

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON WATERFRONTS

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April 19, 2017
Start: 10:20 a.m.
Recess: 12:22 p.m.

HELD AT: 250 Broadway - Committee Rm.
14th Fl

B E F O R E: DEBORAH L. ROSE
Chairperson

COUNCIL MEMBERS: Daniel R. Garodnick
Chaim M. Deutsch
Corey D. Johnson
Joseph C. Borelli

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

Andrew Genn, Senior Vice President
Ports and Transportation
NYC Economic Development Corporation

Roy Tysvaer, Director
Wastewater Treatment and Water Quality
NYC City Department of Environmental Protection

Nate Grove, Director of Citywide Marine Operations
NYC Department of Parks and Recreation

Randall Hintz, Chief of the Navigation Branch
U.S. Army Corps of Engineers, New York District

Eric Johansson, Executive Director
Tug and Barge Committee
Port of New York/New Jersey
Professor, Maritime College

Steven Levy, Managing Director
Sprague Operating Resources

Jose Silguard
Waterfront Alliance

Harold Dorfman
79th Street Marina

John Quadrozzi
Quadrozzi Urban Enterprises

[sound check, pause]

CHAIRPERSON ROSE: [gavel] Alright, good morning. You're supposed to say good morning, Pat. [laughter] It's okay. [laughs] Good morning. I'm Debbie Rose, and I'm the Chair of the City Council's Committee on Waterfronts, and I'd like to welcome all of you, and the Administration, advocates, and members of the public to our hearing, which will focus on the re-examining-on re-examining dredging projects in the city's waterways. The waterfront is booming. There is a renewed interest in all sorts of activities associated with the waterfront whether they be recreational, environmental, or commercial. Commercial use of the ports is increasing along with the actual size of containerships. In order for the city to better accommodate these ships, and maintain our status as one of the preeminent ports-port cities of the world, dredging is necessary to increase the depth of our ports that these ships much traverse. Dredging is the process of removing material from the earth's surface under bodies of water in order to better facilitated the movement of ship traffic through harbors and waterways. Billions of cubic yards of such material are removed worldwide annually

in order to keep cargo ships moving freely. The Army Corps of Engineers is the federal agency charged with actual dredging work, and partners with local agencies like EDC, and the Port Authority to get these jobs done. Typically, once the initial excavation of channels is complete, periodic dredging is necessary to keep the waterway clear, clean and maintained. As a results of decades of dredging to allow for the evolution of our ports, New York Harbor is now over 50 feet deep as opposed to 10 to 20 feet deep back in the 1980s—in the—in the 1800s. The most recent major dredging project in New York was the dredging of the Port of New York and New Jersey, a decade long \$2 billion project that deepened the port to 50 feet in order to accommodate the extremely large cargo ships like the post-Panamax vessels that have drafts of about 48 feet. The project resulted in the removal of 52 million cubic yards of dredged material, which included silt and till, clay and various types of bedrock. These materials were largely put to beneficial uses such as creating fishing reefs, restore marshes in Jamaica Bay, and capping impact landfills and brown fills. While this project appears to have been successful, and numerous

others are sure to be on the horizon such as the Gowanus Canal and Flushing Bay, we have to ensure that the process is as environmentally safe as possible. With the harbor having been a major commercial artery for centuries, contaminated material is often dug up as part of this process. While simply dumping such material in the ocean is no longer recourse, concerns has been raised over the years regarding testing practices used to ensure that materials cited for beneficial use are safe, and whether during dredging activity enough protective measures are taken to ensure that contaminated materials aren't stirred up and spread throughout the water. Dredging is no doubt a crucial—as crucial to maintaining New York' economic vitality, and competitiveness with the rest of the world. I want to make sure that policymakers are making the best use of this process, and are taking proactive approaches to ensure that the waterways are well equipped for handling the future of commercial shipping in an efficient and environmentally safe way. And so, I want to thank you again for being here, and welcome you. I also want to thank my Counsel Chris Sartori, my Policy Analyst, Patrick

2 Mulvihill and Alaya Alli, my Finance Analyst for
3 helping with the preparation of this hearing today.
4 And before we start, we'll—we'll have you affirm. So
5 if you will raise your right hand. Do you affirm to
6 tell the truth, the whole truth and nothing but the
7 truth in testimony before this committee today?

8 ANDREW GENN: [off mic] I certainly do.

9 CHAIRPERSON ROSE: Okay, thank you. Then
10 you can begin. Please state your name and your
11 affiliation, and give us your testimony.

12 ANDREW GENN: Alright. Good morning
13 Chair Rose and members of the Committee on
14 Waterfronts. My name is Andrew Genn. I'm a Senior
15 Vice President of Ports and Transportation at the New
16 York City Economic Development Corporation. I am
17 very pleased to testify before you today on dredging
18 in the city's waterways, and I'm also pleased to be
19 joined on the panel by Roy Tysvaer, who is Director
20 of Wastewater Treatment and Water Quality at New York
21 City Department of Environmental Protection, and Nate
22 Grove who is Director of Citywide Marine Operations
23 at New York City Department of Park and Recreation.

24 New York Harbor and its associated
25 canals, bays, creeks and channels have supported the

city's economic development for centuries. Today is no different. Water born transportation remains one of the mainstays of the New York regional economy. According to the New York Shipping Association, in 2014, over 330,000 jobs are supported by the port industry contributing over \$21 billion in personal income and nearly \$53 billion in business income within the region. According to the New York Metropolitan Transportation Council, regional volumes of freight are expected to increase by 35% by 2040, which means more investment in New York City waterways and other multi-modal infrastructure will be needed to accommodate that increased demand. New York City's waterways support economic development by connecting local and regional businesses to markets across the country and abroad. They reduce truck traffic and road congestion and they improve air quality. From a broad perspective, as well as a functioning fully navigable network of waterways and channels aligns with the city's priorities such as the 80 X 50 Initiative, Vision Zero, One NYC and supports policy goals of the city's waterfront revitalization plan.

So what is dredging and why do we do it?

Dredging has been a necessity since the early 19th Century to remove obstacles to ever larger ships entering and docking in New York Harbor. Driving the need to dredge are the perennial accumulations of silt, sand, and soil that wash from the land and settle to the bottom of the upper bay and connecting waterways. To make these channels navigable, dredging the mechanical process that removes the sand and silt deposits must be undertaken regularly. They need—the need to dredge is not unique to our port, East Coast ports, most notably Norfolk, Virginia and Philadelphia experience continuous siltation as a result of similar geography and typography. Without regular dredging much of New York Harbor and its support channels would silt up to a level of about 20 feet or less. This undoubtedly would present a problem because modern container ships, the vessels that handle more than 90% of the region's imported goods require a minimum depth of 40 feet to operate safely. Of course, new larger container ships require depths of 50 feet. The typical equipment used for dredging is called a clam shell dredger mounted on a crane secured to a work barge positioned alongside a

hopper barge where the dredged material is placed. Environmental buckets are used in certain zones of the harbor to seal in water and prevent recontamination. Finally, a tugboat assists the positioning of the work--and of the work and the hopper barge to and from a job site. Dredging generally takes three forms: Maintenance dredging, deepening, and environmental dredging. Who dredges is determined by ownership and control of the water body. Federal channels, which can be compared to interstate highways or federal highways have been authorized by Congress since the early days of the nation. Facilities adjacent to the federal channels dredge an approach channel to the dock or berth, which is also dredged to optimize value derived from access to the federal channel. In most cases, the rule of thumb is the deeper the draft of the vessel, the greater amount of cargo or passengers can be carried.

Maintenance dredging is typically contracted by the U.S. Army Corps of Engineers on an annual basis to maintain authorized depths and federal channels that have been authorized by Congress. Over the past decade particular attention

has been paid to the federal channels that serve the regions large container ports found mainly in and around North Bay at the end of a series of shipping lanes that begins at Ambrose Light then continues along the Ambrose Channel into Anchorage Channel, the Kill and the Kill Van Kull. Ships traveling to the city's facility at Howland Hook, which is the city's largest container terminal, followed the same path, but also transit the Arthur Kill Waterway for a short stretch. In addition to the main shipping channels, the Army Corps is also responsible for maintaining federal channels and water bodies such as Buttermilk Channel for vessels calling on the Red Hook Container terminal. Other channels typically maintained in this manner by the Corps are East Chester Creek in the Bronx, Flushing Bay in Queens, Rockaway Inlet in Queens, and the Hudson River to assist cruise ships accessing the Manhattan Cruise Terminal as well as freighters that navigate as far as the Port of Albany. Alongside the federal channels are the public and private marine terminals that make up the maritime industry. These include container terminals, dozens of cement, sand and stone terminals, petroleum terminals and the passenger ship

facilities. Operators of these facilities must perform maintenance dredging themselves in order to benefit from the vessel traffic facilitated by federal channels. For example, New York City EDC is responsible for maintenance dredging at the Manhattan Cruise Terminal and the South Brooklyn Marine Terminal. The Port Authority is responsible for maintaining adequate depths at other key city facilities such as Howland Hook and Red Hook Container Terminals. Private terminal operators also dredge at their own expense on a regular basis throughout the City's waterways.

Channel Deepening: Before maintenance dredging can occur a controlling depth is authorized usually through federal legislation. Changing the authorized depth requires congressional authority. Since the 1980s, increasing depths primarily to handle larger containerships has been a challenge for the Port of New York and New Jersey as well as other East Coast ports. Deepening requires a cost-sharing sponsor. Locally, the Port Authority has been the local sponsor, and most notably the recently completed 50-foot deepening project, a \$1.5 billion effort that was completed in September 2016. Costs

of the project was split—were split approximately in half by the Port Authority and federal government.

Environmental dredging is performed to improve water quality and decrease nuisances that may occur under low oxygen conditions in the water column. Typically, the Department of Environmental Protection performs environmental dredging. This work targets sediment mounds formed by combined sewer overflows and other sources of sediment in the systems that are affected by local circulation and mixing conditions. This sediment can result in odors at low tide. In Flushing Bay, for example, DEP undertook environment—environmental dredging at two CSO locations.

Borough Waterway Dredging: In addition to the big channels, the City also appreciates the value of smaller navigable channels and creeks. In 2015, EDC undertook a study of New York City borough waterways to assess the amount of cargo handled currently, and future growth potential in those waterways. Each year approximately 4.4 million tons of goods are moved within New York City's waterways. This on average eliminates 440,000 truck trips and 6.6 million truck miles traveled, approximate—and

eliminates approximately 11,000 tons of carbon dioxide that were saved each year. While water-borough waterways quietly add value to the city's economy. Maintenance dredging-dredging remains an expense that many operators cannot afford. To frame the issue, keep in mind that typical dredging costs have increased ten times since the late 1990s. The cost increase relates to changes in federal classification of dredge material related to environmental concerns over the-what was the typical practice of disposing of dredged materials at sea. Upland beneficial use of dredged material is now the predominant method of disposing of dredged sediment, a better but costly practice. The negative effect, however, has been the delaying of dredging by maritime dependent business and the light loading of vessels resulting in lower utilization of maritime transportation. In some cases businesses that could benefit from the economies of scale derived from maritime transportation have switched to trucking.

To reducing dredging costs, EDC is developing partnerships to combine dredging projects along a given stretch of borough waterways. By bundling planning, design, permitting and

construction costs, users sharing a common waterway can realize savings making it possible to dredge more often. Two borough way—two borough waterways, East Chester Creek and Newtown Creek hold considerable promise for application of bundling and dredging projects. An important—another important finding is that maritime dependent companies don't always report the amount of material tonnage, which is a driving consideration informing how federal maintenance funds are spent. With limited resources, the Army Corps prioritizes its dredging efforts based on waterway utilization. When waterway users do not report their loading and unloading activities, the channel will be considered less active, and will receive less attention and fewer resources for maintenance. EDC is currently organizing outreach activities to coordinate waterfront communities and private owners, encourage the report of transport activities and promoted the use of New York City's borough waterways.

