

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL PROTECTION

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HELD AT: 250 Broadway - Committee Rm.
16th Fl.

B E F O R E: COSTA CONSTANTINIDES
Chairperson

COUNCIL MEMBERS: Rafael L. Espinal, Jr.
Stephen T. Levin
Carlos Menchaca
Donovan J. Richards
Eric A. Ulrich
Kalman Yeger

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

Pam Elardo, Deputy Commissioner, Bureau of
Wastewater Treatment, Department of Environmental
Protection

Adriana Espinoza, Director of New York City
Program, League of Conservation Voters

Phil Vass, Energy Vision

2 [gavel]

3 CHAIRPERSON CONSTANTINIDES: Alright,
4 good morning. I am Costa Constantinides, Chair of
5 the Committee on Environmental Protection, and today,
6 the committee is holding an oversight hearing on
7 sustainability and resilience at New York City's
8 Wastewater Treatment Plants, and we are hearing two
9 bill associated with wastewater treatment, and air
10 quality near wastewater treatment plants. Last year a
11 shipment of sewage sludge reported to be from New
12 York City was stranded in Parish, Alabama for months.
13 Dubbed the "poop train incident" noxious odors from
14 the cargo forced parish residents to shelter inside,
15 and led to a sustained backlash so severe that the
16 company that operated the landfill to which the waste
17 was heading was stripped of its business licenses,
18 and various lawsuits have since put a halt to the
19 practice of shipping biosolids to Alabama for
20 landfilling purposes. Biosolids and the sewage
21 sludge waste that remains after treatment and as that
22 was sent to landfill or further processed for use as
23 a fertilizer or soil—or for soil amendment. The
24 Clean Water Act Biosolids Rule establishes standards
25 for the final use or disposal of sewage sludge

2 generated during the treatment of domestic sewage in
3 a sewage treatment plant. Standards are included for
4 sewage sludge, applied to the land, placed on a
5 surface disposal site or fired in a sewage sludge
6 incinerator. Also included are pathogen and
7 alternative vector traction reduction requirements
8 for sewage sludge applied to the land or placed on a
9 surface disposal site. However, concerns related to
10 biosolids used are not strictly limited to a factory
11 realm. The Environmental Protection Agency, EPA has
12 identified hundreds of pollutants present in
13 biosolids including some acutely hazardous-hazardous
14 or priority pollutants, but EPA lacks the data or
15 risk assessment tools to generally make determination
16 on the safety of biosolids. According to EPA,
17 pollutants found in biosolids include pharmaceutical
18 products, stellar-steroids and even flame retardants.
19 Critics have pointed out, however, that many
20 pathogens commonly found in human excrement that
21 likely capable of surviving biosolid processing such
22 as Hepatitis A virus, Rotavirus, Norovirus and others
23 are not tested for or regulated by the EPA. There
24 have been a number of human and animal fatalities
25 linked to the exposure to beneficially use biosolids.

2 Wastewater treatment plants are also responsible for
3 the emissions of greenhouse gases, and the creation
4 of ultrafine bio aerosols, tiny droplets of mist that
5 can harbor any-any of the micro organisms currently
6 found in partially treated sewage. One study found
7 that the presence of aerosolized mesophilic bacteria
8 and fecal fecal coliform bacteria in petri dishes
9 near a wastewater treatment plant. Nitrous oxide is
10 also released during the nitrification, and
11 denitrification properties while volatile organic
12 compounds are release during the chemical treatment,
13 and composing digests in stages. Today, we are
14 hearing two bill involving wastewater treatment
15 plants. Intro 984 would require that any person
16 transforming or transporting sewage sludge does so in
17 a container enclosed by solid material that prevents
18 the emission of noxious odors. Intro 1165 would
19 require an air quality monitoring program around
20 wastewater treatment plants operated by DEP. The
21 program would monitor hazardous air pollutants near
22 the plants including, but not limited to greenhouse
23 gases and airborne microorganisms. Wastewater
24 treatment plants are in indispensable component of
25 modern-modern society that neither sewage sludge nor

2 air quality near wastewater treatment plants should
3 degrade our quality of life. I know we're going to
4 hear from Council Member Salamanca when he arrives.
5 So, I put that on the record now. I know he's a co-
6 sponsor of both these pieces of legislation. I want
7 to recognize that we have joining us from the
8 committee Council Member Carlos Menchaca from
9 Brooklyn. Thank you for being here, and at this
10 point we will take testimony from the Administration,
11 and then after that testimony we will—I may interrupt
12 you to have Council Member Salamanca come in as well.
13 We are still going to vote on the two bills and one
14 resolution 268-A, 425? It's 424-A and then a
15 resolution at some point during this hearing today.
16 And if anyone is that excited, no clapping, please.
17 This is what we do here. So, with that I will turn
18 it over to the Administration to be sworn in, and
19 thank you for your testimony. Thank you.

20 LEGAL COUNSEL: Would you please raise
21 your right hand. Do you swear or affirm to tell the
22 truth, the whole truth and nothing but the truth
23 today?

24 DEPUTY COMMISSIONER ELARDO: I do. Okay.
25 Thank you. Good morning. Thank you, Chair

2 Constantines and members of the Committee on the
3 Environmental Protection for this opportunity to
4 testify today. My name is Pam Elardo. I am the
5 Deputy Commissioner of the Bureau of Wastewater
6 Treatment in the Department of Environmental
7 Protection. I'm here to speak about DEP's ongoing
8 sustainability and resiliency work at our newly named
9 Wastewater Resource Recovery Facility. This is not a
10 superficial name change. It reflects the continuing
11 transformation of our work and the basic handling and
12 treatment of wastewater to being sewers of
13 sustainable resources. While we're focused on
14 minimizing waste, enabling the circular economy and
15 embracing innovation. DEP has a long legacy of clean
16 water action. This dates back to the 1890s with the
17 construction of the first rudimentary wastewater
18 treatment plant designed to protect farming and
19 fishing in Brooklyn. The rapid population expansion
20 of the city and the industrial growth through the
21 early and mid-20th Century meant that we needed
22 additional wastewater treatment infrastructure, and
23 the city started to address that with a number of
24 facilities in the 1930s through the 1950s, and I-I'd
25 just like to comment that this really progressive

2 amongst cities in the world to be ahead of the curb
3 in building wastewater treatment infrastructure, and
4 then with the passage of the Clean Water Act in 1972
5 and along with modern environmental advocacy, the
6 city began to invest heavily in water pollution
7 control, and today—today our waters are cleaner than
8 they've been in 140 years. We see now healthy
9 fisheries, oysters, wetlands and even whales
10 returning to our waters. A very exciting time for
11 us. As you may know, DEP owns and operates one of
12 the largest wastewater collection and treatment
13 systems in the world. We have 14 wastewater resource
14 recovery facilities, and 96 pumping stations that
15 convey stormwater and wastewater to treatment. Many
16 of these facilities are necessarily constructed in
17 low-lying areas. As much as our system is gravity
18 fed and water—and also on waterfront locations so
19 that we can efficiently release clean water into the
20 environment, which is the final product of our
21 treatment process. As a result, coastal flooding,
22 storm surges all this poses a major risk to our
23 infrastructure. So, prior to Sandy, Storm Sandy we
24 had already been studying the impacts of climate
25 change and wastewater treatment facilities and in

2 2013 our agency developed a citywide resiliency
3 approach that established resilience—resilience
4 design guidelines for all wastewater projects moving
5 forward. Our—and then in our NYC Wastewater
6 Resiliency Plan stipulates that all critical
7 equipment must be protected to the 100-year Base
8 Flood Evaluation plus and additional 32 inches to
9 conquer sea level rise. Following Sandy, we
10 performed an inventory of at-risk assessments using
11 primal states (sic) approaches but not only
12 considering how to protect these facilities damaged
13 during Sandy, but also to look at those affected by
14 similar storms. Our Risk Analysis determined that
15 part of all of our wastewater resources recovery
16 facilities and 60% of our pumping stations were at
17 risk. This could incur over a billion dollars of
18 damage in a single event and repeated events could
19 bring those damages to over \$2 billion. So,
20 therefore, as a result, DEP established design
21 standards for every new project under a program that
22 evaluates each capital project for energy and
23 greenhouse gas reduction, waste reduction, climate
24 resiliency, environmental materials and green
25 infrastructure. This analysis ensures that every

2 project is geared towards the lowest impact, best
3 resilience approaches and ensures high quality
4 service for our rate payers into the future. In
5 order to address the risk of our facilities DEP
6 participates in FEMA and New York State grant
7 programs, and this totals over one-over \$340 million
8 for resiliency efforts. These grants have helped DEP
9 avoid passing on these costs directly to our rate
10 payers. So, these improvements differ from facility
11 to facility. There's no one size fits all approach.
12 Generally, the types of resiliency upgrades include
13 elevating, flood proofing essential equipment,
14 installing the deployable flood barriers, creating
15 backup power sources, sealing buildings and repairing
16 or replacing damaged conduits. The majority of the
17 work is slated to be completed at the end of 2021.
18 We approach resiliency as an essential component of
19 sustainability under the One New York Plan for a
20 Strong and Just City. The Mayor pledged to
21 dramatically reduce overhaul green-overall greenhouse
22 gas emissions by 80% by the year 2050, and reduce
23 emissions from city government operations by 35% by
24 2025. Emissions from water and wastewater treatment
25 systems are responsible for nearly 20% of the city's

1 overall emissions, the city government overall
2 emissions, wastewater treatment plants it does not
3 surprise me, it accounts for about 90% of that. So,
4 DEP has been very active, and we've achieve a 23%
5 reduction in greenhouse gas emissions between the
6 years 2005 and 2018. In fact, emissions have been
7 reduced every single year since 2008, and we're on
8 track to meet the OneNYC interim goal of 40%
9 reduction of greenhouse gas emissions by 2030. Our
10 success has been achieved by improving the efficiency
11 of wastewater treatment, capturing beneficial use of
12 biogas, which along with the--the increasing of
13 production of biogas, which is a valuable renewable
14 energy source, also significantly reduces carbon
15 emissions. These actions also creates offense
16 against energy that originates from--from traditional
17 fossil fuel sources. It can create also financial
18 benefits through marketable environmental credits.
19 DEP is embarking on a comprehensive Energy and Carbon
20 Neutrality Plan to reduce energy consumption all
21 across through our agency through using opt--
22 operational optimization completely facility
23 upgrades, targeting past investments, integrating
24 energy conservation measures in capital planning as
25

well as purchasing more efficient vehicles. DEP we have demand site solutions for energy. This reduces energy consumption, and so what we invested is more energy efficient equipment and train our staff to operate facilities more efficient—more efficiently. Thereby, we're reducing our energy needs. As an example, we've identified over 500 energy conservation measures across all our industrial systems, and we are in the process of integrating these energy conservation measures in our State of Good Repair Plan. We also pursue supply side solutions where we target the suppliers of our energy to change to less carbon intensive energy sources. For example, DEP produces 3.6 billion cubic feet of green-of green energy rich anaerobic digester gas every year, and we beneficially use that gas for power and heating purposes on the site. We also are incorporating New York City food waste into digesters for additional biogas generation. DEP is actually becoming a national leader in this field: Food waste to energy, and we're taking steps even further. We've partnered with National Grid to construct a biogas conditioning system on site at Newtown Creek, which will send DEP's biogas generated from public

