts and risks  
14 as a result. Rising sea levels are creating more  
15 frequent tidal flooding, which we have seen  
16 particularly but not exclusively in the communities  
17 around Jamaica Bay. Rising sea levels are also  
18 causing groundwater levels to rise, which is  
19 exacerbated during heavy storms and periods of long-  
20 term rainfall. Of course, this means an increasing  
21 risk of coastal inundation, and I know, even though  
22 it's not our topic today, that multiple forecasters  
23 have indicated that this coming hurricane season is  
24 expected to be more severe than average and, so while  
25 today's hearing is primarily about stormwater, before

I turn to that, I'd like to say a few words about coastal defenses.

In the 12 years since Hurricane Sandy, New York City has pursued two complementary kinds of coastal flooding strategies. One is about preventing storm surges from causing flooding. This is what coastal defenses are. The reality is that these major projects, most prominently Eastside Coastal Resilience, but not alone, are massive, complex projects that take years to design and years to build. We are making significant progress, and in fact we expect the first gates of ESCR to be turned over by the contractor later this year. Within two or three years, several of these projects will be complete, and many of New York City's neighborhoods will be protected against storm surges. As of now, more than a dozen projects are underway, but none of them is fully functional. The reality is that this year, if a storm surge hits New York City, there will be flooding.

The good news is that in the same period, we have also invested huge amounts of money in resilience, which is not about preventing flooding but about ensuring that we can withstand and bounce

1 back from it. As we know, 44 New Yorkers lost their  
2 lives in Hurricane Sandy, and thousands had property  
3 destroyed, but among the storm's major impacts was  
4 the long-term disruption it caused. Because so many  
5 buildings had their electrical equipment in  
6 basements, many were without power for weeks, and  
7 some, especially at NYCHA, were without elevators for  
8 months. We learned from this, and now, happily, our  
9 building-level resilience efforts are well advanced.  
10 Our power plants, our wastewater treatment facilities  
11 are better protected. Many buildings, especially at  
12 NYCHA, have relocated or hardened their critical  
13 equipment. While a flood today would still cause  
14 damage, in most cases it would be the kind of damage  
15 that disrupts lives for hours or a day or two, rather  
16 than for months. Overall, New York City will have  
17 invested more than 18 billion dollars in coastal  
18 preparedness in the aftermath of Hurricane Sandy.  
19 Roughly speaking, somewhere between a quarter and a  
20 third of that is for building- or site-specific  
21 resilience, and the remainder is for large-scale  
22 coastal infrastructure. Even with this, the work is  
23 far from complete, and the U.S. Army Corps HAT Study  
24 will cost upwards of 50.5 billion dollars, and we do  
25

2 not have a dedicated source of funding, either  
3 federal or local, for coastal resilience. I say this  
4 in part because of what we may face this summer, but  
5 also because the reality is that our stormwater  
6 resilience efforts really started in earnest only two  
7 and a half years ago after Hurricane Ida, whereas our  
8 coastal work began 12 and a half years ago after  
9 Sandy. As with coastal resilience, it will take us  
10 over a decade to see measurable progress in  
11 stormwater resilience infrastructure, and it will  
12 cost billions and billions of dollars. As with  
13 coastal resilience, building-level resilience will be  
14 much faster to achieve than infrastructure-level  
15 protection, and the reality is that we will need  
16 both. One key difference is that we expect to pay for  
17 most stormwater resilience projects with local  
18 funding sources. That is, of course, both good news  
19 and bad news. As New Yorkers, we will be less  
20 dependent on state or federal decisions to shape  
21 whether we achieve stormwater resilience, but the bad  
22 news is that the more resilience we want, the higher  
23 our bills will have to rise. I will skip over a  
24 couple of the next paragraphs because, in part, Mr.  
25 Chairman, you covered it, but I will call your

1 attention to the data that we have on page three  
2 here, which is that, as you pointed out, our sewer  
3 system, while it was designed and the targets for it  
4 were set largely by borough presidents in the years  
5 prior to 1980 when DEP was formed, our target has  
6 been to design the sewer system to accommodate the  
7 "five-year storm." The reality is that, in 2023, at  
8 various parts of the city, we had five storms that  
9 breached that five-year limit of 1.75 inches per  
10 hour. Now, it may be that 2023 is an outlier, even on  
11 the broad trend that we know is coming, and 2024 has  
12 not been quite that bad thus far, but it is an  
13 example of how our weather is changing, and I think  
14 that is how we see very directly the impact of this  
15 recategorization, recognizing that our weather is no  
16 longer what it once was, and I will note, and I'm  
17 down at the bottom of page three now, the request in  
18 Intro. 815, which, and I'm pleased to note, that we  
19 are finalizing yet another new flood map showing  
20 those locations where flooding is expected at the  
21 five-year storm level, which is that 1.75 inches per  
22 hour. We have already published, as you know, the  
23 flood maps reflecting the 100-year storm, which is a  
24 truly extreme storm, and the 10-year storm, which we  
25

1 published a year and a half ago, and we refer to as  
2 the rainfall-ready map. It is worth noting that these  
3 are just models, and, of course, all models are  
4 wrong, and one way that we check our maps is to talk  
5 to you and your Colleagues as well as residents when  
6 we do walking tours. We've had good feedback, but  
7 it's important not to mistake models for infallible  
8 fact. We've had several unprecedented storms and can  
9 only expect to have more. Also, of course, in a city  
10 as big as New York, rainfall varies dramatically  
11 across the city. For example, on September 29, 2023,  
12 when North Brooklyn received 2.6 inches in the most  
13 intense hour of the storm, the second most intense  
14 rainfall ever recorded in New York City, other parts  
15 of the city received less than one inch per hour so  
16 when I say that the City experienced five five-year  
17 storms in 2023, it doesn't mean that everywhere on  
18 the flood map flooded five times, but one thing is  
19 clear looking at these flood maps. Flood risk is a  
20 citywide problem. Manhattan, due to its elevations,  
21 its bedrock and the sewer policies of Manhattan  
22 borough presidents past tends to do well, but even  
23 Manhattan has flood-prone locations, especially in  
24 Upper Manhattan, where there were once streams and  
25



1 wetlands. I know that for each of you your  
2 neighborhood's flood-prone locations seem like the  
3 worst anywhere, but we need to recognize that this is  
4 a city-wide problem and think about city-wide  
5 solutions.

6  
7 As I said, the fundamental challenge is  
8 that we have a stormwater management system that was  
9 designed for one climate and is now facing another.  
10 Our first step, and clearly the most cost-effective  
11 step, is maximizing the performance of our current  
12 system, and we have been doing that. We all know that  
13 sewers are the first line of defense against  
14 flooding, and catch basins are the way that  
15 stormwater enters our sewers. First, I know that you  
16 all know that catch basins can be blocked in two  
17 ways. We've talked about this at great length. They  
18 can get filled up with debris in which case DEP has  
19 to come and scoop them out, or they can get matted  
20 over in which case someone, which frankly could be  
21 anyone, simply needs to use a broom or a rake to  
22 clear away the leaves and litter that are blocking  
23 the drain. We are tackling both types of blockages.  
24 I'm very proud of the data-driven Catch Basin  
25 Inspection Program that DEP implemented, thanks to

1 Deputy Commissioner Georgelis, which optimizes the  
2 cleaning of our more than 150,000 catch basins.  
3 Informed by past cleaning data, we target more  
4 frequent inspections in the areas that are more  
5 likely to need cleaning. We've also created a new  
6 Fleet Maintenance Team to augment the work Sanitation  
7 and Parks do to maintain our vehicles. Given their  
8 design and the stresses they experience, catch basin  
9 cleaning trucks are inherently prone to breakdowns.  
10 Just last year, we hired our own small team of  
11 mechanics, and we are now better able to accelerate  
12 repairs to get our catch basin cleaning trucks back  
13 in service. Our new inspection schedule and our new  
14 maintenance team have allowed us to increase catch  
15 basin cleanings by 22 percent through the first four  
16 months of Fiscal Year '24, while overseeing a 45  
17 percent decrease in the resolution time needed to  
18 clear a clogged catch basin. Today I'm pleased to say  
19 we clean clogged catch basins within three days of  
20 identifying that cleaning is necessary, whether they  
21 are identified by a 3-1-1 call or by our own  
22 proactive inspections.  
23

24 To prevent matting over from completely  
25 blocking water from entering a catch basin, we have

1 also begun installing a new catch basin design that  
2 includes a second grate on the sidewalk. This  
3 additional elevated grate allows the basin to  
4 function even if leaves cover over the main grate  
5 during a storm.

6  
7 We have also been doing more to clean out  
8 sewers than before. Over time, small debris and  
9 grease can build up on the inside of sewers, which  
10 reduces their capacity. In Fiscal Year 2023, we  
11 cleaned 692 miles of sewers, that is effectively 10  
12 percent of the entire sewer network, employing Vactor  
13 trucks and other cleaning methods to clear out that  
14 debris. Cleaning alone won't solve the capacity  
15 problem, but it can add a bit of capacity and every  
16 little bit helps in a rainstorm.

17 As I've discussed before, though, those  
18 sewers are the primary tool for managing stormwater,  
19 we rely on a suite of tools based on communities'  
20 needs. While we are doing this improved sewer work,  
21 we are also continuing to implement our green  
22 infrastructure program. As I mentioned last month, in  
23 2023 we added nearly 1,000 new green infrastructure  
24 assets to our system, raising the total to 13,000. We  
25 are also making progress on cloudburst

2 infrastructure, which designs public spaces to retain  
3 water during major storm events. I'm pleased that our  
4 first cloudburst project at the South Jamaica Houses  
5 of NYCHA will break ground this summer. We have  
6 another four that are in design and will enter  
7 construction over the next two years. We've also had  
8 great success with obtaining federal money for these.  
9 We have been selected and are awaiting award of 123  
10 million dollars for cloudburst projects already and  
11 are applying for more money for additional  
12 neighborhoods including East Elmhurst and Central  
13 Harlem.

14 I will skip ahead a bit to page six. As  
15 you know, and as we committed to in PlaNYC, DEP has  
16 been working on a stormwater resilience strategy for  
17 the city for nearly two years now. Our first step was  
18 to ensure that our two stormwater planning  
19 organizations, BWSO's Capital Program Management  
20 Group led by Wendy Sperduto, and BIPA's Capital  
21 Planning Group led by Melissa Enoch, were staffed as  
22 fully as we could accommodate and were working  
23 together. Because green infrastructure in the past  
24 has been considered only as part of the City's long-  
25 term control plan for reducing combined sewer

2 overflows, DEP had not traditionally considered a mix  
3 of gray and green infrastructure to address a given  
4 flooding issue. Now, with great collaboration, which  
5 I will point out is led by great female engineers and  
6 planners, and working together, we are tackling this  
7 challenge in the right way.

8 Our second step was to assess how many  
9 locations are likely to require significant work to  
10 meet a basic level of future stormwater resilience.  
11 Over the past year, we completed a study to identify  
12 the areas in New York City most in need of stormwater  
13 flooding relief. This study looked at our flood maps  
14 and incorporated community complaint records and  
15 sewer system capacity. We identified more than 80  
16 discrete locations that experienced the most chronic  
17 and severe flooding during a storm that produces 2.1  
18 inches of rain per hour. These areas represent 20  
19 percent of the area in the city subject to street  
20 flooding during a storm.

21 Our third step was to build tools that  
22 would make our planning work easier and more  
23 effective. Previously, New York City had not invested  
24 in a digital model of our entire sewer system. This  
25 meant that we could not fully model flooding

1 scenarios. Deputy Commissioner Goergelis, Director  
2 Sperduto and I all prioritized this work and, under  
3 Wendy's leadership, this digital model was completed  
4 earlier this year, enabling us to identify efficient  
5 and cost-effective solutions to capacity limits in a  
6 way that we have not been able to do before. The  
7 investment in this model is already paying off. We  
8 are now able to identify where interventions are  
9 needed to reduce specific areas of flooding.  
10 Identifying these opportunities is more complicated  
11 than one might think. Sometimes a corner floods  
12 because of an issue at that corner. That's easy to  
13 identify. Sometimes a corner floods because of an  
14 issue upstream or downstream of that corner in a  
15 location that we hadn't looked at before because it  
16 itself does not have any flooding. That's where this  
17 modeling system can help us identify the problem.  
18 We're also using this tool to identify areas where we  
19 can use existing capacity more efficiently by  
20 identifying ways to redirect flow and create new  
21 pathways to spread the volume. These innovations  
22 would use existing infrastructure to significantly  
23 increase sewer capacity and possibly avoid our  
24 needing to upsize miles of trunk sewers. We are early  
25

1 in this process, but I look forward to speaking to  
2 you all about its progress.

3  
4 Before I move on, I want to stress this.  
5 The kind of dramatic planning we will need to do to  
6 re-engineer our system for a new climate will not  
7 require just a bunch of projects but will require us  
8 to invest in and maintain new tools that help us be  
9 much smarter about the work we need to do. As you ask  
10 us questions and seek to hold us accountable, I hope  
11 you think not only about the new things we build but  
12 also about how we are managing and maintaining the  
13 tools we need to do the job, whether those are catch  
14 basin cleaning trucks or digital models for  
15 engineering.

16 Our next step was to apply our model and  
17 our new integrated planning approach to a set of  
18 site-specific case studies around the city. The goal  
19 was to do some deep engineering assessments to see in  
20 depth what the needs were in each location, what the  
21 potential mix of solutions might be, and what an  
22 intervention might cost. We looked at four locations  
23 in depth, Dyker Heights, Kissena Park, Knickerbocker  
24 Avenue, and the Jewel Streets area. I won't bore you  
25 with the details of each assessment, but a few

1 lessons emerged. Where there is excess capacity in  
2 sewer mains, the most effective solution will be  
3 ensuring the sewers in neighborhoods that are large  
4 enough to convey the local flow to these larger trunk  
5 mains take advantage of that capacity. This was the  
6 key lesson of the Dyker Heights case study, where we  
7 plan to upsize the network of local sewer pipes that  
8 lead to significant downstream capacity. It's  
9 basically unblocking a bottleneck to achieve capacity  
10 that we had never needed before but can now still  
11 take advantage of.  
12

13           The second lesson is that gray and green  
14 infrastructure can be complementary. In the Jewel  
15 Streets neighborhood, which sits at the lowest  
16 elevation in the area, we are exploring the  
17 combination of a bluebelt to capture and store  
18 stormwater alongside a larger pump station and trunk  
19 main capacity to effectively drain it. Here, the  
20 combination of gray and nature-based solutions allow  
21 each to provide part of the solution.

22           Third, green infrastructure can be  
23 effective, faster, and cheaper in some situations,  
24 but it can be complex to implement and maintain. In  
25 Kissena Park, one attractive alternative could



1 replace some of the recreation space in the park with  
2 a bluebelt. Jointly with the Parks Department, we  
3 will need to see whether this is a change that  
4 residents would support. Further, green  
5 infrastructure tends to be more maintenance-intensive  
6 than gray infrastructure. We will need to ensure that  
7 responsibilities are clear and that maintenance  
8 funding is available, or else green infrastructure  
9 investments will fail for lack of maintenance.  
10 Finally, in some situations, expanding gray  
11 infrastructure like trunk sewers can be the most  
12 efficient solution to drain large volumes of  
13 stormwater from flood-prone locations. Bushwick has  
14 an extensive array of rain gardens and other green  
15 infrastructure assets that were built to improve  
16 water quality of stormwater runoff. However, the  
17 Knickerbocker Avenue area still faces regular  
18 flooding during significant rainfall events. The best  
19 solution in this area is dramatically to increase the  
20 size of the sewer that runs down Knickerbocker  
21 Avenue.  
22

23 The task of designing and delivering  
24 major sewer and related infrastructure projects in  
25 the 80 or so locations we identified will take at

1 least 30 years at our current funding levels of  
2 roughly 1 billion dollars per year for stormwater-  
3 related infrastructure, and this is just to achieve a  
4 basic level of resilience, not at all to protect  
5 every New Yorker against all storms. Achieving  
6 protection from the kind of storm we experienced last  
7 September could cost upwards of 250 billion dollars,  
8 a cost New Yorkers would need to bear in the absence  
9 of state or federal funding sources, and may not even  
10 be physically possible in some areas given limited  
11 space for larger sewers beneath our streets.