The Economic Benefits of Dredging: Water transportation, which is made possible through dredging efforts provides benefits to businesses. If moving bulk commodities such a salt, sand, recycling

and fuel it is often more cost-effective compared to trucking. Having facilities adjacent to New York City's Borough waterways reduces the need to truck goods—truck the same goods long distances thus reducing transportation costs, and allowing those businesses in the city to remain competitive and open for business. For example, it is estimated that businesses can save \$10 per ton when goods are shipped via barge compared to truck.

Beneficial Uses of Dredged Material:

Within New York Harbor sediment can consist of different geological types including sand and gravel, certain clay, glacial till and rock. Sometimes sediments can become contaminated through the absorption of spilled chemicals and heavy metals in the waterways creating challenges for the management of dredged material. Contamination of dredge sediments range—ranges on a continuum with some material being very clean, and some being polluted with various wastes. The more contaminated the sediment is, the more limited the options for management and the more costly management of the material becomes. While historically material dredged from port areas see relatively higher levels of

contamination, much of the dredged material within New York Harbor can be reused beneficially in ways that are both safe and environmentally protected. Some examples of the diverse ways in which dredged materials have been used include landfill and brownfield (sic) reclamation, habitat restoration, construction materials and beach replenishment. In New York we have worked with the New York City DEP and the Department of Sanitation to place dredged materials process with Portland cement, and landfills in Brooklyn and Staten Island. Over a million cubic yards were placed at Fresh Kills Landfill to support the closure of the landfill and the 50-foot deepening project. Dredged materials have also been used at private sites to re-profile and raise grades to support future developments. Dredging is a fundamental infrastructure need that ensures a thriving maritime economy. Maintenance dredging and the beneficial use of the dredged materials have benefitted the city economically and environmentally. EDC will continue to partner with various public and private entities to work towards making dredging economical for New York's maritime businesses while also identifying viable placement sites for

beneficial use. Thank you. That concludes my testimony and my colleagues and I happy to answer your question. Thank you.

CHAIRPERSON ROSE: Thank you and we were joined by Council Member Garodnick, and we've been joined by Council Member Borelli. Good morning. Thank you for your--your testimony. With the--the dredging and the removal of material from New York waters, which I know Staten Island the Kill Van Kull benefitted because of the post-Panamax vessels. The--the process that was used did it differ from--which process did you use and did it differ from other projects similar--of similar size?

ANDREW GENN: No, it was very similar. The dredging of the Kill Van Kull again, which was undertaken by the Army Corps and the Port Authority. Typically, a lot of the material--not all of it, but a lot of the material was processed with Portland Cement, and used at upland sites including Fresh Kills. But I should point out that materials such as rock and sand, cleaner materials have been used to close the--the historic area remediation site, where the dredged material used to be dumped at seat. So

cleaner material goes there, and rock material can be used on the construction of fisheries as well.

CHAIRPERSON ROSE: So when you utilize-- when you dredge contaminated soils, you know, materials, how do you determine where it's going to be dumped and when it's dumped, is it--are there measures to clean it and filter it before it is--

ANDREW GENN: Uh-huh, yes

CHAIRPERSON ROSE: --placed somewhere?

ANDREW GENN: Yes and I--the first thing you begin with is testing the material to make sure that it's not a hazardous material. So there's a difference when contamination doesn't necessarily mean hazardous but--

CHAIRPERSON ROSES: And how do you do that?

ANDREW GENN: Through chemical testing. It goes to a laboratory and then there's a--there's whole a laundry list of materials--of chemical compounds that you test for.

CHAIRPERSON ROSE: So there's some pre-site dredging--

ANDREW GENN: [interposing] Uh-huh.

CHAIRPERSON ROSE: --before the actual--

ANDREW GENN: [interposing] A lot of testing

CHAIRPERSON ROSE: --test begins?

ANDREW GENN: Yes, Council Member.

CHAIRPERSON ROSE: Uh-huh.

ANDREW GENN: Yes.

CHAIRPERSON ROSE: And I—I—how did you determine that the waterways, the New York City Port Waterways should be 50 feet deep? I did read where there are some cities where they actually go as deep as 55.

ANDREW GENN: Uh-huh. Yeah, there was a—a study done in the late '90s called the Harbor Navigation Study that was undertaken by the Army Corps of Engineers and the Port Authority that looked at the composition of the world containership fleet and then estimated the value of sort of the cost of dredging versus the—the value to the public of doing that dredging and that's what led to the authorization by Congress to—to go to the 50-foot in New York Harbor.

CHAIRPERSON ROSE: So if the depth of post-Panamax ships are 48 feet, does that give you really enough.

1 ANDREW GENN: Yeah.

2 CHAIRPERSON ROSE: I'm-I'm not sure.

3 I've seen--

4 ANDREW GENN: [interposing] Uh-huh.

5 CHAIRPERSON ROSE: --the larger container
6 ships and there's quite a bit of height. So I'm- no-
7 --

8 ANDREW GENN: [interposing] Yeah--

9 CHAIRPERSON ROSE: --sure if--

10 ANDREW GENN: Yes.

11 CHAIRPERSON ROSE: --the more they put on
12 the deck.

13 ANDREW GENN: Yeah.

14 CHAIRPERSON ROSE: So, if-as a novice,
15 [laughter] if 48 is, you know, the depth for them
16 now, is 50 really enough for-for-to keep the channel,
17 you know, clear enough for these vessels?

18 ANDREW GENN: I'm going to say simply I
19 believe it is and the-I believe someone from the Army
20 Corps of Engineers will be testifying after me to
21 verify that, but-but that-that over-depth, that over-
22 dredged that is performed generally gives you a
23 margin of safety as I understand and is sufficient
24 for these vessels go navigate safely yes.
25

CHAIRPERSON ROSE: Were any of these dredged materials used for the replenishment of-of beach sand that might have been eroded away during Hurricane Sandy, and how do you determine those locations and where they?

ANDREW GENN: One of the jobs that the Army Corps does frequently is the Rockaway Inlet, and that is often-the-the dredging in that water body I believe there's one other in the-in Jamaica Bay supplies a lot of the beach replenishment sand. So that's-that's been something that's been done for many, many years now.

CHAIRPERSON ROSE: Council Member Borelli, you got a thought? (sic) Okay. And what is the current criteria used to determine whether dredged material is suitable for ocean dumping, and-and where does this dumping occur?

ANDREW GENN: Yeah, I'm showing my age here. So in-in 1996, the Federal Government U.S. Department of Transportation, the EPA Administrator and the Army Corps of Engineers signed an agreement that closed the mud dump site in the Atlantic Ocean that where the dredge material had gone. And then they established criteria that's generally controlled

by the EPA, that criteria, which mandates that material that goes to this now historic area remediation site has to be cleaner than the material that have been dumped there previously. So those-- those criteria are mostly tied to some of the--the worst toxins like PCBs and Dioxin, but--but also a whole laundry list of other, and it's--it's--the practice of ensuring that the material that goes to the HARS (sic), as we call it, is cleaner than the material that's been placed there before is--is quite rigorous. Like if you submit a permit to dredge you have to provide the data that shows that the material is clean enough to go to that disposal site.

CHAIRPERSON ROSE: And so if you utilize that site, you're saying it has to be cleaner, but it doesn't have to be free of toxins or--or contamination?

ANDREW GENN: Yeah, that's generally-- that's--that's right. It has to be non-hazardous in all case, but--but cleaner than material that had been placed in the past, but again that-- I would say that I would defer to the expert testimony to the Army Corps and other--other speakers. That's not--it's

not a--it's not a--it's not something that EDC or the city regulates.

CHAIRPERSON ROSE: So with EDC you determine or--or you help the borough waterways dredge, and you are responsible for building these partnerships that help to make it cost-effective?

ANDREW GENN: We are.

CHAIRPERSON ROSE: Right.

ANDREW GENN: Yes, we're pursuing those partnerships, yes.

CHAIRPERSON ROSE: And--and what is that process?

ANDREW GENN: Well, for what we've done first is we've looked at these waterways in depth, and identified who the users are, and--and then convened meetings with them or attend meetings that they may already be holding, and talked to them about the benefits of dredging and the benefits of working collaboratively to dredge together to reduce costs.

CHAIRPERSON ROSE: So do you--does EDC do some sort of study, and--and cost analysis before you approach the--

ANDREW GENN: [interposing] Yes.

CHAIRPERSON ROSE: --bank holders?

ANDREW GENN: We—we undertook a study last year that helped us understand the economic value in the waterways and—and also establish who—who was operating there. Essentially who the—who were the maritime—who were benefitting from maritime transportation and who were the providers of maritime transport and who worked effectively I believe with the tug and barge committee who I believe is going to testify later, and—and it's—it's been a very I think fruitful process, Chair.

CHAIRPERSON ROSE: And did you have any input into the dredging project at Gowanus Canal?

ANDREW GENN: Less so in that situation because when the EPA takes over and—and established the Superfunds, EDC—EDC's role was diminished I'd say, and where I think the City's main connection has been DEP for the Gowanus clean up.

CHAIRPERSON ROSE: Were—what—did you have anything to do with recommending that it be Superfund site?

ANDREW GENN: I—I--

CHAIRPERSON ROSE: [interposing] How did it come—how did it come to the attention of--?

ANDREW GENN: We're back that. Prior administration, of course, I was at EDC at the time, but, you know, as I recall, that was--there was a lot of back and forth between the city and the EPA at the time where the city did not want the EPA, the admin-- prior administration wanted to take on the cleanup on its own, and let me just defer and see if DEP do you want to take that question?

ROY TYSVAER: To the best of my understanding New York--New York State DEC made the recommendation to EPA that it be declared a Superfund site. As far as the dredging, it was originally--

CHAIRPERSON ROSE: [interposing] I'm sorry, could you--I'm sorry. You--identify in there.

ROY TYSVAER: [coughs] Oh, I'm sorry. My name is Roy Tysvaer. I'm with New York City DEP.

CHAIRPERSON ROSE: Okay.

ROY TYSVAER: The question with regard to how it became a Superfund site.

CHAIRPERSON ROSE: Uh-huh.

ROY TYSVAER: My--my understanding is that it was recommended by New York State DEC as a potential Superfund site to EPA and EPA signed on for that.

CHAIRPERSON ROSE: And can you tell me where the—the dredge contaminants are expected to be disposed?

ROY TYSVAER: The—the dredging that's going to occur out of Gowanus there was a originally a smaller dredging project that DEP was going to do as part of our CSO Consent Order at the head end of the canal. It was about 1,000 feet of dredging, and that was to mitigate CSO mounds that—that occurred because of CSO discharges. We had gone through the permitting process on that. We were advancing the project when it became a Superfund site. [coughing] At that point, the nature of the Superfund dredge is very different than the nature of our dredge. Our dredge is really more for environmental restoration, removing the sediment mounds. Typically, we'll place a sand cap to create a—a big-big habitat for invertebrates and things like that, but the type of dredging and capping that's going to be done under the Superfund Program is a much deeper dredge, and they'll harden the bottom of the—of the—basically an armor on the bottom. It would be a much more rigorous dredging project, and the nature of dredging for Gowanus now is primarily focused on NAFLs, Non-

aqueous faced liquids, cold tar and things like that that were bi-products of the gas production facilities that--that used to line the shores of--of Gowanus. So, the bulk of that work is going to be handled--as part of the EPA remediation, D-E-D-E--the City has been tasked with building CSO facilities to address the CSO discharges and National Grid has been tasked with the primary responsibility for dredging of Gowanus. So while New York City is--is a partner in it as a PRP, for the Superfund, I--I believe our--our obligation is on the order of 7-1/2 percent for the dredging costs associated with that. So that--that's primarily being led by National Grid, although all the PRPs are part of the process.