1 wastewater and food waste back into residences and
2 businesses in the area. This is actually providing a
3 perfect example of a local circular economy. There's
4 another category, which I know that—that this body
5 has a lot of interest in, traditional renewable
6 energy programs such as solar, photovoltaic,
7 hydroelectric, wind, geothermal and other zero
8 emission systems. For example, the largest solar
9 installation of 1.3 megawatts on city-owned property
10 is a DEP wastewater resource recovery facility on
11 Staten Island. We will be installing more solar and
12 other—at other facilities across the city. We
13 support also some small scale wind turbines and there
14 are plans to install more as we continue to
15 investigate the feasibility of installing larger
16 scale wind power. Hydropower, this is another
17 example of our clean-clean power portfolio. While it
18 also supports economic development in a host of
19 municipalities and generates revenue for New York
20 City. In addition to the upcoming Cannonsville
21 Hydropower Plant, DEP already owns several hydropower
22 facilities and we're studying the feasibility of
23 building more full scale as well as micro and tidal
24 systems. There's one--really good stories that our
25

2 Upstate Water Supply is actually energy positive, and
3 that the amount of hydropower we generate exceeds the
4 amount of electric-electricity purchased from the
5 grid and the water-for our water supply operations.
6 On the BWT side it's important to recognize the scale
7 of our more-most valuable strategies for carbon and
8 energy neutrality goals as well as for power
9 resiliency. These most valuable strategies are
10 generated from biosolids and biogas. There is an
11 extreme value in the biogas for heat and electricity
12 generation and in biosolids carbon sequestration.
13 There's no argument that maximizing the production
14 and benefits of use of biogas presents more
15 opportunity-opportunities to advance us towards
16 energy neutrality than any other traditional
17 renewable energy investment. Today, we've achieved
18 30% beneficial use of our digester gas, and with
19 Newtown Creek's gas handling system getting completed
20 this month, as well as North River's Co-Gen
21 Operations coming online, that number of beneficial
22 use of biogas will increase to about 56%. This
23 continues to be our priority, and we are guiding our
24 investments accordingly. Finally, on our Energy and
25 Carbon Offset Strategy, DEP pursues on-site

beneficial use of wastewater treatment biogas and biosolid products. We deploy green infrastructure; we manage water demand to reduce our own power needs, we manage wetlands and Upstate Forest Lands that are sequestration atmospheric carbon. As you know, operating and maintaining our complex system of processing 1.3 billion gallons to sewage every day, and that's on a dry day, this is no small task. We take our responsibility for being a good neighbor very seriously. We've already taken many steps to improve odor control by proactively identifying and mitigating odor sources through operational changes, and also investing in new capital equipment. Over the last couple of years I've been proud to institute an odor control task force for all BWT wastewater facilities. It's—the odor control task force kind of operates like a—a SWAT team, so to speak. We focused our early efforts at Rockaway and Hunts Points in all test (sic) facilities and these have resulted in a number of odor mitigation action items. While Hunts Point near term action items have been completed, and Rockaway's items are near completion, we'll continue to look for ways to improve on odor control. As an example, we've improve our response and tracking for

311 nuisance complaints where onsite investigations are documented and monthly summary reports are issued, and shared with local officials and stakeholders. That being said, it is true—I know there's always more that can be done to be a good neighbor, this has been identified as an important strategic initiative in DEP's new Strategic Plan. DEP supports the goals of member—Council Member Salamanca's proposed legislation and we look forward with—to working with the Council to ensure that we achieve our shared goal. So, the Intro 948 institutes new requirements related to transporting the dewatered bio-solids sometimes called sludge from wastewater—DEP's Wastewater Research Recovery Facility. Each of our facilities face—face different changes—challenges, and we want to make sure that the one size fits all approach doesn't drain resources unnecessarily. In addition, there continues to be new technologies and processes that could have more positive impact locally, and we don't want to miss out on those. We have and will continue to work with local leaders to ensure we are doing everything we can to reduce odor complaints that result from our facility operation. We'll continue to work with our

2 sister agencies to identify and enforce against
3 commercial odor sources like solid waste trucks
4 parked over night on city streets. The other bill,
5 Intro 1165 requires specific air quality monitoring
6 outside these--these wastewater resource recovery
7 facilities. We wholeheartedly share the goal of
8 ensuring safe air quality and protecting public
9 health. We believe that some of the suggested
10 testing parameters always takes--already takes place,
11 and some proposed monitoring should be modified, and
12 we believe we can agree on the shared monitoring
13 requirements and work together on it. We look
14 forward to working with elected officials,
15 environmental advocates and all New Yorkers in
16 meeting DEP's mission of in reaching-of enriching our
17 environment and protecting public health, and
18 providing high quality drinking water expertly
19 managing wastewater and stormwater and growing our
20 utilities' resiliency and sustainability efforts.
21 Thank you.

22 CHAIRPERSON CONSTANTINIDES: Thank you.

23 At this time, I'm going to turn it over to Council
24 Member Salamanca for his opening statement, and then

2 I'll—I'll ask some questions and then come back to
3 you.

4 COUNCIL MEMBER SALAMANCA: Thank you.

5 Good morning. Thank you Chair Constantinides, and
6 good morning Commissioner. As part of this hearing
7 today, the committee will hear two of my bills,
8 Introduction 984 and Introduction 1165. I introduced
9 these bill last summer calling attention to the
10 quality of life issues, community surroundings that
11 have incurred in communities such as mine. In the
12 city of New York there are 14 water, wastewater
13 treatment plants throughout all five boroughs that
14 treat 1.3 billion gallons of wastewater daily. Every
15 time a New Yorker flushes the toilet, washes their
16 hands or runs a dishwasher, the water flows into one
17 of these plans. In my district the Department of
18 Environmental Protection runs the Hunts Point Water-
19 Wastewater Treatment Plant, which handles 200 million
20 of gallons of water per day. The third largest in
21 the city of New York. The large capacity of water
22 treated there brings with it sufficient issues that
23 tremendously affect the neighborhoods, the
24 neighboring communities. Families looking to spend
25 quality time at Baretto Point Park, which is directly

2 across the street from this plant are subject to
3 public odors that prevent them from enjoying any
4 outside activity. No matter what the city does, the
5 odors remains, and this is not right, and it's
6 totally unacceptable. In addition to disrupting the
7 lives of my constituents, these terrible odors bring
8 with it potentially harmful bacteria or gases. This
9 is why I introduced Intro 1165, which would require
10 the city to conduct annual air quality monitoring
11 reports in the area surrounding the 14 wastewater
12 plants. The reports would test for hazardous air
13 pollution such as greenhouse gases, airborne micro-
14 organisms and other bacteria. Once completed, the
15 agency will be required to post the study's findings
16 on its website for the public to see. It's our
17 constituents who are breathing in this air, and we
18 must know fully what is in-what it is that they are
19 breathing. Another issue caused by these plants is
20 when sludge waste cannot be broken down any **[Audio**
21 **cut out from TC: 00:22:09 to TC: 00:24:42]**

22 [sound check]

23 CHAIRPERSON CONSTANTINIDES: Alright, so
24 we'll gavel this hearing back in. [gavel] Alright,
25 at this time I will-usually, I ask the questions

2 first, but this time I'll turn it over to Council
3 Member Salamanca for questions. Then I'll come back.

4 COUNCIL MEMBER SALAMANCA: Thank you Chai
5 Constantinides. So, Commissioner, just to get right
6 to it, there are 14 water filtration plants
7 throughout the city of New York, Hunts Point being
8 the third largest. I know we've met in the past.
9 You presented a plan we visited another water
10 filtration plant. I believe it was in Far Rockaways.
11 However the odors in my district continue to affect
12 my communities. Do you keep track of all of your 311
13 complaints, and how-is that accessible?

14 DEPUTY COMMISSIONER ELARDO: Yes, we do
15 keep track of 311 complaints. On a monthly basis I
16 get a report and then I follow through on each report
17 from each plan, and I have a conversation on each of
18 the-the incidences and how we followed up. More than
19 a couple of years ago I instituted an order control
20 task force at the department for the Bureau of
21 Wastewater Treatment which really ramps up our
22 reaction to 311 complaints. Rather than just logging
23 the complaint, we actually actively go out with hand-
24 held monitors, review the perimeter of our sites,
25 also going to neighborhood sites. We also are

2 calling the complainant back to figure out the exact
3 nature of the call.

4 COUNCIL MEMBER SALAMANCA: [interposing]

5 How--how soon do they call back? How soon after one
6 files a 311 complaint? Do you get it--

7 DEPUTY COMMISSIONER ELARDO:

8 [interposing] So, generally what happens is the
9 complaint comes in. Now first of all, since you're
10 here and there's members of the public viewing this
11 today, it's--it's really good that people call, and
12 it's very important that they call as close to the
13 time that they experience the odor as possible. So,
14 I think that's great message, and with your--with
15 your particular interest, Council Member at Hunts
16 Point it really helped me understand the importance
17 and the engagement that we need to make at the
18 plants. So, when the call comes in, the first thing
19 we do is log it in, get as much information as we can
20 from the call. The perimeter monitoring happens, and
21 they we will call back the complaint about the
22 results of what we found, and maybe get some more
23 information about any unique nature of their--of their
24 incident. So, with the--

2 COUNCIL MEMBER SALAMANCA: [interposing]

3 It has been my experience where I've called 311 that
4 I get a call back five hours after my--my complaint.

5 DEPUTY COMMISSIONER ELARDO: It's good to
6 know. Thank you.

7 COUNCIL MEMBER SALAMANCA: And so in
8 five hours that odor will disappear or evaporate,
9 you know, and so, how soon after that 311 complaint
10 is--is--is called in does someone from DEP go out and
11 monitor the--the odor in the area?

12 DEPUTY COMMISSIONER ELARDO: The Odor--the
13 Odor Control Directives says that they do that as
14 soon as possible so--

15 COUNCIL MEMBER SALAMANCA: What is as
16 soon as possible?

17 DEPUTY COMMISSIONER ELARDO: As soon as
18 possible means at our Wastewater Resource Recovery
19 Facility there's a lot of activities going on, right?
20 If there's some kind of emergency situation that
21 they're dealing with or there's a higher priority
22 work in terms of life safety or environmental
23 compliance, that would take precedence, but generally
24 it's as--as soon as they get the call they should be
25 out there in the field. Now, you just told me

2 there's a five hour lag time for you to get called
3 back. To me that's very good information, very good
4 data. I don't know if we track that as closely as we
5 should. It also means you call it in. I believe
6 there's not much lag between the 311 operation-

7 COUNCIL MEMBER SALAMANCA: [interposing]
8 Commissioner, I have a question. If you're not
9 tracking the time that they're calling back, how do
10 you know that they're actually calling back.

11 MALE SPEAKER: We keep track.

12 DEPUTY COMMISSIONER ELARDO: We track it.
13 We do track it. I don't—I don't—that's not in the
14 report I received. So, I'm going to go back and make
15 sure that I get that data from now on.