12  
13 This work also leads to three other  
14 conclusions that I hope this Committee takes into  
15 consideration. The first is that, as a City, we will  
16 have to make decisions about the trade-off between  
17 more flood protection and greater costs. We will  
18 certainly do everything we can to maximize federal  
19 and state dollars, and I thank the Committee for  
20 Resolution 144A to help us get our fair share of  
21 funding from the state, but the reality is that the  
22 vast majority of our stormwater resilience efforts  
23 will be paid for by New Yorkers. However much we want  
24 to be protected, our costs will rise accordingly.

1                   The second is that building level  
2  
3 protection is both faster and more cost-effective in  
4 many cases than neighborhood-wide infrastructure. The  
5 work New York City has done to make individual  
6 buildings more resilient to coastal inundation has  
7 moved much faster than our work to prevent coastal  
8 inundation. In the same way, building level  
9 stormwater resilience will be faster and usually  
10 cheaper. Pursuant to Local Law 1 of 2023, we have  
11 been developing a plan for a backwater valve program  
12 and are on track to meet the requirements of this  
13 Local Law. We don't see this effort as a replacement  
14 for infrastructure but as a complement. The City's  
15 infrastructure should expand to deal with our new  
16 weather patterns, but homeowners and building owners  
17 will also have to do more to protect their own  
18 property and create resilience. This may also mean  
19 using basements differently, just as was required in  
20 the coastal floodplain after Sandy and as Intro. 815  
21 implies. It might mean doing more on-site to manage  
22 stormwater, like disconnecting roof runoff from sewer  
23 lines or removing impermeable surfaces or installing  
24 dry wells. How we accomplish this is still to be  
25 determined, but it is likely that the City will need

1 to do more to provide technical assistance to  
2 property owners to make their properties more  
3 resilient.  
4

5           The final conclusion I ask you to think  
6 about is that this is not just a technocratic  
7 decision. DEP alone cannot deliver a stormwater  
8 resilience plan for the City. We will need a much  
9 broader conversation about how much we are willing to  
10 pay, how much flooding we are willing to accept, and  
11 what kinds of responsibilities we are willing to  
12 impose on homeowners. DEP is the right agency to  
13 offer alternatives, but these are fundamentally  
14 political questions.

15           I very much appreciate the impulses  
16 behind the several bills being heard today, and I  
17 believe there is a path forward to crafting  
18 legislation based on both Intros 814 and 815 that we  
19 would enthusiastically support. However, these are  
20 complex issues, and I hope the Council does not seek  
21 to legislate hastily.

22           We support the idea behind Intro. 814,  
23 which is to codify our ongoing stormwater resilience  
24 planning into law. However, many of the specifics in  
25 this bill are problematic, and others miss the main

1 need and instead mandate reports and disclosures that  
2 we think would distract our staff without creating  
3 real value. Given the update I have provided today, I  
4 hope this Committee appreciates that we are taking  
5 stormwater resilience planning very seriously and  
6 that you will work with us to codify an approach that  
7 gets this right. This will require setting reasonable  
8 definitions of what the Council will require DEP to  
9 assess, reasonable timeframes for doing the work, and  
10 useful reporting requirements. I will point out that  
11 the identification of five flood-prone areas in each  
12 borough is highly arbitrary and doesn't reflect the  
13 reality of the City.

14  
15           With respect to Intro. 815, we believe  
16 the maps that we have published are robust and  
17 informative so the legislation need only require that  
18 they should be maintained and updated as necessary.  
19 If the Council has specific concerns with those maps,  
20 I would be very happy to discuss them. Further, I  
21 would point out that DEP, not MOCEJ, is the right  
22 agency to manage flood maps. The other item in 815 is  
23 the idea that building code changes may be necessary  
24 to address stormwater challenges. Given what I have  
25 said about the need for building-level resilience, I

1 completely agree with this idea, but we are highly  
2 concerned that the approach 815 takes to this is  
3 premature and may be counterproductive. As a result,  
4 we must oppose Intro. 815 as it stands, but we are  
5 willing to work with the Council to amend it if the  
6 Council is willing to allow us enough time to do so.

7  
8 I would also like to use Intros 814 and  
9 815 as an opportunity to streamline existing  
10 reporting requirements. MOCEJ, in particular, and DEP  
11 as well, are subject to a long list of reporting  
12 requirements with inconsistent reporting dates,  
13 multiple reports on similar topics, and permanent  
14 reporting requirements that have long since outlived  
15 their usefulness. We are wasting scarce staff time in  
16 writing reports that no one needs, and we need to get  
17 out of that business so we can actually do the policy  
18 and engineering work to make progress. As I have  
19 noted, we continue to need help in getting our fair  
20 share of federal and state funding, so while the  
21 Administration does not traditionally opine on  
22 Council resolutions, I will say that Resolution 144A  
23 is consistent with the messages I am trying to convey  
24 and can only help the City's cause.

1  
2 Above all, we need the City Council to  
3 help us think about this difficult tradeoff we will  
4 have to decide upon as a City. How much resilience  
5 are we willing to pay for, and how much inconvenience  
6 are we willing to impose on homeowners and building  
7 owners? Thank you.

8 CHAIRPERSON GENNARO: Thank you,  
9 Commissioner. I very much appreciate your  
10 comprehensive testimony and you and your staff's  
11 diligent efforts to move us forward in ways that  
12 really bring us to where we need to be in figuring  
13 out our understanding of the problem and how to  
14 address it.

15 I want to get my Colleagues on to ask  
16 their questions. I always like to encourage their  
17 participation. I have my prepared questions. I am  
18 just going to stroll through my notes that I made on  
19 your testimony, and then I am going to call upon my  
20 Colleagues to ask their questions then I will come  
21 back to ask my real questions, so to speak.

22 On the first page of your testimony, my  
23 idea is to read my own writing here, thank you for  
24 making the foray into coastal resiliency. That is  
25 critically important and, while we talk about

1 flooding in the streets, we cannot forget about storm  
2 surge and everything that has done to us and will do  
3 to us in the future absent the kind of interventions  
4 that you are making here. Just like a broad question  
5 regarding coastal resiliency, the unit within DEP to  
6 do that is established, up and running. Can you tell  
7 me a little bit about that?  
8

9 COMMISSIONER AGGARWALA: Happy to. Our  
10 Bureau of Coastal Resilience certainly exists. It is  
11 a small but mighty team right now. We have our Deputy  
12 Commissioner who has been on board for about six  
13 months now, Laurian Farrell, who is phenomenal. We  
14 have staffed it with a couple of internal transfers.  
15 In this year's Executive Budget, last year's for  
16 FY24, we brought on a couple of field operations  
17 staff who are in training now to be ready to maintain  
18 the first floodgates at ESCR, which will be turned  
19 over to DEP later.

20 CHAIRPERSON GENNARO: It is these folks  
21 that are interacting on the HAT study and all this  
22 other stuff?

23 COMMISSIONER AGGARWALA: That we are  
24 building up. There is still staff at MOCEJ who are  
25 working on that. EDC, of course, plays a very big



1  
2 role in terms of coastal resilience. We do not have  
3 full planning staff. We are working internally with  
4 OMB and others for how we staff that up over the  
5 coming months.

6 CHAIRPERSON GENNARO: Right. Once upon a  
7 time, we had talked about legislation from the  
8 Council in order to codify that. Is this something  
9 that is needed, or how do we do that? What is your  
10 recommendation on how to proceed on that front?

11 COMMISSIONER AGGARWALA: I think that is  
12 certainly something that we should do collectively  
13 going forward. I think for the first several months,  
14 I had asked Laurian to really think broadly about  
15 what she needed, and Kathryn joined at the beginning  
16 of the year as our new Chief Operating Officer. The  
17 two of them have been working very closely together.  
18 I think later this year, we could probably start that  
19 conversation from a position of knowing what we need.

20 CHAIRPERSON GENNARO: Let me just have a  
21 sidebar with the Counsel for a second.

22 I was just checking on the status. There  
23 is a bill that has been introduced in the Council.  
24 You probably know that. I forgot. I knew it was  
25 something that we had discussed. Thank you for all of

1 your concerted efforts regarding pushing back against  
2 the storm surge.  
3

4 On the second page of your testimony, I  
5 want to thank you for the 18 billion that has been  
6 invested in coastal preparedness since Sandy so check  
7 that box.

8 The projects that will come out of the  
9 HAT study, you indicate will cost upwards of 50  
10 billion. We do not have a dedicated source of  
11 funding. I guess two questions. Who is "we" in terms  
12 of source of funding? Isn't it supposed to be some  
13 kind of collaborative federal, state, city kind of  
14 thing? Why don't you shed some light on that?

15 COMMISSIONER AGGARWALA: There are a  
16 couple of components to this. The bulk of the 18  
17 million, I think it is about 15 of the 18, is federal  
18 disaster relief funding. The federal government  
19 provides money after a disaster happens. It does not  
20 necessarily provide money before a disaster happens.  
21 One of the things, for example, and we have talked  
22 about, and I know Elijah Hutchinson has talked about  
23 before this Committee, is we are using the Climate  
24 Strong Communities Program to begin planning in some  
25 of the neighborhoods that were not actually hurt by

1 Hurricane Sandy but are equally at risk. Every storm  
2 is a little bit different, but because of the way  
3 federal disaster money works, if you did not get  
4 damaged during Sandy, you are ineligible for that  
5 money.  
6

7           There is the separate pot of money, which  
8 is what the Army Corps draws from, which is  
9 authorized by the Water Resources Defense Act, which  
10 occurs every two years in Congress. That would be a  
11 separate appropriation. The HAT study has had, and I  
12 don't have the number off the top of my head, has had  
13 a fair bit of money appropriated for the study, but  
14 obviously it is too early for Congress to be  
15 appropriating construction money for it. That comes  
16 out of the general, there is no formula money the way  
17 there is for highways or for education or something,  
18 and the City's portion of that 18, roughly 3 billion,  
19 is City funding. That comes out of the City's general  
20 capital budget. It is City tax levy. Coastal  
21 resilience is ineligible for water utility money  
22 under current law.

23           CHAIRPERSON GENNARO: Oh, run that by me  
24 again? Sorry.

COMMISSIONER AGGARWALA: Coastal  
resilience projects are ineligible for water utility  
money.

CHAIRPERSON GENNARO: Oh, so the City has  
to come up with that through the regular capital  
budget, so to speak.

COMMISSIONER AGGARWALA: Correct.

CHAIRPERSON GENNARO: Okay. Thank you for  
that clarification. See, you think I don't pay  
attention when you are speaking. I do.

On page five, in the middle of the page,  
there is a discussion of the 123 million dollars for  
cloudburst projects. The DEP is awaiting an award to  
do that, so the award would be from whom to do that?

COMMISSIONER AGGARWALA: So this, and  
actually I will ask Deputy Commissioner Licata to  
chime in with the overall funding status of the  
cloudbursts because some of that money is in the  
budget but, of course, whenever we see an  
opportunity, and this is something, as you know, the  
Adams Administration and Deputy Mayor Joshi have been  
particularly aggressive at, is there is money from  
the bipartisan infrastructure law that we can apply  
for and, whenever we see a project, even if it's

1 funded, that might be eligible for federal money, of  
2 course, we're going to go for that.

3  
4 CHAIRPERSON GENNARO: Sure.

5 COMMISSIONER AGGARWALA: So Angela, can  
6 you talk about the overall funding status of the  
7 cloudburst projects, please?

8 DEPUTY COMMISSIONER LICATA: Sure. We are  
9 really pleased that we're making a lot of progress  
10 with federal dollars being dedicated for our  
11 cloudburst program. They seem to be competing very  
12 well for this type of funding, and so far we have  
13 received 73 million dollars. The 123 includes some  
14 that are pending award letters that were sent to us,  
15 but we haven't necessarily received the funds yet,  
16 and the total that we'll be requesting, so in various  
17 forms of application at this point and/or pending  
18 review, would be 439 million dollars.

19 CHAIRPERSON GENNARO: And the way this  
20 works, this is a competition type of thing for the  
21 funds? It's not just like you make an application for  
22 it? Is it a competition and they want to look at  
23 projects that have some innovation and are seen to be  
24 better than others, is that fair to say?

2 DEPUTY COMMISSIONER LICATA: Yeah, so  
3 certainly. We have looked at various federal  
4 opportunities, so various pots of money that are  
5 available with the federal government, but there are  
6 some common themes throughout, which include whether  
7 or not the project has a good cost-benefit ratio so  
8 we want to make sure that the projects that we're  
9 designing would be able to be competently sufficient  
10 for the type of flooding in those areas, and we've  
11 scored very well on that point. We're also looking at  
12 social vulnerability indexes, and there's no surprise  
13 in New York City, we're scoring also very high in  
14 that regard as well.

15 CHAIRPERSON GENNARO: Great. Thank you.  
16 Thank you for that clarification. Appreciate that.

17 Yeah, here's where it gets sticky a  
18 little bit. Where are we? Page eight, it's about  
19 stormwater resilience needs to be the citywide effort  
20 and, in that paragraph, you indicated, Commissioner,  
21 that what has been identified thus far would take 30  
22 years at our current funding of 1 billion per year,  
23 and you intimate that that's not going to be  
24 satisfactory for anybody, and the process that needs  
25 to take place is kind of a reckoning, so to speak, of

2 what kind of protection we really want and need, the  
3 people of the city, what they're willing to abide in  
4 terms of water rate increases, the speed at which we  
5 want this done, and that's all set in this milieu of  
6 a world where the climate is changing, and I guess  
7 the way to put this into a question is, what's the  
8 kind of process that you envision that you, us, the  
9 Administration, the Council, and the people would  
10 sort of come together to figure out how we make that  
11 assessment of how much protection we want, how much  
12 we're willing to spend? Do you have like a thought  
13 model on how that would happen? We hired you because  
14 you were smart, and so this is the burden of being  
15 smart.

16 COMMISSIONER AGGARWALA: I'll try not to  
17 disappoint. Look, I think in a very real way, I think  
18 that's part of the thinking I would be very  
19 interested in doing with you and your Colleagues as  
20 we think about what 814 and 815 could accomplish. I  
21 think there is a real role for legislating a path to  
22 stormwater resilience, particularly because, as I  
23 said, it is not something that DEP can do alone  
24 because it is not just a technocratic question,  
25 right? We have begun this process called Rainproof

2 NYC, which is a partnership between the City and  
3 Rebuild by Design, and that is a first step towards  
4 this. It's DEP and MOCEJ together are working with  
5 these outside organizations. It's an interesting  
6 approach that has empaneled a group of New Yorkers,  
7 some of whom are expert, some of whom are not and  
8 intentionally not expert but are concerned about  
9 flooding and climate change, to talk about what some  
10 of the solutions might be, to talk about some of the  
11 tradeoffs that we might have to make. That's one  
12 step. That does not solve the problem. We have not  
13 really felt ready to speak publicly about this until  
14 we got to the point that we are now in our  
15 assessment, and I will stress that that number of 30  
16 years at a billion a year is really a very high-level  
17 estimate. As you know, just yesterday the MTA came  
18 out saying they need six billion dollars for  
19 resilience for their system. There's another 22  
20 locations the MTA has identified that are not on our  
21 list where they want us to do work to keep water out  
22 of the subways, and so we are working with them very  
23 closely, but that is yet another need that we will  
24 have so I don't have a clear path laid out. I just  
25 think some of it is beginning to discuss the extent



2 to which, number one, there's basically no scenario I  
3 can imagine in which we can tell every New Yorker,  
4 we're going to protect your home from all types of  
5 flooding. I just don't think that's a realistic  
6 future for us to aspire to so we've got to reckon  
7 with the fact that there are a lot of basements that  
8 really need to be used differently than they have  
9 been. I think the other thing is that either we have  
10 to be ready to wait a long time or we have to think  
11 very differently about the City's funding and  
12 delivery mechanisms because money is not the only  
13 constraint. As you know, this Administration has been  
14 working very hard and thus far not been successful in  
15 Albany in getting the State Legislature to turn the  
16 Department of Design and Construction into an  
17 authority so it can do more. Virtually all of our  
18 stormwater resilience work, other than bluebelts, and  
19 actually even most of the bluebelts, is delivered by  
20 DDC, which means that if DDC cannot deliver the work,  
21 if they don't have the engineers, if they don't have  
22 the procurement folks, if they don't have the  
23 construction management staff, we could have all the  
24 money in the world and we still can't get the job  
25 done so there's a bunch of things that will have to...