CHAIRPERSON ROSE: You're using a lot of acronyms over there.

ROY TYSVAER: I apologize.

CHAIRPERSON ROSE: PRPs?

ROY TYSVAER: Potentially Responsible Parties?

CHAIRPERSON ROSE: Uh-huh.

ROY TYSVAER: When a Superfund--when a site is listed as Superfund, the EPA comes in and identified parties who they believe are responsible--

2 CHAIRPERSON ROSE: Okay.

3 ROY TYSVAER: --and they are deemed
4 Potentially Responsible Parties because they haven't
5 been absolutely determined to be legally responsible
6 for it. So it-it's basically when you're identified
7 as a PRP, you can either become part of the solution
8 or you can challenge it, and that becomes a-a very
9 large legal battle, and with-with the damages being
10 trebled. So if-if as a-if you're identified as PRP,
11 and they believe your obligation for restoration is
12 \$100 million, if you fight that in court and you
13 lose, you're obligation becomes treble that so it
14 becomes \$300 million.

15 CHAIRPERSON ROSE: So, in the-in the case
16 of the Gowanus Canal, we could have a number of
17 different entities dredging?

18 ROY TYSVAER: No there would be a single
19 dredging. The-the lead is--

20 CHAIRPERSON ROSE: [interposing] And that
21 entity is or will be?

22 ROY TYSVAER: National Grid will be
23 responsible for the design and procuring a
24 contractor. However, the--

CHAIRPERSON ROSE: Since it's not--since it's--it's being funded by the Superfund, why isn't the Army Corps doing the dredging?

ROY TYSVAER: Well, because the Superfund doesn't fund these projects. These projects are paid for by the potential responsible parties.

CHAIRPERSON ROSE: Okay.

ROY TYSVAER: So--so the cost of this will be shared based on a distribution determined by EPA and negotiated. So my understanding--I'm--I'm not associated with that project, but understanding is that the city's obligation for the dredging aspect of that is on the order of 7-1/2%. So we've been providing, you know, some--some input into the design. We would be able to comment on the design, and participate in some of the design meetings. However, our main contribution will be financial.

CHAIRPERSON ROSE: And so, you said that an number of COSs will be established for the disposal of this--

ROY TYSVAER: [interposing] I--I can't--

CHAIRPERSON ROSE: --other material?

ROY TYSVAER: I--I can't speak for the Gowanus Canal project because I'm--I'm not on that

project or familiar with it, but I can speak for projects that I have done--

CHAIRPERSON ROSE: Uh-huh.

ROY TYSVAER: --and typically what's done is the material is characterized before dredging, and that becomes part of the design because if it's determined to be hazardous, it becomes a different level of--of disposal expense and operations because there has to be a different remediation process. It--

CHAIRPERSON ROSE: [interposing] So the disposal sites haven't been determined for Gowanus Canal?

ROY TYSVAER: I--I don't believe so. That's--in--in the case of--of the projects that we typically do, that's determined by the contractor. We characterize the material--

CHAIRPERSON ROSE: Uh-huh.

ROY TYSVAER: --before they bid on the contract. Based on their understanding of that characterization, they'll go and find beneficial end use locations for that, and that will become part of their competitive bid because they may have a more cost-effective location to--to--to reuse that material,

and then after the contract starts, they again have to go in and test to verify the characterization of that material, and then those disposal locations will be approving reuse of that.

CHAIRPERSON ROSE: And one time of--

COUNCIL MEMBER LANDER: [interposing]

Madam Chair.

CHAIRPERSON ROSE: Yes.

COUNCIL MEMBER LANDER: Just if I--if I might on Gowanus--

CHAIRPERSON ROSE: Okay.

COUNCIL MEMBER LANDER: --just--and--and we would love to have you come, you know, spending a lot of time on the Gowanus Canal Cleanup--

ROY TYSVAER: I know.

CHAIRPERSON ROSE: Yes. [laughs]

COUNCIL MEMBER LANDER: --and been trying to keep the EPA on task to do it. There was with the use of the dredge a proposal that the EPA made to use the--the dredged clean material for a project in--in Red Hook that would have used it as fill for the creation of a new open space facility. There was an owner with a site who wanted to do it. It was developed as a proposal. There was very strong

community opposition to it for a range of reasons.

The EPA withdrew that proposal and now is—is-has not yet indicated what the disposal would be for—for that dredged material.

CHAIRPERSON ROSE: Okay. So we're—we're in limbo right now. Okay.

COUNCIL MEMBER LANDER: It's part of the, you know, they're in the phase of the process now where they—they spent a long time on these two CSO retention tanks, which the city has an even higher obligation for, and they are now doing the kind of full scale design of the dredge, and as part of that process, and grid and the city negotiating the consent, the final version of dredge related consent decree, that's when they'll get to where the dredge will go. So, in the process.

CHAIRPERSON ROSE: Thank you so much. I should have sworn you in. [laughter]

COUNCIL MEMBER LANDER: Yeah, we're spending a lot of time, you know, at the EPA and it's always partnering that they're requesting.(sic)

CHAIRPERSON ROSE: Thank you so much.

COUNCIL MEMBER LANDER: Thank you, Madam Chair.

CHAIRPERSON ROSE: Okay, you know, and do you have any questions that you would to ask? I'd like to acknowledge that we've been joined by Council Member Lander, and then I'll go on with my questions.

COUNCIL MEMBER LANDER: [interposing] So the--the one thing I'll just raise and I'm in dialogue with folks at--at City Planning as well about this and I--I--it definitely relates to the Gowanus Canal, and I don't know to what extent it relates to other sites around the city. So I'll just let you know about it, and raise it as an issue if there's dialogue, and that has to do with the height of the bulkheads after the dredge. So in Gowanus there's work going on right now to think about how to how, you know, planning how to get that dredge done, dealing with CSOs, kind of and getting that all worked out. As part of that process, all of the owners along the Canal are going to have to replace their bulkheads as, you know, in order to facilitate and protect from--deal with the--with the dredging. That creates an--an opportunity that I hope we can pay attention to because we're also looking at the land around the Canal and thinking about it as a potential--its potential long-term uses. At high tide, the water in

the Gowanus Canal is quite close to the top of the bulkheads, and I think everyone agrees rationally we would be wise as those bulkheads are being replaced to raise the bulkheads up some so that a decade from—15 years from now after we've got it remediated, and there's stuff going on around it, we're also not up to our ankles in water at high tide as the sea level rises, but we don't yet, at least as I understand it, we haven't quite figured it out. It's not something that it's been mandated before to raise bulkhead heights, and exactly what the legal or regulatory framework is is that kind of normal city planning? Is that something the Buildings Department does? Is that something that we would want DEC or DEP to do? It would be nice if EPA would just do it, but they can't because their authority is only about cleaning the canal, not about future flooding. So that may be an issue that becomes relevant in other parts of the city as well that as we do projects the height of the bulkheads also would make sense to be a subject of our collective concern and regulations. So I—I don't—you know, I think it's—I'm flagging it as an issue I think we want to work together on. City

Planning has been looking at in Gowanus and it may be relevant in other parts of the city as well.

CHAIRPERSON ROSE: That wasn't addressed as part of the resiliency efforts when we did the-the big study after Sandy, Post-Sandy?

ANDREW GENN: Everything the Council Member said are dialogues that we're having internally, you know, with the City agencies. I think it was described very well and-and we have a I similar design I think challenges and-and it is-we are aware of those issues, and we are addressing them at EDC and with our partners.

CHAIRPERSON ROSE: Okay. Council Member, any other questions.

COUNCIL MEMBER LANDER: That's all. I mean I think we shouldn't lose. I mean, I-the Administration has been responsive to saying-to our saying in Gowanus let's look at it. I don't know where else. It's relevant. I think we'd be wise to add it to our set of waterfront resiliency tools as we go forward.

CHAIRPERSON ROSE: Uh-huh. Okay, and what-at what level or what depth is Gowanus being dredged? Is that going to meet the 50-foot dredge?

ANDREW GENN: [laughs]

CHAIRPERSON ROSE: No. [laughs]

ANDREW GENN: Oh, my heavens, no.

CHAIRPERSON ROSE: No.

ANDREW GENN: Off the top of my head I'm not sure, but I believe it's—it's sort of in the 15 to 18 maybe 20 feet at the most. It varies, but it's more for tugs and barges.

CHAIRPERSON ROSE: [laughs] We're not going to have any folks in Panamax ships in it?

ANDREW GENN: No, we'd be in a lot of trouble.

CHAIRPERSON ROSE: [laughs] And along that line, cruise ship, you know, traffic is increasing as well—as well as the—the size of the container ships. Is it a possibility that areas around and including the cruise ship terminals in Manhattan and Red Hook will be dredged in the future?

ANDREW GENN: I would just say the Hudson River is regularly dredged by the Army Corps and—and every year EDC dredges that berths at the Manhattan Cruise Terminal. The good news story is Red Hook doesn't need dredging because it's self---we call it

self scours because the Buttermilk Channel runs so fast that the sediment doesn't have time to fall out.

CHAIRPERSON ROSE: Yeah, that will--

ANDREW GENN: Yeah, so we, you know, we save money there.

CHAIRPERSON ROSE: Okay, thank you.

Okay, I'd like to thank you for your testimony today and--oh, just one more question--I'm sorry--for EDC.

What is the process that used by the Department of Environmental Conservation to make a--a beneficial use determination for dredge material, and is it done on a case-by-case basis?

ANDREW GENN: No, it's--it's done on a case-by-case basis and it's based on the characteristics, the chemical characteristics of the material and the--the physical characteristics. So the grain size of the material and its ability beneficially to sort of hold weight when it's place. So what they do is they look at that and then they say, this--this is appropriate for replacement under a line or at a landfill, or this is clean enough that you can dry it out, and just use on--as top soil. So it varies quite a bit, and, you know, it--it all goes back to the chemical constituents of the material,

2 and making sure that it's safe for either residential
3 use or-or in some-or commercial use. So whatever the
4 end use is, is the determining factor.

5 CHAIRPERSON ROSE: Okay. Thank you so
6 much. I thank you all for your testimony today.

7 ANDREW GENN: Thank you.

8 CHAIRPERSON ROSE: Next. [background
9 comments] Okay, our next panel will be Randall Hintz
10 (sp?) from the U.S. Army Corps of Engineers. [pause]
11 Okay, when you're ready would you-Oh, I have to swear
12 you in. Do you affirm to tell the truth, the whole
13 truth and nothing but the truth in your testimony
14 before this committee today?

15 RANDALL HINTZ: [off mic] Yeah, I do.

16 CHAIRPERSON ROSE: Thank you. Would you
17 state your name and your affiliation and you can
18 begin your testimony. Could you speak into the mic.
19 Is it on?

20 RANDALL HINTZ: Well, now it's on.

21 CHAIRPERSON ROSE: Okay

22 RANDALL HINTZ: I was wondering if you
23 could hear me.

24 CHAIRPERSON ROSE: Okay, thank you.

RANDALL HINTZ: Okay. Good morning
Chair-Chairman Rose and committee members. My name
is Randall Hintz. I'm the Chief of the Navigation
Branch for the U.S. Army Corps of Engineers in the
New York District. On behalf of Colonel David
Caldwell, the District Commander for New York
District. We appreciate the invitation from the,
from the committee to come and testify before you
today. Thank you. You have a handout in front of
you, which I'll walk you through as we go through
this this morning. [pause] Okay, again just briefly
some of the agenda items that I would like to cover
this morning in-in my briefing to you is I'll-I'll
discuss briefly with the mission of the-the
navigation mission for U.S. Army Corps of Engineers
is here, and particularly in New York and across the
nation. Some of the particular assets that the Corps
of Engineers maintains here in the Port of New York
who, what, when and where of dredging, and if you
have any questions about who's doing what and what-
how we treat the material although the is some very
informed question s this morning. I-I appreciate the
dialogue that happened earlier. I do have this slide
on beneficial use of dredge material and-and how

treated the mater that was removed from the 50-foot deepening project. All of that material was beneficially used in one way or another, and I'll show you some examples of that.