16 MALE SPEAKER: I just really back to this
17 data. So, I have 311 employees. I mean I know you
18 submitted two in March 2017 and I have the exact
19 time. So, we—so that's why we keep an inventory of
20 all 311 complaints around the odor.

21 COUNCIL MEMBER SALAMANCA: Commissioner
22 in—in the Hunts Point community, you know, we've—I've
23 lived in this community my entire life. I remember
24 at 12—being 12-years old playing in a—in a playground
25 on the opposite side of Hunts Point, and this smell

2 just came out of nowhere. My-my friends and I had no
3 idea what it was. We thought that it was a dead
4 animal that was in the air. There was something that
5 we smelled daily in our lives and we kind of got used
6 to it. It's not until I got involved in local
7 government in the community board when I learned
8 about the Hunts Point Water Filtration Plants. I
9 learned about a fertilizer company next door, which
10 was called HESCO (sp?) and I learned that the
11 community had—because—because this community was
12 suffering from this odor, they put together what's
13 called the Hunts Point Monitoring Committee, which
14 would meet on a monthly basis, would provide a report
15 of 311 complaints or provide a report as to the
16 scavenger trucks that are coming in and out, right,
17 the porta potty trucks because they would come and
18 they would dump their waste there or provide a report
19 of how many tractor trailers were coming in and out
20 taking the waste out of the community and—and taking
21 it out of the community, would provide a report of
22 the 311 complaints. And so this committee existed
23 from 2005 to 2013. Then, your Commissioner then.
24 Don't—don't recall who was the Commissioner then in
25 2013—made a—made a decision on their own that they

2 will no longer have these types of--that the Hunts
3 Point Monitoring Committee will no longer exist. And
4 so about a year ago, I--I put in a request requesting
5 that DEP reconvene these committees because of the
6 need because of, you know, there are 14 of these
7 throughout the city of New York. I mean and so I--I
8 requested that. At least in my community we
9 reconvened so that DEP can hear first hand from the
10 communities. Once again, the issues that are--that
11 are current, and DEP denied that request. Why was
12 that request denied?

13 DEPUTY COMMISSIONER ELARDO: Well, let
14 me--let me first talk about the types of monitoring
15 and the reports that were receiving. With my
16 emphasis on odor, and the culture of getting my
17 treatment--my whole infrastructure, my whole
18 organization to treat odor as importantly as we do
19 with every other environment compliant effort. We've
20 re--we've engaged on that level for every 311
21 complaint, and activities to the site to provide that
22 report, and I believe you've been getting that report
23 during an annual--I'm sorry--on a monthly basis--

24 COUNCIL MEMBER SALAMANCA: --I've seen
25 about three of them, three months.

2 DEPUTY COMMISSIONER ELARDO: Okay.

3 COUNCIL MEMBER SALAMANCA: But don't you
4 think that those reports that you give me there
5 should be a live person from DEP that can sit with
6 the committee and break down exactly what's
7 happening, and if you see an influx of why on a
8 particular date. There were 20 trucks that came in.
9 On another dates, 5 trucks came in. You can sit down
10 and explain because there's reasons why that happens.
11 You can explain to the community why that's
12 happening.

13 MALE SPEAKER: So. Go ahead. Sorry.

14 COUNCIL MEMBER SALAMANCA: That's the
15 purpose of these committees.

16 MALE SPEAKER: So, I think we'd be happy
17 to do some of the task force or-or group to work on
18 it. I think what you were talking about previously
19 was during the ULURP process where there was
20 additional engineering support to make sure that the
21 things that DEP was walking about in terms of their
22 capital project were accurate and fair and reasonable
23 for the community and I-I believe that was a part of
24 the ask from the community board. I'm not sure if it
25 was from you, but we feel like since ULURP has been

2 done and the project is, you know, approved in the
3 way it's going to be, there is no need for that
4 additional consultant. If you're looking for -

5 COUNCIL MEMBER SALAMANCA: This-this was
6 an ask that was done that-and that this is something
7 that was happening from 2005 to 2013. A ULURP
8 normally takes a year.

9 MALE SPEAKER: Understood. That is the
10 bill that's the-either way, we're happy to do a
11 recurring community meeting, and we can-we can
12 fashion it in any way you want. I think that
13 additional ask that maybe is getting conflated was
14 for more technical support and not-we're not
15 comfortable with, but if you want us to do an ongoing
16 meeting, Council Member, we're happy to do whatever
17 you'd like and however you want to formalize it.
18 We're happy to talk about that.

19 COUNCIL MEMBER SALAMANCA: Alright, I
20 want to talk about how waste gets in and out of the
21 facility, right. It goes in through piping. You-you
22 separate the waste from the water, and you ship it
23 out and you-in my district at least it goes out by
24 tractor trailer. Is it safe to say, and I don't
25 think that these are the exact trailers that we use,

2 but is it safe to say that it's very similar trailers
3 that are used to—to take the waste out of the
4 facility?

5 DEPUTY COMMISSIONER ELARDO: I-I don't
6 recognize those as our biosolids hauling trailers.

7 COUNCIL MEMBER SALAMANCA: But is it safe
8 to say that that's the mesh that you use. It's very
9 similar?

10 DEPUTY COMMISSIONER ELARDO: Yes. So,
11 let me talk about that the mesh. So, about from your
12 leadership and our concern about Hunts Point, and my
13 prioritization of odor as a—an important activity of
14 our plan. In fact, odor-free air in my mind is a
15 produce of the wastewater resource recovery
16 facilities. Odor-free air at the boundary is our
17 goal. So with your emphasis, I have looked at those
18 plants—those covers, and I-I can't quite see exactly
19 what—what this one looks like, but the—the cover we
20 had been using was a mesh, and we—the design of that
21 cover was explicitly for the prevention of any
22 biosolids coming out of the truck in transit. Now
23 that is not a design for odor. So, several months
24 ago, we imposed a requirement on our haulers that
25 they put an impermeable mesh that fully covers the

2 top of the container that is designed for that odor
3 prevention, and it is the state-of-the-art that—that
4 biosolids haulers all around the country use. And so
5 no. That mesh if it is a mesh is not—it's not the
6 design that we allow or—or let happen at treatment
7 plants. We've made it the upgrade to an impermeable
8 seal.

9 COUNCIL MEMBER SALAMANCA: So, you're
10 saying that you've incorporated a new system with the
11 new mesh that is odor proof and contains the odor
12 inside the container?

13 DEPUTY COMMISSIONER ELARDO: The—the
14 intent of that seal—that cover--

15 COUNCIL MEMBER SALAMANCA: [interposing]
16 No, I understand the intent. All of the intents are
17 but how—so you're saying that this new mesh that
18 you've actually told us to use is keeping the odor
19 inside the container?

20 MALE SPEAKER: Much better than it

21 DEPUTY COMMISSIONER ELARDO: Much better.
22 Much superior to the previous just keep it in the
23 truck design. That was the prevalent outcome.

24

25

2 COUNCIL MEMBER SALAMANCA: How does this-
3 how does this waste get--when it's--when it's put on--
4 does it get put on rail?

5 MALE SPEAKER: Yes.

6 DEPUTY COMMISSIONER ELARDO: So,
7 depending on the facility. Every dewatering facility
8 is a little bit different. From Hunts Point one of
9 the main transportation methods is by rail. So, it
10 goes from treatment to the railway.

11 COUNCIL MEMBER SALAMANCA: How does it-
12 now when it's on rail, how--what--is there an airtight
13 cover that's put on it or is it the mesh?

14 DEPUTY COMMISSIONER ELARDO: So the--

15 COUNCIL MEMBER SALAMANCA: [interposing]
16 What kind of cover does it have when on the rail?

17 DEPUTY COMMISSIONER ELARDO: On the rail
18 it's a different design for rail long-term hauling,
19 and one of the reasons why is--

20 COUNCIL MEMBER SALAMANCA: [interposing]
21 What type of a design?

22 DEPUTY COMMISSIONER ELARDO: --they have
23 a different kind of--of lid, and that lid is designed
24 because the rail car goes long distance, and they're
25 actually stacked on top of each other often.

2 COUNCIL MEMBER SALAMANCA: Uh-hm.

3 DEPUTY COMMISSIONER ELARDO: And so
4 that's a different technology than the seal we put on
5 at the treatment.

6 COUNCIL MEMBER SALAMANCA: So, the seal
7 that's used on rail is it odor-proof.

8 DEPUTY COMMISSIONER ELARDO: I believe it
9 works just as well as a well designed and the proper
10 seal that we're looking for at the treatment plants
11 themselves.

12 MALE SPEAKER: I would just say the
13 Council Member in his opening testimony referenced
14 some of the issues that they had in Alabama. It
15 didn't control odor. So there-it's-it-there's no I
16 don't think one control. Alabama is a--

17 COUNCIL MEMBER SALAMANCA: [interposing]
18 I think what--what happened in Alabama that they--that
19 these containers stood there for weeks and months.

20 MALE SPEAKER: Right, which is why--what
21 those caps are--are designed to be for--so, just it's
22 hard to say with certainly that 100% that any work
23 100% of the time.

24 COUNCIL MEMBER SALAMANCA: I don't think
25 that a mesh will do the job. Now, is it safe to say

2 that these holders they—they have to apply, right?

3 These are not DEP trucks. There are private
4 companies that applying for an RFP when it went in
5 the RFP and you're giving them these contracts,
6 correct?

7 DEPUTY COMMISSIONER ELARDO: Correct and
8 they haul it to the destination site, and most—about
9 80% of biosolids product unfortunately today goes to
10 landfills, and that's one of the reasons why those
11 trucks are out there in Alabama.

12 COUNCIL MEMBER SALAMANCA: Now the cost
13 of these meshes to change the mesh from the old
14 system to the new system that you refer to, is that
15 cost—who pays for that?

16 DEPUTY COMMISSIONER ELARDO: So, the—the
17 upgrade and the—the tarp, the impermeable cover on
18 the spouts obstructs itself was—was done by the
19 contractor, the current contractors that we have, and
20 so the additional cost would have been wrapped into
21 that contract that they—they have with us.

22 MALE SPEAKER: So part of the benefit for
23 us in putting pressure on them to do this upgrade was
24 that it could get—be done within the existing
25 contract. So, we didn't have to do a change order or

2 re-RFP. So, they—we made it clear that it was an
3 important thing for us to have done, but they were
4 able to do it within that existing contract as
5 opposed to having to do a whole new contract.

6 COUNCIL MEMBER SALAMANCA: Okay and these
7 meshes are they—how—how often do they need to be
8 changed? I'm pretty that it's—we're talking about
9 what cloth, or something that rips. It breaks with
10 time. How often are you requiring them to number 1
11 check them to see if there's any holes in them, and
12 number 2, are you requiring them to change them and
13 how often?

14 DEPUTY COMMISSIONER ELARDO: Well, with-
15 with every caller, we—we expect equipment to appear
16 on site. All the equipment appear on site that is-
17 that is specified in the contract to work that well.
18 So, yes, we have a checklist. A hauler pulls into
19 our site—pulls into our site. Our staff review what-
20 what they're coming there for, and look at them as
21 they're filling the biosolids trucks and putting the-
22 the impermeable covers over the quality and make—and-
23 and follow through on our checklist to make sure
24 that's all set. Now, if a hauler comes and shows up

2 with inadequate anything, they're not allowed to
3 haul.

