

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL
PROTECTION, RESILIENCY AND
WATERFRONTS

----- X

March 18, 2025
Start: 10:38 a.m.
Recess: 3:09 p.m.

HELD AT: Committee Room - City Hall

B E F O R E: James F. Gennaro,
Chairperson

COUNCIL MEMBERS:
Alexa Avilés
Justin L. Brannan
Robert F. Holden
Kristy Marmorato
Sandy Nurse
Lincoln Restler
Rafael Salamanca, Jr.
Susan Zhuang

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

Paul Rush
Deputy Commissioner DEP

Lisa Alpert
Greenwood Cemetery

Nicki Cross
NYLPI

Hayden Brockett

Em Ruby
Riverkeeper

Rohit Aggarwala
Commissioner DEP

Tasos Georgelis
Acting Chief Operating Officer, DEP

Nerissa Moray
Chief Financial Officer, DEP

Cecilia Ellis
NYPIRG

Eric Goldstein
Natural Resources Defense Council

Theodora Makris
Center for NYC

Tony Ores
Neighborhood Housing Services

Tyler Taba
Waterfront Alliance

Chris Hartmann
Self

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

Beth Defalco

Nicki Cross
New York Lawyers for the Public Interest

Hunter Severini

Dara Illowsky
Save the Sound

Lisa Alpert
Greenwood Cemetery

Michael Higgins Jr.

Zulay Velazquez
Self

Angela DeLillo
Deputy Commissioner DEP

Linda Dada
Self

Jordan Paige
NYC IBO

Brian Cain
NYC IBO

Anais Reyes
Climate Museum

Sarita Daftary
Freedom Agenda

Sharon Brown
Self

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

Andrea Scarborough
Southeast Queens Residents Environmental Justice
Coalition

Nabil Julolidine (SP?)
Self

Michelle Luebke
SWIM Coalition

Eric Eisenberg
Self

Michael Streeter
Self

Michael McFadden
Self

Christopher Leon Johnson
Self

1 COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

5

2 SERGEANT AT ARMS: Testing, testing. This is a
3 soundcheck for the New York City Council Preliminary
4 Budget Hearing on Environmental Protection,
5 Resiliency and Waterfronts recorded by Sergeant Ben
6 Levy(SP?) on March 18, 2025 in the City Hall
7 Committee Room.

8 SERGEANT AT ARMS: Good morning and welcome to
9 the Committee, New York City Council Committee on
10 Environmental Protection, Resiliency and Waterfronts.
11 At this time, I'd like to remind everyone to please
12 silence all electronic devices and at no point going
13 forward is anyone to approach the dais or witness
14 stand unless invited to testify. If you would like
15 to testify, you can sign up by filling out a slip at
16 the Sergeant at Arms desk in the back of the room and
17 if you have any questions during the hearing, you can
18 ask one of the Sergeant at Arms and they will address
19 it. Chair, we are ready to begin.

20 CHAIRPERSON RESTLER: [GAVEL] Good morning and
21 welcome to the Fiscal Year 2026 Preliminary Budget
22 Hearing for the Committee on Environmental
23 Protection, Resiliency and Waterfronts. I am sorry
24 to disappoint you all but my name is not Jim Gennaro.
25 I am Lincoln Restler and this morning, I will

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

6

1 temporarily be chairing the Committee as Chairman
2 Gennaro could not join us today because he's
3 unfortunately incapacitated due to an injury. We
4 very much wish him a speedy recovery.
5

6 Chair Gennaro was intending to dedicate this
7 hearing to the memory of his late wife Joann. Joann
8 passed away nine years ago today. She was a truly
9 extraordinary partner to Jim and a loving mother of
10 their daughter Christina who just turned 30 and is
11 actually getting married this spring.

12 Jim was a profoundly committed partner and
13 caretaker to Joann, especially during the eight years
14 through which she suffered a terminal illness. On
15 behalf of Jim, I would just like to formally dedicate
16 this hearing in Joann's memory and our thoughts today
17 are with him and Christina and his whole family.

18 And I'll just say as a point of privilege, I
19 didn't know Jim before coming to the City Council but
20 he cares so deeply about this Committee and about
21 being as strong environmental steward for the City of
22 New York, and over decades as a Council staffer, as
23 Chair of this Committee on two different occasions
24 for now 15 years in aggregate, he has had an outsized
25 impact on the sustainability of our city and we're

1 COMMITTEE ON ENVIRONMENTAL PROTECTION,
2 RESILIENCY AND WATERFRONTS

7

3 really fortunate to have his leadership here in the
4 Council. I've learned a lot from him and am very
5 privileged to be his colleague.

6 Today, we will be reviewing the Department of
7 Environmental Protections Fiscal Year 2026 Budget to
8 understand how it addresses the needs of all New
9 Yorkers. Thank you to all who are present here today
10 and those who will be testifying remotely. I'd like
11 to begin by just thanking my colleagues who are here,
12 Council Member Marmorato from the Bronx, Council
13 Member Avilés and Council Member Nurse was here as
14 well. I'd also like to thank the staff of DEP for
15 their hard work. Over the past year and frankly day
16 in and day out to keep our city safe, our water clean
17 and more.

