

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEES ON HEALTH, SANITATION AND SOLID WASTE  
MANAGEMENT, ENVIRONMENTAL PROTECTION, AND PARKS AND  
RECREATION

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February 28, 2013

Start: 1:13 p.m.

Recess: 5:46 p.m.

HELD AT: 250 Broadway  
Committee Room, 14th Floor

B E F O R E:

MARIA DEL CARMEN ARROYO

JAMES F. GENNARO

LETITIA JAMES

MELISSA MARK-VIVERITO

Chairperson

COUNCIL MEMBERS:

Elizabeth Crowley

Inez E. Dickens

Daniel Dromm

Mathieu Eugene

Julissa Ferreras

Helen D. Foster

Vincent J. Gentile

G. Oliver Koppell

Brad Lander

Stephen Levin

## A P P E A R A N C E S

## COUNCIL MEMBERS:

Rosie Mendez  
Michael C. Nelson  
James Vacca  
Peter F. Vallone, Jr.  
James G. Van Bramer  
Albert Vann

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

John Doherty  
Commissioner  
New York City Department of Sanitation

Bernard Sullivan  
First Deputy Commissioner for Operations  
New York City Department of Sanitation

Veronica White  
Commissioner  
New York City Department of Parks and Recreation

Angela Licata  
Deputy Commissioner  
New York City Department of Environmental Protection

Kathryn Garcia  
Deputy Commissioner  
New York City Department of Environmental Protection

Michael Gilsenan  
Assistant Commissioner  
New York City Department of Environmental Protection

Gerry Kelpin  
Director of Air and Noise Enforcement  
New York City Department of Environmental Protection

Greg Hoag  
New York City Department of Environmental Protection

Daniel Kass  
Deputy Commissioner for Environmental Health  
New York City Department of Health and Mental Hygiene

Dr. Thomas Matte  
Assistant Commissioner for Environmental Surveillance  
and Policy  
New York City Department of Health and Mental Hygiene

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

Christopher D'Andrea  
Acting Director of Environmental and Occupational  
Disease Epidemiology  
New York City Department of Health and Mental Hygiene

Mary Molina  
Assistant Commissioner of Pest Control  
New York City Department of Health and Mental Hygiene

Harry Nespoli  
President  
Local 831, Sanitation Union

Michael McCann  
New York Committee for Occupational Safety and Health

Michael Shain  
New York Indoor Quality Solutions

Joan Levine  
Co-chair  
Morningside Heights/West Harlem Sanitation Coalition

Lily Kelly  
Global Green USA's Coalition for Resource Recovery

Joel Kupferman  
New York Environmental Law & Justice Project

Rajiv Jaswa  
New York Environmental Law & Justice Project

Terri Bennett  
Respond and Rebuild

Jessica Roff  
Restore the Rock

2 CHAIRPERSON ARROYO: So as the  
3 Sergeants are preparing the recording, the public,  
4 if you're here to give testimony, the handsome  
5 people in the nice blue jackets in the back have  
6 these forms and you have to fill them out and give  
7 it to them, otherwise, we will not know that you  
8 want to talk to us.

9 [Pause]

10 CHAIRPERSON ARROYO: Ready? I was  
11 going to say good evening, it certainly feels like  
12 it. Good afternoon everyone, thank you all for  
13 being here. My name is Maria Carmen Arroyo, I  
14 chair the Committee on Health, and I am joined by  
15 my esteemed colleagues, Council Member Jim  
16 Gennaro, Chair of the Environmental Protection  
17 Committee; chair of the Sanitation and Solid Waste  
18 Management Committee, Letitia James; and Council  
19 Member Melissa Mark-Viverito, Chair of the Parks  
20 and Recreation Committee, and I want thank them  
21 all for joining us in this conversation, or this  
22 continuing conversation regarding the effects of  
23 Superstorm Sandy, the recovery. And this hearing  
24 is going to look at post-storm cleanup and the  
25 effects on the city's health and infrastructure.

2                   And I think this--what hearing  
3           number is this on Sandy, Dan? I think we're on  
4           seven. And we've said time and time again and  
5           have heard time and time again from so many  
6           hundreds of people who have come before the  
7           various committees that have held public hearings  
8           on the damage left in the aftermath of Hurricane  
9           Sandy and the overwhelming impact that it had on  
10          our city, most importantly as it relates to the  
11          Committee on Health, the overwhelming effect it  
12          had on the restaurants that lost power, that had  
13          to discard thousands of dollars in food and  
14          materials; and the effects that, within days of  
15          the storm, mold started growing in areas still  
16          damp from the floods; mountains of trash formed on  
17          curbs as residents emptied their homes and  
18          discarded damaged furnishings and walls that had  
19          to be ripped out and gutted; businesses that  
20          suffered the same experiences. And the concern  
21          that those conditions impacted our city in a very  
22          negative way after the water receded and the  
23          concern about the proliferation of vermin and  
24          other effects in our city.

25                   This hearing will focus on the

2 actions taken by the relevant city agencies to  
3 address the cleanup following the storm, the  
4 impact these conditions had on the health and  
5 safety of residents and businesses, as well as the  
6 thousands of volunteers who poured into affected  
7 areas to help remove debris, scrub walls, shovel  
8 sand, and bring water and supplies to those who  
9 needed their assistance. And I think we have  
10 heard over and over again, the super response that  
11 we had from our volunteer communities, the  
12 organizations that provide services in our city,  
13 and without them, I don't believe that the  
14 recovery could have been, despite what we think it  
15 was, as good a recovery as it was for our city.

16 In the aftermath of the hurricane,  
17 the Department of Health and Mental Hygiene was  
18 responsible for educating those very volunteers  
19 and the residents about the mold and providing  
20 guidance to affected food service establishments.  
21 The committees want to explore how DOHMH assisted  
22 food service establishments in impacted areas and  
23 encountered--and ensured customer safety, the  
24 impact the storm had on rodent and other pest  
25 populations, the steps the administration is

2 taking to ensure that buildings are safe to  
3 occupy, and ensure the health of those who will  
4 occupy it.

5 We're going to hear from our  
6 committee co-chairs. I want to say a special  
7 thank you to the committee staff for the Committee  
8 on Health for their incredible work in preparing  
9 for all of these hearings. I know that you guys  
10 are all kind of still new to the committee, and  
11 I've often said they've gotten baptism by fire  
12 because they have had to work really fast and hard  
13 to prepare us all for these conversations. So I  
14 want to thank Dan Hafetz and Crystal Gold-Pond--  
15 Dan is to my right, Crystal is somewhere in the  
16 background--and Crilium Francisco [phonetic], who  
17 is the fiscal analyst for the committee.

18 And now we'll hear from Council  
19 Member Gennaro.

20 [Pause]

21 CHAIRPERSON ARROYO: He said ladies  
22 first. Council Member James?

23 CHAIRPERSON JAMES: Thank you. So  
24 good afternoon, I am Council Member Letitia James,  
25 Chair of the Council's Committee on Sanitation and



2 Solid Waste Management. I'd like to welcome all  
3 attendees and administration representatives who  
4 are here with us today. I'd also like to thank my  
5 colleagues and co-chairs for working with the  
6 committee to make this hearing possible.

7 As my colleagues have already begun  
8 to discuss, Superstorm Sandy left New York City in  
9 a state of disrepair never before seen. The task  
10 of cleaning up the huge mess in the aftermath of  
11 the storm fell to many, including impacted home  
12 and business owners, neighbors, and volunteers,  
13 and a host of city employees.

14 In particular, the Department of  
15 Sanitation dealt with the enormous task of  
16 removing the hundreds of thousands of tons of  
17 waste generated as a result of the storm and the  
18 agency did so in an efficient and expeditious  
19 manner. I think it is fair that their agency,  
20 their leadership, and the rank and file workers  
21 did nothing short of a remarkable job in helping  
22 the city begin to put this terrible circumstance  
23 behind us. I'd like to take this opportunity to  
24 publicly commend Commissioner Doherty and the  
25 entire Department of Sanitation for their around

2 the clock work in response to this storm. But I  
3 particularly want to give a shout out to the  
4 president of the Uniform Sanitation Workers, Harry  
5 Nespoli and all of the men and women who work  
6 tirelessly to clean up the city of New York. They  
7 truly earned the title of the strongest, and I  
8 don't think in the city of New York they have been  
9 given their just dues. And I have personally  
10 witnessed the work that they did and they should  
11 be commended by every politician and every member  
12 of the City Council and each and every New Yorker  
13 for their work.

14 I also am disturbed as during the  
15 storm I received a number of calls from  
16 constituents and men and women who were on their  
17 way to work who unfortunately were told that they  
18 had to get to the back of the line at gas  
19 stations. As we rationed the gas, a number of  
20 individuals indicated to me that the members of  
21 the Sanitation department were not considered  
22 first responders. I and others immediately called  
23 and made sure that they were put at the front of  
24 the line, particularly if they were on their way  
25 to work to deal with the cleanup.

2 And as part of their Herculean  
3 work, the Department of Sanitation has been  
4 conducting extended collection in the impacted  
5 zones for some four months since the storm,  
6 providing daily service to affected homes. To  
7 date, the Department of Sanitation has collected a  
8 total of 418,000 tons of debris. In addition, the  
9 Department of Sanitation set up a number of  
10 temporary waste sites at collections within the  
11 city where trash was taken and recyclables were  
12 recovered.

13 On a personal note, I saw firsthand  
14 during my time volunteering how hard sanitation  
15 workers worked and how much it meant to those who  
16 were impacted by the storm. Today, I'd like to  
17 drill down to take a closer look at the actions  
18 taken by the Department of Sanitation to better  
19 understand how plans were implemented, how  
20 resources were allocated, and what lessons can be  
21 learned for the future. Yes, this hearing is an  
22 opportunity to gain some teaching moments and to  
23 learn from our experience, either for Department  
24 of Sanitation or for other city agencies.

25 Once again I thank of you for being

2 here, and I now turn it over to my colleague  
3 Melissa Mark-Viverito, Chair of the Parks  
4 Committee.

5 CHAIRPERSON MARK-VIVERITO: Thank  
6 you, and I want to thank all the co-chairs that  
7 are here and, obviously, the attendees and all the  
8 representatives from the administration. Part of  
9 the interest today in today's hearing is to focus  
10 on the cleanup efforts as it relates to how the  
11 Parks Department performed in removing damaged and  
12 downed trees, cleaning up beaches, and ensuring  
13 parks and playgrounds were repaired and ready to  
14 be used again after the damage inflicted by Sandy.

15 The damage inflicted was  
16 particularly severe in the city's trees. DPR's  
17 first priority after a severe storm is to clear  
18 roads and secure all damaged trees, so in  
19 preparation for the severity of Sandy, DPR's  
20 forestry division instructed its private  
21 contractors to assemble additional tree crews to  
22 prepare for the tree damage removal. And looking  
23 back at this, it was clear that this was the right  
24 approach. In the immediate aftermath of the  
25 storm, DPR received over 20,000 tree service

2 requests, which it results in a more than 13,000  
3 work orders and costing the city over \$12 million.  
4 At least 8,500 trees were downed or severely  
5 damaged and had to be removed, and these included  
6 trees within parks and playgrounds, as well as the  
7 city streets. In addition, over 3,000 fallen tree  
8 limbs and 1,200 hanging branches were recorded.

9                   And but the DPR's clean up efforts  
10 were not limited to trees. Sandy destroyed miles  
11 of boardwalk on Rockaway Beach, and we all know  
12 about the beach and sand erosion and the clean up  
13 that had to result out of that.

14                   So I look forward to examining this  
15 issue in greater depth today. From my  
16 perspective, as Parks Committee Chair, I'd like to  
17 get a detailed accounting of what specifically was  
18 damaged, what the cost of the cleanup was, and  
19 what is the plan going forward to ensure all  
20 property under DPR's jurisdiction is eventually  
21 restored to their pre-Sandy conditions.

22                   I'd like to thank the co-chairs and  
23 also, as Council Member James has said, we thank  
24 all the city workers for all of the efforts and we  
25 appreciate very much all their time and energy.

2 So with that, thank you, Madam  
3 Chair.

4 CHAIRPERSON GENNARO: Thank you.  
5 Thank you to everyone here today. I want to  
6 recognize my co-chairs, I'm very grateful to be  
7 able to participate in this hearing. I thank all  
8 the staff for getting us all together and making  
9 sure that this good hearing could go forward.

10 I have a lengthy statement, which I  
11 won't read in its entirety. I want to make  
12 reference to some of the challenges that the city  
13 DEP had to face: 10 or 14 wastewater treatment  
14 plants suffered some damage; North River Sewage  
15 Treatment plant in Harlem also lost power due to  
16 the flooding of the local substation; there were  
17 sewage treatment plant failures as a result of  
18 that and resulting in the discharge of 560 million  
19 gallons of waste sewage and seawater. I'd like to  
20 commend DEP for everything they did to get that  
21 situation rectified.

22 And with regard to managing the  
23 hundreds of thousands of yards of wood waste, I  
24 was very gratified to work with DEP and also the  
25 EPA to make sure that this could be as a green a

2 process as possible. The overwhelming majority of  
3 all the cubic yards of wood waste that was  
4 generated, which is still going on. There's a  
5 very small amount that was burned, but DEP, with  
6 the help of the EPA and the Army Corps, really did  
7 a great job making sure that burning was held to a  
8 minimum, I'm grateful for that.

9                   And there was, according to the  
10 state DEC, approximately 4,000--it says here that  
11 there were 4,063, in my statement, it uses the  
12 word approximately, but approximately 4,063 sounds  
13 like a pretty precise number. We operate with  
14 precision in this committee here. And although  
15 DEP did report some of their spills, these  
16 referred to DEC, but I know that DEP is playing  
17 its role by visiting sites where there are  
18 hazardous substances that are generated, treated,  
19 or stored. DEP has visited over 400 Right to Know  
20 sites. As many people know, Right to Know sites  
21 generate, treat, or store such wastes or these  
22 types of materials, and I thank DEP for their  
23 efforts to make sure that there was not more of a  
24 release of these hazardous materials and their  
25 follow up with these Right to Know sites.

2 So I think that--

3 CHAIRPERSON ARROYO: Can I--

4 CHAIRPERSON GENNARO: --will

5 conclude the opening statements. I think the

6 Health Chair wants to recognize some of the

7 members that are here--

8 CHAIRPERSON ARROYO: Yes.

9 CHAIRPERSON GENNARO: --and call  
10 the first panel.

11 CHAIRPERSON ARROYO: Thank you.

12 We're joined--and there is going to be movement,

13 there is conflicting hearings happening, so if you

14 see the movement around, that doesn't mean we're

15 not interested, we just have other things that we

16 also need to pay attention to. And joining us

17 this afternoon so far is Council Member Eugene, I

18 saw him; Council Member Koppell--

19 COUNCIL MEMBER KOPPELL: Yes.

20 CHAIRPERSON ARROYO: --Council

21 Member Nelson; Council Member Vallone; and Council

22 Member Ferreras.

23 CHAIRPERSON GENNARO: Okay.

24 [Off mic]

25 CHAIRPERSON GENNARO: Shall I flip-



2 -so I'll just call the first panel. Okay. The  
3 first panel we have from the administration, we  
4 have Commissioner White of the Parks Department,  
5 it's a pleasure to have you, Commissioner. From  
6 Sanitation, we have Commissioner Doherty, always a  
7 pleasure to see you, Commissioner. Angela Licata  
8 from DEP; grateful to have you here, Angela. And,  
9 okay, from the Department of Health--

10 FEMALE VOICE: Dan Kass.

11 CHAIRPERSON GENNARO: --Dan Kass,  
12 okay, yeah, Deputy Commissioner. So and also  
13 people who would be available for questions,  
14 Kathryn Garcia from DEP; Greg--no, can't read it,  
15 Greg from DEP. Thank you, Greg, okay, appreciate  
16 that.

17 CHAIRPERSON ARROYO: Say your name.

18 CHAIRPERSON GENNARO: Yeah.

19 CHAIRPERSON ARROYO: Say your name  
20 for the record.

21 CHAIRPERSON GENNARO: And if we ask  
22 you questions, you'll have to state your name for  
23 the record. So I would ask that the witnesses in  
24 whichever order they wish to proceed can state  
25 their names for the record and proceed with your

2 good testimony.

3 JOHN DOHERTY: You ready?

4 CHAIRPERSON GENNARO: Yes.

5 JOHN DOHERTY: Okay. Good  
6 afternoon. Good afternoon, Chairman James,  
7 Arroyo, Gennaro, and Mark-Viverito, the members of  
8 the City Council on Sanitation, Solid Waste  
9 Management, Health, Environmental Protection, and  
10 Parks and Recreation, I am John Doherty,  
11 Commissioner Sanitation department, and I will be  
12 the first speaker today and I'll be followed by  
13 the other commissioners.

14 Thank you for the opportunity today  
15 to explain the department's response to Hurricane  
16 Sandy--the most devastating storm to hit the city  
17 in recent years. As Sanitation Commissioner and  
18 as a city resident of the city, I am very proud of  
19 the hard work and dedication that the men and  
20 women of the department showed during this trying  
21 time. Many of these men and women are from the  
22 city's hardest-hit communities and lost everything  
23 due to Hurricane Sandy, but they were still  
24 managed to report for duty to their assigned work  
25 locations, working twelve hour shifts seven days a

2 week and providing an unprecedented level of  
3 service and compassion to their fellow New Yorkers  
4 and, in many cases, their--

5 CHAIRPERSON GENNARO: [Interposing]  
6 John, if I could, would just ask you to speak  
7 right into the microphone. To some members saying  
8 they don't--

9 [Crosstalk]

10 JOHN DOHERTY: [Interposing] Oh, is  
11 it on?

12 CHAIRPERSON GENNARO: Yes, it is  
13 but you--

14 JOHN DOHERTY: It's on, okay.

15 CHAIRPERSON GENNARO: --it's kind  
16 of tricky, you have to speak right into it and  
17 it's--

18 JOHN DOHERTY: Okay.

19 CHAIRPERSON GENNARO: Okay.

20 JOHN DOHERTY: I'll be chewing it  
21 next. Go ahead.

22 CHAIRPERSON GENNARO: Okay.

23 [Laughter]

24 JOHN DOHERTY: In response to  
25 Hurricane--that's better--in response to Hurricane

2 Sandy by the men and women of the department was  
3 immediate. On the morning after the storm, the  
4 department was fully mobilized and was clearing  
5 the streets in all five boroughs of all the storm-  
6 related debris to ensure safe passage for  
7 emergency vehicles. The department also  
8 coordinated with the Department of Parks for the  
9 removal of wood debris to open the flow of traffic  
10 on streets that were impeded by fallen trees and  
11 branches from the storm.

12 Department employees worked  
13 tirelessly 24 hours a day, 7 days a week, with  
14 sanitation workers assigned to 12-hour shifts,  
15 which lasted from the end of the Hurricane Sandy  
16 through December--the beginning of December in the  
17 city impacted communities to ensure that the all  
18 storm-related debris was picked up expeditiously.  
19 It was important for the department to ensure the  
20 residents of these areas reeling from the  
21 devastating impact of the storm felt more comfort  
22 in knowing that the seemingly endless debris  
23 placed out at the curb would be removed quickly to  
24 create a safe and clean environment, which would  
25 aide them in the process of moving on and

2 rebuilding their lives.

3                   During this massive cleanup, the  
4 department utilized collection trucks, front end  
5 loaders, and dump trucks to facilitate the removal  
6 of storm debris. In addition, the department  
7 equipment from other districts were temporarily  
8 reassigned to the impacted areas to expedite the  
9 removal of the storm debris. Department also  
10 coordinated with the Department of Transportation  
11 and several branches of the military for  
12 assistance with debris removal. Extra collection  
13 service was provided to New York City Housing  
14 Authority sites that had their containerized  
15 systems damaged--that's containerized garbage  
16 systems damaged--and the department also provided  
17 collection service to special need sites that were  
18 distributing important supplies and operating as  
19 feeding centers.

20                   The department also assisted the  
21 Department of Parks by removing 2,700 loads of  
22 sand, which we also helped return to the city's  
23 beaches after the sand was properly sifted.  
24 Additionally, public use containers were placed  
25 out by the department in the impacted areas to

2 allow residents in these areas to discard storm-  
3 damaged materials. At the height of the storm  
4 cleanup, the department placed out over 100  
5 containers, with roughly 30 containers still  
6 remaining on site.

7                   The enormity of the amount of  
8 debris, coupled with the City's desire to remove  
9 such debris as quickly as possible, led the  
10 department to open up seven temporary debris  
11 storage sites for wood, wood meaning not the  
12 wooden trees, but non-wood that was placed out at  
13 the street. The salvage sites were selected from  
14 pre-surveyed lists compiled in 2006 by the multi-  
15 agency team comprised of the Department of Office  
16 of Emergency Management, Parks, Economic  
17 Development Corporation, and New York State  
18 Department of Environmental Conservation. These  
19 sites were located at Riis Park, Beach 52nd  
20 Street, Wolfe's Pond Park, Cedar Park, Fresh Kills  
21 Plant 1, and Fresh Kills Plant 2, and Father  
22 Capodanno Boulevard on Staten Island. Five of  
23 these sites were cleaned and closed by November  
24 19th. All subsequent loads of storm debris were  
25 delivered to the temporary sites at Riis Park and

2 Father Capodanno Boulevard.

3                   The DEC issued a general permit for  
4 operating these temporary sites. The sites were  
5 staffed and managed by the department up until  
6 November 9th, at which point the sites were taken  
7 over by a contractor for the United States Army  
8 Corps of Engineers. Currently only Riis Park,  
9 which accepts loads from the affected areas in  
10 Brooklyn and Queens, and Father Capodanno  
11 Boulevard, which accepts loads from affected areas  
12 in Staten Island, continue to operate as temporary  
13 storage sites. Debris that is delivered to these  
14 sites during the day is generally shipped out that  
15 night. Currently, these sites are needed for  
16 storm collection operations.

17                   In addition to establishing the  
18 temporary waste sites, the City entered into  
19 special contacts for the debris cleanup and  
20 disposal. More specifically, the department  
21 entered into two emergency contracts for transfer  
22 stations capacity of construction and demolition  
23 material. The department also utilized an  
24 existing contract with the C & D transfer station  
25 who operate for C & D waste disposal. These

contracts were used to deliver storm debris directly from street operations as well as from temporary debris sites.

The department also entered into three emergency contracts with operators of putrescible waste transfer stations. These contracts were necessary due to the impact of the storm on our export network, including rail disruption, transfer trailers having difficulty getting fuel, and the temporary loss of Covanta waste-to-energy plant which serves sanitation districts in Manhattan. The department also contracted for the piling and hauling equipment operators through the use of emergency contract. This equipment was used for piling and hauling debris from the affected areas as well as piling and hauling temporary debris storage and reduction sites.

As of February 24th, the department had collected over 40--420,000 tons of Hurricane Sandy debris and over 27,000 tons of woody debris throughout the city. Residents in all areas impacted by Sandy were instructed by the department to place out all material at the curb



for ongoing collection.

The department also deployed personnel specifically to remove CFCs from discarded refrigerators and air conditioners in those storm-hit areas. To date, the department has removed CFCs from over 3,700 refrigerators and air conditioners and other CFC-containing appliances prior to their collection, and we collected 1,178 tons of metal that was recycled, all from the affected areas. These numbers are in addition to the department's regular refuse and recycling tonnage collected and CFCs removed from the rest of the city. The department resumed curbside recycling citywide on November the 11th after a short interruption of service due to the reassignment of personnel in response to the storm cleanup.

In addition, collection in the impacted areas remains ongoing and will continue until March 18th. The department continues to remove non-commercial waste and homeowners engaged in small restoration and repair projects. However, homeowners who are undertaking large demolition and reconstruction projects must

2 arrange for their own dumpster by a contractor of  
3 a private rubbish removal service. Because bulk  
4 and construction debris generated by hired  
5 contractors or for fee-for-service personnel on  
6 home repairs or renovation projects is considered  
7 commercial waste, it is the responsibility of the  
8 contractor to arrange for the appropriate private  
9 disposal.

10 As of February 19th, the department  
11 has submitted documentation for the costs totaling  
12 \$95 million to FEMA. The total cost of the  
13 department's hurricane cleanup response is not yet  
14 available since our cleanup has not yet officially  
15 ended.

16 We will be happy to answer your  
17 questions later. And I'm going to get up for a  
18 minute and give my seat to Commissioner White, so  
19 just give us a second.

20 VERONICA WHITE: Thank you very  
21 much.

22 MALE VOICE: You're quite--  
23 [background noise]

24 VERONICA WHITE: Good afternoon.  
25 Chairs Mark-Viverito, James, Arroyo, Gennaro, and

2 members of the City Council Committees on Parks  
3 and Recreation, Sanitation and Solid Waste  
4 Management, Health and Environmental Protection, I  
5 am Veronica White, Commissioner of the New York  
6 City Department of Parks and Recreation. Thank  
7 you for allowing me to be here today to testify  
8 about my experience with the storm and that of my  
9 staff.

10 New York, as you know, has never  
11 experienced a storm of such enormous size and  
12 destructive power as Sandy. The damage left in  
13 Sandy's wake was staggering, and our thoughts and  
14 prayers remain with those who lost family and  
15 friends and others who lost homes and businesses  
16 in the storm. Twenty-five members of the Parks  
17 department lost their homes in the storm as well.  
18 With jurisdiction over 152 miles of waterfront  
19 property, nearly 30% of the city shoreline, 17,000  
20 acres of waterfront parks, and 2.6 million trees,  
21 the Parks Department has been front and center  
22 during the Sandy response and all recovery  
23 efforts. Like city employees across all agencies,  
24 Parks Department employees worked diligently in  
25 the days leading up to the storm to protect our

2 assets. We responded to Sandy's impacts with  
3 skill and determination; and with the support of  
4 federal, state, and local partners, we are  
5 committed to restoring our parks, beaches,  
6 recreation facilities, and all our public spaces  
7 as quickly as possible. A summary of our work  
8 pre- and post-Sandy follows.

9                   In the days leading up to the  
10 storm, the Parks department took steps to minimize  
11 damage to our sites and infrastructure and put the  
12 resources in place to quickly respond to the  
13 damages the storm was likely to cause. We  
14 activated our emergency forestry contracts in  
15 advance of the storm, as Council Member Mark-  
16 Viverito noted, so that crews would be deployed  
17 quickly and during and after the storm. We rushed  
18 to build sand berms at beaches and placed sandbags  
19 at vulnerable locations.

20                   We also focused on clearing roof  
21 drains and catch basins, checking pumps and tide  
22 gates, and securing loose items to prevent them  
23 from becoming dangerous projectiles in the severe  
24 winds. We moved many of our vehicles out of low-  
25 lying areas and computers and electronic equipment

2 were relocated from basements and lower floors to  
3 upper floors to minimize damage.

4                   Hundreds of staff rode out the  
5 storm overnight at Parks facilities so that they  
6 would be ready to respond to emergency conditions  
7 and begin recovery work as soon as the storm  
8 passed. All of our parks, beaches, playgrounds,  
9 recreation, and nature centers were closed  
10 effective Sunday, October 28th. Signs were placed  
11 at every park and every playground informing the  
12 public of the closure due to the impending storm  
13 and reminding them to check 311 or the Parks  
14 website for further information about park status.  
15 We coordinated with our concessionaires to ensure  
16 that their facilities and operations were closed  
17 and protected, I say canceling some events  
18 including weddings, evacuated the marinas,  
19 canceling all events and permits and using our  
20 extensive list of e-mail contacts to give  
21 thousands of individuals, friends groups, permit  
22 holders, and all partner organizations the most  
23 up-to-date information about the status of New  
24 York City's parks.

25                   The Parks department is responsible

2 for tree emergencies on a daily basis, but in  
3 major storm events like Sandy, the Office of  
4 Emergency Management convenes the Downed Tree  
5 Taskforce, consisting of Parks, Police, Fire, 311,  
6 Sanitation, Transportation, and representatives of  
7 all the major utility companies. Following the  
8 storm, the taskforce responded to more than 20,000  
9 street tree emergencies through 311. In addition,  
10 we estimate an additional 5,000 trees were  
11 destroyed in our parks. This was by far the  
12 biggest storm in terms of tree damage the city has  
13 ever faced. To put it in perspective, a total of  
14 3,444 trees were lost during Hurricane Irene.

15 Newly implemented technologies  
16 proved their worth during Hurricane Sandy. Our  
17 information technology staff created the Storm  
18 Command Center, a mapping application for live  
19 storm data, service requests, and work orders that  
20 allows managers to identify those hot spots and  
21 the greatest need of resources. The Storm Command  
22 Center application is accessible from any computer  
23 connected to Citynet, whether at Parks or at OEM.  
24 We were also able to deploy a new mobile  
25 application supported by the New York City WiN

2 network called Storm Mobile which was used in the  
3 field by inspectors and forestry crews to speed  
4 inspections and process work orders.

5 Our Forestry Management System is a  
6 computerized inventory and work management  
7 database for New York City's street and park trees  
8 that has been used for several years. Now coupled  
9 with Storm Mobile and the Storm Command Center,  
10 all three served as flexible and powerful tools  
11 for both field staff and management in responding  
12 to emergency forestry conditions and coordinating  
13 in-house, contract, mutual aid, and volunteer  
14 resources. These technologies allowed us to  
15 better share information on our progress with OEM  
16 and better coordinate with our sister agencies in  
17 the Downed Tree Task Force.

18 During storms of this magnitude,  
19 staff from all corners of the agency pitch in to  
20 tackle tree emergencies. Our response is led by  
21 the Climbers & Pruners in the borough Forestry  
22 units, supported by a network of Park supervisors,  
23 Associate Park service workers, city Park workers,  
24 auto mechanics and, office staff. Central  
25 Forestry, Horticulture, and Natural Resources also

2 played a key role in organizing contract support  
3 and information flow and inspections. But  
4 managers, gardeners, construction engineers,  
5 landscape architects, PEP officers, rangers,  
6 computer and telecom technicians all play very  
7 important roles in handling the enormous volume of  
8 work generated by a storm of this scale.

9           In addition to the tireless work of  
10 our own staff, we had, at peak, 115 additional  
11 forestry contracts crews working with us in all  
12 five boroughs. We were also supported by mutual  
13 aid crews from state DOT, the state DEC, New York  
14 City DEP, the National Forest Service, and the  
15 National Guard. Like all New Yorkers, we owe a  
16 special debt of gratitude, as mentioned earlier by  
17 several Council people, to the men and women at  
18 the Department of Sanitation. Thank you so much,  
19 Commissioner Doherty. We thank them for all the  
20 help they do to make New York City clean and safe  
21 following the hurricane. We would, literally, be  
22 still clearing tree debris from the streets  
23 without their invaluable assistance.

24           In the immediate aftermath of  
25 Sandy, many of our parks were transformed into



2 recovery centers, and Parkies joined the emergency  
3 humanitarian effort. Working side by side with  
4 community volunteers, nonprofit groups, and other  
5 city agencies, Parks staff participated in the  
6 immediate relief efforts handing out food,  
7 clothing, and aid to residents in the hardest hit  
8 areas. The East 54th Street Recreation Center in  
9 Turtle Bay provided recreation and shower  
10 facilities to those children under the care of ACS  
11 from the Lower East Side. The Sunset Park  
12 Recreation Center offered shower facilities to  
13 displaced New Yorkers from Red Hook, and in Crown  
14 Heights, the St. John's rec center was able to  
15 offer recreation opportunities and shower  
16 facilities for children and their families being  
17 sheltered at P.S. 249. The Asser Levy Recreation  
18 Center in Kips Bay served as an alternative  
19 location for New Yorkers to cast their votes on  
20 election day.

21 In addition to assisting with the  
22 distribution of supplies and addressing  
23 emergencies for the forestry conditions, Parks  
24 staff went to work inspecting our almost 2,000  
25 parks and playgrounds to assess damage, clean, and

2 remove debris, and quickly reopen as many sites as  
3 possible to the public. I'm happy to report that  
4 98% of our properties are open. To date, we have  
5 identified over \$725 million in damages to 392  
6 Park sites. In addition, we estimate that more  
7 than 3 million cubic yards of sand was displaced.  
8 Thank you.

9                   One of our most arduous and  
10 immediate tasks was to move sand that had been  
11 carried away from the beaches. A good portion of  
12 this work had to be done by hand, especially in  
13 areas like playgrounds, where heavy equipment  
14 would have damaged benches, fences, and the play  
15 equipment itself. In Rockaway, again working with  
16 the Department of Sanitation and the Economic  
17 Development Corporation, we gathered sand that was  
18 pushed into the streets, much of it mixed with  
19 debris, and brought it to Jacob Riis Park, where  
20 the Army Corps of Engineers used a sifting machine  
21 to separate more than 150,000 cubic yards of sand  
22 from debris. This cleaned sand now is being  
23 returned to the beach. Parks worked closely with  
24 the New York State Department of Environmental  
25 Conservation, the Department of Sanitation, FEMA,

2 and the Army Corps of Engineers in this effort,  
3 and we cannot thank our partners enough for their  
4 assistance.

5 Working with New York State  
6 Department of Labor and New York City Department  
7 of Small Business Services, and thanks to \$15  
8 million in federal funding, we hired more than 800  
9 temporary workers to support the storm cleanup  
10 effort, with many of these individuals coming from  
11 the very neighborhoods that were affected. We  
12 were able to supplement our staff with a massive  
13 volunteer effort. Managed by our Partnership for  
14 Parks program and New York City Service, we  
15 facilitated 125 cleanup events, bringing nearly  
16 8,000 volunteers to our parks, playgrounds,  
17 beaches, and recreation centers. Our volunteers  
18 alone collected more than 22,000 bags of debris.

