

Testimony of Vincent Sapienza Commissioner New York City Department of Environmental Protection before the New York City Council Committee on Environmental Protection

December 11, 2019

Good Morning, Chair Constantinides and members of the Committee on Environmental Protection. Thank you for inviting us here to today to discuss "Challenges in Managing the Department of Environmental Protection Wastewater Infrastructure." DEP operates and maintains the City's vast water and wastewater infrastructure, from the dams and reservoirs located more than one hundred miles from the City, to the fourteen wastewater resource recovery facilities spread throughout the five boroughs. The distribution and collection system includes the longest continuous tunnel in the world and more than 7,500 miles of sewers, equivalent to a pipe stretching from City Hall to the Aleutian Islands in Alaska and back.

I am glad to be here to discuss this important topic, particularly in light of the sewer blockage that caused so much damage in southeast Queens just over a week ago. Homeowners, their families, and their tenants impacted by that blockage have endured a real calamity, and we are sorry for the tremendous disruption, especially during a Holiday weekend. My staff and our agency colleagues have been working around-the-clock since the morning of November 30th to ensure that we:

- Connect with homeowners to identify and address critical needs;
- Identify and address the cause of the sewer blockage located deep beneath the 150th Street overpass abutment;
- Install and maintain multiple bypass pumps to move wastewater around the blockage;
- Pump out flooded basements;
- Clean impacted homes;
- Provide air quality monitoring throughout the neighborhood;
- Wash down streets and clear debris; and
- Install new boilers and hot water heaters for those who have been without heat and hot water.

This work will not stop until the job is done.

Sewer Infrastructure Maintenance

During the de Blasio Administration, significant additional DEP resources have been authorized for inspecting and cleaning sewers and drainage infrastructure. As reported in the annual Mayor's Management Report, sewer blockages have dropped considerably – by 48% – between FY13 and FY19. On an average day, we physically inspect more than 9,000 feet of sewers. More than 600 miles of sewer were cleaned of debris in 2018. More than two-thirds of this was pro-active maintenance cleaning.



Data about sewer maintenance are presented in DEP's annual State of the Sewers report, which is posted on our website, and additional information is provided annually to the City Council regarding maintenance of sewer catch basins.

I know that questions have been raised about the age the City's water and sewer infrastructure, and I would like to address these concerns. As is well documented in the industry, age alone is not a good indicator of replacement requirements. Material compositions, subsurface conditions, construction techniques, and traffic all impact longevity. DEP engineers use a sophisticated asset management tool to determine when water and sewer pipes need replacement. We typically allocate \$1B each year in our capital improvement plan for pipe replacement and upgrades. We are always mindful that this funding comes almost exclusively from property owners who pay a water bill, so we must be efficient in our daily work and use analytics for our capital planning.

Sewer Blockage in Queens

As everyone here is aware, during the weekend of November 30 to December 1, a large sewer became partially blocked in southeast Queens. These types of back-ups are very rare, which is indicative of how diligently DEP crews maintain our 7,500 miles of sewer infrastructure, 95 sewage pumping stations, and our fourteen treatment plants that handle 1.3 billion gallons of wastewater on a dry weather day and up to 3.8 billion gallons when it rains. I know there are many questions about how events unfolded on Saturday and how the city has responded, so I would like to take a few minutes to provide a rundown of everything that has happened.

Timeline

Between 3:30am and 6am, seven calls were made to 311 by residents in South Ozone Park reporting sewage backing up into their basements or cellars. At 7:55am, a DEP crew in a flusher/degreaser truck arrived at 146th Street and Sutter Avenue. They worked for about an hour to clear that pipe.

By 10am, a total of twelve calls were received by 311, and DEP supervisors recognized that the issue was not localized but area-wide. More crews were dispatched. As the investigation progressed through late morning, DEP staff determined that a blockage outside of the neighborhood in a sewer further downstream could be the cause. They eventually traced the blockage to a 42-inch sanitary sewer located south of the eastbound South Conduit Avenue.

The blockage was also unfortunately in a section of pipe that is beneath the bridge abutment for the 150th Street overpass, which spans South Conduit Avenue, the Belt Parkway, and North Conduit Avenue. DEP tried to clear the blockage by lowering equipment through access chambers that had been installed in the abutment by the New York State Department of Transportation in 1987, when it constructed the Nassau Expressway and built a section of connecting sewer beneath the abutment.