18 The Department of Environmental Protections
19 Fiscal Year 2026 budget in the preliminary plan
20 totals \$1.6 billion and includes funding for a
21 headcount of 6,307 positions. The Departments Fiscal
22 Year 2026 budget has been relatively unchanged since
23 adoption, decreasing by only \$36.8 million. The
24 preliminary financial plan includes five new need
25 totaling only \$1.6 million in FY25 for the department
and it ranges from stormwater resiliency mapping to

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

8

1
2 an expansion of flood sensors. Over the past year,
3 this Committee has held a number oversight hearings
4 on topics such as New York City's drought and efforts
5 to maintain the Filtration Avoidance Determination or
6 the FAD.

7 At this hearing, the Committee would like to
8 revisit some of those items and additionally discuss
9 federal funding risks associated with the new
10 administration in Washington, ongoing capital
11 projects and their growing costs, DEP's future
12 sustainability efforts and more. I'd also like to
13 discuss the vacancy rate and how the department is
14 dealing with enforcement and effectiveness measures
15 related to the high vacancy rate at the agency.

16 The Committee will also be focusing on the
17 increasing water rates and the potential water rates
18 for Fiscal Year 2026. It is essential that the
19 budget the Council adopts is transparent, accountable
20 and reflective of the priorities and interests of the
21 people we represent. This hearing is a vital part of
22 the process and I expect the DEP will be responsive,
23 like they always are, to Council Members questions
24 and concerns.

25

1 COMMITTEE ON ENVIRONMENTAL PROTECTION,
2 RESILIENCY AND WATERFRONTS

9

3 I look forward to an active engagement - I look
4 forward to actively engaging with the Administration
5 over the next few months to ensure that the FY25
6 Adopted Budget meets the environmental goals set out
7 by this Council.

8 I'd also like to personally thank DEP for their
9 impressive work on important projects in District 33;
10 that's mine. DC Licata, Deputy Commissioner Angela
11 Licata and her team spearheaded an effort to
12 significantly improve the New Town Creek long term
13 control plan. Alicia West led the effort to do
14 something that is generally unheard of in City
15 Government. She and the agency are willing to give
16 up DEP land in Bedstuy to facilitate new affordable
17 housing and preserve an awesome community garden
18 Myrtle Village, making their home permanent. And
19 Tara Craton(SP?) has partnered with our office on a
20 new program to help neighbors adopt catch basins on
21 their corner to prevent flooding.

22 In each of these examples, in our district, DP
23 staff have really taken initiative and been creative
24 to solve problems. And that orientation, it really
25 does come from the top and it's a testament to the
leadership of the Commissioner. And so, Commissioner

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

10

1
2 Aggarwala, I'm grateful to you for your partnership
3 with the City Council and your willingness to get
4 your hands dirty in addressing the issues that me and
5 my colleagues identify each and every day across the
6 five boroughs. We are very fortunate to have you
7 back in city government. I'd also like to thank our
8 Committee staff for their hard work. Financial
9 Analyst Tanveer Singh, Unit Head Aliya Ali, Committee
10 Counsel's Nantasha Bynum, Sierra Townsend, Policy
11 Analyst Ricky Chawla and Andrew Bourne, excuse me.
12 Sorry, and I'd really like to thank Chair Gennaro's
13 staff who do a terrific job, Henny Yam, his Chief of
14 Staff and his Legislative Director Josh Gachette and
15 all the hard working staff behind the scenes.

16 I'd also like to just thank my Chief of Staff
17 Molly Haley, you know we were asked yesterday around
18 4:30 if we would step in and Chair this hearing and
19 she had been awake since 4:00 a.m. yesterday morning
20 but of course worked all night to help prepare us for
21 the hearing and I'm always, I'm really appreciative
22 for her expertise.

23 So with that, I'd like to welcome and thank
24 Commissioner Aggarwala and I'm looking forward to
25

1 COMMITTEE ON ENVIRONMENTAL PROTECTION,
2 RESILIENCY AND WATERFRONTS

11

3 hearing from the Commissioner. Committee Counsel if
4 you wouldn't mind swearing in our witnesses.

5 COMMITTEE COUNSEL: Good morning. Please raise
6 your right hand everyone on the panel please. Thank
7 you.

8 Do you affirm to tell the truth, the whole truth
9 and nothing but the truth before this Committee and
10 to respond honestly to Council Member questions?

11 Thank you. You may begin when you're ready and
12 please state your name and -

13 CHAIRPERSON RESTLER: Just before we do, I'd like
14 to recognize Council Member Holden who is with us on
15 Zoom.

16 ROHIT AGGARWALA: Alright, thank you Chair, I
17 guess interim Chair, how do I address you here?
18 Okay, well, thank you for that introduction and for
19 those kinds words and I'd like to join you in sending
20 our best wishes to Chairman Gennaro both for his
21 injury and for the day of remembrance that he is
22 undertaking today.

23 Good morning members of the Environmental
24 Protection, Resiliency and Waterfronts Committee.

25 I'm Rohit T. Aggarwala, I'm the Commissioner of the
Department of Environmental Protection and I'm joined

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

12

1 here today by pretty much all of DEP's senior staff
2 but here at the table by our Chief Financial Officer
3 Nerissa Moray and our Acting Chief Operating Officer
4 Tasos Georgelis. We're here today to discuss the
5 Preliminary Budget, the Preliminary Capital Plan and
6 the Preliminary MMR.
7

8 I'm pleased to say that New York City's water
9 system is in good shape. We continue to provide some
10 of the nation's best drinking water and do so
11 reliably and cost effectively. The harbor continues
12 to get cleaner. Our record on minimizing water main
13 breaks, sewer backups and similar disruptions is good
14 and our response times to resolve these issues are
15 excellent. Our revenue collection is improving. Our
16 revised ten year capital plan is a healthy \$37
17 billion. Of course, like all entities, we face
18 challenges, including a 13 percent vacancy rate, the
19 impact of inflation, uncertainty on federal policy
20 and climate change. We continue to work to improve
21 our operating efficiency and our response times on
22 permits and approvals. In addition, there are
23 specific program areas such as lead service line
24 replacements and citizen idling enforcement where we
25 need the Council to act.