19 As you know, Parks' properties in  
20 the Rockaways, Coney Island, and Staten Island  
21 suffered the most severe impacts from Hurricane  
22 Sandy. For example, in Rockaway, 37 blocks, or  
23 nearly 3 miles, of boardwalk experienced severe  
24 damage. On Staten Island, we managed the removal  
25 of more than 60 derelict boats that had washed up

2 on Parks properties. In Coney Island,  
3 Steeplechase Pier sustained considerable damage.  
4 This, of course, pales in comparison to the  
5 devastation inflicted on the adjoining communities  
6 and remain committed to the ongoing recovery and  
7 restoration efforts in those areas even as we  
8 begin to rebuild our own facilities.

9               As you heard the mayor announce in  
10 his State of the City address, our beaches will  
11 open, as they traditionally do, on Memorial Day  
12 weekend. As the agency entrusted with the care of  
13 the city's beaches, we know how vital they are to  
14 countless New Yorkers and how important it is to  
15 open them for the public to enjoy. We recognize  
16 that, in addition to the recreational benefits our  
17 beaches provide, they also represent an important  
18 catalyst for business and economic activity in  
19 their communities, many of which have been  
20 struggling after Sandy.

21               We have begun and completed much of  
22 the initial cleanup work. Now, with the expertise  
23 of the Department of Design & Construction, we  
24 will be in rehabilitating and, if necessary,  
25 replacing damaged buildings. These structures

2 include lifeguards stations, public restrooms,  
3 operation facilities, and beach concessions. In  
4 some cases, we're using modular buildings to offer  
5 services and amenities and house our operations.  
6 To protect these buildings from potential future  
7 storm damage and to make them more resilient, we  
8 are planning to elevate them to ensure that the  
9 buildings and their mechanical, electrical, and  
10 plumbing systems will comply with all new FEMA and  
11 Building Code standards. Taken together, these  
12 projects represent an enormous investment in the  
13 city's 14 miles of beaches. We're projecting to  
14 spend about 147 million for Rockaway Beach, 51  
15 million for Staten Island beaches, and \$68 million  
16 for Brooklyn beaches for a total of approximately  
17 \$266 million. This number represents the  
18 investment being made just to get our beaches  
19 ready for their May 24th opening.

20 We thank the budget director Mark  
21 Page and our team at OMB for their enormous  
22 support. We also thank the Public Design  
23 Commission Executive Director Jackie Sander and  
24 the entire Public Design Commission for their  
25 wonderful assistance, as well as the New York

2 State DEC and the New York City DEP, without which  
3 whom all these agencies, we would have been unable  
4 to open the beaches.

5 While the immediate task at hand is  
6 to get our beaches opened for the 2013 season, we  
7 continue to focus on long-term shoreline  
8 protection. Parks has had a long and successful  
9 history of coordinating with the U.S. Army Corps  
10 of Engineers on project that protect New York  
11 City's beach communities. The Parks Department  
12 has worked with the Army Corps to construct more  
13 than \$92 million in federal shoreline projects on  
14 the city's beaches over the last 20 years, with  
15 major projects at Orchard Beach, Coney Island,  
16 Plumb Beach, and the Rockaways. We are working  
17 very closely with the Army Corps and FEMA to  
18 replace lost sand in Queens and in Brooklyn, to  
19 bring sand to Staten Island. We are also working  
20 with the Army Corps to develop long-term shoreline  
21 protection strategies, which may include the use  
22 of reinforced dunes, trap bags, geogrids, off-  
23 shore breakwaters, and the creation of shoreline  
24 wetland areas. Utilized together, these  
25 technologies can provide bank stabilization, allow

2 recreational access, slow wave action, promote  
3 sand accretion, and lessen shoreline loss, as well  
4 as create shoreline habitat.

5           Even with the enormous extent of  
6 the storm's damage, Hurricane Sandy demonstrated  
7 the resilience of our city's green infrastructure,  
8 and with special thanks again to DEP, the vital  
9 role our city's natural areas play in the face of  
10 climate damage, change, and the extreme weather  
11 that it brings. The PlaNYC Rockaway Park that  
12 opened last summer, for example, survived the  
13 storm virtually unscathed. When we designed the  
14 park, the amount of permeable surface was greatly  
15 increased with an expanded wetland area, beds of  
16 maritime grass, and plantings to help to reduce  
17 the erosion. This is even more striking because  
18 much of the park was formerly paved. Playgrounds  
19 with rain gardens and permeable surface survived  
20 the storm with little damage to play equipment.  
21 Salt marshes, such as a former landfill that was  
22 restored in Marine Park just this fall, not only  
23 survived Sandy intact, but also slowed tidal and  
24 storm forces, protecting adjacent properties.  
25 It's important to note that 10,000 Parks' 29,000

acres are natural areas. Of these, for example, 1,600 acres are wetlands. Our natural resources group has been working for decades to protect and restore wetland ecosystems throughout New York City and will continue to be at the forefront of this work. To date, we've restored more than 90 acres of salt marsh, and have worked to acquire and protect dozens of acres more. Sandy showed us beyond any doubt the green infrastructure works, and that we are committed to incorporating sustainable design into all of our projects.

We have been working with the Mayor's Special Initiative for Resilience and Recovery to develop a long term vision for our coastline and our city. We all have a role to play in protecting the future of the city's environment and my agency is proud to be doing its part.

This is just a snapshot of the work that we are doing to restore our parks, all of our beaches, and our open spaces. I am extremely proud of the work of the Parks Department, and thankful to our friends in government for working with us, and greatly inspired by the countless displays of



2 courage and generosity in our communities  
3 throughout the city. The leadership of our city's  
4 elected officials, the outpouring of volunteerism  
5 has been vital to the city's cleanup and  
6 restoration efforts and we look forward to  
7 continued collaboration. Thank you for the  
8 opportunity to testify and I'd be happy to answer  
9 any questions at the conclusion. Thanks again.

10 ANGELA LICATA: Good afternoon,  
11 Chairpersons--

12 CHAIRPERSON GENNARO: [Interposing]  
13 Angela, yeah, you got to put it on.

14 [crosstalk]

15 CHAIRPERSON GENNARO: Yeah.

16 ANGELA LICATA: Good afternoon--  
17 better--Chairpersons James, Gennaro, Arroyo,  
18 James, and Mark-Viverito, and other members. I'm  
19 Angela Licata, Deputy Commissioner for New York  
20 City's Department of Environmental Protection, and  
21 I am joined by my colleagues, Deputy Commissioner  
22 Kathryn Garcia, Assistant Commissioner Michael  
23 Gilsenan, Gerry Kelpin, who's a director of our  
24 Air and Noise Enforcement, and Greg Hoag. Our  
25 department operated on multiple fronts, and we

2 required various expertise so we are joined today  
3 by these colleagues so that we can answer your  
4 questions appropriately. And thank you so much  
5 for the opportunity to testify on the city's  
6 recovery from Hurricane Sandy.

7                   One of our main concerns prior to  
8 the storm was our wastewater treatment plants and  
9 infrastructure. Beginning on October 26, three  
10 days before the storm, DEP took measures to  
11 prepare for storm impacts. These included  
12 sandbagging plants and pumping stations, fueling  
13 emergency generators, topping off all fuels,  
14 chemicals, and supplies, tying down loose  
15 equipment, especially at construction sites,  
16 releasing water from certain dams, and suspending  
17 construction activities. We scheduled staff for  
18 double shifts, pre-positioned mobile generators  
19 and pumping equipment, and made arrangements with  
20 contractors to provide as-needed services. We  
21 performed training drills on power-down,  
22 evacuation, and sheltering procedures in the event  
23 of flooding, and prepared additional  
24 communications capabilities. And, finally, we  
25 moved our in-city Emergency Communications Center

2 to higher ground.

3                   And we are all familiar with the  
4 devastating impacts of the storm, which brought  
5 surprisingly little rain, but fierce winds and  
6 unprecedented tidal storm surge. At its peak of  
7 nearly 14 feet at the Battery, the combined tide  
8 and surge were nearly four-feet higher than the  
9 previous record . Our wastewater treatment plants  
10 are located on the waterfront for the discharge of  
11 treated effluent in the harbor, so we have a good  
12 number of--we knew a good number of them would be  
13 affected. Ten of the fourteen plants had some  
14 degree of damage, with Rockaway being the most  
15 affected. Forty-two of our ninety-six pumping  
16 stations which help deliver wastewater in sewer  
17 system to the plants were also damaged. Of those  
18 42, the Manhattan Pumping Station and 13th Street  
19 and Avenue D were the most significantly affected.  
20 Most of the damage was to electrical systems,  
21 including substations, motors, control panels,  
22 junction boxes, and instrumentation.

23                   In addition, due to Consolidated  
24 Edison and Long Island Power Authority power  
25 outages, many DEP facilities had to operate on

2 emergency generation for more than two weeks. DEP  
3 rapidly deployed in-house and contract labor to  
4 restore these operations, and I am proud to say  
5 that, in spite of extensive damage and due to the  
6 remarkable dedication of employees, we recovered  
7 quickly. By November 1st, three days after the  
8 storm surge, 99% of the city's sewage was being  
9 treated with at least primary disinfection.  
10 Combined sewer overflows, also known as CSOs, were  
11 not a major factor during Sandy because of the  
12 light rainfall amounts; rather, it was the loss of  
13 power and flooding at facilities that resulted in  
14 the discharges of sewage into the harbor.

15                   We estimated that approximately 560  
16 million gallons of combined wastewater from the  
17 sewers consisting of seawater and wastewater were  
18 discharged as a result of Sandy. That represents  
19 about half of the sewage we treat on an average  
20 day. Because we knew that these discharges from  
21 our plant and the fact that we learned other  
22 neighboring communities' plants completely failed,  
23 on October 31st, DEP, in conjunction with the New  
24 York State Department of Health and Mental  
25 Hygiene, issued a harbor water quality advisory to

2 recreational users. Testing of local waterways a  
3 week after the storm showed limited impact, with  
4 standards exceeded only near Raritan Bay and the  
5 Verrazano Narrows, where the most likely cause of  
6 the water quality impairments was the disabled  
7 Passaic Valley Sewage Commission plant in New  
8 Jersey. By November 10th, all the city's  
9 wastewater was receiving full secondary treatment  
10 and the water quality advisory was lifted on  
11 November 30th, after two weeks of good test  
12 results from our harbor survey program.

13                   As the recovery from Sandy  
14 continued, DEP took steps to fortify its  
15 infrastructure in anticipation of the storm  
16 predicted for the following week. The City  
17 activated the flash flood emergency plan and DEP  
18 crews cleaned basins at 250 flood-prone locations  
19 throughout the city, flushed sewer lines of debris  
20 that had washed into the system during Hurricane  
21 Sandy. In addition, DEP crews inspected more than  
22 2,700 catch basins throughout the five boroughs  
23 and removed debris that could prevent storm water  
24 from draining.

25                   The largest sewer lines that feed

2 into wastewater treatment plants were cleaned to  
3 optimize sewer capacity and mitigate backups and  
4 flooding. On Staten Island, crews removed over  
5 500 cubic yards of debris that had accumulated in  
6 Jefferson Creek and was impeding natural drainage,  
7 and a tide grade on the creek was repaired to keep  
8 seawater out. Ultimately, 200,000 linear feet of  
9 sewers throughout the city were cleaned.

10 Many residents were concerned about  
11 hazardous waste. To identify any impact on our  
12 waterways from Superfund sites, local federal  
13 officials assessed 42 remedial sites in the New  
14 York/New Jersey area that are under federal  
15 jurisdiction and concluded that none of these  
16 sites were affected in ways that would pose a  
17 threat to nearby communities. Of specific  
18 interest to DEP was the U.S. EPA Region II's  
19 sampling of flooded areas near Newtown Creek and  
20 the Gowanus Canal. On October 31st, EPA took four  
21 samples from the canal and from ground floors of  
22 two buildings that had been flooded. One of the  
23 buildings is located at the head of the canal, and  
24 the other near 3rd Street turning basin. The  
25 results showed high levels of bacteria and EPA

2 recommended that residents take precautions when  
3 cleaning up after flood waters. EPA also tested  
4 for a broad array of chemicals, which were below  
5 levels of concern or not detected. On November  
6 9th, EPA took two samples from the basement of a  
7 building on Eagle Street near Newtown Creek that  
8 had been flooded, as well as directly from the  
9 creek itself. Again, there were high bacterial  
10 levels but the results showed chemical  
11 contamination to be below levels of concern or  
12 undetectable.

13 For our part, DEP took action under  
14 Local Law 26 of 1988, commonly known as the Right  
15 to Know law, which requires businesses that store  
16 quantities of hazardous substances to file an  
17 annual report. DEP had approximately 8,000  
18 filings in the RTK database and inspects each  
19 facility regularly. The information in the RTK  
20 database can be accessed by other first response  
21 agencies. And after the storm, DEP staff began  
22 inspecting facilities in flooded areas that were  
23 part of its database. DEP was able to identify  
24 approximately 366 businesses in flooded areas that  
25 had submitted an RTK filing, and DEP visited all

2 of these facilities, but failed to gain access to  
3 53 such facilities.

4 Of the 313 facilities where DEP  
5 gained access, we found that there had been no  
6 injuries and that there were no active spills,  
7 leaks, or discharges. The 313 facilities and the  
8 RTK database in general comprise many types of  
9 businesses, including auto repair shops,  
10 commercial buildings, gas stations, hotels,  
11 hardware stores, health clubs, fuel depots,  
12 shipping yards, nursing homes, and funeral homes.  
13 Some of these businesses indicated that there had  
14 been some chemical spills, but they had been  
15 mitigated prior to our inspection. Owners or  
16 operators of seven reported that the hazardous  
17 substances were no longer present at the site  
18 because the storm had washed them away. These  
19 seven facilities consisted of two health clubs  
20 containing cleaning products or water treatment  
21 chemicals; one communication facility, batteries;  
22 one MTA bus depot, fuel oil and wastewater; one  
23 nursing home, embalming fluid; one chapel,  
24 cleaning products; and one commercial building,  
25 diesel fuel, cleaning products, and batteries.



2 At the 53 businesses to which we  
3 could not gain entry, visual inspection from the  
4 exterior of those sites did not indicate any  
5 emission, spill, or discharge, but we continue to  
6 monitor the sites and try to gain access or  
7 otherwise obtain information about the operations.

8 The discharge of fuel oil, whether  
9 from a commercial property or private residence,  
10 was also a significant concern. This  
11 responsibility falls under the jurisdiction of the  
12 New York State DEC, which took the lead in  
13 coordinating clean ups. As DEP field staff  
14 encountered a fuel oil discharge, they would take  
15 whatever steps they could to abate the spill if it  
16 was still active and immediately notify DEC and  
17 their emergency contractor. DEC would seek to  
18 identify the responsible party and work at a  
19 remediation plan with that party or order the  
20 contractor to abate the spill.

21 DEP worked closely with our  
22 counterparts in city government, DEC and EPA, to  
23 monitor and, where necessary, regulate emission  
24 sources pursuant to the New York City's Air  
25 Pollution Control Code, or the Air Code. As the

2 general amount of data from the DEC's network of  
3 rooftop air monitors indicated the ambient air  
4 quality was at typical levels or within federal  
5 standards of fine particles, or PM 2.5, the  
6 pollutant most likely to be associated with the  
7 combustion of fuel, dust from streets, and debris.  
8 DEP posted links to DEC's and DOHMH's websites,  
9 where air quality monitoring data were posted  
10 regularly.

11                   Additionally, DEP monitored debris  
12 piles in the Rockaways and Staten Island for  
13 asbestos and all air samples met the clearance  
14 criteria established for asbestos abatement  
15 conducted indoors. This approach is the most  
16 conservative and DEP made its asbestos sampling  
17 results available to the public by posting  
18 information online. DEP also addressed air  
19 quality concerns in certain localized situations,  
20 including the operation of emergency generators  
21 and boilers in lower Manhattan. While we did not  
22 receive a large number of 311 complaints from  
23 lower Manhattan regarding the operation of  
24 emergency generators, we responded to every  
25 complaint, visiting each location where a portable

2 generator or boiler was in use. DEP inspectors  
3 checked for visible emissions, odors, and where  
4 there was non-compliance, issued notices of  
5 violation. Inspectors also checked for proper  
6 certifications. For those who could not produce  
7 documentation, the inspector explained the  
8 requirement, provided information on how to  
9 comply, and gave a three-day notice for  
10 compliance. Inspectors revisited these sites  
11 approximately a week later and issued 30  
12 additional notices of--sorry, 30 notices of  
13 violation and found a number of the pieces of  
14 equipment had already been removed. DEP received  
15 45 registrations in response to the three-day  
16 notice, and by early February, almost all of the  
17 units had been removed.

18 DEP also monitored and regulated  
19 the burning of woody debris at Floyd Bennett  
20 Field, as was mentioned. Among the many impacts  
21 of this unprecedented storm, over 20,000 trees  
22 were felled or damaged. The total amount of such  
23 debris was approximately 160,000 cubic yards.  
24 Typically managed by composting or other reuse,  
25 the vast quantity of tree debris generated by

2 Hurricane Sandy meant that typical disposal  
3 methods would not allow for the clearing of the  
4 city's streets, sidewalks, and parks in a timely  
5 manner. Large amounts of tree debris were  
6 stockpiled at Floyd Bennett Field in Brooklyn,  
7 Cunningham Park in Queens, and other locations.  
8 Such stockpiling posed certain public safety  
9 risks, most significant which is the potential  
10 spread of the Asian long-horned beetle, as well as  
11 spontaneous combustion.

12 Under assignment from FEMA, the  
13 Army Corps of Engineers undertook to assist New  
14 York City with the disposal of debris related to  
15 Sandy. After reviewing the costs and benefits of  
16 the available options for managing wood debris,  
17 the Army Corps and their contractor requested that  
18 the City and the State issue a variance that would  
19 allow for burning of wood at Floyd Bennett Field  
20 in Canarsie. At the same time, the Army Corps was  
21 continuing to seek contractors to chip and export  
22 wood debris.

23 Combustion of wood debris after a  
24 severe storm is a common practice often used in  
25 national parks. Because it is not common practice

2 in a dense urban environment, the City and DEC  
3 authorized the Army Corps to proceed on a pilot  
4 basis with a single burner to see if actual  
5 monitoring would confirm the modeling, which  
6 suggested that there would be no significant air  
7 quality problems if the burn were managed closely.  
8 The pilot project for the burning of whole wood  
9 was successful, while the burning of wood chips  
10 was not successful. Therefore, the Army Corps  
11 contractor was authorized to continue burning only  
12 whole un-chipped wood, and they used two burners  
13 to dispose of approximately 31,000 cubic yards of  
14 tree debris in this manner.

15 DEP audited the contractor's  
16 opacity reader by having an inspector at Floyd  
17 Bennett Field every day and night taking opacity  
18 readings. Opacity is a measure of the amount of  
19 light blocked by a plume which, in this case,  
20 would be any smoke rising from the burners. In  
21 addition, air monitoring stations at Floyd Bennett  
22 Field were placed around the incinerator to  
23 provide an alert system to DEP, DEC, and the EPA  
24 so that corrective actions could be taken to  
25 reduce the contribution from the burners to

2 emissions in the surrounding community. I  
3 emphasize that these monitors were not monitoring  
4 overall ambient concentrations at street level in  
5 the nearby communities.

6                 Despite the generally low readings  
7 on several occasions, DEP took precautionary  
8 measures and required the contractor to reduce the  
9 rate of burning in response to opacity tests,  
10 regional monitors, temperature inversions that can  
11 trap pollutants based on dispersion forecasts from  
12 DEC, monitors trending upwards, wind speeds in  
13 excess of variance limits, and mechanical  
14 breakdowns. As of February 14th, the Army Corps  
15 awarded the contract for chipping and the  
16 remaining material at Floyd Bennett Field--for the  
17 remaining material at Floyd Bennett Field so the  
18 burners were no longer needed.

19                 In the aftermath of Sandy, the  
20 availability of fuel was also a problem because of  
21 damage to shipping facilities. New York State  
22 issued an executive order temporarily suspending  
23 its low sulfur requirements relating to Number 2  
24 fuel oil sold in New York City. To ensure that  
25 New Yorkers had access to heating oil, the City

2 temporarily suspended sulfur limits, which allowed  
3 the use of oils with higher sulfur content through  
4 December 7th. The temporary waiver was of the  
5 0.15% sulfur limit set by the New York City  
6 Administrative Code for Number 4 heating oil to  
7 reflect the higher sulfur content allowed by the  
8 state waiver. DEP also issued a temporary waiver  
9 of the requirements that Number 2, 4, and 6  
10 heating oils contain at least 2% biodiesel by  
11 volume. The City also streamlined emergency work  
12 permits for boiler repairs and replacements to  
13 reduce the application timeline by as much as two  
14 weeks.

15 Finally, in consideration of the  
16 immeasurable hardships suffered by those whose  
17 homes were severely damaged or destroyed by  
18 Hurricane Sandy, DEP has temporarily suspended  
19 homeowners' water bills for customers whose  
20 properties were severely damaged, residential and  
21 commercial properties that the Department of  
22 Buildings tagged red--meaning that they are  
23 damaged beyond repair or in need of extensive  
24 structural repairs--as well as those that have  
25 been tagged yellow--meaning that they have less

2 extensive but still significant damage--will not  
3 have to make a monthly water bill payment until  
4 June 1st, 2013. DEP will also waive standard fees  
5 for properties where water service has been  
6 disconnected from the City's water supply because  
7 of storm water damage and will suspend interest  
8 fees and collection actions on affected properties  
9 that were delinquent before the storm.

10                   Going forward, the City is in the  
11 process of undertaking an after-action review of  
12 its response to Hurricane Sandy. The need for  
13 additional environmental monitoring will be one of  
14 the discussion points. Preliminary discussions  
15 have taken place regarding additional  
16 environmental monitoring capabilities to the  
17 citywide contracts that deal with large scale  
18 emergencies. For its part in an effort to be  
19 better positioned to deploy environmental  
20 monitoring for air quality as quickly as possible,  
21 DEP is developing an emergency laboratory contract  
22 to address such situations. The contract will  
23 allow DEP to call upon a certified contractor to  
24 deploy air monitoring equipment for such  
25 constituents as asbestos and PM 2.5 in a timely



2 manner.

3 Thank you for the opportunity to  
4 testify, and we would be glad to answer any of  
5 your questions.

6 DANIEL KASS: Good afternoon,  
7 Chairpersons James, Arroyo, Mark-Viverito, and  
8 Gennaro, and members of the committee, I'm Daniel  
9 Kass, I'm the Deputy Commissioner for  
10 Environmental Health at the New York City  
11 Department of Health and Mental Hygiene. I'm  
12 joined today by Dr. Tom Matte, Assistant  
13 Commissioner for Environmental Surveillance and  
14 Policy, and by Christopher D'Andrea, the acting  
15 director for our program in Environmental and  
16 Occupational Disease Epidemiology, as well as Mary  
17 Molina [phonetic], who is our assistant  
18 commissioner for Pest Control. On behalf of  
19 Commissioner Farley, I want to thank you for  
20 inviting me here today to discuss the impact of  
21 Hurricane Sandy on the city's environmental  
22 health.

23 We're here to discuss aspects of  
24 the City's preparation and response to several  
25 concerns related to the hurricane, and to the

2 department's role in monitoring and responding to  
3 several conditions. And before I go any further,  
4 I really want to acknowledge the City Council for  
5 their partnership during and after the storm.  
6 This was a significant natural disaster, and we  
7 appreciate your leadership during this time of  
8 crisis.

9                   Hurricanes have occurred with  
10 regularity in southern coastal states, and the  
11 lessons for environmental health have been  
12 instructive for our own preparation and response.  
13 New York City's Coastal Storm Plan anticipates a  
14 variety of potential health concerns and  
15 environmental threats, and our department began  
16 its preparation to assess and respond to those  
17 once the national weather forecast predicted the  
18 potential for significant storm surges and damage.  
19 The Division of Environmental Health is  
20 responsible for oversight of several areas that  
21 were anticipated to be affected by Hurricane  
22 Sandy. These include the prevention of poisonings  
23 and chemical exposures, the prevention of food  
24 borne illness, the control of rodents, the  
25 prevention of hypothermia, and the surveillance of

2 ambient air quality condition. In addition, the  
3 department provides guidance on mold assessment  
4 and remediation.

5                   The power outages that often  
6 accompany hurricanes have led in other areas to  
7 significant death and morbidity from carbon  
8 monoxide poisonings, usually from the improper and  
9 unsafe use of gasoline powered generators during  
10 power outages. Anticipating these concerns, the  
11 department issued on the day of the storm and over  
12 time refined warnings and public alerts to avoid  
13 using generators indoors and near windows. For  
14 this and the other areas of environmental health  
15 concerns, it accelerated its surveillance of  
16 conditions, monitoring calls, for example, to the  
17 New York City Poison Control Center, and reasons  
18 for visits to emergency rooms and, sorry, and  
19 hospitals. These messages on how to prevent  
20 carbon monoxide exposures were regularly  
21 emphasized throughout the response to Hurricane  
22 Sandy and were supplemented by the creation and  
23 dissemination of a variety of fact sheets. Carbon  
24 monoxide exposure continued to be a concern for  
25 homes affected for long periods of time by the

2 loss of heat, even as power was restored to the  
3 grid in all of the affected areas. In many of  
4 these homes, people resorted to using gas ovens  
5 and stoves to heat their homes.

6 Carbon monoxide calls and emergency  
7 department visits increased after the storm, and  
8 in early November there were several severe cases  
9 of carbon monoxide poisoning. However, the  
10 overall rate of carbon monoxide calls and  
11 emergency department visits declined dramatically  
12 after that time. In New York City, just one  
13 carbon monoxide death in early November was  
14 related to using a stove for heat. And this is in  
15 contrast to several carbon monoxide deaths  
16 reported in nearby states following Sandy, and in  
17 southern states following hurricanes Katrina,  
18 Rita, and Ike.

19 Hurricanes are also frequently  
20 associated with outbreaks of food-borne illness.  
21 These occur from the consumption of food that was  
22 not kept properly refrigerated, prepared in  
23 conditions that result in contamination from flood  
24 waters, or from the transmission of pathogens in  
25 congregate settings. The department, anticipating

2 these concerns, again issued notices to the public  
3 and to food service establishments on the day of  
4 the storm to refine--and subsequently refined our  
5 instructions and guidance. On the day after the  
6 storm, the department posted a notice and  
7 distributed to restaurants in affected areas fact  
8 sheets on how to properly dispose of food and how  
9 they may safely operate under conditions of  
10 limited power. Public health sanitarians were  
11 deployed to each of the temporary shelters to  
12 supervise food service. They remained there until  
13 the shelters were closed. Our public health  
14 sanitarians were also deployed to lower Manhattan,  
15 to Staten Island, Brooklyn, and Queens to offer  
16 assistance to restaurants that were cleaning up  
17 and restarting their operations. Graded  
18 inspections and notices of violation were  
19 suspended in these areas through the end of 2012.  
20 We're pleased to report that there were no known  
21 occurrences of food-borne illness outbreaks in New  
22 York City associated with Hurricane Sandy.

23 A day after the storm, we  
24 reassigned sanitarians and exterminators from our  
25 rodent control program to survey conditions in the

2 flooded areas of the city. We did not initially  
3 find that there were significant changes in  
4 conditions; if anything, there were fewer outward  
5 signs of rats, as storms often reduce rodent  
6 populations. While we suspended the issuances of  
7 notices of violations, we continued our work of  
8 notifying property owners when signs of rats were  
9 found, and we exterminated free of charge where  
10 appropriate. Our neighborhood surveys also helped  
11 to identify areas where there were significant  
12 accumulations of waste that had the potential to  
13 attract rats. We also saw an overall decline in  
14 pest control-related complaints in the months  
15 after the storm. We will respond to complaints  
16 and assess whether neighborhood specific increases  
17 reflect a longer term trend. And we continue to  
18 monitor 311 complaints and deploy our staff to  
19 respond, both in reaction and proactively.

20                   Hurricanes have the potential to  
21 affect the respiratory health of the public in a  
22 variety of ways. Hurricane Sandy coincided with  
23 the expected seasonal increase in respiratory  
24 viral infections which exacerbate asthma and other  
25 chronic respiratory conditions. At the same time,

2 damage caused by the storm made it more difficult  
3 for some of these people to access health care and  
4 prescription medications. In addition, some  
5 people in heavily damaged area were living without  
6 heat, which can exacerbate respiratory health  
7 problems. Some were exposed to irritants,  
8 including dust produced from home repairs, cleanup  
9 and debris removal, mold growth caused by wet and  
10 damaged building materials, fumes and gases from  
11 using stoves and portable gas heaters for heat,  
12 and from strong cleaning products.

13 In the immediate aftermath of the  
14 storm, from October 30th through November 2nd, the  
15 department's analysis of emergency department data  
16 showed an increase in visits for asthma and other  
17 respiratory complaints in the storm inundated  
18 areas of the city, which within days returned to  
19 the level expected for the fall season. As the  
20 annual flu season arrived around mid-November,  
21 emergency department visits for influenza-like  
22 illness increased across the city before peaking  
23 in January.

24 The City continues to respond to  
25 these concerns in a variety of ways. In the

2 immediate aftermath of the storm, the City  
3 distributed fact sheets in neighborhoods letting  
4 people know where pharmacies were open. It worked  
5 with chains and payers to waive co-pays to  
6 encourage timely refilling of prescriptions.  
7 Health alerts were issued to providers throughout  
8 New York City on respiratory health concerns and  
9 the risks of living in cold. At the same time,  
10 the City worked to restore essential building  
11 services in public housing damaged by the storm  
12 and in privately owned residential buildings.

13           As recovery efforts from Hurricane  
14 Sandy continued, some homes in the hardest hit  
15 areas remained without heat. As the winter months  
16 approached, the mayor warned New Yorkers that  
17 prolonged time in apartments or homes without heat  
18 can cause hypothermia and exacerbate heart disease  
19 and other medical problems, especially among  
20 infants and the elderly, people with chronic  
21 diseases, and people with mental illness or  
22 substance abuse problems. Dust and air quality  
23 conditions outdoors in neighborhoods have been  
24 monitored since early after the storm.

25           The New York City Department of



2 Environmental Protection began air monitoring at  
3 debris piles to check dust levels, as you heard  
4 from Deputy Commissioner Licata, for the presence  
5 of asbestos--a concern since basement materials  
6 were being cleared out and disposed of. As she  
7 noted, asbestos was rarely found in samples; and  
8 when it was, it was below levels of concern set by  
9 the federal government.

10 Ambient air quality is routinely  
11 monitored by the New York State Department of  
12 Environmental Conservation through a network of  
13 air samplers, but few of those are located in  
14 areas directly impacted by the storm. New York  
15 City agencies worked with the state to place  
16 additional stations in lower Manhattan and in the  
17 Rockaways and Staten Island. Our department  
18 deployed additional lamppost-mounted air sampling  
19 devices as part of our Community Air Survey work  
20 in the Rockaways, Coney Island, and Staten Island  
21 as well. We also sent teams of technicians into  
22 these areas to monitor particulate levels using  
23 handheld devices at various times after the storm.

24 All of the sampling results by the  
25 city and state agencies are posted to the web, and

2 we summarize all of the findings on our Hurricane  
3 Sandy Health portal. In general, we have found  
4 that outdoor air quality in residential areas was  
5 not adversely impacted by the storm or by recovery  
6 operations. Higher traffic and construction  
7 activities can generate additional dust, and  
8 essential generators and boilers can create  
9 additional street-level emissions, but the levels  
10 in the impacted communities have been within the  
11 range of conditions found normally across the  
12 city.

13 As communities continue to rebuild,  
14 we remain concerned about the safety and efficacy  
15 of reconstruction. Floods leave behind extensive  
16 damage to homes long after the waters have  
17 receded. Wet building materials and household  
18 furnishings support the growth of mold in homes.  
19 As you may know, the Department of Health was the  
20 first in the nation to issue mold remediation  
21 guidelines back in 1993. These guidelines  
22 continue to be models for other federal, state,  
23 and local agencies. The lessons learned over the  
24 decades of guidance on mold demonstrated to us the  
25 importance of early warnings about how to respond

2 to floods. Mold can be prevented and addressed  
3 best by ensuring that saturated porous building  
4 materials and belongings, such as sheetrock,  
5 insulation, carpeting, upholstered furniture, and  
6 clothing, are removed. Mold itself can be cleaned  
7 off from hard surfaces and structural wood  
8 components. Before reconstruction occurs, it is  
9 critical that all building components be entirely  
10 dry. We have also recommended the use of mild  
11 bleach solutions to help disinfect surfaces and  
12 materials that were wetted with flood waters.

13                   The department issued its first  
14 mold guidance for Hurricane Sandy on Sunday,  
15 October 28th, the day before the storm, on the  
16 agency's website. Mold-safe guidance was  
17 distributed in print form in the days immediately  
18 following the storm at the FEMA centers and later  
19 at the restoration centers in all the affected  
20 areas. Fact sheets were distributed in person, or  
21 under the doors of tens of thousands of homes  
22 during the City's canvassing operations, and  
23 posters with instructions for safe flood and mold  
24 cleanup were put up in gathering spots in the  
25 impacted areas. We met with volunteer

2 organizations, such as Occupy Sandy, to train  
3 volunteers and began attending community meetings  
4 during the early recovery stage to share guidance.  
5 To date, the department has participated in 25  
6 community meetings to provide mold-related  
7 information to residents in affected areas. The  
8 Department of Health staff trained on mold  
9 prevention, and remediation was available every  
10 day for more than two months to answer questions  
11 at the city's Recovery Centers.

12           The department recommends the use  
13 of N-95 respirators or better for people involved  
14 in reconstruction and mold removal. To date, more  
15 than 286,000 respirators have been distributed in  
16 communities through volunteer organizations and  
17 directly to individuals. As I mentioned earlier,  
18 we continue to monitor health conditions that  
19 could be associated with Hurricane Sandy.  
20 Reconstruction activity is likely to continue to  
21 contribute to indoor dust exposure, but we have  
22 not seen unusual numbers of people with severe  
23 respiratory symptoms in emergency rooms or  
24 hospitals, either in the affected areas or  
25 elsewhere in New York City.