CHAIRPERSON ROSE: [off mic] These tests we can use. (sic)

RANDALL HINTZ: Yes, yes. I appreciate that, and also I'll—I'll show you a hydrographic survey products. One of—one of the things that the Corps does well here in the region is provide survey data to the channel users informing them of the conditions even if we are not out there. I'll get into it further, but even if we're not out there maintenance dredging as frequently as we would like to, it's important for the channel users to understand the conditions that are happening in the channel. So we do periodically go out there and—and perform these surveys, and publish them our website so that people can understand the conditions that they're facing within the Channels. And then I'll just talk about the partnerships, and give you a couple of concluding comments. Okay, if you could go to the next slide the U.S. Navigation Mission. Again the mission nationwide for the Corps of Engineers is

providing safe, reliable, efficient and effective environmentally sustainable transportation systems. I'm looking for the movement of commerce, security needs and recreation. Again, that's—the pri-priority order basically that we—we look at channels and cause. As Mr. Genn said earlier, commerce is very important to us, and supporting our—our request for budget to budget for some of the maintenance dredging projects that we do, it's based on tonnage and how those—they get ranked nationally is based on tonnage and it's very important for me to have help--have this reaching, thankfully, we do well in this region as—as far as commerce and—and we'd be—and that's important that we continue to do like that, do well. I'll move onto the slide that talks about the USA's assets in the port right now. Just within the port we have 19 deep drat commercial channels. What I mean by deep draft is—is the guidelines within the Corps of Engineers are that 14-foot or greater are considered a deep draft channel, and they're also 21 shallow—shallow draft channels in the port. We have a—within the Corps of Engineers we also have we also have a unique mission here in New York. There are only a few districts nationwide that have the mission

to provide drift-drift collection and drift removal. It's something that we here. You'll-you'll-it's a very visible presence that you see on the harbor when you see the Corps of Engineer vessels out there or larger vessels that they when the drift-drift master out there collecting driftwood, pieces of piers and other things, obstructions that flow just below the water line that create a great hazard. I-I put a picture of the citywide ferry on the bottom of my slide here just to show you the importance. That-that's-those are the-those are the people that we're protecting with the drift collection. We do find timber floating below the surface and you have a high speed aluminum-aluminum frame vessel, it's a hazard. So we're out there. We collect 500 cubic-500 cubic feet and that doesn't mean a lot to people but 240 tractor loads of debris is picked up from our waterways every year, and again it's protected. It's providing safe navigation to the people who use our channels. It's-again there are a few districts the country that have similar missions, Baltimore and Los Angeles, but it's very important for us here in New York, and float-as well as floatables. We-we've done-been doing just collection again for over 100

years. 1913 is when we first got permission to do that, and we've proudly put out boats out in the harbor everyday to collect that--that information. My next slide is a--is a navigation map and it was a chart--a nautical chart of the harbor just to show you some of the high profile areas that we do the maintenance dredging. These are areas either the Army Corps of Engineers or others does maintenance dredging activities within the port. Again, Hudson River is fortunately one of those naturally scouring areas that we don't have to dredge frequently. The Buttermilk--Buttermilk Channel and Bay Ridge and Red Hook we do--we do go into those channels on occasion, and Ambrose was one of the projects that was part of the 50-foot and actually did down to 53 foot part of the deepening infrastructure that we put into the port here. East River is--East River is--is almost biannually we--we go out and do sections of the East River. I think in particular out by South Brother Island we're--we're making use of that, and the containers and the other work that's done in the areas of the Manhattan Cruise Terminal or the--or the Brooklyn Terminal, these are areas that are also periodically dredged to allow for people or commerce

to travel through. Okay, I'll move onto the next slide, which is who's—who's doing the dredging and the—and the—who, what, when and where. Who's doing the dredging? As—as was mentioned early the Army Corps of Engineers is as—is a large partner in the—in the port here in terms of maintenance dredging, but we're—we're not the only player in the game. The Port Authority is to—to support the federal channels that go into Newark Bay for example. The Port Authority is out there maintaining the berths that are adjacent to the federal channels. New York City EDC is doing their work at—at the cruise ship terminals as well. We also issue permits to the NYPD and the FDNY to—to—for their harbor units so that they can performance maintenance dredging in the areas of the berths of their facilities as well, and the terminal operators themselves also conduct dredging operations. In terms of what's being dredged, we can—as we said earlier it's still sand glacial till from various areas without—throughout the harbor. The material, all of the material is tested in cases of the inlets, as we talked about earlier, East Rockaway Inlet, Jamaica Bay. Those—that material is predominantly sand. It's not—sand

does not lend itself well to contamination because there's nothing--contaminants to adhere to. So we treat that at--we do physical testing like to determine the grain size of that sand to determine if it's compatible, and we generally place that material in an adjacent beach, sometimes Coney Island or wherever you can find an adjacent place to put the sand, to beneficially reuse the sand to get it back into the system. We do that in terms of other--we do, as we as said earlier, chemical and biological testing for other sediments. We'll do chemical and biological testimony in accordance with the EPA protocols that were established. Again, 1996 was a very big year as--as Mr. Genn mentioned earlier for setting up this criteria that--that--that's currently being used. The Corps of Engineers is part of a regional dredging team, which includes members of the--it's--it's a co-chair between the Army Corps of Engineers and the U.S. EPA and members of the New York State DEC and New Jersey DEP are all part of this team, and we--we look at projects and--and look at the environment testing for many of these project. But again, the standards we go back to the late 90s when these standards were established for testing.

Okay, and when again we—we—we do a lot of maintenance dredging activities. A lot of what we do in terms of dredging activities are restricted by the windows—the environmental windows that we face. Sometimes with fish, the environment. There's winter flounder windows that we face for certain parts of the harbor and there's different fish or environ-species out there that affect when we can necessarily go out there and do our work. So, sometimes the time—the period of times that we're actually out there maintenance dredging may be the dead of winter when it might not be—it might not look like the best time to be out there on a dredge in the middle of the harbor. We do that to protect the species that are in the area from an environmental standpoint that need to be protected by—from the operation, and again that comes from the coordination that we do with both the DEP and the New Jersey—the New York City DEC in terms of our environmental certifications for the work that we do. How is it done? Again, the—in terms of dredging, there are many different ways that you can dredge and—and I mentioned the mechanical clam shell here with environmental buckets because that's the predominant way that we do work in New

York Harbor. Elsewhere there's hopper dredges, basically aqueous vacuum cleaners that go out there and suck up sand and put into a giant hopper and take it out to the ocean and dispose of it that way. But again, mechanical clam shells work best for the type of work that we do here in the Port of New York, and environmental clam shells are one means that we use to contain the material being dredged. So there's not a plume of-of silt floating off from where we're doing our dredging. It's a very deliberate manner that the contractors are-are dictated on how they can do their operations. Sometimes down to the bucket speed to how fast they can dropped into the water so that we do it in the most efficient manner, and the most environmentally acceptable manner so that we-we are not contaminating anything adjacent to the-the dredging site. Where does the material go? Again, Upland-beneficial reuse is Upland's placement is-it's a very popular right now. That's-that's what we do. We do remove the-remove the material from the aquatic environment. A lot of what we call contaminants are really only contaminants in an aquatic environment. The material that you take from the bottom of a channel could be placed upland, and it is not

necessarily considered contaminated. It's only available under water to marine—in a marine environment to marine critters. So what—what we do we take it upland and the—the-right now we do stabilize it with Portland cement, and we've been able to beneficially reuse it for golf courses, parking lots, fill at landfills, daily cover at landfills. And then there's rest of the material that we call harbor suitable, material that—that passes the ocean testing criteria, and it's suitable for ocean placement, and I have a number of staff that are responsible for maintaining the historic area or remediation site and actually managed the ocean—the ocean placement site in terms of where the material is going out there, and we track how well the harbor is—is being maintained at this point. Okay if you'll go to the next slide, the next slide is a hydrographic survey map. This is again typical of the products that we produce here at the—at the Corps of Engineers in general and in particular here in New York District. These are the maps that we've produced for each of the navigation channels. We go out there periodically for all of our channels and survey them. This is—this happens to be a very

detailed a multi-being survey of our channels with colors to help-help the navigators and have an appreciation for where the deeper water is, and along with this is a tabular-a tabular table providing specific shallower steps in some of the channel in the various quarters of the channels so that the navigators again they're communities that are using this, the pilots we have partnerships with the Sandy Pilots and any of the other pilots in the area here that rely on this information to-do their navigation, to do their job. I put the website at the bottom of the slide there if anybody wants to see the other-the other channels that are out there and what's available on that on our website. Okay, the next slide refers to the beneficial use of dredge material. Again, this is-this is just an example of the over 50 million cubic yards of materials that was removed during the-the 50-foot deepening project for the port. How we reused it. There was-there was brownfield remediation. We built a golf course in-in Bayonne. We did beach nourishment at Plumb-Plumb Beach. We did-we're doing remediation out at the HARS capping of the HARS material out there. The rock material that came out of the channels from

Kalinko in particular was taken out to build fisheries, and then it was—it was reused out there. We—they were also successful in rebuilding some of the islands in Jamaica Bay called Elders—Elders East, Elders West, the Yellow Bar. Those are just an example of some of the opportunities that we took to take some of the cleaning standing material and reuse it to restore the islands in Jamaica Bay. Okay, the next—the next slide just talks about the many partnerships that we have. Again, we're not out there by ourselves doing the dredging. We—we have partnerships with the environmental agencies of the states. We have partnerships with the Port Authority because all the work that we do touched some of the other agencies. It's important these partnerships that we have with the Port Authority and environmental agencies, as I said earlier, to help us refine the needs or prioritize the needs from an regional perspective where the dredging needs to occur. I understand that the local perspective. I mean we work together with these people, and the Environmental Protection Agency. All of these partners are important for any project, and to have the relationships that we have, this is very import

to be successful. We're not doing this in a vacuum by any means.

Okay the next slide I just wanted to touch briefly on is the—the U.S. Army Corps of Engineers Regulatory Permit Program. One of the things aside from the federal maintenance judging that I spoke about earlier and the deepening work, there's also work being done by private parties and — and other state and federal agencies that come to the Corps of Engineers for permits. So we have authorities under Section 10 of the River—the Rivers and Harbors and Act going back to 1899 to protect this—this authority that primarily has to do with constructing structures in our adjacent navigable waters. And the history of Section 10 is really that the—the federal government was investing in building these deeper draft channels be it the Hudson River or other channels, and to protect the investment of the federal government so that others wouldn't come and impinge on the work that was being done by the government to maintain these channels. We authority to govern what happens adjacent to the waterways, and that's really what Section 10 relates to. It's how do we maintain the investment that was—that was put

in-in the waterways? The Clean Water Act, Section 404 and Section-again has to do with protecting not only the asset-the infrastructure, but the environment as well. So there's certain elements of the Clean Water Act that regulate the discharges of dredged material, and Section 103 takes-takes discharges to another level and really regulates how well-how well what we do with the ocean, and again Section 103 directly applies to managing the ocean placement site or the HARS as we refer to them.

Okay just in conclusion, it's the Army Corps of Engineers' mission to support reliable, efficient and effective navigation. We've been doing that for 100 years and we're here to support the city, the state and the Council in any way that we can to protect navigation in both-from the safety of the navigation users as well as the environment. As I started out with commerce drives funding for the Federal Navigation Projects, we prepare our budget request. They-they-they compete nationally with the other channels nationwide on commerce tonnage and again it's for-for the federal government it's a return on investment. Where-where are they going to see the best return on investment, and thankfully New

York harbor has very good commerce, and—and we can—we do compete well, and that's why we were able to conduct the 50-foot deepening project. It's important, as Mr. Genn mentioned earlier, that we continue to feed the information regarding tonnage coming through our channels. That's—that's how I can do my job better for you is to make sure that—that commerce is being reported properly for all of channels. Okay, and then the last slide is just questions. If I could, you know, take any of your questions I'm available.