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

13

1
2 I'm going to give a quick overview of DEP's
3 expense and capital budgets. As of the FY26
4 Preliminary Budget DEP's expense budget is \$1.641
5 billion. This reflects as you pointed out a modest
6 set of new needs that include roughly \$2 million to
7 pursue the Environmental Impact Statement for the
8 Indirect Source Rule on which we heard and again, I
9 want to thank Council Member Avilés for her
10 leadership on that important issue. \$4 million for
11 Stormwater Resilience Mapping as part of the City of
12 Yes, a new responsibility that DEP has as part of
13 that rezoning and legislation, and roughly half a
14 million for an expansion of our flood sensing
15 network, which includes Flood net but is going beyond
16 it.

17 The backbone of any organization is its
18 workforce. I am tremendously proud of the work DEP
19 staff perform each day. Our authorized headcount
20 totals 6,307 for FY26, which is just 27 positions
21 fewer than FY25. That reduction represents grant
22 funded positions that are added to the budget for
23 each Fiscal Year, so in fact it's pretty much the
24 same. We currently have roughly 5,600 employees,
25 which does imply a 13 percent vacancy rate. It's

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

14

1
2 also worth noting that roughly 1,000 of our staff
3 work north of the city in our watershed and our
4 police.

5 I'm happy to report that with this new capital
6 plan we've received an additional \$3.8 billion to
7 address critical mandated work as well as a much
8 needed state of good repair for our waste water
9 treatment plants. Much of this is for complying with
10 mandates related to ambient water quality and in fact
11 Chairman, the lion share of that \$3.8 billion is for
12 the New Town Creek project and I want to thank you
13 for your kind words about our teams work there.

14 DEP's highest priority is to provide high quality
15 drinking water to half of New York State including
16 not only the entire city but also roughly 1.5
17 residents of Westchester, Putnam and Orange counties.
18 We recently published our annual Drinking Water
19 Supply and Quality Report, which, among other things,
20 reports on the result of our more than 650,000
21 analysis our scientists performed on more than 46,000
22 samples taken from our watershed, our reservoirs and
23 our distribution system.

24 In addition, 2.9 million robotic monitoring
25 measurements were taken from the upstate reservoirs.

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

15

1 We keep a very close eye on water quality. As I
2 testified here last year, a key to our water quality
3 is the Filtration Avoidance Determination, the FAD
4 that governs watershed protections and allows us to
5 avoid the cost of building and operating a filtration
6 plant for the 90 percent of our water that comes from
7 west of Hudson Watershed.
8

9 As I mentioned then, the FAD is up for renewal in
10 2027 and we believe that we'll need to evolve
11 significantly in order to continue to be successful
12 because climate change, evolving regulations, and a
13 resurgence of wildlife are posing new threats that
14 cannot be addressed with old solutions.

15 On that basis, DEP this year announced the end of
16 its program to purchase land far from the reservoirs
17 in order to focus our land acquisition efforts on
18 important and more expensive land adjacent to our
19 reservoirs. DEP has its own police department; our
20 specialized officers patrol the watershed and our
21 critical infrastructure every day. We struggle with
22 retention because we can't offer the same pension
23 benefits as other police in New York State who can
24 retire after 20 or 25 years of service, regardless of
25 age. DEP officers must be 63 years old before they

1
2 can retire because they have the same pensions as
3 civilians. Our police union is pursuing state
4 legislation that would erase this disparity by
5 allowing DEP police to have a police pension, like
6 other police departments in the state.

7 We maintain a system of thousands of miles of
8 pipes across the watershed and in front of every
9 building in the city. The main components of this
10 system were built more than 100 years ago. To keep
11 them running for the next hundred years, we must
12 invest in the resilience of the system. We have
13 several major projects underway as reflected in the
14 capital plan, including \$1.1 billion for work
15 currently underway at the Hillview Treatment Facility
16 that's part of our Hillview Reservoir Complex. \$1.7
17 billion for the Kensico-Eastview Tunnel, which is a
18 second connection between the Kensico Reservoir and
19 our Ultraviolet Filtration Plant. \$1 billion for the
20 Ashokan Century Program, a multi-year capital program
21 to comprehensively upgrade the water supply
22 infrastructure at the Ashokan Reservoir, one of our
23 three most important reservoirs and one that is now
24 as the title suggests more than 100 years old.

1
2 Additionally, we are preparing for the
3 culmination of the Delaware Aqueduct repair work. We
4 had as you well know expected to do the repair last
5 year but had to pause because of the drought. We are
6 working to be able to resume that repair this year
7 but doing so will depend on several factors including
8 the weather.

9 While we exited drought conditions in January,
10 the current storage is still lower than usual for
11 this time of year. We need absolutely full
12 reservoirs in Croton system in order to proceed with
13 the repair again this October so we are monitoring
14 levels closely.

15 My colleagues Deputy Commissioner Paul Rush and
16 Beth DeFalco, testified in December about the
17 drought. As they discussed, we learned a great deal
18 from the experience and among other priorities this
19 year, we are working to update our drought protocols.
20 Since our previous drought was in 2001, our protocols
21 did not take into account much that has changed in 25
22 years, including automatic meter readers, our new
23 billing system, and social media. We will take our
24 time with this but intend to update these before the
25 end of the year.