As Saturday progressed, it became apparent that trying to clear the blockage through the abutment was only marginally successful, and that a deep excavation would be required. Recognizing the engineering challenges of excavating at this difficult location, DEP crews began deploying large pumps to convey wastewater from the neighborhood around the blockage. DEP teams also began providing assistance to residents to help pump out their flooded basements. That bypass system has been successful in pumping more than 10 million gallons of wastewater each day to sewers that are not affected by the blockage.

Regarding the excavation, two lanes of South Conduit Avenue have been closed for the last nine days as work progresses. In addition to the difficult location, groundwater has also been a challenge.



DEP has hired a contractor to install two large, deep wells in the proximity of the excavation to lower the water table in that location. DEP has been working closely with New York State DOT engineers to monitor the bridge abutment for any movement to insure its structural stability.

DEP engineers have concurrently been evaluating whether to simply abandon this section of sewer, given its inaccessibility. It's unclear why 1980s DEP allowed the State to build highway and sewer infrastructure that has extremely limited access. Today, we require 15-foot surface easements when public sewers are constructed by governmental entities. We are evaluating the benefit of building a new section of sewer around the bridge abutment.

Since this incident began, there have been between 80 and 150 DEP personnel in the affected area each day. I want to thank them for their dedication and hard work during this time. I also want to thank the staff from NYCEM, CERT, DOHMH, FDNY, NYPD, DOT, HPD the Comptroller's office, and the Red Cross who have been working with residents in the area.

Support Services

It is often said that City Agencies are unable to coordinate with one another, I am proud to say that this has not been the case over the past week and a half. I want to thank Commissioner Criswell and the staff at the NYC Department of Emergency Management who have worked so closely with my team to provide critical services to the community. I also want to thank the American Red Cross who has managed a Reception Center since November 30th, and the Department of Health and Mental Hygiene (DOHMH), who have been supporting the community. We have all worked together to share data, update processes, and connect with homeowners.

A suite of services is available for all affected residents and homeowners.

- The Red Cross continues to provide shelter to anyone who could not stay in their home following the backup, as well as sanitary cleaning kits and other services to meet immediate needs.
- The city is providing professional cleaning services and is replacing damaged boilers, furnaces, and hot water heaters in impacted homes.
- DEP and DOHMH have deployed air quality monitoring equipment at homeowner's request and have confirmed normal air quality readings at each location.
- The Comptroller's office has been helping people with water damage claim reimbursement forms, and has promised to expedite processing all claims related to this incident.

My staff, as well as staff from NYCEM and volunteers from the Community Emergency Response Team (CERT), canvassed the affected area multiple times throughout the week knocking on doors and handing out flyers to ensure that homeowners could connect to critical resources. I thank all of the people who have been helping reach residents in the last week and a half.

Finally, I want to relterate how sorry we are that this has happened and assure city residents that incidents of this scale are exceedingly rare. The city is dedicated to assisting all affected residents recover from this flooding. DEP is taking responsibility for the damages caused by the sewer back-up.

Canvassers knocked on every door whithin a day or two of the incident – many more than three times. If you believe that you have been affected but you have not connected with city services yet, please reach out. The reception center is still open and we will continue to provide assistance for anyone in need. We will not stop until everyone is back in a safe and livable home.

Written Statement of Khari White

President of the 149 Street South Ozone Park Civic Association 147-15 130th Ave South Ozone Park, NY 11436

To The
Committee On Environmental Protection
December 11, 2019

Dear Chairman Costa Constantinides and members on the Environmental Protection Committee. Thank you for allowing me the opportunity to address the committee about the Queens Sewage backup in South Ozone Park and how it has impacted the residents in that area.

My name is Khari White and I'm the President of the 149 Street South Ozone Park Civic Association. This association has been around for over thirty years.

On November 30, 2019, I was driving on 130th ave headed to St Pauls' church on 148-02 130th ave to conduct our monthly Civics meeting. At 12:00 PM I received a call from Civic member Dale Lynch. She expressed to me that her nearby neighbors were complaining of sewage filling up in their basements from their toilets and tubs. I asked Ms. Lynch if the neighbors had called 311. She replied, "Some have been calling since 1:00AM."

I park my car on 130th Ave and walked down to Inwood Street. I spoke with Neil, a resident on the block. He to complained of the sewage in his basement. He asked if I wanted to check it out. I said yes and followed to his house. In his basement he had traces of sewage on his entire floor. The majority of it was pumped down however all of his furniture was ruined because the sewage had saturated into the fabrics of his couches and clothing.