CHAIRPERSON ROSE: Thank you. Thank you for the comprehensive presentation. You said something about maintaining sort of I guess the environmental nature of the—the waterway and I guess the ecosystem. Does DEC sort of supersede the Army Corp's desire or ability to dredge?

RANDALL HINTZ: Again, in—in the—in the partnership that—that we have with both the DEC and the DEP, we—we obtain quality certification for all of the federal navigation projects. So we comply with all of the state regulations in—in terms of just material placements so we—we obtain a work quality certificate for each of our projects, and that's

where some of the conditions come as far as bucket speed and--and some of the conditions that we have to best--best--best management practices I guess is the best phrase for that. I know we can dredge most effectively in compliance with the State regulations for--for that.

CHAIRPERSON ROSE: One the Army Corps decides that a--a waterway should be dredged, what is the timeline between that decision and the collaborative process with all of the other agencies that give you, you know, feedback into whether or not this project is feasible at this time or other regulatory things that they are governed by before a project ends. What is the timeline, the time frame between when it's determined that dredging should take place and when it actually happens?

RANDALL HINTZ: Well, the budget, the federal budget cycle, as you may know, is we're--we're currently in Fiscal Year 17. We're in the process of defending the budget that we put together for Fiscal Year 18, and proposing the budget for Fiscal Year 19 at this point. So, we're always active in a three-year cycle in terms of budgeting. That being said, we still have opportunities. If there's a critical

1 need for dredging we have certain reprogramming
2 authorities to take money from one project and
3 another. We'll go—we can go back to Congress and say
4 there's a critical need. So, that's—that's how
5 sometimes funding can be available. I can't say that
6 that's a sentence still in process, but one of the
7 things we do as an agency is those conditioned
8 surveys that I told you that are also very helpful to
9 the—the channel users are also very helpful to us to
10 appreciate the conditions, and where we see any we're
11 looking at the shoaling rates. Shoaling it's—it's
12 outside and it accumulates in our channels. Where do
13 we see problems occurring? If we just made—deepened
14 these channels in the Kill Van Kull for example, if
15 we deepened that channel and how as the sediment—how
16 was it—the sediment—how is the sediment starting to
17 fill in there? Do we see a need? We have—we have
18 the luxury of—of the way the water moves in this area
19 is that it doesn't shoal—shoal up over night.
20 Nationwide I deal with the Corps of Engineers and we—
21 we deal the people and this somebody who they could
22 get a major storm in the Mississippi. This mud will
23 move down the Mississippi and they're looking for
24 dredging contracts, to hire dredgers by the hour so
25

that they can dredge and get the channels open again. Thanks that we don't see such a rapid sedimentation rate here in New York. So we do have the foresight from a long history of maintaining these channels and looking at the current sedimentation rates to figure out what the program should be and that's how we kind of develop. We try and have at least a five and sometimes ten-year outlook on our channels to see where we see the cycles are. So we're already thinking for all of the channels that we're deepened to 50 feet, we have to start thinking about where we need to need to maintain their next, what reaches of those channels should we be thinking about? We know the order that we finished them. So the shoaling is somewhat--the current--maintenance work will be sometimes tied to how the contracts finished. But again we're looking--we're already looking at how do we see the sedimentation coming in, and--and where--where should we putting our--be putting the dollars next?

CHAIRPERSON ROSE: And so, there are-- what's--are there are any challenges that you face other than the budgetary challenges to a project being?

RANDALL HINTZ: No, we have--budgetary challenges aside, we-we are able to work with the environmental window. Sometimes--yeah, sometimes if there's a large amount of dredging to be done sometimes the environmental windows can be challenging. How do we--how do we get the work done, the amount of work that needs to be accomplished within the available windows conducted. We-we have a good--again, the relationships that we have the agencies and the partners help us work through the process here. I can't say there's any walls--walls in front of us stopping us from doing what we really need to do, and yes, I think this is the best way to put it for you.

CHAIRPERSON ROSE: Regarding the recently completed dredging of the Port of New York, most areas were dredged to a depth of 50 feet. What areas of the port were the most shallow, and what were their depths?

RANDALL HINTZ: [laughs] That's a--well, in--I'm not sure. You're referring to the areas that were deepened or--?

CHAIRPERSON ROSE: Yes. I--so let's say the Kill Van Kull.

RANDALL HINTZ: Okay, so the Kill Van Kull again the—the work that was done with the deepening project was actually a progressive project because it started out at 38 and eventually went to that as a deepening program to 42. Then it went to 45, and then it went to 50. So I'm not sure.

CHAIRPERSON ROSE: Okay.

RANDALL HINTZ: It is, but I believe the goal of—the—the deepening program was to create infrastructure to bring the deep drift—drift channels. Again, if you looked at the complete deepening program that's bring to Brooklyn Waterfront as well as into Port Jersey and—and to Newark the New Bay facilities back there.

CHAIRPERSON ROSE: Is 50 feet the current nationwide or global standard and is it envisioned that future dredging projects will have to go deeper than 50 feet?

RANDALL HINTZ: Right—right now, 50 feet allows us—there—there is—there are designed the channels the 50-foot channels are designed channels based on the vessels that—that we understand they are going to be calling on the port. Fifty feet is—is a 48-foot vessel with 2 foot of allowable under

clearance. The pilots are all very skilled in bringing ships in on various tides. Again, the driving factor I believe for the Kills Van Kull was the Bayonne Bridge the air clearance. It's getting to a point where you're balancing it below it--

CHAIRPERSON ROSE: [interposing] Exactly.

RANDALL HINTZ: --below and above. So the--the clearance of the Bayonne Bridge is going to again drive some of the sides of the size of the ships that are coming in here, but there are certainly larger ships on the horizon coming in our way soon, and the pilots are actually using simulators in--in other parts of the country to simulate coming into the port.

CHAIRPERSON ROSE: It was very interesting that--that with the Post-Panamax ships that the issue wasn't so much the depth--

RANDALL HINTZ: [interposing] Right.

CHAIRPERSON ROSE: --because we did deepen that channel, but it was the height--

RANDALL HINTZ: Yes, that was for us.

CHAIRPERSON ROSE: --resulting in the raising of the Bayonne Bridge, which is quite an engineering feat--

RANDALL HINTZ: [interposing] Yes it is.

CHAIRPERSON ROSE: --in and of itself.

RANDALL HINTZ: It is.

CHAIRPERSON ROSE: You know, with the--the dredging of the Kill Van Kull, and maybe Andrew would know the answer, were there problems that occurred that didn't allow for Howland Hook to reach the--the depth necessary for them to accommodate the larger ships because they are no longer sort of competitive with--with the new--the container ships that's coming in. Andrew, maybe you'd like to come back and--and explain what happened with Howland Hook especially since the dredging project was supposed to help--

ANDREW GENN: Uh-huh.

CHAIRPERSON ROSE: --Howland Hook and--and now seeing a very diminished capacity happening there.

ANDREW GENN: The--the dredging was completed in the Arthur Kill. So Howland Hook now has the same depth as all the other container ports in the region. The challenge that they face has been more of the cost differential going to that terminal for the trucks that take the--that bring the containers and take them away and that was--

2 CHAIRPERSON ROSE: [interposing] So it
3 was—it was the increase in tolls on the bridge?

4 ANDREW GENN: Primarily, yeah. It's—so
5 the work has all been done. The railroad is in
6 place, but it is that cost differential and as long
7 as there's some capacity on the New Jersey of the New
8 Jersey terminals they tend to attract more of the
9 vessels, but we're working on that.

10 CHAIRPERSON ROSE: Okay. So it wasn't
11 the dredging?

12 ANDREW GENN: It wasn't no, no. The
13 dredging space—the port did a good job.

14 CHAIRPERSON ROSE: Thank you. Were any
15 city funds used to support the project, the—the
16 deepening?

17 RANDALL HINTZ: The—the deepening project
18 as far as I know, it—it was just the Port Authority
19 and New York District federal funding that was
20 dependent on. Our federal partner for the project
21 was the Port Authority of New York and New Jersey.

22 CHAIRPERSON ROSE: Thank you.

23 RANDALL HINTZ: Oh, oh, there was—there
24 was known for the water site and for New York City to
25

be--be a part of that, the relocation of the water site from between Brooklyn and Staten Island.

CHAIRPERSON ROSE: Okay and what are the maintenance practices and routines involved in the areas that have previously been dredged, and is it common for once dredged areas to be dredged again years after an original project has been completed?

RANDALL HINTZ: Means and dredging is a routine activity that we do in all of--all of the channels, and again monitoring the conditions of the channel through our hydrographic surveys helps us define what the need is, but once we determine that this is an area that needs to be dredged, if it's Buttermilk Channel or the Hudson River or the East River in particular, we will go out there and do the--a year in advance of the actual physical dredging activities, we will conduct the environmental compliance work that needs to be done, which is a sample; going out there and doing sampling and testing of the shoals and determining the--the levels of contaminants in there or where--where suitable disposal sites are. For maintenance dredging activities what we do is we--once we have that information and we've--we have clear information

regarding the volume of material that needs to be dredged, and the—the quality of the material that needs to be dredged, we will issue a solicitation or a contract for a dredging company to come in and remove that dredged material and—and as well as finding a suitable placement site for that. The contractors are required to provide all of the permits necessary to take that material from the channel and find a suitable outdoor (sic) placement site for that. And that's generally—generally how we conduct—conduct maintenance and storage activities.

CHAIRPERSON ROSE: So do you have like a maintenance schedule like after this project has—was finished last year, right?

RANDALL HINTZ: [interposing] Again, we—we try to--

CHAIRPERSON ROSE: If you—you will just based on currents and whatever, the sciences or you just have a routine schedule that you revisit?

RANDALL HINTZ: Because we have a lot of historical knowledge of the channels, we do know which ones—as was said earlier the Bay Ridge and Red Hook Channel and some of the channels are naturally scouring. We know we won't have to go in there—in

there. We do have a lot of historical knowledge about that, but we are watching what's happening with the channels to the--to the best of our abilities, and if there are problems out there, sometimes the pilots will alert us to situations from their perspective that they--they let us--alerted us if there are threatening conditions in the channel, and we can look to prioritize funding or move, you know, in certain areas if we see there's a problem that needs to be dredged sooner rather than later.

CHAIRPERSON ROSE: Thank you so much.
Thank you for your testimony--

RANDALL HINTZ: Alright.

CHAIRPERSON ROSE: --and I'd like to acknowledge that Council Member Deutsch is here with us and our next panel--thank you so much.

RANDALL HINTZ: Thank you very much,
Madam.

CHAIRPERSON ROSE: Oh, I'm sorry. I'm
sorry.

RANDALL HINTZ: Yes.

CHAIRPERSON ROSE: Council Member Deutsch
has a question.

RANDALL HINTZ: Yes.

COUNCIL MEMBER DEUTSCH: Thank you.

Thank you, Randall for being here today. I understand that most of the projects that are through the Army Corps of Engineers have been, you know, through federal funding and all depends on how much federal funding is received to what projects will continue. I think I'll add (sic)--my question is if you could explain how--how effective it would be to dredge in areas in the Hurricane Sandy affected areas like for example in Sheepshead Bay where when there's a high tide the water comes all the way up to the bay and sometimes it--it does go over. It depends on the--on the surge and the wind and the moon and all that. So how effective would it be to--to dredge an area such as Sheepshead Bay due to the rise of sea level?

RANDALL HINTZ: I don't think the volume, but again this is my opinion on this, but I don't think the volume of the material is being removed from--from the bottom of the channel. It's significantly going to affect the water levels within the bay like that. I think other structures or protected measures could be in place to protect the adjacent shorelines, but dredging isn't necessarily

going to affect the--the height of the water levels in that are there.