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

18

1
2 We've done a very strong job of maintaining our
3 in city distribution system of 7,000 miles of water
4 mains. We have one of the lowest rates of water main
5 breaks in the country. DEP has averaged between five
6 and six breaks per hundred miles for the last several
7 years, which is well below the national average of 25
8 breaks for 100 miles. When breaks do occur, we work
9 to fix the problems as quickly as possible. In FY24,
10 on average, we were able to restore service after a
11 watermain break in just over four hours.

12 Two topics I know to be of interest to the
13 Committee are lead service lines and sewer backups
14 pursuant to Local Law One of 2023, we published in
15 January our report on sewer backups, backflow
16 preventers and other ways to prevent SBU's. This is
17 it right here and I believe you've received copies in
18 case you didn't have them.

19 This report found that DEP has done an excellent
20 job of reducing dry weather SBU's, which are caused
21 by fatbergs or failures in the sewers. These have
22 been reduced by 75 percent since 2010, due to ongoing
23 maintenance efforts. However, due to climate change
24 wet weather SBU's, which are caused by too much
25 stormwater trying to get into the sewers are

1 increasing. Our research identified roughly 74,000
2 properties that may be at elevated risk of SBU's
3 including 59,000 one and two family homes. It also
4 identified that backwater valves can be effective but
5 are problematic in many situations because they
6 require annual maintenance and coordination among the
7 users of the building, which is especially
8 challenging in multifamily homes. The report
9 identified other solutions, such as toilet and
10 drainplugs that are easy and inexpensive to install
11 do not require maintenance and do not pose the risk
12 of causing a backup internally.

14 Pursuant to the law, we are currently developing
15 a program including looking for a federal program
16 that could support it. Importantly, the study also
17 found that nearly one in three sewer backups is
18 caused by internal plumbing issues, such as rooftop
19 downspouts being connected to the properties sewer
20 line. In response to this finding, we are working to
21 expand public outreach through initiatives such as
22 the NYC Accelerator, the Rainfall Ready Campaign and
23 the flooding information sessions that we began
24 holding last year. We invite the Council's

1
2 partnership to continue these sessions and share
3 information with homeowners.

4 Another topic of interest is lead service lines.
5 As I testified here last year, we believe that lead
6 service lines should be eliminated but we also
7 believe that the food grade additives we use in our
8 water protect most users with lead service lines from
9 exposure. There are no lead service lines in the DEP
10 water distribution system and New York City tap water
11 is safe to drink but we do recommend that anyone with
12 lead plumbing or a lead service line run their water
13 for one minute first in the morning before drinking
14 it. This is a simple precaution that will flush
15 water that has been sitting in an internal pipe for
16 many hours. Anyone who is concerned about the water
17 in their home can request a free lead test kit
18 through 311.

19 We've been aggressively pursuing state and
20 federal funding to replace homeowners lead service
21 lines. We have received \$72 million in grants in
22 interest free loans for replacements. We have
23 focused our replacement programs on environmental
24 justice communities that have high concentrations of
25 lead service lines and have a median household income

1 of less than 47,600. In addition, we're committed to
2 facilitating a replacement of lead service lines
3 throughout the city, with an emphasis on executing no
4 cost replacements for privately owned water service
5 lines in underserved communities.
6

7 While many replacements are part of our no cost
8 initiative, others are necessitated by our
9 infrastructure. Lead service line replacements fall
10 into various categories, the Neighborhood Replacement
11 program funded by the Bipartisan Infrastructure Law,
12 proactive replacements during water and sewer main
13 construction work.

14 DEP is partnering with DDC to offer lead service
15 line replacements to homeowners when we do watermain
16 work in their streets. We've replaced more than 700
17 lead service lines since 2019 and expect to replace
18 roughly 2,500 in the near future. Our Neighborhood
19 Replacement Program suffers from the fact that there
20 is no requirement for homeowners to replace lead
21 service lines if a free replacement is offered.

22 As a result, our federally funded efforts are
23 less effective than they should be. Only 50 percent
24 of eligible homeowner are signing up. The
25 legislation the Council considered last year and in

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

22

1
2 which I testified in favor, would address this and
3 would require homeowners also to replace their lead
4 service lines at the time of sale, when new
5 homeowners are likely to be making upgrades anyway.
6 I urge the Council to act at least on those two
7 provisions of that bill.

8 I have testified at length on multiple occasions
9 on the challenge that climate change presents to DEP.
10 Last spring, we released the 2024 stormwater
11 analysis. No, this one here. I brought a lot of
12 exhibits, it's somewhere. Somebody can help me find
13 it? Thank you, which is the first, the first
14 building block in the development of a master
15 citywide stormwater plan. That document identified
16 86 locations around the city that will require
17 resilience projects for an estimated cost of \$30
18 billion. We have continued work on that effort
19 including several key projects. Six sewer and storm
20 sewer projects including Council Member Nurse, the
21 \$390 million project on Knickerbocker Avenue in
22 Bushwick that we were pleased to announce with you a
23 couple of weeks ago.

24 Four Blue belt projects now in advancing planning
25 with sufficient funding in this budget to realize

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

23

1
2 Mayor Adams' announced goal of a five borough blue
3 belt program. A cloudburst project in Montpelier
4 Park in southeast Queens, and several pump station
5 upgrades to keep sewage and stormwater moving despite
6 larger flows and higher sea levels. As you know in
7 2023, DEP established a new Bureau of Coastal
8 Resilience. We hope to work with the Council this
9 year to amend the Charter to officially establish
10 this bureau under DEP's purview.