I left Neil's house and spoke with other residents that were outside complaining about the same situation. They were all waiting on DEP to arrive, to rectify the situation. They all told me DEP would arrive within 6 hours. 6 hours had already lapsed and DEP was not there.

I decided to call DEP for myself at 12:45 and explained to them that 50 houses within a one-block radius had sewage pouring into their basements. They too told me within 6 hours they would arrive. Later in the evening I would realized that the number would increase.

After my phone call with DEP, I told the residents on Inwood St. that I would make a few phone calls to some of our elected official's offices. I went to St Paul's Church to setup for the Civics meeting. It was there I made the phone calls to some of the elected officials. I asked them if they would meet me at St. Paul's Church. Since the urgency of the sewage was so great, I decided to change the meetings agenda. It now became an emergency meeting.

During this meeting with a few elected officials present, we spoke on the course of action we should take as a community. As we continued the meeting, Ms. Lynch called me to walk down to Inwood Street because more neighbors had also been affected by sewage now including her own home. We left the church about 3:15 PM and walked down 130th ave to Inwood Street.

As one of the first responders, I noticed the sewage had progressed. It was evident because of the odor. It was putrid and much stronger than earlier. The stench of toxic waste filled the air.

At 3:40 I walked to Civic member Mr. Pinch Backer house on Inwood Street. I was led to his basement and what I saw, I was in utter disbelief. His entire basement was submerged in over 4 feet of sewage. I know this to be true because the last rung on the staircase was submerged in the murky greenish sewage water. Also, I took a stick and measured the depth. We had to leave his house quickly because the stench was so unbearable.

I walked further down to 133rd ave and into another home in which the basement was submerged in about 3 feet of water. The young lady continuously pumped out her home but the sewer water levels remained same.

One particular house on 145-39 I refused to go in because it was so contaminated. Sewer water from a two-inch hose gushed out in front of the house like a geyser for hours. The stench was so unbearable. It was a combination of human waste and rotten matter.

Many of the residents affected by the sewage opted to stay outside or in there cars and endure the cold weather, rather than inside there own homes because of the insufferable rancid odor of sewage water.

Around 4:45 the DEP Commissioner briefed the residents that DEP service employees individually would pump out the homes affected by the sewage. I saw DEP setting up pumps in the neighborhood around 5:30PM- 6:00PM.

I declare under penalty of perjury under the laws of the state of New York that the above is true and correct.

Sincerely,

Khari White

Aracelia Cook 128- 10 Inwood Street Jamaica, New York 11436

Testimony for the DEP Hearing

I am the Vice President of the 149 Street Civic Association and a lifelong resident of the community. We have been heavily impacted by the negligence of the DEP. On Saturday morning what started out to be a normal day turned out to be one of devastation. One after another, raw sewage was backing up into people homes. It was like a maze because it hit one home then skip one hit two and on and on in that manner. Many of my neighbors hurried to Home Depot to rent pumps, however, this didn't solve the problem because the raw sewage kept recycling back into their homes. Some of my neighbors had four to six feet of raw sewage in their basements. The main sewage line was not in operation for our neighborhoods for reasons unbeknown to us.

One of my concerns, is the work that took place over an eight-day period on 150th Avenue and 130 Street that ended on Wednesday November 27, 2019, was it somehow connect to the backup of raw sewage. Did the private contractor compromise a pipe? Residents received notices that construction was taking place and that water would not be available from 8am until 4pm. The Project work order was QED1037.

Respectfully,

Aracelia Cook

Vice President, 149th Street Civic Association



The North Shore Waterfront Conservancy of Staten Island, Inc.

P.O. Box 140502 Staten Island, New York 10314

December 10, 2019

To: Chair Costa Constantinides, City Council Environmental Protection Committee

To: Members of the City Council Environmental Protection Committee

Reference: Oversight – Challenges in Managing the Department of Environmental Protection Wastewater Infrastructure.

On Behalf of the North Shore Waterfront Conservancy of Staten Island, Inc., and the Environmental Justice and Waterfront Communities on the North and Western Shores of Staten Island that we advocate on behalf of.