CHAIRPERSON GENNARO: Could you just tell me a little bit about what you're trying to get done in Albany with regard to turning DDC into an authority?

COMMISSIONER AGGARWALA: Well, so that is something, I don't think we have any of our colleagues from DDC here, and I would...

CHAIRPERSON GENNARO: Yeah, but you're aware of what's going on.

COMMISSIONER AGGARWALA: Yeah, certainly it was a highlight in the last session of the legislature, and we're making another effort this time, and it came out of the Joint Capital Process Reform Task Force that the Mayor and the Comptroller started back in 2022, was the recommendation to turn DDC into an authority akin to the School's Construction Authority. That would allow it to have the ability under law, for example, to utilize progressive design build, which is universally appreciated as a much faster way to deliver complex capital projects. That is something that the State law prohibits DDC and the City from currently doing. We have design build, but not progressive design

1 build. Those are slightly different. Rely on my  
2 colleagues if you want more on that.

3  
4 CHAIRPERSON GENNARO: No, no, that's fine.  
5 Just a high level thing.

6 COMMISSIONER AGGARWALA: But that is a key  
7 thing that if DDC obtains this change in the law,  
8 they would be able to have, and DDC certainly has  
9 identified that as a key step towards unlocking their  
10 delivery capacity.

11 CHAIRPERSON GENNARO: Thank you. I'll just  
12 make a little note to the Staff of the Committee to  
13 get me a up to speed on all that and on this whole  
14 DDC issue and what constructive role the Council can  
15 play. Not that Albany listens to us either, but  
16 certainly I want to be more knowledgeable about that,  
17 and obviously there are some political hang-ups that  
18 people have about, there's some kind of reason that  
19 people don't want to do that, and so I don't want to  
20 talk about that here, but I want to come to know what  
21 that is, and I know a lot of people in Albany too so  
22 I want to find out about that. Thank you.

23 I'll get to 814 and 815 once I start my  
24 questioning in earnest, but now I want to, I've taken  
25 up a lot of time here. Is this in the right order?

1 Like I said, I'll come back for more  
2 questions, but now it's my pleasure to recognize  
3 Council Member Holden for questions.

4 COUNCIL MEMBER HOLDEN: Thank you, Chair,  
5 and thank you, Commissioner.

6 I have a few different areas. I know you  
7 talked about catch basins being cleaned. Have you  
8 added more trucks, because you said you're up 22  
9 percent, I guess, in cleaning. Have we added a better  
10 fleet of equipment to do that?

11 COMMISSIONER AGGARWALA: Well, I'll invite  
12 Deputy Commissioner Georgelis to talk more about  
13 specifically what we've done. It's not just about  
14 adding more trucks. Under Tasos' leadership, we've  
15 done a better job of identifying what needs to be  
16 cleaned, of making sure that trucks are available. It  
17 is all of that that works together to get that...

18 COUNCIL MEMBER HOLDEN: And the second  
19 part, in regard to that, do we have a map of  
20 locations that have been cleaned and when? This way  
21 we could be proactive and say, you know, this area  
22 has had some flooding, maybe we should look at  
23 cleaning the catch basins in that area.  
24  
25

2 COMMISSIONER AGGARWALA: We certainly do  
3 that. Tasos, why don't you talk about that?

4 DEPUTY COMMISSIONER GEORGELIS: Thank you  
5 for the question. Chair Gennaro and the rest of the  
6 Council Members, thank you for giving us the  
7 opportunity to testify today and share with you our  
8 stormwater planning.

9 Catch basin trucks, so catch basin trucks  
10 are highly specialized. If you've ever seen them or  
11 if you haven't seen them upfront, you're welcome, you  
12 can come out and we can show you in our training  
13 center how to use it. It's basically a big claw  
14 machine in the back of a dump truck that we use to  
15 clean. With them being so specialized and the use  
16 that they get because we put them out all day long  
17 and they work constantly, they break down often. In  
18 the budget and after Ida, we got money to, I think,  
19 buy nine or ten new trucks and those are in the  
20 procurement cycle so we're waiting for those to come  
21 in. I think over the next year they should come in,  
22 and that's going to help us bolster the fleet of  
23 trucks that we have.

24 COUNCIL MEMBER HOLDEN: So they break down  
25 often, you don't have enough of them, right? You

2 ordered nine more but, given the problem that we're  
3 facing, that should be a priority to order a lot more  
4 than nine for the entire city of New York, right?

5 DEPUTY COMMISSIONER GEORGELIS: So the  
6 nine is in addition to the fleet that we have.

7 COUNCIL MEMBER HOLDEN: How many do you  
8 have?

9 DEPUTY COMMISSIONER GEORGELIS: We're also  
10 looking to replace another fleet that we have. I  
11 don't have the specifics on the capital cycle for  
12 that. We could get that for you, but we're looking to  
13 replace all of them, and we're also looking at how to  
14 get them up and running quicker, and I think the  
15 Commissioner gave that in his testimony that we just  
16 started a smaller group of mechanics and stuff to get  
17 those trucks out.

18 COUNCIL MEMBER HOLDEN: So we're trying to  
19 fix them, but they are complex, they break down, but  
20 we need more of them, and we need more than nine so  
21 the investment, I think, in a new budget should be  
22 let's get more, because we see, I mean I've seen it  
23 in my District where we had flooding because of  
24 mainly not only that there's not, you know, rain  
25 comes down very heavily, obviously quicker than the

1 catch basins can absorb it, but they're also  
2 sometimes not cleaned properly, or there's debris,  
3 there's litter in New York City, and I did ask DEP, I  
4 said, do we clean catch basins, do we have a, you  
5 know, let's say we got advance notice of a storm  
6 coming in four or five days, do you send more crews  
7 out working overtime to try to catch up to that,  
8 cleaning.

10 DEPUTY COMMISSIONER GEORGELIS: When the  
11 City's flash flood plan is activated, we have known  
12 locations that we have that flood and, with our  
13 partners at Sanitation and DOT, we go out and it's  
14 close to 1,000 catch basins that we go out, and they  
15 check. We have a portion of it with the partners.  
16 When the other City agencies go out and do their  
17 inspection, if they go out and make sure that they're  
18 not matted over, which is the condition that the  
19 Commissioner explained before, which means when you  
20 got leaves and debris covering the top of the basin  
21 and renders it non-functional, they go ahead and  
22 clean that. When they find that if the basin can't  
23 take water or is clogged, then they call us and we  
24 send crews out immediately, get that cleaned before  
25 the storm.

COUNCIL MEMBER HOLDEN: Okay. Just on the map, if you could get to that later, we'll talk. I'm running out of time. I just have to get a couple of questions.

DEPUTY COMMISSIONER GEORGELIS: If you want, on the catch basin inspection cycle? So we've been looking at this differently over the last seven or eight years, and the biggest advancement we made in the inspection cycle is we were able to get tablets to the team of catch basin inspectors that we have, and they were able to capture data every time they inspected a basin so, with that information we got, instead of being on a three year cycle where we used to inspect the basins, we changed it to a data-driven approach to catch basin cleaning. From there, we selected 15,000 basins that are the most prone to debris and clean them twice a year, and then we put the rest of the basins on an annual, biannual, or triannual cycle, and that's where we focus our resources on inspecting the basins that need to be cleaned. The inspectors come out, what they do is they poke the basin, they see what the level of debris is, and if it reaches a criteria, we get the crews out to come clean it. Now, we weren't as good



2 as getting crews out fast enough to clean the basins,  
3 but we've reduced that over the last two years to, I  
4 think, 20 percent of what it was, and we're getting  
5 out there quicker and maintaining it.

6 Now, preparing for a storm, you can't go  
7 out a day or two before the storm and clean all the  
8 basins. We have 150,000 basins, and that's what we  
9 try to do, it's an all-year process, and we're going  
10 out, inspecting them, and we're cleaning. I think  
11 last year we've increased the cleanings to about  
12 50,000 last year.

13 COUNCIL MEMBER HOLDEN: All right. Mr.  
14 Chair, if I may, just a followup on that.

15 CHAIRPERSON GENNARO: Sure. I'll give the  
16 Council Member a little latitude.

17 COUNCIL MEMBER HOLDEN: I just want to  
18 bring up, we had talked to DEP about it because we  
19 get sewer backups and, when we tell our homeowners to  
20 file a complaint with the Comptroller's Office, most  
21 of the time they get denied when the sewer backs up  
22 so it just doesn't seem to be a formula. Maybe it's  
23 the amount of rain that we get, where it's an act of  
24 God, and the City can't be responsible for that. I  
25 don't know the criteria. It's almost like this gray

2 area. We get probably about three out of four are  
3 turned down, but the sewer backs up into people's  
4 basements, and we talked about check valve programs,  
5 education, discounts. Did we get anywhere with that  
6 program, or is there something on the horizon that we  
7 can talk about?

8 COMMISSIONER AGGARWALA: Council Member,  
9 I'll say, so first of all, that's what I was  
10 discussing with Local Law 1, which is the backwater  
11 prevention valve, and, yes, so later this year,  
12 according to the timeline laid out in that law, we  
13 will put forward a proposal for a backwater program.  
14 We are still in the final stages of developing our  
15 recommendation for that. To your broader point, you  
16 know, the reality is the majority of calls we get  
17 about sewer backups wind up being unconfirmed. There  
18 are lots of reasons that people can have what they  
19 think is a sewer backup. We have instances where it's  
20 really a clogged toilet and people call in a sewer  
21 backup. A lot of instances actually occur when the  
22 sewer line itself, which is still private property,  
23 is clogged. I mentioned in my testimony this issue of  
24 roof downspouts connected to sewer lines. That is  
25 something we are very much looking at. I increasingly

1 am of the opinion that we need to take a major effort  
2 towards getting those disconnected across the city.  
3 First of all, in the separately sewer parts of the  
4 city, it is illegal to connect to the roof downspout  
5 to the sewer line because the sewer line should only  
6 be carrying sanitary waste. In the combined sewer, it  
7 is legal, but what we are finding is we've had a  
8 number of instances where, frankly, we think people's  
9 plumbing is causing their own backup. We are not  
10 seeing any evidence of the sewer being full but, if  
11 you could just think about you've got a whole roof  
12 worth of water in one of these cloud bursts, it's  
13 going into this relatively small sewer line. If that  
14 sewer line experiences too much pressure, the water  
15 will go this way as well as this way and go into your  
16 toilet so we see homeowners who, not that it's their  
17 fault, but it's the design of their system where they  
18 are causing their own sewer backup. That is not  
19 something the Comptroller should be paying out on,  
20 and I will hasten to point out, and it is under  
21 Tasos' leadership, we have traditionally, and what  
22 the City is responsible for, is when there is a dry  
23 weather sewer backup, that's usually caused because  
24 of the fatbergs, grease from restaurants, the wet  
25

1  
2 wipes that nobody should ever flush down the toilet  
3 combined to create these sewer blockages. Thanks to  
4 work that Tasos and his team have done, we have  
5 reduced dry weather sewer backups in New York City by  
6 70 percent over the last 10 years, a 70 percent  
7 reduction. That was the main focus for most of the  
8 last 10 years, and that was the majority of our sewer  
9 backups until a couple of years ago when this spate  
10 of wet weather started. Now, wet weather sewer  
11 backups are the source of the of our sewer backups.  
12 It's a very different problem. It requires us to  
13 address different solutions.

14 COUNCIL MEMBER HOLDEN: Thank you. Thank  
15 you, Chair.

16 CHAIRPERSON GENNARO: Thank you, Council  
17 Member Holden.

18 I recognize Council Member Avilés for  
19 questions.

20 COUNCIL MEMBER AVILÉS: Thank you, Chair,  
21 and I think good afternoon, maybe.

22 CHAIRPERSON GENNARO: No, no.

23 COUNCIL MEMBER AVILÉS: Still morning.  
24 Good morning. How are you?

1  
2 Thank you so much for your testimony, and  
3 I wholeheartedly agree that we need a larger font on  
4 the briefs so thank you for that in advance.

5 COMMISSIONER AGGARWALA: I don't want to  
6 tell you how many billions that'll cost.

7 COUNCIL MEMBER AVILÉS: Everything costs a  
8 billion dollars. It's the new number du jour.

9 I'd like to talk a little bit about the  
10 Comptroller's investigation into the preparedness. On  
11 Monday, April 22nd, as we know, the New York City  
12 Comptroller published this report on the City's  
13 preparedness for and response to heavy rainfall  
14 caused by Tropical Storm Ophelia in New York City  
15 last September. According to the report, two-thirds  
16 of DEP's capital stormwater investments are over  
17 budget with an average budget overrun of 310 percent.  
18 Additionally, three-fifths of the projects were  
19 delayed with an average delay of 23.5 months. Can you  
20 tell us a little bit more about why so many of the  
21 projects have been late and over budget, and can you  
22 talk to us a little bit about what DEP can do to  
23 reduce these kinds of budget overruns and delays in  
24 their capital projects?

2                   COMMISSIONER AGGARWALA: Thank you,  
3 Council Member. We are certainly still reviewing the  
4 Comptroller's report, which was not provided to us in  
5 advance, so we received it on Monday morning just as  
6 the public did. From what we could tell, we actually  
7 very much disagree with the Comptroller's  
8 characterization of our budgeting and the delays.  
9 We're still working to figure out exactly what data  
10 was used, but there is a very big difference between  
11 a cost overrun, which is really something that  
12 happens after a project has undergone a reasonable  
13 amount of engineering to figure out what it's really  
14 going to cost, rather than the kind of placeholder  
15 numbers that we put in the outyears of the capital  
16 plan, which are not really cost estimates, right, and  
17 so if there is a number that is usually no more than  
18 a holding code, where we say, oh, well, we're going  
19 to do this project, and it'll cost this, and it's  
20 four years from now in the capital plan, that is not  
21 really a cost estimate, and the fact that those  
22 numbers go up reflects, number one, over the last  
23 five years, there's been significant increases in  
24 construction costs. That's true across the country  
25 and around the world, so that's not a DEP issue, and

1 then in terms of delays, we have over the last  
2 several years dealt with the pandemic. We have dealt  
3 with massive constraints on our engineering staff,  
4 which we have now made great strides in building up  
5 so we are not where we would like to be, but we are  
6 getting there in terms of the engineers. You can't  
7 design projects if you don't have engineers on staff,  
8 and, as is well known, there have been a number of  
9 stretch exercises in our capital plan over the last  
10 couple of years, and so we have had lots of projects  
11 where we have had to move them later in the capital  
12 plan, and so, again, to call those cost overruns or  
13 delays implies, I think, quite inaccurately that our  
14 Engineering Team or our Bureau of Engineering Design  
15 and Construction or our colleagues at DDC are somehow  
16 not managing construction projects correctly, and I  
17 don't agree with that at all. I think our work in  
18 terms of delivering these capital projects is really,  
19 really high quality, and in general, they do a really  
20 good job of sticking to budget and sticking to  
21 timelines. It's a complicated city. One of the  
22 reasons, for example, that we want progressive design  
23 build is you can do a lot of design and then you open  
24 up the street, and it looks completely different from  
25

2 what all the maps and records showed, and you've got  
3 to go back to the drawing board. That kind of thing  
4 happens on a regular basis, and that will cause a  
5 delay, that will cause an increase in cost but, in  
6 general, our capital construction teams do a good job  
7 so I strongly disagree with the way the Comptroller  
8 characterized that.