11 We reached a major milestone in coastal
12 resilience last month when BCR formally took
13 responsibility for the first 12 floodgates on the
14 Eastside Coastal Resilience Project. Now, BCR is
15 responsible for the operations and ongoing
16 maintenance of that critical infrastructure.

17 It's important to note that coastal resilience is
18 not an eligible use of water rate revenues. So BCR's
19 work must be funded out of the agencies tax levy
20 budget, which traditionally has only included our
21 air, noise and hazardous material functions.

22 As BCR's needs expand, this is unlikely to be
23 realistic. As a result, former Deputy Mayor, Mayor
24 Joshi and I convened a Resilience Finance Taskforce
25 to explore ways to fund and finance this critical

1 work. The task force released its findings just
2 yesterday in this report that can be found on DEP's
3 website and of course I do have copies for you all.
4

5 The size of our water operations makes it easy to
6 overlook the critical functions that DEP provides in
7 enforcing the city's air, noise, and hazmat codes.
8 Our hazmat response team responded to more than 3,000
9 events in Fiscal Year 24, including almost 400
10 responses to lithium-ion battery fires, and assisted
11 NYPD at 18 major events like the World Series. Our
12 air and noise inspectors processed over 124,000
13 citizen idling complaints and issued 849 muffler
14 noise summonses based on evidence from our camera
15 program.

16 I testified last year on Intro. 941, which would
17 reform the Citizens Idling Enforcement Program. The
18 budget should reveal the need to reform this program.
19 Today, fully 94 percent of the time of the
20 Administrative staff our air noise division and 65
21 percent of our air and noise inspectors time is fully
22 dedicated to administering this single program.

23 As I testified, the program is failing to focus
24 on the neighborhoods where air quality related health
25 impacts are disproportionately located, which should

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

25

1
2 be our first priority. Areas such as Hunts Point,
3 Sunset Park and others. It is also a key reason we
4 cannot currently the expand the noise camera program
5 or do more to focus on the many dust and construction
6 noise complaints that we receive. I urge the Council
7 to enact Intro. 941 to help us redirect our resource
8 appropriately.

9 Most of our work is paid for by water and sewer
10 payments not city tax levy. As such it is critical
11 that we maintain a reliable funding stream and ensure
12 that everyone pays their bill. We've worked this
13 year to improve our customer service and make it as
14 easy as possible to pay water bills. We are making
15 major capital investments to replace our aging
16 automatic meter readers, now at the end of their
17 useful lives to reduce estimated bills. We offer
18 several affordability programs including the Home
19 Water Assistant Program and the Multi-Family Water
20 Assistance Program and the Multi-Family Water
21 Assistance Program.

22 We offer flexible and customized payment plans to
23 any account holder who is behind on payments. I am
24 pleased to say we have worked especially hard to
25 address our largest delinquent customers including

1 reaching the final stages of resolving a long
2 standing dispute with the Port Authority about its
3 water bill. Unfortunately some people choose not to
4 pay their water bills. Passing on their portion to
5 their neighbors and that is not fair. If some people
6 do not pay their water bills, the cost must be borne
7 by those who do, eventually raising rates.

9 Last year, we initiated a water shutoff program,
10 shutting down service on chronically delinquent
11 customers. We have been able to recoup more than \$18
12 million and secure another \$21 million in payment
13 agreements through shutoffs thus far. We are
14 continuing this program this year after pausing for
15 the winter. It is never DEP's goal to shut off
16 service but this remains an important tool for
17 ensuring that people pay their fair share and keep
18 rates fair for all New Yorkers. Thanks to the
19 Council's help, we are partnering with DOF and HPD to
20 hold a lien sale this year to recoup more owed money.
21 This year's lien sale will be in May.

22 Outreach began last month with notices sent to
23 everyone on the lien sale list. After several years
24 of no lien sales, this years is potentially the
25 largest 90 day lien sale list in DEP's history.

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

27

1
2 There are 17,970 delinquent customers with over \$450
3 million in open charges. Our goal is not to sell
4 liens or shut off water, but it is to have all
5 customers come into good standing. Up to and until
6 the day before the sale, anyone who pays their
7 balance or enters into a payment agreement will be
8 removed from the lien sale list. A customer does not
9 need to pay their entire balance to be taken out of
10 the lien sale. They can be taken off the list by
11 making the minimum payment amount or by working with
12 our customer service team to enter into a payment
13 plan. We want people to enter payment plans and as I
14 mentioned these plans are customized to be manageable
15 with a customer's unique circumstance. Customers can
16 even enter in to a zero down payment agreement. We
17 have been reaching out to rate payers who are on the
18 lien sale list and we invite the Council's assistance
19 to engage with them.

20 In addition to increasing collections, we are
21 also keenly aware of our responsibility to manage our
22 costs through efficiency improvements. We are
23 working towards this on several fronts. We are in
24 the midst of a major effort to increase digitally
25 enabled operations, called Scada systems at our

1 works. This should allow us to operate more
2 accurately and to redeploy our skilled labor to the
3 kind of preventative maintenance that we most need to
4 focus on. We're beginning a smart sewer program to
5 make the best use of our existing sewers. This
6 begins with the installation of 200 sewer monitors
7 this year. For our \$3 billion New Town creek tunnel
8 required under our long term control plan and part of
9 the New Town Creek Super Fund, our engineers
10 identified ways to redesign that project to make it
11 far more effective. I'm pleased that the State DEC
12 approved that modification. I want to thank you
13 Council Member Restler for your support and also note
14 the support of Riverkeeper for that modification.