COUNCIL MEMBER DEUTSCH: So would it be different if you--if the bay is raised as opposed to dredging or doing both?

RANDALL HINTZ: Well, dredging is really for navigation purposes. Dredging would be so--so that the ships can call--call that area, but in terms of the--the overall water level of the bay it--it's--that's not something you can control. You really you can protect structures with bulkheads and--and you can build up--build up shorelines, but dredging isn't going to solve the problem of--of rising water specially in coastal communities like that.

COUNCIL MEMBER DEUTSCH: Were there studies done on this? Do you know?

RANDALL HINTZ: No, I'm not aware of any. Again, I'm--I'm in the Navigation Branch for the Corps. There may--there may have been in our Planning. I can't speak for the Planning Division.

COUNCIL MEMBER DEUTSCH: Okay, alright, thank you.

RANDALL HINTZ: Okay, sorry, thank you.

CHAIRPERSON ROSE: [pause] [off mic] Any more questions?

MALE SPEAKER: Oh, no.

CHAIRPERSON ROSE: Thank you.

RANDALL HINTZ: Thank you, ma'am.

CHAIRPERSON ROSE: Thank you. Our next panel will be Eric Johansson from Tug and Barge Committee, Port of New York/New Jersey; Steven J. Levy, Sprague Operation Resources, LLC; and Jose Silguard (sp?), Waterfront Alliance. [background comments, pause] We have you working doing your own work today. [laughs] Okay, okay. If you would raise your right hand. Do you affirm to tell the truth, the whole truth and nothing but the truth in your testimony before this committee today?

PANEL MEMBERS: [in unison] I do.

CHAIRPERSON ROSE: Thank you so much, and you can state your name and affiliation and begin your testimony. Make sure your microphone is on. Speak into the mic.

ERIC JOHANSSON: Is this working? Okay. Thank you, Chair Rose and the Committee on the Waterfronts. My Eric Johansson, and I'm representing the Tug and Barge Committee for the Port of New

York/New Jersey. So, I'm Captain Johansson, Executive Director of the Tug and Barge Committee of the Port of New York/New Jersey. I'm also a professor the Maritime College, America's oldest. A lot of people don't realize that New York City has the oldest and largest and maritime college in the United States. I'm a third generation mariner. I've been working in the harbor for--well, I say over 30 yeas, but actually this year it will be 40 years. The Tug and Bug Committee consists of 30 tug and barge operators and three New York Harbor based shipyards employing thousands of mariners in shore site support workers. The economic viability of New York Harbor as a commerce port cannot be overstated. The prosperity and the quality of the life for New Yorkers in the metropolitan area in general are directly linked to the economic success of the working waterfront. As the highest volume commercial port on the east coast and we are really confident that soon it will be the largest in the United States of America again, New York delivers trillions of dollars in commerce and contributes billion tax revenues to the local economy, and supports hundreds of thousands of both blue and what collar jobs. The

importance of the Commercial Maritime issue contributes to the vitality of New York's economy must remain at the forefront of the New York City Council Committee on Waterfronts. The tug and barge industry is a vital part of New York City. Barges carry heating oil, cement, sand, gravel, and other products vital to our city. We estimate that the barges in New York Harbor eliminate 3-1/2 million truck trips per year on New York City roads, but we're losing terminals every year. Can you imagine the road-[pause]-congestion and impacts on air quality if a significant portion of those trucks were added to the roads to deliver goods instead of utilizing a marine harbor for this purpose. As an example, one marine drove-driver company moved 1.9 million tons of sand and gravel in New York City in 2009. This is down from 7 million in 2001. This means that at a minimum the 5.1 million gallons of material previously moved by water is being moved via trucks. This is the equivalent of an additional 231,182 sand and gravel trucks a year rumbling throughout New York City. Why? Terminals are closing. Once a terminal is lost, the failure to revive it is difficult. Terminals are closing and

are directly linked to the failure to dredge our commercial maritime waterways. Our waterways have active waterborne commerce, transportation and centuries-for centuries is a vial conduit for commerce the economic engine of New York. The Empire State was built on the backbone of this harbor. Yet, administrative burdens too often prevent safe, necessary water dependent projects from going forward expeditiously. The Harbor Maintenance Trust Fund was created by the Regan Administration to support port dredging and maintenance and collects more revenue each and every year than spent. New York harbors and commercial channels contribute heavily to this fund yet receive a very small percentage in return. A vast amount of the funds sit untapped in reserves. It is now to collect on the approximate \$9 billion of reserves sitting idly in the U.S. Treasury. Recently, HR 1908, Investing in America: Unlocking the Harbor Maintenance Trust Fund was introduced by representative Mike Kelly, Republican for Pennsylvania, and representative Peter DeFazio, Democrat from Oregon, to release these funds for action. New York must be the first in line for these funds to complete and maintain New York Harbor and

its tributaries. With so much at stake, keeping our harbors open for business is not an easy task. Our growing population, growing larger every two years with larger shifts in limited road capacity means that the tried and true waterways of New York will be tasked with carrying the bulk of the New York City's communities day-to-day products. For this reason, the Tug and Barge Committee supports the following initiatives:

1. Promote and advance dredging products in New York—the Port of New York and lobby the Army Corps to increase funding for authorized projects and re-authorize waterways reduced for dredging under the Waterway-Water Resource Development Act of 1986.

2. Promote cooperative dredging programs to reduce cost for small businesses.

3. Deepen and maintain commercial waterways to include, but not limited as follows:
East Chester Creek, Newtown Creek, Gowanus Bay and Canal, Bronx River, Flushing Creek, Westchester Creek, Jamaica Bay, and Coney Island Creek.

4. We also would like to see the Hudson River dredged.

5. We want to maintain the 50-foot channel that the Army Corps did such a great job of deepening, but we also need to designate and facilitate a 50-foot anchorage so that these ships have a place to go in the case—in the event of an emergency.

6. Support dredge material management to make New York Harbor competitive with other East Coast ports.

7. Support both—support industry berth and connector dredging. This is the areas that the Army Corps is not responsible for, and I will say that would than, Mr. Genn and his staff at the EDC for coordinating the efforts in East Chester Creek where we're starting to see good results in this action. It needs more support. Andrew and his team need more support on this.

8. Maintain and restore liquid bulk—liquid and dry bulk and support facilities in the harbor. All boroughs should be mandated to accept and deliver liquid dry bulk products by any method other than truck—trucks to mirror the—the mandated successful waste management requirements now imposed on New York City roads.

9. Support the one-stop shopping for commercial marine permitting also at the EDC. Another kudo to them for that as well.

10. Reactivate the Waterfront Management Advisory Board to proactively promote and balance years (sic) of New York's most incredible natural resource, it's harbor. Thank you.

STEVEN LEVY: Good morning. My name is Steven Levy. I'm the Managing Director of Sprague Operating Resources. Thank you for the opportunity to testify today, and thank you for acknowledging the need for dredging. To provide a little different perspective, founded I 1870 as the Charles H. Sprague Company, Sprague Resources, LP is one of the largest independent wholesale suppliers of energy and materials handling services in the Northeast. In addition to owning the largest fuel store-storage terminal in the city of New York, Sprague owns and operates multiple fuel storage terminals and leases tanks and maintain throughput positions at other third-party terminals in New York. Sprague Supply Terminals provide critical transportation, heating and power generation fuels to city and state agencies, the Port Authority of New York and New

Jersey, utilities and public and private entities. These are the fuels that heat the homes of New York City residents, allow them to travel to their jobs and school and help the elderly reach their medical appointments. For many decades, New York City's waterways have been a vital pillar of the city economy. Unfortunately, they have been neglected. Funds must be invested to restore their vibrancy. Businesses have shown a renewed spirit to use marine transportation to achieve the goals of sustainability, efficiency, employment and safety. A case in point is the East Chester Creek in the Bronx. Business leaders are now investing in repair and replacing the bulkheads and docks so they can receive materials by water. But these investments will be worthless if there isn't an ongoing dredging maintenance program to keep the creek operating. To state the obvious, if vessels can't navigate the creek due to a lack of dredging, transportation will be impossible, and economic activity there will cease. Waterways throughout the city are crucial to ensure a reliable supply of fuels for consumers to heat their homes, for emergency services to serve the public safety and welfare, ensure delivery of food

and other essential commodities, and support the utility infrastructure for light and power. Additionally, few terminals support many city initiatives to reduce air pollution, and tail pipe emissions, extend the life of our road and bridge infrastructure, contribute to the success of programs such as Vision Zero by dramatically lowering the number of truck transports on the road, and support the city's goal of reducing greenhouse gas emissions by 80% by 2050 through the use of lower carbon fuels. Marine fuel terminal are also indispensable in emergency situations. Without the city's fuel terminal infrastructure, the response to Super Storm Sandy and other events and the recovery process without being significantly delayed. Without a local fuel terminal infrastructure, other services we take for granted such as plowing our streets during and after snow storms would be greatly restricted. We look forward to working with the City to revitalize our waterways and initiate a plan to develop an ongoing maintenance dredging program to ensure continuing economic vitality in the local fuel supply. Thank you.

JOSE SILGUARD: Good morning. I'm Jose Silguard of the Waterfront Alliance and thank you to Chair Rose and the members of this committee for the opportunity to testify this morning. I will read a brief summary of our written statement. The Port of New York and New Jersey is our gateway to international commerce supporting 336,000 jobs, larger than broadcasting and entertainment industries. With a natural harbor that is responsible for New York's preeminence as a business capital require deepening to meet the needs of modern container ships, as we've heard throughout the morning. We heard earlier also as well about the harbor-harbor deepening project managed by U.S. Army Corps of Engineers and the larger ships now calling on our port. These shipping channels require maintenance over time to ensure proper functioning. It may be unseen, but this is vital and basic transportation infrastructure just like regular repair of roads, bridges and rail. We should work for federal legislation that provides the port with its fair share of harbor maintenance trust funds to ensure that all channels including industrial waterways in Queens, Brooklyn and the Bronx can be

regularly maintained. Each year more than 200,000 cubic yards must be excavated and placed either on land or in ocean placement sites. Dredging the navigational channels is only part of the story. Small maritime businesses, arenas, shipyards and other industrial waterfront users are responsible for dredging their own berths including the connectors that link to the main channels. Finding a suitable place to dispose of dredged material has been a challenge since the mid 90s when concerns over contaminated sediments shut down dredging in the harbor. While a solution to that crisis was eventually found, there is still no long-term system in place for dealing with dredged material with fewer sites available as options for disposal. As a consequence, smaller maritime businesses in New York may be putting off dredging, moving away or shutting down entirely. These operators need more options to keep the cost of dredging and disposal down. Technical solutions to safely disposal of this material are available, but a simpler regulatory framework is needed to help drive down costs. The harbor deepening project incorporated beneficial reuse of dredged materials, as we heard earlier,

using sand to restore wetlands in Jamaica Bay, restore fish habitat in Bayonne, and others proving that economic growth and environmental protection can be complementary. These options should be accessible to every dredge independent in our harbor, and we salute EDC for working to identify opportunities to create efficiencies. Currently, beneficial use of dredged material requires a beneficial use determination evaluated on a case-by-case basis. Unfortunately, the current process is unpredictable and time consuming, which creates a disincentive to do business in New York. We salute New York State DEC's commitment funded through Empire State Development to identify solutions for dredged material management and provide guidance to permanent applicants, but a better model for long-term support is right across the river. New Jersey uses—utilizes most of its dredged material in a beneficial way under a regulatory process that provides for appropriate oversight and monitoring of the material. We urge the City to work with its partners in the state as well as our neighbors in New Jersey to develop a regional sustainable policy for dredged material for our shared waterways. This issue is

just one of several that again highlights the absence of a centralized office to advocate for water dependent uses citywide, and underscores the need for improved governance of our waterways. We continue to encourage the creation of a single local government body such as the Mayor's Office of the Waterfront to serve as a lead actor to coordinate planning efforts, studies, funding and technical assistance to waterfront users. Thank you for the opportunity to present this testimony.

