

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON ENVIRONMENTAL PROTECTION

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April 7, 2009
Start: 1:31pm
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HELD AT: Council Chambers
City Hall

B E F O R E:

JAMES F. GENNARO
Chairperson

COUNCIL MEMBERS:

Council Member Elizabeth Crowley
Council Member Bill DeBlasio
Council Member Mathieu Eugene
Council Member G. Oliver Koppell
Council Member Ken Ulrich
Council Member Peter F. Vallone, Jr.
Council Member Thomas White, Jr.

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

Carter H. Strickland, III
Senior Policy Advisor for Air and Water
Mayor's Office of Long Term Planning and
Sustainability

Angela Licata
Deputy Commissioner of the Bureau of Environmental
Planning and Analysis
Department of Environmental Protection

Aaron Koch
Office of Long Term Planning and Sustainability

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Robert Altman
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Lawrence Rosano
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Larry Levine
Project Attorney, Member
National Resources Defense Council, S.W.I.M. Coalition

Dawn Henning
Environmental Planner
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Kate Zidar
Member
North Brooklyn Compost Project, S.W.I.M. Coalition

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

Paul Mankiewicz

Executive Director, Board Member, Member
Gaia Institute, New York City Soil and Water
Conservation District, S.W.I.M. Coalition

Adam Batnick

Member
Sustainable South Bronx, S.W.I.M. Coalition

CHAIRPERSON GENNARO: Sergeant, are we ready? Thank you. I'm just setting my phone on silent. I guess while I'm setting my phone to silent, I'd ask other people to do the same thing. There we go, vibrate. There you go, done.

Good afternoon I'm New York City Councilman Jim Gennaro, Chairman of the Committee on Environmental Protection. We're here today to have an oversight hearing on this document right here. T.V, a look at that, there you go. PlaNYC Sustainable Stormwater Management Plan for 2008 that was drafted pursuant to a City Council bill. We are joined by Council Member Oliver Koppell from the Bronx and Council Member Eric Ulrich from Queens, brand new Council Member. This is his maiden voyage with this committee so let's give Eric a round of applause.

[Applause]

I'm happy to have more people from Queens on the committee and away we go.

Stormwater management is an ongoing challenge in New York City. 44 inches of rain fall into our dense urban landscape every year. Much of that water runs off the buildings and pavements and it

lands in and flows into our stormwater drains. We all know that.

Throughout most of this city, sewage and stormwater combine in the same pipes before being transported to one of the 14 waste water pollution control plants that treat the water. Because of the limited capacity of the combined sewer and stormwater system, however, these pipes often fill up during wet weather. A combination of raw sewage and stormwater overflow into our waterways at outfalls at more than 400 locations.

The city has invested billions of dollars in infrastructure to help deal with this problem and is continuing to put more money into that. However, a critical part of dealing with the city's combined sewer overflow or CSO problem is to limit the amount of stormwater that enters the system in the first place. Rather than build very expensive tanks to store water that goes into drains, so called source controls capture the water in a variety of ways. Water is absorbed by soil and plants in planted areas, in green roofs obtained temporarily through devices such as blue

1 roofs. Dry wells are allowed to infiltrate
2 through the soil through the use of permeable
3 pavement and cobblestones or other materials.
4

5 Local law 5 of 2008 was passed by
6 this committee to encourage the sustainable
7 management of stormwater in the city. As a result
8 the office of Long Term Planning and
9 Sustainability released its Sustainable Stormwater
10 Management Plan in December of last year. The
11 plan includes ten major initiatives that are
12 intended to divert one billion gallons, one
13 billion with a B, one billion gallons of
14 stormwater away from the stormwater drains each
15 year using source controls. The plan includes new
16 design standards and number of pilot projects that
17 will give us information about the feasibility of
18 using a variety of stormwater management
19 technologies in New York City.

20 The plan is presented as a living
21 document that will change in response to the
22 success of the policies in pilot projects it
23 includes. The committee has a strong interest in
24 staying involved in the plan's implementation s it
25 adapts to new information and changing

1
2 circumstances.

3 One of the major considerations
4 that will determine how the plan is implemented is
5 the funding available for the construction and
6 maintenance of new types of source controls.
7 We're particularly interested in hearing about the
8 current plans for funding initiatives and about
9 how the initiatives within the plan will be
10 prioritized in a world of limited funding.

11 We are proud to have been involved
12 in creating this plan. We look forward to
13 continuing to work with the administration as it
14 moves forward on this. We'll be hearing from the
15 administration. We'll also be hearing from
16 members of the S.W.I.M. Coalition. They are very,
17 very helpful in getting us to this good plan and
18 to this good day. We'll also have representatives
19 of the building industry who are trying to do
20 their own kind of source controls and how the city
21 can look favorable upon those policies.

22 So without further a due I'd like
23 to call the first panel. We have the slips for
24 the first panel? It's Angela Licata from DEP.
25 Angela, it's a pleasure to have you with us here

1
2 today. Carter Strickland from the Mayor's of Long
3 Term Planning and Sustainability and we have
4 another slip for Angela. So Angela you have two
5 pieces of paper here and pleasure to have you.

6 While the panel is getting itself
7 set I'd like to thank the staff that helped put
8 this hearing together. Although a lot of the
9 heavy lifting for this hearing was done by Siobhan
10 Watson, the Policy Analyst for the Committee.

11 Thank you Siobhan. We have the counsel to the
12 committee, Samara Swanson, thank you Samara. I
13 have my own legislative director, Acosta
14 Constantanita, thank you Costa. We're being
15 joined by Council Member Eugene, a pleasure to
16 have you Council Member.

17 I want to thank the administration
18 for being here today, for working so cooperatively
19 with the Council in the development of this plan,
20 for working with us on Local Law 5 that led up to
21 the creation of this plan; a pleasure to have you
22 here today. The counsel to the committee will
23 swear in the panel. Is that Koch? Aaron Koch
24 from the Mayor's Office of Long Term Planning and
25 Sustainability. Thank you Aaron for being here.

The counsel to the committee will swear in the panel. Then you can state your names for the record and proceed with your good testimony.

COUNSEL: Please raise your right hands. Do you swear, affirm to tell the truth, the whole truth and nothing but the truth today?

ALL: Yes.

COUNSEL: Thank you.

CARTER STRICKLAND: Good afternoon Chairman Gennaro and committee members. My name is Carter Strickland and I am a senior policy advisor with the Mayor's Office of Long Term Planning and Sustainability. I'm joined today by Angela Licata, Deputy Commissioner of the Bureau of Environmental Planning and Analysis in the Department of Environmental Protection and I'm also joined by Aaron Koch from my office.

We are grateful for the opportunity to speak to you today about the city's Sustainable Stormwater Management Plan and the administration's multi faceted approach to improving water quality by reducing combined sewer overflows or CSOs and other sources of pollution to our water ways.

The administration supports the appropriate use of source controls, also known as best management practices, BMPs, green infrastructure or low impact development. And looks forward to working with the Council on pursuing onsite management of stormwater and other innovative techniques to improve water quality.

Last year under the leadership of Chairman Gennaro and this committee and working closely with the administration the Council passed introduction 630. The Mayor signed Local Law 5 of 2008, which required the administration to prepare a stormwater management plan to analyze the costs, benefits and feasibility of certain measures to control stormwater near its source, where rain falls on all permeable surfaces.

Local Law 5 also required the administration to consider a range of policies to implement those measures and improvements in notifying the public about combined sewer overflows. The views of the general public were to be solicited and considered through public meeting and a formal comment period. And I assure you, that happened.

CHAIRPERSON GENNARO: Thank you.

Local Law 5 took place along the parallel efforts. PlaNYC adopts the following water quality by reducing preserving natural areas to such a

degree that 90% of our waterways will be open to recreation. One significant obstacle to that goal is the discharge of billions of gallons of CSOs every year when rainfall overwhelms our sewers. Mandatory capital plan for hard infrastructure solutions to improve water quality has resulted in DP's construction of detention tanks in Flushing Meadow's Park, a basin that will capture over two billion gallons of CSOs per year when completed, the upgrade of several pumping stations and the construction of additional and larger sewers among other things. The full infrastructure build out currently envisioned in DP's long term water shed water body facility plans, which will lead ultimately to all plans, will increase CSO capture rates to 75%.

To implement complimentary approaches to intercept run off before it reaches sewers, PlaNYC launched an inter agency DEP task force in May 2007. The task force had the benefit of considering the October 2007 Jamaica Bay Water shed protection plan created by DEP Local Law 71,m which assessed the costs ad benefits of source controls and proposed several pilot projects.

Other related initiatives in PlaNYC include Million Tree in initiative, promotion of green, permeable open spaces throughout the city, expansion of Blue Belt and the adoption of Green Roof Tax Credit.

My testimony today will cover two broad topics. First I will discuss the Sustainable Stormwater Management Plan's comprehensive analysis of the citywide feasibility of source controls. This analysis is the plan's principal contribution to the recent and nationwide effort to adopt green infrastructure. Second, I will discuss the plan's framework for citywide implementation for source controls and the next steps that we are taking.

The plan's analysis established that source controls may be a cost effective stormwater solution, even in New York City's ultra urban environment where we lack space for similar style solutions or even the ability to infiltrate ground water in areas of dense underground infrastructure. Exhaustive details of our analysis are available in the online appendix so I will recite only the major points and then will

obviously be open for questions that you may have later.

To direct our efforts, we conducted a land use analysis as our first step to determine where source controls could be placed. Major opportunities are provided on buildings and lots which represent 46% of our impervious area, the right of way which represents about 37% of our impervious area and open space, which is only 5% of our impervious area but 13% of our land area and where it is a possible place to absorb stormwater from surrounding roadways and buildings.

The development of these land use calculations required extensive adjustments in available electronic maps. Refined analysis placement and design of source controls will depend in turn upon access to more accurate and detailed electronic maps of landscape features, something we are starting to grapple with as we cite pilot projects. We next determine which source controls match up best with these geographic areas given other physical limitations such as depth of groundwater or bedrock.

The specific techniques considered included blue roofs or rooftop detention systems, green roofs, rain barrels, cisterns, permeable pavements and vegetative controls such as tree pits, swales and green streets. We developed costs for different source controls based on engineering estimates of components, installation costs and maintenance requirements. These were collaborated by a thorough nationwide literature search, which is included in our appendix. Our cost estimates varied widely from a low of 16 cents per gallon of stormwater retained or detained by blue roofs under a two inch standard that we use to a high of 3,033 cents per gallon for green roofs on a life cycle basis, that includes annual maintenance costs.

We do note in the plan and of course state clearly here that it may be that a consideration of non stormwater benefits would change these costs figures or conclusions. There are many ongoing research projects to obtain data about these benefits to complete existing research that's been conducted principally about street trees and other benefits that they have on the

urban heat island and - - of the city.

The plan's overall conclusion, however, is that source controls may be more cost effective than hard infrastructure solutions, particularly storage storm wells that will require deep excavation if they are built. In addition, buried end of pipe installations provide no benefit to the public when not in use unlike green streets or other vegetative installations.

Finally we analyzed the costs and benefits of various networks of source controls under different scenarios. In the buildings and lots category we assessed performance standards for new developments, performance standards for existing buildings and low and medium density residential controls such as green barrels and cisterns. In the right of way we assessed certain road reconstruction design standards, sidewalk design standards and a right of way build out, as we called it.

The technological source controls that we assessed in the right of way included permeable concrete sidewalks, permeable paving in the travel lane of one way streets and sidewalk

green gardens in two way streets. Logistical or operational concerns, particularly in the presence of underground structures and maintenance may limit the feasibility or location of these technologies.

In the open space category we assessed modified green streets and drainage wells. Of necessity we limited our analysis to 24 separate water sheds in combined sewer areas only. We developed estimates of stormwater capture rates from the storage capacity of each source control under certain assumptions about the frequency and quality of maintenance as well as critical assumptions about the aggregate landscape penetration under each scenario. And that's a critical point that we set out in our plan but I'll emphasize it here; small controls make sense only if adopted widely and that being throughout.

On a citywide basis, our estimates of the cost effectiveness of each scenario range from 9 cents per gallon for performance standards in new developments to over 80 cents per gallon for retrofitting half the right of way. The exact relationship between gallons of stormwater run off

retained or detained and a corresponding reduction in CSOs is not yet established. Based on this analysis, the plan adopted implementation framework with the goal of enacting policies that will create a network of source controls to detain or capture over one billion additional gallons of stormwater annually when fully implemented.

First the city is to implement the most cost effective and feasible source controls as the first element of our plan. These include the benefits of ongoing PlaNYC green initiatives including additional street trees, open space and park trees, green streets, the green roof tax abatement, parking lots with drainage requirements, the plaza program. The expansion of the blue belt, the conversion of asphalt playgrounds to turf fields with green new features. The conversion of schoolyards to playgrounds with planted areas and drainage features and protecting wet lands. All these initiatives are underway. We will continue implementation of ongoing source control efforts such as public design standards, zoning regulations, planted trees in public plazas, a

1
2 fixture rebate program and coordination of
3 construction specifications.