15
16 Going forward, we will need to consider carefully
17 how we can get multiple benefits from all our
18 investments. It's important to note that while I
19 believe your constituents are often talking to you
20 about flooding, our largest investments going forward
21 will be to comply with mandates about water quality
22 in the harbor.

23 As we know the new federal administration is
24 making changes to federal programs. We are less
25 reliant on federal funding than many other agencies

1 but we have been using federal grants to support
2 cloudburst infrastructure, lead service line
3 replacements and some other discreet projects. We
4 have been more awarded multiple brick grants to
5 stretch out our cloudburst program and are moving
6 forward right now with the assumption that the
7 funding will not change. If it does, however, we
8 would expect several neighborhoods cloudburst
9 projects to be delayed. Beyond direct funding, we
10 rely heavily on several federal agencies for our
11 operations. The National Weather Service provides
12 detailed weather forecasts that we rely on for our
13 reservoir operations. If these are in any way
14 curtailed, we will need to pay for private sector
15 forecasts. DSG Ecological Survey provides us
16 services both in the watershed where they monitor
17 streams that feed our reservoirs and in the city
18 where we are working with them to measure ground
19 water levels.
20

21 Finally, the US Army Corp is a partner both
22 within the city on coastal protection and in the
23 watershed in the management of the Delaware River.
24 We are closely monitoring what might happen to these
25 federal programs we rely on but have no news to

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

30

1
2 report at this time. Overall, DEP continues, I
3 believe to be well run and farsighted. We have real
4 challenges to face, recruiting, inflation, federal
5 changes and climate change. We have work to do
6 internally on efficiency, permitting and planning and
7 we face major milestones ahead of us. Most notably
8 the renewal of the FAD but also issues such as
9 coastal resilience and the impact our treatment
10 plants have on Jamaica Bay. We also think constantly
11 about how we balance our needs, the demands of New
12 Yorkers for better services and especially for flood
13 water protection and the need to manage our water
14 rates to be affordable.

15 To close, I ask for the Council's continued
16 partnership to support our work. As I mentioned
17 earlier, we hope to work with the Council in the near
18 future to enact legislation relating to lead service
19 line replacements, the Bureau of Coastal Resilience,
20 Citizen Idling, and the legislation for the Indirect
21 Source Rule as we've discussed at recent hearings.

22 Thank you for your time this morning and my
23 colleagues and I are happy to answer your questions.

24 CHAIRPERSON RESTLER: Wonderful, that was a
25 thoughtful and informative testimony. We appreciate

1
2 you sharing it with us today. I will do a couple
3 topics and then pass it over to colleagues and so
4 they can get on with their days.

5 I'd like to just start with headcount and I'd
6 like to cover the water rental payments and then I'll
7 pass it around. So, according to the data that I
8 reviewed, DEP currently has 765 vacancies. I think
9 you mentioned it was a 13 percent vacancy rate in
10 your testimony and we are approximately 430 positions
11 below the peak DEP headcount five years ago in FY20
12 prior to the pandemic.

13 The staffing gap raises significant concerns for
14 me, this Committee, for New Yorkers about the
15 Departments ability to effectively manage its
16 critical functions, including water infrastructure
17 maintenance, environmental protection, stormwater
18 management and more. DEP appeared to be making some
19 progress on hiring in the first half of FY24 but
20 things seemed to have stalled according to the data
21 we reviewed. Are any DEP positions exempt from OMB's
22 two for one hiring rule and have you requested an
23 exemption?

24 ROHIT AGGARWALA: Thank you Mr. Chairman. Look,
25 the vacancy rate is certainly a challenge and

1 something that we are keenly focused on. To answer
2 your question about the two for one, we are not
3 currently subject to the two for one at all. In
4 September of 2023, when the significant change in the
5 city's fiscal environment led to the citywide changes
6 in hiring, OMB allowed us to take a PEG. At the
7 time, it was not for our water utility function, so
8 it only covered our IFA, which is some of our
9 engineers mainly and our tax levy, so our air noise
10 inspectors among others. So we did lose 15 percent I
11 believe was the reduction at the time but as a
12 result, we've been able to do one for one hiring.

14 There are a number of process changes that have
15 led to the slowdown in hiring but we're very much
16 focused on it and I'm optimistic that it will pick
17 up.

18 CHAIRPERSON RESTLER: So, I should be asking
19 Director Jiha this question but my recollection was
20 that the 15 percent PEG was threatened and that
21 except for the agencies that made some sort of deal
22 with OMB and agreed to a tradeoff, that the rest of
23 the agencies only actually suffered a five percent
24 PEG and didn't have the three rounds of five percent.
25 Is that your recollection as well?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ROHIT AGGARWALA: I will be honest -

CHAIRPERSON RESTLER: I just think that that should be revisited since not every agency - even the agencies that were subject to the PEGs that were non exempted agencies did not suffer a 15 percent PEG. Whatever deal was made with OMB should have to be revisited so that you can restore your staffing levels and the critical functions that we all want to see DEP more - with more capacity to address. So, we'll follow up with Director Jiha on that but I think that is absolutely unfair.