2                   Mold remediation will be ongoing.

3       We have been working with the Mayor's Fund to make

4       mold remediation training available throughout the

5       affected areas. A contract was awarded to Hunter

6       College and the University of Medicine and

7       Dentistry of New Jersey to conduct more than 70

8       three-hour trainings to homeowners, volunteers,

9       and contractors on proper mold assessment and

10      remediation using a curriculum based largely on

11      the City's mold guidelines and approved by our

12      department. I'd like to thank the Council Members

13      who have been helpful in identifying training

14      locations and promoting training to your

15      constituents. The Mayor's Fund, along with the

16      Robin Hood Foundation and the Red Cross, are also

17      supporting the direct remediation of homes through

18      a contract with the Local Initiative Support

19      Corporation. LISC is subcontracting with

20      volunteer organizations and contractors will carry

21      out this work. The Health department will help

22      monitor this activity and provide technical

23      guidance as it begins.

24                   The ongoing recovery will pose

25      challenges, with many people still occupying

2 residences without heat and undergoing  
3 reconstruction. The lessons learned from other  
4 hurricanes helped inform New York City's  
5 preparation and rapid response to the storm,  
6 helping to reduce the potential for significant  
7 environmental health threats. And I'd be happy to  
8 answer your questions, thank you very much.

9 CHAIRPERSON ARROYO: Well thank you  
10 all very much for your testimony. I think you can  
11 all take a deep breath now 'cause I feel tired.

12 First, I'd like to acknowledge  
13 members who have come through the committees--and  
14 forgive me if I don't know what committee you sit  
15 one. But Council Member Dromm, Council Member Van  
16 Bramer, Lander, Vacca, Levin, Foster, and Gentile.  
17 Thank you all for being here. And Crowley, yes.

18 Okay. I have a couple of questions  
19 and I'm going to defer to the chairs--they'll get  
20 the first opportunity to ask questions. And I'm  
21 going to concentrate my questions on health, and  
22 so we can move the mic around, Commissioner, you  
23 don't have to give up your seat, okay?

24 So we have less rats in New York  
25 City now because of the storm?

2 DANIEL KASS: No, what we did was  
3 we proactively went around to all of the inundated  
4 areas and then subsequently move inland from there  
5 to assess conditions. What we found immediately  
6 after the storm was that we found fewer signs of  
7 rats than we normally would, and that makes sense:  
8 They get washed away, the storm drowns rats in  
9 burrows that aren't able to escape. What we've  
10 been doing on an ongoing basis is evaluating  
11 whether conditions remain that way or whether  
12 they've changed. We, of course, respond to  
13 complaints. We haven't seen overall in the city a  
14 difference in complaint rates in the flooded or  
15 the inundated or adjacent zones compared to the  
16 rest of the city.

17 You know, but the important thing  
18 is that we always respond to rat complaints.  
19 Whenever we get one for a block, we treat the  
20 whole block as a potential area. We have a, as I  
21 think we've testified in prior hearings, we have a  
22 proactive rat inspection program now that doesn't  
23 depend entirely on complaints, that looks at these  
24 areas. We deployed them directly after the storm.  
25 You know, complaints are a one marker, they help

2 us go to places where we might not already be, but  
3 they're not the best indicator of the actual  
4 conditions, that's why we began proactive rat  
5 inspections prior to the storm and during and  
6 immediately after the storm. You know, complaints  
7 are dependent on people's belief that the  
8 government will respond, they are a degree to  
9 which they're inured to the problem, so we've been  
10 proactively doing this as well.

11 CHAIRPERSON ARROYO: So we're going  
12 to do a budget hearing later in the month--or it  
13 is the end of the... Right? Next week, we're going  
14 to talk about the department's proposal to reduce  
15 pest control budget, so hopefully there is no  
16 correlation between the fact that you're seeing  
17 probably--or having less complaints and your  
18 proposal to reduce the budget, the department's  
19 budget around pest control. And we'll talk about  
20 that next week so...

21 DANIEL KASS: Okay.

22 CHAIRPERSON ARROYO: Okay. Are we  
23 concerned about any particular community with  
24 regards to mold or our ability to assist families  
25 who are moving back in, hopefully, that their



2 space is safe? Did they absolutely let everything  
3 dry before they started to rebuild? Are we  
4 absolutely sure that they're moving back into  
5 space that is not going to compromise their  
6 health?

7 DANIEL KASS: No. To be honest,  
8 quite to the contrary, we're sure that not  
9 everything has been completed in the way that it  
10 should. There is no question that, based on both  
11 time, resources, some people's sort of having left  
12 the city and returning, that there will be both  
13 returning to conditions that require remediation  
14 and people who continue to live in conditions that  
15 require remediation. That's one of the reasons  
16 why we've really stepped up the amount of training  
17 and the resources available to support that work.

18 I would note that, essentially,  
19 mold remediation is part and parcel of any kind of  
20 reconstruction or rehabilitation of housing. The  
21 same things that people need to do to reconstruct  
22 walls, remove flooring, remove saturated  
23 materials, those are elements of mold remediation  
24 and we're hopeful that people will both sort of  
25 pay attention and hear the guidance, but also

2 attend trainings that we're going out to, and  
3 avail themselves of resources for direct  
4 remediation that the City is making available.

5 CHAIRPERSON ARROYO: Is it your  
6 call or the Department of Buildings call whether  
7 the environment is safe? Or who's inspecting to  
8 make that determination?

9 DANIEL KASS: Well it would depend  
10 on the conditions that might make someone believe  
11 that a condition isn't safe. Obviously, for  
12 structural considerations, that's the  
13 responsibility of the Buildings Department. The  
14 conditions of moisture and mold generally are not  
15 so severe that we would ever order an evacuation  
16 of an apartment nor would we prohibit someone from  
17 reoccupying it. I think the important thing is  
18 to--what people need to do and what some of these  
19 resources that'll become available to people who  
20 can't do it on their own will help them do is  
21 assess conditions, figure out what needs to be  
22 remediated, how best to do it in a way that avoids  
23 exposure. You know, there are safe ways to  
24 remediate mold that don't require people to  
25 necessarily leave a space. Of course, that

2 depends on the extent of the mold problem, but  
3 more importantly, it depends on the extent of the  
4 damage to a building.

5 CHAIRPERSON ARROYO: The repairs  
6 begin, how do we make sure that a wall is not put  
7 back up or a floor put back in before the adequate  
8 time to allow the background environment to dry  
9 sufficiently not to create a future hazard? And  
10 maybe I asked the question--the wrong question.  
11 Who determines this space is safe to rebuild prior  
12 to the wall or the floor being put in? Do we do  
13 that, do we inspect that?

14 DANIEL KASS: So it happens in a  
15 variety of ways and from a variety of factors.  
16 Homeowners are in control of the reconstruction of  
17 their home: They hire contractors, they set the  
18 terms of that work. We've put out guidance on how  
19 to select a contractor who will do this work  
20 properly, what questions to ask. From the very  
21 beginning, our guidance has made clear that  
22 reconstruction of walls that have been torn down  
23 or replacement of insulation that was saturated  
24 and removed can't happen until components have  
25 been disinfected and fully dried. So I feel

2 confident that the guidance is out there, but many  
3 people--but homeowners are largely in control of  
4 the process for how that will work.

5 I do know that the guidance we  
6 provided for both the Rapid Repair program, for  
7 the Mayor's Fund Initiative, alongside the funding  
8 from the private foundations does incorporate mold  
9 safe processes and protocols that will ensure that  
10 all materials are dried before they're  
11 reconstructed.

12 CHAIRPERSON ARROYO: So are we  
13 making a really strong recommendation to  
14 homeowners who find themselves in this situation  
15 that they absolutely need to pay attention to  
16 these guidelines before the wall is put up or the  
17 floor put in?

18 DANIEL KASS: Not only to  
19 homeowners, we're saying it to contractors as  
20 well.

21 CHAIRPERSON ARROYO: So you  
22 mentioned in your testimony 25 community meetings  
23 provided mold-related information to residents  
24 affected or in areas affected. Do you have a  
25 census of how many individuals attended those

2 meetings?

3 DANIEL KASS: Yeah, so far over--

4 CHAIRPERSON ARROYO: And by  
5 neighborhood or...?

6 DANIEL KASS: I don't have it with  
7 me by neighborhood, but I'm happy to provide it.  
8 I can tell you in the aggregate that over 600  
9 people have attended these trainings. We still  
10 have more to come, the initial contract and if  
11 there's demand, it'll be increased, but the  
12 initial contract calls for up to 70 trainings and  
13 we expect more than 2,000 additional people will  
14 be trained.

15 CHAIRPERSON ARROYO: Okay. So we  
16 talked a little bit about homeowners, but most of  
17 the individuals affected or whose environments are  
18 affected are not the owners, they're a renter and  
19 they're relying on the strength of the character  
20 and integrity of their landlord to ensure that the  
21 environment is free of environmental impacts or...  
22 What are we doing to provide renters support or  
23 information so that they can then, in turn, hold  
24 their landlord accountable who, hopefully, is  
25 holding the contractors accountable?

2 DANIEL KASS: When we've--first, we  
3 have distributed material without regard to  
4 ownership status, so every door in every one of  
5 these neighborhoods has been canvassed and we've  
6 provided material to them. The training  
7 specifically invites renters to describe, not only  
8 what resources are available by the City and by  
9 the volunteers and by other entities, but also  
10 what can be done on their own. The HPD continues  
11 to respond to complaints and they'll issue notices  
12 of violation for hazards that are consistent with  
13 what they typically do.

14 So the resources of the City that  
15 traditionally support the needs of renters remain  
16 there.

17 CHAIRPERSON ARROYO: Okay. So I  
18 recognize that HPD is not in the room and maybe  
19 they should be, in hindsight. Do we have  
20 increased complaints from renters regarding mold  
21 conditions in their units, particularly in  
22 affected areas?

23 DANIEL KASS: I don't have HPD's  
24 information. We do receive some complaints  
25 related to mold, and we have had an increase in

2 the number of people calling us, but when they  
3 come to the Health Department through 311, it's  
4 usually for guidance on remediation or to discuss  
5 health concerns. So those, of course, are higher  
6 than they were.

7 CHAIRPERSON ARROYO: So will you  
8 have some communications from HPD on the violation  
9 issues and how many are related to the storm and  
10 what the plan that agency has with regards to  
11 remediating units in affected areas?

12 DANIEL KASS: We'll follow up with  
13 information from HPD, at least on the number of  
14 complaints, yeah.

15 CHAIRPERSON ARROYO: So you don't  
16 know if there is an action plan.

17 DANIEL KASS: I--

18 CHAIRPERSON ARROYO: On HPD's part.

19 DANIEL KASS: Well I know that HPD  
20 was extensively involved in community outreach on  
21 this and other reconstruction issues on matters  
22 related to restoring basic building services,  
23 power, electricity, hot water, restoration of  
24 heat. I know that they've been issuing notices of  
25 violation where those things have not been

2 restored to renters. But I'm happy to work with  
3 them to get you that information.

4 CHAIRPERSON ARROYO: And in  
5 numbers, have we seen an increase in the number of  
6 complaints post-Sandy?

7 DANIEL KASS: Related to what--

8 CHAIRPERSON ARROYO: [Interposing]  
9 Mold, mold. Violations that concern the health,  
10 safety of people that live in those spaces.

11 DANIEL KASS: I'll have to get back  
12 to you with HPD--

13 CHAIRPERSON ARROYO: Okay.

14 DANIEL KASS: --data.

15 CHAIRPERSON ARROYO: All right,  
16 Council Member James?

17 CHAIRPERSON JAMES: So I have a  
18 series of questions and I'm going to jump around,  
19 so I'm not sure who to approach to address my  
20 question to, but whoever feels free, please jump  
21 in. Let me begin and following up with the last  
22 question by the Chair Arroyo on mold, and I  
23 specifically understand that Department of Health  
24 and Mental Hygiene recommends hiring a contractor  
25 for homeowners to do clean up and repair if the



2 home has extensive damage, and mold remediation  
3 does not require licensing in New York and the  
4 work is done by many contractors. Why is there  
5 not a recommended list of local contractors with  
6 experience in mold remediation available to  
7 homeowners?

8 DANIEL KASS: Well let me--so let  
9 me step back for one second and then--

10 CHAIRPERSON JAMES: Sure.

11 DANIEL KASS: --come to that  
12 question. There is no certification in New York  
13 State for mold remediation per se.

14 CHAIRPERSON JAMES: Right.

15 DANIEL KASS: There are training  
16 programs available. While I've described that  
17 we've conducted for community members, we're also  
18 doing training with contractors and training for  
19 the contractors associated with, for example, the  
20 Mayor's Fund effort, they are mandated to attend  
21 training.

22 Now that said, there is no list  
23 available to us of mold-ready contractors, but  
24 that--and while that might have some value, the  
25 reality of most mold remediation is that it

2 doesn't really depend on a skill set that isn't  
3 already present in most contracting work. It  
4 requires cleaning, it requires dust abatement,  
5 frequently wall removal and replacement, it  
6 requires dehumidification. Those are skills that  
7 most contractors, certainly licensed contractors,  
8 already possess. We're hopeful that the guidance  
9 we've put in the hands of community members, of  
10 building managers, of homeowners to inquire about  
11 these kinds of practices will help direct them to  
12 contractors that are going to be doing the work  
13 correctly.

14 CHAIRPERSON JAMES: The fact that  
15 there is no certification requirement in the City  
16 of New York suggests that it's ripe for fraud and  
17 abuse and so the question is--or the  
18 recommendation from this chair is that the  
19 administration seriously consider a certification  
20 program in the City of New York and provide  
21 assistance to homeowners who, unfortunately, may  
22 be subject to some dubious contractors. But let  
23 me move on.

24 Let me talk about rodents. There  
25 has been a increase in rodents in calls as a

2 result of rodents in affected areas, specifically  
3 from parts of Brooklyn that I represent--Dumbo,  
4 Brooklyn Heights, parts of lower Manhattan, et  
5 cetera, and there is some reports that rats may be  
6 thriving in Sandy-affected areas, feeding on waste  
7 left in empty homes or by workers doing repairs.  
8 What are we doing, if anything, to address the  
9 rodent conditions in Sandy-affected areas and in  
10 other areas.

11 DANIEL KASS: Well as I mentioned  
12 in my testimony, from the earliest--from the day  
13 after the hurricane, we deployed our pest control  
14 sanitarian inspectors and exterminators to the  
15 flooded areas to evaluate conditions. Where there  
16 was opportunity at that point and in the month  
17 subsequently to do proactive baiting, for rats, we  
18 have done so. We did suspend the issuance of  
19 notices of violations in the affected areas, we  
20 provided guidance, we still provided inspection  
21 reports to property owners, we gave them guidance  
22 on how to do--how to properly hire a licensed  
23 contractor to exterminate or to treat for rats.  
24 And we continued--we had in the neighborhoods, we  
25 respond to requests for walkarounds, we are doing

2 community education.

3 But I will say that we, you know,  
4 while it's true that there are some zip codes that  
5 have modest increases in numbers of complaints,  
6 there are also zip codes in flooded areas that  
7 have reduction. So overall, we don't see a Sandy-  
8 attributed change in the overall population. Now  
9 that doesn't mean that a particular property  
10 wasn't affected--

11 CHAIRPERSON JAMES: Yeah.

12 DANIEL KASS: --a particular  
13 property may be a victim of relocated rats; a  
14 particular property may have been a new nesting  
15 ground for ones that were displaced from either  
16 flood or from construction or from reconstruction.  
17 The proper way to handle that is the same way we  
18 always do, which is that we inspect, we provide  
19 guidance, we order property owners to repair it;  
20 if they don't, we'll do it--we'll bait for them.  
21 Now normally, we would bill for that activity, but  
22 in the flood areas, we've suspended billing.

23 CHAIRPERSON JAMES: So let me just  
24 get it clear. In flood areas where there have  
25 been a increase in complaints, the City will abate

2 free; but in other areas that may have been  
3 affected by Sandy, your position is that the onus  
4 is on homeowners and individuals to correct the  
5 situation.

6 DANIEL KASS: I'm pausing because  
7 I'm trying to sort of understand what you're  
8 asking. Are you asking whether we fine people  
9 outside of the flood areas versus fine people--

10 CHAIRPERSON JAMES: [Interposing]  
11 Yes.

12 DANIEL KASS: --inside the--

13 CHAIRPERSON JAMES: Correct.

14 DANIEL KASS: --not fine them  
15 inside?

16 CHAIRPERSON JAMES: Correct.

17 DANIEL KASS: So our zone--

18 CHAIRPERSON JAMES: [Interposing]

19 Or providing assistance to those who are in the  
20 flood zone as opposed to those who are not.

21 DANIEL KASS: Well we've defined  
22 for the purpose of rat inspection and remediation  
23 a very wide swath of the city.

24 CHAIRPERSON JAMES: Okay.

25 DANIEL KASS: I don't know of any

2 notices of violations that have resulted in fines  
3 in areas that could have been affected by Sandy.

4 CHAIRPERSON JAMES: And how is this  
5 information available, made available to the  
6 public in affected areas?

7 DANIEL KASS: Well all of our--our  
8 guidance is provided by our inspectors who  
9 continue to walk the neighborhoods. Any property  
10 owner whose property shows any signs of rats or  
11 who asks for guidance receives a detailed guide on  
12 how to abate rat conditions, how to choose a good  
13 pest control firm. We are available at community  
14 meetings to describe these things. For any  
15 Council Member that wants us to walk around with  
16 them or their staff, we will do a community survey  
17 and we will provide guidance.

18 CHAIRPERSON JAMES: Let me move on  
19 to drinking water, and let's specifically talk  
20 about Breezy Point. Breezy Point, as you know,  
21 relies upon septic tanks, and to what extent did  
22 the storm have on their drinking water and their  
23 sewage infrastructure?

24 ANGELA LICATA: Yeah, I'm going to  
25 turn it over to Kathryn Garcia to speak

2 specifically about the Breezy Point area.

3 CHAIRPERSON JAMES: And if you can  
4 specifically speak to the fact that, according to  
5 a report that I have, on November 1st, 2012, 99%  
6 of the city sewage was being treated, according to  
7 DEP Commissioner Strickland, for property owners  
8 with sewage backups in their home and the  
9 Department of Health and Mental Health provided  
10 information on its website regarding how to clean  
11 such backups, which I believe is insufficient and  
12 I just believe that we should be providing more  
13 direct assistance to homeowners as opposed to  
14 providing it simply on their website.

15 KATHRYN GARCIA: So this is Kathryn  
16 Garcia, I work for DEP. To address first the  
17 drinking water question, as you may be--

18 CHAIRPERSON JAMES: [Interposing]  
19 Specifically as it relates to Breezy Point.

20 KATHRYN GARCIA: For Breezy Point,  
21 yes. Drinking water that it comes from New York  
22 City system remained in compliance with standards  
23 for the entire time. Breezy Point has a private  
24 system that sustained significant damage. We and  
25 the Health Department worked together to bring

2 them back into compliance, which I don't have the  
3 date. Which--

4 [Crosstalk]

5 KATHRYN GARCIA: February?

6 MALE VOICE: [Off mic] two weeks.

7 KATHRYN GARCIA: Two weeks ago and  
8 was fully restored two weeks ago.

9 CHAIRPERSON JAMES: Okay. Can you  
10 talk a little bit about the air pollution as it  
11 relates to from what I understand, there were some  
12 small particulate matter being tested in--

13 [Crosstalk]

14 FEMALE VOICE: Septic?

15 CHAIRPERSON JAMES: --or exceeding  
16 air quality in Mill Basin and in the Rockaways.  
17 What did we do, if anything, to address air  
18 quality conditions? And it's also my  
19 understanding that during this period of time we  
20 had an increased admissions for asthma.

21 DANIEL KASS: Regarding your last  
22 point--

23 CHAIRPERSON JAMES: Yes.

24 DANIEL KASS: --we did see an  
25 increase in admissions for asthma in the first



2 seven days, I think, after the storm. That's  
3 typical of what happens in post-storm, it happened  
4 in the blackout as well. Those are not likely  
5 related to air quality conditions, they're related  
6 to a variety of things that happen: People being  
7 dislocated, people being separated from their  
8 regular source of care, people not having a ready  
9 supply of medication to treat their asthma, the  
10 stress of the storm. All of these things--the  
11 cold weather--all of these things contributed in  
12 the early days. Those numbers returned to normal  
13 shortly afterward and have not climbed since then  
14 beyond what we would expect to see, given this  
15 time of year, the seasonal flu, and viral disease  
16 patterns, as well as the temperature.

17 Now with regard to air quality--

18 CHAIRPERSON JAMES: Yes.

19 DANIEL KASS: --the--

20 CHAIRPERSON JAMES: [Interposing]

21 In Mill Basin and in Rockaways.

22 DANIEL KASS: Yeah, you want to  
23 start--

24 CHAIRPERSON JAMES: As a result of  
25 the burning of wood.

2 ANGELA LICATA: Okay. So I  
3 mentioned earlier that we located--or the EPA,  
4 rather, located some monitors directly around the  
5 burn site on Floyd Bennett Field, but there were  
6 also additional monitors that DEC located, if you  
7 will, in localized areas, including Mill Basin and  
8 Gerritsen and on the Rockaways. And those  
9 monitors fluctuated in terms of the concentrations  
10 that they revealed. And, generally, what we were  
11 seeing is that those concentrations were  
12 fluctuating as a result of local truck traffic, as  
13 a result of weather patterns, meaning inversions  
14 where you had a very low ceiling and the  
15 pollutants are not able to disperse as quickly as  
16 they would on other days. So there were a variety  
17 of factors that were playing on the concentrations  
18 from those monitors including the humidity, we  
19 found that the monitors were very sensitive to  
20 humidity. So there was never a circumstance where  
21 we felt as though the local monitors were reading  
22 very high as a result or a direct correlation with  
23 the burn activity.

24 CHAIRPERSON JAMES: Is it true that  
25 there is some litigation related to the wood

2 burning that's been filed against DEP?

3 ANGELA LICATA: I believe there was  
4 a submission of a FOIL request.

5 CHAIRPERSON JAMES: And no  
6 litigation?

7 ANGELA LICATA: And I don't know  
8 the status of any litigation.

9 CHAIRPERSON JAMES: Okay.

10 ANGELA LICATA: Do you? No.

11 CHAIRPERSON JAMES: No litigation?

12 CHAIRPERSON GENNARO: Tish, I'd  
13 like to be a part of this answer if I could.

14 CHAIRPERSON JAMES: Sure.

15 CHAIRPERSON GENNARO: We worked,  
16 that is, our committee staff and my office worked  
17 very closely with DEP that actually had to give  
18 the waiver that would allow the burning to  
19 proceed, but what was stipulated in the waiver was  
20 that we--it was that the Army Corps contractor had  
21 to do everything it could to try to get folks to  
22 come up with a beneficial reuse for what was  
23 approximately about 100,000 cubic yards left of  
24 wood debris. And it was a very concerted effort  
25 on the part of DEP and EPA Region II and also the

2 Council that led to the burning to be shut down  
3 much sooner than it otherwise would have. And it  
4 was contemplated that there would be up to four  
5 burning units; there was only two at the height of  
6 the burning; and what could have been a 100,000  
7 cubic yard burn only became a 31,000 cubic yard  
8 burn out of about 400,000 yards of wood that could  
9 have been burned. And so I want to give DEP and  
10 the EPA and the Army Corps a lot of credit, and  
11 plus like the monitors that were out at the site  
12 and there were units from EPA, units from DEC,  
13 units from DEP just keeping an eye on things.

14 And as the Deputy Commissioner  
15 stated, there were times when there were any kind  
16 of temperature inversion or any kind of weather  
17 pattern that would cause need for more caution in  
18 burning, that was exercised. So like Council was  
19 like really all over this.

20 CHAIRPERSON JAMES: Thank you, Mr.  
21 Chair.

22 CHAIRPERSON GENNARO: And I think  
23 DEP did a great job. Thank you.

24 CHAIRPERSON JAMES: Thank you, Mr.  
25 Chair. Moving on to sanitation, Commissioner, the

2 loss of the Covanta waste-to-energy plant which  
3 serves sanitation districts in Manhattan, what  
4 happened? Why did we lose it for two weeks?

5 JOHN DOHERTY: We had other  
6 contractors that were under contract for us to  
7 handle waste because we have some still some  
8 short-term contracts, and we contracted with other  
9 contractors to handle the waste.

10 CHAIRPERSON JAMES: But what  
11 specifically happened to Covanta?

12 JOHN DOHERTY: Water damage.

13 CHAIRPERSON JAMES: Water damage.  
14 And it was down for two weeks?

15 JOHN DOHERTY: Yes.

16 CHAIRPERSON JAMES: And as a result  
17 of it being down for two weeks, we just contracted  
18 out with other--

19 JOHN DOHERTY: [Interposing] Well  
20 we contract out all our waste disposal right now.

21 CHAIRPERSON JAMES: No, I'm  
22 specifically asking the question, during this  
23 temporary loss--

24 JOHN DOHERTY: Right.

25 CHAIRPERSON JAMES: --what did we

2 do to handle--

3 JOHN DOHERTY: [Interposing] We  
4 took the waste to other facilities in Jersey, for  
5 the most part.

6 CHAIRPERSON JAMES: Got it. And  
7 right now, according to your testimony, five of  
8 the temporary debris storage and reduction sites  
9 have been closed but two remain, and they are at  
10 Riis Park and Father Capodanno Boulevard in Staten  
11 Island, correct?

12 JOHN DOHERTY: Correct.

13 CHAIRPERSON JAMES: How long do you  
14 anticipate that these two sites will remain open?

15 JOHN DOHERTY: I would suspect at  
16 least until the end of March. They are still,  
17 Corps of Engineers, still demolishing some homes,  
18 which that debris gets brought to those facilities  
19 and then transported out. I don't have an exact  
20 date, but I would give them about two weeks after  
21 we start bringing material--we stop bringing  
22 material in there on the 18th.

23 CHAIRPERSON JAMES: And we  
24 contracted out during this period and who did we  
25 contract with and how much did it cost?

2 JOHN DOHERTY: Contract, you mean  
3 the contractors we brought in to assist us?

4 CHAIRPERSON JAMES: Yes.

5 JOHN DOHERTY: Well the ultimate  
6 cost is going to be paid for by FEMA. Our bill to  
7 this point, or last time we looked at it, we'll be  
8 asking FEMA for 95 million. I don't have a  
9 particular dollar amount for the roughly 46  
10 contractors that we brought on to assist in the  
11 debris clean up.

12 CHAIRPERSON JAMES: Okay. And in  
13 regards to your testimony, the department  
14 continues to remove non-commercial waste from  
15 homeowners engaged in small restoration and repair  
16 projects, but basically they have to hire a  
17 contractor to remove that debris. Why are they  
18 being charged? Why can't we work with them so  
19 that Sanitation removes that debris as opposed to  
20 the costs being borne upon homeowners?

21 JOHN DOHERTY: Well these  
22 homeowners, for the most part, are having their  
23 repairs funded by FEMA or insurance companies.  
24 We've been collecting that debris--or will be  
25 collect--

2 CHAIRPERSON JAMES: [Interposing]

3 Do we know that for a fact?

4 JOHN DOHERTY: Excuse me?

5 CHAIRPERSON JAMES: Do we know that  
6 for a fact?

7 JOHN DOHERTY: From what I  
8 understand, from what I read, yeah.

9 CHAIRPERSON JAMES: Okay.

10 JOHN DOHERTY: And some of it is  
11 being done by the City itself in the Rapid Repair  
12 program. Many thing, I think they handled over  
13 11,000 repairs that were given to them. So a lot  
14 of the work has been doing it. We've been  
15 collecting the material and we continue to collect  
16 it until the 18th, which is 3 1/2 months. I think  
17 that's a sufficient period of time. We cannot  
18 continue forever going along with this.

19 And the additional costs, when you  
20 think about it, a container is only going to run  
21 you about \$100 more, and it's part of the  
22 contractor's responsibility, as it always has  
23 been.

24 CHAIRPERSON JAMES: I saw media  
25 accounts, there was a tank that was on the shores



2 in Staten Island, a tanker. Who removed that  
3 tanker? Was there any oil that was released from  
4 that tanker? Can anyone provide me any  
5 information with regards to that tanker on Staten  
6 Island? It washed up on the shores of Staten  
7 Island.

8 JOHN DOHERTY: It's probably a  
9 Coast Guard question.

10 CHAIRPERSON JAMES: Okay. And  
11 lastly, to DEP, those individuals whose water was  
12 disconnected from their home, we're just waiving  
13 fees and interest. What about waiving the entire  
14 bill for these homeowners?

15 ANGELA LICATA: They're not  
16 receiving a bill if they're disconnected.

17 CHAIRPERSON JAMES: Until June?

18 KATHRYN GARCIA: Right, they will  
19 have--

20 [Crosstalk]

21 ANGELA LICATA: Yeah.

22 KATHRYN GARCIA: --charged--

23 CHAIRPERSON JAMES: Go ahead.

24 KATHRYN GARCIA: You're charged  
25 based on your consumption, so if you're not

2 consuming any water, there won't be a charge.

3 CHAIRPERSON JAMES: Okay. So once  
4 they get disconnected, that's when the charge will  
5 resume?

6 KATHRYN GARCIA: Right, once you  
7 start using the water again, then your charges  
8 would resume.

9 CHAIRPERSON JAMES: [Interposing]  
10 So this date that was suggested in your testimony  
11 of June is a date for what purpose?

12 KATHRYN GARCIA: For the next time  
13 you would receive a bill.

14 CHAIRPERSON JAMES: So it's assumed  
15 that everyone will be connected by June?

16 KATHRYN GARCIA: No, it's assumed  
17 that whoever is connected will be--will receive a  
18 bill by June.

19 CHAIRPERSON JAMES: And those who  
20 are disconnected will not receive a bill at all.

21 KATHRYN GARCIA: Their bill would  
22 be zero if they start receiving the paper.

23 CHAIRPERSON JAMES: Thank you,  
24 Madam Chair.

25 CHAIRPERSON MARK-VIVERITO: Thank

2 you. Just to clarify this, I mean, from what I  
3 understand from the testimony, those homes that  
4 were severely impacted but maybe are still  
5 connected will not receive a bill until June, is  
6 that correct?

7 CHAIRPERSON JAMES: All right.

8 CHAIRPERSON MARK-VIVERITO: You're  
9 giving homeowners a break in those areas that  
10 we're still--

11 [Crosstalk]

12 ANGELA LICATA: [Interposing]  
13 Right, what we said was the--anything that was red  
14 flagged or--

15 CHAIRPERSON MARK-VIVERITO: Yes.

16 ANGELA LICATA: --yellow flagged.

17 CHAIRPERSON MARK-VIVERITO: Right,  
18 won't get it, okay. So the other thing I just  
19 want to also jump on something that Council Member  
20 James indicated regarding the certification for  
21 mold remediation. I mean, that's really critical.  
22 Not only, you know, in light of the storm, I think  
23 it's been known for a while, you know, the real  
24 health impact that mold has in a home. So the  
25 fact that we're not--or don't have a certification

2 for contractors, I'm not understanding why that  
3 hasn't happened. Is it something that you are  
4 considering? Is it something that could be  
5 implemented.

6 CHAIRPERSON GENNARO: If I could,  
7 I'd like to answer first on that one because I  
8 think it could inform the answer a little bit.  
9 There's a bill in the Council, Intro 867, which  
10 we're currently working on now, that would provide  
11 for a licensure, that would provide for  
12 certification, that would provide for training,  
13 and so this is something that is underway here at  
14 the Council. And we're getting very good  
15 cooperation from the administration because I  
16 think there's a general need that we--

17 CHAIRPERSON MARK-VIVERITO: Right.

18 CHAIRPERSON GENNARO: --recognize.  
19 And it'll be mold and also for other substances.  
20 Like we started with asbestos, we did that a  
21 couple years ago in the, you know, working the  
22 Deutsche Bank fire and all that, and then so we're  
23 following it with mold and other substances, which  
24 would be part of 867, which is rolling down the  
25 tracks now.

2 So that's like from the Council  
3 side, but anything that the administration wants  
4 to add to that. So pardon my interruption, I just  
5 felt like I had to put that on the record.

6 CHAIRPERSON MARK-VIVERITO: Is it  
7 something that necessarily has to be legislated or  
8 could you do this administratively as well?

9 DANIEL KASS: No, we wouldn't have  
10 to--

11 CHAIRPERSON MARK-VIVERITO:  
12 [Interposing] As an agency.

13 DANIEL KASS: --no, we wouldn't  
14 have authority to certify.

15 CHAIRPERSON MARK-VIVERITO: Okay.

16 DANIEL KASS: But let me take a  
17 step back. First, I can't comment on Intro 867,  
18 I'm not familiar with what's being proposed. I  
19 will say that this question of certification, this  
20 isn't the first time it's come up. There have  
21 been many task forces in New York State, across  
22 the country that have considered this, asked that  
23 there are some states that certify, but many,  
24 including New York State, have rejected this idea  
25 in prior efforts after review of both the

2 literature and discussions with contractors,  
3 homeowners.

4                   There are some issues that we  
5 should be mindful of. The first is that  
6 certification typically raises prices enormously.  
7 In the state of an emergency, certification could  
8 have resulted in very significant delays for  
9 people, given the reduced supply of people able to  
10 perform their work.

11                   The skill set, as I mentioned  
12 earlier, associated with mold abatement or mold  
13 assessment is not so different than traditional  
14 construction, carpentry, plumbing, electrical  
15 reconstruction work. These are skill sets that  
16 typically reside with experienced contractors.  
17 Fundamentally, mold remediation and assessment is-  
18 -mold assessment is fundamentally a visual  
19 activity, prevention and immediate response  
20 involves removing saturated materials, it involves  
21 replacing them in an appropriate way once  
22 materials have dried out. These are not things  
23 that necessarily require a separate skill set, nor  
24 a limited supply of contractors who might delay  
25 and then raise prices.