4 MALE SPEAKER: And I would just add that,
5 Council Member, I think that's mostly we haven't done
6 enough of. So, it's probably something we could to
7 require a certain amount of times, you know, for
8 whatever length of time to make sure that they're
9 still in the condition that we would require. So,
10 we're happy to look into that.

11 COUNCIL MEMBER SALAMANCA: Mr. Chair, I
12 have a lot of other questions, but I-I'll-I'll let my
13 colleagues ask their questions and I'll come back.

14 CHAIRPERSON CONSTANTINIDES: Okay.

15 COUNCIL MEMBER SALAMANCA: Yeah.

16 CHAIRPERSON CONSTANTINIDES: Thank you
17 Council Member Salamanca. At this time, I'll pass it
18 to Council Member Levin for questions.

19 COUNCIL MEMBER LEVIN: Thank you, Chair.
20 Thank you very much for your testimony. I just want
21 to ask a little bit about Newtown Creek Wastewater
22 Treatment Facility. The-the data on the number of
23 311 complaints there, and what you're seeing as a-as
24 result of efforts to do odor control there.

2 MALE SPEAKER: So, I pulled the reports
3 for Council Member Salamanca because I knew it was
4 going to be a priority. I don't have the specifics
5 for each facility, but I'm happy to get it for you.
6 I don't believe that there's been anything out of the
7 ordinary or a high frequency of volume of 311
8 complaints.

9 COUNCIL MEMBER LEVIN: Okay. Council
10 Member Salamanca mentioned the Hunts Point Monitoring
11 Committee. What's the status of the Newtown Creek
12 Monitoring Committee, and what's the outlook for-for
13 that-for that organization as well?

14 MALE SPEAKER: So, Nick--Nick is meeting
15 sort of when they're--when they're wanting to. It
16 hasn't been monthly as it had been previously. There
17 we're finishing phase 2 and 3 of the Nature Walk, and
18 when--once that construction is done, the obligations
19 of the Monitoring Committee will be--will have been
20 met. So, it will end.

21 COUNCIL MEMBER LEVIN: And then have you
22 spoken with them about this?

23 MALE SPEAKER: Yeah, they're aware of
24 that.

2 COUNCIL MEMBER LEVIN: Okay and what's
3 their reaction been to that?

4 MALE SPEAKER: I'm sure it runs the gamut
5 on that. I don't know. I can't speak of--as a
6 unified voice.

7 COUNCIL MEMBER LEVIN: When do you expect
8 it to be completed?

9 MALE SPEAKER: I think we're at 2 years,
10 18 months, 2 years away form completion.

11 COUNCIL MEMBER LEVIN: Okay. I can't
12 cite the studies specifically, but I guess there's
13 been some studies to show. I'm just curious about
14 with the bio-biosolid application sites--

15 MALE SPEAKER: Uh-hm.

16 COUNCIL MEMBER LEVIN: --there's been a--in
17 some cities I saw an increase in staph infections.
18 Is that--are you familiar with any biosolids (sic).

19 DEPUTY COMMISSIONER ELARDO:

20 [interposing] So, I'm very familiar with biosolids
21 land application even though New York City does not
22 have it as the primary beneficial use program today.
23 I started my job about three years ago. I came from
24 the west coast. We had a very robust biosolids land
25 application program. I am very familiar with the

2 science behind the—the application, the concerns from
3 the community, the concerns from science communities
4 and working together to figure out the best solution
5 for the biosolids products. Noe, biosolids products
6 are one of the best fertilizer for carbon
7 sequestration. It is—it enabled the facilities I ran
8 on the west coast and in the Metropolitan Seattle
9 area to run our wastewater operations at carbon
10 neutrality, which is really amazing and I'd like that
11 goal here in New York City. But, of course, because
12 it comes from human waste, it has stigma. So, we've
13 spent a lot of time and a lot of money and a lot of
14 concentrated effort with community members to look at
15 the actual risks. If you take steer manure, which
16 people think oh, you can go buy steer manure. It's
17 great stuff, and you do—and you compare it to what's
18 in biosolids, you'll find a lot more pharmaceuticals,
19 a lot more potential, what people think are
20 contaminants of concern in that concentrated waste
21 than you do in biosolids is heavily, heavily
22 regulated, and I am not interested as a purveyor
23 public health. The reason we have a wastewater
24 treatment facilities in the first place to create any
25 additional harm and risks. So, with the—with the

2 proper oversight monitoring controls on the site and
3 a whole slew of 5013 regulations, which is what the
4 EPA follows. It is a very safe-valuable product that
5 we can't—we really should not be continuing to
6 landfill—

7 COUNCIL MEMBER LEVIN: Uh-hm.

8 DEPUTY COMMISSIONER ELARDO: --this
9 resource.

10 COUNCIL MEMBER LEVIN: Okay, thank you.
11 Thank you, Chair.

12 CHAIRPERSON CONSTANTINIDES: Thank you,
13 Council Member Levin. Council Member Yeger.

14 COUNCIL MEMBER YEGER: The—the two
15 predecessor Council Members referenced two monitoring
16 committees in their neighborhoods, and I don't know
17 if either of you worked for DEP over 2013, but are
18 you able to speak to why the Hunts Point Monitoring
19 Committee was disbanded versus the Newton Monitoring
20 Committee which still exists? Because I just found
21 out from Council Member Levin's questions that
22 Newtown still exists. I just thought they were all
23 disbanded.

24 MALE SPEAKER: No. I don't—I'm not sure
25 why the decision was specifically made to Hunts Point

2 but I'm happy to figure it out. I think it had
3 something to with the actual construction project,
4 but I don't know.

5 COUNCIL MEMBER YEGER: How difficult
6 would it be to reconstitute it?

7 MALE SPEAKER: Yeah, again I think we're
8 happy to have--

9 COUNCIL MEMBER YEGER: Okay.

10 MALE SPEAKER: --a recurring meeting with
11 the--

12 COUNCIL MEMBER YEGER: Alright, that's
13 good. I, you know, normally when agencies come here
14 they're kind of very clear on, you know, we like the
15 bill, we don't like bill. We don't support it, we do
16 support it, and with respect to 984 and 1165 it
17 doesn't really say that you don't support, and it
18 doesn't say that you do support it. So, can I take
19 that to mean that the Administration is happy to see
20 this advance to this stage and would like this
21 committee to pass this bill and move it to the floor?

22 DEPUTY COMMISSIONER ELARDO: Well, as the
23 person in charge of all the wastewater resources,
24 recovery facilities and all the collection
25 facilities. I fully support the intent around both

2 of these. They're both geared towards providing good
3 neighbor activities from our treatment plants,
4 protecting public health and protecting the public.
5 The specifics of each of the bills I believe we could
6 work together to meet the objectives of what they're
7 about.

8 COUNCIL MEMBER YEGER: Well, is--well,
9 you--I--I believe you're a true advocate on this and I
10 believe that--that you're a consummate professional,
11 and you--you believe in this goal very much. You
12 don't have to convince me. Is there anything in the
13 bill that you don't like that you could tell us about
14 right now?

15 DEPUTY COMMISSIONER ELARDO: Okay, so let
16 me talk about the--the air monitoring one--

17 COUNCIL MEMBER YEGER: Okay.

18 DEPUTY COMMISSIONER ELARDO: --for
19 starters. So, when you think about the types of
20 concerns that are brought up and the specific types
21 of monitoring, and you look at what's been happening
22 over the last several decades in terms of potential
23 risk at wastewater treatment facilities. The ground
24 zero case studies have been the sewage treatment
25 workers, the operators the people who work at the

2 treatment plants, about the types of potential
3 airborne contaminants that might hurt them. So,
4 there's been huge studies and bodies of knowledge
5 over those past several decades studying those
6 impacts as well as the concern about potential
7 downwind communities, and with that, we—we monitor
8 our employees. Any time there's a new—a virus or a
9 public health concerns, people are going to people
10 like an example or when the HIV virus was—was
11 starting to be noticed. There is again expansive
12 studies about how that might impact the people of the
13 treatment plant and also people downstream from
14 there. So, the—the type of parameters that are
15 listed here are not necessarily the best targeted
16 towards those human health outcomes. What I would do
17 is bring up the science and the research that have
18 been geared towards the—the wastewater treatment
19 plant worker, see where it makes sense, which ones
20 are actually valuable information that we could
21 monitor for. Some of theses are not really practical
22 or—possible, but gearing that is where I'd want to
23 go.

24 COUNCIL MEMBER YEGER: Okay. So, you
25 know, bills, as you know are—they're not written by

2 scientists here in the Council. They're written by
3 lawyers, but the--the--the bill that you're talking
4 about is the 1165 Intro by Chair Salamanca, and it--it
5 says the program shall annually measure and record
6 the levels of air pollutants that are hazardous to
7 human health, and then it has--and as we learned in
8 law school, it has the--the qualifiers including but
9 not limited to

10 DEPUTY COMMISSIONER ELARDO: Right.

11 COUNCIL MEMBER YEGER: --but the first
12 part of that sentence is what--is what I would think
13 you--I mean you're indicating that you're okay with
14 that, and maybe we didn't get it right of what the
15 including but not limited to should include, and
16 maybe there are things in addition to, but that's
17 within the Commissioner's purview I guess to decide
18 what necessarily should be included. However, at the
19 core his bill essentially just requires you to
20 measure and record the levels of--I mean I have to try
21 to get out the--the--the extra. Annually measure and
22 record the levels of the air pollutants that are
23 hazardous to human health. Put a period there
24 instead of a comma. You--you're doing that anyway for
25 your employees. There are employees, too. They work

2 for the city. They draw our checks and, you know,
3 we're paying them. We care about their health. So,
4 the—the notion that, you know, we didn't name the
5 right scientific thing. Okay. So, big deal. I mean
6 can we—can we pass the bill as it?

7 DEPUTY COMMISSIONER ELARDO: Uh-hm.

8 MALE SPEAKER: No.

9 COUNCIL MEMBER YEGER:

10 DEPUTY COMMISSIONER ELARDO: No.

11 COUNCIL MEMBER YEGER: What word is
12 missing?

13 MALE SPEAKER: I mean there—

14 COUNCIL MEMBER YEGER: There. You're a
15 smart guy.

16 MALE SPEAKER: There's a decent amount
17 that would be saved. (sic)

18 COUNCIL MEMBER YEGER: [interposing] He's
19 right here.

20 MALE SPEAKER: No, I understand. We're
21 happy—we're happy go that—we're happy to go through
22 it. I think--

23 COUNCIL MEMBER YEGER: No, I always have
24 this frustration--

2 MALE SPEAKER: [interposing] I know
3 that's--

4 COUNCIL MEMBER YEGER: --and it's not on
5 you. I think it's all the hearings. Every time I
6 have this and you know, everybody who seen it, I do
7 this at every hearing. The--the bill is introduced,
8 you know, it's 1165 and--and--and 984 quite some time
9 ago, and you've seen the bill before this morning
10 and, you know the opportunity to come before the
11 Council and say, you know, we're not ready. Don't
12 pass this bill as it. It is but a draft. He'll
13 amend it tomorrow and send it up and, you know, we'll
14 move it. I mean what's, you know--you know, I just
15 this whole dance of, you know, and--and I believe that
16 you're into this. I believe you're committed to the
17 cause 100%, but this notion that, you know, it's--
18 maybe we didn't land on the right language. Just
19 give us the language.