You know as you mentioned in your testimony, DEP is largely funded by our water bills. Why therefore is DEP subject to you know OMB's limitations on your - why does OMB - why is DEP therefore subject to OMB's limitations on your hiring practices when it's not CTL money, traditional CTL money that funds the agency?

ROHIT AGGARWALA: Well, just to be clear, the PEG did not affect our water utility headcount.

CHAIRPERSON RESTLER: Understood.

ROHIT AGGARWALA: I mean so that was only the tax levy.

CHAIRPERSON RESTLER: Yes.

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

34

1
2 ROHIT AGGARWALA: But DEP is a city agency,
3 right? And so, all of the city - all of our
4 functions related to budget and personnel etc., DEP
5 adheres to those processes just like any other city
6 agency regardless of the source of funding. OMB has
7 traditionally made a distinction where there is a
8 policy that is driven by the city's tax levy fiscal
9 situation that at their discretion, they treat our
10 water rate functions differently as they did in
11 September of 2023, but the overall management of the
12 agency, we are fully a city agency.

13 CHAIRPERSON RESTLER: Understood. I just to your
14 point, there's been no distinction made in your - in
15 how OMB places guardrails and stifles hiring at DEP
16 than they have at any other agency despite the fact
17 that it's the water bills that fund the overwhelming
18 operations of the agency and I think that that's
19 wrong.

20 So, it's not your job to say that it's mine but I
21 just, I want to be clear.

22 ROHIT AGGARWALA: And I will just point out, that
23 wasn't quite my point Chairman.

24 CHAIRPERSON RESTLER: It wasn't. I'm making
25 that. I want to be clear; you're not saying that.

1
2 You've got to be more careful than me. I'm in
3 trouble with Director Jiha all the time. So, could
4 you just help elaborate for us, which divisions or
5 job titles within DEP currently have the highest
6 numbers of vacancies or the highest vacancy rates and
7 how are these staffing shortages impacting daily
8 operations?

9 ROHIT AGGARWALA: Of course, so the job titles
10 where we have the highest vacancy rates are uhm some
11 of our trades, engineers, which is a big problem for
12 us and for many of our fellow agencies, police and
13 customer service. Our police vacancy rate is
14 actually 25 percent and so those are the areas. You
15 know I will say per your preamble to this set of
16 questions, no one should think that we are doing a
17 less good job of supplying water right and we have
18 across most of our functions relied very heavily on
19 overtime to ensure that the critical operations are
20 fully staffed. Of course we are adhering to every
21 regulatory requirement. Of course we have not
22 changed our water testing, our water sampling or
23 anything like that.

24 In some cases, we have had to pair back
25 nonessential work, such as some police patrols, some

1
2 preventative plant maintenance, things like that. On
3 two occasions over the last year, we've implemented
4 an emergency contract to address staff shortage that
5 we could not address with -

6 CHAIRPERSON RESTLER: Which emergency contracts?

7 ROHIT AGGARWALA: Uhm one was related to our
8 marine unit, which runs the sludge votes that
9 transport sludge to some of our treatment plants and
10 one was our asbestos lab. That one happily resolved.
11 We were able to do the hiring so that emergency
12 contract we only had to use very briefly, but you
13 know those are things where we have a minimum viable
14 operation and once staffing goes below a certain
15 level and once you ask people to work for six or
16 seven days a week, you know just they can't keep it
17 up.

18 CHAIRPERSON RESTLER: I have every confidence
19 that DEP is continuing to do a stellar job but it is
20 as those examples indicate, it's really hard to make
21 due with such a dramatic reduction in headcount.
22 We're talking about an eight percent reduction in
23 headcount since the prepandemic levels. We're
24 talking about a 13 percent vacancy rate today. We
25 want to see a staffed up DEP so that you can

1 sustainably execute on each of your priority areas
2 and achieve your core functions.

3
4 Just to dive in on a couple more. DEP is
5 responsible for approving sewer connections for new
6 constructions. Can you share with us the current
7 timelines for DEP approval on those projects and have
8 staff vacancies impacted those timelines?

9 ROHIT AGGARWALA: Hold on - I'm sure we have the
10 data here somewhere.

11 CHAIRPERSON RESTLER: Tasos doesn't know this off
12 the top of his head? I'm disappointed.

13 ROHIT AGGARWALA: Look, let me say while we're
14 finding the data, which we may get back to you.

15 Among the things that we do actually that Tasos has

16 been leading is taking a broad look at all of our

17 approvals. I know I do hear from members of the

18 Council on occasion with respect to our stormwater

19 permits for the unified stormwater rule sometimes

20 around asbestos control, things like that and among

21 the things we are doing is taking a comprehensive

22 look at all of those functions where we have a

23 customer service function that is not about peoples

24 water bills to see how we can manage those better.

25 At the Bureau of Water and Sewer Operations, Tasos as

1 Deputy Commissioner led an effort to put a lot of
2 that online, which of course just like the Department
3 of Buildings has done, streamlines those processes
4 dramatically and among the things we are doing is
5 looking at our internal processes and our customer
6 interfaces to see how we can make that easier across
7 the board.
8

9 CHAIRPERSON RESTLER: Great.

10 ROHIT AGGARWALA: Any news?

11 TASOS GEORGELIS: Your specific question Council
12 Member is on the sewer connections?

13 CHAIRPERSON RESTLER: Yes.

14 TASOS GEORGELIS: So, the days have been creeping
15 up and the latest numbers I have here is five to six
16 days.

17 CHAIRPERSON RESTLER: And what from - is there a
18 former baseline that we used -

19 TASOS GEORGELIS: 2022 we were running four to
20 five days.

21 CHAIRPERSON RESTLER: Okay and do you attribute
22 that increased timeline to staff vacancies?

23 TASOS GEORGELIS: It's a number of factors,
24 right? Staff is one of the factors but we've been
25 seeing an increase in the volume that we're receiving

1
2 and like the Commissioner said, we're trying to
3 improve processes all the time and specifically with
4 the sewer connections, we're trying to go to an all-
5 digital version, which is reducing the time we spent
6 reviewing again quicker to the folks that are asking
7 for it.