2 CHAIRPERSON MARK-VIVERITO: Okay.

3 No, I appreciate that response. Now, Commissioner  
4 White, I thank you for your testimony, it was very  
5 thorough and I think it answered some of the  
6 questions, most of the questions that I had, but,  
7 obviously, it really indicates the level of  
8 extensive work that your agency had to do in  
9 different aspects of the recovery. I wanted to--  
10 one of the things I've always been kind of--that  
11 I've been curious about as we move forward in this  
12 issue is about how you've assessed the amount that  
13 we're going to be asking for FEMA, right? And I  
14 think it's the same for every agency, that  
15 Commissioner Doherty indicated that the recovery  
16 isn't done so there's still expenses that we're  
17 recurring. So whether that was factored in to how  
18 much Department of Sanitation, for instance, was  
19 going to be making as a request to FEMA, was that  
20 work moving forward factored in. But,  
21 Commissioner, in terms of--and you could answer  
22 that, Commissioner Doherty, if you would like--but  
23 also with regards to Parks, what is the grand  
24 total that was factored into the amount that we as  
25 a city were submitting as part of the state to

2 FEMA?

3 VERONICA WHITE: It's an ongoing  
4 number. As of--

5 CHAIRPERSON MARK-VIVERITO: Okay.

6 VERONICA WHITE: --today, the  
7 number is \$725 million, I guarantee tomorrow it  
8 will be higher.

9 CHAIRPERSON MARK-VIVERITO: So that  
10 was the originally--

11 VERONICA WHITE: Each and every  
12 day.

13 CHAIRPERSON MARK-VIVERITO: --  
14 originally what was submitted, but Parks said it  
15 was needed.

16 VERONICA WHITE: And so original, I  
17 mean, submissions go on daily basis. Right now,  
18 each and every day, FEMA is out in the field with  
19 individuals from the Parks department examining  
20 each and every site and writing each and every  
21 site up. Prior to that, staff at the Parks  
22 department had gone out and done original  
23 assessments without FEMA to say what is the  
24 damage. So at the same time, they're going out  
25 and saying we can open this; we can open this if



2 only we do X, Y, and Z; we can't open this for a  
3 long time until we get contractors in. Those  
4 assessments were done and dollar amounts were  
5 placed by Parks department staff at those times,  
6 then FEMA goes out with Parks department staff.  
7 So we won't have the full damage assessment for  
8 months and months to come.

9 CHAIRPERSON ARROYO: Madam Chair,  
10 it seems to be a moving target, is it because we  
11 haven't done a full assessment, not for the lack  
12 of wanting, we just haven't been able to get to  
13 every single detail of the impact and the costs  
14 associated with it?

15 VERONICA WHITE: Give a very good  
16 example of what's the story, many of the Parks  
17 department facilities, I'm sure other folks as  
18 well, so we could go out and we could look at a  
19 restroom that's located in the Rockaways on the  
20 boardwalk and it has five feet of sand in it. So  
21 we can look down and we can say there's five feet  
22 of wet sand here so we can give some kind of a--we  
23 can say we're not going to be able to open this  
24 this summer and then we can say we think it will  
25 cost X to open sometime next fall, and then we

2 start digging the sand out and we find a totally  
3 situation inside.

4                   So with so much of our work,  
5 whatever it is, it could be a playground, it could  
6 be a comfort station, under wet sand; by the time  
7 you dig the wet sand out, which we've done, with  
8 the help of the federal grant that I mentioned,  
9 the 800 individuals that we've hired with the help  
10 of regular Parks department staff working seven  
11 days a week, 24 hours a day, and with the help of  
12 thousands of volunteers, nonetheless, there's  
13 still more discovery to be done and that will  
14 continue.

15                   CHAIRPERSON ARROYO: And--

16                   VERONICA WHITE: [Interposing] I'd  
17 like at this time to recognize--excuse me for not  
18 having done this earlier--First Deputy  
19 Commissioner Liam Cavanaugh, who leads our  
20 operations efforts and has done a remarkable job  
21 in leading the agency in these efforts for our  
22 operations seven days a week.

23                   CHAIRPERSON ARROYO: [Interposing]

24 We knew he was--

25 [Crosstalk]

2 CHAIRPERSON ARROYO: --back there.

3 Very quiet.

4 VERONICA WHITE: He is quiet.

5 CHAIRPERSON ARROYO: I've asked  
6 this question of other agencies. We have the  
7 repairs and the response that we've had to do  
8 because of the storm, but Parks, New York City  
9 Housing Authority, all have a laundry list of  
10 projects that have to be completed because capital  
11 funding has been allocated. Fifty-two Park in my  
12 district, for example, we've funded for two years,  
13 we were hoping to get that work started, a shovel  
14 in the ground. What's your sense about the impact  
15 that the response to the repairs to address the  
16 damage caused by the storm is going to have on  
17 your agency's ability to move capital projects on  
18 a parallel track?

19 VERONICA WHITE: Can't speak to the  
20 specifics of--

21 CHAIRPERSON ARROYO: Without delay.

22 VERONICA WHITE: --of that park,  
23 but--

24 CHAIRPERSON ARROYO: [Interposing]  
25 Well not that park, I'm just using it as an--

2 [Crosstalk]

3 VERONICA WHITE: [Interposing] In  
4 terms of all of our parks.

5 CHAIRPERSON ARROYO: Yeah.

6 VERONICA WHITE: It's obviously  
7 impacting the agency, but we are moving ahead with  
8 our complete capital program and we are moving  
9 ahead with whatever is related to the storm  
10 damage. The storm damage work is clearly--many of  
11 it is behind the other work in some ways and that  
12 we have to now perhaps go out and, first of all,  
13 assess the damage; secondly, design what the work  
14 is going to be done; and, third, hire contractors.  
15 And so each of those steps and stages go along.  
16 But basically, everyone at the department is just  
17 working that much harder, frankly.

18 CHAIRPERSON ARROYO: Well the level  
19 of frustration that we were experiencing prior to  
20 this storm about the delays with capital projects  
21 and now the issues and the challenges that the  
22 agency is confronting because you've got that many  
23 more projects to move forward, and how do we  
24 respond to those individuals in our communities  
25 who have worked really, really diligently hard,

2 paid a lot of attention, and made sure that we  
3 paid attention, we need to be able to respond to  
4 the questions well how much longer is 52 Park  
5 going to be out of full--you know, it's not fully  
6 functional, there's sections of it that are fenced  
7 off in a community with probably the least amount  
8 of open green space in the entire city. Every  
9 park square foot that we can put back into  
10 operation is something that we have to work at  
11 really, really fast.

12 VERONICA WHITE: You have the  
13 commitment of the department that we'll work as  
14 fast as we can with each and every site we can.

15 CHAIRPERSON ARROYO: [Interposing]  
16 I had to get my two cents in there for 52.

17 CHAIRPERSON MARK-VIVERITO: Yes,  
18 understood 'cause that actually was a question  
19 about how were other functions of the agency  
20 delayed or affected by the response to the  
21 recovery, which is ongoing, I mean, you're still  
22 doing work.

23 But going back to the issue of the  
24 cost, so you just said that the initial assessment  
25 that was submitted was 725 million, is that--

2 VERONICA WHITE: [Interposing] Not  
3 the initial, I mean, that's the number today. So  
4 the number--

5 CHAIRPERSON MARK-VIVERITO: Right,  
6 but I mean, this is--and I guess, you know, and  
7 this is an issue I had wanted to see we could do  
8 this alone as a hearing 'cause there was an amount  
9 that was authorized by congress and that money is  
10 going to come back to the city and to the state.  
11 So are we going back a second, third time, right,  
12 to the feds to say we need more money because as  
13 we're doing the recovery, we're finding out that  
14 there's additional costs. So where are we at with  
15 that? If you could speak to that, I'm not sure if  
16 you can.

17 VERONICA WHITE: I think it's  
18 probably best to ask OMB and Mark Page, but my  
19 understanding is that so the Sandy bill had  
20 certain funding in it, there's also separate FEMA  
21 money. So I think it will be best addressed to  
22 OMB how we're--

23 [Crosstalk]

24 CHAIRPERSON MARK-VIVERITO:  
25 [Interposing] And I mean, and I've--

2 VERONICA WHITE: --various FEMA  
3 dollars--

4 CHAIRPERSON MARK-VIVERITO: Yes.

5 VERONICA WHITE: --the CDBG  
6 dollars, as well as any other dollars coming in  
7 from D.C., but right now, my job and the job of my  
8 department is to ensure that we seriously and  
9 clearly and coherently document with photos and in  
10 writing every single bit of damage by Sandy and  
11 the subsequent storm Athena--

12 CHAIRPERSON MARK-VIVERITO: Right.

13 VERONICA WHITE: --and ensure that  
14 that is all documented with FEMA and all of that  
15 gets to D.C. so that we get each and every dollar  
16 back.

17 CHAIRPERSON MARK-VIVERITO: And I  
18 think, I mean, and this is something that we need  
19 to get more information on, I know we have--we  
20 start our budget hearings next week and I have  
21 asked that a series of questions be added with  
22 regards to that because I think it's serious. We  
23 already know that we're probably not getting  
24 enough in terms of what is going to be allocated  
25 to as a city and there's going to be more costs

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2 involved, as the Commissioner said, they're still

3 doing recovery work, it still costs being, you

4 know, costs being incurred and we got to make sure

5 that we get as much money back as a city for it

6 for those expenses. So 725 million, are you

7 projecting--how high do you think you'll go?

8 VERONICA WHITE: I prefer not to

9 guess, but it will go higher--

10 CHAIRPERSON MARK-VIVERITO:

11 [Interposing] I mean, you gain most of the

12 playgrounds--

13 VERONICA WHITE: --I guarantee it.

14 CHAIRPERSON MARK-VIVERITO: --are

15 online, you've indicated that all of that work--

16 [Crosstalk]

17 VERONICA WHITE: Right.

18 CHAIRPERSON MARK-VIVERITO: --in

19 terms of--

20 VERONICA WHITE: [Interposing] But

21 we have not yet designed or figured out where [off

22 mic] the communities exactly what we'd be doing in

23 each of the beach communities, for example. So

24 that's a whole look at that to say what it is that

25 we'll be doing. Our goal is to see how much of



2 the, obviously, not only just the FEMA money, but  
3 there's also Army Corps money--

4 CHAIRPERSON MARK-VIVERITO: Right.

5 VERONICA WHITE: --in terms of  
6 looking at the sand dunes, the sand, and all those  
7 kinds of issues. So to tap into different pots of  
8 money in Washington is what we do working with our  
9 Office of Management and Budget.

10 CHAIRPERSON MARK-VIVERITO: Right.

11 I think that there's still a lot of work,  
12 obviously, ahead in terms of the funding aspects  
13 of it.

14 I also was interested, and maybe  
15 you could talk a little bit about the technology  
16 that you mentioned in your testimony. I was just  
17 trying to understand, I don't know if there's a  
18 way you could walk us through some of it. You  
19 talked about the Storm Command Center and how it  
20 plays into the forestry management system  
21 technology. Like, could you walk us through like  
22 how that works?

23 VERONICA WHITE: Yes, I can. I  
24 think First Deputy Commissioner Cavanaugh could  
25 better do it, but the very short answer is that

2 internally in the agency with a couple of  
3 individuals in our IT department, First Deputy  
4 Commissioner Cavanaugh developed a system wherein  
5 we were able to basically eliminate lots of  
6 paperwork and we could know immediately where  
7 trees were. So if the tree was down, was it on a  
8 house, was it in a road? And we can immediately  
9 document that. So we could pull up, for example,  
10 someone would call, for example, a City Council  
11 member would call and say tree down on the house,  
12 I would say there's also seven trees down in your  
13 district in the roads that we're tackling first.  
14 So we're actually able to look in real-time format  
15 at where trees were and be able to address the  
16 issues in terms of which were the most crucial in  
17 terms of emergencies.

18 CHAIRPERSON MARK-VIVERITO: And  
19 that's the forest management system?

20 VERONICA WHITE: That's the mobile  
21 application, the Storm Mobile system.

22 CHAIRPERSON MARK-VIVERITO: That's  
23 the storm one.

24 VERONICA WHITE: Yeah.

25 CHAIRPERSON MARK-VIVERITO: Okay.

2 And then how long has that been in place?

3 VERONICA WHITE: I think it was in  
4 place on my first day of work, but Liam could  
5 better address that. Started about August 30th.  
6 We had a tornado my first weekend and it was just  
7 up and running, we practiced for Sandy. Is that  
8 fair? Thank God he developed it before I got  
9 there.

10 CHAIRPERSON MARK-VIVERITO: Well at  
11 some point, I definitely would love to go to the  
12 Parks--

13 VERONICA WHITE: [Interposing] I  
14 think actually--

15 CHAIRPERSON MARK-VIVERITO: --and  
16 see how this--

17 [Crosstalk]

18 VERONICA WHITE: --you should come  
19 and see it, it also interplays at OEM because you  
20 could pull up on a screen anywhere what's going on  
21 in any community, and it really helped us in real-  
22 time figure out which trees to address first--

23 CHAIRPERSON MARK-VIVERITO: Right.

24 VERONICA WHITE: --and how to get  
25 there, and it also worked hand-in-hand with

2 Sanitation because they could use the system to  
3 know where the debris was from the trees that we  
4 were then taking down.

5 CHAIRPERSON MARK-VIVERITO: And  
6 then just the last question was, you know, what  
7 limitations, if any, did you as an agency discover  
8 regarding your emergency preparedness? I know we  
9 had--you know, we've had hearings with all  
10 different agencies and I know when it comes to New  
11 York City Housing Authority, for instance, you  
12 know, they had a book that--I mean, I think their  
13 guidelines were maybe two or three pages and now  
14 it's hundreds of pages in terms of preparedness or  
15 in response to. So did you see any limitations,  
16 any adjustments, any changes that you make--

17 VERONICA WHITE: [Interposing]  
18 We're doing an assessment and we'll have that and  
19 bring it back to you, because we're doing--I think  
20 things went remarkably smoothly, given how  
21 terrible the storm was, but we can always do  
22 better and we're looking at that now and we're  
23 doing a study to see what it is that we could  
24 better and how we could improve our performance in  
25 the storm.

2 CHAIRPERSON MARK-VIVERITO: Okay.

3 Yeah, and I think this hearing is, obviously,  
4 we're seeing the level of complexity also when  
5 you're having agencies having to interact and that  
6 level of collaboration and overlap, you know, it's  
7 real--

8 VERONICA WHITE: [Interposing] Well  
9 in that, I'd like to actually say it was  
10 remarkable--

11 CHAIRPERSON MARK-VIVERITO: Yes.

12 VERONICA WHITE: --the level of  
13 collaboration from the City DEP, Sanitation, the  
14 State DEC, the folks at State DOT that lent us  
15 their forestry crews to help us.

16 [Off mic]

17 CHAIRPERSON MARK-VIVERITO: Yes,  
18 Health.

19 VERONICA WHITE: I'd hate to leave  
20 them out, but the DOHMH, of course. But--

21 CHAIRPERSON MARK-VIVERITO: So--  
22 yes, go ahead.

23 VERONICA WHITE: --but many, many  
24 city, state, and federal agencies helped us,  
25 including, for example, the National Park Service

2 in helping give us some of the sites that we had  
3 to use for debris. So it was an extraordinary  
4 level of engagement across many, many agencies  
5 with very quick decisions. I mean, a very simple  
6 example is working with the State DEC minutes  
7 after the storm with the sand washed up into the  
8 communities and the Rockaways, and ordinarily, you  
9 couldn't bring it back down, but when you explain  
10 to the State DEC people that the people's  
11 belongings, homes, furniture was on the beach and  
12 that the boardwalk was up in the homes, they got  
13 it. And so we were allowed a very brief period of  
14 time where we could actually take the sand and  
15 bring it back, otherwise, that would be all the  
16 less beach we'd have out there this summer. So  
17 people were able to respond quickly in the  
18 emergency situation at all levels, and it was  
19 really, a really enormous level of cooperation  
20 with all the agencies.

21 CHAIRPERSON MARK-VIVERITO: And  
22 then just on the issue of all the trees that were  
23 down and yet to remove--and in some areas of our  
24 Council, it's a little controversial a thing of  
25 how many trees have been planted and the lack of

2 proper maintenance that is able to be given  
3 because the budget is so compromised, but is there  
4 any idea or plan to replace those trees that came  
5 down? Obviously, they leave stumps behind, stump  
6 removal budget is not really there in Parks, it's  
7 been compromised as well over the years. So to  
8 what extent are you looking at that or is that  
9 part of the discussion?

10 VERONICA WHITE: That's part of the  
11 discussion, but also I'm actually--well just  
12 before we lost the 20,000 trees, we planted 20,000  
13 in a Million Trees day two days before the storm.  
14 So we will continue our tree planting and we will  
15 continue our pruning. And this gives us actually  
16 a good opportunity to look at where the trees came  
17 down, what types of trees they were, the ages of  
18 them, where we're doing a study of that as well.

19 CHAIRPERSON MARK-VIVERITO: Okay.  
20 And I don't know if, Commissioner Doherty, in  
21 terms of the expense or the costs, I mean, you had  
22 indicated in your testimony how it's an ongoing  
23 number and it's moving target.

24 JOHN DOHERTY: Well, you know, you  
25 got to look at it two parts. One is the personal

2 service, the costs for the Sanitation workers in  
3 my case or other city agency personnel, to go out  
4 there and continue to do the work, the clean up,  
5 whatever it may be involved. Then there's the  
6 capital costs, basically, your facilities, and  
7 that's one where you have to get the engineers in,  
8 you have to work with FEMA, you have some  
9 assessments, and that's an ongoing one. And  
10 that's going to take a little bit longer I think  
11 to really come down with a final bill for the  
12 repair of these facilities 'cause that takes a lot  
13 more work. How do you rebuild it; what has to be  
14 done; what should you do differently. So that all  
15 has to be looked at, that'll all be put together,  
16 and it is being worked on right now between, as  
17 Commissioner White said, with people going out  
18 there to look at the facilities with us from FEMA.  
19 We've got some of it done, but I think there's a  
20 lot more to do.

21 CHAIRPERSON MARK-VIVERITO: Right.

22 JOHN DOHERTY: The personal service  
23 one, we end it, we stopped doing it, you add up  
24 the bill, depending on your agency and when you  
25 end that sort of thing, so that's a little easier



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2 to do. It's the capital construction work that's  
3 going to be a lot more difficult and take more  
4 time.

5 CHAIRPERSON MARK-VIVERITO: So then  
6 the only--sorry--the only last question I would  
7 have is for both of you, you have to--sorry--

8 [Crosstalk]

9 CHAIRPERSON MARK-VIVERITO: --I  
10 keep saying the last question, but considering  
11 that we don't get 100% of the expenses reimbursed,  
12 what are you projecting this is going to add in  
13 terms of costs to your budget? I mean, obviously-  
14 -

15 [Crosstalk]

16 JOHN DOHERTY: [Interposing] Well I  
17 think that's an unknown until we know what we're  
18 going to get. They haven't refused us any money  
19 yet so--

20 CHAIRPERSON MARK-VIVERITO: Yeah.

21 JOHN DOHERTY: --I can't say  
22 they're not going to be short because they haven't  
23 refused it.

24 CHAIRPERSON MARK-VIVERITO: Okay.

25 JOHN DOHERTY: We're submitting

2 everything and we'll continue to do that.

3 CHAIRPERSON MARK-VIVERITO: Well  
4 thank you very much.

5 JOHN DOHERTY: You're welcome.

6 CHAIRPERSON ARROYO: Okay. I have  
7 neglected to mention that we were joined briefly  
8 by Council Member Rosie Mendez and Council Member  
9 Al Vann is still here, thank you.

10 [Off mic]

11 CHAIRPERSON ARROYO: Are we  
12 concerned--have we completed a laundry list of the  
13 projects that we're going to the feds to get  
14 reimbursement? Is there a deadline? Are we  
15 concerned about meeting a deadline that may render  
16 some projects not eligible only because we were  
17 not able to get them on a list within the clock?  
18 Are we concerned about any of that?

19 JOHN DOHERTY: There has been--

20 CHAIRPERSON ARROYO: For any of  
21 you.

22 JOHN DOHERTY: Yeah, I'll just  
23 answer for Sanitation, I think it affects the  
24 whole city. A deadline has not been set, there's  
25 been no cutoff dates set by the federal government

2 on when we commit it. We continue to put it in.  
3 I think--and I can answer for Sanitation--we do  
4 have a list of the facilities that we know we need  
5 to do repair work on and we're putting that  
6 information together. And we're working with  
7 contract engineering companies to assist in that  
8 work.

9 CHAIRPERSON JAMES: And can I just  
10 ask this one question? You anticipate 100% a full  
11 reimbursement? Is there any possibility that any  
12 of it will be rejected as not being eligible?

13 JOHN DOHERTY: I expect 100%.

14 [Laughter]

15 FEMALE VOICE: Very optimistic.

16 CHAIRPERSON JAMES: So but there is  
17 a possibilities?

18 JOHN DOHERTY: I don't know about  
19 the possibility, I accept 100%.

20 CHAIRPERSON JAMES: And,  
21 Commissioner White, the mayor said summer beaches  
22 are open, but some boardwalks are not there.

23 VERONICA WHITE: The beaches will  
24 be open, the boardwalks will not be rebuilt by  
25 Memorial Day, that's just not possible.

2 CHAIRPERSON JAMES: So there's some  
3 safety issues because, obviously, in order to get  
4 to some beaches, you bypass some boardwalks and...

5 VERONICA WHITE: What we'll be  
6 doing in each of the impacted areas is opening  
7 various nodes so that there will be the facilities  
8 that are needed--

9 CHAIRPERSON JAMES: [Interposing]  
10 What's a node?

11 VERONICA WHITE: It's an area, you  
12 could call it an island, you can call it--it'd be  
13 like where all the Council people are sitting and  
14 that would be the entrance, and then there'll be  
15 lifeguard stations and restroom statements--

16 CHAIRPERSON JAMES: [Interposing]  
17 So this node would be open for some swimmers and  
18 that node will not be--

19 VERONICA WHITE: [Interposing] No,  
20 all the swimming will be open, the entire beach  
21 will be open, but to access the beach--

22 CHAIRPERSON JAMES: Will be--

23 [Crosstalk]

24 VERONICA WHITE: --will be able to-  
25 -there'll be certain areas where you'll be able to

2 access the beach where we'll have comfort  
3 stations, concessions, we'll have lifeguard  
4 facilities, which are obviously essential, and  
5 operating facilities for Parks department  
6 employees. Then you'll be able to get down to the  
7 beach. Other parts will be fenced off and you  
8 will not be able to get on to certain parts of the  
9 boardwalk.

10 CHAIRPERSON JAMES: And at these  
11 nodes, will there be police or someone there  
12 saying, you, this area is off guards or--

13 VERONICA WHITE: [Interposing]  
14 We'll have PEP there, whichever is our Parks  
15 Enforcement Patrol.

16 CHAIRPERSON JAMES: So we're hiring  
17 more PEP officers?

18 VERONICA WHITE: Actually, we are,  
19 yes.

20 CHAIRPERSON JAMES: Oh, that was  
21 part of your budget that was supposed to be--

22 [Crosstalk]

23 VERONICA WHITE: [Interposing]  
24 That's part of my budget.

25 CHAIRPERSON JAMES: I scooped you?

2 Sorry.

3 VERONICA WHITE: Oh, it was already  
4 in the budget that was public, it was public  
5 several weeks ago.

6 FEMALE VOICE: Yes.

7 VERONICA WHITE: If not, several  
8 months ago. I think Sandy like just erased my  
9 budget victory.

10 CHAIRPERSON GENNARO: Thank you, I  
11 guess I'm next, thank you. It's most of the  
12 questions that I wanted to ask have been answered.  
13 Just as I go through the statement from DEP, I  
14 just made some notes. Deputy Commissioner Licata,  
15 just to return and put the capstone on the wood  
16 burning, I thank DEP for their wonderful  
17 cooperation working with the Army Corps, working  
18 with the EPA, working with my office directly, it  
19 was a good process that led to a good outcome. We  
20 got that contract let and stopped the burning well  
21 before people thought we were going to be able to,  
22 and I thank you for that. And I see Mike Gilsenan  
23 and Gerry Kelpin and others that helped in that  
24 process, and I'm grateful for that.

25 I got a call from the commissioner

2 with regard to the fuels that we had to  
3 temporarily give the waivers for for the bio and  
4 for the sulfur, and it happened, that's built into  
5 the law that that is okay in times of crisis to do  
6 that, so that was a good outcome. And so thank  
7 you, it was great to work with DEP.

8                   And with regard to the Parks  
9 department, Commissioner White, I just want to  
10 give a shout out to Dottie Lewandoski [phonetic]  
11 and Joanne Amagrande [phonetic] and Janice Melnik  
12 [phonetic], who were terrific to work with. And  
13 we had a lot of trees come down in Jamaica  
14 Estates, this is kind of like this center of my  
15 district and Parks did a great job in that, I  
16 thank you.

17                   This wasn't going to be all thank  
18 you's, but it just seems like a lot of the hard  
19 stuff got asked already. But with regard to the  
20 third page of your statement about the 3 million  
21 cubic yards of sand that was displaced, you know,  
22 just to give a sense of the power of the storm and  
23 I have no reason to doubt that number, but I had  
24 my staff do a little quick math, and 3 million  
25 cubic yards of sand, if that was in 20 yard

2 dumpsters end to end, that would stretch for 625  
3 miles from the Empire State Building to Knoxville,  
4 Tennessee, just to give people like a sense of  
5 scale. And Council staff is good at crunching  
6 numbers, so there you have it. But just to give  
7 people like a visual on what does 3 million cubic  
8 yards of sand look like, that's what it looks  
9 like.

10 COUNCIL MEMBER LANDER: Great  
11 American dune buggy path [off mic].

12 CHAIRPERSON GENNARO: Yeah, well I  
13 just, you know, you hear big numbers and you want  
14 to get some sense of the scope and like what does  
15 it really look like, and when you have that kind  
16 of visual, it kind of helps people get what we  
17 were--

18 [Crosstalk]

19 VERONICA WHITE: [Interposing] Just  
20 and on that number, we actually are in the midst  
21 of final negotiations in terms of working with the  
22 Army Corps and the federal supplemental bill that  
23 was referred to earlier to bring some 3 million  
24 cubic yards back to New York City. It's still--

25 [Crosstalk]



2 VERONICA WHITE: --though.

3 CHAIRPERSON GENNARO: I'll tell the  
4 people in Knoxville to get ready for that, to ship  
5 it back to us. But I just I think it's good to  
6 give people a sense of the scale that we were  
7 dealing with. And thank you for that,  
8 Commissioner.

9 And, Commissioner Doherty, you've  
10 already been questioned a lot, but I got great  
11 cooperation from the Department of Sanitation and  
12 my local superintendent, Andy Devakus [phonetic],  
13 who was terrific, he's really a great guy and I  
14 want to thank him.

15 And I see Harry Nespoli [off mic].  
16 Can someone find a chair for Harry? He's been  
17 standing the whole time. Okay.

18 And so--

19 [Laughter]

20 CHAIRPERSON GENNARO: A fine  
21 example of New York's strongest. And so I want to  
22 thank you, Deputy Commissioner Kass as well. But  
23 no one should ever think they're going forward  
24 that the questions from this chair will be as easy  
25 or nice or whatever, I'm just having a good day.

2 So and I thank you all very much for, you know...  
3 'Cause all the work is already--we've had a much  
4 interaction getting to this day and so I think  
5 this is kind of a day for thank you's after the  
6 hard questions have been asked.

7 And so that concludes my  
8 questioning, Madam Chair.

9 CHAIRPERSON ARROYO: That's it?

10 CHAIRPERSON GENNARO: Yes.

11 CHAIRPERSON JAMES: Awesome.

12 CHAIRPERSON ARROYO: Oh, then I  
13 have some more. Thank you, Council Member. We  
14 have questions, I think that's where the fun is  
15 going to end though. Council Member Levin,  
16 followed by Council Member Lander.

17 COUNCIL MEMBER LEVIN: Thank you  
18 very much, Chair Arroyo and Chair James and Chair  
19 Gennaro. I'll keep my remarks and questions brief  
20 here.

21 First I want to thank and  
22 acknowledge the workers in all of your agencies  
23 for the difficult work they did in the aftermath  
24 and the long hours that they put in and the spirit  
25 of collaboration, because that was really

2 extraordinary, across the agencies. Commissioner  
3 Doherty, especially your workers who, when I went  
4 down with my staff down to the Rockaways in the  
5 weeks after the storm and did some clean up, your  
6 guys were there from all over the city putting in  
7 extremely long days and not asking for special  
8 treatment or special acknowledgment, but really  
9 putting in a lot of work, so I want to thank your  
10 department. And I had mentioned that to President  
11 Nespoli as well, really just exemplary work and so  
12 I want to acknowledge that.

13 For Deputy Commissioner Licata, I  
14 just wanted to ask, you had said in your testimony  
15 on page three about Newtown Creek and Gowanus  
16 Canal. I have the distinction of having both  
17 waterways--

18 ANGELA LICATA: I know.

19 COUNCIL MEMBER LEVIN: --in my  
20 council district, and you mentioned that there was  
21 high levels in both waterways in the sampling of  
22 bacteria, was that due to CSOs? Because the rain  
23 wasn't very hard during the storm, so what would  
24 you--how would you account for the bacteria?  
25 'Cause it doesn't seem like it would have--was it

2 a CSO event in those waterways or how did that--

3 ANGELA LICATA: [Interposing] Well  
4 in speaking specifically about the Gowanus Canal,  
5 there were CSO events, and in addition to that,  
6 the pumping station that's undergoing repair there  
7 and an upgrade, a major upgrade was offline for a  
8 period of time.

9 COUNCIL MEMBER LEVIN: Okay.

10 ANGELA LICATA: So that represented  
11 what we believe to be responsible for the high  
12 bacteria counts. Newtown Creek, not so sure.  
13 However, the flood waters, as they came over their  
14 banks, also returned a lot of runoff from the  
15 street network back into the canal as well.

16 COUNCIL MEMBER LEVIN: Okay. And  
17 one thing when a couple--about a month and a half  
18 ago or two months ago now we had your agency and  
19 EPA and DEC and everyone out to the Greenpoint  
20 area, the thing that they said that happened was  
21 that it was--that the water that flooded, when it  
22 breached the creek was mostly water that kind of  
23 came in from the harbor so it wasn't--was it  
24 scouring the--

25 ANGELA LICATA: [Interposing]

2 Scouring.

3 COUNCIL MEMBER LEVIN: --scouring,  
4 scouring the bed of the creek. Was that the same  
5 determination in Gowanus Canal? I mean, was the  
6 water that was the overflowing not contaminated  
7 water? I mean, is that--

8 ANGELA LICATA: [Interposing]  
9 Generally, what we saw is that the canal water  
10 came up and over its banks. I myself, I did an  
11 inspection the very next day and what we saw was  
12 evidence of the creek having--or the canal having  
13 risen and overflowed its banks, and then what we  
14 saw was a lot of petroleum product, generally  
15 speaking, from basement tanks, from heating oil  
16 tanks that had broken connections and then  
17 possibly had created petroleum product on the  
18 streets.

19 COUNCIL MEMBER LEVIN: Not  
20 petroleum from the creek, but petroleum--

21 [Crosstalk]

22 ANGELA LICATA: [Interposing] Not  
23 petroleum from the creek, petroleum from these  
24 heating oil tanks in people's basements.

25 COUNCIL MEMBER LEVIN: And then,

2 Commissioner Kass, I just wanted to ask about with  
3 regard to mold, so is Department of Health  
4 studying the long-term--so there's short-term  
5 health impacts with mold and then there's long-  
6 term health impacts of mold. So can you first  
7 explain what are some of the long-term health  
8 effects of exposure to black mold?

9 DANIEL KASS: So studies that have  
10 looked at long-term effects of short-term exposure  
11 have found that there by and large are not long-  
12 term effects, that--

13 COUNCIL MEMBER LEVIN:

14 [Interposing] Well how about long--

15 [Crosstalk]

16 DANIEL KASS: --the symptoms, just  
17 say the symptoms associated with exposure usually  
18 abate once, you know, sometime after exposure  
19 ends. By long-term exposure, even the duration of  
20 the storm, we would expect, based on studies that  
21 had happened after Katrina and other ones, that  
22 once exposure to mold is reduced into someone's  
23 home, that any symptoms associated with it would  
24 also be--it would be eliminated or returned to  
25 sort of normal respiratory function.

2                   There are people who are more  
3 sensitive. Our guidance identifies groups of  
4 people who may be more sensitive to the effects of  
5 mold, people who are immunocompromised, for  
6 example, for whom unusual effects can occur, but  
7 by and large, these are transient respiratory and  
8 sinus effects.

9                   COUNCIL MEMBER LEVIN: Right, but  
10 there are still mold out there and once the  
11 weather starts to get warmer, there's a potential  
12 for mold to start to grow at a faster rate or mold  
13 that's on sheetrock that hasn't been taken out or  
14 on porous material that hasn't been removed or  
15 carpeting or what have you, that that has the--I  
16 mean, there's still instances of that out there in  
17 affected areas, right, in flooded areas. Once the  
18 weather gets warmer, there's a potential for mold  
19 to grow. I mean, I'm just wondering is the Health  
20 Department kind of keeping track of, A, when the  
21 mold--if the mold's going to be coming back when  
22 the weather gets warmer; and then what kind of  
23 tracking if there are some of these... 'Cause I was  
24 looking up a aspergillosis? Sorry?

25                   [Off mic]

2 COUNCIL MEMBER LEVIN: Okay.

3 Hypersensitivity pneumonitis? Okay. I mean,  
4 there's some potential long-term health impacts,  
5 I'm just wondering if you're monitoring them, if  
6 you're looking out for them, are you--is this  
7 stuff that the Health department is kind of  
8 keeping track of?

9 DANIEL KASS: Let me invite Dr. Tom  
10 Matte to comment on some of the specifics and then  
11 I'll comment at the end.