4 We will also establish new design
5 guidelines for public projects. We will change
6 our sewer regulations and codes to adopt
7 performance standards for new construction; work
8 that is ongoing right now. Finally we will
9 improve public notifications of CSOs by installing
10 433 new redesigned signs and also use the internet
11 and other methods to provide alerts.

12 Second, the city will resolve the
13 feasibility of promising technology. We will
14 complete demonstration projects that will
15 establish the costs and benefits of source control
16 under vigorous testing and real world applications
17 in New York City, not another city, New York City.
18 We have a unique climate and land use
19 considerations. We are launching and are about to
20 launch over 0 different source control pilots. We
21 will continue planning efforts also to resolve
22 outstanding issues regarding long term maintenance
23 obligations, sidewalk source controls, performance
24 standards on existing buildings and protocols for
25 public projects.

1
2 Third and finally the city will
3 explore funding options for source controls.
4 These include federal stimulus monies this year as
5 well as other grant programs going forward. In
6 addition, the city is undertaking a stormwater
7 rate study that will assess pricing for stormwater
8 services.

9 To fully implement the plan we will
10 of course have to track, monitor and report on the
11 performance of green infrastructure, this will
12 involve continued public outreach and possibly
13 public/private partnerships for the maintenance of
14 green infrastructure and public areas. In short,
15 there is much to do before our next report under
16 Local Law 5 is due to the Council in 2010. Thank
17 you for the opportunity to testify about the
18 Sustainable Stormwater Management Plan and to
19 share the administration's planned next steps to
20 address stormwater issues. At this time we would
21 be happy to answer any questions that you might
22 have.

23 CHAIRPERSON GENNARO: Thank you.
24 Thank you Carter. Appreciate your testimony. Let
25 me just recognize some of the Council Members that

1
2 have joined us. We're joined by Council Member
3 Koppell, I don't know if I introduced you earlier?

4 COUNCIL MEMBER KOPPELL: Yes.

5 CHAIRPERSON GENNARO: I did.

6 COUNCIL MEMBER KOPPELL: Thank you
7 for thinking of me twice.

8 CHAIRPERSON GENNARO: Okay. That
9 means I have to do Eric again, too. So it's Eric
10 II, no applause. Okay. Council Member Crowley,
11 good to see you Liz. We got a lot of Council
12 Members from Queens on the committee, that's a
13 good thing. I guess there's four, Vallone, five,
14 Tom White was here. Queens does well on this
15 committee and we're also joined by Council Member
16 Bill DeBlasio, briefly. We appreciate him being
17 here with his busy schedule. And I have some
18 prepared questions from staff and I also have some
19 of my own.

20 We'll just talk just a little bit
21 about the water and waste water rate study that is
22 going to make an assessment of pricing for
23 stormwater services and I would imagine to try to
24 create some kind of incentives for people to put
25 less into the sewer. So if you can tell me a

1
2 little bit about what you envision with regard to
3 this water and waste water rate study and what
4 would come out of that.

5 ANGELA LICATTA: I'd be happy to
6 address that.

7 CHAIRPERSON GENNARO: Sure. Angela
8 just state your name for the record, Angela.

9 MS. LICATA: Angela Licata, Deputy
10 Commissioner New York City DEP. The water rate
11 study that the Department is conducting currently
12 is a comprehensive analysis of various alternative
13 rate structures that are being utilized by other
14 water providers throughout the country that we've
15 been looking at. What we're studying is the
16 application within New York City and to our
17 customers. One of the components of that study is
18 the assessment of a stormwater rate. So currently
19 the city charges for water consumption and for
20 waste water use and production. What this
21 contemplates is assessing a charge for stormwater
22 as well just as a component of the charges.

23 CHAIRPERSON GENNARO: Right now you
24 get your water bill and your sewer bill as 159% or
25 whatever the number is of your water bill. So the

1
2 only thing that's metered is the water coming in,
3 right? So the sewer is 159%, that's what we have
4 now, right? Is this study part of the study that
5 came out of some of the yelling and screaming last
6 year over the rental payment and all of that and
7 how fair is it and all that kind of thing? Is
8 this that rate study?

9 MS. LICATA: It's I believe the
10 same rate study you're speaking about. It's being
11 conducted in coordination with the New York City
12 Water Board. But this is a study that we had
13 contemplated for a much longer period of time. It
14 is a more comprehensive study. It's looking at
15 stormwater rates, it's looking at fixed charges,
16 it's looking at conservation pricing so it's a
17 broader analysis. One of the rates as I have
18 mentioned that we are studying is one that would
19 assess for stormwater production.

20 Just to be clear, this is a zero
21 sum game. It's not necessarily that this would
22 bring in a new revenue stream but it would be
23 about equity within the system. So if you're
24 producing stormwater you would be assessed a fee
25 for stormwater. If you don't produce a lot of

1
2 stormwater then you're not assessed a fee for
3 production that you don't have. You might be
4 generating a lot of waste water but you may not be
5 generating a lot of stormwater.

6 The example I'm always fond of
7 using is if you're in a multi story building. You
8 may not be generating a lot of stormwater, you may
9 have imperviousness related to that building
10 itself but you don't necessarily have a big
11 parking lot as compared with the parking--

12 CHAIRPERSON GENNARO: [interposing]
13 Pardon me. I got a little confused between, I
14 guess, waste water and stormwater. Forgive me
15 because right now there is no charge for
16 stormwater.

17 MS. LICATA: There is no separate
18 break out for stormwater.

19 CHAIRPERSON GENNARO: Right. So
20 right now people pay for the water that's
21 delivered and their sanitary flow.

22 MS. LICATA: Correct, those are the
23 two calculations that we make. And we pay for our
24 stormwater costs through those charges.

25 CHAIRPERSON GENNARO: I just had a

1
2 lapse there. When is envisioned that this study
3 will be done?

4 MS. LICATA: Currently we're in the
5 midst of producing the analyses for the separate
6 and distinct rate structures that we could
7 contemplate. Then over the next several months we
8 would be talking about how do those specific
9 pieces come together and what would be sort of the
10 cumulative results of looking at various rate
11 studies. We're looking at the comprehensive
12 picture in terms of what our AMR, our automatic
13 meter reading, systems will allow and will
14 facilitate. We're looking at our customer billing
15 systems.

16 Since we're upgrading that billing
17 systems, we're looking at opportunities for that
18 billing system upgrade to allow for these types of
19 charges to be implemented over time. So we're
20 doing some comprehensive thinking and we should
21 have some results available over the next several
22 months. We've already met with some of the
23 stakeholders in separate briefings about the scope
24 of our study. So we've met with some of the folks
25 from the environmental community, we've met with

1
2 some of the housing advocates. What I envision is
3 that this would be a very long and very detailed
4 dialogue with our stakeholders and with the Water
5 board in terms of the results that we're getting
6 from the study.

7 CHAIRPERSON GENNARO: The charges
8 for stormwater that wouldn't be on any kind of
9 metered basis, obviously. It would have to be
10 some other sort of metric that you would have to
11 use to figure out how much stormwater is being
12 produced, right?

13 MS. LICATA: That's a really
14 excellent point. One of the things that we're
15 doing now is we're looking at an aerial fly over.
16 What this means is it's actually satellite imagery
17 using old jargon. What you do is you take
18 satellite imagery through infrared photography and
19 that allows us to get a better assessment of the
20 imperviousness of the city and to be able to code
21 that to a geographic information system. That is
22 a great example of a tool that will allow us the
23 diagnostics that we would need to go forward with
24 such a rate change if that's something that we
25 feel will be advantageous. And we really haven't

made decisions about this. This is really a very coarse preliminary study level of analysis.

CHAIRPERSON GENNARO: With regard to the stakeholders that are part of this conversation, could you provide a list of the people or types of people that you're reaching out to, to the Committee here, Samara Swanson. I just kind of want to know who's at the table for that conversation because it's an important conversation. Thank you.

You talk about here about the 20 or so different source control pilots. Could you just give a little brief explanation of the types of pilots that are being implemented?

AARON KOCH: Sure. Again, my name is Aaron Cook from the Mayor's office. The plan does outline a total of approximately 20 pilot programs that are going on in the city. Many of them are within DEP's control, projects that they're doing through different consent orders with the state. And other pilot programs are being done by different city agencies, our DOT and also our Parks Department are doing multiple pilot projects to test different technologies.

1 They range, many different types.
2
3 Some are looking at blue roof scenarios, how do
4 they work. Others are looking at green roofs,
5 some are looking at source controls on the right
6 of way for swales for tree pits that capture
7 stormwater. Some are looking at porous pavements
8 and others are a whole range of different
9 categories, construction wet lands and what not.
10 So there's a whole range of technologies; they are
11 detailed in the stormwater plan.

12 The real purpose for doing these is
13 to test how well these source controls work in New
14 York City, how much do they cost and what is the
15 opportunity for us moving forward to implement
16 these. What problems did we come with, with our
17 pilots. So it's really a chance for us to test a
18 whole range of different solutions. We have many
19 examples from other cities that have implemented
20 these things in Portland and San Francisco and--

21 CHAIRPERSON GENNARO: [interposing]
22 I was going to say we could probably go to school
23 on a lot of other places that have done things
24 like this and that by analogies being assessed,
25 right?

1
2 MR. KOCH: Well other places are
3 doing them and we are obviously learning lessons
4 from those. What's unique about New York in many
5 cases is since we are such an ultra urban
6 environment, w have a great concentration of
7 underground infrastructure, we have challenges
8 with bedrock, high water table, in some places
9 former manufacturing areas are contaminated lands
10 so there are unique conditions in New York City
11 that we feel are important to test. Also, New
12 York City as we all know is a more expensive
13 environment than most other cities. For us to
14 truly assess--

15 CHAIRPERSON GENNARO: [interposing]
16 I've heard that.

17 MR. KOCH: I'm sure you have. So
18 for us to truly assess what something costs, both
19 for construction but also for operations and
20 maintenance, it's important for us to test them in
21 our own city, to understand the real results here
22 before we go out and make decisions on
23 implementing widely and spending hundreds of
24 millions or billions of dollars on these
25 solutions.

CHAIRPERSON GENNARO: Thank you.

Also in your statement, Carter, you indicated, the sentence was, we will change our sewer regulations and codes to adopt performance standards for new construction. That is work that is going on right now. If you can speak to that or someone on this panel speak to that, that would be good.

MR. STRICKLAND: We, in fact, we just had an internal meeting before now. The city, it's not an easy thing to do. Recite in the plan, it is a whole promise and we look to other cities, Philadelphia in particular, for proof that it can work over time. We are assessing what we can do in a cost effective way and having internal meetings. We've got a schedule laid out in the plan. We're hoping to meet that. We're gearing towards it. And the release date this year and we're still hoping to hit that.

We're still meeting internally to decide on the best parameters of the rule and it will be enforced over time. But that is an ongoing effort that we--

CHAIRPERSON GENNARO: [interposing]
Right. But what kind of performance? You're

1
2 talking about changing regulation and codes and to
3 adopt performance standards for new construction.
4 I'm just, as someone who is not terrible familiar
5 with the kinds of performance standards you would
6 mean. What would those be? What kinds of
7 performance standards? What does that mean?

8 MR. STRICKLAND: DEP regulations
9 right now control hook up to sewer system and
10 that's what we're talking about, taking a look at
11 and addressing that they already require limited
12 capacity in sewers and on site detention. So
13 codifying that and extending that to require more
14 on site management of stormwater is the goal of
15 that standard.

16 CHAIRPERSON GENNARO: I see. Okay.
17 You mean that will be on site retention before it
18 gets released into the system?

19 MR. STRICKLAND: Right. Detention
20 or retention. Detention meaning delaying.
21 Holding back the water until the plants are able
22 to process that water. Retention meaning
23 infiltrating it into it. Permanently remaining on
24 the site.

25 CHAIRPERSON GENNARO: That kind of

1
2 opens the door to a topic that I have a particular
3 concern about that I was going to get to a little
4 later but I'll broach that now. Oliver, I know
5 you have a question. This will be my last thing
6 before I go to you and then I'm going to come back
7 for a bit more so I see here that you want to.

8 One of the things that I've been
9 trying to work with DEP and work with industry on
10 is in my capacity as Chairman of this committee
11 and trying to do everything that we can to manage
12 stormwater properly and to do on site management,
13 source controls. Is the topic of builders that
14 wish to install dry wells on their property in
15 order to manage the stormwater on site. We have
16 this whole contentious history that goes back
17 between myself and DEP, between the industry and
18 DEP regarding DEP's resistance and reluctance to
19 approve the siting of such dry wells.