20 MALE SPEAKER: Yeah.

21 COUNCIL MEMBER YEGER: Okay.

22 MALE SPEAKER: We're happy to.

23 COUNCIL MEMBER YEGER: But we want--

24 DEPUTY COMMISSIONER ELARDO: We could do
25 the--

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2 COUNCIL MEMBER YEGER: But-but we-but we
3 want to do the annual measuring and recordation.

4 DEPUTY COMMISSIONER ELARDO: I want to
5 give annual reports.

6 COUNCIL MEMBER YEGER: Okay, I hate
7 reporting.

8 DEPUTY COMMISSIONER ELARDO:
9 [interposing] I want to put them on the Internet.

10 COUNCIL MEMBER YEGER: I hate reporting
11 bills, but this is one that I can live with.

12 DEPUTY COMMISSIONER ELARDO:
13 [interposing] I want to go to Community Boards. I
14 want to meet every community board--

15 COUNCIL MEMBER YEGER: Okay.

16 DEPUTY COMMISSIONER ELARDO: --that has a
17 wastewater treatment facility.

18 COUNCIL MEMBER YEGER: Good.

19 DEPUTY COMMISSIONER ELARDO: And I want to
20 answer their questions, and--

21 COUNCIL MEMBER YEGER: [interposing] And
22 I-and I don't-I don't to-to--

23 DEPUTY COMMISSIONER ELARDO: Yes.

24 COUNCIL MEMBER YEGER: --dance on-on Chair
25 Salamanca's parade on this because, you know, I have-

2 I have a lot of respect for my colleagues on the
3 Council. T boys who toiled in Community Boards, I
4 have a special kind of love because I was on a
5 community board for 18 years and it's, you know, the
6 Rodney Dangerfield of city government and--and--and Mr.
7 Salamanca has incredibly done--I have a little to do
8 with the Bronx those who know me, and he has a--he has
9 an incredible reach in that community. You know, he
10 grew up there and he's been living with it. So,
11 let's go to 984.

12 DEPUTY COMMISSIONER ELARDO: 984.

13 COUNCIL MEMBER YEGER: Okay. So, yes or
14 no? Can we pass this?

15 MALE SPEAKER: As it is no.

16 COUNCIL MEMBER YEGER: Okay. What's the
17 problem?

18 MALE SPEAKER: There's a couple problems.

19 COUNCIL MEMBER YEGER: Okay.

20 DEPUTY COMMISSIONER ELARDO: Well--

21 MALE SPEAKER: And do you want to go?

22 DEPUTY COMMISSIONER ELARDO: Yeah, so--

23 COUNCIL MEMBER YEGER: Let' hear it right
24 now.

2 DEPUTY COMMISSIONER ELARDO: Yeah, I
3 believe the state of using impermeable seals on top
4 of our biosolids trucks that are flexible that is the
5 state of the art of the biosolid truck seal from
6 wastewater resource recovery facilities. The--

7 COUNCIL MEMBER YEGER: [interposing] Is
8 that and I'm sorry, Madam Commissioner.

9 DEPUTY COMMISSIONER ELARDO: Yes.

10 COUNCIL MEMBER YEGER: Does that mean that
11 because obviously the mesh thing odors to come
12 through

13 DEPUTY COMMISSIONER ELARDO: Yes. No more
14 mesh.

15 COUNCIL MEMBER YEGER: And actually mesh
16 is there to prevent the--the particles from escaping.
17 Does that mean that a steel cover that completely
18 encloses is not good because the gas builds inside of
19 it?

20 DEPUTY COMMISSIONER ELARDO: [interposing]
21 So, let me talk about the steel cover that complete
22 encloses it. I think you may have see the--the
23 facility at rail yard. That was the cover--the cap
24 system there that's for--designed for the rail.

25 COUNCIL MEMBER YEGER: With germs.

2 DEPUTY COMMISSIONER ELARDO: If we were
3 to require our contractors to do that, first of all
4 the size of the trucks would be smaller than our
5 large biosolids hauling trucks.

6 COUNCIL MEMBER YEGER: Okay. Why?

7 DEPUTY COMMISSIONER ELARDO: Because the
8 containers, the shipping contain that goes on the
9 rails now we're switching from the longer--the trucks
10 sometimes they're double--to a smaller facility right
11 a smaller vessel itself. So, now I'm increasing the
12 number of trucks to the facility. So, therefore, I'm
13 increasing the amount of traffic, which is a
14 neighborhood concern, the amount of potential air
15 pollution from the exhaust of these vehicles. So, the
16 idea that we require a specific technology or a
17 specific system for all wastewater treatment
18 facilities doesn't allow us the best option for each
19 of those sites.

20 COUNCIL MEMBER YEGER: Don't have the
21 flexibility?

22 DEPUTY COMMISSIONER ELARDO: Don't have
23 the flexibility.

24 COUNCIL MEMBER YEGER: Okay. Do they not
25 make a completely steel or whatnot whatever works

2 covers for the larger containers? That's not
3 something that—that is manufactured? Is that not the
4 marketable thing?

5 DEPUTY COMMISSIONER ELARDO: Currently
6 they're not a biosolids hauling technology that is
7 what you described--

8 COUNCIL MEMBER YEGER: [interposing] Only
9 the smaller containers.

10 DEPUTY COMMISSIONER ELARDO:
11 [interposing] There is the railcar version that we
12 see at the rail yards. So, if we were to say okay we
13 want you to—we want you contractors biosolid is
14 hauling companies to now have a sealed just like the
15 railyard. It's got to be designed towards—towards
16 your truck. So that's—that's a complete game changer
17 for the people who haul for us now. We would have to
18 have—we would have to construct living facilities at
19 east of the wastewater resources and current
20 facilities. The contractors would have to modify the
21 entire fleet of their vehicles most likely. So
22 that's one half of the facility.

23 COUNCIL MEMBER YEGER: [interposing] Let
24 me ask a question. I'm sorry this is—I like the
25 informal back and forth. It—they—these larger

2 containers have to anyway be offloaded into the
3 smaller containers when they get to rail yards. Is
4 that not correct?

5 DEPUTY COMMISSIONER ELARDO: No.

6 COUNCIL MEMBER YEGER: Okay.

7 DEPUTY COMMISSIONER ELARDO: Some of the
8 trucks that go to Hunts Point go to the rail yards.
9 Some go to—long haul to the land where they—the
10 landfilling sites.

11 COUNCIL MEMBER YEGER: As it is with those
12 mesh covers?

13 DEPUTY COMMISSIONER ELARDO: Yes.

14 COUNCIL MEMBER YEGER: Okay.

15 DEPUTY COMMISSIONER ELARDO: Well, yes at
16 incredible cost (sic) but the other, you brought up a
17 great point. Where they haul to. So, I just
18 described putting the lids on at the site. So, now
19 they're hauling from the trucks to a landfilling area
20 or potential land application site. So, at that site
21 they'd have to reconstruct the same de-living
22 facility, which right now that doesn't really exist
23 in the landfills or the land application potential
24 areas. It does exist where rail cars are used and so
25 that's been a niche market for the loading and de-

2 loading facilities for rail cars. So, you're really
3 talking about a-a sweeping industrial change and
4 limiting the number of landfills to very few that we
5 could currently haul to or future land applications
6 sites so we could take advantage of the borough as a
7 product.

8 MALE SPEAKER: But I just want to be
9 clear that doesn't meant that we don't-we totally
10 understand the Council Member's issue and a
11 longstanding--

12 COUNCIL MEMBER YEGER: Nobody here-

13 MALE SPEAKER: --and we're trying to
14 figure it out--

15 COUNCIL MEMBER YEGER: --do expect the
16 agency

17 MALE SPEAKER: --the best way. No, I
18 just want say we're not totally agreeing with you.

19 COUNCIL MEMBER YEGER: You want that
20 smells on the streets

21 MALE SPEAKER: [interposing] We're trying
22 to figure out the best way. We want to alleviate
23 every smell at Hunts Point.

24 COUNCIL MEMBER YEGER: So, let me ask
25 this maybe environmentally stupid question. Is

2 there-if-if the, you know, maybe-maybe it's all a
3 balancing act, but if the balancing act, you know,
4 with the thumb on the scale of the people who live in
5 the neighborhoods is that they don't want the smells,
6 is that worth the trade-off of simply saying that the
7 technology that the city is going to use and allow to
8 be used Is going to require these to be sealed to
9 prohibit the smells because otherwise you don't have
10 something that can keep the smells from coming out.

11 DEPUTY COMMISSIONER ELARDO: I-I-you just
12 hit on the nail head. The objective is the community
13 does want odors. The community does not want odors.
14 My priority is to figure out what is the real cause
15 of the odors and how are going to reduce it. So, we
16 did an extensive-because we developed this odor
17 control task force, we developed a list of activities
18 at Hunts plants that we needed to take care of and
19 complete it all year-term commit-commitments on that
20 front. I don't want to say look I'm going to seal
21 the trucks and it's all over, and now there's going
22 to be no more odors at our Hunts Point. That-that's
23 probably not the problem. If-if there is actually
24 odors coming from our facility that are generated
25 from our operations, I need to pinpoint the problem.

2 I need to have my facility—my people on the site with
3 their meters, with their activities honed. I need to
4 instill the idea that we treat air here just like we
5 treat clean water. There's a number of things we've
6 done at that site that for example take in a
7 scavenger manhole moving it from the street into the
8 facility. So that it's not in-around where the
9 public are. This the—the porta potty type haulers
10 that come in. Looking at—there were some places
11 where the liquid streams would combine in a certain
12 area of the plant that created an aerosol local to
13 that area that could have been transmitting offsite.
14 That's been care of. So there's—we've got to
15 pinpoint the real problem and address it. If there's
16 way to invest in better air controlled technology
17 from some of the buildings that do process the
18 wastewater and solids that currently have air
19 controlled systems attached to it, are they
20 performing as we expect them to? There's a whole
21 range of things that I--

22 COUNCIL MEMBER YEGER: [interposing] I—I
23 understand the point that—that you're making, which
24 is that the core you don't want smells, odors to—to
25 come from the plant themselves. But at the end of

2 the day, if that requires you to do a lot of, you
3 know, like with your meters and your checking and
4 your this, but if you just figure out a way to seal
5 the lids on these containers when they're moving
6 around I mean you're—are you suggesting that—that—
7 that we—that the Council in—in introducing this bill
8 has identified the wrong cause of the odors in the
9 neighborhood, which, you know, it's a fair suggestion
10 if that's right.

11 MALE SPEAKER: Just really quickly. In
12 the testimony we also alluded to trucks, and those
13 are the ones that are in this picture that are often
14 sitting all around the perimeter of the site that we
15 do think are adding to the—the—so we're working with
16 DOT to try and get more stringent rules about not
17 parking overnight and reinforcement. We do think
18 that there are other factors that are contributing to
19 odor in the neighborhood.