12 COUNCIL MEMBER LEVIN: Thank you.  
13 Correction.

14 DR. TOM MATTE: Thank you. So I  
15 just wanted to first respond to part of your  
16 question, which was a reference to black mold.  
17 We've reviewed and we've consulted with experts  
18 who have been looking at the mold issue for many  
19 years and there really isn't a basis for  
20 distinguishing on the basis of mold species in  
21 that grows commonly in housing between black mold  
22 and other mold.

23 There is literature on mold in  
24 housing, it's a common problem in housing. People  
25 living in damp, moldy housing who are allergic to



2 mold will have increased rates of respiratory  
3 illness. Our monitoring, our routine monitoring  
4 at the Health department is looking at emergency  
5 department data over time which we can monitor at  
6 the population level. We think the most important  
7 way to monitor for what's going on in housing is  
8 for people to be correcting the mold hazard and  
9 responding to complaints where hazards are not  
10 being corrected. We're not conducting an ongoing  
11 study, a systematic study of mold in housing.

12 COUNCIL MEMBER LEVIN: I think  
13 that, you know, may be warranted and I would like  
14 to kind of check back in every few months,  
15 especially, again, when the weather gets warmer  
16 because it's a good possibility that there may be  
17 spores that grow, I mean, that's how it grows  
18 right in warmer weather, it's been--

19 DR. TOM MATTE: Right, there will--

20 COUNCIL MEMBER LEVIN: --a pretty  
21 cold winter, so...

22 DR. TOM MATTE: There will be in  
23 buildings that are still damp where water damage  
24 hasn't been properly repaired or materials haven't  
25 been dried out, mold will regrow.

2 COUNCIL MEMBER LEVIN: Yeah.

3 DR. TOM MATTE: And so the action  
4 to take is to correct those questions, not to  
5 study the mold or measure the mold. We have  
6 looked at the question of testing for mold,  
7 Centers for Disease Control has looked at this  
8 question, there really--the way to respond and to  
9 prevent people from being exposed to mold is to  
10 correct the moisture problems that contribute to  
11 mold because it's--

12 COUNCIL MEMBER LEVIN: Right.

13 DR. TOM MATTE: --is ubiquitous in  
14 the environment--

15 CHAIRPERSON ARROYO: Council  
16 Member.

17 COUNCIL MEMBER LEVIN: Yeah, nobody  
18 is saying that--

19 CHAIRPERSON ARROYO: [Interposing]  
20 I'm sorry, it might have been before you came into  
21 the room, but in my discussion with Deputy  
22 Commissioner Kass, the question about post-repair  
23 and how do we keep track of the homes that were  
24 repaired and whether or not there will be a future  
25 condition of mold that has to be responded to and

2 whether HPD is part of this conversation as it  
3 relates to violations that residents and/or, you  
4 know, the owner is not going to call it in, but  
5 the concern is mostly for renters, obviously, for  
6 me. So we're going to do sidebar conversations  
7 with DOHMH and HPD to see how we get our heads  
8 around that one.

9 [Crosstalk]

10 COUNCIL MEMBER LEVIN: Thank you  
11 very much, Madam Chair. Thank you, Commissioners.

12 CHAIRPERSON ARROYO: That's going  
13 to cost you.

14 [Laughter]

15 CHAIRPERSON ARROYO: Okay. Are we-  
16 -

17 [Off mic]

18 CHAIRPERSON ARROYO: No, no, Steve.

19 COUNCIL MEMBER LEVIN: Yeah.

20 CHAIRPERSON ARROYO: Council Member  
21 Lander?

22 COUNCIL MEMBER LANDER: Thank you  
23 very much to the chair, thanks to all of you. And  
24 I want to echo the thanks that everyone has been  
25 giving. This has in a few cases quite personal

2 for me, you know, our street tree fell on my house  
3 and the Parks department crew that came out a few  
4 days later to cut it down, and we got one from the  
5 Parks department I know was wonderful, there were  
6 many other crews came, but they were extraordinary  
7 I have to say. They were working 18 hour shifts.  
8 The guy that went up in the bucket was in his  
9 sixties. It is a martial art form. I mean, I had  
10 not watched it at all, much less at the speed that  
11 they were doing it. It's a little terrifying, you  
12 know, they'd tie it and then swings and it just  
13 about hits your window. And anyway, but  
14 extraordinary, and I'm extremely, extremely  
15 grateful. And I know they were doing this times  
16 5,000. So thank you.

17 I want to call out Sam Miller, who  
18 was great in a lot of places, including at the  
19 Park Slope Armory, and we also worked closely with  
20 Commissioner Strickland on the Gowanus and got the  
21 EPA out to do that testing pretty quickly. And,  
22 obviously, we all saw what Sanitation did. So,  
23 first, thank you.

24 Just a range of questions on a few  
25 different points. On the trees, well so are there

2 still some--it's my understanding there are still  
3 some--there are still a lot of trees out there at  
4 Floyd Bennett, is that right? That's there's  
5 still hangars full of trees?

6 VERONICA WHITE: So not hangar's  
7 full, but we do have trees and we do also have  
8 some mulch, but some of the trees we're actually  
9 also saving because we intend--with some Christmas  
10 trees and some other things to actually to create  
11 some dunes. So some trees will be used in  
12 productive ways in the future; other trees will  
13 have to be still taken out of the city.

14 COUNCIL MEMBER LANDER: So to this,  
15 I happened to be visiting a friend last weekend  
16 who is a furniture maker, used to be in Dumbo for  
17 a lot of years and got priced out and has... But he  
18 said that he thought there might well be a fair  
19 amount of interest on the part of folks who have  
20 deployable mills and kilns and who could deal with  
21 the fact that, even though there's these issues  
22 with the Asian long-horned beetle, that if there  
23 was an opportunity for them to set up shop at  
24 Floyd Bennett, they might be able to plane it or  
25 kiln it, and that there might be some demand for

2 Sandy wood in a range of... You know, it's not  
3 going to be a large-scale disposition, but if we  
4 could follow up to explore whether there's any  
5 room--

6 [Crosstalk]

7 VERONICA WHITE: [Interposing]

8 Can't hurt to follow up to explore.

9 COUNCIL MEMBER LANDER: Okay.

10 CHAIRPERSON GENNARO: And, Brad, if  
11 I could, there was some discussion between myself  
12 and Carter Strickland about the various types of  
13 wood that were there and there was some discussion  
14 from DEP about some of the wood that had that kind  
15 of value was going to be sequestered. And, I mean  
16 I didn't delve into that 'cause I was more  
17 concerned with stopping the burning or working  
18 with folks to get the beneficial reuse going. And  
19 when we're talking about the topic of beneficial  
20 reuse, I know that part of the conversation was  
21 that Carter said that some of the wood that had  
22 those kind of properties was going to be  
23 sequestered and I haven't followed up since then,  
24 but it's--

25 COUNCIL MEMBER LANDER:

2 [Interposing] So let's work together if there--

3 VERONICA WHITE: Yes.

4 COUNCIL MEMBER LANDER: --is some  
5 opportunity--

6 CHAIRPERSON GENNARO: --it's not  
7 like it hasn't been thought up.

8 COUNCIL MEMBER LANDER: --here,  
9 even at a modest scale, it would be wonderful so--

10 VERONICA WHITE: Thank you.

11 COUNCIL MEMBER LANDER: --a nice  
12 opportunity to reuse it and--

13 VERONICA WHITE: I know, I know.

14 [Crosstalk]

15 COUNCIL MEMBER LANDER: --any place  
16 we can be finding silver linings. So--

17 VERONICA WHITE: Exactly.

18 COUNCIL MEMBER LANDER: --so let's  
19 follow up and try.

20 Commissioner, I want to ask you a  
21 question about--I know you didn't mention it in  
22 your testimony but it has been in the news and I  
23 think you and I see eye to eye on this and I just  
24 want to make sure we make it public--the issues  
25 around East 91st Street and the solid waste and

2 the maritime transfer station have been raised,  
3 and I believe that the City's commitment to the  
4 Solid Waste Management Plan and to the fair share  
5 and to reducing the other waste transfer stations  
6 must be maintained and it seems to me maritime  
7 transfer stations have to be on the waterfront  
8 else it will be hard for them to be maritime. But  
9 I think it will be helpful if you could just  
10 clarify the steps that are being taken to make  
11 sure that as we move forward to build that that  
12 it's, you know, we're being cognizant of this  
13 storm and what we learned from it and we're taking  
14 the steps we need to take to make sure that we  
15 move forward to do that and do it in wise ways.

16 JOHN DOHERTY: We are looking at  
17 that. We have the new draft maps in on the what  
18 would be the high water mark and the areas that  
19 would be affected in a storm like this, so we're  
20 looking at that and we will be making some  
21 modifications where appropriate at our transfer  
22 stations to ensure that there won't be failures or  
23 any problems. And we have a lot of steps in place  
24 that people are concerned about: What happens if  
25 water comes into a transfer station such as that



2 when it's in operation.

3                   Some of the pre-storm preparations  
4 that we would do in something like that would be  
5 move all the garbage out of there quickly, move  
6 the containers out, get everything out of the way  
7 so you're not going to have a problem with garbage  
8 flooding out into the waterways or flooding onto  
9 the land, or you're not going to have a situation  
10 where containers will start bobbing around in a  
11 harbor, they would all be removed ahead of time.  
12 So that will be part of the preparation.

13                   But here again, it's an ongoing  
14 thing, we're re-looking at it, this is the first  
15 time it ever happened like this in the city so  
16 it's something that I think goes on, not only in  
17 sanitation, but every type of waterfront habitat  
18 around the city that we have to look at, whether  
19 it's a home or a transfer station, whatever it  
20 might be.

21                   COUNCIL MEMBER LANDER: So thank  
22 you, and I look forward to hearing as you guys  
23 figure out what to do, obviously, those plans have  
24 to be made. And, look, I understand there's few  
25 communities that are excited about many difference

2 kinds of infrastructure, and actually just to  
3 myself in Sunset Park, there actually have been  
4 pretty open to the role they need to play in the  
5 maritime piece of this process, and I think we'll  
6 be hearing later in testimony. It's incumbent for  
7 us to keep moving forward because the waste  
8 transfer stations throughout the city in much more  
9 highly polluting and much more concentrated places  
10 are there 'til we get this done. So--

11 JOHN DOHERTY: Thank you.

12 COUNCIL MEMBER LANDER: --thank  
13 you.

14 Let's see, a couple more questions  
15 on the canal and the storm water issues. First, I  
16 just want to--so I was out at the Gowanus, really  
17 that was every couple of hours throughout the  
18 storm and so I watched it rise and flood the banks  
19 significantly and a couple of places hit the  
20 bridges. We connected the EPA and you guys to  
21 some of the homeowners who went down to those  
22 basements and got the bacterial counts. And it  
23 definitely is true that you could just see the  
24 petroleum. One question it raised for me is are  
25 we looking at the question of whether we should

2 revise rules or guidelines for petroleum storage  
3 in the flood zone. I think you're right, from  
4 watching at Gowanus, it was, you know, some of it  
5 that I guess was in basements, I think there's  
6 reasonably--some of it's in tanks, I don't think  
7 we have rules governing petroleum storage, I could  
8 be wrong about this and maybe we do, but I don't  
9 know that we have rules governing petroleum  
10 storage in the flood zones and it seems like maybe  
11 we should so...

12 ANGELA LICATA: I myself am not  
13 knowledgeable about that, I certainly saw the  
14 problem firsthand and whether or not these tanks  
15 should be bolted or whether they can be bolted,  
16 whether or not they should have more flexible  
17 nozzles that are connecting them. But I think  
18 it's something to look into for sure.

19 COUNCIL MEMBER LANDER: And I want,  
20 as you know, on the Gowanus Canal, I think where  
21 we're going to before too long start moving back  
22 towards some longer-term land use planning, we'll  
23 be able to do that much more mindfully of these  
24 consequences. I am committed, and I think Council  
25 Member Levin as well, to maintaining mixed use

2 areas and it's one thing if you're making new  
3 rules for residential development, you can  
4 elevate. For manufacturing, that's much more  
5 challenging to figure out, but I think there are  
6 some things that we can do and this might be one  
7 of them.

8                   So and I guess just a bigger  
9 question kind of related to this, as you guys, I  
10 know, are just about to start the long-term  
11 control plan process, I assume that that process  
12 and the SIRR, you know, it won't be simple but the  
13 look will be taken at both what you already have  
14 in the hopper in terms of high level storm sewers  
15 and a range of other infrastructure investments  
16 related to the LTCP and other things will get  
17 integrated with what we're learning from and what  
18 you and this process EDC is leading. But I guess  
19 I want to make sure of that we got a few--

20                   ANGELA LICATA: [Interposing] Yeah,  
21 absolutely.

22                   COUNCIL MEMBER LANDER: --complex  
23 processes--

24                   ANGELA LICATA: Right.

25                   COUNCIL MEMBER LANDER: --that need

2 to get brought together.

3 ANGELA LICATA: I can assure you,  
4 we are doing that. In fact, DEP was just wrapping  
5 up a two-year study for looking at climate change  
6 and increased resiliency where we had studied the  
7 Hunts Point plant, that's a plant that's been  
8 vulnerable in the past. We looked at about 30  
9 pumping stations, and we looked at about a 30,000  
10 square foot area for CSO control, and looked at a  
11 couple of climate scenarios and saw what could be  
12 vulnerable facilities at those plants, at the  
13 individual plants, and what could you do to make  
14 those assets, the critical assets more resilient.  
15 And so that's a study that we are now going to  
16 broaden across all 14 plants and 90 something  
17 pumping stations--96 pumping stations, thank you,  
18 Kathryn. So we'll have better data, but we are  
19 working with the Special Initiative for Rebuilding  
20 and Resiliency with respect to identifying really  
21 some early action items as well.

22 COUNCIL MEMBER LANDER: Good--

23 ANGELA LICATA: Yeah.

24 COUNCIL MEMBER LANDER: --and I  
25 look forward, I've said this to you before but I

2 also just say it publicly as well, I think that  
3 the Gowanus area, you know, because the Superfund  
4 plan is on the table and there's obviously issues  
5 to get worked out there, but as it becomes time to  
6 look toward longer term planning, the opportunity  
7 to integrate infrastructure planning, clean up  
8 planning, and land use planning, and try to find  
9 the ways that we need to imagine these low-lying  
10 areas of our city. We've got a great opportunity  
11 there and I look forward to working with--

12 ANGELA LICATA: Yes.

13 COUNCIL MEMBER LANDER: --all of  
14 you on it. My last question goes back to Parks,  
15 well a short one and then a medium one. You know,  
16 we take the kids to the Red Hook pool every--you  
17 know, many times this summer and I saw it flood as  
18 well and it looked like pretty serious damage. And  
19 I guess I don't know whether you know or you can  
20 tell us yet, but do you know how bad it is? It  
21 looked pretty bad from what I could tell.

22 VERONICA WHITE: We are still  
23 assessing each some of those facilities and--

24 COUNCIL MEMBER LANDER:  
25 [Interposing] Well that has a lot of--I don't

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2 represent Red Hook, but it has a lot of fans, the

3 Red Hook pool--

4 VERONICA WHITE: I could tell you--

5 COUNCIL MEMBER LANDER: --and we

6 are eager to do what we can to bring it back and--

7 VERONICA WHITE: [Interposing] So

8 I'm told by the First Deputy Commissioner that it

9 will be open for the summer.

10 COUNCIL MEMBER LANDER: Really?

11 Oh, wonderful, all right, that's great new, I--

12 [Crosstalk]

13 COUNCIL MEMBER LANDER: All right,

14 good.

15 [Crosstalk]

16 CHAIRPERSON JAMES: --medium

17 question.

18 COUNCIL MEMBER LANDER: Yes, well--

19 [Crosstalk]

20 COUNCIL MEMBER LANDER: So maybe

21 I'll just--I just want to echo what's been said

22 about--and this is to everyone, but I guess Parks

23 in particular. You know, I think we'll hopefully

24 get the capital dollars to come back from FEMA,

25 but I think the things in your testimony about the

2 ways in which Parks you're thinking more deeply  
3 about green infrastructure and you, you know,  
4 there was that great article in the Times about  
5 the role that Fresh Kills played. So all of that  
6 is great. I worry, given the maintenance cuts,  
7 that--so I guess my question is as part of the  
8 SIRR review, part of what we need to be thinking  
9 about is the budget that's necessary and some of  
10 that will come from FEMA for replacement and some  
11 of that will be longer term city capital that is  
12 investment, but some of that is going to be  
13 operating expenses to enable us to do the things  
14 that we need to do and be prepared and the need we  
15 prepare. And that's hard at a time when resources  
16 are scarce but I want to make sure we're at least  
17 looking honestly at it so we can make the hard  
18 choices that we have to make. And I hope that  
19 this review will put those choices on the table so  
20 that we can make them on as clear right away as we  
21 can.

22 VERONICA WHITE: We are looking at  
23 all those. Even prior to Sandy, the agency was  
24 looking at the 29,000 acres that we manage and the  
25 2,000 parks and playgrounds, and we were given



2 authorization in January to hire 414 new staff,  
3 which we've been working on doing, which included  
4 the PEP officers referenced earlier. But this is  
5 an important part of the resiliency plan moving  
6 forward, I completely agree.

7 COUNCIL MEMBER LANDER: Great, and,  
8 I mean, I don't need to ask it of the other  
9 agencies, but it goes for the other agencies as  
10 well. Being ready to respond better next time and  
11 build in resiliency has a range of costs and we  
12 need to be honest about them. That won't make the  
13 money fall from Washington to do it, but at least  
14 we have to start with understanding what it is so..  
15 Thanks all of you, and thank you very much to the  
16 chairs.

17 CHAIRPERSON ARROYO: We've been  
18 joined by Council Member Inez Dickens. And  
19 Council Member James has some follow up questions.

20 [Crosstalk]

21 CHAIRPERSON JAMES: Last questions  
22 before we end this panel. So I know that you  
23 could with regards to asbestos, there was the  
24 posting of asbestos testing was online, the  
25 question is, is DEP going to consider posting any

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2 other test online, air quality, et cetera?

3 ANGELA LICATA: Well DEP itself--  
4 and, Michael, correct me if I'm wrong--we didn't  
5 take other data, we took the asbestos samples and  
6 we relied on EPA sampling around the burn at Floyd  
7 Bennett Field and then we relied on the New York  
8 State DEC that has current responsibility for  
9 ambient air quality monitoring.

10 CHAIRPERSON JAMES: Okay.

11 DANIEL KASS: Let me just add that--  
12 -

13 CHAIRPERSON JAMES: Sure.

14 DANIEL KASS: --if you go to our  
15 Hurricane Sandy and health portal--

16 CHAIRPERSON JAMES: Okay.

17 DANIEL KASS: --which is  
18 [nyc.gov/health/sandy](http://nyc.gov/health/sandy), there are the city's  
19 monitoring data, our direct monitoring of air  
20 quality from the samples I described in my  
21 testimony, as well as links to the DEC data so--

22 CHAIRPERSON JAMES: [Interposing]  
23 Thank you. Commissioner Doherty, how do we  
24 prevent strong men and women who work for  
25 Sanitation preventing them to stand online in the

2 event of an emergency when they're on their way to  
3 work, how do we get them designated as first  
4 responders?

5 JOHN DOHERTY: We've worked on  
6 that. That was a little slow, no doubt about it--

7 CHAIRPERSON JAMES: Yes.

8 JOHN DOHERTY: --there was a  
9 problem. I actually stopped by a couple gas  
10 stations myself when I was out there--

11 CHAIRPERSON JAMES: So did I.

12 JOHN DOHERTY: --and I talked to  
13 the police officers and they told me they would  
14 give our people head of the line. It was a major  
15 problem. I actually broke a lot of rules by  
16 fueling up some of my own people's vehicles, they  
17 paid me for it though so I didn't get in trouble,  
18 just so I could have workers get back and forth.  
19 So it's something that we have to look at in the  
20 future, absolutely, to see how we do that.

21 CHAIRPERSON JAMES: Is that  
22 administratively, is that legislatively, is that  
23 an act of the mayor of the City of New York? How  
24 do we get the men and women of Sanitation  
25 designated as first responders?

2 JOHN DOHERTY: I think they are  
3 first responders, we both agree on that. I think  
4 it has more to do with how we work with the  
5 private sector. You have to realize that there  
6 was many problems and some of it is going to be  
7 addressed by the industry itself--the transport of  
8 fuel to a city and the having power at the gas  
9 stations to supply it, 'cause that was some of the  
10 problems also. So that is something that's still  
11 in the works. And you're absolutely right, we do  
12 have to address it in a better manner in the  
13 future.

14 CHAIRPERSON JAMES: Whatever I can  
15 do to assist you, I would love to--

16 [Crosstalk]

17 JOHN DOHERTY: [Interposing] We  
18 appreciate that, thank you.

19 CHAIRPERSON JAMES: Thank you.  
20 Thank you, Madam Chair.

21 CHAIRPERSON ARROYO: Lessons  
22 learned and we've had several hearings on the  
23 response and what we've learned. When can we  
24 expect a report from the agencies on that  
25 experience? You can all--

2 JOHN DOHERTY: I'll just--go ahead.  
3 No, I'll just answer. No, I think the City, as it  
4 was pointed out by many of the commissioners  
5 today, we're all putting in our after-action  
6 reports--

7 CHAIRPERSON ARROYO: Right.

8 JOHN DOHERTY: --and Commissioner  
9 Cas Holloway will be putting that and his team  
10 together, so I think that'll come out as a  
11 citywide one--

12 CHAIRPERSON ARROYO: Okay.

13 JOHN DOHERTY: --when it's done.

14 CHAIRPERSON ARROYO: Do you have a  
15 sense of--

16 JOHN DOHERTY: [Interposing] Deputy  
17 Mayor, I'm sorry, what'd I call him?

18 ANGELA LICATA: Commissioner.

19 JOHN DOHERTY: Commissioner? Oh,  
20 he was one once and I was the deputy mayor.

21 CHAIRPERSON ARROYO: And I guess  
22 once a commissioner, always a commissioner, you  
23 know?

24 JOHN DOHERTY: Excuse me?

25 CHAIRPERSON ARROYO: The Marines

2 say that, you know, once a Marine, always a... Once  
3 a commissioner, always a commissioner?

4 ANGELA LICATA: Except--

5 [Crosstalk]

6 ANGELA LICATA: --you were a deputy  
7 mayor.

8 [Laughter]

9 CHAIRPERSON ARROYO: Do any of you  
10 have a sense of when that collective report is  
11 going to be--

12 [Crosstalk]

13 ANGELA LICATA: [Interposing] Our  
14 understanding is May, so in addition to that, the  
15 Special Initiative for Rebuilding and Resiliency,  
16 the date that was announced by the mayor is for  
17 May as well. And I believe there'll probably be  
18 some early items that will come out of it, but the  
19 general packaging of the report and the  
20 comprehensive analysis is expected in May.

21 CHAIRPERSON ARROYO: Okay. Thank  
22 you all for your time and your testimony. We've  
23 all learned a lot of interesting lessons and some  
24 things that we have to pay attention to in the  
25 immediate future, more long-term plans. I'd like

2 you to tell me who from your respective agencies  
3 is going to remain in the room to listen to the  
4 public testimony because, as I say often, what we  
5 hear from the administration--colleagues?  
6 Colleagues? Thank you. What we hear from the  
7 administration panel and what we hear from the  
8 public sometimes are world's apart and it's  
9 important that you get that feedback so that we  
10 can embed that into the thinking as we look to  
11 resolve some issues. So from DOH, who's staying?

12 DANIEL KASS: I believe Amico  
13 Tilboa [phonetic] will be staying.

14 CHAIRPERSON JAMES: Okay.

15 ANGELA LICATA: From DEP, Mark  
16 Lanagan [phonetic].

17 CHAIRPERSON JAMES: Who's Mark?

18 ANGELA LICATA: Mark, stand up.

19 CHAIRPERSON JAMES: Oh, I know.

20 FEMALE VOICE: Yes.

21 CHAIRPERSON JAMES: Hi, Mark.

22 Okay. And--

23 VERONICA WHITE: [Interposing] And  
24 from Parks, Karen Becker.

25 CHAIRPERSON JAMES: Karen.

2 JOHN DOHERTY: I'll have to see, I  
3 don't know. We should have somebody from legal--  
4 yes, we do have somebody, Mada Lagouri [phonetic],  
5 okay.

6 CHAIRPERSON JAMES: Okay. Very  
7 good.

8 JOHN DOHERTY: Thank you.

9 CHAIRPERSON JAMES: Thank you,  
10 thank you all very much. And with that, I'm going  
11 to call up Harry--

12 CHAIRPERSON JAMES: Nespoli.

13 CHAIRPERSON JAMES: --Nespoli,  
14 President of Local 831, the sanitation men and  
15 women.

16 [Crosstalk]

17 FEMALE VOICE 1: Thank you,  
18 Commissioner.

19 CHAIRPERSON ARROYO: Nice to meet  
20 you.

21 [Crosstalk]

22 CHAIRPERSON ARROYO: Hi.

23 FEMALE VOICE 1: Hey, Liam, how are  
24 you? Good to see you.

25 [Crosstalk]



2 CHAIRPERSON ARROYO: Okay. Ladies  
3 and gentlemen, if we can take conversation outside  
4 so we can get the hearing rolling.

5 [Gavel]

6 CHAIRPERSON ARROYO: Please. Thank  
7 you. We love you all very much, but we need to  
8 move it along. Harry, whenever you're ready.

9 MALE VOICE: You can say your name.

10 HARRY NESPOLI: I just want to know  
11 I have enough people to help me out answer this  
12 and it seems like everybody left. But I mean--

13 CHAIRPERSON ARROYO: That's not--

14 [Crosstalk]

15 HARRY NESPOLI: --I mean, if I  
16 would have known they needed that many people to  
17 answer, I would have took more of my staff.

18 My name is Harry Nespoli, President  
19 of the Sanitation Union, City of New York. Men  
20 and women that represent this workforce and that  
21 were out there during this storm and really was  
22 slapped in the face. And about as soon as I get  
23 going, I'll start--I'm not going to read it to  
24 you--

25 CHAIRPERSON ARROYO: Okay.

2 HARRY NESPOLI: --they could read  
3 it, I lived it, I went out there. I went to the  
4 locations at Sea Gate, out in the Rockaways, out  
5 to all the beaches.

6 First of all, I want to start off  
7 by saying the other agencies that were involved  
8 helped out immensely, it was good. The only thing  
9 I didn't hear from them is how are they going to  
10 protect their workers if this happens again.  
11 Anybody that starts off with a we haven't had a  
12 storm like this in a year doesn't know what  
13 they're talking about. We haven't had a storm  
14 like this period. This destroyed this city. It  
15 took it apart. I worked at 9/11 with my men; this  
16 was worse than 9/11. This was out all over. It  
17 affected New York; 9/11 was contained. We knew  
18 what we had to do down there. Unfortunately, we  
19 lost a lot of lives. But this hit home; this was  
20 your neighbor; this were my men; neighbors that  
21 they were worked in; the people that they  
22 represent up there.

23 And they went out there, they had  
24 17 garages that were knocked out by this storm.  
25 It was a terrible storm. Seventeen garages, but

2 the night before, the trucks were moved out of  
3 those garages because they anticipated the water  
4 to rise, but my men reported to that garage in the  
5 morning and had to be transported. In Brooklyn  
6 alone, you had three garages and one garage  
7 housing my men and women together.

8 We were not ready for this. We  
9 have to be ready for this again and we have to be  
10 better equipped. If management has a plan to  
11 remove trucks if water rises, they should have a  
12 plan so that the workforce, the city workers, will  
13 report to the new garages and have enough  
14 facilities so that they can maintain that for 500  
15 men and women. This was not planned on. And I  
16 understand it and, certainly, my workforce  
17 understood it because what they did is exactly  
18 what the commissioner said, they reported to work.

19 These were their neighbors. In the  
20 Rockaways, I had seven sanitation workers living  
21 in the garage. Their houses were totally gone,  
22 and they reported to the garage and they stayed  
23 there and slept there. I went out there, I spoke  
24 to them. How could you leave your family now?  
25 Huh? My family, I took them, gave them to my mom

2 and dad. Right now, this is my neighborhood, I'm  
3 going to work here.

4                   What should have been asked was,  
5 what about the municipal workers, Parks department  
6 and everybody else? What are you preparing for  
7 them if this happens again? Because they weren't  
8 prepared for us, they had to reorder masks in the  
9 middle of the cleanup that's still going on.  
10 Sixty days of 12-hour shifts, around the clock,  
11 that had to go had to clean up the people. The  
12 idea was to get it away so the public stopped  
13 looking at it, and we went out there and we did  
14 it; and we went out there hard. And we worked and  
15 we did it. But what's going to happen?

16                   I remember going to Staten Island,  
17 seeing my members--don't forget, that was rain and  
18 the boots on my members were caked with mud, 12-  
19 hour shifts. Their feet when they took off their  
20 shoes, they were discolored, their feet were  
21 discolored. They had to clean their boots off and  
22 put it by the heat for the next day, then leave  
23 the garage and go get gas. This is what was  
24 handed the sanitation workers throughout the city,  
25 right here.

2 [Off mic]

3 CHAIRPERSON ARROYO: And don't say  
4 anything until you get back to the mic so they can  
5 record it.

6 HARRY NESPOLI: Give it out to them  
7 too or any other agencies that are here that are  
8 concerned about its workforce.

9 [Off mic]

10 MALE VOICE: The mic, the mic.

11 HARRY NESPOLI: To work 12 hours,  
12 get off of work, turn around and wait on our gas  
13 line for three hours, go home, and then work on  
14 their own house that they had to put together and  
15 come back to a short swing. That is an  
16 embarrassment. I know what they tried to do up  
17 there. I know what they tried to do 'cause I  
18 spoke to James, I spoke to her and asked for help.  
19 I spoke to people at City Hall and they told me  
20 it's going to be corrected. It wasn't corrected.  
21 I was embarrassed.

22 We did the best we could out there.  
23 We had to go back and we had to wait on the lines.  
24 We weren't considered first responders. No  
25 disrespect to any other worker in the City of New

2 York because they all chipped in, but the front  
3 line was sanitation. We should have been declared  
4 a emergency force and get us back out there and we  
5 would have even did better than what everybody--  
6 every community I went to. There wasn't a  
7 community I went--I went to Sea Gate, walked  
8 through Sea Gate, I saw elderly people crying,  
9 thanking the sanitation men. Your people were the  
10 only people we've seen out here.

11                   So I'm looking at how are we going  
12 to improve if this happens again? What are my  
13 warehouses going to be stored with? Why won't  
14 they have high boots, rubber boots so I could put  
15 my regular men's shoes in them and work with those  
16 boots? I requested the boots, they didn't have  
17 them. I requested the masks after about five or  
18 six days out there doing it, they ran out of  
19 masks, I had to wait for them to bring it back. I  
20 requested more material. We weren't prepared.

21                   We have to look at what we can do  
22 to prepare the city workers, prepare the people  
23 that are going to go out there and help the people  
24 that they represent because I know they got calls  
25 too. And it shouldn't have been, we should have

2 been better prepared. After 9/11, definitely  
3 should have been better prepared. I was amazed to  
4 find out that there wasn't enough masks out there  
5 after 9/11.

6 With that, I'd like to thank the  
7 Council for having me, if they want me to stay.  
8 But, look, I'm not going to sit here and I'm not  
9 going to turn around and talk about stuff that  
10 you're just going to doze off and go to sleep.  
11 I'm talking about the real world; I'm talking  
12 about the clean up; I'm talking about what went on  
13 out there. We got hit and we got hit hard, and  
14 city workers came forward and we produced. I just  
15 don't like what happened to my workforce.

16 And this is the best. Just this  
17 week, just this week, Staten Island 3, one of the  
18 hardest hit districts, got docked money for not  
19 turning around and they said that they overpaid  
20 them so they pulled the pay away, some walked home  
21 with \$3, some walked home with \$10, \$50. If  
22 that's how the City represents a workforce that  
23 supposedly were the front lines in this disaster,  
24 well that's a shame. That is a shame.

25 I know the commissioner a long

2 time, I respect the commissioner, but guess what,  
3 I'm starting to question the fact who's running  
4 this and who is calling the shots now. Because I  
5 was on the phone, I got a move and spoke to some  
6 people higher up and says that nothing could be  
7 done. I got to the commissioner and I spoke to  
8 the commissioner, I said, John, don't push me on  
9 this thing, don't push me. Turns around, he says  
10 give me a chance; I says, you got it, you got 24  
11 hours, I want to know how are you going to make  
12 these people whole. In this economy, to go to  
13 work and to get a half a paycheck... I had five  
14 wives call the union hall just to check on their  
15 husbands if the story was true, just to check it.  
16 And I told them, yes, the story, that's what  
17 happened. It was a human error. Guess what, no,  
18 it was a managerial error. If you make a mistake,  
19 admit it. And you don't contact--you contact the  
20 union the morning before the checks hit the  
21 district for the men that there's going to be a  
22 problem. They told me seven, there was 70. It's  
23 unbelievable--and just today at a meeting with the  
24 people you saw here, after the meeting trying to  
25 pick up the pieces, they handed me 120 more today



2 throughout the City of New York because everybody  
3 during the storm was funneled into the Rockaways,  
4 Sea Gate, all over the place because that's what  
5 we had to focus on, and we had to help the public.

6           They call for an emergency, we  
7 became, I thought, an emergency force. Wrong, we  
8 weren't an emergency force. If we were an  
9 emergency force, we'd be on that list there  
10 looking for gas. And if anybody had the nerve to  
11 go on television 100 times and address the public,  
12 he should have put in, guess what, I am declaring  
13 the sanitation workers an emergency force and let  
14 them get the gas and get back to work. It wasn't  
15 done.

16           That's my testimony.

17           FEMALE VOICE: That's all right.

18           CHAIRPERSON ARROYO: Harry, two  
19 questions. One, the issue of pay, did I  
20 understand that they're correcting it?