9 COUNCIL MEMBER AVILÉS: I appreciate that  
10 and certainly share the frustration around receiving  
11 a document the day of. The Administration loves to  
12 give us documents the day of and then expect us to  
13 fully agree with it, so I appreciate that.

14 We look forward to, as you dive deeper  
15 into that, and certainly in comparison to NYCHA, DDC  
16 does an incredible job at moving through its capital  
17 projects.

18 Chair, just one more. So many questions,  
19 so little time. Shifting over very quickly to Red  
20 Hook and the Red Hook Coastal Resiliency Project, I'm  
21 not going to go into very specific details around  
22 that, and certainly I think one contention from the  
23 community often in looking at this project amongst  
24 others that have been happening in Red Hook is the  
25 data that is being used and, in your testimony, it



2 sounds like we're trying to model using new data, but  
3 I'm not sure if I understood fully that, in fact, the  
4 projects that are moving forward are using more  
5 current data as opposed to antiquated rainfall data.  
6 I'm sorry if that was a little convoluted, so maybe a  
7 clearer question is, are you using current rainfall  
8 data in these projects, or are we using the rainfall  
9 from back in the day?

10 COMMISSIONER AGGARWALA: The exercise that  
11 I was describing in my testimony, and it wasn't  
12 arbitrary, but we basically chose a number of 2.1  
13 inches per hour to do an assessment. You have to  
14 anchor somewhere, and I think going forward as we  
15 think about what stormwater resilience approach, per  
16 your question, Mr. Chairman, is we want to look at a  
17 couple of different numbers. The New York City Panel  
18 on Climate Change, which actually we're going to  
19 unveil their latest report later on today projects a  
20 range, as all climate models will, so we're going to  
21 have to look at a bunch of different ones. That is a  
22 forward-looking number. It is still, like what we  
23 have tried to do is based on this idea that you  
24 design for the five-year storm, right? Now again,  
25 it's a political question, not a technical question,

1 whether the five-year storm is a good standard,  
2 because what that does mean is that every five years  
3 there's likely to be rainfall that floods, right, if  
4 you design to that. Now specifically to the Red Hook  
5 project, and actually let me also point out what I  
6 was describing is only about inland flooding. We have  
7 intentionally excluded the coastal, the flood zone,  
8 the coastal flood zone from this exercise. That will  
9 be something that the Bureau of Coastal Resilience  
10 picks up on, but the work I was describing is really  
11 two years' worth of work. It started before BCR was  
12 even a thing, and the Red Hook project, and this  
13 relates to the funding, because it is a federally  
14 funded project, it has to conform with federal  
15 guidelines for that cost-benefit analysis, and one of  
16 the things that I hope we will be able to surmount  
17 going forward with the Bureau of Coastal Resilience  
18 and ideally with a local source of funding is not to  
19 be beholden to that because, and this is well  
20 understood through a lot of the public comment,  
21 including our own City's comment on the HAT study, is  
22 that the federal cost-benefit analysis does injustice  
23 to the city, and so an example of that with Red Hook  
24 is that the ESCR project on the east side is designed

1 for a 13-foot storm surge. The Red Hook project is  
2 designed for a 10-foot storm surge because that's all  
3 the cost-benefit analysis would allow. It's two sides  
4 of the same river.  
5

6 COUNCIL MEMBER AVILÉS: Yeah, and  
7 apparently there's magical people who will pop up in  
8 the middle of a storm and pull out the barriers  
9 because they're not automatic.

10 COMMISSIONER AGGARWALA: Well, now, in  
11 fairness, Council Member, there is a reason to have  
12 things designed for manual operation, right, because  
13 things that are fully mechanical are more likely to  
14 fail when you need them most...

15 COUNCIL MEMBER AVILÉS: Fair point.

16 COMMISSIONER AGGARWALA: And that is why  
17 we are building up the Bureau of Coastal Resilience  
18 so we have a center of people who know what to do,  
19 who can redeploy. I mean, you know, when a water main  
20 breaks, Tasos has people. If it breaks in the middle  
21 of the night and there's already a water main break  
22 in that borough, he can get a crew from a different  
23 borough to come across and fix it so when you have  
24 people doing the work and you are trained and you  
25 have those operational protocols, you can deal with

1 that so I actually tend to think that's the right  
2 design approach.  
3

4 COUNCIL MEMBER AVILÉS: A fair point.

5 Thank you so much, Commissioner, and I look forward  
6 to you coming to Red Hook so we can do some more  
7 walkthroughs. In lieu of bureaucratic useless forms,  
8 this is your invitation. The community would love to  
9 walk through with you. Thank you.

10 CHAIRPERSON GENNARO: Thank you, Council  
11 Member.

12 I recognize Council Member Zhuang for  
13 questions.

14 COUNCIL MEMBER ZHUANG: Thank you, Chair,  
15 and thank you, Commissioner, for all the explanation.  
16 Finally, I get DEP 101, and I think I almost graduate  
17 from 101, and I have a very simple question. This  
18 data for those maps, the data is by people reporting  
19 or you guys doing research? The flooding?

20 COMMISSIONER AGGARWALA: I'm sorry, is  
21 that the...

22 COUNCIL MEMBER ZHUANG: The storm water  
23 flooding map.

24 COMMISSIONER AGGARWALA: Okay, so that is,  
25 that is, and actually, TASOS, maybe you could talk

1 about that. That is a model but, as I said in my  
2 testimony, we seek to refine and calibrate the model  
3 based on data that we receive. Could you say more  
4 about that, please?

5  
6 DEPUTY COMMISSIONER LICATA: Yeah, so we  
7 took an opportunity to use a state-of-the-art model,  
8 which is a two-dimensional model, so what's unique  
9 about a two-dimensional model is it allows us to see  
10 the flooding area, the geographic extent, physical  
11 extent of the area, and also to see the depth of the  
12 flooding, and that is what we predicted utilizing  
13 those maps, and the Commissioner mentioned we did  
14 that for a 10-year storm, a 100-year storm, and soon  
15 we'll be publishing on our website the five-year  
16 storm.

17 COUNCIL MEMBER ZHUANG: This is by 3-1-1  
18 phone calls or how do you collect this data?

19 DEPUTY COMMISSIONER LICATA: We use  
20 hydrological information so we use data associated  
21 with the rainfall events, and then it's laid over the  
22 topography of the city to give us that information,  
23 and then we do check the 3-1-1 data and any other  
24 known data from our colleagues in the Department  
25 about known and suspected flooding areas.

2 COUNCIL MEMBER ZHUANG: Okay, thank you so  
3 much, and also I want to thank the Commissioner to  
4 bring everything to our community, and then the other  
5 thing I want to mention, after my kids see how they  
6 dig out the garbage, I think it should be have some,  
7 maybe you guys work with the DOE, see if we can do  
8 some demonstration for some schools, what's DEP  
9 about, what we can do, and some education program.  
10 That will be very helpful for the young kids. Thank  
11 you.

12 COMMISSIONER AGGARWALA: Thank you,  
13 Council Member. We do have a program, and I can get  
14 you more, I don't have the numbers off the top of my  
15 head, where we do work in schools.

16 COUNCIL MEMBER ZHUANG: Okay, thank you,  
17 we'll follow up with you. Thank you.

18 CHAIRPERSON GENNARO: Thank you, Council  
19 Member.

20 I'm pleased to recognize Council Member  
21 Salamanca for questions.

22 COUNCIL MEMBER SALAMANCA: Thank you, Mr.  
23 Chair. Good morning, Commissioners, and good morning  
24 to your team.

2 Commissioner, I want to start off by very  
3 briefly talk about the borough commissioners. I know  
4 we've had many conversations on this. Just want to  
5 give you a context as to how this idea came about.  
6 When Hurricane Ida hit a few years back, I saw the  
7 devastation in the Borough of the Bronx, just like I  
8 think we saw it in the City of New York. Many cars  
9 got flooded in, many apartments, basements were  
10 flooded in. I think there were some fatalities, it's  
11 my understanding, in basement apartments, and it hit  
12 home, my wife's car got flooded in and so did my  
13 stepson's car on the highway, and so the idea of who  
14 do we call to hold someone accountable in our  
15 borough, even though, I have to give a big shout-out  
16 to Effie, because Effie is always responsible, she  
17 responds back, she picks up our calls and gives us  
18 real-time information whenever there's a water main  
19 break, regardless of the time, but Effie's not the  
20 one that we wanted to hold responsible. We wanted to  
21 ensure that we held someone responsible, and so the  
22 idea of borough-based commissioners came about, and I  
23 know that there was resistance from DEP, but we got  
24 the law passed two and a half years ago. Can you  
25 please give me a status as to where we at with

borough-based commissioners, DEP commissioners for every borough?

COMMISSIONER AGGARWALA: Yes, Council Member and, as you say, as you and I have discussed, we started in earnest, so let me actually say I think one of the challenges that led to DEP's concern about this legislation is that, unlike the Parks Department, unlike the Department of Transportation, we are not across the board organized by borough, right, so Tasos and the Bureau of Water and Sewer Operations, he has borough managers, and he has yards in each borough, but across the whole agency, we do not have operations that are divided that way so it took us some time to think about how would we follow the spirit of the law, figure out what would be helpful to you, organize ourselves, and think about the roles and responsibility of these. That is something that I did in earnest, we did in earnest, my Deputy Commissioner for Public Affairs, Beth DeFalco, who's here, she will be leading that. We started recruiting, those jobs posted, I believe, towards the end of last year. Unfortunately, those were among the roles that got held up in last fall's hiring freezes and other things. I'm pleased to say



1 that we have interviews that have concluded. I expect  
2 that we will be able to make appointments before too  
3 long.  
4

5 COUNCIL MEMBER SALAMANCA: It's two and a  
6 half years, Commissioner, when this bill was passed  
7 and, you know, I understand that you're pointing at  
8 the PEGs, but I know from the very beginning, and  
9 this predates you, that your agency just did not want  
10 to pass that bill. There was resistance from the very  
11 beginning, and we got it done, and every time I see  
12 you or your team, I remind them, where are my borough  
13 commissioners? You know, DEP plays a vital role in  
14 the City of New York, believe it or not, you're in  
15 charge of our waste, our sewage, our water supplies,  
16 whenever there's a water main break, you know, we  
17 call you. When there's new development, right, and  
18 there's infrastructure that needs to be created, we  
19 reach out to you. Our catch basins, when they're  
20 dirty, you know, who do we contact? That's the  
21 importance of having a borough commissioner so that  
22 we as elected officials and Community Boards can hold  
23 them accountable, and I just feel that this agency is  
24 just working on a snail pace because you just do not  
25 believe in that law.

1  
2 Let me ask you, there's a lot of  
3 development that's happening throughout the City of  
4 New York. Housing is our number one priority here,  
5 building affordable housing, and we are focusing in  
6 areas that have not done their fair share,  
7 communities that have low density, that have to do  
8 their share in terms of housing. One of the  
9 resistance that I'm hearing from these low-density  
10 communities is that the infrastructure cannot handle  
11 affordable housing that's coming in to their  
12 communities. How is DEP working with the Department  
13 of HPD on monitoring affordable housing that's being  
14 built throughout the city, especially in low-density  
15 areas, so that we can push back on the NIMBYism, that  
16 we can't build housing because my sewer system is not  
17 going to be able to handle what's being built?

18 COMMISSIONER AGGARWALA: Thank you, and  
19 I'll ask either Kathryn or Tasos to chime in in a  
20 moment more on the actual process. Let me start by  
21 saying there are kind of three flavors that we have  
22 to think about when it comes to the way housing  
23 impacts sewer capacity. The first is when you do  
24 relatively small amounts of housing across large  
25 areas, and so the Administration's current City of

1 Yes proposals, particularly those around accessory  
2 dwelling units, we do not believe those pose any  
3 meaningful issues in terms of sewage. Two-thirds of  
4 the city is a combined sewer system. The increment of  
5 a little bit of housing, one ADU on a block or two or  
6 three ADUs on a block, is not going to change how the  
7 sewer system functions, and so we have no issues with  
8 that kind of dispersed increase in housing, and  
9 that's why, as I testified during our budget hearing  
10 last month, I am a strong proponent of the City's  
11 City of Yes proposal.

12  
13 At the other extreme is where we do  
14 significant upzonings of an entire neighborhood, and  
15 those, we are working closely with our colleagues,  
16 particularly at the Department of City Planning, to  
17 ensure that City Planning is proposing those in a way  
18 that either works with existing sewer capacity or  
19 where we are jointly ensuring that DEP has the  
20 capital money and the ability to deliver the  
21 increased sewer capacity that a sizable, targeted  
22 increase in density would create. You think about  
23 what's happened in Williamsburg over the last 20  
24 years. You think about some of the other places where  
25 you would have thousands and thousands of units

1 concentrated in a small area. That is something that  
2 could require significant investment. You know,  
3 Council Member Marmorato and I were just talking  
4 about the potential for that around some of the  
5 Metro-North work in her District, and we are engaged  
6 in thinking about that.  
7

8 In the middle is when you have a new  
9 building, right, and whether it's affordable housing  
10 or any other kind of housing, it goes through the  
11 same process that the Bureau of Water and Sewer  
12 Operations undertakes to make sure that incremental  
13 demands of, whether it's a dozen new apartments or  
14 200 new apartments on a given block will not overtax  
15 the sewer and cause problems, and maybe Tasos or  
16 Kathryn, do you want to talk about that?

17 DEPUTY COMMISSIONER GEORGELIS: As the  
18 Commissioner was saying, is when an individual  
19 building is coming and they're asking to put  
20 something back that's much larger than what was there  
21 first, we have to do a hydraulic analysis, and that's  
22 going to tell us if the local sewer in front of the  
23 building is capable of taking that extra flow and not  
24 just in that block, we also have to look at the  
25 neighborhood because it could cause a problem for

1 somebody down the line, and that's what we look at.  
2  
3 When we identify that those are constraints, we have  
4 to look at how does our capital program match with  
5 that upgrade, right, and sometimes it doesn't line up  
6 with the same timeline as the development wants. The  
7 developers sometimes would go ahead and replace the  
8 sewer on that block on their own, just to move things  
9 quicker, and that's the way the localized single  
10 buildings are done.

11           When we're looking at a broader picture,  
12 that's when we look at not just the sewers in the  
13 streets, but when the large trunk sewers are under  
14 capacity, and that's when we got to look at it and  
15 that's where we need to have a much larger  
16 conversation about a capital program.