20 COUNCIL MEMBER YEGER: Okay. Alright,
21 thank you.

22 CHAIRPERSON CONSTANTINIDES: Thank you—
23 thank you Council Member Yeger. Alright. So I'm
24 going to switch gears a minute. I'm going to talk
25 about a few other issues in relation to this hearing

2 today when I was—it's also on sustainability and
3 resiliency of those—all of these plants. So, walk me
4 through—I know, you—you have some resiliency measures
5 that are being taken at the various sites. I know
6 that the one in my community Battery Bay. Walk me
7 through those resiliency measures and completion date
8 and—and what are we—what is sort of the benefit of
9 getting those done in the timelines.

10 DEPUTY COMMISSIONER ELARDO: Okay, great.
11 So, resiliency is important. We have billions of
12 dollars invested and we really want to make sure we
13 are here for the long haul and—and being cost-
14 effective and doing our jobs under all conditions.
15 So, with this 2013 plan, there's been a lot of work
16 identifying the best and most prudent investments. I
17 actually reviewed this plan long before I got my job
18 because I was very impressed with it. So, I'm very-
19 just kind of thrilled to be on the other side of-of
20 working on this. So we have eight facilities that
21 have been identified as the high priority areas and
22 those facilities have projects. Some are complete.
23 Some are ongoing and by 2021 we will be completely
24 done with those eight facilities identified. Now, I
25 have specifics on those eight sites. I have a--

2 CHAIRPERSON CONSTANTINIDES: [interposing]

3 Alright, I know that it did not work.

4 DEPUTY COMMISSIONER ELARDO: ---I'm at
5 Battery Bay. (sic)

6 CHAIRPERSON CONSTANTINIDES: You—you sent
7 me that on Wednesday, Thursday. I don't remember
8 which day of the week it was, but—and I know for me
9 looking at our flood maps, I mean I look at Battery
10 Bay. I know that's in, you know, that's in part of
11 my district. That's probably the most flood prone or
12 has potential for flood—floods happening. What are
13 we doing to make sure that, you know, if there were
14 to be a large storm, what—of a large magnitude, what
15 happens there, and are keeping that—that site working
16 in the long run?

17 DEPUTY COMMISSIONER ELARDO: Specifically
18 at Battery Bay.

19 CHAIRPERSON CONSTANTINIDES: Yeah.

20 DEPUTY COMMISSIONER ELARDO: Okay. So,
21 we thought flood protection upgrades at the facility
22 most of that is on—is completing design right now.
23 So we can start construction in 2019.

24 MALE SPEAKER: Just really quick. I
25 think you do have this, but we have specific—a map—we

2 did a roadmap of exactly what we're doing. So, we're
3 putting flood barriers around the most essential
4 equipment. We're adding flood proof—flood proof
5 equipment. We're elevating important equipment. I
6 mean we're installing and elevating equipment just—
7 but it runs again and it's on literally almost every
8 piece of infrastructure at Battery Bay.

9 CHAIRPERSON CONSTANTINIDES: And looking
10 at, you know, so these will be definitely done by
11 2021?

12 MALE SPEAKER: Correct.

13 CHAIRPERSON CONSTANTINIDES: Are we
14 linking these projects with sustainability measures?
15 Like are we—since we know we're doing construction.
16 I've asked you this question before, but I'm making
17 sure I--

18 MALE SPEAKER: [interposing] Yeah, yeah.

19 CHAIRPERSON CONSTANTINIDES: So, are we
20 linking these projects with sustainability
21 opportunities to lower the carbon footprint of these
22 plants, and also help contribute to reducing our
23 emission 80% by 2050.

24 DEPUTY COMMISSIONER ELARDO: That's a
25 great question. So, with every capital project

2 specifically resilience projects, we have a program
3 to link sustainability through multiple efforts. One
4 is the design itself, but then we have these energy
5 conservation state of good repair integration plan,
6 which while we're working on elevating the electrical
7 here, let's upgrade the electrical here. There's a
8 number of activities that are currently directly.
9 (sic)

10 CHAIRPERSON CONSTANTINIDES: So, one of
11 the—we know the emissions reductions that we will
12 get. Again, I'm using Battery Bay as an example of
13 another eight of these that are going on. What are
14 the emission reductions from upgrading that equipment
15 that we're going to see?

16 MALE SPEAKER: So, can I? I just want to
17 be clear. So, the—this funding is received through
18 grants that we're getting from FEMA and--

19 CHAIRPERSON CONSTANTINIDES: Okay.

20 MALE SPEAKER: --and New York State, and
21 so I—I don't know for sure and I will double check
22 this but I think there are some restrictions to how
23 can actually spend the money. These are really going
24 towards, if Sandy—if Sandy comes again or something
25 worse comes, how do we structure? It's a different-

2 it's a different goal, and I don't think we fulling
3 incorporated it into this project. Some of the stuff
4 that we're also working on in this—in a parallel
5 path.

6 CHAIRPERSON CONSTANTINIDES: But what if
7 there had been ways for us to—to piggyback on this
8 construction since we're doing it any way to put our
9 own money in. I'm not saying that--

10 MALE SPEAKER: Right

11 CHAIRPERSON CONSTANTINIDES: --FEMA should
12 have paid for it. I'm saying should we have built in
13 some of these resiliency measures—I mean
14 sustainability measures. Since we're doing the
15 construction anyway, we're going to have contractors.
16 We're doing it this way.

17 MALE SPEAKER: They're not—they're not
18 really the same type of projects.

19 DEPUTY COMMISSIONER ELARDO: So, what the—
20 I mean sometimes we're building a barrier, right—

21 CHAIRPERSON CONSTANTINIDES: Right.

22 DEPUTY COMMISSIONER ELARDO: --and the
23 barrier might just be like a three foot block that
24 we're going to put in a doorway or we HESCO dams,

2 which are these barriers around the perimeter, but
3 when you talk about elevating electrical here--

4 CHAIRPERSON CONSTANTINIDES: Uh-hm.

5 DEPUTY COMMISSIONER ELARDO: So, when I
6 started looking at this it's like oh, we're going to
7 elevate the electrical. My question was: You're
8 going to elevate the existing old electrical gear
9 that we should have replaced, you know, 10 years ago.

10 CHAIRPERSON CONSTANTINIDES: Yeah.

11 DEPUTY COMMISSIONER ELARDO: So, then we
12 got them altogether--

13 CHAIRPERSON CONSTANTINIDES: I'm taking
14 them to replace them.

15 DEPUTY COMMISSIONER ELARDO: Right. We
16 got the money together. Okay, we're going to elevate
17 the electrical gear and upgrade it. I don't, you
18 know, I don't want you to elevate my old gear. I
19 want the new gear while you're doing it. So, that's
20 an important aspect of it.

21 CHAIRPERSON CONSTANTINIDES: Absolutely.

22 DEPUTY COMMISSIONER ELARDO: And then--and
23 then we are really--we are pretty precise about
24 greenhouse gas emissions over time. I have this
25 great chart so I'm going to decrease over time

2 CHAIRPERSON CONSTANTINIDES: Uh-hm. Now,
3 you got to do them really well.

4 DEPUTY COMMISSIONER ELARDO: And so with
5 everything we do we're looking what is the greenhouse
6 gas benefit to us or what is the cost? The thing
7 that's amazing about this downward trend, the trend
8 is going down. At the same time we're adding new
9 facilities that are—that require more energy. So,
10 it's not just this reduction, but it's this reduction
11 plus additional consumption that—that we have to
12 monitor and track and move down—down this road.

13 CHAIRPERSON CONSTANTINIDES:
14 [interposing] Remember when I told you I was going to
15 ask for these questions today. So, it's not like
16 this is a surprise. You know, in—in my district
17 probably the largest governmental grouping of—for
18 potential for solar over 200,000 square feet is on
19 the Bowery Bay Wastewater Treatment Plant. You know,
20 if you added up all my, you know, several of my
21 schools, they come even close to that. You know what
22 I'm advocating for right. We have had these
23 conversations. If we were able to add a solar
24 component to Bowery Bay, 200,000 square feet. Now
25 all the square feet would be eligible, but being the

2 fact that it's in a flight path to the airport we're
3 never going to get a large building that's build next
4 to it. We're never going to have anything built to
5 it that's going to block out that--those solar panels,
6 we have an opportunity here. I'd like to--now I'll
7 reiterate on the record--

8 DEPUTY COMMISSIONER ELARDO:

9 [interposing] yes.

10 CHAIRPERSON CONSTANTINIDES: --I never
11 miss an opportunity that if we were able to-to do
12 something there, it's something that could for--have a
13 major benefit.

14 DEPUTY COMMISSIONER ELARDO: Right. I'm
15 with you.

16 CHAIRPERSON CONSTANTINIDES: So, let's
17 still try. I know there's construction that's going
18 on, right and since they weren't baked into the cake
19 we have to wait for that construction to get done
20 first, but let's---let's figure out a way to get
21 there.

22 MALE SPEAKER: And the project at Ward's
23 Island that we're doing, it one that's still up on a
24 bigger plot of land. I think it's something that is
25 a valuable sort of for understanding how this works

2 and for doing future projects similar to you. It
3 would be a good—a good jump-off point.

4 CHAIRPERSON CONSTANTINIDES: Now, and the
5 last question before pass it back to Council Member
6 Salamanca is, you know, so this is the—this the
7 short-term that we're—we're pairing that in, but
8 Bowery Bay is 80 years old this year. Eighty years
9 old. It's—it's in good shape for 80

10 DEPUTY COMMISSIONER ELARDO: It is.

11 CHAIRPERSON CONSTANTINIDES: [laughs]

12 MALE SPEAKER: It is.

13 DEPUTY COMMISSIONER ELARDO: You got to—
14 you got to clean the easements.

15 CHAIRPERSON CONSTANTINIDES: Yeah, it's—
16 it's looking good for 80 years old, but, you know in
17 20 years it will be a 100.

18 DEPUTY COMMISSIONER ELARDO: Uh-hm.

19 CHAIRPERSON CONSTANTINIDES: And, you
20 know, we have an opportunity with potentially Rikers
21 Island coming off line, and there are a myriad of
22 reasons that Rikers Island should be closed, many of
23 which dealing with the social justice prospect. You
24 know, for justice it should be closed, but once it's
25 closed, we have opportunity when it comes to

2 environmental justice to replace a lot of these
3 wastewater treatment plants with a larger plant on
4 Rikers that could potentially a wastewater treatment
5 plants out of Council Member Salamanca's
6 neighborhood, take a wastewater treatment plant out
7 of Astoria, take them out of Environmental Justice
8 communities. What are your thoughts on this
9 opportunity for not only using part of Rikers Island
10 for solar, which, by the way, could replace every
11 power plant built in the last 20 years in our city,
12 but also building a large enough wastewater treatment
13 plant there to reclaim these--these--these points of-of
14 contention in residential communities most the
15 communities of color, mostly I Environmental Justice
16 communities. What are your thoughts about that
17 moving forward?