21           HARRY NESPOLI: What they're doing  
22 is, and he walked right by me, right? He was  
23 supposed to let me know at the end of the day if  
24 the checks would be there tomorrow morning. Let  
25 me tell you something--

2 CHAIRPERSON ARROYO: [Interposing]

3 It's only four o'clock so he's got a--

4 HARRY NESPOLI: [Interposing] No,  
5 my men knock off at 2.

6 CHAIRPERSON ARROYO: Okay. You do  
7 have women on the force, right?

8 HARRY NESPOLI: Yes, we do.

9 CHAIRPERSON ARROYO: Okay.

10 HARRY NESPOLI: They knock off too.  
11 I saw their feet too--wet. He didn't answer me  
12 yet. All I could say is, those checks better be  
13 there. That's all I'm saying. I'm not going to  
14 roll over.

15 CHAIRPERSON ARROYO: So--

16 HARRY NESPOLI: I'm not going to  
17 turn around and people get pat on the back when  
18 the men and women--

19 CHAIRPERSON ARROYO: Thank--

20 HARRY NESPOLI: --of this job went  
21 out there and did that and now to be cheated in  
22 their pay--

23 CHAIRPERSON ARROYO: [Interposing]  
24 Is there an explanation for why it happened?

25 HARRY NESPOLI: It was a human

2 error. A human error. No, it was a managerial  
3 error.

4 CHAIRPERSON ARROYO: Okay. But  
5 what was the error?

6 HARRY NESPOLI: According to them,  
7 they weren't supposed to take any money out until  
8 after the completion of the investigation of how  
9 many men and women got paid over and how many men  
10 and women were cut short. There were people that  
11 lost money.

12 Look, I'm not going to hide the  
13 confusion. When you have 100 sanitation workers  
14 in a garage and now you have 500 sanitation  
15 workers in a garage and there's a storm out there  
16 and they just lost their houses and the public's  
17 out there, and they just said go out there and do  
18 the job the best you can, go get it, just take  
19 everything. And this workforce went out there and  
20 they did it.

21 And I'm proud of it too, but the  
22 idea is that because it's over, how fast we  
23 forget. It's going to come back again. We can't  
24 forget, we have to be ready. Every agency that  
25 was here has to be ready for this again. They

2 should have a warehouse. Who's going to give this  
3 out?

4 I'm still having people that worked  
5 in 9/11 retired coming down with cancer of the  
6 lungs and whatnot. We didn't get masks down there  
7 'til two or three days. At 4:30, 9/11, my  
8 workforce was down there trying to move the stuff  
9 for the police and firemen to get to the hole. So  
10 we were there. And with the firemen and the  
11 police down there at that time, I seen what they  
12 did and they're all getting sick now.

13 I asked this department, Tish, to  
14 get what I did in 9/11, I got a [off mic] medical  
15 record, a letter stating they worked down there, I  
16 didn't get a response from this department yet. I  
17 want a medical record in my workforce's file, men  
18 and women, that they worked down there. Not for  
19 now, for later on. That's what happened 9/11.

20 CHAIRPERSON JAMES: Right.

21 HARRY NESPOLI: It was later on the  
22 killers came.

23 CHAIRPERSON JAMES: Yep.

24 HARRY NESPOLI: It took us apart.  
25 We got to be prepared. We got to be prepared. I

2 listen to them, and you guys very good go in there  
3 and getting the questions about how are we moving  
4 forward. What are we going to prepare for your  
5 workforce if--the funny thing, the volunteers had  
6 gear that we didn't have. The public.

7 CHAIRPERSON ARROYO: That's not  
8 funny.

9 HARRY NESPOLI: No. No, the funny  
10 thing was that my men are say they got boots, we  
11 have no boots.

12 So we did it, we went out there,  
13 we--everybody, I don't care who you are, the  
14 management, Council people that represent the  
15 people that make the city go, we did it. What are  
16 we going to do in the future?

17 CHAIRPERSON ARROYO: Okay. So I  
18 know Council Member James has a couple of  
19 questions. Has there been any conversation  
20 between the union and the administration around  
21 suggestions and thoughts that you can provide that  
22 can help the administration better prepare in the  
23 future?

24 HARRY NESPOLI: No, no. The only  
25 questions that we finally got a meeting to was the

2 payrolls. The workforce is very disappointed in  
3 the department, totally.

4 CHAIRPERSON ARROYO: So could you  
5 provide for us then some written document that we  
6 can use to engage in a dialogue about what we  
7 should expect the workforce of the city that are  
8 going to respond to these unusual circumstances to  
9 be provided with X, Y, and Z in order for them to  
10 be equipped and prepared to do the best work that  
11 they can work--they can do, given whatever the  
12 circumstances are? So if you can do that, and I'm  
13 sure you'll channel it through the chair of the  
14 Sanitation Committee, but it will give us  
15 something to have that we can go back to in  
16 ongoing conversations with the administration.

17 HARRY NESPOLI: Sure, there's many  
18 in my testimony that--the quiet testimony. Right  
19 there.

20 CHAIRPERSON ARROYO: Your  
21 testimony.

22 MALE VOICE: A list of items. A  
23 list of items.

24 HARRY NESPOLI: There's a list of  
25 items in there.

2 CHAIRPERSON ARROYO: Okay.

3 HARRY NESPOLI: From my agency, I  
4 can't speak for--

5 CHAIRPERSON ARROYO: No.

6 HARRY NESPOLI: --other agencies--

7 CHAIRPERSON ARROYO: That's okay.

8 HARRY NESPOLI: --they do different  
9 types of job.

10 CHAIRPERSON ARROYO: We'll ask the  
11 other--

12 [Crosstalk]

13 HARRY NESPOLI: [Interposing] So  
14 there might be other agencies that might require  
15 more stuff, better stuff.

16 CHAIRPERSON ARROYO: And have you  
17 talked to your counterparts in the other agencies  
18 that represent the other titles or the workforce  
19 around these Sandy equipment outfit kind of needs  
20 that each one of the agencies should have--Parks  
21 personnel, et cetera?

22 HARRY NESPOLI: I'm also the chair  
23 of the MLC--

24 CHAIRPERSON ARROYO: Okay.

25 HARRY NESPOLI: --and I sit around

2 the table and I talk to them on a regular basis.

3 But when it falls on deaf ears--

4 CHAIRPERSON ARROYO: [Interposing]

5 Okay. So could you encourage them to individually  
6 channel through--you'll channel through the  
7 committee, your committee chair, that they do so  
8 with their respective committee chairs so that we  
9 can have a document that we can use to, one,  
10 memorialize the need and also to use it for future  
11 conversations and influence?

12 HARRY NESPOLI: My next meeting I  
13 will.

14 CHAIRPERSON ARROYO: Okay. Thank  
15 you.

16 HARRY NESPOLI: And I--definitely.

17 CHAIRPERSON ARROYO: Council Member  
18 James?

19 CHAIRPERSON JAMES: So, Mr.  
20 Nespoli, let me just say that I think a letter  
21 will be coming from this chair to the  
22 commissioner, as well as to the mayor of the City  
23 of New York, one, with respect to medical records  
24 and for 9/11 survivors requesting information so  
25 that it can go into the files of your--the men and



2 women of your workforce. Two, asking questions  
3 with respect to payroll and wages. Three,  
4 questions with regards to preparedness related to  
5 resources and overall preparedness as it relates  
6 to Sandy.

7                   Let me just also go on to say that  
8 I am still not convinced that the men and women of  
9 the Sanitation department will be deemed first  
10 responders. The information that you provided to  
11 this committee indicates that the only individuals  
12 who are listed as first responders, according to  
13 this letter, are private ambulances, NYPD, FDNY,  
14 FEMA, U.S. Customs and Border, Department of  
15 Homeland Security, the sheriff's office,  
16 Department of Correction, state court, New York  
17 State Police, Triborough Bridge and Tunnel  
18 Authority. Clearly, this list is insufficient and  
19 the members of Sanitation should be on this list,  
20 and I too will author a letter demanding that as  
21 well. And asking for a follow up--

22                   HARRY NESPOLI: Thank you.

23                   CHAIRPERSON JAMES: --hearing with  
24 regards to the fact that they are not on there.  
25 And, as you indicated, you and I communicated

2 quite a bit during the storm and I too visited a  
3 number of gas stations and recognize that your men  
4 and women were not being treated fairly and could  
5 not get to work.

6 HARRY NESPOLI: I know you did.

7 CHAIRPERSON JAMES: And let me  
8 also--you did not read your testimony, but just  
9 for the record, it says just briefly, it says the  
10 following: That your men and women are performing  
11 dangerous work and too often they are not equipped  
12 with enough protective masks, heavy duty gloves,  
13 boots, and overalls. It also goes on to say that  
14 at least seven garages were damaged by the storm  
15 and closed for weeks. And I did not know that one  
16 garage in Manhattan will never reopen.

17 HARRY NESPOLI: No, it won't open  
18 up.

19 CHAIRPERSON JAMES: You also went  
20 on to say that the damage to garages in Gravesend  
21 in Coney Island forced the men and women to be  
22 reassigned to a garage in Borough Park, that there  
23 were not enough lockers or showers for the men and  
24 women in Borough Park. You also went on to say  
25 that in low-lying areas, the department needs to

2 find suitable backup locations and that you could  
3 not remove enough debris because, unfortunately,  
4 it was just overwhelming and there was no other  
5 place to put the debris. And so in your  
6 testimony, you recommend that they include the  
7 reintroduction of emergency barges so, obviously,  
8 the debris could be carried away and it's in the  
9 best interest of everyone to move it out.

10 And so my only question to you is,  
11 could you talk a little bit about the  
12 reintroduction of barges and how that would be  
13 better suited to address debris removal in the  
14 future? And my second question is, is there a  
15 plan, does Sanitation have a plan in the event of  
16 an emergency? And if they do have an emergency,  
17 did they follow the script as it relates to Sandy?

18 HARRY NESPOLI: I don't think there  
19 could be a script written to go out there.  
20 Whenever there was a disaster, I don't care what  
21 it was, it could be tornadoes in Queens, we got  
22 involved. It took the City about a week to  
23 realize that the Sanitation department has every  
24 street marked in this city, in the city, and the  
25 outer boroughs of Manhattan, every single street.

2 I heard the gripes of people, your  
3 people, talking about how long will it take to get  
4 the trees cut up and taken out, taken away. We  
5 weren't even involved in that until somebody said  
6 what about you, Sanitation, how would you do this.  
7 They rolled out the map, every street, you send  
8 them in there, the Parks department was involved,  
9 very good. We cut them up, we had trucks behind  
10 them picking them up. That's when it started  
11 getting moving. That's when the trees started  
12 getting away from the people's houses. There was  
13 a system.

14 This department--and I'll tell you  
15 straight out--is one of the best run departments  
16 in the City of New York. The accountability,  
17 they're weighed, if that truck doesn't have the  
18 tonnage on it, they know it. They know where  
19 they're going to be from here to there. All you  
20 have to do is ask and be prepared.

21 As far as the barges, years ago, we  
22 used to do the barges from Manhattan, from  
23 Brooklyn, from all over to Staten Island, floated  
24 to Staten Island. There's still locations there.  
25 Now I don't know what happened to our barges,

2 which is a good question, they could be just  
3 laying there, but 9/11 they dug up a barge and  
4 they had it down in the East River here, which  
5 saved a lot of time dumping and getting rid of a  
6 lot of cleaning.

7                   There's the barges--the problem was  
8 they took the garbage, like the commissioner said,  
9 and the debris and they stocked it into parking  
10 lots that had hard base on it, then they had to  
11 move it again. If you had barges in place out  
12 there, you could have loaded the barges up, barges  
13 go very deep, takes a lot of debris. And then the  
14 idea is that where do you empty them out, where  
15 are you taking the debris. Everybody remembers  
16 years ago, the barge that traveled down to New  
17 Orleans came all the way back again, nobody wanted  
18 it from New York--

19                   CHAIRPERSON JAMES: Right.

20                   HARRY NESPOLI: --well that's  
21 something that we should be looking at. If no  
22 matter what borough, there's a water line so  
23 there's a barge there. So Queens handles Queens  
24 if any disasters happen and there's a barge there.  
25 Right now, they're in the process--and you know

2 it, you questioned them about the transfer  
3 stations that are going up, the gentleman, Kass,  
4 asked him about in 91st Street. Technology is  
5 wonderful because, one, it's containerization so  
6 there's no spillage. It's packed directly into a  
7 container on a barge already. Packed down,  
8 floated out, could go to a rail where Staten  
9 Island sends it; could be railed out.

10 They had ideas of ships under the  
11 Verrazano, the opening. Taking the barges--the  
12 whole barge--off and putting them on ships. Other  
13 countries were looking for that. And to get rid  
14 of it.

15 So the transfer stations that are  
16 open is, one, should open up in Hamilton Avenue in  
17 Brooklyn, which will handle that. We're spending  
18 so much money to move this stuff to New Jersey,  
19 it's totally ridiculous. Every street of the  
20 small towns that our trucks have to go over is  
21 paying for their police force and their fire  
22 department. We have to get a hold of that.  
23 That's why the transfer stations are very  
24 important. And barge are very important.

25 COUNCIL MEMBER DICKENS: Thank you

2 so much, Madam Chair, and thank you, Harry, for  
3 coming here with your passion and your testimony  
4 and your education. But I have a question about  
5 the private companies--

6 HARRY NESPOLI: Yes.

7 COUNCIL MEMBER DICKENS: --that  
8 they've been entering into contracts with and then  
9 during these emergencies, they don't show up.

10 HARRY NESPOLI: Yes, oh, we're  
11 going into my world now. All right. Yes.

12 COUNCIL MEMBER DICKENS: That we've  
13 allowed this to go on. And what exactly can be  
14 done? Because sometimes the City Council doesn't  
15 even have an idea of what--

16 [Crosstalk]

17 HARRY NESPOLI: [Interposing] I  
18 understand.

19 COUNCIL MEMBER DICKENS: --this  
20 contract.

21 HARRY NESPOLI: I understand.

22 COUNCIL MEMBER DICKENS: What can  
23 be done? Because it is unfair, you are doing the  
24 work, you were out there, you are out there, and  
25 you were doing the work. And in some instances,

2 you were helping seniors to be evacuated, not just  
3 moving debris, which, by the way, could be  
4 dangerous, so it's very important that you have  
5 the necessary equipment in order to protect our  
6 workers. And it's not a you and they, it's us, by  
7 the way, Harry.

8 HARRY NESPOLI: Yes.

9 COUNCIL MEMBER DICKENS: All right.

10 HARRY NESPOLI: I got it.

11 COUNCIL MEMBER DICKENS: So can  
12 you, I mean, we don't even know sometimes about  
13 these contracts.

14 HARRY NESPOLI: You're right. Let  
15 me just get--you touched on something. You're  
16 talking about Staten Island now that was one of  
17 the hardest hit areas. Eighty-five percent of my  
18 workforce lives here, they live here. Staten  
19 Island 1 didn't get hit as hard as Staten Island  
20 3. Staten Island 1 did their day's work, they let  
21 them go home. They went over to Staten Island 3  
22 after they got off and started working over there  
23 for nothing because those are their neighbors,  
24 they live there. And I found out and I said why  
25 knock them off? Send them with a truck over there



2 and let them continue working. It doesn't make  
3 any sense.

4                   The sanitation workers of this city  
5 have always moved snow and, if anything, they get  
6 complimented from people that come out of all over  
7 the United States, nobody moves snow like we move.  
8 The blizzard that we got hit with, August prior to  
9 the blizzard, I spoke to this administration here  
10 and told them I have a problem, I'm not a rebel,  
11 I've been around a long time, I know what I have  
12 to do first. What's your problem? I don't think  
13 we could protect the people of New York City if we  
14 get hit with a major storm. Why not? We have  
15 5,700 sanitation workers, 5,700; the force has  
16 never in its lifetime ever reached that low. We  
17 didn't have snow last year; we didn't have snow  
18 the year before. Well guess what, you're going to  
19 have to do more with less. I'm sorry I was right,  
20 we got hit with another massive storm and this  
21 city got caught again. And there was buses stuck  
22 out there, there was people's cars, we got hit at  
23 the bad time, Christmas time, the public was off  
24 so they were driving around but they couldn't get  
25 home. This workforce has to go out in a blizzard

2 that's dropping three inches a minute. Guess  
3 what. You'd better turn around and hit those  
4 streets quickly. We couldn't get in it.

5                   So what does the administration  
6 figure they could do to make it better, to protect  
7 the public? How many taxpayers are here? Because  
8 this is all your money now. What they did was  
9 they went out and they hired contractors. The  
10 City always had the right to hire contractors to  
11 protect the public if the storm got to the point  
12 of being dangerous. I welcome that because then  
13 we're in something, we're in deep stuff. What  
14 they did was they put these privates on what they  
15 call stand-by, we're going to pay you before you  
16 come in, just come in. We're going to use the  
17 taxpayers' money to be spent and to turn around,  
18 but come in. Fine. Since then, we're at a number  
19 of 6,100 now after that storm, the head count.  
20 What happens? They've never come in, they haven't  
21 been called. They're getting paid.

22                   So we get threatened with something  
23 after Sandy. We get threatened with a real storm  
24 couple weeks ago. Okay. This is what we're  
25 doing, we have it in order. Well guess what. Not

2 one private showed up in Staten Island; the half  
3 of Brooklyn, no privates showed up. The ones that  
4 are under agreement came in with equipment that  
5 wasn't even in the contract. Who do you think  
6 plowed all the streets in the city of New York?  
7 The Sanitation Parks department right here, my  
8 workforce of men and women. The streets, the  
9 amount of streets that we're responsible for in  
10 New York City, you want to use an illustration?  
11 It starts in New York, it goes to California, and  
12 back. That's what we're responsible for, and  
13 we're 6,100. We went out there and we did the  
14 job. I want to know who's going to look at  
15 retrieving the money that these privates got paid  
16 because they didn't show up.

17 That's your answer on private  
18 contracting and contracting out. Not only that,  
19 we all know about CityTime.

20 COUNCIL MEMBER DICKENS: Yes.

21 HARRY NESPOLI: So there's a lot to  
22 be looked at really.

23 CHAIRPERSON ARROYO: So, Harry, the  
24 ideal workforce for the Sanitation department is  
25 6,100.

2 HARRY NESPOLI: If you ask the  
3 commissioner, it's 6,500.

4 CHAIRPERSON ARROYO: Sixty-five  
5 hundred and you have 50--

6 HARRY NESPOLI: To fight a major  
7 storm. Excuse me?

8 CHAIRPERSON ARROYO: How many do  
9 you have now actually?

10 HARRY NESPOLI: We have 61.

11 CHAIRPERSON ARROYO: Sixty-one so--

12 HARRY NESPOLI: If you're asking  
13 me, it's 63--

14 CHAIRPERSON ARROYO: Sixty-three.

15 HARRY NESPOLI: --to fight a major  
16 storm.

17 CHAIRPERSON ARROYO: So the 61 is  
18 actual boots on the ground, not contractors that  
19 are being brought in to respond to that need.  
20 'Cause I'm confused.

21 HARRY NESPOLI: The first time that  
22 the contractors that are getting paid not coming  
23 in were called in a couple weeks ago.

24 CHAIRPERSON ARROYO: Is that what  
25 raised it to 6,100?

2 HARRY NESPOLI: No.

3 CHAIRPERSON ARROYO: Oh. So it's  
4 actual sanitation personnel, 6,100.

5 HARRY NESPOLI: Yes.

6 CHAIRPERSON ARROYO: Okay. So we  
7 need another two.

8 HARRY NESPOLI: You need another  
9 200.

10 CHAIRPERSON ARROYO: Okay. All  
11 right.

12 CHAIRPERSON JAMES: Thank you.

13 CHAIRPERSON ARROYO: Thank you.

14 HARRY NESPOLI: Thank you.

15 CHAIRPERSON ARROYO: I hope you  
16 feel better. Do you--

17 [Crosstalk]

18 HARRY NESPOLI: I feel great.

19 CHAIRPERSON ARROYO: But I think--

20 HARRY NESPOLI: This is what I do  
21 for a living.

22 CHAIRPERSON ARROYO: --this is what  
23 this is about is understanding and learning--

24 HARRY NESPOLI: [Interposing] This  
25 is--

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2 [Crosstalk]

3 HARRY NESPOLI: --I do for--

4 CHAIRPERSON ARROYO: --so we can

5 help move the conversation forward. So thank you

6 very much for taking the time and coming--

7 HARRY NESPOLI: Thank you.

8 CHAIRPERSON ARROYO: --to testify.

9 We have three panels to come and testify. I hope

10 you're all still here and awake. I'm going to

11 call up Michael McCann, and you are from--

12 [Off mic]

13 CHAIRPERSON ARROYO: --NYCOSH, N-Y-

14 C-O--

15 MICHAEL MCCANN: New York Committee

16 for--

17 [Crosstalk]

18 CHAIRPERSON ARROYO: --S-H, okay.

19 Michael Shain.

20 MICHAEL SHAIN: Yes.

21 CHAIRPERSON ARROYO: New York

22 Indoor Quality Solutions?

23 MICHAEL SHAIN: Correct.

24 CHAIRPERSON ARROYO: And Joan

25 Levine?

2 JOAN LEVINE: Yes.

3 CHAIRPERSON ARROYO: Morningside  
4 Heights Harlem Sanitation Coalition. Okay. I  
5 don't want to put you guys on a clock, I really  
6 don't like doing that, but I'm going to ask you  
7 to--if you have testimony, not to read it  
8 verbatim, if you can summarize your thoughts and  
9 your wisdom, that is extremely appreciated. And  
10 in preparation, the next panel Lily Kelly--

11 LILY KELLY: Here.

12 CHAIRPERSON ARROYO: --if you can  
13 line up or be ready after they testify to come up.  
14 Rajiv Jaswa--

15 RAJIV JASWA: Yes.

16 CHAIRPERSON ARROYO: Yes? Did I  
17 say that right? You'll correct it on the record.

18 [Crosstalk]

19 CHAIRPERSON ARROYO: Okay. And  
20 Joel Kupferman, Kupferman, thank you. Okay. So  
21 whenever you're ready, if you've done this before,  
22 take your pick, flip a coin. Speak into the mic.  
23 As you can see from the previous testimony, if you  
24 don't speak directly into it, the recording  
25 doesn't pick it up. State your name for the

2 record, and you may begin.

3 MICHAEL MCCANN: Okay. My name is  
4 Michael McCann, I'm testifying on behalf of  
5 NYCOSH, the New York Committee for Occupational  
6 Safety and Health.

7 NYCOSH is a coalition of labor  
8 unions and health and safety professionals. We're  
9 concerned about the health and safety of workers  
10 and volunteers involved in the Sandy cleanup and  
11 about the health of residents of houses affected  
12 by Sandy flooding. In particular, we're concerned  
13 about mold. Mold can begin to grow in wet  
14 building materials and household items if they're  
15 not completely dry within 48 hours. Although much  
16 mold is visible on surfaces, it can also be found  
17 inside walls and HVAC systems.

18 We have several issues about the  
19 mold removal: Who does it. Mold removal is often  
20 done by inexperienced contractors, volunteers,  
21 unemployed workers hired by the city, immigrant  
22 day laborers, and homeowners. This has been  
23 discussed, but there's no process by which  
24 contractors are certified to engage in mold  
25 remediation. Consequence is the work done is



2 often shoddy and exposes workers and occupants to  
3 hazardous exposures. City needs to develop  
4 regulations requiring contractors certified.

5 Training. News reports indicate  
6 many people are doing the cleanup without any  
7 safety training. New York City should have  
8 guidelines for training and ensure that it's  
9 carried out.

10 Respirators, and this is I think an  
11 important one. To prevent inhalation of mold,  
12 respirators are needed. New York City is  
13 recommending N95 respirators. Prior to Sandy, the  
14 City recommended more effective respirators for  
15 large areas of mold. The City needs to  
16 reinstitute its guidelines for respirator  
17 protection.

18 In addition, City guidelines only  
19 recommend seal checks by those wearing a  
20 respirator. That's where you put your hands over  
21 and you're wearing it and breathe to see if  
22 there's a proper seal. That's just not adequate.  
23 The guidelines should be amended to require fit  
24 testing by an expert and training on the proper  
25 use and care for respirators.

2 Other Hazards include flooding  
3 involved sewage treating with hazardous plumes,  
4 disturbance of lead and cancer-causing asbestos  
5 and silica during cleanup and safety hazards.  
6 Where other pollutants are suspected, there's need  
7 for evaluation by an expert. New York City needs  
8 to provide more guidance.

9 Re-occupancy, another problem has  
10 been that much mold clean up might get rid of the  
11 visible mold, but not get rid of mold that might  
12 be hidden inside the walls or HVAC systems. There  
13 should be guidelines for allowing re-occupancy of  
14 homes and offices before people go back in and  
15 especially since mold could develop in the--start  
16 again in the warmer weather. These are issues  
17 that need to be addressed and clean up for Sandy  
18 and for future flooding.

19 Thank you.

20 MICHAEL SHAIN: Thank you, and I'm  
21 going to have to repeat a few of your things that  
22 you said also. My name is Michael Shain and I own  
23 a small mold remediation company. I've been  
24 involved in mold for quite a number of years, I  
25 have an MBA in Health Care and I have an

2 engineering background. And I'm actually very  
3 disappointed that the gentleman, when the Council  
4 asked your Department of Environmental many  
5 questions about mold, I wish he was still here  
6 because I'd like to have a discussion with him in  
7 front of you as to why many of his comments I  
8 thought were very inaccurate.

9 I happen to be the boots on the  
10 ground, seeing what's going on. I probably looked  
11 at over 400 homes since Hurricane Sandy and seen  
12 what was going on out there. When the gentleman  
13 stated that the contractors are equipped to handle  
14 mold, he was extremely off-base on that. Most  
15 contractors right now are trying to get in and out  
16 of homes immediately, where they're ripping out  
17 the sheetrock, they're spraying an ineffective  
18 biocide, they're saying you're okay, and they're  
19 putting insulation and wallboard up.

20 You asked the gentleman directly,  
21 do we have any testing. There is no testing for  
22 New York City, none at all. The EPA doesn't have  
23 any testing guidelines, New York City has no  
24 testing guidelines. I have some very good  
25 solutions on that one day, but it'll take a little

2 bit more time than when I'm sitting here, I would  
3 love to be able to sit on a council or a panel to  
4 discuss what mold remediation is about and really  
5 how to actually improve the guidelines in New York  
6 City to protect the people.

7 I know my time is limited here, but  
8 basically from the very beginning, the public has  
9 been given erroneous information at best on how to  
10 eliminate mold. They were told many, many times--  
11 and we probably all heard it--that bleach is an  
12 effective mold biocide. It is not an effective  
13 biocide when you use bleach on anything that is  
14 non--I should say anything that's porous. And  
15 when the gentleman said you take out the  
16 sheetrock, you take out the carpeting, well the  
17 question I'm going to ask is, what are the beams  
18 behind your walls, what are they made out of?  
19 What's the foundation that the beams are attached  
20 to in your basement or your crawl space? Those  
21 are all porous materials. The gentleman that you  
22 questioned said you're supposed to use  
23 disinfectant on them. Disinfectant doesn't kill  
24 the root growth of mold.

25 So what's going on out there, I

2 hate to say, is that people using bleach or  
3 they're using box store cleaners--box stores mean  
4 like Lowes or Home Depot--and they're buying  
5 products that say mold control or mold killer.  
6 Well they kill the mold on the surface, they don't  
7 kill the root growth. So what's happening--and  
8 Mr. Levin down there, prior to--when he was asking  
9 the question was on the right track. He asked  
10 well what happens when the summer months come  
11 back, and I'm going to tell you what's going to  
12 happen when the summer months come back is that  
13 all these contractors that are supposedly well-  
14 equipped to handle who will put up sheetrock  
15 without using any kind of moisture meters and  
16 actually using the right biocides to kill the mold  
17 on the beams behind the walls are going to see the  
18 mold flourish once humidity levels get back up to  
19 55 to 60%. Mold will flourish on anything that's  
20 60% or above. You could go to the CDC website,  
21 you go to the EPA website, they don't give  
22 guidelines on mold either.

23 I currently hold three licenses in  
24 New York State, okay? In the building trades.  
25 I'm an EPA lead certified renovator, I'm a New

2 York State home inspector, and I also am a New  
3 York State teacher, I teach a course on mold for  
4 New York State for the home inspectors, okay? I'm  
5 also a contractor, I have a license for a  
6 contractor. What I'm going to tell you is the  
7 truth. Most of these licenses require very little  
8 effort. You could become a mold remediator if you  
9 want without any licensing. All you have to do is  
10 go on the web, most of these people are buying the  
11 \$350 certificate that my 10-year old son could  
12 pass the course, nobody fails those courses. It's  
13 all about getting that certificate on the web, cut  
14 and pasting it and put it on your website and now  
15 you're an IRCI mold remediator certified. So what  
16 they're doing is they're tricking the public.

17 The truth is they're not qualified  
18 to do mold. The truth is contractors aren't  
19 qualified to do mold. Unless you have negative  
20 air machines, you have the right EPA biocides that  
21 are going to kill the fungi, root growth in the  
22 surfaces, unless you're doing proper containment  
23 to protect the residents in the building.

24 And another question I have is how  
25 come FEMA is not covering anything on mold? We

2 all know that mold grows in 48 hours, so how come  
3 FEMA doesn't include mold in their flood insurance  
4 programs? They're not. All these elderly people  
5 and the young are all susceptible to this mold  
6 growth that's going to happen over the next year  
7 or two.

8                   You're going to see--also, I have  
9 another comment. The gentleman also said that  
10 we're not seeing a spike in emergency room asthma  
11 cases. Most asthma cases aren't going to the  
12 emergency room; most asthma cases are going to the  
13 pulmonologist, the allergist, or the occupational  
14 environmental MDs, those are the people that  
15 should be actually surveyed in the boroughs or in  
16 the areas that are actually seeing a spike in  
17 their, you know, [off mic]. So if you actually go  
18 to the ear, nose, and eye doctor--you know, the  
19 pulmonologists and the allergists and you say how  
20 have you seen a spike and monitor this and let's  
21 look at the data 'cause I'm going to tell you  
22 right now, come May, June, and July, you're going  
23 to see a huge spike because the humidity levels  
24 are going to rise and mold is going to begin to  
25 grow again. Right now, we're seeing a lull

2 because humidity in the wintertime is around 35 to  
3 45%, mold won't grow. But once we get into May,  
4 June, and July, when humidity rises to 65, 75%,  
5 mold will grow.

6           The other part I have to say is I'm  
7 very disappointed in the City in not protecting  
8 the many volunteers that went out and actually did  
9 a lot of this work. And I've seen it firsthand,  
10 you've seen volunteers out there with inadequate  
11 masks, as the gentleman to the left of me just  
12 said, or no masks at all. I've seen church groups  
13 ripping off asbestos insulation, unfortunately,  
14 without even know that it was asbestos insulation.  
15 I've seen shovels in people's homes, most of these  
16 homes have 9-inch square tiles in their basements  
17 or upstairs that were used all the time in the  
18 forties, fifties, and sixties, they're asbestos.  
19 They were scraping them up with ice scrapers and  
20 shovels, no masks, nothing. So what they're doing  
21 is they're fracturing these tiles, asbestos is  
22 being released. So when you said or your Council  
23 panel here asked about asbestos testing, it was  
24 done on the outside on a pile of debris, but what  
25 about in the homes? How come the EPA states that



2 if I see asbestos in a home, I can't touch it as a  
3 contractor, I need to bring in a company that's  
4 supposed to actually remediate and remove the  
5 asbestos properly? How come as a contractor I'm  
6 not supposed to do lead abatement without HEPA  
7 filter vacuums and without negative air and  
8 containment, but you're asking everybody to rip  
9 down the walls in these homes which all contain  
10 probably lead and they contain asbestos in many of  
11 the plaster materials. So what we have is inside  
12 these homes we have an environmental disaster that  
13 the City is not educating the people on.

14 The gentleman also said we had a  
15 training facility going on, 600 people attended.  
16 We have 100,000 homes that have been affected, you  
17 had 600 people that attended. So we're not  
18 getting the information out correctly. Not enough  
19 people see it.

20 Also, after the storm, people lost  
21 the Internet, they lost their phones, they had no  
22 way--they moved out of the area, they weren't  
23 hearing everything that was being disseminated,  
24 the proper ways to do it, and they were just  
25 hiring a contractor, what I call storm chasers,

2 that are coming from out of area and they just rip  
3 apart the homes and they leave them be. Charge  
4 them thousands of dollars.

5 So there's a lot that has to be  
6 corrected for the next storm and there's a lot  
7 that has to be monitored on a lot of these homes,  
8 as you were alluding to, on how do we test if  
9 these homes are safe to rebuild or the thousands  
10 of homes that have already been rebuilt because  
11 the mold is going to come back and it's going to  
12 be a huge health hazard. So what we need to do is  
13 actually consult with a lot of the physicians out  
14 there, the environmental physicians, the  
15 allergists, and everybody else, and monitor the  
16 spikes that are going to be happening.

17 Thank you.

18 JOAN LEVINE: Good afternoon, can  
19 you hear me? Good afternoon, Council Members, my  
20 name is Joan Levine, I'm a resident of northern  
21 Manhattan--hello, Inez.

22 COUNCIL MEMBER DICKENS: How are  
23 you, Joan--

24 [Crosstalk]

25 JOAN LEVINE: [Interposing] I'm

2 fine. And I'm co-chair of the Morningside  
3 Heights/West Harlem Sanitation Coalition.

4 COUNCIL MEMBER DICKENS: She does  
5 good work too.

6 JOAN LEVINE: Formed in 1994, the  
7 coalition fights for environmental justice and  
8 educates residents about the importance of solid  
9 waste issues for our health and wellbeing. Our  
10 coalition is also a member of the Organization of  
11 Waterfront Neighborhoods and the New York City  
12 Environmental Justice Alliance. I'm here today to  
13 address the unfounded claims that, in the light of  
14 the impacts from Hurricane Sandy, the City should  
15 reconsider to complete the East 91st Street marine  
16 transfer station.