CHAIRPERSON ROSE: Thank you. Thank you so much. I always want to—I—I have a desire to sort of invert the order in which hearings, our testimony is—is heard. Because had I known some of the things cited in your testimony, I would have asked questions a little differently of the agencies. But with that said, I feel that your remarks were, you know, quite elucidating and so, Captain Johansson, you were saying that terminals are closing and—and—and waterways are not being—there are waterways that are not being addressed in terms of dredging. Could you tell me, you know, specifically what waterways they are, what terminals have been negative, and what terminals have been negatively impacted?

ERIC JOHANSSON: Okay. I'm use the example of the East Chester Creek. East Chester Creek is dredged under the 1930 authorization. We were really ahead of the times. The Army Corps did another study and in the 1950 authorization it was supposed to go down an additional two feet, but we never did that one. We're still on the 1930. In addition to that, under the warder (sic) in 1986 they--they authorized an order the East Chester Creek. As a result of that, the creek started to fill from a lack of dredging, and over the period of a few years, the terminals were required then to take in more product by truck than they were by water. This made them uneconomical and eventually they all closed with the exception of the one terminal that's sitting to my left over here who was hanging on by a thread. So, you know, we had at that time when they de-authorized in 1986, over the years I'm going to roughly guess about six terminals closed, and that they were, you know, vital to that neighborhood. That is why when you go through in the Bronx you're always in a lot of traffic. It's not only just all the additional traffic that comes through that area from Port Elizabeth, Port Newark, it's also the local

area traffic that has now been forced to go by truck rather than by water. That's just a small little example of what we're talking about here and know that some of it as, you know, was said earlier, too, is some of us all fault a little, and—and I will take credit for that one. I'll take the—the hit for that one, the industry because of the reporting. You know, I did a study on East Chester Creek about five or six years ago. The Army Corps' numbers were about 720,000 tons of product. I did my own study, and by reaching out to both the—the shippers, the carriers and the consignees. So the shipper is the person sending it, the consignee is tug and barge operating carrying it and then, of course, the—the consignee is the person getting it. My numbers were close to a million tons. That's—that's a significant difference.

CHAIRPERSON ROSE: Uh-huh.

ERIC JOHANSSON: The last study done on that area the Army Corps had 350,000 tons. The number is actually almost close to about 750,000 tons. So now, those numbers don't seem significant, but they are if they start to close more and more and

more and more trucks are then required to go on the road.

CHAIRPERSON ROSE: What—what is the cause of the disparity in—in the reporting or what are the obstacles to maybe reporting? Why—why the disparity?

ERIC JOHANSSON: That's a good question. You know, a lot of people aren't even aware about the fact that the Army Corps bases a lot of what they do based on those numbers. So for some industries it's very easy to be able to calculate the tonnage, you know, like a container ship coming because those numbers are all there. In an industry where you might have a tug towing someone else's barge, nobody knows who is supposed to report it, and so we did a little seminar that the EDC actually put together over in—in the Bronx, which I thought was very enlightening, and you will see that, and I'm going out of place by saying this, a lot of people weren't aware. So the numbers are not getting reported not because of the fact that people are not purposely reporting the numbers, because it's—it's not really clear to them who is supposed to report the numbers.

CHAIRPERSON ROSE: So there—there needs to be clearly defined—a clearly defined process, and—

and identifying who should be reporting the amount of tonnage--

ERIC JOHANSSON: Right.

CHAIRPERSON ROSE: --that's--that's being--? Okay, and--and so that responsibility really lies with the Army Corps of Engineers because they are the ones that collect that data, and--and make the determination?

ERIC JOHANSSON: Correct.

CHAIRPERSON ROSE: Okay. So that's something that maybe we can--we can work with. And it seemed to be a common thread in--in your testimony--

RANDALL HINTZ: [off mic]

CHAIRPERSON ROSE: I'm sorry, you'll-- you'll have to let him--

ERIC JOHANSSON: [interposing] Yea, I--I would like to see Clark (sic) clear these. I might not be--am I not correct on this one. Just if you want us to clarify that, and I'm okay about this, you know.

RANDALL HINTZ: No, I just want to be clear that--

CHAIRPERSON ROSE: [interposing] Please identify yourself.

RANDALL HINTZ: Again, I'm Randall Hintz at the Army Corps of Engineers, Chief of the Navigation Branch for the New York District. When it comes to--comes down to waterborne commerce statistics, again, it's the terminal operator. We--we are not part of the chain that receives the information. It's collected centrally with the Waterborne Commerce Statistics. We receive the output from that, but the Army Corps does not control those Waterborne Commerce Statistics. It's up to the terminal operator--operators individually to provide that information directly to the centers on the amount of tonnage that moving through a particular terminal.

CHAIRPERSON ROSE: To provide the information to who?

RANDALL HINTZ: There's--there's a form. There's a reporting form that goes--that--that the operators have.

CHAIRPERSON ROSE: And that form goes to the Army Corps of Engineers?

RANDALL HINTZ: It does not go there. It goes to a central--I--I don't know the--the--

2 ERIC JOHANSSON: Well, it's--its an Army
3 Corps form. I don't know who collects it.

4 RANDALL HINTZ: Okay, it s the
5 Waterborne--

6 ERIC JOHANSSON: [interposing] It's not--
7 it's not in Louisiana address, it's the address--

8 RANDALL HINTZ: Okay, it's the Waterborne
9 Commerce Statistics Organization that--that collects
10 that.

11 ERIC JOHANSSON: This goes to show you
12 what's going on here.

13 CHAIRPERSON ROSE: [laughs] And then--
14 and--and that's the--the sort of the repository that
15 you go to get your statistics.

16 RANDALL HINTZ: Yes, that--that's right.

17 CHAIRPERSON ROSE: Okay.

18 RANDALL HINTZ: Those--those information--
19 that information does not come locally to the New
20 York district. It cannot generate commerce--commerce
21 numbers on local channels. It comes--it--it--we get our
22 information, the information that gets fed into the
23 budget process comes from this repository in--into--
24 it's pre-populated into our budget development
25 process.

2 CHAIRPERSON ROSE: So then we need to-to-

3 -

4 RANDALL HINTZ: [interposing] That's why
5 it's a form, as I said in my presentation.

6 CHAIRPERSON ROSE: --assess this process.

7 RANDALL HINTZ: In-in my presentation
8 that these-these operators are-are actually
9 completing this information and sending it to that
10 location. So, we capture the tonnage ships moving.

11 CHAIRPERSON ROSE: Thank you so much.

12 RANDALL HINTZ: Okay.

13 CHAIRPERSON ROSE: Thank you for
14 clarifying that, and-and one of the-it seems to be a
15 common thread in each of your testimony was that-that
16 the costs for dredging seems to be prohibitive
17 because of where the dredged material will actually
18 wind up being stored? Is that--

19 RANDALL HINTZ: [off mic] I'll let you
20 answer that.

21 ERIC JOHANSSON: Well, I'm not an expert
22 on that part about it.

23 RANDALL HINTZ: It-it is part of, you
24 know, the larger costs on what to do with the
25 dredging material and-and what the samples say and,

you know, where it has to be shipped to and, although it would be great to find other uses as EDC and the city has for some of the other dredged material, but Madam Chair, I'd like--I'd like to make, you know, two--two comments, and our waterways, which a lot of people in the city of New York don't realize how many we really have. They're truly an unused resource, and--and dealing with commerce it's the paradigm as the city has identified with the new ferry service, with Citywide Ferry. Look at how many cars or, you know, more room for people to use mass transportation that will alleviate in getting people from one place to another. It's the same time for our--making use of our waterways. There--we could take so many more trucks off the road, and--and especially in environmental justice areas as well and, you know, we have so many infrastructure issues with our bridges and tunnels. The key is to use the waterways to--to move that commerce, and as Eric had mentioned, you know, relating to perhaps other terminals or asphalts facilities or people that use the waterways now, if they should close, our infrastructure will take even a bigger hit, and--and hurt the programs like Vision Zero and--and our emissions issues and so on. And the

other point I wanted to make is that not every waterway is similar to allowing huge passenger ships, you know, come into port where you need 50-foot or 55-foot drafts. Many of our secondary and tertiary waterways around the city might only need 12 feet or 15 feet. So, just some other food for thought there. Thank you.

CHAIRPERSON ROSE: Thank you and—and it's—it's my hope with the—the revitalization of, you know, the water—the WONAV that this is an area that we will be, you know, exploring and—and how to actually increase the utilization of the waterway especially in communities where environmental—the environmental impact has taken a toll on their health in the Bronx. They have the highest asthma rates, and there's a correlation especially to, you know, the traffic, and so I—I think that that's a valuable point, and—and one that we'll be exploring as part of—when they get the WONAV up and—and running. And—and I think—so the costs, again, I—I want to get to the cost of—of dredging. Is—is that prohibitive for some of the smaller waterways? Are they—are you able to access help from any agencies in terms of costs when dredging—a dredging project needs to be done?

RANDALL HINTZ: Yes, and--and I will give you another example to follow up on--on Eric's comments about on East Chester Creek with six terminals closing down and Sprague being the last survivor. We were able to obtain some dollars to help subsidize some--a little dredging to keep the terminal going from the state of New York, Economic Development and--and if we weren't what essentially happens years ago we would be able to bring in a--to--to keep it simple, a million gallons at a time on a barge. Now, we can only bring about 400,000 gallons at a time. Now, what does that mean? Well, it means that, you know, it needs to be dredged--

CHAIRPERSON ROSE: [interposing] That's right, uh-huh.

RANDALL HINTZ: --but also very importantly you have to move that barge more often and that the cost of moving 400,000 gallons versus one million gallons is obviously more money--

CHAIRPERSON ROSE: [interposing] Uh-huh.

RANDALL HINTZ: --which increase the price to people that have to use the fuel. So whether it's heating oil for a--a residential building or a home user, or a diesel fuel for when we deliver to the

city fleet, or the—or the MTA, it's—it's—it affects—
dredging affects a lot of different areas. So if we
have the circle, we put a lot of different areas
within that circle.

CHAIRPERSON ROSE: Okay.

RANDALL HINTZ: So we were fortunate
enough to get some money, and we're putting in some
money to keep this terminal going until—what our goal
is is to get the entire East Chester Creek
reauthorized and to—to have an ongoing [coughing]
maintenance program there every few years, and—and if
the Army Corps if we can get them to go deeper than
they have been, then maybe they don't have to come
back for five or eight years. If they keep it
shallow, maybe they have to keep it coming back every
couple of years. [background comments]

CHAIRPERSON ROSE: Thank you. Thank you
so much for your—for your testimony, and I want you
to know that we'll be looking into—into that
particular issue.

ERIC JOHANSSON: If I can—

CHAIRPERSON ROSE: yes.

ERIC JOHANSSON: I just want to clarify one thing. It is an Army Corps form and actually I had to look it up on my phone.

CHAIRPERSON ROSE: Uh-huh.

ERIC JOHANSSON: It's the Army Corps form that E-N--hold on. I just had it here. EN Form 20-3925 and the instructions are say fill it, and so it says the Army Corps of Engineers Waterborne Commerce Statistical Center in New Orleans, Louisiana. So that's where it all goes it but it is--it's an Army Corps operation so--

CHAIRPERSON ROSE: Okay. Thank you so much. Thank you, gentlemen.

ERIC JOHANSSON: Thank you.

RANDALL HINTZ: Thank you.

CHAIRPERSON ROSE: Have a good, and our next and last panel will be Harold Dorfman from West 74th Street Marina.