18 DEPUTY COMMISSIONER ELARDO: So, the--like
19 I said, we starting working this work in 1890.

20 CHAIRPERSON CONSTANTINIDES: Yeah.

21 DEPUTY COMMISSIONER ELARDO: We've got
22 to--we've got to do our work today and plan for the
23 future--

24 CHAIRPERSON CONSTANTINIDES: Absolutely.

2 DEPUTY COMMISSIONER ELARDO: --and if you
3 look at this--this infrastructure going to be a
4 hundred years old, that is a great time is right now
5 to start looking at that future of where is the best
6 investments, which locations and which technologies
7 are best for us all, and I--I'm 100% behind you in
8 looking at it as a--as a plan. It's not that far in
9 the distance so it should be--we should seriously look
10 at the pros and cons of moving in that direction.
11 Absolutely.

12 CHAIRPERSON CONSTANTINIDES: And the
13 Lippman Report brought that up. I was just looking
14 at it I mean the--the only run--we don't need another
15 runway in Queens. We need a runway to renewables and
16 --and a runway to getting rid of these wastewater
17 treatment plants in Environmental Justice communities
18 as far as I'm concerned.

19 MALE SPEAKER: Yep, but that's really
20 something that we've thought about and we're looking
21 into as well.

22 CHAIRPERSON CONSTANTINIDES: Great. I
23 know it's not going to get done tomorrow. We have a
24 lot of work to do between now and then, but I think
25 that it's something that I'm be very much interested

2 in working with the Administration on. With that,
3 I'll—I'll turn it back to Council Member Salamanca
4 for additional questions.

5 COUNCIL MEMBER SALAMANCA: Thank you,
6 Chair. I want to talk a little bit about the—Intro
7 1165, the—the Reporting bill more in terms of
8 monitoring the air quality and the airborne I
9 biosolids that can be in the—in—in—in the air, right,
10 and I—and I want to—and I want to start with this:
11 So, there are 14—there are 14 water filtration plants
12 throughout the city of New York. Do you—do you host—
13 does DEP host a monitoring committee, which all—with
14 all 14 or do—do you only do it when you're going
15 through ULURP process, and you're asking that
16 community board t approve your application.

17 MALE SPEAKER: [off mic] They are not a—
18 they are not at all 14, and I believe they have to do
19 capital construction projects, but I'm not sure of
20 the exact parameters of what triggers it to happen,
21 but they are for major upgrades in—in working with
22 the community to understand our needs, to walk into
23 the engineering and architecture process including
24 ULURP and then through the construction process to

2 make sure the quality of life issues, et. cetera are
3 dealt with.

4 COUNCIL MEMBER SALAMANCA: But, see, your
5 agency is a little different, and quality of life
6 issues for the agency happen--will happen forever
7 because of the potentials for the odor going into the
8 community--

9 MALE SPEAKER: Right.

10 COUNCIL MEMBER SALAMANCA: As opposed to
11 a construction the air quality of life issues, the
12 disruption of traffic, you know, that is loading and
13 unloading on through that construction phase.

14 MALE SPEAKER: Yes.

15 COUNCIL MEMBER SALAMANCA: You know, in
16 the city of New York we have two types of developers.
17 We have a good developer, which is a neighbor, which
18 comes to the community board before he--he--he starts
19 the design to ask the community what exactly they're
20 asking for, what exactly are the needs of the
21 community so they build it the right way. And then,
22 you have the other developers who--who come in with a
23 design and say this is what I'm going to build, and
24 only, you know, come to the community board during
25 that application process and promises them the world.

2 Once they get that letter of support we never hear
3 from them again. So, wouldn't it be responsible of
4 DEP to-to have a monthly or bi-monthly monitoring
5 committee with every community that you're in, all 14
6 communities to give them this type of information in
7 terms of 311 complaints? What's actually happening
8 in their plants? Because I'm sure it's affecting
9 every community. Your-your operation is affecting
10 every community.

11 MALE SPEAKER: So, I think we're happy
12 to-so I--think we need to agree on what the
13 definition of a monitoring committee is because I
14 think there are very different types of monitoring-
15 monitoring committees depending on what the project.
16 So, for Gowanus there is a superfund and there is
17 required EPA action. They have a formal process.
18 There's different types of things. So, yeah, I mean
19 we-look, we have members of the staff attend every
20 community board meeting largely as much as possible.
21 I think there's environmental committees of the-the
22 community boards where we-it seems like a perfect
23 place to do it, but if you want to go above and
24 beyond and do something different, I think we're-
25 we're open to-to qualifying it. We just need to

2 understand exactly what you mean by monitoring
3 committee.

4 COUNCIL MEMBER SALAMANCA: I-I think that
5 similar to what we had in the Hunts Point--the
6 committee--the Hunts Point Monitoring Committee where
7 you came with reports.

8 MALE SPEAKER: Right.

9 COUNCIL MEMBER SALAMANCA: Someone from
10 DEP actually explained what those reports are, why
11 they may have been, you know--

12 MALE SPEAKER: [interposing] Spikes in--

13 COUNCIL MEMBER SALAMANCA: Spikes in 311
14 complaints. I think it's important. I think it's--
15 it's called being a responsible neighbor, a
16 responsible agency. So, a community that is--we don't
17 want these--these--these plants in our communities--

18 MALE SPEAKER: Right.

19 COUNCIL MEMBER WILLIAMS: --but they're
20 there, you know. So, if they're going to be there
21 and we have to co-exist, you know, there should be an
22 extra effort from the agency to not only say, you
23 know, take your word on we're trying to reduce the
24 odors, but show us on a monthly basis or bi-monthly
25 basis what's happening and how you are addressing

2 those issues. Now, going to my bill here, so there
3 are what's called these odor monitors that you have,
4 right? These are—what are these, pieces of machine
5 that go and they detect the odor where there's high
6 odor?

7 DEPUTY COMMISSIONER ELARDO: Yes. So,
8 there's handheld monitors. There's also stationary
9 monitors throughout the—the plant itself, and so the
10 target odor compound we look for is hydrogen sulfite.
11 Hydrogen sulfite is indicative of there being sewage
12 odors in the vicinity and also you—it would also
13 cover—if there is hydrogen sulfite, there might be
14 other things to worry about. So, we—we're going to
15 hit the hydrogen sulfite, and figure out the source
16 and control.

17 COUNCIL MEMBER SALAMANCA: Hydrogen
18 Sulfite?

19 DEPUTY COMMISSIONER ELARDO: That's
20 correct.

21 COUNCIL MEMBER SALAMANCA: Okay. Now,
22 these monitors, these air monitors do you have them
23 spread out throughout all—all plants?

24 DEPUTY COMMISSIONER ELARDO: Well, every
25 plant has air monitors. Like I said, some are

2 stationary and next to, or within buildings
3 particularly for workers' safety. Okay. But the
4 handheld is a routine survey that my plant staff do
5 as well as responsive to 311 calls.

6 COUNCIL MEMBER SALAMANCA: How many of
7 these air monitors do you have average per plant?

8 DEPUTY COMMISSIONER ELARDO: I-I can't
9 tell you that. I can give you that information.

10 COUNCIL MEMBER SALAMANCA: Okay. More
11 than one?

12 DEPUTY COMMISSIONER ELARDO: Yes.

13 COUNCIL MEMBER SALAMANCA: Okay. More
14 than five?

15 DEPUTY COMMISSIONER ELARDO: I don't
16 know. I have to get you that information.

17 COUNCIL MEMBER SALAMANCA: Okay. These-
18 these monitors what else do they do? They detect
19 anything, any particles or any-anything in the air
20 other than just the smell, bad odor?

21 DEPUTY COMMISSIONER ELARDO: Those-those
22 monitors are designed for H₂S, which is indicative of
23 there being a sewage problem in the area. The-
24 there's been a-a huge body of study around
25 particulates and bacterial, and other kind of

2 contaminants that might affect the sewage workers
3 like I was talking about, and the science also drives
4 it. If you have an H2S meter that's the key for
5 there being a problem with sewer-sewage odors in the
6 air, which make it in these other contaminants. So,
7 the-the-that-that body of study has really driven us
8 as an industry to look at H2S as the indicator. Just
9 like people call affirms it's an indicator bacteria
10 for wastewater and receiving waters.

11 COUNCIL MEMBER SALAMANCA: Okay. Are
12 there any airborne pollutants that exceed DEP's
13 regulations outside of the plants? Do you have a
14 touch for that?

15 DEPUTY COMMISSIONER ELARDO: Yeah.
16 There's required Department of

17 MALE SPEAKER: [off mic] Environmental
18 Conservation.

19 DEPUTY COMMISSIONER ELARDO: DEC as well
20 as the Health Department. There's regular air
21 monitors around parts of the city. That's—they do
22 ambient air monitoring and also they do targeted air
23 monitoring, but they do ambient air monitoring.

24 COUNCIL MEMBER SALAMANCA: Do you ever
25 monitor the air outside of your plants?

2 DEPUTY COMMISSIONER ELARDO: Yes, we do.

3 So, when there's a 311 call for example at Hunts
4 Point since we started that Odor Control Task Force,
5 being more responsive, when there is a call we do it
6 within the plant and we also do it in the
7 neighborhood around the plant.

8 COUNCIL MEMBER SALAMANCA: Do any
9 particular plants produce more odor complaints than
10 others?

11 DEPUTY COMMISSIONER ELARDO: I can get
12 that history of records or odor--

13 COUNCIL MEMBER SALAMANCA: [interposing]
14 You don't have that with you?

15 DEPUTY COMMISSIONER ELARDO: I don't have
16 It with me.

17 COUNCIL MEMBER SALAMANCA: So, do-I'm
18 pretty sure you know who are your top three plants
19 that have the most complaints just like I know where
20 my top three areas of my community have the highest
21 crime. I'm pretty sure that's something you would
22 know.

23 COUNCIL MEMBER SALAMANCA: Well, to be
24 honest, it-it rotates like I-I get a monthly report
25 and I'll see--generally, I don't see a trend, but I

2 can—I will pull that data out and—and have that
3 summarized for you. I have an annual report that we
4 could—we could provide.

5 MALE SPEAKER: Often, if there's a
6 specific issues within the facility, it might drive
7 up complaints temporarily because we—like I said, we
8 have malfunctions. We have equipment and stuff. So,
9 it's—it does sort of run the gamut.

10 COUNCIL MEMBER SALAMANCA: Alright.
11 Where—which is your oldest plan that needs capital
12 improvements other than Hunts Point. I know we're
13 going to get into it.

14 DEPUTY COMMISSIONER ELARDO: So, every
15 plant, you know, Newtown Creek is probably the newest
16 so to speak, and that's already 20 years old, 30,
17 pushing for some of it. They all need capital
18 investments. We're—we're constantly looking at our
19 asset management protocol to prioritize this
20 investment. So, there's no one I would say is any
21 worse or—

22 COUNCIL MEMBER SALAMANCA: And where are
23 with the construction of the new water--wastewater
24 treatment plant in Hunts Point?

2 DEPUTY COMMISSIONER ELARDO: So, you're
3 talking about the—the digestion complex there. So,
4 that is currently in design, and design is wrapping
5 up probably this year, and then the construction will
6 start probably in the 2021 timeframe, expecting to be
7 about a there-year construction period.