17 Unlike the old, dirty truck-based  
18 transfer stations that it will replace, East 91st  
19 Street MTS will have state-of-the-art controls and  
20 will be designed to withstand future storms and  
21 flooding. In addition, it is a key piece of the  
22 2006 Solid Waste Management Plan.

23 The plan requires communities to  
24 handle their fair share of the waste we all create  
25 and will eliminate millions of miles of diesel

2 truck traffic in the city each year. Without the  
3 MTS, Upper East Side waste is incinerated in New  
4 Jersey or trucked to transfer stations clustered  
5 in the South Bronx, North Brooklyn, Sunset Park  
6 and Jamaica, Queens. Many of these land-based  
7 transfer stations sit in flood-prone areas and  
8 lack the elevation and control standards for  
9 withstanding future floods. These outer borough  
10 communities alone handle 70% of the waste in New  
11 York City. Unlike the Upper East Side, they are  
12 also home to power plants, Superfund sites, sewage  
13 treatment plants, and other noxious facilities,  
14 putting them at risk of exposure to hazardous  
15 contamination from the impact of a massive storm.  
16 And we heard about some of those impacts today.

17           Those opposed to the facility have  
18 claimed that Sandy raises additional concerns  
19 about the marine transfer station, including the  
20 possibility of waste getting out of the facility  
21 in the event of future flooding. Despite these  
22 claims, there is no chance of loose waste ending  
23 up outside the facility. The lowest level of the  
24 MTS is the pier level, and any waste at that level  
25 will be in enclosed containers. And besides that,

2 I heard the commissioner of Sanitation today  
3 saying that they're looking over the plans and  
4 making sure it's tight enough.

5 If the city can expect to withstand  
6 and recover from extreme weather events like  
7 Sandy, and because our communities host a  
8 disproportionate amount of the city's polluting  
9 infrastructure, they deserve all the protection  
10 that our elected officials and government agencies  
11 can give them. I urge the committees to strongly  
12 oppose any effort to weaken the Solid Waste  
13 Management Plan's goal of borough equity and  
14 environmental justice, such as those to delay or  
15 prevent the opening of the East 91st Street MTS.  
16 The enclosed state of art of the marine transfer  
17 stations that will be built as part of the SWMP,  
18 will include the East 91st Street transfer  
19 station, will ensure that the environmental impact  
20 of handling waste will be distributed fairly  
21 throughout the city.

22 Thank you.

23 CHAIRPERSON ARROYO: Okay. Joan, I  
24 don't think you're going to find anybody at this  
25 dais that's going to disagree with you so...

2 JOAN LEVINE: Good, good, but I was  
3 rather appalled at some of the people who didn't  
4 stand up at a town hall meeting last week for  
5 mayoral candidates. So that was a disappointment.

6 CHAIRPERSON ARROYO: Yes, yes, it  
7 is.

8 [Crosstalk]

9 CHAIRPERSON ARROYO: But we're on  
10 point, we're standing strong on supporting the  
11 City Council approved Solid Waste Management Plan,  
12 keeping it intact, which includes the 91st Street  
13 station. And since that's not the subject of this  
14 hearing, but I thank you for coming to provide us  
15 with your testimony.

16 And I usually explain, in  
17 particular in the public session of the hearing,  
18 that when we're talking back and forth, we're not  
19 ignoring you, we're just plotting how we're going  
20 to take the information that you're giving us and  
21 using it moving forward. And usually let everyone  
22 that comes here to testify and provide information  
23 to us that we will be calling on you as we engage  
24 in how we're going to use the information moving  
25 forward.

2 So unless you have any questions--

3 CHAIRPERSON JAMES: No.

4 CHAIRPERSON ARROYO: --Madam Chair,  
5 I want to thank you for coming here, scaring us  
6 half to death almost, but--

7 MICHAEL SHAIN: [Interposing] I  
8 implore you to read what I wrote.

9 CHAIRPERSON ARROYO: No--

10 MICHAEL SHAIN: It's at--

11 CHAIRPERSON ARROYO: --I think  
12 there's a lot that you said that's not included in  
13 your testimony, but we will follow up with  
14 conversation around more details, in particular,  
15 the debate about what is the most appropriate way  
16 to handle clean--remediate, in particular, mold.  
17 I have real serious concerns--

18 MICHAEL SHAIN: I'll tell you--

19 CHAIRPERSON ARROYO: --about it and  
20 more particularly homeowners, it's pretty much in  
21 their hands to drive that conversation because  
22 that's their environment. I am mostly concerned  
23 about renters who are at the--

24 MICHAEL SHAIN: Mercy.

25 CHAIRPERSON ARROYO: --mercy of

2 their landlords to do appropriate and correct  
3 harmful conditions so--

4 MICHAEL SHAIN: [Interposing] But  
5 the homeowners are being unfortunately at the  
6 mercy of unscrupulous contract--

7 CHAIRPERSON ARROYO: [Interposing]  
8 Speak into the mic--

9 [Crosstalk]

10 MICHAEL SHAIN: I'm sorry. The  
11 homeowners are basically at the mercy of the  
12 unscrupulous--

13 CHAIRPERSON ARROYO: [Interposing]  
14 Right, and that--

15 MICHAEL SHAIN: --homeowners.

16 CHAIRPERSON ARROYO: --point is  
17 also--

18 MICHAEL SHAIN: That's contractors.

19 CHAIRPERSON ARROYO: --very well  
20 taken.

21 MICHAEL SHAIN: And we need to  
22 address that.

23 CHAIRPERSON ARROYO: That the  
24 information may not be accurate and--

25 MICHAEL SHAIN: Right.



2 CHAIRPERSON ARROYO: --that how do  
3 we engage in a process to make sure that we change  
4 the conversation and ensure--I heard  
5 certification--

6 MICHAEL SHAIN: Right.

7 CHAIRPERSON ARROYO: --could delay  
8 the response and--

9 MICHAEL SHAIN: [Interposing]  
10 That's not true.

11 CHAIRPERSON ARROYO: Well we don't  
12 always agree, just because we're polite--

13 MICHAEL SHAIN: Correct.

14 CHAIRPERSON ARROYO: --doesn't mean  
15 that we agree.

16 MICHAEL SHAIN: I understand. He  
17 also made a statement also which I don't agree  
18 with is that I wrote a few of his things that  
19 certification rate will raise the price and he  
20 used the word--

21 [Crosstalk]

22 MICHAEL SHAIN: --extensively. I  
23 have multiple certifications, it doesn't raise my  
24 prices at all.

25 CHAIRPERSON ARROYO: Okay.

2 MICHAEL SHAIN: Okay? My  
3 certifications cost me maybe \$400 every two years.

4 CHAIRPERSON JAMES: Right.

5 MICHAEL SHAIN: Okay, my training  
6 for the certification was a few classes here and  
7 there, why is it going to raise my prices--

8 CHAIRPERSON JAMES: Right.

9 MICHAEL SHAIN: --extensively?  
10 That's not accurate.

11 MICHAEL MCCANN: Yeah, I think one  
12 of the problems right now is that so much work is  
13 being done and a lot of it is not being done  
14 properly, how does that get evaluated? There  
15 needs to be some outside entity doing that 'cause  
16 you can't trust the--

17 MICHAEL SHAIN: Right.

18 CHAIRPERSON ARROYO: Correct.

19 MICHAEL MCCANN: --work that's  
20 being done. And also, remember a lot of this work  
21 is being done even by volunteers and without real  
22 contractors and that and homeowners.

23 [Crosstalk]

24 CHAIRPERSON ARROYO: My son was out  
25 in Breezy Point doing--ripping up rugs and--

2 MICHAEL MCCANN: Yeah.

3 CHAIRPERSON ARROYO: --you know...

4 This is the first time that I think he's ever had  
5 to do hard labor kind of work, but he came home a  
6 bit more humble--

7 MICHAEL SHAIN: Good.

8 CHAIRPERSON ARROYO: --to his own  
9 admission because the impact of what he saw--

10 MICHAEL SHAIN: Yeah.

11 CHAIRPERSON ARROYO: --was so  
12 incredible. And, yeah, he had some gloves, a  
13 hardhat, and--

14 MICHAEL SHAIN: [Interposing]  
15 Hopefully he wore a mask.

16 CHAIRPERSON ARROYO: --nothing  
17 else. No, nothing--

18 [Crosstalk]

19 MICHAEL SHAIN: [Interposing] Well  
20 that was in my testimony as well.

21 CHAIRPERSON JAMES: But I think the  
22 testimony of Council Member Gennaro, who is no  
23 longer with us, the fact that he is introducing a  
24 bill, we look forward to that bill because he did  
25 recognize that they were working on some sort of

2 certification for these unscrupulous contractors--

3 MICHAEL SHAIN: Right.

4 CHAIRPERSON JAMES: --I shouldn't  
5 say that, for some individuals who should be  
6 certified in mold remediation. And when that bill  
7 is introduced, I'm sure all of us, if in fact, it  
8 professionalizes mold remediation and certifies  
9 mold remediation so that individuals can be  
10 protected, homeowners can be protected, all of us  
11 will be support--

12 [Crosstalk]

13 MICHAEL SHAIN: [Interposing] I'm  
14 going to tell you what your biggest stumbling  
15 block is very briefly on that, there are no  
16 government standards on what is acceptable mold,  
17 that's--

18 MICHAEL MCCANN: Right.

19 MICHAEL SHAIN: --the biggest  
20 problem--

21 MICHAEL MCCANN: Exactly.

22 CHAIRPERSON ARROYO: But I think  
23 but--

24 MICHAEL SHAIN: --okay? However--

25 CHAIRPERSON ARROYO: --part of the

2 dialogue that goes on internally here is  
3 consultation with experts in the fields--

4 MICHAEL SHAIN: Correct.

5 CHAIRPERSON ARROYO: --to help us  
6 set the benchmarks and the standards.

7 MICHAEL SHAIN: Correct.

8 MICHAEL MCCANN: Yeah.

9 CHAIRPERSON ARROYO: So we're not  
10 done, we're not done--

11 MICHAEL SHAIN: Good.

12 CHAIRPERSON ARROYO: --and what I'm  
13 saying to you is you come to us and you give us  
14 your wisdom and I say you leave with the  
15 expectation that we're going to call you back to  
16 help us figure it out.

17 MICHAEL SHAIN: I'd be happy to.

18 MICHAEL MCCANN: Okay.

19 CHAIRPERSON ARROYO: Okay?

20 MICHAEL MCCANN: Thank you. Yeah.

21 CHAIRPERSON ARROYO: Thank you.

22 Tish?

23 CHAIRPERSON JAMES: No, thank you.

24 CHAIRPERSON ARROYO: Okay. Thank  
25 you.

2 [Crosstalk]

3 CHAIRPERSON JAMES: --testimony, I  
4 apologize for not being here.

5 CHAIRPERSON ARROYO: The next  
6 panel, Lily, Rajiv--

7 RAJIV JASWA: Rajiv.

8 CHAIRPERSON ARROYO: --Rajiv, and  
9 Joel. And you'll state your names for the record  
10 when you begin your testimony. And thank you.

11 And before you start, I just want  
12 to say that we have testimony for the record--and  
13 I had it here, yes--from the New York Restoration  
14 Project and New Yorkers for Parks, who were in the  
15 room but had to leave, but their testimony will be  
16 entered into the record.

17 So you saw how it was done, figure  
18 it out. And that seems to be the theme today,  
19 ladies are going first.

20 LILY KELLY: I'll take it. So  
21 thank you, chairs of the committees and members of  
22 the City Council, for hearing our testimony. I'm  
23 Lily Kelly, I'm the director of--

24 CHAIRPERSON ARROYO: [Interposing]  
25 So pull the mic--

2 LILY KELLY: Sorry.

3 CHAIRPERSON ARROYO: --no, pull the  
4 mic closer to you.

5 LILY KELLY: I'm the director of--  
6 whoo, that is louder--Global Green USA's Coalition  
7 for Resource Recovery. Global Green is a national  
8 nonprofit. We do a variety of projects.

9 My testimony today is just going to  
10 be limited to some of the concerns of the  
11 Coalition for Resource Recovery, which is looking  
12 at waste diversion and, in particular, looking at  
13 wastes that are not commonly recycled and finding  
14 creative ways to cost effectively recover them.

15 So when there's a storm, there's  
16 two main waste streams that we are interested in  
17 looking at. One is construction and demolition  
18 waste, there's--

19 CHAIRPERSON ARROYO: [Interposing]  
20 I'm sorry, do you have written testimony--

21 [Crosstalk]

22 LILY KELLY: [Interposing] I don't,  
23 unfortunately.

24 CHAIRPERSON ARROYO: You do not.

25 LILY KELLY: I can make that--

2 [Crosstalk]

3 CHAIRPERSON ARROYO: No, just we  
4 just need to make sure so that we know we get  
5 copies of everything into the record.

6 LILY KELLY: And I can make that  
7 available later--

8 CHAIRPERSON ARROYO: Okay.

9 LILY KELLY: --yeah.

10 CHAIRPERSON ARROYO: Thank you.

11 LILY KELLY: Construction and  
12 demolition waste, so there is quite a lot of  
13 debris that gets all jumbled up together,  
14 fortunately, there are technologies coming online  
15 and being improved all the time that can actually  
16 extract valuable materials from construction and  
17 demolition. So if anything, I think what we've  
18 all taken away from this hearing is that there is  
19 an opportunity for planning for next time. We all  
20 have a sense that Sandy was the first of several  
21 storms that are going to be happening in the  
22 future. So given that we have this opportunity,  
23 we're--Global Green is happy to assist in any  
24 planning efforts down the line to rapidly and  
25 effectively and cost effectively recover the waste



2 that is going to be generated from construction  
3 and demolition debris.

4 And number two we're looking at is  
5 the yard waste that was discussed extensively  
6 earlier, particular trees and branches. We see an  
7 opportunity to cultivate markets beforehand,  
8 again, in preparation for next time for those  
9 kinds of wood products. So in particular, looking  
10 at how it can be kept local. So we've had  
11 conversations with the Department of  
12 Transportation in New York City and they're  
13 interested in potentially looking at accepting  
14 more of this locally generated material for  
15 improving infrastructure down the line for roadway  
16 arterial maintenance and other projects.

17 And then construction contractors  
18 also have an interest in using wood chips to  
19 prevent soil compaction. So these are just a  
20 couple of examples of potential ways. And Council  
21 Member Lander brought up furniture, for example,  
22 and there is also some discussion of wetland  
23 remediation projects which would be, again,  
24 another great way of using this material locally.

25 So the idea would be, again,

2 planning for the future and trying to make sure  
3 that this organic matter that's generated in New  
4 York stays in New York and we can find beneficial  
5 uses for it that are also cost effective.

6               So the last thing I'm going to say  
7 is that we're going to be planning a convergence  
8 in the fall, Global Green will be hosting this, to  
9 look at opportunities for expanding these markets.  
10 And, again, part of this is looking at storms  
11 which cause surges in the supply of these  
12 materials, but part of it too is that we generate  
13 a lot of organic waste every day that's getting  
14 sent to landfills and construction and demolition  
15 debris as well. So this convergence is going to  
16 be looking at both of those things: How can we  
17 improve these markets for every day; how we can  
18 improve the infrastructure and processing for  
19 every day and make it available when we need it  
20 most, which is after a storm impacts.

21               CHAIRPERSON ARROYO: There's a  
22 nonprofit in my district, Rocking the Boat, and  
23 what they do is they take wood, recover it, and  
24 use it to teach young people how to build boats.  
25 So I need to get them on whatever mailing list you

2 have so--

3 LILY KELLY: Absolutely.

4 CHAIRPERSON ARROYO: --that we can  
5 make sure that Adam and the folks there are part  
6 of that conversation because they are very much  
7 into the recovery, reuse, reduce kind of  
8 discussion.

9 LILY KELLY: And there's a few  
10 groups, I mean, Build it Green, for example, is  
11 another great one that does a lot of salvaging.  
12 Part of it is just figuring out how to scale it up  
13 quickly--

14 CHAIRPERSON ARROYO: Yes.

15 LILY KELLY: --when there's a  
16 storm, so that's certainly something that we  
17 should look at as well.

18 CHAIRPERSON ARROYO: All right.

19 Next?

20 JOEL KUPFERMAN: Is this on?

21 [background noise]

22 CHAIRPERSON ARROYO: Just pull it--

23 [Pause]

24 JOEL KUPFERMAN: Testing one?

25 CHAIRPERSON ARROYO: If the light

2 is on--

3 [Crosstalk]

4 JOEL KUPFERMAN: It's not on, oh,  
5 it's on? Okay, thank you. Although the water has  
6 receded, the threat lingers. Thank you for taking  
7 this most critical look at the continuing  
8 environmental health dangers. I'm Joel Kupferman,  
9 I'm the New York Environmental Law & Justice  
10 Project, and I sat before the Environmental  
11 Committee of the City Council 11 years ago, a few  
12 weeks after 9/11 basically saying the same things  
13 that I'm going to repeat now.

14 False assurances were given to  
15 people that living and working conditions were  
16 safe. Then and now, the boundaries are the  
17 problem. Upper floors were exposed to raw sewage  
18 and other problems, interiors of walls out of  
19 sight and mold festers behind closed walls.  
20 Residents are told that the problem stops at the  
21 first floor.

22 Governments tell, they tell people  
23 that the air and water is clean and label I and  
24 others alarmists are wrong. Does the City Law  
25 Department's concern about liability regarding its

2 responsibility of its inhabitants, health and  
3 safety block its ability to see and take actions  
4 for the severity of the problem? Whether it is  
5 Chamber Street or Canal Street, is necessary  
6 action again blocked.

7           After 9/11, the City told us that  
8 the World Trade Center dust stopped at Chamber  
9 Street and then they did a little more studies and  
10 then they granted that it went to Canal Street.  
11 That was wrong, and we're still paying for that.  
12 The City has literally paid over \$700 million to  
13 all those first responders and that basically the  
14 City also said that it was for the want of masks.  
15 Masks were brought up here again over and over  
16 again, and masks are not being distributed and not  
17 being told.

18           For the tens of thousands of living  
19 in the Rockaways, Coney Island, Red Hook, and  
20 Staten Island, and lower Manhattan, they are  
21 victims of climate change, or more aptly put,  
22 climate chaos. Some in the city, state, and  
23 federal governments set their tone too low. [Off  
24 mic] Advisories without enforcement and assignment  
25 of necessary clean up protocols are not enough.

2 And as time goes on, people have let their guard  
3 on. Believe the City is telling us to use the  
4 rhythm method in terms of protection.

5 [Laughter]

6 JOEL KUPFERMAN: They're telling us  
7 to use the rhythm method in terms of protection.  
8 I don't think I have to go into more detail.

9 [Laughter]

10 JOEL KUPFERMAN: We're told by the  
11 Health department, and even here today we heard  
12 Health department conflicting testimony as to how  
13 bad mold is, we just know that it's bad, okay, in  
14 the short-term, in the long-term. We also learned  
15 a lot from Katrina, what happened down there. We  
16 also know that it's not just the mold that's bad,  
17 it's also that the umpteen amount of sewage with 7  
18 or 10 of the 14 plants went unregulated. A lot of  
19 that sewage, which I tried to figure out, was a  
20 million--I think a 1.6 billion gallons?

21 FEMALE VOICE: Yeah, 500 million.

22 JOEL KUPFERMAN: Five hundred  
23 million, a lot of that came back onto the land.  
24 But also we got to remember that NYCHA told us  
25 that it only stopped at the first floor. I've

2 been speaking to many, many people out there,  
3 including the Smith Houses that got hit from 9/11  
4 and they got hit again. On the 12th floor, a  
5 mother with three kids with asthmatics faced raw  
6 sewage that backed up out of her toilet, okay?

7 [Off mic]

8 JOEL KUPFERMAN: Excuse me?

9 CHAIRPERSON JAMES: Twelfth.

10 JOEL KUPFERMAN: Twelfth floor of a  
11 NYCHA building. So we have to just cut the claim  
12 that the first floor is the boundary line, it's  
13 not the Chamber Street or the Canal Street, okay?  
14 Why? Because the electric wasn't working and the  
15 water wasn't working, so you have basically a  
16 perfect storm of vulnerability here.

17 We have people who cannot wash up  
18 after touching this material, being exposed to  
19 this material. You have the clean up workers that  
20 don't have the right equipment, the right places  
21 to go to.

22 And E. coli should not be  
23 discounted so readily as the City Health  
24 department has done. The Union of Concerned  
25 Scientists state sitting water produces

2 significant health risk. As water stagnates, the  
3 E. coli bacteria could spread. Other types of  
4 bacteria and parasites could spread. Floods  
5 almost always spike illnesses.

6 Public health officials caution  
7 that stagnant waters from floods can pose  
8 significant health risks, many of which can worsen  
9 with time. Urban runoff in large cities pose  
10 great problems, yet urban sewage treatment plants  
11 that are overwhelmed during major flood events can  
12 spill untreated sewage into the waterways; it  
13 could then end up on streets and clog storm  
14 drains, other urban contaminants include motor  
15 oil, gasoline, and trash. That sewage that came  
16 up wasn't just E. coli, it was all those other  
17 chemicals that people in those plants have to be  
18 wearing special protection to work with, and yet,  
19 we send people back to clean up. NYCHA workers,  
20 when instructed to go clean up their places, they  
21 were smart enough to balk, and what did the City  
22 do and NYCHA do? They hired contract workers that  
23 were given improper information and protection.

24 Untreated sewage can introduce  
25 bacteria, viruses, and parasites capable of



2 causing a variety of ailments. With the cool  
3 temperatures in New York City, these pathogens can  
4 survive for months. So besides the mold coming  
5 up, mold's going to grow, we have these pathogens  
6 that are just sitting there, basically, frozen,  
7 you know, in time and the problem is not going to  
8 go away, it's going to get worse.

9               Cases of severe bacteria infections  
10 which enter the body through open cuts were  
11 reported under Hurricane Katrina, devastating New  
12 Orleanians and surrounding areas in 2005. Even  
13 boaters and kayakers could pick them up. I think  
14 we better be a little wary of sending people off  
15 into the beaches. Potential infections were  
16 easily picked up from parasites in the water  
17 following Hurricane Katrina, which hit the U.S.  
18 Gulf Coast.

19               We heard reports in Far Rockaway  
20 that people got rashes after taking showers. We  
21 did water testing, we found heterotrophic  
22 [phonetic] parasites in that water, a bacteria.  
23 The City readily discounted, we kept on pushing  
24 the EPA and we finally got research that some of  
25 that bacteria could be parasitic. So, again, 9/11

2 repeats itself that only after we push, push, push  
3 do we start getting people--scientists beginning  
4 to tell us what's bad.

5 E. coli, the bacteria to watch.

6 The most concerning urban bacteria, E. coli, the  
7 organism that most mammals use for digestion,  
8 found in the lower intestine, it could be toxic if  
9 ingested into the stomach. Floods that carry raw  
10 sewage into high density areas could spread the  
11 bacteria. E. coli is consumed by either drinking  
12 contaminated water or eating food with bacteria.  
13 We heard story after story that people had to be  
14 drinking out of fire hydrants, there was no water  
15 there. The City didn't make sure that people had  
16 water to drink.

17 Early this year, the Union of  
18 Concerned Scientists published a report outlining  
19 the risk of urban flooding, highlighting that the  
20 occurrence of floods may increase due to global  
21 warming. Driving on inundated streets were  
22 identified as a safety risk, that sitting water  
23 produces significant health risks as well.

24 CHAIRPERSON ARROYO: Joel?

25 JOEL KUPFERMAN: Yes? Okay. I'm

2 going. What upsets me a lot is that the City kept  
3 on talking about advisories, okay? I do  
4 environmental law on a broad scale in terms of  
5 climate change, we also do a lot of cases down to  
6 where we have dust coming in from a construction  
7 site next door. I'm doing a case on 96th Street,  
8 which I think is important to talk about, is that  
9 the builder takes a air blower and blows the dust  
10 into the people's apartments next door, and many  
11 of those people have gone to the hospital. Even  
12 with the fines, the contractors and the builders  
13 continue to do the same. So we're being told here  
14 that advisories and education is going to work, we  
15 have to look at it in the context. That people  
16 even with fines and the Buildings department going  
17 after them do not change what they are doing. So  
18 I think it's really important to build that up.

19 Also, we will give a more full  
20 report to the Council, I believe it's in Buffalo  
21 that they're actually codifying their mold  
22 findings, the law. The City is really proud to  
23 the fact that their mold model code of mold is  
24 cited all over the place, but in some ways, the  
25 City is the least to enforce it over any other

2 city that's out there, especially, which I can't  
3 understand, how NYCHA has been getting away with  
4 all of this. The City claims that they don't have  
5 any control over NYCHA, and, yet, if you go to  
6 NYCHA's website, you have to go to  
7 [www.nyc.gov/NYCHA](http://www.nyc.gov/NYCHA), okay? I think that's one of  
8 the first areas the City Council should look at.

9           The biggest sin that I found was  
10 that people living in NYCHA housing and renters  
11 were not given any FEMA money to remove their  
12 clothes or their wet furniture. We've been told  
13 over and over again today that what happens in the  
14 first, second, or third--you know, the third days,  
15 the mold spreads, and yet, all they got was an  
16 appeals procedure told to go somewhere else.

17           The City had the right to call this  
18 a health emergency, the Secretary of Health and  
19 Human Services on October 31st, 2012, said that  
20 New York and New Jersey is in a state of health  
21 emergency. That gives the City a lot of power to  
22 mobilize their forces. The problem was that the  
23 transportation went down, infrastructure went  
24 down. The people in Far Rockaway, Coney Island,  
25 whatever, didn't have access to a lot of that

2 health care. The hospitals went down, but also  
3 there was doctors and emergency medics that wanted  
4 to get there to help, there was no way for them to  
5 do. The City should figure out an emergency  
6 system that rely on trained professional  
7 volunteers to go, and yet, they were the first  
8 people--oops, I need a little of this water, and I  
9 hope it's good water.

10 [Laughter]

11 JOEL KUPFERMAN: We had access to  
12 many people, part of it was from the trust that we  
13 developed after 9/11 and we worked with the  
14 Occupied Sandy people, it was People's Medical  
15 Relief was a group that came up from Philadelphia  
16 composed of doctors and medics that fanned the  
17 area and started going door-to-door in Far  
18 Rockaway, Coney Island, and Staten Island. It  
19 wasn't the City Health department, it wasn't the  
20 City police department, okay? We know that.

21 But the scary part also was that  
22 when Bellevue went down, it was closed, I  
23 contacted nurses there and they told me that they  
24 were not allowed to go elsewhere, they were just  
25 basically desk duty. So the City Health

2 department and all of its, you know, powers were  
3 not allowed to mobilize their forces and be out  
4 there on the--

5 CHAIRPERSON ARROYO: [Interposing]  
6 Hey, Joel, please--

7 JOEL KUPFERMAN: Yes--

8 CHAIRPERSON ARROYO: --I'm going to  
9 ask you to wrap up, we have--

10 JOEL KUPFERMAN: Okay.

11 CHAIRPERSON ARROYO: --three more  
12 people are waiting to testify--

13 JOEL KUPFERMAN: You got it, okay.

14 CHAIRPERSON ARROYO: --and I don't  
15 want to cut them off.

16 JOEL KUPFERMAN: Oh, okay. They  
17 gave us 10,000 issues, but I'm going to... Also the  
18 City--okay, just basically two more--the City also  
19 talked about how much sand that was moved, I think  
20 it was 3 million cubic yards of sand that was  
21 moved from one place to another and then back, we  
22 have to remember what happened after 9/11 is that  
23 what went into the people's first responders lungs  
24 was sand, was silica, and that was enough to  
25 basically trigger all those problems, that's what

2 the City admitted. And yet, when we went down to  
3 the Rockaways in the few weeks after the event, we  
4 saw cops on the street covered with dust with no  
5 masks, police stations covered with masks--covered  
6 with dust or whatever.

7 But also, the next big issue that  
8 we came across that my colleague is going to talk  
9 about is what happened with the burning at Floyd  
10 Bennett Field. It was only when NYPIRG, the  
11 American Lung Association, and Sierra Club came to  
12 us and told us that there were some concerns and  
13 we started digging and we found a lot of quick  
14 response that was not substantiated by science.  
15 And only after we pushed with the help of EPA, did  
16 we realize that there was a major problem there.  
17 And my colleague Rajiv is going to talk about  
18 that.

19 But I think the lessons learned on  
20 all of this is that we have to hold the City to a  
21 higher standard, that they just can't say  
22 emergency, especially when it's a health  
23 emergency, and they can't use that standard to  
24 just violate all the health concerns that get  
25 heightened during this type of emergency.

2 RAJIV JASWA: So you have my  
3 written testimony so I'm just going to offer like  
4 a truncated version.

5 I'd like to thank the Council  
6 Members for this opportunity to testify so late.

7 CHAIRPERSON ARROYO: Pull the mic  
8 [off mic].

9 RAJIV JASWA: Okay.

10 [Background noise]

11 RAJIV JASWA: All right, thank you.  
12 My remarks today are going to focus specifically  
13 on the decision-making process whereby the City  
14 Department of Environmental Protection granted a  
15 variance from the Air Pollution Control Code,  
16 which allowed the vegetative debris pile at Floyd  
17 Bennett Field to be incinerated on site by a  
18 private contractor from December 2012, and it just  
19 ended February 14th.

20 Before proceeding, I would like to  
21 first acknowledge the sheer difficulty of cleaning  
22 up after Sandy. It's a monumental task in my  
23 narrow and somewhat critical perspective in these  
24 remarks is not meant to diminish the efforts of  
25 anyone involved, I merely hope to provide a few



2 observations salient to today's discussion.

3                   So, obviously, regulatory  
4 flexibility is a very important thing, and there's  
5 an extensive scholarship on the subject. And  
6 especially at times of emergency, it's sort of  
7 magnified in responding to a disaster of  
8 Superstorm Sandy's magnitude, government officials  
9 had to act quickly and decisively to minimize  
10 public suffering. It's in no one's interest to  
11 proceed at a bureaucratic pace. But this picture  
12 gets a bit more complicated when DEP was asked to  
13 accommodate the Army Corps of Engineers and its  
14 private contractors' request to incinerate Sandy-  
15 related vegetative debris at Floyd Bennett Field  
16 because, in essence, DEP had to very quickly  
17 decide whether to relax regulations that were  
18 designed to protect public health for the overall  
19 purpose of facilitating a timely and effective  
20 response to a public health emergency.

21                   But since the Army Corps and ECC,  
22 the contractor have stopped the burning, I'm not  
23 going to talk about sort of whether the decision  
24 itself was reasonable, I just want to go through  
25 the decision-making process, which we have a

2 little bit of insight into because of responses to  
3 FOIL and FOIA requests that we've gotten from EPA,  
4 the Army Corps, DEC, and DEP. I basically have  
5 two main concerns about the way in which DEP made  
6 use of the regulatory flexibility that it needs,  
7 but along with that flexibility, there's a lot of  
8 responsibility, especially at time of emergency.

9 First, DEP appears to have blurred  
10 the line between post hoc rationalization and  
11 substantive regulatory review. The correspondence  
12 records that we obtained reveal that the Army  
13 Corps, ECC, and City officials had already decided  
14 to proceed with the use of Air Curtain Burners, or  
15 ACBs, to incinerate the waste at Floyd Bennett  
16 Field before any kind of meaningful assessment of  
17 air quality impacts could be performed. Based on  
18 the records we obtained, DEP appears to have been  
19 first consulted about the use of ACBs on November  
20 11th, 2012. In the e-mail correspondence that  
21 day, Ms. Angela Licata, who testified earlier  
22 today, stated that the agency's preference was for  
23 practical alternatives, but also noted, if the  
24 Army Corps still feels that this is the best way  
25 forward, I'll support it. So this is the very

2 first time they're even being approached about it  
3 before there's been any kind of review. In the  
4 same e-mail, Ms. Licata also apparently encouraged  
5 the Army Corps to look for ways to circumvent  
6 DEP's regulatory authority under the Air Code as  
7 her e-mail states, does the Army Corps have any  
8 ability to preempt our local codes under emergency  
9 provisions? It seems this would resolve some  
10 timing and procedural issues.

11                   The next day, four ACB units were  
12 already on order, and by November 18th, the first  
13 ACB unit had arrived on site. The Army Corps was  
14 sort of aggressively pushing this approach and so  
15 they sent out an e-mail asking, how is the  
16 variance progressing? We're ready to start the  
17 incinerator now. But going through these e-mails,  
18 it's clear that by November 18th, the City and  
19 State regulators, that was the first time they got  
20 together and actually developed a full analysis of  
21 the fine particulate emissions potential of  
22 incineration compared to other beneficial reuse  
23 alternatives. This is the first time they'd ever  
24 done this comparative analysis.

25                   So on that same day, in the

2 evening, DEP Commissioner Carter Strickland wrote  
3 an e-mail saying, the City has determined that it  
4 will be able to gather other material by the  
5 deadline sufficient to render a decision on the  
6 variance at minimum by tomorrow night. In going  
7 through all of this, I just mean to highlight that  
8 the timing of DEP's efforts to gather relevant  
9 information and develop a full air quality  
10 assessment combined with the early indications of  
11 their willingness to support the use of  
12 incinerators, suggests that the analysis  
13 supporting DEP's variance was undertaken more as a  
14 post hoc rationalization of their decision, rather  
15 than a meaningful, substantive review of the air  
16 quality impacts from ACBs compared to other reuse  
17 options. And this is troubling, given the public  
18 health implications of adding new sources of PM  
19 2.5 emissions to an area already burdened with  
20 other disaster recovery operations creating  
21 emissions.