17           COUNCIL MEMBER SALAMANCA: All right. Mr.  
18 Chair, if I just can ask just my last question?

19           CHAIRPERSON GENNARO: Sure.

20           COUNCIL MEMBER SALAMANCA: I'm reading  
21 here your testimony and your report on the Coastal  
22 Resiliency Project status. I'm seeing that you're  
23 covering many boroughs, but I don't see the Bronx on  
24 this list. Can you tell me? I do know that the Bronx,  
25 in terms of coastal resilience, you have Hunts Point,

1 you have Council Member Marmorato's District,  
2 whenever it rains, it floods, right, your parks  
3 flood. The Pelham Bay area and other areas in our  
4 District. Can you speak a little bit about any  
5 coastal resiliency projects that you have in the  
6 Borough of the Bronx?  
7

8 COMMISSIONER AGGARWALA: Well, Council  
9 Member, one of the things, as I mentioned, is that  
10 unfortunately, because of the way federal funding  
11 works, virtually all of the City's current ongoing  
12 Coastal Resilience Projects are only in places that  
13 flooded during Hurricane Sandy and simply because of  
14 the way the tides and the winds were that night, 12,  
15 13 years ago, the Bronx was not as hard hit as much  
16 of the rest of the city. That does not mean the Bronx  
17 is not vulnerable, and that is one of the reasons  
18 that we've started the Climate Strong Communities  
19 Program, and I'd have to get back to you, although  
20 maybe that was, oh, Paul.

21 Actually, Council Member, I think we'd  
22 have to swear in. I'd ask Paul Lozito, our Deputy  
23 Executive Director for the Mayor's Office of Climate  
24 and Environmental Justice, because I don't have the  
25 Climate Strong Community neighborhoods off the top of

1 my head, but that is exactly what Climate Strong  
2 Communities was set up to do, is address the gaps so  
3 that the City is proactively planning against risk as  
4 opposed to simply reactively planning for those  
5 places that were hit during Hurricane Sandy. I would  
6 just re-emphasize before I turn it over to Paul, and  
7 I guess you'll have to swear him in, is that, as you  
8 said about Council Member Marmorato's District, if  
9 it's raining and you get flooding, that's not a  
10 coastal flooding issue, right? What we talk about  
11 with coastal defense is about that storm surge that  
12 flooded Lower Manhattan, that affected the Far  
13 Rockaways, that affected Staten Island during  
14 Hurricane Sandy. That's different from rainfall,  
15 which was not the primary source of damage.

17 COUNCIL MEMBER SALAMANCA: No, that's  
18 clear. That's clear, Commissioner. I know the  
19 difference, but it's my understanding when Sandy hit,  
20 for example, in the Hunts Point area, where New York  
21 City's food supply comes from, right, all the markets  
22 are there, I was a district man at the time, and I  
23 read a report that they said we were "lucky" when the  
24 storm hit, it was low tide. Should it have been high  
25 tide, our food supplies would have been flooded so

I'm just curious to know what protections are you providing for our food supplies in the Hunts Point market areas when it comes to coastal flooding?

COMMISSIONER AGGARWALA: Council Member, that's exactly the point I'm trying to make, which is that because of the way the tides and the winds were that night, most of the Bronx dodged the bullet, right? Unfortunately, because federal funds are only available to deal with places after they have been damaged, that meant that those equally vulnerable locations in the Bronx and Upper Manhattan and parts of northern Queens were ineligible for federally funded coastal resilience. The City has had to start that on our own. That is something that this Administration has started proactively, first with Climate Strong Communities, and it will be taken up by the Bureau of Coastal Resiliency.

COUNCIL MEMBER SALAMANCA: Commissioner, Sandy hit in 2012, right, and we are in 2024, and I know that you have employees here. I always say there's a sign called permanent government where you have employees that have been here for years that have been working on these plans. You mean to tell me that your agency prior to you had not put a plan



1 together for resiliency, coastal resiliency in the  
2 Borough of the Bronx because when Sandy hit, it was  
3 low tide, and therefore we don't qualify for federal  
4 funds, but there's no plan for the Borough of the  
5 Bronx?  
6

7 COMMISSIONER AGGARWALA: Council Member,  
8 yes, that was the decision.

9 CHAIRPERSON GENNARO: Council Member, we  
10 kind of are where we are, and I think what the  
11 Commissioner would like to do is bring on the person  
12 from MOCEJ because this Administration, going back in  
13 time I don't think helps anything, but to give the  
14 floor to the person from MOCEJ who can talk about the  
15 steps that this Administration is taking to get to  
16 the point that you want to get to, I think is the  
17 logical next step.

18 COUNCIL MEMBER SALAMANCA: You are right,  
19 Mr. Chairman. All I want is I want a fair share  
20 throughout all boroughs, and I just feel like the  
21 Bronx is just a forgotten borough.

22 CHAIRPERSON GENNARO: Plus, he looks like  
23 a nice guy. I want to hear from him.

24 DEPUTY EXECUTIVE DIRECTOR LOZITO: And I  
25 am from the Bronx.

CHAIRPERSON GENNARO: And he's from the  
Bronx.

DEPUTY EXECUTIVE DIRECTOR LOZITO: From  
the Grand Concourse.

COMMITTEE COUNSEL MACLACHLAN: Can you  
please state your name for the record?

DEPUTY EXECUTIVE DIRECTOR LOZITO: Paul  
Onyx Lozito.

COMMITTEE COUNSEL MACLACHLAN: Do you  
affirm to tell the truth, the whole truth, and  
nothing but the truth before this Committee and to  
respond honestly to Council Member questions?

DEPUTY EXECUTIVE DIRECTOR LOZITO: I do.  
Thank you.

CHAIRPERSON GENNARO: Right before you  
start, I just want to recognize that we've been  
joined by Council Member Nurse. Always a pleasure to  
have her, and look forward to your good statement.

DEPUTY EXECUTIVE DIRECTOR LOZITO: Thank  
you so much so I'm here to talk specifically about  
Climate Strong Communities, and Climate Strong  
Communities was designed to recognize the  
multivariate risks in neighborhoods, extreme heat,  
extreme rainfall, tidal flooding, and coastal

1 flooding, and we recognize through this program that  
2 it is different by neighborhood and there are  
3 multivariate risks by neighborhood and that we need  
4 to do planning by neighborhood, and so we've done a  
5 review of issues across the city and neighborhoods  
6 that we need to focus on. We've currently selected  
7 Soundview as one of the target neighborhoods that are  
8 high risk. We're working hand-in-glove with residents  
9 in Soundview. We've had three public meetings to  
10 identify risks throughout the community. The first  
11 and foremost, what we do in those meetings is  
12 identify just general repair issues in the  
13 neighborhood. What we do after that is work with our  
14 City partners, led by DEP, to resolve those immediate  
15 repair risks, and then we work with the community to  
16 figure out what the unique issues are on the ground  
17 that could address the localized hazards, whether it  
18 be the extreme heat through our coal corridors or a  
19 coastal risk or a rain-related risk so we're in the  
20 process of doing that with Soundview. The goal is to  
21 identify and design projects that then we pursue  
22 federal resources for that community. We're in the  
23 process of identifying our Round 2 neighborhoods  
24  
25

1 where there are neighborhoods in the Bronx that are  
2 high on the list.

3  
4 COUNCIL MEMBER SALAMANCA: All right. I  
5 know my time is up, Mr. Chair. Thank you.

6 I would love to connect with you. My  
7 office would love to connect with you so I can learn  
8 more about Round 2 and to see how we can ensure that  
9 there's equity in the borough of the Bronx. Thank  
10 you.

11 DEPUTY EXECUTIVE DIRECTOR LOZITO:  
12 Absolutely.

13 CHAIRPERSON GENNARO: That would be great.  
14 I think that's the best outcome here, Council Member,  
15 you getting together with MOCEJ and working with your  
16 colleagues to fashion a vision for the future of the  
17 Bronx regarding resiliency that meets your  
18 constituents' needs so I think it's great that you're  
19 going to get together with MOCEJ and, don't forget at  
20 the end of the day, we've got Rit, who is a DEP  
21 Commissioner, he's the City's Chief Climate Officer  
22 by virtue of coastal resiliency being part of his  
23 orbit now, so he's like the top of the pyramid of all  
24 of it so you can always go and bother him too if the  
25 Administration lets you talk to him with the rules

2 and everything now and oh, did I? I said that in  
3 front of Alfonso. I shouldn't have said that, so  
4 anyway, thank you, Council Member, for your great  
5 contribution to this hearing.

6 I got two lists of people that I have to  
7 call for question. It is now my pleasure to recognize  
8 Council Member Marmorato for questions.

9 COUNCIL MEMBER MARMORATO: Thank you,  
10 Chair. All right.

11 I was going to talk about catch basins,  
12 but that has just changed after Council Member  
13 Salamanca's conversation with you. I don't understand  
14 how you can say that we dodged a bullet in my  
15 District with Hurricane Sandy. I was there. I've  
16 witnessed it. I witnessed destruction. Maybe it  
17 wasn't so much waterfront, but this was one of the  
18 reasons why I wanted to join this Committee because  
19 we are struggling and we are suffering, whether it's  
20 sewer systems, whether it's waterfront. We are  
21 dealing with, you talk about this 5-, 10-, and 100-  
22 year storm. This is almost every storm in my  
23 District. We are constantly facing flooding. I'd love  
24 to invite you to my mother's house the next time it  
25 rains, and she has a sub pump that pumps a lot of the

1 water out of her house, and her basement's constantly  
2 flooding. Her backyard is constantly flooding. We  
3 have people in Edgewater Park who have to deal,  
4 they're on the waterfront every storm. I'm not sure  
5 about how the tides work, but they are still getting  
6 the water. They're taking it on. Locust Point,  
7 constantly flooding, and how can we not forget City  
8 Island? The last storm we just had, they were  
9 underwater. Something's got to change. You have to  
10 come up to my District. We have to do a walkthrough.  
11 We have to see how we can make this better. My people  
12 are suffering, and with all this additional building  
13 and rezoning that's coming to our community, we need  
14 something to change because now it's happening in  
15 Morris Park, and they're inland, so whether it's  
16 their sewer systems, even along Eastchester Road, 25  
17 years it flooded on Eastchester Road under the train  
18 trestle. Now, all of a sudden, you want to rezone and  
19 build all this housing in my neighborhood. It finally  
20 gets fixed, the sewer line. Why did it take 25 years  
21 to happen?

23 COMMISSIONER AGGARWALA: Council Member,  
24 look, I'm really sorry. I can't take responsibility  
25 for 25 years of decision-making, and the reality is

1 that in Hurricane Sandy, my point is that, as I have  
2 said over and over again, federal funding is flawed  
3 because it only allows money to be invested after  
4 some place has experienced the damage. That is why  
5 the map of the projects that we are now doing is the  
6 way it is because under previous Administrations, we  
7 allowed federal funding availability to determine  
8 where we would do work. That is what we are trying to  
9 get ahead of and change in this Administration. As  
10 you well know, I don't have to tell you this, we do  
11 not have a lot of City capital money to throw around,  
12 which is why, as Paul just explained, we started  
13 Climate Strong Communities as a way both to get ahead  
14 of coastal risk among the multi-hazard risk, as Paul  
15 described, and to prepare projects to apply for  
16 federal and state money. We are doing what we can  
17 right now, and we are, as I think my testimony  
18 demonstrated, we are taking storm water flooding  
19 extraordinarily seriously within this Administration,  
20 within this agency. However, as I pointed out at the  
21 outset of my testimony, unfortunately, changing  
22 infrastructure is a long-term process. We are not  
23 going to have a plan in six months.  
24  
25

1  
2 COUNCIL MEMBER MARMORATO: Okay, so how  
3 can my discretionary or capital funding help my  
4 community, like what is it that we can put the  
5 funding towards?

6 COMMISSIONER AGGARWALA: Well, look, we  
7 would be very happy to work with you, as we have  
8 already engaged in a couple of conversations with  
9 some of your Colleagues on how Member discretion  
10 money could be put to use. We've had some discussions  
11 around these new catch basin designs that could  
12 receive investment. There are a couple of other ideas  
13 that we've had. One of your colleagues is talking  
14 about getting a pump truck to deal with, it's not the  
15 long-term solution, we recognize that, but to deal  
16 with an intersection that frequently floods so we'd  
17 be very happy to engage with you and, Council Member,  
18 I will point out, we have been working to schedule  
19 the visit, as per the hearing a month ago. I was with  
20 Council Member Zhuang earlier in the week. These  
21 things take a little time to schedule, but it is not  
22 for a lack of willingness.

23 COUNCIL MEMBER MARMORATO: Okay, and I  
24 would like to also acknowledge that Effie is amazing.  
25 She's very responsive. She's very helpful. And



1  
2 Herschel, I met him the other day. He was awesome. He  
3 gave me a quick little education on catch basins. He  
4 was, across the street from my office, so I did  
5 appreciate that.

6 COMMISSIONER AGGARWALA: Great.

7 COUNCIL MEMBER MARMORATO: Okay, thank  
8 you.

9 CHAIRPERSON GENNARO: I'm happy to  
10 recognize Council Member Nurse for questions. Very  
11 happy.

12 COUNCIL MEMBER NURSE: Thanks, Chair.  
13 Happy to be here. Happy Friday, everyone. Apologies  
14 for being late, but I was listening in on the train.

15 As I always say, DEP, one of our favorite  
16 agencies, very collaborative, very responsive but, as  
17 you know, we've talked about flooding quite a bit in  
18 my neighborhood of Bushwick, and we do have some  
19 issues in Cypress Hills so I appreciate the  
20 legislation brought forth by the Chair and the work  
21 that you all have done to pilot out some different  
22 things. I think I say this all the time when I come  
23 to these hearings, this particularly hearing.

24 However, we're still waiting to hear what kind of  
25 solution, if anything, will be brought forth for the

2 community, and I just want to put for the record, I  
3 understand that someone like myself, a progressive,  
4 is not a friend necessarily or a favorite of the  
5 Administration, but what I would ask is that my  
6 community not be punished for the other disagreements  
7 that I have with the Administration. Where we do  
8 agree is where the infrastructure is, to support our  
9 communities for the long haul, and I see that clearly  
10 with the work you're allowed to move forward very  
11 aggressively, and I appreciate that, but we still  
12 should not punish certain neighborhoods because of  
13 politics so I would really hope that, and I'm asking,  
14 that you could please support our community in  
15 dealing with the flooding that you have been engaged  
16 with for the last two and a half years.

17 COMMISSIONER AGGARWALA: Council Member,  
18 thank you, and let me assure you, of course, there is  
19 nothing that I have seen that suggests that politics  
20 plays a role in the way we do our capital planning.  
21 As is highlighted in my testimony, your neighborhood,  
22 and particularly the issues around Knickerbocker  
23 Avenue, are one of the areas we have studied in depth  
24 as one of the case studies for the work that I  
25 described, and we are working to turn the findings

1 from that into a capital project. I just don't have  
2 particular news, but it is certainly not forgotten,  
3 and we are working on it very seriously.

4 COUNCIL MEMBER NURSE: I appreciate that.  
5 Thank you.

6 CHAIRPERSON GENNARO: Sure, and let me  
7 also affirm that, to the extent that the phenomenon  
8 that you described ever rears its head, you can  
9 always come to me, but I know that's not the way that  
10 DEP works, but always, okay, they are.

11 So now it's back to me. Okay, and now in  
12 your statement, you talked a little bit about Intros  
13 814 and 815, the way to make them as helpful as they  
14 can be in codifying what reasonably needs to be,  
15 codified, and also we are open to suggestions about  
16 reports that bog down know MOCEJ or whomever when  
17 that work could be going towards plotting the future  
18 and not talking about the past, and so other than  
19 what you put down here regarding 814 and 815, what do  
20 you envision as a process to move forward  
21 collaboratively on these bills to get to something  
22 that we all can be happy about?