HAROLD DORFMAN: 79th.

CHAIRPERSON ROSE: Oh, 79th. Sorry, and John Quadrozzi from the Quadrozzi Urban Enterprises. [background comments] So gentlemen Do you affirm to-- oh, I'll let you take a seat. Do you affirm to tell

2 the truth, the whole truth and nothing but the truth
3 in our testimony before this committee today?

4 PANEL MEMBERS: [in unison] I do.

5 CHAIRPERSON ROSE: Okay. Thank you.
6 State your name and affiliation and begin and speak
7 into the mic.

8 HAROLD DORFMAN: My name is Harold
9 Dorfman. I am a resident of the Bronx. I live in
10 Riverdale, and I'm here to speak about the commerce
11 in regards to recreational boaters in New York City>
12 I've been a resident of New York City all life
13 growing up on Jamaica Bay and boating from Jamaica
14 Bay now up all the way to New Rochelle. I've
15 finally after many decades received a permit to keep
16 a boat the 79th Street Marina after being a permittee
17 of Dyckman Marina and Hammond Cover Marina. All these
18 are city-owned or leased to operator marinas. I was
19 very fortunate to be able to acquire a boat last year
20 after paying for a slip for four seasons and not
21 being able to use the marina because I waited for ten
22 years to finally get a permit to keep a boat that
23 marina, and I was given the deepest slip, and I went
24 out there at low tide. To my disappointment that
25 marina was silted up that I could basically step off

the dock into the mud, and the deepest slip was only four feet. And--and what I'm here to basically say is that the city has such resources and I'm an architect. I've worked for the Army Corps of Engineers as a student while I was--while I was a student at Pratt Institute here in New York City. I also have a merchant marine's license. So I'm well versed in terms of navigation. I've been a member of the Manhattan Yacht Club or Salmon Club down in Battery Park and recreational sailing has been a tremendous part of this city since the late '80s when waterfront zoning was enacted in the city, and people bought recreational boating. Now, under the Brooklyn Bridge there's more recreational boating that's happening. Just on Sunday I sailed past Brother Island. So I'm very versed in the--the 475 miles of coastline that this city has. What we need is to find a way to maintain the marinas that we have that were granted to us by the people that were here before us. They gave us these marinas as gifts, and we just need to maintain them. The City just spent a tremendous amount of money to upgrade Pier A West 79th Street. There's no Pier B. It's open to the south end. The--the sludge comes down the river. I

believe the gentleman that was sitting here from DEC the just had a dredging project from 96th Street from the combined sewer out falls. The CSO is the—and I believe that some off that silt probably washed into 79th Street and keeps contributing to that marina. I don't—I've been working with—with Seth here from the Parks Department and Nate Grove who was sitting here. I've been working with Andrew Cohen's Office, my local Councilman. I've also been working with Helen Rosenthal's office, and Seth Fitzpatrick her Legislative Director, and we've been trying to find a way. We've been I—I believe Nate Grove and Seth just addressed a letter to the Army Corps of Engineers and we received a response that this too small a commerce generating project. So it's something I'd like to appeal in the hope that one day instead of just paying monies for a permit, that I can actually keep a boat at 79th Street. So I don't know the exact process to get to the Council. I know you are the Chair of the Waterfront Committee and we've been even trying to just get money for testing so that we can get that underway because I understand and you've heard from the Army Corps of Engineers. I'm just a citizen and I'm here to put my time in, and I've

served on a lot of committees with the Building Department as well as other city agencies when I think there's something that—some wrong that needs to be righted. So I'm just appealing to you as a council person to see maybe we can move this off for step one, and then it's not just West 79th Street, Flushing Marina. I mean there are hundreds if not thousands if not tens of thousands of boaters from kayakers all the way up to large, you know, pleasure crafts let's call it because we do generate commerce by needing recreational facilities, by maintenance facilities, by dock storage facilities all around the city. So I thank you for hearing me out, and I just hope that something could be done to facilitated that.

CHAIRPERSON ROSE: Are these marinas that you're talking about, are they Parks Department affiliated?

HAROLD DORFMAN: These—the ones on West 79th Street in this marina is an owned and operated marina that's owned by the city of New York.

CHAIRPERSON ROSE: It is?

HAROLD DORFMAN: Yes.

2 CHAIRPERSON ROSE: Okay, thank you.

3 [pause] Can you—is your mic on?

4 JOHN QUADROZZI: I don't know. [coughs]

5 Is that better?

6 CHAIRPERSON ROSE: Yes, much. Thank you.

7 HAROLD DORFMAN:

8 JOHN QUADROZZI: Okay, so it be John
9 Quadrozzi representing Quadrozzi Urban Enterprises.
10 We're a marketing and development company for Gowanus
11 Bay Terminal, and just to clarify, there's been speak
12 of—of Gowanus in this panel. The Gowanus Bay is
13 outside of Gowanus Canal, very distinct from the
14 Gowanus Canal, which is a narrow waterway very
15 shallow and—and as—as was stated here, only will be
16 dredged to a few feet for barge type traffic.
17 Whereas the Gowanus Bay is a very significant
18 waterway. In fact, it is—it is probably the most
19 active body of water for industrial maritime in
20 Brooklyn. It's—it's, if you know, about it, but
21 it's—it's every pier is working. The difference
22 there between what is more publicized like the
23 Brooklyn Army Terminal—and—and the Red Hook Container
24 Port and the SBMT is these are public facilities so
25 that they get a lot more recognition, large—large in—

in size as an individual facility, but the Gowanus Bay itself is a fully active waterfront. So-so-Gowanus Bay we-we-myself, for example, I've been operating on the Gowanus Bay since 1985. So I started when I was young, but I've been unloading boats since I was a boy. My family was in the sand and gravel business, but in 1985 we started an import business for cement, and we have supplied cement to some of the highest profiled projects in Manhattan, Trump World Tower, the Freedom Tower and so forth were done through cement that was imported right here on Gowanus Bay. We took over a facility called Gowanus Bay Terminal in 1997, which was dormant at the time. We've been handling materials like slag, which is a beneficial reused material. It looks just like cement, but it's made from the steel fabrication. The ash, which would have been a waste is beneficially used and turned into a Cementitious product that replaces cement. So not only is it a beneficial reused material, but it replaces cement, which is one of the most energy intensive materials to make. We also handle rock salt at the terminal. I've been doing that for a number of years. These vessels, which are larger in size, are off-loaded,

large vessels off-loaded in the harbor into barges and then shuttled into our terminal because of limited depth issues. The—the site I want to mention Brand Lander had spoke of the Superfund site the—the EPA ultimately rejected was our site. We have 33 acres of underwater land at the facility with pier, bulkhead and dredging—filling lights. It was the—the—it was going to be for about 10 acres of cubic fill called a CDF, a Confined Disposable Facility for the EPA and the Gowanus Canal site. It was ultimately rejected not because the site wasn't suitable, but because people were concerned that the EPA couldn't properly safeguard the community. We're seeking to use this facility for—for dredge retention. This not only provides a solution to the dredge problem in the harbor, but right there in the Gowanus Bay, which we need. The—what better place to take the dredge material from and placed in the same body of water affecting the same habitat instead of somewhere else. It also would afford us the ability to get out to our deeper water in the terminal to be able to—to be able to facilitate big draft ships—ships. I'm sorry. Recently, we just came upon a contract to bring in large vessels, a Handymax and

Paramax size vessel into the terminals. We were going to use a floating pier to get out to our bulkhead line where we have the deeper water to accommodate it only to find that the Gowanus Bay has silted in significantly and now we can't get the ships into our-terminal. We had contact with the Corps of Engineers to notify them about this knowing that they are the responsible entity to maintain the-the channels. They first referred us to the Port Authority of New York, but we told them no we're no longer owned by the Port Authority. It was purchased in the '90s and now it's part of the facility and we're coming to you for that service. We haven't gotten any return phone calls or follow up. It's been going on for a month. We're hoping that after this panel discussion maybe we'll get a little attention. The-the facility can handle up to a million cubic yards of dredged materials, and-and as I stated, that could be a beneficial reuse allowing us to get out to the-the deeper water within our facility. The-the other thing that I want to mention is that we are a proactive facility engaged in community projects and interests. We have a component that we want to create for a public access

at the terminal. We call it the edge of industry because we're not looking to compromise the terminal. We want to have the public be aware of a working waterfront and be able to sit alongside a working waterfront, and see how it works, and also educate the public into how infrastructure provides for them as well. We're also looking into utilizing techniques to create marine habitat-inducting systems so that we're—as we build the terminal, the terminal becomes a benefit to the estuary that it once was. We are also looking into the ability to engage in CSO retention. It's a major outfall that comes through our property. The—the one that actually comes from the whole Gowanus Canal area and then up to the Brooklyn Navy Yard. So it turns at our facility, and whenever there is a heavy downfall, empties out into our facility. So we've had engineers look at the facility as a—a pre-cleaning location for this water so as it's discharging out into the bay, it can be pre-cleaned, retrained—retained, pre-cleaned and then released in—in a responsible manner. Some of the things that will be done with these materials on the property once we get them the—the—the sand and the stone is we're looking to put in manufacturing of the

ice fault and--and concrete. So this is a--as far as the way the water is used, this is a win-win because we're not only bringing in materials in large capacity and taking trucks off the road as other people have spoken, but that secondary handling of that material going to smaller manufacturing sites as illuminated (sic) because we can do it right on site. So, you know, the long and short we need the Gowanus Bay dredged to ensure economic Viability to be able to do these great things--and--and one--one--the gentleman that spoke a little before me he talked about how does the cost go up in--in shipping when you cannot fully load the vessel or you have to charter a smaller vessel to come in. So it not only drives the price of the material up, but it--it destroys the economic vitality of the--of the facility the terminal because if the terminal cannot be competitive to be able to get in these ships, they'll go elsewhere. So more of our--our--these--these waterfront terminal assets will fall to speculation, housing and thee like that--that we see everywhere.

CHAIRPERSON ROSE: Thank you so much for your testimony, and do I understand you correctly that you would also want to be COS for--

1 JOHN QUADROZZI: It's C--

2 CHAIRPERSON ROSE: CSO?

3 JOHN QUADROZZI: The CDF, Confined
4 Disposal Facility, the CDF.

5 CHAIRPERSON ROSE: Okay. [laughs] Okay.

6 JOHN QUADROZZI: I didn't mean to say
7 that you said that wrong, but yes.

8 CHAIRPERSON ROSE: Would you use--

9 JOHN QUADROZZI: [interposing] It's
10 called a Confined Disposal Facility, CDF.

11 CHAIRPERSON ROSE: [interposing] CDF.
12 Okay.

13 JOHN QUADROZZI: Confined Disposal
14 Facility. So yes we were the---we were the
15 identified CDF for the EPA Gowanus Canal dredge
16 material. Rejected because of the--the public's
17 concern of--of the--the--

18 CHAIRPERSON ROSE: [interposing] The
19 toxins.

20 JOHN QUADROZZI: --the toxic condition
21 of the material and their ability to control that,
22 but yes, we--we would--we would like to be the CDF as
23 well. We have a lot of underwater lands with rights
24 to fill, which was way the EPA chose us, that are not
25

significant enough for the shipping, and it would be more worthwhile for us to fill that and create more upland for the industrial type uses that we have. A lot of stockpiling of open material requires a lot of open land.

CHAIRPERSON ROSE: Thank you so much.

JOHN QUADROZZI: You're welcome.

CHAIRPERSON ROSE: And again, you know, this is a--an important issue and I'm sure that we'll be--it will be one of the agenda items when we get the WONAV up and running.

JOHN QUADROZZI: Okay.

CHAIRPERSON ROSE: So thank you. Thank you for your testimony today, and I'd like to now adjourn this meeting at 12:20. [gavel] This meeting is adjourned. Thank you for coming.

C E R T I F I C A T E

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



Date May 2, 2017