22 My second concern, as quickly as I  
23 can, about DEP's decision-making process has to do  
24 with the agency's response to EPA's repeated  
25 objections to the use of incinerators at Floyd

2 Bennett Field. In an emergency, when there are  
3 restrictions or other external constraints on  
4 regulatory decision-makers, it's extremely  
5 important to rely on credible experts and  
6 technical resources. Here, EPA provided all  
7 parties with detailed information about  
8 alternative options for beneficial reuse and also  
9 provided past studies on air quality impacts of  
10 ACBs, which were, in fact, relied upon in the  
11 aftermath of Hurricane Katrina and which led the  
12 parties to decide that it was not in anyone's  
13 interest to use these incinerators. Yet, when DEP  
14 had to assess the potential air quality impacts of  
15 the ACB operations at Floyd Bennett Field, the  
16 agency appears to have instead relied upon figures  
17 provided by the contractor and the manufacturer of  
18 the ACB. The petition for the variance cites a  
19 study comparing the emissions of ACBs versus wood  
20 grinders that's found on woodwasteburner.com. My  
21 point is simply that EPA studies should be taken  
22 much more seriously than studies available on  
23 woodwasteburner.com. In reviewing the e-mail  
24 exchanges between EPA, DEP, DEC, and the Army  
25 Corps, it is distressing to find that EPA's

2 objections to the use of the incinerators were not  
3 taken more seriously than the claims of the  
4 private contractor and the manufacturer.

5                   Finally, just sort of to  
6 substantiate all this, there's an e-mail from  
7 Steven Flint, who works at DEC's Air Resources,  
8 dated December 11th, stating that DEC found that  
9 some factors--this is like air pollution factors  
10 in their analysis--were misapplied and that the  
11 actual numbers indicate that burning is as much as  
12 ten times higher than chipping. This is in  
13 response to a claim in the petition for the  
14 variance saying that incinerators cause much more--  
15 -I'm sorry, that chipping causes much more, you  
16 know, like particulate emissions. The problem is  
17 that this e-mail from DEC came December 11th,  
18 after the initial variance had been granted. So  
19 my point is just that all this vetting should have  
20 taken place before the variances were issued and  
21 it could have been--you know, if they just  
22 listened to EPA, that's what would have happened,  
23 I believe.

24                   So in conclusion, the ACBs were  
25 deemed inappropriate for use in New Orleans after

2 Katrina, and I believe that if DEP had avoided  
3 post hoc rationalization and had given more  
4 credence to EPA's objections, the agency would  
5 have also found ACBs to be inappropriate for New  
6 York after Hurricane Sandy.

7 Thank you so much for this  
8 opportunity to testify.

9 CHAIRPERSON ARROYO: Well thank  
10 you. But it seems that now we have precedent for  
11 not using them.

12 RAJIV JASWA: I hope so.

13 CHAIRPERSON ARROYO: I mean, I'm  
14 not an attorney, I think there are a couple in the  
15 room, but post-Sandy and the place where we're at  
16 now where maybe we shouldn't have used them, we've  
17 learned a lesson. Is that one of the things that  
18 we should expect to get back in that citywide  
19 report document that we're expecting in May, that  
20 DEP would in its part of the report say the lesson  
21 learned is that we shouldn't be burning?

22 RAJIV JASWA: Unfortunately, based  
23 on what we heard today and what I've read in the  
24 press, the reason why the burners are no longer  
25 being used is supposedly because they finally got

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2 the chipper they'd been waiting for, so I don't

3 know--

4 CHAIRPERSON ARROYO: [Interposing]

5 But no, no, no, my--

6 RAJIV JASWA: --if they learned--

7 CHAIRPERSON ARROYO: --my--given

8 there has been a recommendation rendered on not

9 using or we shouldn't be using the burn--

10 [Crosstalk]

11 JOEL KUPFERMAN: [Interposing] They

12 didn't mention EPA's objection today, they didn't-

13 -

14 CHAIRPERSON ARROYO: [Interposing]

15 Okay. But--

16 JOEL KUPFERMAN: No, no, I

17 understand, but it's really--

18 [Crosstalk]

19 CHAIRPERSON ARROYO: --that.

20 JOEL KUPFERMAN: But you also--

21 RAJIV JASWA: [Interposing] Was

22 objecting even--

23 [Crosstalk]

24 CHAIRPERSON ARROYO: No, no, I--

25 JOEL KUPFERMAN: [Interposing] And



2 you asked about FOIL and litigation--

3 CHAIRPERSON ARROYO: Okay. Let me  
4 go back.

5 JOEL KUPFERMAN: Okay.

6 CHAIRPERSON ARROYO: Let me go back  
7 'cause I have two more folks signed up to testify  
8 and I want to hear from them. So when we review  
9 that report that's coming, the citywide report,  
10 one of the things that I'm going to be looking for  
11 on the DEP portion of that report is that one of  
12 the lessons we learned is that in addressing the  
13 removal of debris, we--burning is not an option.

14 RAJIV JASWA: That would be great.

15 CHAIRPERSON ARROYO: It's I should  
16 be looking for that.

17 JOEL KUPFERMAN: You should be more  
18 optimistic--

19 RAJIV JASWA: [Interposing] I'll be  
20 looking--

21 JOEL KUPFERMAN: Right.

22 RAJIV JASWA: --for that too, yeah-

23 -

24 [Crosstalk]

25 CHAIRPERSON ARROYO: No, I'm--

2 JOEL KUPFERMAN: [Interposing] But  
3 also I think it's really important to point out--

4 CHAIRPERSON ARROYO: [Interposing]  
5 My glass is always half full.

6 JOEL KUPFERMAN: --that we did a  
7 FOIL request on their data dated February 1st,  
8 they acknowledged it on February 11th, and we're  
9 still waiting for that data. If EPA did not put  
10 their exceedances or bother to do it--

11 CHAIRPERSON ARROYO: Okay.

12 JOEL KUPFERMAN: --we would not  
13 know it here. So with all this hullabaloo about  
14 informing and advisories, DEP is still in  
15 violation of FOIL law, and also I think that alone  
16 should be a sign that it's really, really  
17 disrespectful. They told us they're still looking  
18 for that data; to me, basically takes away a lot  
19 of their right in terms of unfettered supervision.

20 CHAIRPERSON ARROYO: [Interposing]  
21 I understand, I think, I don't think that they're  
22 trying to skip around the request. But thank you  
23 for your testimony and for the information.  
24 Today, I'm better informed about what I should  
25 look for in that May document, that citywide

2 response or document that we should be--that shall  
3 culminate our lessons learned and our response--

4 JOEL KUPFERMAN: Right.

5 CHAIRPERSON ARROYO: --or lack  
6 thereof and what we should do different--

7 JOEL KUPFERMAN: Right.

8 CHAIRPERSON ARROYO: --in  
9 preparation for an event of this nature, because  
10 it will happen.

11 JOEL KUPFERMAN: Right. But also  
12 you should look for heightened scrutiny of  
13 everything that DEP and the--

14 [Crosstalk]

15 JOEL KUPFERMAN: --agencies look at  
16 in the middle of all of this and all the sewage in  
17 NYCHA and Smith Houses, they're still planning to  
18 build a new building, to give away the land to  
19 build a new building, and you have to ask the  
20 question, if they can't even have enough sewage  
21 capacity for the people living there now, how  
22 could the City approve a building going in with  
23 increased pressure on the sewers. I think there's  
24 a lot of lip service given to global warming in  
25 the face of the fact that the City is still

2 allowing development to take place right under,  
3 you know, in areas that are proved to be danger  
4 zones.

5 CHAIRPERSON ARROYO: I am--

6 JOEL KUPFERMAN: Thank you.

7 CHAIRPERSON ARROYO: --going to  
8 believe that we are not just giving lip service.  
9 So thank you very much for your testimony.

10 JOEL KUPFERMAN: Thank you.

11 CHAIRPERSON ARROYO: Terri Bennett,  
12 Response and Rebuild.

13 [Off mic]

14 CHAIRPERSON ARROYO: Is that where-  
15 -are you Terri?

16 TERRI BENNETT: I'm Terri.

17 CHAIRPERSON ARROYO: Okay.

18 [background noise]

19 CHAIRPERSON ARROYO: Respond and  
20 Rebuild. And Jessica Roff?

21 JESSICA ROFF: Yep.

22 CHAIRPERSON ARROYO: Restore the  
23 Rock, YNA Occupy Sandy. I think we've seen you  
24 before at the other hearings, right?

25 JESSICA ROFF: Yep.

2 CHAIRPERSON ARROYO: Yes.

3 [background noise]

4 JESSICA ROFF: --seen you for many  
5 years on many issues at this point.

6 CHAIRPERSON ARROYO: Okay. Thank  
7 you so much for your patience and for waiting this  
8 long. Yes, this is it. So you're on, you know  
9 how this goes.

10 TERRI BENNETT: Okay.

11 CHAIRPERSON ARROYO: Pull the mic  
12 close and so you don't have to lean into it and  
13 look so uncomfortable.

14 TERRI BENNETT: Okay. You can hear  
15 me? My name is Terri Bennett, I live in Brooklyn,  
16 and I've been a full-time disaster relief  
17 volunteer in the Rockaways since October 31st. I  
18 started working with Occupy Sandy immediately  
19 after the storm and then founded an organization  
20 called Respond and Rebuild, so we could build our  
21 capacity to respond to what we felt would be a  
22 public health crisis once mold came to be.

23 Since then, we've also actually  
24 waged kind of a public health campaign in the  
25 Rockaways and in other affected areas so that

2 people would have access to accurate information  
3 about what could be done, about what the health  
4 risks were, and also about the risks to their home  
5 because we knew that people understood a little  
6 bit about it being bad to breathe in mold, but not  
7 so much about the fact that it's actually really  
8 bad for your home and, if it's left untreated,  
9 that it will eventually lead to displacement.

10 A lot of what I have prepared here  
11 was discussed by other people who talked about  
12 mold today, you guys might be a little tired of  
13 hearing about mold; I am, a little, but it's--

14 [Laughter]

15 TERRI BENNETT: --not done yet.

16 [background noise]

17 CHAIRPERSON JAMES: --for your  
18 honesty.

19 TERRI BENNETT: No problem, I think  
20 people started calling me the mold lady. So  
21 anyway, I'll try to make this a little briefer  
22 than it is on paper.

23 We've worked closely as an  
24 organization and also in working with Occupy Sandy  
25 with hundreds of families in the Rockaways. I've

2 been personally in hundreds of homes assessing  
3 them to see what the situation with mold is and  
4 what is going to need to be done to remediate the  
5 mold. I also have worked with experts from CUNY  
6 School of Public Health, Long Island University,  
7 DOHMH, and flew in an expert from Katrina directly  
8 after the storm so we could find out more about  
9 what worked there and what didn't. And we worked  
10 with the people--the practitioners from Katrina  
11 and the experts from New York to find out what  
12 would and would not work in our climate compared  
13 to in the south. I am introducing this now just  
14 because I know that the person who was sitting  
15 here earlier who is a mold remediation business  
16 guy may not always like the volunteers, the  
17 volunteer groups that are doing the work down  
18 there, but some of us have really done our  
19 homework in terms of what is the right way to  
20 address the issue.

21 One of the things that became  
22 really clear when we got down there was that  
23 because we've been spared a lot of the severe  
24 weather that other places in the country have seen  
25 more regularly, people really did not know what to

2 expect with this storm. People didn't know that  
3 if they didn't get the water out of their house  
4 within 48 hours and they didn't get it dried out  
5 with a really serious industrial dehumidifier,  
6 which, honestly, what it would take to dry out a  
7 home after a flood like Sandy would be a \$2,500  
8 dehumidifier that a lot of people wouldn't have  
9 access to and that you probably couldn't get in  
10 New York.

11 CHAIRPERSON ARROYO: And probably  
12 didn't have the power to run.

13 TERRI BENNETT: And probably didn't  
14 have the power to run, even if they had access to  
15 generators. The only generators we were able to  
16 get for the record were--we had friends bring in  
17 from Vermont because that was the closest place  
18 where they weren't sold out. That was also where  
19 we got gas because we had people bring it to us  
20 because we had no access to it. That may or may  
21 not be legal, I'm not sure.

22 Anyway, I know I have a short  
23 amount of time so I'm going to try to speed up a  
24 little bit. The main thing I'm focused on here in  
25 this testimony is that there seemed to me to be an



2 enormous lack of information of many different  
3 kinds on the ground directly after the storm. I  
4 know that this contradicts some testimony that I  
5 heard earlier, particularly from DOHMH, which said  
6 that it had mold information up on their website  
7 as early as the 28th of October. As you said, it  
8 didn't really matter if you had information up on  
9 your website at that point in time because people  
10 did not have power and people did not have cell  
11 phone service and they didn't have Internet  
12 access, and they wouldn't for some time. And in  
13 the area in Arverne, where our office is, there is  
14 still 1,000 meters, I believe, that are not on,  
15 LIPA meter. So the digital divide that already  
16 existed I think in the Rockaways before Sandy  
17 happened was exacerbated by that.

18                   They also said that they did some  
19 canvassing and got information out to people by  
20 going door-to-door and putting the information  
21 under people's front doors, and I have to say that  
22 in the hundreds of homes that I was in, I didn't  
23 see that. And I also what I did find was that  
24 people were getting information from all over the  
25 place and, whether you looked at the CDC, the EPA,

2 the DOH, the FEMA, or any other number of websites  
3 that people would think that they can trust  
4 because they're from government agencies, they all  
5 had conflicting information. A lot of them had  
6 instructions to wipe down your walls with bleach,  
7 you know, and which is what you would do normally  
8 if you see a little mold in your bathroom and  
9 that's a little different, but after a flood,  
10 that's just not going to be sufficient. And to  
11 this day, if you Google mold bleach and flood,  
12 you'll see that there's a lot of agency websites  
13 that still have this information now.

14 I also know that since I first  
15 started working on this issue, the situation has  
16 changed a little bit. I know the Mayor's Fund is  
17 funding something like 70 different awareness  
18 sessions, classes, on how homeowners can remediate  
19 the mold in their own homes, and I think that  
20 that's a great step, but I think it does not  
21 answer the question that you had earlier about  
22 what renters are going to do and what people in  
23 NYCHA are going to do. There are people on the  
24 first and second floors of NYCHA buildings who  
25 know that they have got mold in their homes,

2 there's videos of the mold in their homes, and  
3 they've used something called borescopes to be  
4 able to photograph the inside of their walls and  
5 they can see that there is mold on the inside of  
6 their walls and this hasn't been taken care of  
7 yet. And really, like you said, the renters are  
8 at the mercy of the homeowners and, in the case of  
9 renters, it's just--I just see that as another  
10 family that's going to be displaced because mold  
11 remediation with a professional service can cost  
12 anywhere for a modest home between 8,000 and  
13 \$15,000, and on top of everything else that people  
14 are shouldering after this storm, it's just not  
15 possible. I know that, again, in Arverne, I think  
16 the median income is \$29,000 a year and so if  
17 you're talking about families who have lost  
18 everything because right there by the bay, people  
19 really did lose everything, it's ridiculous to  
20 think that those families are going to be able to  
21 afford a \$10,000 mold remediation treatment.

22 I also know that the Mayor's Fund,  
23 in alliance with Robin Hood and the American Red  
24 Cross, are going to fund the remediation of 2,000  
25 homes. Again, I think that's a really good step,

2 I wish it was done a little earlier. But just for  
3 the Rockaways, we know that there is 8,200  
4 residential structures that were inundated and  
5 about 73% of structures in the Rockaways were  
6 flooded. Rockaways has about 130,000 people, so  
7 2,000 homes out of the 8,200 that were flooded in  
8 the Rockaways, and I would guess that about 90% of  
9 homes that were flooded do need the remediation  
10 because no one had their homes cleaned out and  
11 dried out in 48 hours, they just--people were in  
12 shock and so they didn't have that done.

13 I found it very surprising as a New  
14 Yorker that people did not have the information  
15 that they would need to give residents about mold  
16 ready. You know, we're in a coastal area, like I  
17 said, we've been spared a lot of the weather, but  
18 we have--we know that this is what happens when  
19 there are floods.

20 Sorry. And, again, the information  
21 that was out there was really contradictory. And  
22 this is New York, we have a lot of the--we have  
23 kind of the best and brightest here and there's  
24 all the experts you need, and a lot of them were  
25 on the ground working with people like Occupy

2 Sandy and working with different volunteer groups.  
3 Specifically, regarding the worker safety issues  
4 that were brought up earlier, and I know that we  
5 worked with CUNY right away, we knew that we  
6 needed to have P100 masks and not the N95 masks,  
7 we knew that we needed to be wearing Tyvek suits,  
8 we knew what kind of goggles to wear. And I want  
9 to thank CUNY for being there for the volunteers  
10 and to try to keep them safe, and they really have  
11 supplied, I would say, about 65% of our personal  
12 protective.

13 [Pause]

14 TERRI BENNETT: The Mayor's Fund  
15 Mold Awareness sessions didn't start, I don't  
16 think, until about just in the Rockaways five  
17 weeks after the storm. The volunteers really had  
18 no money, they had no resources, all they had was  
19 maybe a printer and they were willing to go door-  
20 to-door and they had the information that they  
21 needed to get to these people.

22 To see that it took the City two  
23 months beyond Occupy Sandy volunteers to get  
24 correct information about mold out was really  
25 shocking to me.

2                   Moving past mold just a little bit,  
3 another area where there was really no information  
4 for people on the ground was what to do in the  
5 case of toxic waste, what to do in the case of  
6 environmental hazards that would just arise in  
7 your day-to-day helping people clean up, right.  
8 Whether you were a neighbor or you were a  
9 volunteer. We came across people with oil spills  
10 in their basement, and in the beginning, it took  
11 me two weeks to get an answer from anyone about  
12 what to do about that. We knew that we couldn't  
13 pump that out, we knew that was a hazardous  
14 material that would have required a different  
15 protocol, but I talked to National Grid, I talked  
16 to National Guard, we talked to NYPD, FDNY,  
17 anybody at all who was on the ground down there  
18 and no one knew who to tell these people to call.  
19 And it was a pretty common problem because there  
20 were a lot of oil leaks and things like that.  
21 Information like that put workers, residents, you  
22 know, again, renters who were afraid to leave  
23 their homes, it put a lot of people at risk and  
24 that kind of information I do think could have  
25 been distributed a lot more quickly.

2 I agree with the guy who was  
3 sitting here earlier that there's a lot of  
4 contractors who kind of came through and they were  
5 the snake charmers, they could be selling some  
6 kind of proprietary enzyme that only they know  
7 about, you know. And there really is no kind of  
8 certification, and that is a really big problem.  
9 And right now, there's no accountability on the  
10 part of those contractors, and in many cases, the  
11 homeowners in the Rockaways are finding that they  
12 hired a contractor who was from out of state and  
13 now they just have no one to talk--no one's  
14 responsible for the fact that they spent \$10,000  
15 to have their mold not remediated. That is going  
16 to be a big issue, and now we've got a situation  
17 where different volunteer groups are actually  
18 giving paperwork to these--we're trying to make  
19 sure that the people who are helping residents  
20 rebuild in the Rockaways are checking to see that  
21 mold remediation was done and what kind of  
22 remediation was done.

23 Another big issue was issues of  
24 different agencies and different groups going into  
25 people's homes that didn't speak English and not

2 clarifying what was happening. There are a lot of  
3 cases with specifically with Spanish speaking  
4 families where people came in, they had spray  
5 bottles, they maybe had a Tyvek suit on, they  
6 sprayed some plywood on the floor, and then people  
7 would call us to help them rebuild. And when  
8 enough of us speak Spanish that we can have  
9 conversations with people who no one has bothered  
10 to get a translator before, so these people were  
11 there telling us that FEMA had remediated their  
12 mold, that they came in in white suits, that--and  
13 the process that they did, but FEMA does not  
14 remediate mold, first of all, and FEMA is really  
15 not usually walking around in white suits, they're  
16 walking around in regular clothes and like going--  
17 it's just not what they do, they're not  
18 practitioners like that. But there was no way for  
19 these people to know what had and hadn't been  
20 done, and a lot of these people have started to  
21 rebuild and spent thousands of dollars to start to  
22 rebuild and they haven't had their mold taken care  
23 of and it's going to start coming back through  
24 their walls, and we've already seen that starting.  
25 First time people having to rebuild that twice is



2 going to be the difference between being able to  
3 stay in their home or not.

4               We also feel like rapid--people are  
5 getting pretty mixed signals from government  
6 officials. We know that people are hearing about  
7 Cuomo's plan to buy out people who are in high-  
8 risk areas and areas that he says Mother Nature  
9 really owns, and at the same time, we have Rapid  
10 Repairs coming in to people's homes and doing  
11 exactly the same thing that existed before. So  
12 we, on one hand, we have a government agency  
13 saying these places are just going to be unfit to  
14 live in as we experience storms like this more  
15 frequently; and then we have the City pouring  
16 millions and millions of dollars into putting  
17 people's boilers and hot water heaters and  
18 electrical panels back into the exact same place  
19 where they flooded a couple of months ago without  
20 taking the time to assess whether these different  
21 appliances should be brought up off the ground,  
22 without thinking that if we have another storm  
23 remotely like this one next year, these people are  
24 going to be tens of thousands of dollars again in  
25 the hole having to replace all these appliances.

2 And it just actually gives people--  
3 it puts people in a situation where they don't  
4 know what to think. They don't know where there's  
5 a conflicting government bodies telling them kind  
6 of what to expect or whether this is a 100-year  
7 storm or whether this is going to be happening  
8 more and more.

9 CHAIRPERSON ARROYO: Terri, please-  
10 -

11 TERRI BENNETT: Speed it up?  
12 Okay.

13 So I think this is about it, I  
14 think a lot of what, again, it's a lot of things  
15 that were covered. But I would like to see there  
16 be a much greater effort to coordinate information  
17 across different agencies so that people--what  
18 happens is people really feel abandoned when they  
19 can't look to different agencies that they've  
20 been--first of all, people don't know what  
21 different agencies do, people aren't actually that  
22 familiar with what FEMA does, they just know that  
23 they deal with emergencies, and so they expect  
24 FEMA to come to their door and fix something,  
25 that's not actually what FEMA does on a day-to-day

2 basis, but people aren't informed about that. And  
3 that information really needed to get out into the  
4 communities a lot quicker because people, you  
5 know, they just felt completely abandoned with no  
6 cell phones, no Internet, no nothing, and they  
7 really had... There's a lot of people who I think  
8 are going to suffer in terms of health and their  
9 homes are going to suffer because of that.

10 Thank you.

11 JESSICA ROFF: Well I guess the  
12 advantage of going last is that half of what I was  
13 going to say has already been said, and that you  
14 all probably don't even want to hear me start  
15 talking, but I will quickly. My name is Jessica  
16 Roff, I'm from Brooklyn, New York; I've also been  
17 a full-time volunteer relief worker organizer in  
18 the Rockaways since the Thursday after the storm.  
19 I was originally, when with Occupy Sandy, our core  
20 group of organizers is now incorporated as Restore  
21 the Rock, and we work closely with YANA, which is  
22 a community organization there that was geared at  
23 being a community center and a worker training  
24 facility, and the owner literally, Sal Apiza  
25 [phonetic], just handed us the keys and said do

2 whatever you need to do to help this community.

3 And we ran our relief work out of there, we're  
4 still helping, we're helping him to rebuild now.

5               Clearly, we all know that there is  
6 thousands of shortcomings between all of the  
7 different governmental levels of response to this  
8 storm. I think the fact that Terri and I, who are  
9 both full-time volunteer workers are still out  
10 there four plus months later, shows that that's an  
11 ongoing problem. Because we listen to Sanitation,  
12 who I will say, was the hardest other working  
13 people out there without question. During storms,  
14 we watched Red Cross, National Guard, FDNY, NYPD,  
15 everyone bug out. FEMA literally closed due to  
16 the storm, I'm sure you all saw that viral photo  
17 of the FEMA door, and it was us and Sanitation  
18 were the only people left on the ground.

19               But we've all been doing this full-  
20 time the entire time. And, as Terri mentioned and  
21 some other folks that talked about, it seemed like  
22 there were some questions and concerns about the  
23 levels of experience and what was happening with  
24 volunteers. And I think that overall it's really  
25 important moving forward that there is more

2 oversight and that there is more commonality and  
3 more unification of information and resources, but  
4 I think that if that stifles the work of  
5 volunteers, that we're all going to be in really  
6 big trouble the next time around because we were  
7 the only ones on the ground for days and days and  
8 days. And we're still there.

9                   So the major issues I really wanted  
10 to talk about were, obviously, the mold public  
11 health issue, which has been, I think, discussed  
12 ad nauseam. But I just wanted to say in that  
13 context, I'm glad to hear that Chair Arroyo's  
14 concern about the renters because that was a big  
15 issue that we've been facing time and time again  
16 is that you are truly at the mercy of the owner of  
17 your property. And in the Rockaways in  
18 particular, those are a lot of really negligent  
19 homeowners and a lot of basically slumlords who,  
20 even prior to this storm, were infamous for like  
21 tossing their residents out on the street and  
22 causing all kinds of problems. And so everyone is  
23 looking to this as the disaster of capitalism  
24 moment too where they can possibly get more money,  
25 they can get--you know, can they sell their

2 property, whatever it is, they're not responsive  
3 to the needs of their renters. And we are, as I  
4 said, as a volunteer force out there, there's only  
5 so many people we can help and we help everybody  
6 that we can, but it's daunting and it's limiting  
7 because we don't have as much and as many  
8 resources at our disposal.

9                   That said, we also function more  
10 nimbly and don't have the bureaucracy and don't  
11 have the red tape, and I would highly encourage  
12 the government agencies to take a look at that  
13 because that was why we were successful and that  
14 was how we were responsive because we didn't need  
15 to get clearance to give batteries with our  
16 flashlights. Which, by the way, Red Cross did not  
17 do, just like to say, with \$250 million, they  
18 would like us to give batteries for their  
19 flashlights. Problematic.

20                   And I think that it's really  
21 important too that there is more access for  
22 organizations that sort of form day-to-day in  
23 response to the storm and access to resources and  
24 support from the government because they were  
25 truly the ones who were making things happen on a

2 day-to-day basis.

3 I would also like to discuss  
4 briefly the issue of sort of overall health and  
5 mental health. I don't know if anyone spoke about  
6 that before we got here, but if we're going to  
7 talk about health, we have to talk about mental  
8 health, and we have to talk about it for  
9 individuals and communities. And a huge problem  
10 out in the Rockaways has already been a mental  
11 health issue. We are in Rockaway Park in one of  
12 the highest areas of alcohol and drug dependence,  
13 mental health issues, recent parolees, recent  
14 releases from prison. So those are consistent  
15 issues in the Rockaways, and most of the  
16 communities that were hit were already  
17 underserved, underrepresented, underfunded,  
18 minority, undocumented; all kinds of people that  
19 are generally not listened to. And now all of  
20 that is compounded, and the answer from the  
21 government has been to take people and move them  
22 to the Bronx or to Staten Island, or to wherever  
23 it is that they can find a shelter or a hotel.

24 And we talked about this after  
25 Katrina and then it all kind of went back out the

2 window again. If you are going to take people  
3 away from their homes and their families and their  
4 children's schools and their communities, they are  
5 not going to be able to rebuild and it is going to  
6 devastate them emotionally and then physically.  
7 We're talking about PTSD already on the ground for  
8 a lot of people, I think both workers, volunteers,  
9 and the community members. And also the fact that  
10 you can't actually address your issues if you have  
11 to travel 2 1/2 hours back to your home when Rapid  
12 Repair says they're going to show up, which is a  
13 whole other issue, and the fact that they don't  
14 show up when they're supposed to and they don't do  
15 what they're supposed to, and it takes them 18  
16 time to get your damn boiler working. I mean,  
17 these are the things that we have heard time and  
18 time and time again.

19 And not to mention the fact that  
20 they're also mostly all out of state contractors  
21 as well. I'm not exactly sure whose bright  
22 decision it was to contract out Rapid Repairs to  
23 out of state contractors, but the capital flight  
24 in the rebuilding after this is absurd and really  
25 devastating of the city. We have thousands of



2 people in the Rockaways alone who would love to be  
3 doing this work, and there are lots of people who  
4 have the skills and lots of people who have that  
5 ability, and yet that's not what's happening.  
6 We're bringing in these big contractors who, it  
7 depends on the two individuals that walk into your  
8 house whether they're going to do a good job or  
9 not. And I know dozens of situations of like  
10 multiple issues of hanging wires exploding, boxes,  
11 non-functioning hot water systems, not knowing the  
12 hot water system they're installing.

13               So I just think that overall the  
14 mental health aspects, everything compounds on top  
15 of it. The issue of having to choose between  
16 either staying in your unsafe home or moving to a  
17 place where your community is destroyed is really  
18 problematic and it's a lose-lose situation and  
19 there needs to be better solutions, there needs to  
20 be ways to keep people in the communities in order  
21 to rebuild them. We had heard rumors that this--I  
22 never even heard of this before--RED HORSE  
23 Housing, it stands for Rapid Engineer--I didn't  
24 know it was an acronym for the first three weeks--  
25 Rapid Engineer Deployable Heavy Operational Repair

2 Squadron Engineers. This is what the military  
3 does when they go into like Afghanistan and there  
4 is no infrastructure, they pop up a city. And we  
5 were told from like third or fourth week that they  
6 were ready, willing, able to be deployed to the  
7 Rockaways. And I bet everyone in this room can  
8 guess who blocked them. And that's a huge problem  
9 when your mayor is working against you. And I  
10 think that we all felt that time and time again  
11 out there. And there was a number of times that  
12 we were told resources were available and that all  
13 that had to happen was for the City to ask for  
14 them and the City refused to ask for them. And  
15 that's a really big problem in the way the whole  
16 system works.

17 The last thing I want to--yeah?

18 [Crosstalk]

19 CHAIRPERSON JAMES: The same the  
20 mayor blocked the president.

21 JESSICA ROFF: What's that?

22 CHAIRPERSON JAMES: The same mayor  
23 who blocked the--

24 [Crosstalk]

25 JESSICA ROFF: The same mayor who--

2 yeah, who did a lot of things like turn coyly to  
3 us and say thank you, all joking aside, for the  
4 work you're doing, after he ran away from us.  
5 That's a whole other story. Don't even start me  
6 on that one.

7                   The last thing I want to talk about  
8 briefly though is energy infrastructure. And  
9 because that is why we are in this situation,  
10 right? I mean, the climate change issue has been  
11 addressed by a couple of different speakers. The  
12 fact that we are reliant on a fossil fuel not  
13 smart grid, antiquated system in the city is going  
14 to continue to be our downfall, as well as the  
15 planet's downfall, frankly. And if we are going  
16 to be rebuilding now, now is the time to do it  
17 sustainably. I mean, everything has gone to hell,  
18 so let's start over again. Let's build a smart  
19 grid so that it's responsive and we can actually  
20 plug energy into it. Let's put in solar and title  
21 and wind out in the Rockaways; let's get  
22 distributed solar and wind power; let's get  
23 community-generated energy so the community is  
24 actually creating its own energy and plugging it  
25 back into the grid, which is technically right now

2 not legal because of the Public Service law,  
3 which, therefore, has to be amended, which would  
4 be fantastic if the City Council would get behind  
5 moving forward on that. I know it's a state  
6 legislature issue, but if we could get the entire  
7 City Council of New York City to come forward and  
8 say, hey, we really need this, that would be a  
9 huge issue. And at the very least, to have an  
10 exemption in the Rockaways and in New Jersey and  
11 in Staten Island and places where there is  
12 rebuilding going on. Because if we put up a wind  
13 farm offshore, then the wind turbines could help  
14 cut down on wind speeds by up to 30%, which would  
15 be a huge issue in mitigating potential damage  
16 from future storms in addition to actually  
17 generating the energy.

18                   And in the event that any of the  
19 energy went offline, we could have, as long as it  
20 was a well-established community developed,  
21 education-based job training program, the people  
22 in the communities would go back to work  
23 repowering their own communities instead of  
24 twiddling their thumbs 'cause there's no damn  
25 power, they can't get to their work, they can't do

2 anything, and everyone is sitting in the dark.  
3 Which, by the way, still, as Terri mentioned,  
4 thousands of people are still doing, there is  
5 still no heat, there is still no electricity, and  
6 there is still no hot water in thousands of homes.  
7 And that's only in the Rockaways, so I don't even  
8 know about New Jersey, Staten Island, you know,  
9 Coney Island, all those other neighborhoods.

10                   So there are studies, I actually  
11 cited them in my paper, about transitioning within  
12 20 to 40 years to renewables, and that's doable,  
13 and now is the time to do it. So I will really  
14 hope that the City will take those opportunities  
15 to fix those bad things that we did wrong and to  
16 move forward in a way that will actually be  
17 productive.

18                   CHAIRPERSON ARROYO: Okay. Well  
19 that is an incredible amount of information and I  
20 thank you all so much for staying and sharing your  
21 wisdom with us. And I've said to the other panels  
22 that came before you, be ready to help us advance  
23 the conversation on a couple of different fronts  
24 because we're talking about multiple issues that  
25 need to be dealt with on parallel tracks. And

2 it's a little bit above my pay grade, but I think  
3 that with the help of the experts and the  
4 advocates in the different fields, that we have a  
5 really good--we stand a really good chance of  
6 advancing the conversation. Council Member James?

7 CHAIRPERSON JAMES: Just last  
8 question, both of you are from Brooklyn, are you  
9 from Occupy Sandy from the church at St. Luke's?

10 JESSICA ROFF: That was one of the  
11 hubs, yeah.

12 CHAIRPERSON JAMES: Yeah.

13 JESSICA ROFF: I actually went out  
14 first through St. Jacobi--

15 CHAIRPERSON JAMES: Okay.

16 JESSICA ROFF: --Church, but that's  
17 where--yeah.

18 CHAIRPERSON JAMES: St. Luke's was  
19 fabulous, I was there.

20 JESSICA ROFF: Yeah. It was a  
21 pretty impressive operation from top to bottom, I  
22 want to say that.

23 CHAIRPERSON ARROYO: Again, thank  
24 you all very much--

25 JESSICA ROFF: Yep.

2 CHAIRPERSON ARROYO: --and at ten  
3 minutes to six, we had a bet going here which--on  
4 how long we would be here and I won, okay. This  
5 hearing is adjourned.

6 [Gavel]

C E R T I F I C A T E

I, Tammy Wittman, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature 

Date March 18, 2013