23 COMMISSIONER AGGARWALA: Well, I mean,  
24 look, thank you, Mr. Chair, and, genuinely, I would  
25

1 very much like to see us get to a place where we can  
2 get legislation done relatively quickly, right? I  
3 don't think this is something that should require six  
4 or nine months. I think this is something we can do  
5 over the next month or two if we work intensively  
6 together. What I would like to see is something where  
7 we are thinking about the work that we've described,  
8 particularly with Kathryn arriving as Chief Operating  
9 Officer at the beginning of this year. She's spent a  
10 lot of time thinking around how do we get to the kind  
11 of stormwater resilience plan that we need, what are  
12 some of the steps that would go along the way, and  
13 I'd love to sit down with you and your team and the  
14 Committee Staff to talk about how we could put  
15 milestones together so that DEP is reporting out at  
16 the right points when we know enough to make it  
17 worthwhile while holding us accountable that that  
18 can't take forever, right, so I think that's one  
19 thing.  
20

21 On the idea of the Building Code, I am,  
22 as my testimony indicated, I am really enthusiastic  
23 about the overall idea about thinking how the  
24 Building Code can work with stormwater. I think that  
25 is an area where we are pretty nascent in our

2 thinking, and so there may be a need to do some  
3 studying before we actually mandate changes in the  
4 code itself.

5 CHAIRPERSON GENNARO: That could be in the  
6 bill.

7 COMMISSIONER AGGARWALA: It could be in  
8 the bill, 100 percent. I'm not saying we have to  
9 wait. That's why I think there's a path forward if we  
10 do some real work together, give it eight weeks, ten  
11 weeks, we could probably get somewhere pretty  
12 quickly. I like to think I have a bias towards action  
13 so I don't think we have to study this forever.

14 CHAIRPERSON GENNARO: Yeah, I think it's  
15 one of these things, we meet as a conference, and a  
16 lot of stuff comes up, and I have my own thoughts,  
17 but then I have all of my Colleagues that I'm having  
18 flooding, I'm having this, I'm having that, and  
19 there's this belief that us codifying something  
20 really makes it almost all better. We can hold it up  
21 and say, this is it, and this is the roadmap, and  
22 this is whatever, and that can be true, and bills can  
23 either be very prescriptive or they can set forth a  
24 path, a process, or whatever so that way we still  
25 have the thing that we did it, and that we're

1 pushing, and we're making sure that, you know what  
2 I'm trying to say here, and so it's important for me  
3 and for this Council and for the people that we  
4 represent, for everyone to understand that the  
5 Council is doing all it can to get maximum progress  
6 and accountability on things that matter to the  
7 people that we represent, which you all very much  
8 want to have happen, and so that's where we find  
9 ourselves, because all of my Colleagues are going to  
10 civic meetings, and they're all, what are we going to  
11 do, what are we going to do, what are we going to do,  
12 and I'm not saying we do something just so we have  
13 something to say, you know, we do something that  
14 really creates a significant value added to get us to  
15 the place where we really want to go. I'm like  
16 talking like in poetry now, almost. This is like, you  
17 know, that was supposed to be funny, Angela, and I  
18 was like, anyway.

19  
20                   So that's where we are. So let us  
21 endeavor to commence to do that. The summer is kind  
22 of a relaxed time at the Council. It gives us the  
23 ability to, I mean, legislatively relax, but we're  
24 all working like anything anyway so let us endeavor  
25

1 to do that. I appreciate your good comments here on  
2 814 and 815.

3  
4 Let me see, I have some other kind of,  
5 yeah, okay. I'm tempted just to read this whole thing  
6 and just have you react to it because one of the  
7 things I get is, even in my part of Queens, I talk  
8 about things where there are people from Southeast  
9 Queens who would be in attendance and they're always  
10 asking me what's going on, and let me just read this,  
11 and we'll just kind of go from there. The 2022 annual  
12 report required by Local Law 56 of 2017 states that  
13 the City completed a pilot project to convey 30,000  
14 gallons of groundwater daily into the storm sewer  
15 system at 166th Street and Foch Boulevard in  
16 Southeast Queens, and so this is some like pilot  
17 project, and what did the City learn from this  
18 project? Did reports of basement flooding and other  
19 types of flooding caused by high groundwater levels  
20 decrease in that area on 166th Street and Foch  
21 Boulevard after DEP completed this pilot? So that is,  
22 I think, the starting point for like a larger  
23 discussion about how to attack the flooding problems  
24 in Southeast Queens that are tied to the shutdown of  
25 the former Southeast Queens drinking water supply

1 wells and their lack of completed, a fully built out  
2 stormwater system, and I know that DEP has entered  
3 into some kind of arrangement with the USGS to  
4 monitor groundwater levels in Southeast Queens so you  
5 get where I'm going so this is all about the  
6 Southeast Queens situation on the micro going from  
7 that one intersection to like the larger reality that  
8 we're trying to deal with so that'll be my kind of  
9 open-ended question.  
10

11 COMMISSIONER AGGARWALA: Well, I'll say a  
12 couple of things, and then I'll ask Tasos to talk  
13 specifically about that project and its outcome.

14 CHAIRPERSON GENNARO: Hang on just one  
15 moment. The Counsel wants to talk to me. All right.  
16 Thank you. Please.

17 COMMISSIONER AGGARWALA: The groundwater  
18 issue is actually a citywide issue. It is not just a  
19 Southeast Queens issue. It is in fact a nationwide  
20 and global issue because as has been reported a fair  
21 bit in New York Times over the last few months,  
22 rising sea level is raising groundwater tables along  
23 the coasts, certainly on the East Coast of the United  
24 States, up and down the coast and elsewhere around  
25 the world and, of course, heavy rain will also



2 temporarily raise groundwater levels so while a  
3 number of people in Southeast Queens have been  
4 talking about this issue for many years, it is not  
5 just a Southeast Queens issue, and that is why we as  
6 a citywide agency have taken a citywide approach to  
7 this. The USGS project, which we just registered I  
8 believe last month, will allow us to get a baseline  
9 so it will allow us to monitor groundwater levels  
10 across the city in a systematic way. Right now, we  
11 really only have anecdotal information based on 3-1-1  
12 calls. That is not sufficient to shape any of the  
13 potential policy solutions that we might undertake.

14 In Southeast Queens specifically, as you  
15 just said, part of Southeast Queens does not have  
16 stormwater. We have 2.6 billion dollars in the budget  
17 to build out stormwater infrastructure in Southeast  
18 Queens. I should point out in the context of what I  
19 was just talking about, I said it would take 30 years  
20 at our current budgeting of 1 billion dollars a year.  
21 Fully a quarter of all of the money dedicated to  
22 sewers in our capital plan is dedicated to building  
23 out sewers in Southeast Queens, 25 percent for that  
24 one part of the city so, while we hear a lot that  
25 that part of the city feels like it is forgotten, it

2 is frankly the other way around. It is  
3 disproportionately receiving investment. It is  
4 necessary. It is a good investment, but we are  
5 heavily investing in Southeast Queens.

6           Among the things that has been proposed  
7 by a number of residents and others in that area was  
8 restarting the Old Jamaica water supply pump  
9 stations. One of the things we have done over the  
10 last six months is we have evaluated that, and  
11 unfortunately it turns out that that is probably a  
12 billion-dollar cost. Those pumps have not been in  
13 operation for nearly 30 years. To restart them would  
14 basically be to rebuild them, and groundwater is not  
15 clean. As you yourself very much know from your time  
16 at DEC, we would need to treat it right now.

17           CHAIRPERSON GENNARO: Oh, because the  
18 thinking would be to restart them and then pump them  
19 to waste. Is that what you are saying?

20           COMMISSIONER AGGARWALA: Basically. Some  
21 in the community have proposed, and we have been  
22 trying to be open-minded. We have been trying to take  
23 these ideas seriously, or we have taken these ideas  
24 seriously. We have evaluated them, but although it  
25 sounds like an easy solution, it is not actually an

2 easy solution. Groundwater is not clean water. We  
3 cannot just dump it into the ocean. We would need to  
4 treat it. The Jamaica treatment plant does not have  
5 the capacity. Recognizing that there are no easy  
6 fixes to this, one of the things we then realized we  
7 had to do was really get a handle on who is affected.  
8 Right now, about two months ago, we reached out to  
9 the Borough President's Office to start getting data  
10 on who is actually suffering from groundwater  
11 because, as I said, it may well be that it is a small  
12 enough number of buildings that it is better done  
13 through pumping out a given basement. All over the  
14 world, buildings, particularly those with low  
15 basements or particularly those in areas of high  
16 groundwater tables, pump their basements on an  
17 ongoing basis. That is just part of what maintaining  
18 the property requires, and may be a reality that we  
19 face here, but we are committed to getting the facts  
20 and to understanding what might make sense. Tasos,  
21 could you talk particularly about that intersection  
22 on the pilot there, please?

23 DEPUTY COMMISSIONER GEORGELIS: Sure. The  
24 first part of the question was, what has the City  
25 learned from this pilot project? The City has learned

1 construction methods and designs to effectively  
2 collect and move groundwater. Also, as installed, it  
3 was a relatively small localized system, and it had  
4 very little effect on lowering the groundwater table.  
5

6 The second part was, did reports of  
7 basement flooding and other types of flooding caused  
8 by high groundwater levels decrease in the area of  
9 166th and Foch Boulevard since we completed the  
10 pilot? We have received no reports of groundwater  
11 flooding abatement in the area of the installation.

12 Does the DEP intend to conduct similar  
13 pilots in other parts of the Southeast Queens? We are  
14 currently evaluating options for additional pilots.

15 Is there anything else?

16 CHAIRPERSON GENNARO: No, that was good. I  
17 asked a question, you gave the answer, and so I got  
18 the macro and the micro, and so I am satisfied.

19 DEPUTY COMMISSIONER GEORGELIS: Just one  
20 point. Part of the question was about the plan to  
21 reduce incidental sewer backups in Southeast Queens.  
22 I became Director of Operations back in 2009, and we  
23 spent a lot of focus on reducing sewer backups. Back  
24 in 2010, we had 1,775 confirmed sewer backups in  
25 Southeast Queens. In Fiscal Year 2023, we only had

2 302 confirmed sewer backups. That is a reduction of  
3 83 percent, right, and Rit mentioned earlier that we  
4 reduced backups 70 percent across the city. This part  
5 of the city that was suffering from SBUs are down 83  
6 percent over that time.

7 CHAIRPERSON GENNARO: And also, rainfall  
8 and everything else was different from when you  
9 started so it is not even like a level playing field  
10 so those numbers are even more striking when you look  
11 at it through that prism.

12 On that high note, I want to thank the  
13 Administration for their good testimony and for  
14 giving us the benefit of your views and your passion  
15 about the issues that we all care about. I would not  
16 want your job for the world, but I do not see anybody  
17 rushing to give it to me so I really appreciate you  
18 being with us here today. We are going to move to  
19 public testimony in a moment, but not before I come  
20 over and say hi, and then we will move to the next  
21 part of the hearing.

22 COMMISSIONER AGGARWALA: Thank you.

23 CHAIRPERSON GENNARO: [GAVEL] We are  
24 starting back up again. We are all online, right,  
25 Sergeant? We are good to go?

1  
2 Okay. Before we start up with the public  
3 part of the testimony, there is this document I have  
4 been given by the Counsel to kind of set some ground  
5 rules.

6 Now we are going to open the hearing for  
7 public testimony. I remind the members of the public  
8 that this is a formal government proceeding and that  
9 the quorum shall be observed at all times. As such,  
10 members of the public who are not testifying shall  
11 remain silent at all times.

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

19 If you wish to speak at today's hearing,  
20 please fill out an appearance card with the Sergeant-  
21 at-Arms, people have done that, and wait to be  
22 recognized. When recognized, you will have two  
23 minutes to speak on today's hearing topics, Flooding  
24 and Stormwater Infrastructure, Intro. 814, 815, and  
25 Reso. 144. I ask people to keep their testimony to

1 those topics. Testimony on other topics will be out  
2 of order and off topic.  
3

4 If you have a written statement or  
5 additional written testimony you wish to submit for  
6 the record, please provide a copy of that testimony  
7 to the Sergeant-at-Arms. You may also email written  
8 testimony to [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov). That is  
9 [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov) within 72 hours of this  
10 hearing. Audio and video recordings will not be  
11 accepted.

12 With that, I call the first witness. The  
13 first witness, Joe Charap, it looks like,  
14 representing Greenwood Cemetery. Joe Charap.

15 JOSEPH CHARAP: Good afternoon, Chair  
16 Gennaro. My name is Joseph Charap, and I am the Vice  
17 President of Horticulture at the Greenwood Cemetery,  
18 a National Historic Landmark and 478-acre green space  
19 in the heart of Brooklyn.

20 Storms before and many since Hurricane  
21 Ida have made tragically clear how easily overwhelmed  
22 New York City's sewer infrastructure becomes with  
23 heavy rainfall. Without upgrades, more untreated  
24 wastewater will be discharged annually into waterways  
25 and flood our city with water runoff that carries

1 waste and pollution with it, putting our health and  
2 homes at risk. As we know, the communities that are  
3 burdened with decades of disinvestment are the most  
4 vulnerable to these risks. We, at Greenwood, applaud  
5 the three local laws on the docket today, especially  
6 requiring the City to create a map of the areas most  
7 vulnerable to stormwater flooding. The public sector  
8 must take the lead in protecting these communities,  
9 but private institutions must play a role, especially  
10 those in at-risk neighborhoods. I'd like to briefly  
11 share a stormwater project we have implemented thanks  
12 to the generous and sustained support from New York  
13 City EFC's Green Innovation Grant Program and NYC  
14 DEP's Resilient NYC Partners Program. This past fall,  
15 we broke ground on a comprehensive system that will  
16 manage about 51 million gallons of stormwater runoff  
17 annually, diverting it from entering the Owl Heads  
18 Sewer Shed during storm events. This includes  
19 subsurface detention basins connected to a bioswale,  
20 replacing asphalt with permeable pavers, and  
21 retrofitting our largest pond that feeds into the  
22 City's sewer system with a smart sensor that will  
23 control the outlet valve, draining the water level  
24 down 24 hours ahead of a storm, increasing the pond's  
25



2 capacity to collect and store stormwater runoff.

3 Additionally, a water harvesting system will be  
4 installed at the pond so that we can use this water  
5 to irrigate our gardens and newly planted trees and  
6 reduce potable water consumption by 8 million gallons  
7 a year. The climate crisis is now, and it demands  
8 that private institutions join their public  
9 counterparts along with city and state governments,  
10 to make radical changes. May I?

11 CHAIRPERSON GENNARO: Your time has  
12 expired, but I would like to ask you the question of  
13 it. It seems like you have more to add to this  
14 hearing. I would like to ask you to add what you can  
15 to this hearing.

16 JOSEPH CHARAP: Thank you. No green space  
17 in New York City, public or private, big or small, is  
18 an island. What happens at Greenwood does not just  
19 affect us all, but all those who live around us. We  
20 hope that our work sets a model for the city's  
21 largest green spaces. I'd like to personally invite  
22 members of this Committee to visit Greenwood and see  
23 the forward-looking work we're doing to benefit  
24 Brooklynites and all of us as we battle the effects  
25 of climate change. Thank you very much.

CHAIRPERSON GENNARO: Thank you for responding to my request to put on the record the good things that the Greenwood Cemetery is doing. I've been there many times, and I agree with you that it's important that institutions like yours play whatever role they can. In your case, it's a million gallons a week that doesn't make it into the sewer system because of your good efforts. I'm happy that you were supported in that. I'm sorry that I mispronounced your name, but I'll know better next time. Thank you very much for your testimony.

JOSEPH CHARAPA: Thank you.

CHAIRPERSON GENNARO: The next witness is Theodora Makris, it looks like, representing the Center for New York City Neighborhoods.

THEODORA MAKRIS: Good afternoon.

CHAIRPERSON GENNARO: Good afternoon.

THEODORA MAKRIS: My name is Theodora Makris, and I'm a Senior Program Manager at the Center for New York City Neighborhoods. I would like to thank Committee Chair Gennaro and Members of the Committee on Environmental Protection, Resiliency and Waterfronts for holding today's hearing.