20 So there is sort of like the
21 philosophical issue of DEP not believing in that
22 as a proper way to deal with stormwater. There's
23 the philosophical issue that they want things to
24 go into the pipe and not into the ground. And
25 there is a jurisdictional issue of this being

1 within the domain of the Buildings Department,
2 having been formally transferred to the Buildings
3 Department a number of years ago with Local Law 65
4 of whatever year it was in the mid to late 90s.
5

6 So we have a situation where DEP is
7 essentially going across jurisdictional lines into
8 another agency to veto their approvals of the
9 siting of dry well facilities. And indicating
10 that unless and until things are done DEP's way
11 they won't issue a sewer permit. This has been an
12 issue we've tried to deal with it. We've tried to
13 have meetings.

14 I have a letter here dated May 7,
15 2008 to the former Commissioner. That would be 11
16 months ago today, which I outlined my entire
17 position on this. I've asked for a reply. I've
18 not been replied to. I think part of the reason
19 for that is I don't think DEP wants to formally go
20 on the record and challenge what I've put on this
21 letter because I don't think they can really do
22 that. I don't think there is a challenge to what
23 I'm saying. And if there is a reasonable
24 challenge to what I put on a piece of paper 11
25 months ago that presumably they would have

1
2 indicated how wrong I was in my assertion. It's
3 not like I haven't raised this issue from time to
4 time over the last 11 months but I still get no
5 response.

6 My problem is that the city is
7 divided between the executive and the legislature,
8 both of whom are on the same page wanting to do
9 the right thing regarding source control. And
10 into the last year we've made it the official
11 policy of the City of New York in a combined way
12 through PlaNYC, through the local law that gave
13 rise to the stormwater management plan; great
14 cooperation through other elements of the
15 administration on the philosophy that we have to
16 do better regarding source controls. And we have
17 the city's environmental agency that is literally
18 jumping through hoops to impede people who want to
19 exercise reasonable source control practices like
20 dry wells. DEP is the agency that should be
21 jumping through hoops to induce people to take
22 measures to do this kind of thing.

23 As I read through your testimony it
24 seems that the most cost effective way to do
25 anything is through when something is being

1
2 constructed rather than going back and doing a
3 bunch of retrofits, ripping up the streets and
4 putting in and ripping out all the tree pits and
5 putting in new ones. It's about taking these
6 kinds of practices and building it in to our new
7 construction. We have people coming in to the
8 front door of DEP saying we want to do things like
9 this and they are denied.

10 The Chairman of the committee
11 writing letters, spending my own time trying to
12 figure out, trying to meet with people from DEP.
13 I think you've got jurisdictional problem here.
14 DEP, I think you've got a philosophical problem
15 here. I put things on pieces of paper and they
16 are ignored. So if the Chairman of this Committee
17 is being ignored, it's for damn sure the people
18 who are trying to build these things are being
19 ignored. I've given up trying to pierce the veil
20 of that part of DEP that has control over these
21 things. I'm going to the real environmental
22 policy makers, like you Carter and like you Angela
23 who are very much front and center in trying to
24 move the city forward. And while it's all well
25 and good to try to move forward, industry and

1
2 pilots and all kinds of things that we're trying
3 to do.

4 I think we have to do more to bring
5 the DEP itself on board and it shouldn't be hard
6 to do. We pay these people; they work for us.
7 They should carry out faithfully so that the
8 policies of the City of New York as articulated by
9 the Mayor through PlaNYC and as spoken by this
10 Council through the local law that gave rise to
11 this stormwater management plan. So I will step
12 down from my soap box and I will leave you to
13 comment on that. I don't know if you have a copy
14 of this letter. I believe one was made available
15 through the Mayor's office.

16 So this has been my problem I've
17 been dealing with for a couple a years. Maybe
18 it's poor manners of me to kind of dump it on you
19 but it's really time for Plan B. I'm just banging
20 my head against the wall. I'm over 50 years old
21 now so I'm trying new things. I'm trying to age
22 gracefully. I'm trying to figure out what didn't
23 work in my first 50 years and this is just one of
24 the things that didn't work. So now that I'm on
25 the wrong side of 50 I'm trying to figure out

1 things that do work. You should be honored that I
2 choice to hand this matza ball to you so there you
3 have it. Can you help me?

4 MS. LICATA: First, let me say
5 don't give up on BMPs and second let me say and
6 state for the record my sincere apologies for not
7 getting a reply to your letter. I read that
8 letter this morning. It was a well thought out
9 and well done letter.

10 CHAIRPERSON GENNARO: Thank you. I
11 thought so too.

12 MS. LICATA: So let me follow up on
13 something, which I believe to be a really
14 important distinction. The Department is very
15 much in favor and I think we have tested over time
16 detention techniques. So detention should be
17 let's slow this stormwater down, let's hold it on
18 the site a period of time and then let's
19 ultimately let it flow back into the sewer system
20 once the peak of the storm has dissipated.

21 The second technology, the one that
22 is pertaining to dry wells and other techniques,
23 frankly is a retention technique. And what the
24 retention techniques rely upon are essentially
25

1 appropriate soils. So the dry wells themselves
2 and certain of the other techniques must have the
3 capacity to drain through the soils on site since
4 the idea is that you would never be sending that
5 stormwater to our infrastructure system.
6

7 So there's a very different
8 philosophy involved in both of those techniques
9 and we will be piloting both. So when I say don't
10 give up, I say don't give up because we will be
11 piloting both detention techniques and retention
12 techniques.

13 CHAIRPERSON GENNARO: Right. Again,
14 I'll take off my Chairman's hat for a second and
15 I'll put on my geologist's hat for a second, which
16 I am so I'm familiar with soil characteristics and
17 what you need in order to make sure that this is
18 done right. It is my opinion that the builders
19 that want to do this and the consulting engineers
20 that they bring in to do the soil samples and all
21 those tests are not all wrong. The history of DEP
22 jumping through jurisdictional hoops to impede the
23 placement of these dry wells when there is ample
24 scientific and engineering data that has been
25 produced that says it will be okay. Stories of

1
2 those are legion so DEP's opposition is not so
3 much based on science, I don't think speaking as a
4 scientist. It's based on philosophy. It's just
5 like we don't like these, we don't want people to
6 put them in.

7 The Department of Buildings has
8 sole jurisdiction to approve these, which they do.
9 And DEP, if they wish to challenge the Department
10 of Buildings' assertion that is okay because
11 Department of Buildings looks at the plans, they
12 consult the engineer, they look at the soil test
13 and everything. DOB, in its wisdom says it's okay
14 and if DEP has a problem with that they should
15 inform DEB that there is a problem with it or
16 something. And if DEP's objections were sort of
17 based on science, they would go to the agency that
18 has jurisdiction over it and say that we as
19 scientists at DEP disagree with your science so we
20 want you to consider our science when you make
21 your determination. But they don't do that.

22 They essentially go to the builder
23 and say we don't care what the Department of
24 Buildings says, if you don't do what we say you're
25 not getting your sewer permit. I would much

1
2 rather prefer a scientific approach than like a
3 school yard bully approach. You beat up a guy,
4 take his lunch money and the guy that got beat up
5 said you can't do that and the bully just says
6 what do you mean I can't do it. I just did it.

7 If it were based on science I don't
8 think they would be beating kids up--no one's
9 beating anybody up. But it would be a scientific
10 colloquy; it wouldn't be we don't care. You can't
11 build this thing or we're not giving you a permit.
12 We don't care what Buildings says. That undercuts
13 the whole scientific perspective. I think it's
14 really a philosophical problem and ultimately a
15 legal problem if the agency is exercising
16 jurisdiction they don't have. If they want to put
17 it in a bill to get that jurisdiction back, I'm
18 sitting here. There can be a Mayor Bloomberg
19 program bill. I will introduce that bill and we
20 can have a discussion about it. But they don't
21 want to do that either so that's a problem.

22 Just hang up that thought for a
23 second, I want to be respectful of Council Member
24 Koppell. I've been eating up a lot of the clock
25 here but I'm going to be coming back to that

1
2 question. So I just put it out there but let me
3 let Oliver ask his questions. He's been very
4 patient. I'm going to recognize Council Member
5 Koppell and then I'm going to come back. Unless
6 other. So I recognize Council Member Koppell.

7 COUNCIL MEMBER KOPPELL: Do you
8 want her to answer before I go?

9 CHAIRPERSON GENNARO: No, no.

10 COUNCIL MEMBER KOPPELL: She might
11 have forgotten the question by then.

12 CHAIRPERSON GENNARO: No, it's okay.
13 I just wanted to put that out there. I want to be
14 respectful of my members that want to comment,
15 that want to ask questions. I don't want people
16 shying away from my hearings because I'm going to
17 hog up all the time.

18 COUNCIL MEMBER KOPPELL: I think I
19 have two relatively brief. First of all I want to
20 compliment you Mr. Chairman on the legislation and
21 that they're moving ahead with this because you
22 forced it with the legislation we passed last
23 year. So you're to be complimented.

24 One thing that disturbs me in your
25 testimony, you say finally we'll improve public

1 notification of CSOs by installing 433 new
2 redesigned signs using the internet and other
3 methods to provide alerts. What kind of signs are
4 you talking about?

5
6 MR. STRICKLAND: The state law
7 requires signs to be placed at the out falls. If
8 you look at content design of those signs, it's
9 controlled by state DEC. As required by Local Law
10 5 and as a background process, we've been talking
11 with the state on those so that they're more
12 informative.

13 COUNCIL MEMBER KOPPELL: What are
14 they going to do? I'd rather have signs but they
15 don't have the out fall. It would be better to
16 limit the discharges rather than put up signs?

17 MR. STRICKLAND: It will take a
18 while to get there.

19 COUNCIL MEMBER KOPPELL: I guess
20 what I'm trying to get at is what do the signs do
21 for people?

22 MR. STRICKLAND: They let people
23 know when there's wet weather that they should be
24 careful about swimming, boating in those areas.

25 COUNCIL MEMBER KOPPELL: I see.

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What--

MR. STRICKLAND: [interposing]

Right now the signs don't address that.

COUNCIL MEMBER KOPPELL: They don't address that?

MR. STRICKLAND: They don't.

COUNCIL MEMBER KOPPELL: It's certainly a good idea to address it if there's sewage coming out. Are the signs going to tell people when there's a danger? We now have electronic means, perhaps we ought to have something like a blinking red light or something on the signs.

MS. LICATA: The idea on the signs is that they are going to indicate probably through pictures. This is the best that we can do in terms of indicating that storm events and rain events produce these situations when bathing and contact has to happen under advisement.

Then what we hope to do with the web advisements is to do some modeling and indicate if you have various levels of storm activity or through our weather forecasts we know that it rained one inch or two inches. We're

1
2 going to have an advisement that says for these
3 following water bodies, there needs to be a period
4 of however many hours that the advisement is given
5 for acknowledging that you need to take caution
6 before you have contact with that water.

7 It's a two pronged approach at this
8 point. It's the signs that show through pictures
9 that during and after these rain events you should
10 avoid certain activities and then through a web
11 broadcast it would do much like under the
12 advisements for beaches that are currently on the
13 web site for DOH. We would have certain
14 advisements that are based on modeling and
15 statistics about how to take the same or similar
16 cautions with respect to areas that experience
17 larger CSOs.

18 COUNCIL MEMBER KOPPELL: As I said,
19 the solution to the sewage overflows is not to put
20 up signs. But given the fact that we can't deal
21 with the sewage overflows that quickly the signs
22 make sense. But I wasn't joking when I said the
23 flashing lights. It's like putting up a red flag
24 on the beach when the surf is too high, to warn
25 people. We might look into, actually, some kind

1
2 of electronic notification in particular areas
3 where there's a lot of boating for instance, shore
4 areas where there's boating. Have a red light go
5 on to warn people rather than just a sign with a
6 lot of detail that people might not read. It's
7 something I think you should think about.

8 I did hear you say before in answer
9 to the Chairman's questions that you were
10 considering some new revenue gathering measures, I
11 guess, based on the amount of water that flows off
12 the property. Did I understand that correctly?

13 MS. LICATA: These would be charges
14 that would not be a revenue stream as much as they
15 would be bringing more equity into the system. So
16 if you don't generate a lot of stormwater you
17 don't pay the cost that we ensue with respect to
18 stormwater treatment and stormwater capital
19 investments.

20 COUNCIL MEMBER KOPPELL: Do we have
21 any system now of charging people whose property
22 does in fact allow the run off of a large amount
23 of stormwater into sewage system?

24 MS. LICATA: The way it's done now
25 is the calculation is based on water consumption

1
2 and the waste water portion of your bill is 1.59%
3 of the water consumption.

4 COUNCIL MEMBER KOPPELL: But we're
5 talking about stormwater so we're talking about
6 for instance someone who would have let's say a
7 large parking lot that would generate substantial
8 flow off of stormwater which would then burden the
9 sewage system at the time of storms. Do we have
10 any system now of charging for that?