We would like to thank you for the opportunity to comment on the above topic involving the Challenges of Managing NYC Department of Environmental Protection Wastewater Infrastructure. And we agree that Oversight is needed with this agency, which for all intensive, purposes has shown themselves to be lack luster in responding to the Environmental Justice communities' complaints and concerns. And time and time again have hidden behind their Public Relations Department rather than to have meaningful conversations with Environmental Justice communities that want to know what is being done to improve the water quality of our rivers and bay and to bring the very old, very antiquated Port Richmond Sewer Treatment Plant to the standards that we require in order to improve our water quality and make our rivers and bay safe for direct people contact and safe for fish and shellfish consumption by residents.

We have seen the end results of what it is like to be subjected to years of having our waste improperly managed by NYC DEP in the form of having the Kill Van Kull, Lower Newark Bay and the Arthur Kill be rightfully listed as **Impaired Waterways due to Floatables** for several decades. And with the pollution and contamination going back over 150 years to the Industrial Revolution. And it seems as though from that day until this, government has had a trickle-down effect of giving the impression to NYC DEP that these waterways and the North and West Shore Communities on the Staten Island were of little consequence. And therefore, there was no justifiable reason for improving the North and West Shore rivers and bay. And this has been the status quo, a status quo that we find unacceptable.

We have heard New York City government talk about fair and equitable treatment. But we have yet to see it materialize when it comes to environmental issues and least of all when it comes to our Environmental Justice and Waterfront communities receiving environmental benefits. The

same environmental benefits that are provided to the South and Eastern Shore residents of Staten Island. On December 2, 2019, NSWCSI provided comments to NYC DEP in reference to their CSO Long Term Plan for Citywide/Open Waters, Retained Alternative Summary. We have attached those comments for your review.

bay safe for direct people contact and safe for fish and shellfish consumption by residents.

Thank you for your time and consideration. XOS OS

Sincerely,

Beryl A. Thurman, Executive Director/President

NSWCSI

Creating Livable Communities.



The North Shore Waterfront Conservancy of Staten Island, Inc.

P.O. Box 140502 Staten Island, New York 10314

December 2, 2019

To: NYC DEP Commissioner Vincent Sapienza

Email: Itcp@dep.nyc.gov

Cc: Chair, Costa Constantinides, City Council Environmental Protection Committee, Council Member Debi Rose, Councilman Steve Matteo, Borough President James Oddo, NSWC and other interested parties.

Reference: NSWCSI's Comments on the CSO Long Term Control Plan for Citywide/Open Waters, Retained Alternatives Summary.

Dear Commissioner Sapienza:

On behalf of the North Shore Waterfront Conservancy of Staten Island, Inc., and the Waterfront and Environmental Justice Communities that we advocate on behalf of.

We are very disheartened by the above named report as it truly does not provide enough information on how NYC DEP will go about cleaning up the Kill Van Kull, Lower Newark Bay and the Arthur Kill so that our people can have the same recreational benefits as the South and Eastern Shores' residents. The North Shore has a denser population than the rest of the Island and needless to say far less access to our waterfront than the rest of the island combined with more pollution and contaminants in our rivers and bay than the rest of the Island.

Being that the North and West Shores are Environmental Justice communities we had expected far more outreach to the community than was shown in getting residents to not only understand the importance of this plan but in getting residents to attend these meetings so that they could become better informed and be able to ask questions that would help to clarify your lengthy document and power point presentation including charts and graphs.

It may not be a secret that the Kill Van Kull, Lower Newark Bay and the Arthur Kill are Impaired waterways in terms of the government and officials knowing about this. But trust and believe most people living near and fishing from these waters do not understand the harmful nature of these waterbodies due to pollution and contamination, this information is not public knowledge and is not talked about with any frequency and most definitely not taught in the schools. These communities receiving true outreach is essential as are conversations that are done in a meaningful way. The Kill Van Kull, Lower Newark Bay and the Arthur Kill have been

polluted for over 150 years and at no point and time have our people stopped fishing, and harvesting the shellfish from these waters, because no official or agency has ever publicly said that it was too dangerous and for them not to eat the fish and shellfish from these waters. Until such time as these waterbodies are made safe there should be Public Service Announcements telling people of the dangers of eating the fish and shellfish from these rivers and bay. Without such precautions why would anyone think that these dangers exist?