1                   The Center promotes and protects  
2  
3 affordable homeownership so middle- and working-class  
4 families are able to build strong, thriving  
5 communities. Since our founding in 2008, we and our  
6 network partners have assisted over 280,000  
7 homeowners with matters ranging from foreclosure  
8 prevention, climate-related disaster recovery, flood  
9 insurance, and more. The Center also administers  
10 FloodHelpNY.org, a digital platform for engaging New  
11 Yorkers on their flood risk, in partnership with the  
12 Mayor's Office of Climate and Environmental Justice  
13 and the Governor's Office of Storm Recovery.

14                   The truth is that the climate is changing  
15 faster than we're able to keep up with, and household  
16 health, safety, and financial security is under  
17 serious threat, and New York City is unprepared to  
18 deal with the inevitable effects of climate change.  
19 FEMA's 2016 assessment of the 100-year flood plain  
20 projects that 183,000 residential units in our city  
21 are at risk of flooding but, notably, these maps are  
22 nearly 10 years out of date, and the increase in both  
23 frequency and severity of rainfall flooding  
24 (INAUDIBLE) unmapped by FEMA suggests that  
25 neighborhoods located outside of the special flood

1 hazard area are at risk. That being said, the City  
2 has already identified solutions. A report published  
3 by the New York City's Extreme Weather Task Force  
4 advocated with urgency the immediate need for  
5 policies to adapt to our increasing flood risk. Some  
6 of the recommendations included expanding backwater  
7 valve installations to the City's most vulnerable  
8 residential topologies to prevent sewer backups, and  
9 accelerating high-level storm sewer upgrades to  
10 prepare for intense rainfall flooding. Taking action  
11 now will save us time, money, and lives. After  
12 Hurricane Sandy, the city of Hoboken immediately  
13 invested in stormwater management and, when the  
14 September 29 flash flood hit the region last year,  
15 they collected 1.4 million gallons of rainwater in a  
16 single day and were back on their feet a day later.  
17 That same storm brought New York City to a grinding  
18 halt and resulted in 100 million dollars in damages.  
19 Is that my time?

20  
21 CHAIRPERSON GENNARO: If you're close to  
22 the end, I'll give you the latitude to finish up.

23 THEODORA MAKRIS: Oh, sure. The comparison  
24 couldn't have been more striking, and the moment for  
25 bold and immediate action is now to protect human

1 life and our City's future. We applaud the City  
2 Council for the suite of climate adaptation bills  
3 that have been introduced. They directly address the  
4 range of stormwater and infrastructure-related issues  
5 facing our city, and we advocate for their swift  
6 passage into law. Thank you for the opportunity.  
7

8 CHAIRPERSON GENNARO: Thank you very much  
9 for coming out and testifying and showing your  
10 support. Thank you.

11 Showing that I really need glasses, I  
12 look down at this witness slip, and I see Eric  
13 Goldstein, my friend of, like, forever, is, like, in  
14 the house. I didn't even see him, but here it is.  
15 Here's your slip. It's welcome. Well, I shouldn't be  
16 surprised that you're here, but I didn't know so,  
17 always a pleasure to see you.

18 ERIC GOLDSTEIN: Good afternoon, Chairman  
19 Gennaro, Council Member Holden. I'm Eric Goldstein,  
20 New York City Environment Director at the Natural  
21 Resources Defense Council. Thanks for your leadership  
22 in convening this important hearing.

23 As we all know, climate change is real,  
24 ice caps are melting, forests are burning,  
25 temperatures are rising and, in one of the most

1 significant impacts for New York City residents,  
2 flooding is increasing. That's not only along the 500  
3 miles of coast but in many low-lying land areas, some  
4 of which used to be natural wetlands. Flooding and  
5 stormwater impacts are increasing both in frequency  
6 and intensity. Just in the last two years, we had, in  
7 addition to Hurricane Ida, the unnamed rainstorm last  
8 September, both of which far exceeded historic  
9 rainfall levels and overwhelmed our existing sewage  
10 and stormwater systems. Lest we take further and more  
11 aggressive action to capture stormwater, the impacts  
12 will be increasingly serious and increasingly  
13 dangerous. Property will be damaged. Infrastructure  
14 will be impaired. Lives will be lost. The  
15 Commissioner's testimony today suggests that the  
16 Department understands these threats and is beginning  
17 to take them seriously as their stormwater resilience  
18 planning efforts indicate, but I want to focus on one  
19 critical aspect of the solution, any solution to the  
20 problem of increased flooding and the needs for  
21 greater resilience, and that's money. The DEP is  
22 already spending a billion dollars a year on capital  
23 projects and, if we want the agency to expedite flood  
24 resilience projects, they'll have to spend more.  
25

1 That's both for gray and green infrastructure, but we  
2 can't just keep raising water rates to generate the  
3 needed funds. Water rates are regressive. They're not  
4 based on income. They impact low-income New Yorkers  
5 disproportionately. It's not fair to place the burden  
6 of controlling climate-related flooding and  
7 constructing needed green and gray infrastructure  
8 projects disproportionately on low-income residents.  
9 One available source of funding that can and must be  
10 made available is the so-called water system rental  
11 payments. The New York City Water Board, one of the  
12 little-noticed City-controlled..

14 CHAIRPERSON GENNARO: Please continue.

15 Please continue because this is very important.

16 ERIC GOLDSTEIN: Thank you. The New York  
17 City Water Board, one of the little-noticed City-  
18 controlled agencies involved in delivering clean  
19 water to the city, pays rent to use the system of  
20 reservoirs, aqueducts, tunnels, and pipes to the  
21 City's general fund. What this unfair and illogical  
22 rental payment structure means is that water  
23 ratepayers are paying to subsidize non-water-related  
24 City expenditures. This makes no sense and for years  
25 has been the subject on the verge of reform, as you

1 well know. Then-Mayor de Blasio, for example, pledged  
2 to forego these rental payments and did not request  
3 any payment from the water system to cover non-water-  
4 related programs in FY22, but Mayor Adams is changing  
5 course and not in the right direction. In the Mayor's  
6 just-released Executive Budget, if I read it  
7 correctly, the Mayor is seeking to take a rental  
8 payment of 295 million dollars for non-water-related  
9 purposes. This is robbing Peter to pay Paul. It's a  
10 regressive move and a reversal of previous policy  
11 decisions. The Council should do everything in its  
12 power to reverse this attempt to take much-needed  
13 funds away from water ratepayers. Another place we  
14 must turn to for needed stormwater and resiliency  
15 fundings is the state. For example, despite  
16 encouraging language in the Governor's recent State  
17 of the State speech, in which she committed to  
18 advancing a floodplain buyout program, no funds have  
19 yet been made available to New York City for this  
20 purpose. On another important related funding issue,  
21 the long-overdue replacement of lead service lines,  
22 the State's distribution of funds to New York City  
23 has short-changed the City and, in particular,  
24 environmental justice communities where the needs are  
25



1  
2 greatest and childhood lead poisoning exposures  
3 should not be tolerated. We urge the Council to use  
4 its good offices to press the State to open the tap  
5 and make funds available not only for the City's  
6 emerging voluntary flood buyout program but for  
7 stepped-up and much-needed stormwater resiliency  
8 projects as well.

9           One last point regarding Intro. 814,  
10 which would update stormwater management plans and  
11 reports, and Intro. 815, which would spur creation of  
12 inland flood hazard mapping and planning and  
13 resilient construction for inland areas. We support  
14 the intents of both of these bills, although we have  
15 not examined them in detail and urge that the Council  
16 take the Commissioner up on his offer this morning to  
17 work with you on the details of these bills. It's  
18 worth seeing if this Committee, under your  
19 leadership, and the Department can reach common  
20 ground on how to move forward in these two important  
21 areas.

22           Finally, we support the proposed  
23 resolution that's the subject of today's hearing, and  
24 we thank you for your attention.

1  
2 CHAIRPERSON GENNARO: Thank you, Eric.  
3 Always great to see you. I just want to reply to some  
4 of the things that you mentioned. First of all, we're  
5 going to be having an upcoming hearing on the lead  
6 service lines, and so that is coming soon to be  
7 announced.

8 You were talking about the..

9 ERIC GOLDSTEIN: Rental payments?

10 CHAIRPERSON GENNARO: No, no, I'm saving  
11 that for last. And then the Governor and opening up  
12 like money for what was that about again?

13 ERIC GOLDSTEIN: Well, the governor, oh,  
14 floodplain buyouts.

15 CHAIRPERSON GENNARO: Okay, floodplain  
16 buyouts. Okay. I would urge Nabi, whom you well know,  
17 to make sure that I, through her, am fully up to  
18 speed with all that and can weigh in.

19 And on the rental payment, it's worse  
20 than what you said. The Mayor is seeking to do a full  
21 300-million-dollar-ish rental payment for the  
22 upcoming year, wants to do a reach back into this  
23 Fiscal Year, which is not ended, for a total of 440  
24 million dollars of FY24 and FY25 and, if my  
25 information is correct, he proclaimed that there will

1 be full rental payments as far as the eye can see.

2 Now, the Council is limited in its ability because

3 it's a State-created thing that gave the Water Board

4 the ability to do this. We've seen Jim Tripp and

5 other warriors kind of fight this fight, and I'm

6 doing everything I can. I mean, we're working on a

7 bill now that would make the Mayor disclose that this

8 is what he intends to do, but there's no, and 440

9 million dollars in the budget that we're going to do,

10 if next year there is like a full rental payment and

11 only the year after that so, within like two years

12 from now, that will be more than a billion dollars

13 out of what water and sewer ratepayers pay that will

14 not have anything to do with water and sewer. I mean,

15 this is completely unsustainable and inconsistent

16 with what the Commissioner has in terms of his vision

17 of how much can we reasonably expect people to pay to

18 build out all of the capacity, both green, gray,

19 everything to do what we need to do. Scores of

20 billions of dollars will be needed, and we can't

21 waste a penny, and water rates on their own are, as

22 you indicated, are not progressive, but like the most

23 regressive thing imaginable is a hidden tax on water

24 and sewer that has nothing to do with water and sewer

1 that disproportionately affects those that can least  
2 afford to pay because the poorest New Yorkers don't  
3 have the ability to eat out at night or go on  
4 vacation for three weeks a year or they are in that  
5 apartment cooking those meals on that stove, bathing  
6 those kids in that tub for those who own their own  
7 domicile. If they don't, then they're in a rent-  
8 stabilized unit, their costs are going to go up based  
9 on the landlords having to pay higher water fees due  
10 to the rental payment so I couldn't be more on board  
11 with you than this and try to legislate this, but I'm  
12 going to continue to bang this drum and would eagerly  
13 accept your partnership on this, and we should get  
14 Jim Tripp back too, whatever he's up to, you know.

16 ERIC GOLDSTEIN: Thank you, Chair Gennaro.  
17 I am not sure how many of the Council Members  
18 understand the intricacies of this very complex  
19 program. I suspect if they did that there would be  
20 some political outcry and that this would be, there  
21 would be a political response as part of the budget  
22 negotiations as well.

23 CHAIRPERSON GENNARO: This is something  
24 that I'm walking on eggshells trying to do but, yes,  
25 I was around in OMB when this was created. I worked

1  
2 in the Capital Division of OMB from '83 to '86 when  
3 this all came about, when they wanted to go to a fee-  
4 for-service, they wanted to get DEP out of the  
5 capital budget, and it kind of all made sense, people  
6 have to, rather than just paying by frontage, a term  
7 that only you and I understand in this room, it's a  
8 flat rate, there was no incentive to conserve water,  
9 and so everything was good except for kind of the  
10 back-end of the rental payment because, of course,  
11 the rental payment was created to pay off the pre-  
12 1985 general obligation DEP capital debt. That made  
13 sense.

14 ERIC GOLDSTEIN: Which has been done.

15 CHAIRPERSON GENNARO: Which has been done,  
16 but OMB put a Trojan horse in there so now the rental  
17 payment is equal to 15 percent of the debt service of  
18 the City's Water Finance Authority, and it's free  
19 money on the table for OMB, and they have chosen to  
20 avail themselves of that, and it's up to folks to  
21 kind of push back in a political way to make sure  
22 that this doesn't continue because this is completely  
23 unsustainable.

24

25

2 With that said, I have to get through the  
3 other witnesses. I have a doctor appointment,  
4 surprise, surprise.

5 ERIC GOLDSTEIN: Thank you.

6 CHAIRPERSON GENNARO: Yeah, and so, Eric,  
7 always great to see you and come back every time, not  
8 any time, every time.

9 ERIC GOLDSTEIN: Thank you, Mr. Chair. The  
10 point is if we're going to address the needed  
11 stormwater programs that we need throughout the city,  
12 we can't be spending hundreds of millions of dollars  
13 a year on rental payments that have no impact on rate  
14 payers.

15 CHAIRPERSON GENNARO: Right. To quote  
16 Woody Allen, I think it's a mockery of a travesty of  
17 a sham or whatever, or it was something like that in  
18 one of his movies. Thank you, Eric.

19 Okay, we will now turn to remote  
20 testimony.

21 Once your name is called, a Member of our  
22 Staff will unmute you and the Sergeant-at-Arms will  
23 give you the go-ahead to begin. Please wait for the  
24 Sergeant to announce that you may begin before  
25 delivering your testimony.

1  
2 Okay. First witness, Alia, if I'm not  
3 saying that right, Soomro of New York League of  
4 Conservation Voters.

5 SERGEANT-AT-ARMS: Starting time.

6 ALIA SOOMRO: Great. Good afternoon. My  
7 name is Alia Soomro, and I'm the Deputy Director for  
8 New York City Policy at the New York League of  
9 Conservation Voters. Thank you, Chair Gennaro as well  
10 as Members of the Committee on Environmental  
11 Protection, for the opportunity to testify today. I  
12 have submitted longer written comments.

13 The latest projections from the New York  
14 City Panel on Climate Change project that the city  
15 will be hotter, rainier, and wetter as soon as the  
16 2030s. As summer approaches, we must not lose sight  
17 of the short-, medium-, and long-term measures our  
18 City must take to mitigate the worst impacts of  
19 climate change. This includes the compounding impacts  
20 on our City's waterways and sewer infrastructure,  
21 such as coastal storm surge, high tide flooding,  
22 rising groundwater, and extreme rainfall, the last of  
23 which can trigger CSOs, sending sewage, industrial  
24 waste, and other pollutants into the City's  
25 waterways. As stated in NYLCV's 2024 New York City

1 Policy Agenda, the City must continue to explore ways  
2 to reduce CSOs by funding and maintaining green  
3 infrastructure projects, such as rain gardens,  
4 bioswales, water squares, river daylighting, and  
5 permeable pavement. This helps absorb stormwater, it  
6 purifies the air, and it mitigates the urban heat  
7 island effect. In addition to interim storm measures,  
8 such as improving communication and clearing catch  
9 basins, the City must also continue updating and  
10 modernizing our existing sewer system in wastewater  
11 treatment processes. The City must also continue  
12 prioritizing environmental justice and equity in all  
13 of its climate and environmental planning,  
14 implementation, and policies. For instance, according  
15 to the recently released EJNYC report, seven out of  
16 the top ten neighborhoods with the most confirmed  
17 sewer backup complaints reported to 3-1-1 in 2022 are  
18 in EJ neighborhoods. Green and gray infrastructure  
19 projects should continue to be expanded and  
20 implemented equitably with priority for frontline  
21 communities that have borne the brunt of  
22 environmental racism and climate injustices,  
23 including NYCHA campuses.  
24  
25



1  
2 SERGEANT-AT-ARMS: Thank you so much. Your  
3 time has expired.

4 ALIA SOOMRO: Okay, thank you. Just  
5 lastly, I do want to make a plug for providing  
6 sufficient funding for DEP and MOCEJ staffing. We  
7 must fund these climate and environmental programs if  
8 we want to implement them. Thank you for the  
9 opportunity to testify.

