

February 26, 2008  
1171 Vyse Ave.  
Bronx, NY 10459

To Whom It May Concern:

I, Jose H. Rivera, owner of the above-mentioned property, gratefully regret not being able to attend this meeting/hearing, in regards to the current sewer-drainage, difficulties that all of the home owners, in my neighborhood (including myself) have been having, since the properties were purchased, back in 1992.

For the past 16 years, that I have lived at my home myself and my family have had to deal with continuous and numerous property damage, (almost every 3 months, that is about 4 times a year), to the floor, the property ground foundation, as well as the interior of my home, due to the poor drainage system that this houses are equipped with.

In numerous occasions, the toilets have overflowed and feces have gushed out of the toilets, when the system is backed up. Anytime that the system is not drained/cleaned in a timely manner, the there is a horrendous smell that makes it very difficult to be at my own home. In the past, I have had to hire private contractors, to come and clean the system, and make repairs to the foundation, due to the severe water damage that the system creates, if not drained properly.

More recently (Nov. 2007) the sewer system became clogged, and the entire little basement area underneath my home was entirely covered with feces, and God knows what other hazardous material, which again I had be cleaned/fixed by a private contractor. I am a senior citizen, that is getting ready for retirement, and due to my current work schedule and debilitating health condition, I am unable to attend this meeting.

I would greatly appreciate it, if the Mayor of the City of New York, our local assembly representatives, local congress man, and other politicians, could assist all of the homeowners, in my neighborhood, to permanently fix this problem, and connect our sewer system to the city's lines, in order for all of us in our community to stop having this reoccurring problem, that is not only decreasing the value of our homes, but it is also putting our health, financial resources, and quality of life on the line.

Sincerely,

Jose H. Rivera

Submitted by  
Vanessa C. Wallace, Pres.  
WFHHA

## micro ecologies inc.

Industrial Hygienists and Environmental Health Investigators

September 12, 2002

Yolanda Laracuate  
1163 West Farms Road  
Bronx, NY 10459

Dear Ms. Laracuate:

Enclosed are the P&K Microbiology laboratory reports related to the testing performed at your residence located at 1163 West Farms Road, Bronx, NY.

The laboratory results (report # 020821-097) related to the air samples taken in the dining room, basement, and outdoors indicate contaminated levels of fungi in the indoor environment. The outdoor levels of total fungi (2492 structures/m<sup>3</sup>) were at the high end of the normal range, and the predominant species in the outdoor air was *Cladosporium*. The indoor levels in the dining room (14,876 structures/m<sup>3</sup>) were approximately 6 times higher than outdoors. The dining room sample was predominated by *Aspergillus/Penicillium*-like structures, and included the presence of *Stachybotrys*, a highly toxic mold. Based upon these results as interpreted in compliance with professional standards, we consider the indoor air quality to be unacceptable and to pose a risk to occupants by inhalation. The indoor levels in the basement (64,680 structures/m<sup>3</sup>) were approximately 25 times higher than outdoor levels and are amongst the highest levels we have ever recorded. The basement air is also predominated by *Aspergillus/Penicillium*-like structures and included significant levels of *Stachybotrys*. Based on these results, we consider the basement air to be a severe health hazard to occupants. Furthermore, it is evident from these laboratory results that the basement air infiltrates into the living areas of the house. This will also result in the potential for mold contamination in the forced air heating system components and on other surfaces within the house that become damp such as bathrooms. Information concerning potential adverse health effects related to exposure to the fungi identified is enclosed.

We took a sample of the scale that covered the basement floor in the front of the house and the enclosed P&K Microbiology laboratory report (report # 020821-063) indicates that this scale contained contaminated levels of fungi (2,637,580 cfu/in<sup>2</sup>) and bacteria (31,376 cfu/in<sup>2</sup>). The fungal growth is predominated by *Aspergillus* species.

At the completion of the remediation work we are currently performing, clearance air samples should be taken to determine if additional remediation work may be required to fully abate these mold hazards.

micro ecologies inc: 141 east 61st street, 2nd floor ♦ new york, ny 10021 ♦ tel: (212) 755-3265 ♦ fax: (212) 755-4848  
website: www.microecologies.com ♦ e-mail: microecologies@aol.com

Industrial Hygienists and Environmental Investigators ♦ HVAC Hygiene ♦ Certified Hazard Abatement

Please call to discuss or if we can be of further service.

Sincerely,

William Sothern  
Industrial Hygienist and General Manager

Enclosures



## **Borough President Adolfo Carrion, Jr.**

**Comments of Bronx Borough President Adolfo Carrion, Jr.  
New York City Council  
Housing & Buildings Committee Hearing  
Int. No. 657  
February 28, 2008**

Good morning Chairman Dilan and members of the Housing and Buildings Committee. I would like to first thank Councilmember Maria del Carmen Arroyo for inviting me here today to testify on behalf of Intro. #657, which would amend the Administrative Code to require that one and two family homes be directly connected to the public sewer system.