8 COUNCIL MEMBER SALAMANCA: Alright. So,
9 but I—I look forward to working with you on these
10 bills. I have many concerns. Again, my community to
11 this day we're suffering from the odor. Construction
12 is coming. There's a lot of work that needs to
13 happen. There's a lot of community conversations
14 that must happen. I look forward to really sitting
15 down with you on Intro 984 and 1165 to see how we can
16 come to some type of, you know, I--I would say—I
17 don't want to say agreement, but see how we can work
18 close—how we can work together so that we can try to
19 resolve these odor issues. But something that I am
20 highly going to recommend is that you create
21 monitoring committees for all 14 plants. I mean it—
22 that's being a responsible agency. Your—the work
23 that you do is important work, but it is also
24 affecting our quality of life especially in the

2 Houston(sic) community. So, with that, Mr. Chair, I
3 thank you for allowing me to have this review.

4 CHAIRPERSON CONSTANTINIDES: Thank you
5 Council Member Salamanca and thank you for all that
6 you're doing. I know Council Member Yeger has one
7 question. He's promised me one question.

8 COUNCIL MEMBER YEGER: I have one
9 question. Do you—just to follow up on one of his
10 last two questions, do you maintain a record of the—
11 when you do the readout whether it's for the
12 permanently stationed air monitors or whether it's
13 the handhelds? Do you keep that data?

14 DEPUTY COMMISSIONER ELARDO: Yes.

15 COUNCIL MEMBER YEGER: Okay, so as part
16 of I guess this reporting you are able to kind of go
17 back and see over a period of time, you know, the
18 odor was bad, the odor was good or—

19 DEPUTY COMMISSIONER ELARDO: Yes.

20 COUNCIL MEMBER YEGER: Okay.

21 DEPUTY COMMISSIONER ELARDO: So, and the
22 other thing we started doing, too, is we have a lot
23 of tanks at the treatment plant that contain the
24 liquid when it first comes in that is under the
25 process, and sometimes you have to take those tanks

2 down for repair, and maintenance, and it used to be
3 we just did that, and now when we know we're going to
4 do that, we inform the community boards. We inform
5 the neighborhoods because that might potentially
6 cause an odor problem, and then we institute what
7 odor mitigation efforts are going to happen during
8 the exercise. So, we're trying to be a lot more
9 proactive around that, and that's part of our
10 reporting as well.

11 COUNCIL MEMBER YEGER: Thank you very
12 much for what you're doing. I appreciate it. Thank
13 you, Mr. Chairman.

14 CHAIRPERSON CONSTANTINIDES: Alright,
15 Commissioner, it's always good to see you. We've
16 started our friendship on top of a wastewater
17 treatment facility--

18 DEPUTY COMMISSIONER ELARDO: Yeah.

19 CHAIRPERSON CONSTANTINIDES: --a couple
20 years back and on Bowery Bay, you know, on top of--I
21 accident--[background comments]

22 DEPUTY COMMISSIONER ELARDO:
23 [interposing] On top of the building.

24 CHAIRPERSON CONSTANTINIDES: Well, the
25 friendship started on top of tanks. [laughs]

2 DEPUTY COMMISSIONER ELARDO: The best
3 place to be.

4 CHAIRPERSON CONSTANTINIDES: And you
5 finally sealed those tanks after many years of-of
6 residents complaining about the smell. So, thank you
7 for your efforts, and I look forward to working with
8 you now on these bills, and all the issues that we
9 discussed today. So thank you.

10 MALE SPEAKER: Thank you.

11 CHAIRPERSON CONSTANTINIDES: Alright.
12 So, we have two people to testify. We have Phil Vass
13 from Energy Vision and Adriana Espinoza from the
14 League of Conservation Voters. [background
15 comments/pause] Alright, Adriana, we'll start with
16 you.

17 ADRIANA ESPINOZA: Alright.

18 CHAIRPERSON CONSTANTINIDES: If you could
19 just start.

20 ADRIANA ESPINOZA: Okay. Thank you.
21 Good afternoon. My name is Adriana Espinoza. I am
22 the Director of New York City Program at the League
23 of Conservation voters. We have over 31,000 members
24 in New York City and we're committed to advancing a
25 sustainability agenda. That will make our people,

2 our neighborhoods and our economy healthier and more
3 resilient. Thank you to Chair Constantinides for the
4 opportunity to be here to testify today. So, I'm on
5 an individual level there's plenty we can do to
6 promote clean waterways and protect the
7 sustainability of our wastewater treatment plants.
8 Properly disposing of garbage and household
9 chemicals, conserving water and limiting use of water
10 during heavy precipitation events are all behaviors
11 that New Yorkers can adopt to promote clean water.
12 And it's important that we all do what we can to
13 fight climate change, and that's why today I want to
14 highlight an opportunity New York City has to enhance
15 the sustainability not only of our wastewater
16 treatment plants, but also help to meet two OneNYC
17 goals: 80x50 and Zero Waste by 2030. And there are—
18 these are thing that are entirely in the control of
19 the city and can and must be done. In this case
20 NYLCV strongly recommends that the city upgrade DEP's
21 existing digesters, which manage sewer sludge to be
22 more efficient. The energy used that modernize
23 digesters could be used to offset or eliminate the
24 need for demand response generators at these
25 locations. This would reduce air pollution, and cut

1 down on methane emissions, a greenhouse gas emissions
2 30 times more potent than carbon dioxide. We urge
3 the Mayor and the City Council to invest funds
4 necessary to modernize DEP's network of digesters.
5 But those digesters can do a lot more than just
6 manage the waste created by the wastewater treatment
7 plants. In 2015, NYLCV's Education Fund released a
8 series of policy recommendations for an effective
9 organic waste program in New York City. These
10 recommendations ask the state to maximize the use of
11 anaerobic digestion at DEP's wastewater treatment
12 plants. While Newtown—now while the Newtown Creek
13 Plant is authorized to accept up to 500 tons per day
14 of organic waste, and have a contracted waste
15 management to receive this waste, none of DEP's other
16 digesters do. In addition, we support a
17 collaboration between DEP and DSNY to make provisions
18 for high quality organic waste similar to that at
19 Newtown and other wastewater treatment plants. This
20 investment could contribute to the city's zero waste
21 goal and support the struggling Residential Organic
22 Waste Program by stimulating demand for organic
23 waste. Converting this waste into renewable energy
24 contributes to better air quality, lower emissions
25

2 and can potentially save the city money over time as
3 the energy generated is used to power these plants.
4 I would like to again thank Chair Constantinides for
5 this—for your time and the committee for your
6 leadership in the environment. Thanks.

7 CHAIRPERSON CONSTANTINIDES: All great
8 ideas. Things that we should be doing. I appreciate
9 it. Thank you. Mr. Vass.

10 PHIL VASS: I think you're going to see a
11 theme developing over her. [laughter] I—my name is
12 Phil Vass. I'm a Program Director at Energy Vision.
13 We are an environmental non-profit focused on
14 commercial and cost-effective options for
15 decarbonizing our economy. I would like to thank the
16 committee, the chair and Commissioner Elardo for her
17 testimony. Further to the legislation that is under
18 consideration, as has been indicated by Adrianna,
19 systems to help address the issues of odor and of air
20 quality including greenhouse gas emissions are
21 already in place at New York City's wastewater
22 treatment facilities, but in many cases these systems
23 are in need of upgrade and repair. They are
24 anaerobic digesters, critical infrastructure that
25 also helps address the city's larger sustainability

goals. At the risk of stating the obvious, anaerobic digestion is the decomposition of organic materials and the absence of oxygen. At wastewater treatment plants sewage is anaerobically digested in sealed vessels over a period of weeks, and by the end of the process, the organic matter has been decreased in volume. Its odor has been greatly reduced, and it contains lower levels of pathogens. This process also captures a significant amount of methane as biogas. This all part of the normal operation of a modern wastewater facility, but digester function can be approved-improved at many of the city's wastewater treatment plants with refurbishment, and we understand this to be very much on DEP's radar. Further to air quality and greenhouse gas reduction, biogas capture is critically important. Biogas from anaerobic digestion of sewage is 55 to 60% methane, a near-a greenhouse gas with-in the short term 86 times global warming potential of carbon dioxide, 30 times over the longer term. Uncaptured, this methane would escape into the atmospheric accelerating the process of climate change. Wastewater plants that capture biogas generally burn it on site to produce heat and/or electricity. Surplus gas is flared or burned

off. Per Commission Elardo's testimony, 70% of the biogas is currently flared though that will soon improve. There is a better option and significant opportunity for the surplus gas upgraded to pipeline quality Biomethane. Biomethane can be used for all the same things as conventional natural gas, heating and cooling, electricity generations, vehicle fuel but its THG emissions are 50% or more lower on a life cycle basis. Biomethane from wastewater could be used to heat city buildings or fuel city or MTA fleets, greatly reducing greenhouse gas emissions from those sources in keeping with the 80x50 sustainability goals. It could also be sold to generate revenue for the city as recommended in a 2018 analysis by the Independent Budget Office. As Commissioner Elardo noted, equipment to upgrade biogas is now being installed at Newtown Creek. Once completed, biomethane will be injected into National Grid's network for use in thousands of area homes. At Newtown Creek commercial food waste is being added to the digesters, which increases biogas and biomethane production. Such co-digestion there and introduced at other facilities is a path towards the city's 0x30 goal of reducing waste into landfills.

2 Improving anaerobic digestion systems at wastewater
3 treatment plants offers multiple benefits and
4 opportunities, improving odor control, reducing
5 greenhouse gas emissions by capturing methane, and
6 reducing solid waste landfills. Upgrading the biogas
7 captured by the digesters would provide a renewable
8 source of clean energy that the city could turn into
9 revenue or use itself. To help meet the goals of the
10 legislation under discussion and achieve other
11 sustainability goals, we encourage the committee to
12 recognize the importance of upgrades to anaerobic
13 digestion infrastructure at our wastewater plants,
14 and to evaluate the increase production of biomethane
15 from captured biogas. Thank you very much.

16 CHAIRPERSON CONSTANTINIDES: I definitely
17 appreciate both of your testimonies today and these
18 are both, you know, both pieces of testimony have
19 really good ideas, but I think we need to explore
20 more, and I-I heartily agree. So, I'll be looking
21 forward to working with you and with the
22 Administration as we move forward that. So, thank you
23 both for being here today.

24 PHIL VASS: Thank you.

25 ADRIANNA ESPINOZA: Thank you.

2 CHAIRPERSON CONSTANTINIDES: Alright.

3 So, seeing no--no one else here to testify, I want to
4 thank the members of the committee. I want to thank
5 our legislative counsel, Samara Swanston. Thank you
6 Samara. Nadia Johnson our Senior Policy Analyst;
7 Ricky Chola our Policy Analyst; Jonathan Seltzer our
8 Senior Finance Analyst. From my team Nick Wazowski
9 my Legislative Counsel, and my Communications
10 Director Terrance Collin. I look forward to working
11 with Administration on all these issues, and with
12 that, I will gavel this Committee of Environmental
13 Protection closed. [gavel]

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C E R T I F I C A T E

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



Date March 28, 2019