10 CHAIRPERSON GENNARO: Thank you very much.

11 Before I call the next witness, I just  
12 have to make reference to something on my device. I  
13 apologize. I don't want to do this while someone is  
14 speaking.

15 Okay, what's the next witness? Next  
16 witness is Dinu Ahmed. Dinu Ahmed.

17 SERGEANT-AT-ARMS: Starting time.

18 DINU AHMED: Hello, I don't think I've  
19 been, can you hear me?

20 CHAIRPERSON GENNARO: Yes, yes.

21 DINU AHMED: Okay. Hi, good afternoon. My  
22 name is Dinu Ahmed, and I'm a public defender and a  
23 longtime resident of East Elmhurst. I'm actually  
24 calling in from my basement office right now, because  
25 East Elmhurst has been dealing with toxic sewage

1 waste for decades now. The first storm that I can  
2 recall was back in 2007, when my family's home, our  
3 garage, our basement dealt with three feet of toxic  
4 sewage backup, and then when Hurricane Ida happened  
5 on September 1st, we had over five feet, which led to  
6 catastrophic damages, and I was in the basement just  
7 minutes earlier. The water entered with such force  
8 that the front door of my basement was ripped off  
9 completely. The back door was waterlogged, and so had  
10 I been down there, I do not think that I would have  
11 been able to get out. It was a certain deathtrap. On  
12 my block, a few doors down, one of my neighbors made  
13 a desperate call to her partner for assistance and  
14 had to climb up on a table to stay above the water.  
15 Ultimately, other neighbors had to pull her out of  
16 the window in order for her to survive, and so I'm  
17 testifying today because when Hurricane Ida happened,  
18 East Elmhurst was at the center of international news  
19 coverage, and we had President Biden come down here  
20 and, yet, in all this time, we've not seen any  
21 structural improvements on our block and within our  
22 neighborhood. Two years later, in 2023, I experienced  
23 three episodes of sewage backup. When the remnants of  
24 Tropical Storm Ophelia hit us, I found myself gutting  
25

1  
2 our basement for the second time in two years and, in  
3 my haste to go grab everything that I needed out of  
4 the basement, I actually ended up getting  
5 electrocuted and did not realize at first that a  
6 current was flowing through my body and so I'm  
7 testifying on behalf of East Elmhurst because we have  
8 a significant elder and immigrant population. I do  
9 think that in many ways we are seeing our  
10 neighborhood neglected.

11 SERGEANT-AT-ARMS: Thank you so much. Your  
12 time has expired.

13 CHAIRPERSON GENNARO: Please finish your  
14 thought.

15 DINU AHMED: Thank you so much. You know,  
16 we've seen in neighboring (INAUDIBLE) that there's  
17 been a massive multi-million dollar investment in  
18 sewer upgrades and, in conversations with Community  
19 Board members there, they've not seen anything along  
20 the likes of the multiple feet of backup that we've  
21 experienced, and so we're really talking about fear  
22 about our lives, fear about further fatalities, and I  
23 understand that there are funding pressures here, but  
24 I'm just wondering what the price tag is if we incur  
25 one more fatality. Just briefly, there was a

1 community forum that was held here in our  
2 neighborhood in February through the leadership of  
3 some of the residents that are actually here today to  
4 testify, and, at that forum, we were told that there  
5 is going to be a 17-month drainage study followed by  
6 two years of design work and to not expect any sewer  
7 upgrades, at least at the earliest until 2027, and so  
8 I'm just saying we are frightened of what may happen  
9 in those next few years, and we have a lot of  
10 questions about how communities are being prioritized  
11 for sewer upgrades. I think there are major  
12 differences between communities that are dealing with  
13 a couple of inches versus five, six, seven feet of  
14 sewage flooding as we've been experiencing here, and  
15 we want to know about the federal funds that were  
16 promised to us when President Biden came in 2021 and  
17 how those funds are being allocated. We've asked all  
18 of our electeds, and nobody seems to have an answer  
19 about what agency is overseeing those funds and how  
20 community input will be collected so those are my  
21 thoughts for right now, and I'm happy to submit  
22 longer written testimony after.

24 CHAIRPERSON GENNARO: Thank you. We would  
25 certainly urge you to submit any relevant testimony,

1 and it will be duly considered, and particularly what  
2 you just, you're right in the shadow of where DEP is  
3 located, and we will pass this along to the  
4 Commissioner. Thank you very much for your very, very  
5 good testimony, and I'm so sorry for your troubles.

7 DINU AHMED: Thank you.

8 CHAIRPERSON GENNARO: Thank you. Next  
9 witness is Aracelia Cook.

10 SERGEANT-AT-ARMS: Starting time.

11 ARACELIA COOK: Thank you so much. My name  
12 is Aracelia Cook, and I'm the President of the 149th  
13 South Ozone Park Civic Association and also a member  
14 of SQREJC, Southeast Queens Resident Environmental  
15 Justice Coalition. One of the things I would like to  
16 bring out, oh wait, oh okay, I'm sorry, I didn't see  
17 I had to click that. One of the things I would like  
18 to bring out is the fact that since November 2019,  
19 where we had the sewage backup over here in Southeast  
20 Queens, and over 300 some homes were inundated with  
21 raw sewage. We, many of these residents, have still  
22 have not been made whole. Every time it rains, a lot  
23 of the neighbors are going down looking in their  
24 basements, seeing what's going on. We know that when  
25 you do call DEP, one of the things that he stated,

1 the Commissioner, when the 3-1-1 calls that we make  
2 to DEP is usually closed, and they are closed, and  
3 the blame is put on the residents. We definitely need  
4 transparency when it comes to these bills that's  
5 being introduced so that this City can really, DEP  
6 can take accountability for what's going on in  
7 communities of color. The other thing, we were  
8 promised to have a hearing with DEP back in 2019. Now  
9 this is almost five years later, we still have not  
10 had a hearing with DEP, and to really voice what our  
11 concerns are. Many homeowners have purchased sub  
12 pumps, some of them is working, some of them still  
13 need to have other assistance, and also with the  
14 backflows that some residents have actually  
15 purchased. Also the information that the DEP gave  
16 about these flow maps, these flow maps should include  
17 neighborhoods of color because I don't know how they  
18 selected these homes or how they collaborated on  
19 these maps, but it does not seem like it connects to  
20 my community and what our needs are.

22 SERGEANT-AT-ARMS: Thank you, your time  
23 has expired.

24 ARACELIA COOK: Thank you, and also one  
25 last thing, my son was born on Earth Day. Thank you.

CHAIRPERSON GENNARO: Oh, good for you,  
good for you. Thank you very much.

I just have to have a brief sidebar with  
my Colleague before I call the next witness.

For the next witness, it is a privilege  
for me to call upon my friend, William, or as we know  
him, Bill Scarborough.

SERGEANT-AT-ARMS: Starting time.

WILLIAM SCARBOROUGH: Thank you, Chairman  
Gennaro and Council Members. My name is William  
Scarborough. I'm a former State Assembly Member  
representing the 29th Assembly District in Queens.  
I'm currently the President of the Southeast Queens  
Residents Environmental Justice Coalition, and I'm  
also the President of the Ashley Park Civic  
Organization in Queens. I'm speaking in support of  
Intro. 403, which we were told was going to be part  
of this hearing, a local law proposed by Public  
Advocate Jumaane Williams. This bill would require  
the Department of Environmental Protection to submit  
quarterly reports detailing the inspection, cleaning,  
and maintenance of catch basins. Additionally, DEP  
would be required to ensure that catch basins are  
inspected at least annually and catch basins that are

1 clogged would be addressed within five days. We  
2 strongly support this legislation. Our area,  
3 Southeast Queens, as the Chair knows, is subject to  
4 persistent flooding. Many residents, institutions,  
5 and businesses suffer from flooding in their basins  
6 24 hours a day, seven days a week. Part of the  
7 problem is a high-water table, another part of the  
8 problem is a lack of sewer infrastructure, which  
9 requires build out, and the third part is that the  
10 lack of regular maintenance of our catch basins and  
11 sewers and delays in addressing clogged or  
12 malfunctioning catch basins. We've had numerous  
13 meetings with the DEP and requested information about  
14 the scheduling of catch basin maintenance. My  
15 recollection is that they outlined a schedule where  
16 each Board was addressed roughly every two years, but  
17 this information was never conveyed in writing. To my  
18 knowledge, there is no place on the DEP website or  
19 elsewhere for the public to access a catch basin  
20 maintenance schedule. This legislation would require  
21 the DEP report, provide regular reports to the  
22 Council and the Public Advocate, and maintenance be  
23 done annually. This would be a great benefit to our  
24 community. We would also ask that there be a site on  
25



1  
2 the website where interested citizens can access this  
3 information regarding maintenance schedules and  
4 repairs or unclogging of catch basins.

5 CHAIRPERSON GENNARO: Please continue.

6 Please continue.

7 WILLIAM SCARBOROUGH: We are also in  
8 support of Intro. 814 by Council Member Gennaro. DEP  
9 is acutely aware of areas that regularly flood and  
10 this legislation would push DEP to proactively  
11 identify and address these locations. Thank you for  
12 your consideration, and it's always good to see you,  
13 Chairman Gennaro.

14 CHAIRPERSON GENNARO: Thank you, Bill.

15 Always great to see you and say hi to all my good  
16 friends, Manny Kaufman and everybody that you work  
17 with in the Vineyard.

18 WILLIAM SCARBOROUGH: Still fighting the  
19 good fight.

20 CHAIRPERSON GENNARO: Yeah, absolutely.

21 Thank God we're all young.

22 WILLIAM SCARBOROUGH: Yes, indeed.

23 CHAIRPERSON GENNARO: I really appreciate  
24 your good testimony. Really happy that you're still  
25 fighting the good fight for the people of Southeast

1  
2 Queens, and they always did have a great advocate in  
3 you and they still do, and everyone should be  
4 grateful for your efforts and we really appreciate  
5 your presence here today and look forward to seeing  
6 you again soon.

7 WILLIAM SCARBOROUGH: Thank you so much.

8 CHAIRPERSON GENNARO: Thank you, Bill.

9 Just for the record, my good Colleague, Bob Holden,  
10 is going to fill in as Chair for the remainder of  
11 this hearing. I have a doctor appointment that I'm  
12 going to be a little late for as it is, and I'm very  
13 grateful to Council Member Holden for Chairing the  
14 rest of this hearing.

15 Thank you, Bob. Appreciate that, and  
16 thank you again, Bill.

17 WILLIAM SCARBOROUGH: Thank you.

18 ACTING CHAIRPERSON HOLDEN: Thank you. I'd  
19 like to call on Suhali Mendez from the New York  
20 Lawyers for the Public Interest.

21 SERGEANT-AT-ARMS: Starting time.

22 SUHALI MENDEZ: Good afternoon. My name is  
23 Suhali Mendez. I am the Policy and Legislative  
24 Coordinator at New York Lawyers for the Public  
25 Interest. I would like to thank the Committee on

1 Environmental Protection, Resiliency and Waterfronts  
2 for holding this hearing and allowing me the  
3 opportunity to provide testimony today. I would like  
4 to share that New York Lawyers for the Public  
5 Interest is in strong support to Intro. 814, the  
6 Proposed Resolution of 144A, along with Public  
7 Advocate Jumaane Williams' Intro. 403. We further  
8 encourage the City to ensure that HomeFix 2.0 runs  
9 and receives adequate funding to cover the major gaps  
10 and assistance needed to fund flood resiliency  
11 measures in homes and private property. Too many of  
12 our neighbors are underwater with flooded basements,  
13 as some of you have heard from previous testimonies,  
14 and the financial stress and health problems that  
15 flooding causes. Extreme rainfall events have already  
16 increased and will continue to increase in number  
17 with severity because of fossil fuel climate change.  
18 Communities in which New York City has historically  
19 invested less money and resources tend to be black,  
20 brown, and low-income communities, which  
21 disproportionately bear the burdens of flooding and  
22 sewage backups. For example, residents in Queens, the  
23 city's most racially diverse borough, made over 4,000  
24 backup complaints involving private sewer systems to  
25

1  
2 the New York City Department of Environmental  
3 Protection in 2022 alone, which is nearly six times  
4 as many as Manhattan, and sewer backups make  
5 residents' environments unsafe, healthy, and  
6 inhumane, which interferes with their constitutional  
7 right to a clean and healthy environment. Now is the  
8 time for our elected leaders to act and fix these  
9 issues before many homes and livelihoods are ruined  
10 by flooding. We urge the City to give more support  
11 directly to homeowners through programs like HomeFix...

12 SERGEANT-AT-ARMS: Your time has expired.

13 SUHALI MENDEZ: Okay, I'll add just one  
14 more thought. Currently, residents are left to cover  
15 the costs of cleaning and repairing flood damage,  
16 which can cost tens of thousands of dollars, and the  
17 availability of grants and loans for repairs,  
18 upgrades, and cleanup costs will make a massive  
19 difference. Retrofitting homes is often far too  
20 costly for homeowners, and the City must ensure that  
21 homeowners have the support they need in order to  
22 stay safely above water. Thank you for your  
23 consideration and support, and a more detailed  
24 testimony will be submitted.

25

ACTING CHAIRPERSON HOLDEN: Thank you for  
your testimony.

Our final witness is Nabil Jamalledin.

SERGEANT-AT-ARMS: Starting time.

NABIL JAMALLEDIN: Hello, everyone. Hey,  
Nabil Jamalledin here, resident of East Elmhurst,  
software engineer. Yeah, I wanted to second  
everything Dinu said. We experienced a lot of the  
same issues in our part of East Elmhurst in the last  
two storms, since Hurricane Ida and this last  
Tropical Storm Ophelia. Many basements were  
devastated through the sewer backup, resulting in  
thousands of dollars in lost items and damage across  
the neighborhood, especially on my block, where  
pretty much all of my neighbors flooded. We received  
little to no green infrastructure in our part of East  
Elmhurst, although a lot of green infrastructure has  
been implemented across the neighborhood in different  
parts of the neighborhood, although that is still  
very much lacking in the amount of catch basins or  
rain gardens that can help divert water away from  
homes or prevent water from entering the sewers to  
begin with, which leads me to another issue in the  
neighborhood. There are street ponds across the

neighborhood that do not help the situation at all.

These ponds almost never evaporate. Some are 30 feet

long, leading to unsanitary living conditions for

many of the residents in the neighborhood and

harboring mosquitoes and making the flooding that

happens during heavy rainfall a much more troublesome

issue for everyone in the neighborhood. I strongly

support Proposed Resolution 144A, which would allow

for additional funding for the stormwater

infrastructure as well as greatly benefit the

neighborhood. I also would like to ask for additional

rain gardens and catch basins since some blocks don't

even have even one catch basin to help divert water

away from the stormwater system. Additionally, I

would like to call for regular cleaning of sewer

mains in addition to the regular maintenance of catch

basins, which was proposed in Intro. 403. It is

critical that the DEP ensures that sewer mains are

properly cleaned on the regular schedule of every

three to five years...

SERGEANT-AT-ARMS: Thank you. Your time  
has expired.

NABIL JAMALLEDIN: Thank you. The rest  
will be in the fuller testimony. Thank you.

2 ACTING CHAIRPERSON HOLDEN: Thank you for  
3 your testimony.

4 If we missed anyone that has registered  
5 to testify today and has yet to be called, please use  
6 the Zoom raise hand function if you are testifying  
7 remotely, and you will be called in order of your  
8 hand was raised.

9 If you are testifying in person, please  
10 come to the dais.

11 Seeing no one, I will now close this  
12 hearing.

13 Thank you, Members of the Administration  
14 and members of the public who have joined us today to  
15 discuss this very important topic. [GAVEL] This  
16 hearing is now adjourned.

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C E R T I F I C A T E

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



Date May 27, 2024