It is a reasonable expectation not only on our part as an Environmental Justice organization, but for that of the people, that our government would make these waterways clean and safe enough so that they can be used for direct contact use in the form of boating, kayaking and swimming. And that they would also be a natural resource for residents to fish and harvest shellfish from for their own consumption without fear of being poisoned. If you are not going to publicly own the dangers, then at the very least you need to improve the situation so that it is no longer a danger to our people. Your document is filled with all of the improvements that you have made for all of the other City waterways but not so much for the North and West Shores of Staten Island. And after all of this time we must ask why is this?

On page 4 of your report the South and East Shores have several pink, blue and green dots indicating Open Waters Kayak Launch Sites, Beaches and Open Waters Marinas. For the North Shore you only list Snug Harbor, but that floating boat launch was badly damaged during Hurricane Sandy and thus far to our knowledge has not been replaced or repaired. We also do not have any Certified Shellfish Areas not even areas that are fenced off to keep residents from eating shellfish that could be used to help clean and purify the North and West Shore rivers.

It is New York City's Environmental Justice communities that bear the burden of having Sewer Treatment Plants in our neighborhoods. So, it is of great interest to us that the upgrades on the existing sewer treatment plants such as the Port Richmond Sewer Treatment Plant also include its expansion in order to meet the current needs of the existing population and the needs of a pending future population thanks to continuing over development. We have yet to see any of the BMP's (Best Management Practices) that are mentioned on page 8 in our communities apart from the Public Notification signs at outfall locations. However, having DEP Staff going to the various schools in our communities and educating our young people about the reasons for these signs is crucial. Sometimes adults learn from their children.

There was no mention of odor control for the Port Richmond Sewer Treatment Plant and there should be a vast improvement being made on the Port Richmond Sewer Treatment Plant in dealing with odors especially during wet weather. With any kind of precipitation that plant emits horrible odors throughout the waterfront community in Port Richmond and West Brighton. This is a long-term problem that has spanned several decades.

I am not understanding the WRRF 2040 Dry Weather Flow and SPDES Rated Capacity on page 16 of the report do you think that it could be explained in a simpler fashion so that people will instantly know and understand what it is talking about?

It would appear that for the Water Quality Model Grid Cells map the Kill Van Kull, Lower Newark Bay and the Arthur Kill have a bottle neck of CSO Bacteria, Stormwater Bacteria and

Direct Drainage Bacteria. The obvious question would be what is NYC DEP going to do about it? And since the Arthur Kill and the Kill Van Kull are not incompliance in terms of Fecal Coliform and water quality it would seem that a lot more money and efforts would be being made to bring these waters into compliance making them fishable and swimmable for residents. The residents on the North and West Shores pay taxes too and they should see their tax dollars visibly at work for them all of the time, not just some of the time.

In the Retained Alternative AK/KVK on page 56, there is mentioned placing storage tanks in what looks like on the map East of the Bayonne Bridge. This brings to question is this property City owned or does the City plan to purchase it or use Eminent Domain to acquire it? In addition, will the storage tanks be underground along with the proposed storage tunnel. And what type of resiliency measures will be taken to protect the waterfront where these tanks are being proposed, as well as the community that is across the street from the waterfront? This area is a low line area that floods during storm surges. We have long wanted to see Faber Park extended to the Bayonne Bridge as there aren't any active recreational spaces large enough for the population of 3 Environmental Justice Communities in these areas. And as we are in the midst of severe Climate Change activities, we need public infrastructure items that serve multiple purposes placed at our waterfront that can withstand being underwater at various times and still provide us with safe protection from sea level rising, storm surges and flooding.

Staten Island's North and West Shores have approximately 200,000 residents living here and 1 million people visiting via the Staten Island Ferry annually. All of that waste as well as that from the businesses and industries are all making its way to the Port Richmond Sewer Treatment Plant which is over 63 years old and when first built was designed to have a lifespan of 35 years as was the case with all CSO Sewer Treatment Plants throughout the major cities in the United States of America. In reference to storm drains and catch basins, there is no way that our streets on the North Shore should look like people could white water raft on them, but when it rains that is exactly what they look like.

It is time that NYC DEP pay serious attention to the complaints and the needs of the Environmental Justice and Waterfront Communities on Staten Island's North and West Shores. We can't be resilient if we are not given the infrastructure to make it happen.

Thank you for your time and we look forward to receiving a response from you.

Sincerely,

Beryl A. Thurman, Executive Director/President

NSWCSI

nswcsi@nswcsi.org

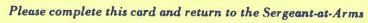
Creating Livable Communities

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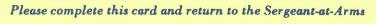
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