11 MS. LICATA: Unless they have water
12 consumption on site, no.

13 COUNCIL MEMBER KOPPELL: So what
14 I'm suggesting and may be you were suggesting you
15 were considering that. Am I right? Is that your
16 suggestion?

17 MS. LICATA: Yes, as part of the
18 scope of work a stormwater charge, that is what a
19 stormwater charge envisions. It envisions taking
20 the budget; it starts with the budget and says
21 what portion of our spending is related to
22 stormwater investment. Then it assesses a fee for
23 users based on that stormwater investment. You
24 have to look at imperviousness. That is one of
25 the keys that you would key into.

1
2 COUNCIL MEMBER KOPPELL: I think
3 it's a very good idea. It's the first time I've
4 heard of it and it sounds like a good idea. As
5 everyone here knows, we are faced with another 14%
6 increase on homeowners with respect to water
7 charges and if some of that could be legitimately
8 charged off on those who are creating expense for
9 the Department dealing with our water supply and
10 discharge system, that would make a lot of sense.

11 What distressed me a little bit was
12 your comments when you were talking about this,
13 about the lengthy time needed to install such a
14 system. I would suggest maybe we should be trying
15 to accelerate the installation of such fees or the
16 creation of such fees. We are facing this huge
17 increase again, the third year in a row I think, a
18 14% increase. If you could do it quickly and
19 divert at least some of the monies that we're now
20 asking homeowners and others to pay who are paying
21 for getting rid of the stormwater when they don't
22 really generate any stormwater overflow. So I
23 would strongly recommend that you move ahead with
24 that quickly.

25 MS. LICATA: I appreciate your

1
2 comments. Again, just let me emphasize the two
3 key pieces to this are having that impervious data
4 and what we are doing, we're moving forward with
5 the aerial photography. We will be able to have
6 better data within nine months or so. We will be
7 looking at the imagery and trying to code that to
8 the geographic information system, just to give
9 you a sense of timing. And then we have a new
10 billing system in the works and we have the
11 automatic meter readers, which will make it a lot
12 easier for our Department to make some
13 improvements in the future. So we are working on
14 a number of key initiatives and I appreciate your
15 comments.

16 COUNCIL MEMBER KOPPELL: I think
17 while you're doing this mapping and so on, if you
18 develop a methodology and once the mapping is done
19 you can quickly implement the charges. We're
20 facing a very sever problem in terms of the
21 increases in rates that are here on the horizon.
22 Thank you Mr. Chairman.

23 CHAIRPERSON GENNARO: Thank you
24 Council Member Koppell. I appreciate your
25 questions. I recognize Council Member Crowley.

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2 COUNCIL MEMBER CROWLEY: Thank you
3 Chairman. I'm glad that we got started on the
4 stormwater. I look at somewhat as a tax from what
5 I was hearing before so I'm glad that we discussed
6 it a little bit. From what I understand it, it's
7 difficult for me to think that that would be a
8 fair way of creating the funds to deal with
9 stormwater treatment. The storms come from God
10 and our system should be capable of dealing with
11 it as our built environment currently exists.
12 When a homeowner--and I represent an area in
13 Queens where we mostly have one to two family
14 homes. So a tax like this would directly affect
15 the people I represent more so than the people who
16 live outside or the rest of the people in the
17 city, just base don the area of land that their
18 home occupies. I don't feel like it would be a
19 fair tax on the single family or two family
20 homeowners.

21 I think that you have to look at
22 ways of giving tax abatements to those who will
23 analyze their land and look at surfaces that are
24 not impermeable and create permeable surfaces. So
25 how rewarding those that make changes that deal

1
2 with stormwater rather than penalizing those that
3 may have inherited a system that may not
4 particularly work with stormwater but rather those
5 that are willing to make a difference by changing
6 what currently happens on their property because
7 the stormwater is not their fault. Stormwater
8 happens because of weather conditions. Can you
9 address that statement? Do you see that this type
10 of tax could be not fair to all city residents?

11 MS. LICATA: Let me say or start
12 with first that the Department, this is really a
13 study at this point in time so I wouldn't start to
14 equate it with a tax or I certainly don't have any
15 concept of exactly how this would be administered,
16 if it would be administered. A comprehensive
17 analysis that we would have to go through with
18 respect to other rate alternative structures that
19 we want to consider simultaneously.

20 With respect to individual
21 homeowners, in many respects they have
22 opportunities on their property. If they are
23 single family homeowner and they have lawns, they
24 are not generating a lot of run off. They may not
25 be the ones that are generating all of that run

1 off. So what these analyses that are underway as
2 part of PlaNYC and as part of the stormwater plan,
3 the modeling that's associated with that is going
4 to allow us to have a better understanding of what
5 is generated from different land use types and
6 then how that equates with the kind of spending
7 that we need to do to abate CSOs. That whole
8 analysis is the part of the process that we're in
9 now.
10

11 We would certainly, to your
12 comments regarding incentives, we very much look
13 at this program that if it's going to be
14 successful we're going to have the ability to
15 change people's practices and change people's
16 concepts about stormwater management. We're going
17 to have to do that in a way that incentivizes
18 people to take steps to do stormwater management.
19 So we're not coming out of this with some kind of
20 regressive tax in mind.

21 COUNCIL MEMBER CROWLEY: Right. I
22 guess in addition to the combined sewer overflow,
23 what concerns me more really because many of the
24 homeowners that live in the area that I represent
25 have experienced, in severe weather storms,

1 flooding. Through many conversations with the
2 Department of Environmental Planning, we
3 understand that it is the way the systems are laid
4 out, the sewer system. There's no clear plan to
5 upgrade that type of infrastructure and I see that
6 as a way to help treat that stormwater prior to it
7 getting into the rivers without being treated, a
8 better plan of a system in place to capture that
9 water and get it in a slower place over to a
10 treatment facility rather than have it remain on
11 our streets and cause flooding problems.

13 MS. LICATA: That's the very
14 essence of the plan, is looking at all those type
15 of strategies. Ones that might provide us with
16 opportunities on site and ones that might provide
17 us with opportunities on the rights of way and in
18 the public areas.

19 CHAIRPERSON GENNARO: Thank you.
20 Thank you Council Member Crowley. Before I
21 recognize Eric, we're joined by Council Member
22 Peter Vallone and I recognize Council Member
23 Ulrich.

24 COUNCIL MEMBER ULRICH: Thank you
25 Mr. Chairman. This is my first hearing so bear

1 with me, for Environmental Protection. I want to
2 thank the Chairman, my fellow colleagues. It's a
3 very important committee to my constituents, to my
4 district. I represent District 32, Rockaway,
5 Broad Channel, Howard Beach, Ozone Park,
6 Woodhaven. A lot of DEP issues as I'm sure you're
7 all aware of.
8

9 One of the problems that peak my
10 interest, as the Chairman had noted earlier, was
11 the lack about a good response by DEP to
12 constituent complaints. One of the first meetings
13 that I had after taking office was with the Board
14 of Directors for the Breezy Point Cooperative.
15 Are you familiar with the Breezy Point,
16 Commissioner?

17 MS. LICATA: I'm familiar with
18 Breezy Point but I'm not necessarily familiar with
19 the specifics of--

20 COUNCIL MEMBER ULRICH:
21 [interposing] Breezy Point is the far west end of
22 Rockaway. It's a community of 1,800 homes. It's
23 a private cooperative, which has some
24 controversial aspects to it because it is, I guess
25 one could argue, a gated community. However with

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2 They look to me and say can you get in touch with
3 somebody down there to look into this for us.

4 That's a little side note. That's not a jab and
5 hopefully you'll be able to address that.

6 One of the things that I'm
7 concerned about in the main land part of my
8 district--

9 CHAIRPERSON GENNARO: [interposing]
10 Why don't you ask for a commitment for them to get
11 back to you in a timely fashion?

12 COUNCIL MEMBER ULRICH: I think if
13 the Chair of the committee can't get a commitment,
14 it's going to be hard for the new kid on the block
15 to get a commitment. I would just like somebody
16 to reach out to them. The general manager's name
17 is Author Lighthall. Artie Lighthall is a really
18 great guy and they're really interested in
19 sustainability and many things, by the way, that
20 are concurrent with the Mayor's 2030 plan. I
21 think that you would be better served by getting
22 in touch with them.

23 That being said, my question really
24 is what type of catch basin technologies are
25 currently being explored that would help alleviate

1
2 the street flooding during, as Council Member
3 Crowley would describe, acts of God?

4 MS. LICATA: I'm actually not as
5 familiar with what we're doing in terms of catch
6 basins and the technologies associated with catch
7 basins. There are so many technologies out there
8 now, it wouldn't be possible for us to pilot all
9 of them. With that said, I think we feel that
10 with the catch basin hoods that we currently have,
11 that we're getting the sort of efficient
12 productivity out of those catch basins. I think
13 we're feeling pretty good about that installation.
14 We are certainly open to new installations and I
15 know the engineers are constantly looking at the
16 new technologies.

17 I, myself, am not aware of the
18 specifics on any new technologies that are being
19 currently piloted. We are not really
20 contemplating piloting any as part of this
21 document that I'm aware of.

22 MR. STRICKLAND: I just refer you
23 to the April 2008 report of the Flood Mitigation
24 Task Force, similar but different folks that are
25 before you right now that addresses those issues

more directly.

COUNCIL MEMBER ULRICH: In terms of street flooding you're referring to?

MR. STRICKLAND: Right.

COUNCIL MEMBER ULRICH: Thank you. Thank you, Mr. Chair.

CHAIRPERSON GENNARO: Thank you. Thank you Council Member Ulrich. Okay so we're back. I want to make sure my colleagues had an opportunity to ask questions. Back to my last issue with regard to the dry well, the letter that after 11 months has not been answered and what I take to be DEP's philosophical problem, what I take to be DEP's legal problem which they could have responded to in the last 11 months but did not. So I'm looking for a--before you respond to that. First thing I'll ask after 11 months I'd like to have a response by this letter within two weeks, by April 21st. Is that acceptable?

MS. LICATA: Yes, I believe that that's acceptable that we can get a letter back to you within two weeks time.

CHAIRPERSON GENNARO: Okay. And the letter asks a lot of things so just for the

1
2 purposes of the record I just want to go on the
3 record asking for a complete answer to all of the
4 stuff in the letter. Sometimes it's been the case
5 a letter will put forward a couple of different
6 questions, some get answered, some don't. I'm
7 looking for a comprehensive response so I will let
8 the record reflect that.

9 I would also ask you as some of the
10 top environmental policy makers that are trying to
11 move this city forward with regard to stormwater
12 management generally and source controls
13 specifically, it doesn't look good to have part of
14 the city's environmental agency, in my opinion,
15 make a little bit of a mockery of what PlaNYC and
16 what this committee is trying to get done with
17 regard to stormwater controls. How will you
18 broach this with the agency? What will you do?

19 MR. STRICKLAND: In responding to
20 your letter about dry wells?

21 CHAIRPERSON GENNARO: Right.

22 MR. STRICKLAND: We will
23 participate in their formulation of a response to
24 you and see what they have to say. I can't say
25 that I'm familiar with the issue. We prepared to

1
2 speak to you today about the update on the
3 Sustainable Stormwater Management Plan so at this
4 time other than work very closely to make sure you
5 get a full and fair response to your concerns
6 which have taken detailed notes on, we'll make
7 sure you get a response. I hope you're satisfied
8 with the form if not the substance of that.

9 CHAIRPERSON GENNARO: Sure.

10 MR. STRICKLAND: In two weeks.

11 CHAIRPERSON GENNARO: I've always
12 had an excellent working relationship both with
13 you and Angela. I'm being genuine and sincere in
14 my interest to try and get this resolved. I know
15 that you're just as sincere as I am in trying to
16 make sure that agencies of New York City
17 government have the proper philosophy and the
18 proper legal basis for doing what they do in the
19 service of the people so I feel better now. Thank
20 you.

21 Although in going through the
22 document, the actual plan under the section that
23 talks about source controls, there is a little
24 section here on page 35. I'm reading from the
25 text, source controls may have diminishing

1
2 effectiveness over time or failure if not
3 maintained properly. I'm continuing to read,
4 septic systems and dry wells. Parenthetically it
5 says different types of decentralized controls
6 that are not discussed in this plan, close
7 parenthesis. Have a long track record of failure
8 in New York City and nationwide, it shows that
9 individuals homeowners do not always properly
10 maintain their installations.

11 I think that passage would apply
12 more to septic systems than to dry wells. But if
13 there is some institutional philosophical
14 opposition within the Office of Long Term
15 Management and Office of Long Term Planning
16 inability to dry wells. Maybe that's a
17 conversation we should have. This looks like a
18 little bit of an indictment of the technology a
19 little bit. If the Office of Long Term Planning
20 and Sustainability have a problem with this
21 technology I'm open to have that discussion. Does
22 your office believe that proper use of dry wells
23 can play a role in managing stormwater a little
24 more effectively in terms of keeping it out of the
25 system?