Following the devastation to many New York City neighborhoods during the 1960's and 1970's, the City launched an aggressive housing plan to repopulate and reinvigorate these communities. Out of this, the New York City Housing Partnership was born, developing one, two and three-family homes to not only bring back people to the City, but give them an opportunity for affordable homeownership. Unfortunately, in the effort to rebuild, a common practice was allowed to take place in the development of common sewers. Aside from normal flow issues with common sewers, many were not installed properly. Some sewers were placed in "rat slabs", which laid the pipe directly into the ground, exposing it to greater natural elements.

Now ten, fifteen and twenty years later, we are seeing the impact of these sewers as they begin to fail, back-up, and crack, causing an immense burden to homeowners, many of whom are just getting by economically. For example, the 144 homeowners at Villa Maria Homes, in the Longwood neighborhood of The Bronx, were saved through involvement of the Housing Partnership Development Corporation, New York City Department of Housing Preservation and Development, and my office by pooling together over \$900,000 to repair their failing sewers. The cost to the homeowners would have been over \$6,000 each, which many cannot afford. We are facing a similar situation with the West Farms Homeowners Association. Councilmember Arroyo's leadership in these efforts has been invaluable.

These Code amendments will decrease the possibility that such sewers will be built anywhere in the City. Common sewers have proven to be ineffective in a city as dense and unique as New York. The financial impact to homeowners and environmental impact to the surrounding neighborhoods are too great to allow these types of sewers to plague our one to three-family homes.

Thank You.

**THE BRONX  
AT WORK**

Testimony of James Roberts, P.E.  
Deputy Commissioner  
New York City Department of Environmental Protection  
before the Committee on Housing and Buildings  
Council of the City of New York  
Re: Intro. 657 – Common Sewers

City Hall, February 28, 2008

Good morning Chairman Dilan, Council Member Arroyo and Members of the Committee on Housing and Buildings. I am James Roberts, P.E., Deputy Commissioner and head of the department of Environmental Protection's (DEP's) Bureau of Water and Sewer Operations. On behalf of Commissioner Emily Lloyd, thank you for the opportunity to speak to the Committee regarding Intro. 657.

I congratulate Chairman Dilan and the prime sponsor of the legislation, Council Member Arroyo, for taking on the task of trying to prevent other homeowners from experiencing the chronic sewer back-up problems that we have seen at particular sites in their districts. In Council Member Arroyo's district, the West Farms Neighborhood Homes and the Home-Simpson houses have both had chronic sewer back-ups when other homes served by the same public sewer are unaffected. Unfortunately, there are also Brooklyn residences sponsored by the Ridgewood-Bushwick Senior Citizens Housing Corporation, on Palmetto Street in Council Member Dilan's district, which have similar, but not identical, problems as those in the Bronx.

The homes on Palmetto Street, as well as the West Farms and Home-Simpson homes have in common the fact that they are one or two-family houses fronting on a street with a public sewer. But the homes are not connected directly to the public sewer. They are each directly connected to a common internal drain. That internal drain is usually located within the private property line, a few feet from the building line and runs parallel to the public sewer, or in some instances, under the basement slabs. In theory, the internal drain receives and conveys the sanitary sewage, by gravity, to the street sewer via one connection. At the end of the internal drain, the sewage from all of the homes should flow by gravity into the street sewer. The maintenance and repair of the internal drain are the responsibility of the person who owns it, typically an association, created for the purpose of maintaining such common property, and comprising all the property owners who discharge into the internal drain. Generally speaking, DEP's jurisdiction includes all sewers in the streets and house sewer connections to them. All on-site internal drains and plumbing are under the jurisdiction of the Department of Buildings.

Common drains are essentially a cost-saving measure that eliminates the expense of excavating in the street as well as other associated costs, such as permits, street repaving, and utility interferences. The cost of individual sewer lines also includes laying a series of pipes extending from each of the homes to the public sewer, which is usually in the middle of the street, fifty feet or more away. By having only one connection to the public sewer in the middle of the street, a builder can significantly reduce the overall cost of construction.

All other things being equal, DEP prefers individual sewer house connections for each home, which unambiguously places responsibility for maintenance, repair and replacement on a single homeowner. However, DEP recognizes there are many instances of common internal drains and connections that are currently allowed and are appropriate and practical. Consequently, outright prohibition of all common internal drains may unnecessarily limit reasonable building practice. We further believe that the goal of this legislation can be met with increased review and development of standards for the use of common internal drains.

As Council Members Arroyo and Dilan know well, DEP's experience with the West Farms, Home-Simpson and Ridgewood-Bushwick sites indicates that the problems are caused primarily by internal plumbing conditions. Our experience here is based on numerous inspections where internal problems were observed even when the street sewer was functioning properly.

In conclusion we do not recommend banning all "common" internal drains, but rather suggest restriction on and closer scrutiny of their use. For example, building a common drain under a concrete slab beneath multiple dwellings is poor construction practice that presents multiple maintenance and ownership issues.

DEP is certainly willing to work with the Council to tailor provisions of the bill so that we can protect future residents from the problems faced by the residents at the West Farms, Home-Simpson and Palmetto houses. As DEP has responded to the problems at those sites, our staff has benefited from a very cooperative relationship with our colleagues at HPD and with Council

Members Dilan, Arroyo and their staffs. On behalf of Commissioner Lloyd,  
I want to thank Commissioner Donovan and his staff as well the Council  
Members for their partnership in trying to resolve these problems.