1
2 MR. STRICKLAND: We've committed in
3 this plan and did take a look at a range of
4 technologies but given the time limitations not
5 every technology for on site retention. Sort of
6 moving from the general to the specific, certainly
7 on site management detention and retention were
8 appropriate, we certainly support philosophically
9 as DEP does. Whether it works or not is the key
10 question. So we've taken notice of the EPA report
11 that is referred to on this page and other
12 information. We will make sure that the response
13 you get in two weeks fully lays out everything
14 that we consider on this point. Dry wells are
15 certainly not something that we're called out by
16 Local Law 5 and given time limitations we
17 certainly poured our resources into vesting those
18 things that were called out specifically. But
19 again, we'll make sure that the response addresses
20 your concerns.

21 CHAIRPERSON GENNARO: Great, great.
22 Thank you. I have some more questions, not too
23 many more. One question is the New York State DEC
24 has expressed concern about inconsistency in the
25 goal for the amount of stormwater that will be

1
2 diverted as a result of this plan and the amount
3 required to be diverted in the city's long term
4 control plan. That's what DEC has indicated to
5 staff. Is this also a concern for you, about this
6 inconsistency between the goal that's set out in
7 this plan and the goal that's required to be
8 diverted in the city's long term control plan?
9 DEC seems to think that there's some
10 inconsistency. Have they told you that? Is this
11 a problem?

12 MR. STRICKLAND: If you read the
13 plan, we very clearly say it's certainly not a
14 substitute for many other substantial investments
15 that are going on. [off mic] the result of work
16 with DEC in requirements that they [off mic]. We
17 hope over time that these--we certainly believe
18 they can compliment those approaches whether they
19 replace is another matter. But for this time
20 being these are separate processes going forward.
21 We're at a very early planning stage for green
22 infrastructure right now.

23 CHAIRPERSON GENNARO: Okay. And
24 based on your statement, we're looking at
25 something like 75% capture rate. I think that was

1
2 DEP's long term control plans will increase CSO
3 capture rates to 75%. So the question that would
4 come from that is do we know where we're at know
5 in terms of capture rate. And here's like a
6 little bit of a softball question, too, is that it
7 wasn't too long ago that the capture rate that we
8 are at now, some years ago the capture rate was
9 much, much lower. So I've heard that we're
10 looking at an ultimate capture rate according to
11 long term control plan of 75%. What is it now and
12 what did it used to be in the not too distant
13 past?

14 MS. LICATA: I'm not sure in terms
15 of percentages to be precise. What I can tell you
16 is that that's absolutely correct. We've made
17 amazing strides towards additional wet weather and
18 CSO capture. We have coming on line the Flushing
19 Creek CSO facility, the Paddigan Creek CSO
20 facility, the Alley Creek CSO facility. Together
21 those three facilities take a substantial amount
22 of CSO out of the system. They detain that CSO
23 and eventually pump it back to the plant so those
24 are holding tanks, if you will. So I know that we
25 have made a tremendous dent in the CSO problem

1
2 over the last ten years, which is evidenced by
3 some of the spending that has been necessary for
4 the very large, intensive gray infrastructure.

5 CHAIRPERSON GENNARO: I know that
6 there's a big difference between the capture rate
7 that we have now versus what it was not too long
8 ago? That doesn't mean we can't always do better.
9 I remember when I was the analyst for this
10 committee not that many years ago that--I used to
11 have better command of those numbers. I no longer
12 have that command of those numbers.

13 Another question, the stormwater
14 management plan does not currently aim to
15 encourage any areas to disconnect completely from
16 the city's stormwater system and complete down
17 spout disconnect is not currently approved for any
18 development. So that's the narrative. The
19 question is do you believe the pilot studies and
20 new techniques described in the plan could lead to
21 encouraging down spout disconnect in the future?
22 And will DEP consider changing its rules requiring
23 connections--let me just ask the first question
24 first. Do you believe the pilot studies and the
25 technologies described in the plan could lead to

encouraging down spout disconnects in the future?

MR. STRICKLAND: Sure, in theory.

Take for example DEP's rain barrel pilot program, which they've handed out several hundred rain barrels and they're tracking it over time. So that is the type of potential disconnect of technology. But I think the methodology laid forward is the exact one we want to follow, test it first, see if it works and then consider whether to roll it out. Those cities that have adopted disconnect programs have very different land use and density pattern than we do so that's something that we're considering. And certainly where we're testing that particular pilot program is a less dense area of the city.

CHAIRPERSON GENNARO: Thank you, thank you. With that said, I think that that completes my questioning that I had for you. Let me just state that with regard to stormwater management, it's been terrific to work with the Office of Long Term Planning and DEP with first being part of the PlaNYC sustainability advisory committee, which the Mayor put myself and the Speaker on. Then we thought that stormwater was

1
2 certainly a big priority. We did the law, you
3 came up with the plan so we're happy to have you
4 in here to talk about it.

5 A lot of people are very excited
6 about what we're doing. Hopefully what we're
7 doing here will be a template for other
8 jurisdictions to go to school on us and get
9 really, really good things done. So I appreciate
10 the opportunity to have you here. Today we've got
11 some good testimony coming up from the building
12 industry and from the S.W.I.M. Coalition. We
13 would urge anyone who could say to listen to that
14 good testimony would benefit from that. So thank
15 you. With that said, I appreciate it. Thanks a
16 lot.

17 MR. STRICKLAND: Thank you.

18 CHAIRPERSON GENNARO: Just as a
19 little humorous interlude between panels here, I
20 will state that there was a mail delivery at my
21 home today. Once upon a time I was the
22 environmental analyst for the New York City
23 Council. I got mail at my home today, Peter
24 you'll find this of interest, I got mail today
25 from the Queens Symphony Orchestra. I got a

1 postcard and a whole separate brochure about all
2 their things. It was sent to Peter Vallone,
3 Environmental Policy Analyst for the New York City
4 Council with my address. You can't make this
5 stuff up. Peter I have some mail for you in my
6 car that's pretty funny stuff. So there you have
7 it.
8

9 Our next panel, we have Randy Lee
10 of the BIANYC and QBBA and we have also Larry
11 Rosano of the Queens and Bronx Building
12 Association and also Robert Altman and then we
13 just put the next panel on deck so they know. The
14 next panel after that will be Lawrence Levine of
15 the NYDC, Rebecca Troutman of Riverkeeper/S.W.I.M.
16 Coalition and Dawn Henning, the Youth Ministries
17 for Peace and Justice and the Swim Coalition. And
18 we have another panel after that so stay tuned.
19 Plenty of good action left to come. I want to
20 thank this next panel for being here. If we could
21 have the counsel to the committee provide the oath
22 then we welcome you all being here.

23 COUNSEL: Do you swear, affirm to
24 tell the truth, the whole truth and nothing but
25 the truth today?

ALL: Yes, I do.

CHAIRPERSON GENNARO: Thank you. I thank you all for being here. It's a pleasure to have you and make sure I have your statement. It'll be two statements, is that right?

R. RANDY MR. LEE: Three.

CHAIRPERSON GENNARO: Three statements, okay.

MR. LEE: Good afternoon Council Member, Mr. Chairman.

CHAIRPERSON GENNARO: Good afternoon.

MR. LEE: How are you today?

CHAIRPERSON GENNARO: I'm good. Randy, good to see you.

MR. LEE: I was happy to see the high level of byname between you and the three representatives of DEP, who in spite of your requests have departed so they won't have the opportunity--

CHAIRPERSON GENNARO: [interposing]
No, we've got--

MR. LEE: Okay. One, anyway.

CHAIRPERSON GENNARO: Sure. Mr.

Koch is the Office of Long Term Planning and Sustainability and Rick Muller is from DEP.

MR. LEE: Fine gentlemen all. It just occurs to me--my name is Randy Lee. I'm a home builder for 40 years and I'm the Chairman of the Building Industry Association of New York City. I've actually served as the chair of its DEP committee for about 25 years. After the first or second year in that position I had to go into analysis because dealing with DEP was an event that couldn't be dealt with by normal means--

CHAIRPERSON GENNARO: [interposing]
You mean therapy?

MR. LEE: Therapy. Yes, but I've been cured today. I was cured because I found out that they don't answer you or Councilman Ulrich either so if they don't answer the Chairman of the committee then I feel that I'm in great company. I'm going to say this, I'm going to depart from my testimony but I will say this after listening. I think that the testimony was quite interesting, well intentioned and well thought out. I also think that the folks who testified are disconnected from the people within their agency

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2 time that there is a pot hole or complaint that
3 DOT will come out and just pave it over with
4 regular black top. And that's the excuse that
5 they've used for all of this time.

6 Now in terms of dry wells, it was
7 interesting that Deputy Commissioner Licata said
8 the other gentleman said that they were going to
9 do piloting, pilots of on site retention and
10 detention, responding to your answer that that
11 would cover the question of whether or not dry
12 well technology works. I would submit that if one
13 would Google low impact development dry wells, go
14 to the HUD site, EPA site, state DEC site that
15 they would find hundreds if not thousands of
16 jurisdictions, studies and work that's already has
17 been done, both dealing with the urban and
18 suburban environment that shows how these things
19 can operate. So it might be an interesting
20 exercise to see how the city's money is actually
21 spent in these regards.

22 We found recently that the
23 Department of Parks is spending four times the
24 amount of money to purchase trees, the same exact
25 trees installed exactly the same way that the

1 industry does. So you should be vigilant in your
2 role as the Chair of this committee as to how this
3 city's money is spent--

4 CHAIRPERSON GENNARO: [interposing]
5 I think I've tried to.

6 MR. LEE: I know you are.

7 CHAIRPERSON GENNARO: I give myself
8 a solid B+ on being vigilant on that.

9 MR. LEE: Maybe an A-.

10 CHAIRPERSON GENNARO: Thank you.

11 MR. LEE: But in all seriousness, I
12 represent the Building Industry and I represented
13 with the DEP for many years. And there really is
14 a problem that exists within the parts of this
15 agency that the city deals with. Mr. Altman and
16 Mr. Rosano will go into that with a little more
17 detail.

18 But I do say at the end of my
19 presented testimony that Commissioners Lancaster
20 and Lamadria have reformed the Building Department
21 eight years. And taken a disabled agency and made
22 it operate and function within the context of the
23 21st century. It would be unusual to have a 50 or
24 100 story building conceived, designed, filed,
25

1
2 approved, permitted and the foundations laid in
3 six to nine months.

4 The experience of the industry with
5 DEP is if you wanted to build a 100 foot sewer
6 extension on an existing street where there were
7 no issues at all and confirm with DEP that there
8 were no issues well it would probably take about
9 two years to get that approved. So if you start
10 out with that, you know that you're in a difficult
11 situation. With that, I'll turn over the
12 testimony. I appreciate the opportunity. Mr.
13 Altman.

14 CHAIRPERSON GENNARO: Sure.

15 ROBERT ALTMAN: I want to thank the
16 committee for allowing us to testify. I'm Robert
17 Altman, I'm the consultant to the Queens and Bronx
18 Building Association and the Building Industry
19 Association of New York City. I would like to
20 also point out one thing and go, for the time
21 being, just a little bit off my script. That is,
22 these dry wells is a committed methodology already
23 under regulations in certain circumstances. This
24 is not something where we have to evaluate policy,
25 it is the policy, it is there in regulation. It

1 is a committed situation where less than 20,000
2 square feet, occupancy group J, soil test meets a
3 certain standard, no stormwater sewer in front,
4 yes you can use it. But yes, you're supposed to
5 have no problem. DOB gives the approval. So I
6 don't know what there is to necessarily analyze
7 here. What has happened--

8
9 CHAIRPERSON GENNARO: [interposing]
10 But that doesn't mean that they wouldn't seek to
11 expand into other classes.

12 MR. ALTMAN: Not other areas but it
13 could be done more. As least from a minimal stand
14 point that is what we're fighting for, just to
15 have the current policy actually allowed. What
16 currently happens is DOB will approve this and we
17 go to get the SD1s, the SD2s from DEP and they say
18 we're not approving it until you do what we want
19 with respect to stormwater management. We want
20 you to connect to a sewer. Then all of a sudden
21 we have to connect to a sewer a quarter of a mile
22 away, a half of a mile away. It's a tremendous
23 expense. The project becomes unviable even though
24 our analysis took into effect when we bought the
25 property in order to develop the property that we

1
2 could use dry wells here. All of a sudden we're
3 looking at new expenses.

4 This doesn't just happen for
5 private homes or market rate housing. It's
6 happened in affordable housing projects in the
7 Rockaways, which is probably the poster child for
8 dry wells. So it's not like this is an agency
9 that doesn't know the right thing to do. It knows
10 the regulations and it's purposely not looking to-
11 -mess up the builders. I had a choice of words
12 but I won't use that.

13 CHAIRPERSON GENNARO: Just to
14 respond, I thought that it would be a good idea to
15 introduce this issue to other people like the
16 Mayor's Office of Long Term Planning and
17 Sustainability who certainly have an interest in
18 making sure that stormwater is managed in the most
19 environmentally beneficial way. I think for me to
20 continue banging my head against the wall with the
21 people in DEP who just don't agree with me, I
22 think it's time we bring other people into the mix
23 and shine some day light on what's going on here.

24 On one hand you have the
25 administration trying to move forward with some

1
2 water shed stormwater management plan and at the
3 same time having the environmental agency for the
4 city kind of thwart common sense and stormwater
5 management practices. Frankly, it's embarrassing
6 for the administration. I think we tell the right
7 people about it, folks will get the message.

8 MR. ALTMAN: It's embarrassing on
9 two levels because you have the level which is not
10 only is it bad policy. The fact of the matter is
11 in 1996 when Local Law 65 was passed, the
12 administration wanted to create a one stop shop
13 for taking care of these. It was supposed to get
14 your plans approved, get your dry wells approved
15 all at one place to avoid having to go to two
16 stops. It was supposed to be business user
17 friendly. Well this methodology is specifically
18 business user unfriendly under this
19 administration.

20 The Guiliani administration got it.
21 Understood that this was the right thing to do
22 policy wise, it was the right thing to do law wise
23 and they did the right thing. For some reason DEP
24 just decided that it was not going to do this.
25 And we have been meeting with DEP, the Building

1
2 Industry Association has met with DEP on this
3 specific issue for over five years now. So you
4 want to see an agency actually enforce the law and
5 it's not enforcing that law.

6 CHAIRPERSON GENNARO: I had a
7 conversation this week with the Mayor's Office
8 about this very issue and I just get the sense,
9 call me an optimist or whatever, I get the sense
10 that this issue, I think now will get the
11 appropriate consideration it needs. I just think
12 that that's the case. And that's my hope. In two
13 weeks we'll get an answer to the letter, we'll see
14 what it says and we'll go forward.

15 MR. ALTMAN: I think that if DEP
16 continues to be belligerent in this area I would
17 make one suggestion and that is I would cut that
18 unit's budget. If they have enough time to waste
19 on something that is not within their jurisdiction
20 then take away their personnel so they can't
21 review it. It's just if you have the ability to
22 do this then obviously you have too many people
23 working for you.

24 The general feeling is, by the way,
25 that two year approval that Randy was talking

1
2 about, the Department is so much in the earlier
3 part of the 20th century let's say. It's so far
4 behind that it will always just be two years. And
5 that you might as well least move forward and just
6 not have that review, have them reviewing this.

7 CHAIRPERSON GENNARO: Why don't we
8 do it like in a sequence fashion? Where we'll get
9 an answer to the letter and then we'll go from
10 there.

11 MR. ALTMAN: Thank you.

12 CHAIRPERSON GENNARO: I'm not
13 willing to commit to anything beyond that right
14 now.

15 MR. ALTMAN: Okay.

16 LAWRENCE ROSANO: Good afternoon.
17 My name is Lawrence Rosano. I've been a home
18 builder for 35 years and I am the Vice President
19 of the Queens and Bronx Building Association. I'd
20 like to thank the committee for this opportunity
21 to testify today.

22 I won't take up much of your time
23 and go through the whole statement but I'd like to
24 just add one thing. It was a point that you
25 brought up before, which was an excellent point

and that was the maintenance of dry wells.

Somebody mentioned the concern about the homeowner maintaining a dry well. I'd like to say that dry wells really don't require maintenance.

The one fear that you have with them is that the bottom of the dry well silts up. Stuff from yard drains or whatever gets into the bottom and water can't percolate into the ground. You don't calculate the bottom area of a dry well when you determine what the overall area, the percolation area is supposed to be. You use the area around the sides of the dry well, not the bottom just for that reason, in case the bottom does silt up. So even if it does silt up, the dry wells still work.

And there are other methods that can be implemented that the Building Department has been looking into now to construct a sump, an area where the stormwater goes in, there's a bottom area and there's an outflow pipe at a higher elevation that goes into the dry well. It's very simple. You can go in and clean that sump area out and it won't silt up the bottom of the dry well. There are methods to make these

1
2 things fool proof. And if the bottoms do silt up
3 they do work so that would take care of one
4 problem.

5 I would just like to add that as an
6 association, the Queens and Bronx Builders, we
7 wonder why the Council allows DEP to break the
8 law. We wonder why the Mayor's Office does not
9 reign in this runaway agency. We wonder why there
10 is a disconnect between PlaNYC and the policies of
11 the city agency. We wonder why the city wants to
12 add to the cost of construction, make it harder
13 for people to afford a home. And we wonder why
14 the city wants to flout the law and make it harder
15 to do business when the purpose of the 1996 law
16 was to make it easy to do business. Thank you.

17 CHAIRPERSON GENNARO: Thank you. I
18 share your frustration. I have for years. People
19 who came before us on this matter, Carter
20 Strickland, I know that they are going to approach
21 this in good faith. This is not something I think
22 was--these aren't the people that we have been
23 dealing with on this issue. We have the Mayor's
24 Office represented here and hope springs eternal
25 that we'll get some serious consideration and get

1
2 a real--I think just even getting an answer to the
3 letter, a detailed answer that that's going to be
4 very telling.

5 MR. ROSANO: Absolutely.

6 CHAIRPERSON GENNARO: They just
7 don't want to put it in writing which is why they
8 haven't written it. I think just forcing the
9 issue and getting an answer to the letter is going
10 to move things forward. I just thank you folks
11 for your patience and it is my hope that we can
12 get this focused on in an appropriate way and
13 that's what I'm trying to do.

14 I was reluctant, I'm not going to
15 go after the people that appeared before us today
16 because they're kind of new to this issue.
17 They're coming in from sort of like an
18 environmental stormwater management thing.
19 They're the environmental policy makers not the
20 people from that division. But yet you can't have
21 a situation where one part of the environmental
22 agency is not doing the appropriate thing. The
23 people who appeared before us today, they've
24 always dealt with me and ultimate good faith. I
25 feel very good about that and we'll see what we

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get in two weeks.

MR. ROSANO: Thank you.

CHAIRPERSON GENNARO: Larry, Robert, I appreciate it very much. And the next panel of Lawrence Levine of NRDC, Rebecca Troutman, Dawn Henning, that will be our next panel. To be followed by Paul Mankiewicz, Adam Batnick of State of South Bronx. I would like to mention Paul's affiliation. It is the Gaia Institute, the S.W.I.M. Coalition and New York City Safe Water Coalition. Adam Batnick and Kate Zidar of the S.W.I.M. Coalition and the North Brooklyn Compost Project with an exclamation. That's what I'm talking about. Okay. In the meantime the counsel can swear in the panel.

COUNSEL: Please raise your right hand. Do you swear, affirm to tell the truth, the whole truth and nothing but the truth today?

ALL: I do.

CHAIRPERSON GENNARO: Okay, thank you. Why don't we go from my left to right so it would be your right. Do I have written testimony.

FEMALE VOICE: I do not have mine.

CHAIRPERSON GENNARO: Fine, okay.

1
2 So Ms. Troutman, right? Okay. Thank you for
3 being here today. I appreciate your patience,
4 thanks for your interest in your issue. Please
5 state your name for the record and commence with
6 your testimony.

7 MS. TROUTMAN: My name is Rebecca
8 Troutman and I'm an attorney for Riverkeeper.
9 Good afternoon and thank you for the opportunity
10 to speak here today. I'm also here as a
11 representative of the S.W.I.M. Coalition.

12 We applaud the city's efforts to
13 move toward progressive environmental agenda, most
14 specifically concerning stormwater and we offer
15 our support in the endeavors. We do have
16 concerns, however, topics I will address include
17 first the need to consider and plan for the
18 impacts of climate change. And second, the
19 integration of the development of the city's long
20 term control plans with the plan.

21 On climate change, as the report by
22 the New York City Panel on Climate Change just
23 described, climate induced impacts would cause a
24 variety of impacts to New York City
25 infrastructure. Projected impacts due to changes

1
2 in precipitation patterns include an increase in
3 CSO events and a corresponding increase in
4 pollution of coastal water ways. The plan itself
5 states that most climate change models predict
6 that average regional precipitation will increase
7 by 5.7% by the 2050s and 8.6% by the 2080s. And
8 an increase in the intensity of rainfall which
9 will lead to increased run off and flooding.

10 Thus it's critical for the city's
11 planning and methodologies to account for the
12 projected levels and patterns rather than relying
13 upon historical averages. This will also be
14 helpful in terms of finance and budgeting. By
15 designing public works projects to account for the
16 anticipated changes, the city will be better able
17 to anticipate and meet the costs of the necessary
18 controls and modifications.

19 Additional aspects which should be
20 folded into the planning and implementation are
21 sea level rise and storm surge related issues. In
22 response to public comments submitted on this
23 issue the administration responded, the city has a
24 separate initiative to address sea level changes
25 and storm surge management. This plan is focused

on stormwater management. We note that the plan does recognize these issues but given the increasingly dire projections from the scientific community.

The New York City panel, itself, for example states that sea level rises could be as much as 10 inches by the 2020s and 55 inches by the 2080s. We urge that any applicable data and considerations from these projections be incorporated into the plan now and on an ongoing basis as more information becomes available.

Concerning long term control plans, although the administration states that in the future these distinct planning efforts will be more closely inter related, we urge a sooner rather than later approach to the integration of the two processes. We understand that the task of developing a long term control plans for New York City is not the simplest one nor is it inexpensive. Thus it's all the more critical that the two planning efforts be integrated to most cost effectively achieve the desired results by allowing savings on the hard infrastructure measures for example when green infrastructure is

utilized.

To minimize redundant analysis, to maximize inter agency coordination and data sharing. Similarly we support green infrastructure, the use of it by the city to meet the requirements of the MS4 program for those portions of the city with separate sewer portions.

Finally a quick comment on the water quality monitoring. The plan states that DEP's Marine Scientists' section tests New York harbor waters at 47 locations on a year round basis, with weekly sampling in the summer and monthly sampling in the winter. Riverkeeper has recently embarked on a water quality sampling program in partnership with scientists from Lamont Dougherty of Columbia.

We would be pleased to discuss any possible synergies and cooperation so as to best use available resources to accomplish our shared goals and to keep the public informed as to the actual conditions and the progress occurring.

Thank you.

CHAIRPERSON GENNARO: Thank you.

Thank you Ms. Troutman, I'll save my questions and

1
2 comments after the panel has finished speaking.
3 Mr. Levine.

4 LAWRENCE LEVINE: Thank you
5 Chairman Gennaro. My name is Larry Levine. I'm a
6 Project Attorney with National Resources Defense
7 Council in New York. I'm here today on behalf of
8 NRDC and our nearly 20,000 New York City members
9 as well as offering testimony as part of the
10 S.W.I.M. Coalition of which you are very familiar.
11 We very much thank you for your continued
12 attention to the issue.

13 CHAIRPERSON GENNARO: Sure.

14 MR. LEVINE: And your support over
15 the years. With the new Sustainable Stormwater
16 Management Plan issued pursuant to Local Law 5
17 2008, New York City is now joining growing ranks
18 of cities around the country as well as the U.S.
19 EPA, the National Academy of Sciences, many other
20 experts. But it found green infrastructure
21 approaches should be prioritized in efforts to
22 reduce combined sewer overflows and stormwater
23 pollution.

24 I'll just note as a quick aside
25 there will be attention on Combined Sewer

1
2 Overflows. There is also a significant portion of
3 the city that has separate sewers and there is a
4 significant amount of pollution that's carried off
5 by stormwater running off of streets, rifts and so
6 on in those areas as well.

7 The plan presents an impressive
8 amount of analysis to show that green
9 infrastructure techniques are cost effective
10 solutions to CSO and stormwater pollution and
11 often more so than traditional end of pipe
12 solutions, especially the most expensive of those
13 such as the tunnels we referenced earlier. The
14 plan also highlights, although it's not yet able
15 to quantify, the widespread additional benefits
16 such as improving energy efficiency, cooling and
17 cleansing outdoor air, neighborhood beautification
18 and others, make them a valuable investment not
19 only in stormwater and CSO solutions but in city's
20 overall sustainability.

21 The plan also marks the start of
22 what we hope will be a new era of coordination of
23 city agencies, ranging from DEP to Department of
24 Transportation, Parks, Buildings and many others
25 working together to ensure that our roadways,

1
2 rooftops, sidewalks and other features of the
3 urban landscape maximize their potential for on
4 site stormwater management. Many agencies are
5 responsible under the plan for a wide array of
6 pilot projects intended to support future policy
7 decisions on stormwater retention infiltration
8 standards and designs for both public and private
9 property.

10 We urge the City Council to ensure
11 that these agencies have the resources they need
12 to follow through on this and to hold them
13 accountable for moving as expeditiously as
14 possible from pilot projects to the actual
15 adoption of broad bold policy changes.

16 While there is much to say about
17 the plan and many of our other S.W.I.M. Coalition
18 partners will share thoughts on other aspects of
19 it, I'd like to use the remainder of my time to
20 focus briefly on funding issues, which you flagged
21 very rightly earlier as critical.

22 First as you and the Council well
23 know, the Federal economic stimulus package has
24 sent literally hundreds of millions of dollars to
25 New York State to fund water infrastructure

1 projects. While this will meet only a small
2 portion of the state's and the city's overall
3 infrastructure needs in the long term, it is
4 notable that Congress directed that 20% of the
5 total be dedicated to projects that address green
6 infrastructure, i.e. source controls, energy
7 efficiency improvement or other environmentally
8 innovative water infrastructure projects. And in
9 New York State, they set aside amounts to \$86
10 million.
11

12 The state environmental securities
13 corporation has issued a call for project
14 proposals through May 1, 2008. We urge the city
15 to seize this opportunity to seek significant
16 funding for green infrastructure and notably green
17 jobs that come along with them. And urge members
18 of the Council to voice their support in Albany
19 for the award of this stimulus funding towards the
20 green infrastructure projects in New York City.

21 Second, one of the major initial
22 funding sources that the plan identifies is
23 restructuring of water rates that was discussed
24 earlier. RDC and the S.W.I.M. Coalition strongly
25 support his approach as it would more equitably

1
2 distribute the cost of stormwater management. And
3 moreover provide a financial incentive for private
4 property owners to use green infrastructure for on
5 site stormwater management while providing a
6 dedicated revenue stream for green infrastructure
7 improvements in the public right of way.

8 Last year the board authorized the
9 consultant study that was referenced earlier. The
10 plan stated that DEP would present preliminary
11 findings of the study at the April meeting of the
12 Water Board which was held last week. However at
13 that meeting, DEP stated that the study had been
14 delayed and gave no indication of when it would be
15 prepared to present its findings. We emphasize
16 that it's critical that this study be completed in
17 a timely fashion. We urge this committee to seek
18 regular updates from DEP on its progress.

19 Third, as noted in the plan,
20 successful widespread implementation of green
21 infrastructure should alleviate, although not
22 eliminate entirely the need for end of pipe hard
23 infrastructure construction projects, not
24 including those billion dollar tunnels. Thus
25 money shifted from hard infrastructure spending

1
2 can be a significant source of funding for green
3 infrastructure if the city can further develop the
4 details of the plan and make firm commitments to
5 its implementation.

6 This would yield net savings to
7 rate payers since green infrastructure is far more
8 cost effective than tunnels. But ultimately this
9 can only happen if the city moves to integrate the
10 green infrastructure planning process with the
11 develop of the CSO long term control plans under
12 the Clean Water Act.

13 We urge the city to continue moving
14 in that direction as are many other CSO
15 communities on the cutting edge of stormwater
16 management around the country. I list here only a
17 few, Philadelphia, Portland, Kansas City,
18 Cincinnati, Louisville, Indianapolis, and here in
19 New York State upstate, Syracuse. There are
20 others that I've omitted that could be mentioned.
21 So we urge New York City to continue down this
22 path and to not only keep pace with but to surpass
23 the efforts of our other cities around the
24 country.

25 Finally the Council should provide

1
2 sufficient funding in agency budgets to allow for
3 the incorporation of green infrastructure features
4 and to new city capital projects such as roads,
5 sidewalks, schools, parks and many others. City
6 agencies must begin to routinely incorporate
7 sustainable stormwater management into the design
8 and budgets of all the projects they oversee i.e.
9 to build it into the way they do business. As the
10 Director of Mayor's Office of Long Term Planning
11 and Sustainability recently said, speaking of the
12 need to design capital projects to accommodate the
13 anticipated effects, climate change, which as Ms.
14 Troutman just described, will actually also have
15 an effect and worsen the CSO problem.

16 Thank you very much for the
17 opportunity to testify today. I look forward to
18 the committee's continued engagement and your
19 continued engagement in this issue.

20 CHAIRPERSON GENNARO: Thank you.
21 Thank you, Larry, as always for being here. We'll
22 come back with questions and comments for a
23 moment. But we have Dawn Henning.

24 DAWN HENNING: Good afternoon and I
25 apologize again for not having written, I made too

many edits when I printed this out. I didn't want to hand it in like that. I can send you an electronic copy if that...

CHAIRPERSON GENNARO: Sure, that would be fine. You can talk to the counsel to the committee, get her email, that would be fine. We'll be happy to have that.

MS. HENNING: My name is Dawn Henning and I work as an Environmental Planner at Youth Ministries for Peace and Justice. It's a non profit organization in the Bronx. I thank you for this opportunity to make comments.

I want to begin by commending the Mayor's Office of Long Term Planning and Sustainability for the significant amount of research that they did put in to the creation of the plan. As a member of the S.W.I.M. Coalition, I'm encouraged as the plan represents forma recognition that source controls can provide as a solution to the water quality issues of New York City, particularly those related to combined sewage overflows.

YMPJ's offices are located within one of the largest CSO drainage areas, HP09 in the

1
2 Bronx River Sound neighborhoods, which severely
3 compromises the health of the Bronx River and the
4 ability of the residents to use this river. In an
5 attempt to provide a solution, part of a solution
6 to the problem, I've been working diligently on
7 designing and installation of one of the pilot
8 projects that's listed in the plan.

9 As the plan is in the early stages
10 of implementation, my comments will relate mainly
11 to my experience with this project and how I feel
12 this experience can inform future plan
13 implementation. The installation and evaluation
14 of the pilot projects will be a key component of
15 the plant hat will provide the basis for--

16 CHAIRPERSON GENNARO: [interposing]
17 Pardon me for my rudeness but I just have to take
18 this for a second. Forgive me.

19 MS. HENNING: Okay.

20 CHAIRPERSON GENNARO: Sorry about
21 that. We had a expectation that there was going
22 to be a person with good news. And that news has
23 not come yet so I was being apprised of the fact
24 that the news is not here yet. But it's very
25 important stuff. I don't think I've ever done

1
2 that in my seven years chairing this committee but
3 I had to do it then so I apologize. So you get
4 free time to talk.

5 MS. HENNING: Great.

6 CHAIRPERSON GENNARO: I'll make it
7 up to you somehow.

8 MS. HENNING: Not a problem. So
9 the pilot projects will be a key component to
10 provide the basis for developing effective source
11 control implementation strategy. It was listed
12 that the source control projects, the 20 or so
13 pilot projects, are being conducted by the city
14 agencies. I just wanted to point out that we are
15 a non profit organization receiving money from the
16 state from a federal source that is kind of
17 leading one of these projects as well. So this
18 will also provide insight to my experience.

19 The nature of many of these pilot
20 projects is that aspects of their implementation
21 including planning, design, construction and
22 maintenance are going to fall within jurisdiction
23 of multiple city agencies and therefore require
24 multiple approvals and permissions. The project
25 that YMPJ is conducting involves using street

trees for stormwater capture.

As a non profit community organization, it has been a challenging process to serve as a primary coordinator of city agencies. And although individual staff within both the Parks Department and the Department of Transportation have been cooperative, aspects of scheduling, approvals, permits and design elements have been difficult without regular established protocols to guide us through the process. So YMPJ encourages the Mayor's Office and the city to collaborate with community organizations and others that are working on these pilot projects to address any coordination issues.

Following the installation of the pilot project YMPJ is interested in working with the city to evaluate the project. YMPG supports the development of standardized monitoring protocols that lead organizations and city agencies of the pilot projects can collect in order to provide useful data for the city for our project evaluation. Consistent quantifiable data will allow decision makers to analyze the pilot project performance. We further encourage the

development of evaluation criteria that a project must meet in order to be identified as a successful project and further be considered a proven technology for use in New York City.

Provided that this Bronx street tree pilot projects meets evaluation criteria and moves to the proven technology category, YMPJ offers to work cooperatively with the city to use the experiences and lessons learned from this project to encourage project replicability. This work can come in many forms including documentation of permits and approvals, identifying issues that need improved coordination between agencies, incorporating design elements from newly developed guide manuals into all these projects with the ultimate goal of ensuring widespread adoption of proven source control technologies.

Public meetings to review pilot project status, installation and monitoring data and further project performance would be ideal to gather public comment and engage the support for given source control technologies. That's most of what I have had to say about our experience. And

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I think you, again for the opportunity.

CHAIRPERSON GENNARO: Thank you.

Thank you, Ms. Henning, for being here. I'll work backwards in my comments and questions. With regard to any kind of coordination issues that you might be having with the administration regarding the pilot programs or whatever, anything particular regarding problems that you may have you certainly can bring them up to me, to the Council, to our committee here if there are any such issues. You also have representatives of the DEP and the Mayor's Office of Long Term Planning and Sustainability. Anything that we could do to help to make sure that entities that are involved in these pilots that all the information that is gathered as being used along lines of excellence, we'd be happy to play a helpful role for you in that.

You should get to know the counsel to the committee, the policy analyst to the committee and my own legislative director so that you have direct pipelines in to us. We have people from the DEP and the Mayor's Office of Long Term Planning and Sustainability so we're all

here.

MS. HENNING: Thank you.

CHAIRPERSON GENNARO: So make those connections and that will work, I think.

MS. HENNING: Thank you.

CHAIRPERSON GENNARO: Larry, your statement here with regard to the Water Board that was supposed to make a presentation on April 3rd about the study. I'll direct my own legislative director, Costa Constantanita to find out what's going on with that. So just touch base with him and we'll try to--he's been talking to the Water Board a lot lately with regard to the ongoing issue with rate setting and the rental payment, the rental payment residual and DEP reimbursements of the city agencies. So stuff that we have real issues with and so we've been engaging them in a lot of colloquy. But Costa, if you can get an answer for Larry and find out when that's going to happen and why aren't we into that process. I want to see what they have to say on that. Larry I thank you...

MR. LEVINE: Thank you. I really appreciate that.

CHAIRPERSON GENNARO: ...for bringing that to my attention. And also with regard to the budget process you raised the issue of the budget and we'll be mindful of that as we go to bat this year on all of the stuff that's in the capital budget. Thank you for putting that on our budget radar. We appreciate that, all that you've done and all that you and NRDC has done with regard to this plan. Thank you.

MR. LEVINE: Thank you.

CHAIRPERSON GENNARO: Ms. Troutman, thanks for bringing into to sharp focus the issue of climate change on this. Of course the Mayor's Office Of Long Term Planning and Sustainability has their own adaptation thing that they're doing separate and apart from this. But I think your point is it really should be separate and apart, right? I was not really conversing with these numbers. Are you talking to the Mayor's Office of Long Term Planning and Sustainability regarding the issues that you raise here in connection with their climate change adaptation module that they're kind of doing?

MS. TROUTMAN: I haven't yet

1
2 directly but we're setting up meeting with them, I
3 think a week.

4 CHAIRPERSON GENNARO: Good.

5 MS. TROUTMAN: We'd like to. We'd
6 like to work with them.

7 CHAIRPERSON GENNARO: Sure. Also
8 what I will urge you to stay in close contact with
9 the staff of the committee and my own legislative
10 director on that. I want to make sure that the
11 appropriate focus is being made on this. The
12 Mayor's Office Of Long Term Planning--I'm just
13 going to call them the Mayor's Office Of Long Term
14 Planning I seem to keep slipping on the
15 Sustainability. I'm not going to do that anymore.
16 What's the acronym? OLTPS, PlaNYC, fine.

17 I know that there is a climate
18 change adaptation module within what they're
19 doing. It's like its own project on adaptation.
20 But clearly if there was issues that should be
21 dealt with, with regard to the adaptation... I
22 don't know if their adaptation thing really
23 focuses on building infrastructure like levies or
24 this kind of thing or preparing to kind of turn
25 New York City into Holland or something like that

1 or New Orleans.

2 I haven't been that focused on what
3 that module is up to other than it's seeking to
4 look at adaptation. But to the extent that the
5 adaptation mindset can endue and inform all of the
6 projects that are being worked on within PlaNYC
7 that would be. And I think that is what you're
8 trying to advance here so I thank you for that.
9 And making sure you have the contact information
10 for the staff to the committee and my own
11 legislative director. Thank you all for coming
12 here. I really appreciate everything that you
13 came forward with. Thank you.

14 Our next panel, which is Paul
15 Mankiewicz, Adam Batnick and Kate Zidar. Let's
16 see if this next panel is as good as the next
17 panel. We have a little friendly competition
18 here. No pressure but that last panel was pretty
19 good so... Counsel swear in the panel.

20 COUNSEL: Do you swear affirm to
21 tell the truth, the whole truth and nothing but
22 the truth today?

23 CHAIRPERSON GENNARO: Okay. The
24 last panel we worked from my left to my right, on
25

1 this panel we'll work from my right to my left so
2 it will be your left. So we'll start with Ms.
3 Zidar. Do you have written testimony?

4 KATE ZIDAR: I do. My name is Kate
5 Zidar--

6 CHAIRPERSON GENNARO: [interposing]
7 Oh, it's Zidar, forgive me.

8 MS. ZIDAR: Zidar like spider but
9 it's not spelled that way.

10 CHAIRPERSON GENNARO: I said it
11 wrong. I'm sorry, Zidar. Forgive me.

12 MS. ZIDAR: Kate Zidar like spider.
13 I'm a member of the S.W.I.M. Coalition but today
14 I'm representing the project that I do in my free
15 time, a project based in a community garden in
16 North Brooklyn. It's called the North Brooklyn
17 Compost Project and I have written testimony so
18 I'll just get to the point.

19 The North Brooklyn Compost Project
20 is a volunteer based initiative. We have over 150
21 members at this point and we are focused on
22 reducing solid waste in North Brooklyn while
23 generating a stewardship base that's focused on
24 improving ecological function of our open space
25

1 and our streetscape. So we're killing many birds
2 in our free time. Since our founding, we've
3 amassed hundreds of volunteers and support of
4 businesses in the area. We've diverted tons of
5 waste in transfer stations in North Brooklyn, all
6 while spearheading stewardship efforts that have
7 beautified a once shabby corner of our park.
8

9 The project of importance to those
10 gathered here today is our spring program, which
11 is going to retrofit a street tree planted in a
12 tree lawn on the border of North Brooklyn Park.
13 This is a pilot project that compliments what Dawn
14 has been working on in the Bronx. She's working
15 on new street tree planting. I'm working on
16 existing street trees.

17 While in the plan we see many, many
18 pilot projects that are in the design and planning
19 stages. What Dawn and I have spoken about here
20 today are projects that are shovel ready and in
21 her case they're in the process of being
22 implemented now. In my case, we dig in May. So
23 we are very much pioneering these inter agency
24 relationships that will hopefully provide a
25 foundation for moving forward from here and

particular for the streetscape.

As just one project the impact of our retrofit will be small and will be largely educational. We support that moving forward stormwater BMP's particularly in the public right of way, in the streetscape be coordinated and advanced as a group on a citywide scale. Because we are solving a unique set of highly variable but sharing some commonality; we're addressing a certain range of issues of the gutter.

There are presently numerous projects by Green Streets that are in place and these have provided kind of the city side of what is existing right now. There's the DEP lead projects and the design phases along the Belt Parkway and the Jamaica Bay area and then the two projects that you've heard about.

If these are viewed cohesively they could provide the foundation of a research agenda to deal with roughly, as we heard earlier, over 30% of the city's surface, the public right of way and streetscape, in a manner that is cost effective, ecologically sane and engages communities. Currently these projects are largely

1 isolated from one another, bureaucratically. And
2 the formidable lines of communications are the
3 primary links.
4

5 The inter agency coordination
6 component of this work that Dawn mentioned is an
7 extremely daunting task and currently rests on the
8 shoulders of the same folks who have raised the
9 money, have coordinated the stewardship, are
10 planning and monitoring and doing site design.

11 The inter agency aspect of these projects in
12 particular is in dire need of support of the inter
13 agency BMP task force. I meet with DOT, DEP,
14 Department of Parks and soon DDC separately and
15 continue to untangle the red tape between the
16 agencies that have seemingly competing priorities.

17 As I mentioned, these relationships
18 would hopefully provide the foundation for large
19 scale implementation throughout the city. So we
20 look forward to continuing to work with everybody
21 involved. Thank you.

22 CHAIRPERSON GENNARO: Thank you.
23 Thank you Ms. Zidar. I appreciate you being here.
24 Paul.

25 PAUL MANKIEWICZ: I am Paul

1 Mankiewicz, the Executive Director of the Gaia
2 Institute and a Board Member of the New York City
3 Soil and Water Conservation District and a member
4 of the S.W.I.M. Coalition. I don't think there's
5 ever been as good a fit between a piece of
6 legislation and a coalition as occurred today;
7 stormwater infrastructure does indeed matter. I'm
8 going to just state something very simple.

10 It's been extremely rewarding to
11 work with the Mayor's Office Of Long Term Planning
12 and Sustainability because the otherwise
13 complicated task of getting agencies to talk to
14 one another doesn't occur with any good repetity.
15 I also have to thank DEP because even though the
16 agency has multiple sides and dimensions, they
17 helped me install a large dry well system in a
18 facility in the Bronx that captures half a million
19 gallons of water. So it was complicated but it's
20 in the ground and I don't think anything was built
21 like it before. And it was the help of agencies
22 that helped get there. It could be quicker and I
23 suppose that's something that could be facilitated
24 by this legislation and what you're doing here.

25 I'm simply going to state and I

1 will email the testimony and the article I just
2 published on a very simple fact. Every 33 gallons
3 of water that is fed to vegetation is a ton of air
4 conditioning in New York City. Literally, an inch
5 of runoff off a 100 foot wide roadway is about 60
6 few gallons of water, literally two tons of air
7 conditioning if its fed to vegetation. So the
8 green infrastructure literally holds in it as a
9 potential, the capacity to reverse the urban heat
10 island effect.
11

12 The only way to stop and actually
13 literally reverse the 150 degree air that comes
14 off roadways and off building tops is with
15 literally vegetation and soil systems that do what
16 is literally the work of reverse the heat island.
17 How much work? It's the equivalent of 15 tons of
18 dynamite per hectare per day of operating about 6
19 mm of water. That's what we get out of Central
20 Park, Prospect Park and any piece of
21 infrastructure we build that has trees and soils
22 at the road edges. So I'll pass this along to you
23 and put in a copy of the article. But really the
24 goal is to couple this water with literally the
25 transformers that can do something with it and

that's the plan so we can have our Million Trees and other programs connected with the new work of the agencies in New York, most especially DEP.

CHAIRPERSON GENNARO: Thank you.

Thank you, Paul. As always, I'll allow questions and comments for the panel once the panel is completed. Mr. Batnick, right?

ADAM BATNICK: Yes. I'm Adam Batnick. I'm with Sustainable South Bronx. I thank you to the Environmental Protection Committee the opportunity to share my thoughts on the Local Law 5, Sustainable Stormwater Management Plan. As I said I'm here to speak on behalf of with respect to the plan.

We are an equity organization dedicated to improving the environmental and economic well being of the South Bronx through implementing projects and policies that are informed by communities needs and we're also a member of the S.W.I.M. Coalition.

First with respect to the green roofs, we're encouraged by the tax incentive that passed this spring and this city's support last year, an initiative of PlaNYC and a component of

1
2 Local Law 5 plan. This tax abatement worth \$4.50
3 a square foot, which is about a quarter of the
4 total cost, provides a meaningful incentive for
5 buildings owners to provide for the tax abatement.
6 We commend the Department of Buildings and the
7 Department of Long Term Planning and Sustainable
8 for implementing the rules that are reasonable and
9 relevant to green roofs. Tremendous support from
10 the public was demonstrated in the process of
11 finalizing the rules. Over one hundred New
12 Yorkers signed on to letters of support to the
13 respect of ensuring the tax abatement meets the
14 needs of the city, green roof professionals and
15 building owners.

16 The city is now presented with a
17 tremendous opportunity to encourage the private
18 sector to green their buildings. One question
19 that we now have is how will the city use the
20 momentum from the rule making process to educate
21 the public and encourage them to apply for the tax
22 abatement.

23 We offer our support for
24 initiatives that help buildings, building owners
25 and professionals become aware of and apply for

1 the tax abatement. The S.W.I.M. Coalition has
2 connections to the green roof industry that could
3 help to facilitate such initiatives. Such
4 initiatives could include public information
5 sessions, notices on water bills advertising the
6 tax abatement and tours of existing green roofs in
7 New York City that could qualify for the tax
8 abatement.
9

10 Second we're pleased that green
11 jobs is a component of the Local Law 5 plan.
12 Initiatives that support the plan and PlaNYC in
13 general include the Million Trees initiative green
14 jobs training program. Green jobs can improve the
15 city's economy and tax base. For example by
16 encouraging local employment and maintenance for
17 urban forestry programs such as the Million Trees
18 initiative, outstanding questions that we would
19 like answered include how is the city's green
20 sector study, which the plan notes is evaluating
21 potential green jobs in New York City considering
22 the role of small businesses and locally trained
23 labor within the landscaping sector. And how is
24 the city planning for jobs created by Local Law 5
25 and PlaNYC and more generally through vegetative

infrastructure to create pathways out of poverty?

Third, the plan recognizes the important role of best practices guidelines that are being developed by various city agencies such as the park design from the 21st century high performance landscape guidelines. Sustainable South Bronx's policy director is a peer reviewer of these guidelines which are being developed by the New York City Department of Parks and Recreation and Design Trust for public Space.

We are in support of the principles that permeate these guidelines currently in draft form including the use of water as a resource through implementing vegetative source control infrastructure, water reuse and professional environmental stewardship. Once completed, these guidelines provide a framework for where appropriate, providing additional education incentives and regulation for widely recognized best practices.

Again, thanks for letting me testify. We look forward to working with the New York City Council and the Mayor's Office Of Long Term Planning and Sustainability to further our

1 shared goals of making New York City a greener
2 city through improving water quality in our
3 communities. Thanks.

4
5 CHAIRPERSON GENNARO: Thank you.
6 Thank you Mr. Batnick and thank you for your
7 testimony reminding me of things like the green
8 sector study. I will look into that as a result
9 of your reminding me of it here today. And also
10 with regard to the outreach for the green roof tax
11 abatement, I'm not actually an expert on what
12 we're actually doing to do that outreach. But
13 based on your testimony today but I'll make sure
14 that I do endeavor to do that and you had made
15 recommendations on how we could do that. It's one
16 thing to create a tax abatement. It's another
17 thing to make sure the people use it.

18 MR. BATNICK: Right. Thank you.

19 CHAIRPERSON GENNARO: That's the
20 key. Thank you Adam. I appreciate you being here
21 today and all the good work that Sustainable South
22 Bronx does. I appreciate that. Paul, we try to
23 do all these things but we don't have the metaphor
24 or the comparison of what are actions that really
25 doing in terms of a gallon of water does this.

1 This is the kind of benefit we get from that.
2 You're very in depth at explaining to us at what
3 we're trying to do here is get big ticket
4 consequences that are for real and quantifiable
5 and inspiring. I do appreciate that.
6

7 We wouldn't be doing half of this
8 stuff if it not for all of your activism and
9 inspiration over the years. Every time you
10 testify before this committee I feel like I have
11 to go out and do something good. Paul, you make
12 me want to be a better man so thank you. Thank
13 you for that. There are not a lot of people in
14 that category. A lot of people bring out the
15 other side of me but you bring out the good stuff.
16 Good for you and all the best to Julie.

17 Ms. Zidar, to the extent that
18 you're seeing turf wars between agencies or
19 whatever, that's really where the Mayor's Office
20 Of Long Term Planning and Sustainability can
21 really be of help. We have Mr. Koch is right
22 here, in captivity. So whatever needs to be
23 reported to him to untangle some of the knots that
24 we're getting between these agencies. I think
25 Paul spoke to this a little bit too. It's been

1 good having the Mayor's Office Of Long Term
2 Planning and Sustainability to help untie some of
3 those knots. It's been very helpful, which is why
4 after dealing with them for a while I wrote and
5 passed a law saying we should have this office
6 forever. One of the good things I think I've
7 done. I think it would be helpful for the Mayor's
8 Office Of Long Term Planning and Sustainability to
9 hear from people who are really trying to make
10 something happen. Whatever they observe in terms
11 of agencies stepping on each other's toes or
12 having different priorities or any kind of lack of
13 synchronicity, if that's a word, we should try to
14 get that synchronized and calibrated. Thank you
15 for that and Mr. Koch will be your guy on that.

17 In closing, with no one else
18 wishing to be heard. Usually every now and then
19 if there is a word that's used in a hearing for
20 the first time, sometimes I'll recognize that and
21 I think that's the first time that synchronicity
22 has been used in this committee. It's the first
23 time for that word in this committee so I just
24 want to recognize that. That's the silly part of
25 my nature but there you go. Once again I want to

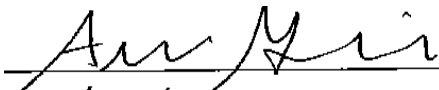
thank all the witnesses that came forward today,
the staff that did the work for this hearing.
Please stay tuned to this very important issue of
moving the city forward on stormwater practices
that are truly sustainable. Folks in this room
are a great inspiration for the progress that
we've made and I thank you for that.

With no one else wishing to be heard, this hearing is adjourned.

C E R T I F I C A T E

I, Amber Gibson, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature_____



Date _____ April 25, 2009 _____