8 CHAIRPERSON RESTLER: Okay and I think that
9 Commissioner your comments on asbestos a moment ago
10 speak to this but we saw in the PPMR that there was a
11 16 percent increase in the number of hazardous
12 material complaints received by DEP and the average
13 time to respond to these complaints had increased to
14 over four days. Up from a half a day just last year.
15 And full exceeding the 1.5 day response time target.
16 The PPMR stated that the hazardous materials
17 inspections unit has a vacancy rate of 22 percent.
18 Is that still right and what are we doing to staff
19 that unit up and bring down response times?

20 ROHIT AGGARWALA: I may need to ask Deputy
21 Commissioner Lubin to specifically address it but
22 yes, we do have our asbestos inspectors as a group
23 have one of the highest overall vacancy rates in the
24 agency. We have received in early February approval
25 from OMB to hire eight industrial hygienists and a

1 pool was held to hire from that list at the end of
2 February and no candidate showed up to interview. So
3 you know sometimes it's not for a lack of trying and
4 you know it's not always a thing at the agency or at
5 OMB or something. You know some of this is about us
6 being more aggressive and more thoughtful on
7 recruitment and we do have a number of efforts that
8 we are making over the course of this year to go out
9 and find candidates for some of these lines. And as
10 I mentioned with the police, to understand in some
11 cases, where we have structural challenges, where
12 we're just out of sync with the market.

14 CHAIRPERSON RESTLER: I just want to shift gears
15 to the water rental payments that the Mayor decided
16 to impose last year. Just for a moment a background.
17 Under the 1985 lease agreement between the city and
18 the Waterboard the city may request a rental payment
19 from the Waterboard. In 2016, Mayor de Blasio paused
20 rental payments, noting and they were not reinstated
21 except for partial payments during the pandemic.

22 Last year however, Mayor Adams brought back the
23 rental payments. \$289 million in FY25 and a planned
24 \$1.4 billion through 2029 reportedly to cover asylum
25 costs. Although I don't think we've seen an

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

41

1
2 adjustment in those numbers since asylum costs have
3 gone down. These funds are directed to the city's
4 general fund and do not support any water related
5 purpose, any resiliency purpose. Like Chair Gennaro,
6 this really pisses me off just to say it plainly.
7 How much will the water rate payments for taxpayers
8 increase to cover the rental payment do you estimate
9 for next year?

10 ROHIT AGGARWALA: Do you have last year's
11 numbers? Can you do last year number? So, Chairman,
12 we are currently working, we will over the next
13 couple of weeks actually be working our annual
14 process to set next year's water rates. It usually
15 starts in late March early April, so I do not at the
16 moment know what our proposal to the Waterboard will
17 be. What was projected in the last bond issuance
18 where we do layout a four year projection is the same
19 8.5 percent number that we did last year but that is
20 always adjusted and you know I'm pleased to report
21 for example, we are ahead of revenue plan at the
22 moment, which gives us a little bit of cushion by
23 \$200 million today and that's a good thing. But what
24 I can tell you is the breakdown of last year's 8.5
25 percent rate because we did break down for the

1
2 Waterboard where it went and I'll ask Chief Financial
3 Officer Nerissa Moray to take that.

4 NERISSA MORAY: Yes, in terms of the composition
5 of the last year's 8.5 percent increase, 3.1 percent
6 was attributed to debt service, so obviously the
7 financing and funding that goes towards our capital
8 plan, the delivery of that capital plan. 3.1 percent
9 was attributed to the rental payment request from the
10 city. One percent was driven by OMB inflation
11 recosts, our new program needs that were provided.

12 CHAIRPERSON RESTLER: Can I just dig in with you
13 on that 3.1 percent that was attributed to the city's
14 rental payment? Do you have a breakdown of the
15 average cost per homeowner of what that meant? My
16 notes have it here as a \$1.30 per month. Does that
17 sound right to you? Is that a number that means
18 anything?

19 NERISSA MORAY: I'm sorry, I'd have to check that
20 and get back but I can go ahead and check that.

21 CHAIRPERSON RESTLER: Has OMB provided any
22 explanation for why they are reinstating this
23 additional tax on New York homeowners?

24 ROHIT AGGARWALA: Council Member, it is the city
25 represented by the Mayor and usually delivered by OMB

1
2 that makes that decision and it's in the , so DEP has
3 no role in that decision.

4 CHAIRPERSON RESTLER: Right, I just wondered if
5 you had any explanation beyond the purported costs of
6 covering asylum seekers. You know I just if we were
7 talking about an additional assessment that was
8 expanding DEP's resiliency efforts to protect us all
9 from the existential threat of climate change, that
10 would be a conversation that I think myself and many
11 members of this Committee and this Council would be
12 willing to have but a tax on homeowners to just send
13 resources to the general fund to the tune of \$1.4
14 billion over the next five years, with no additional
15 support provided to DEP as a result of this backdoor
16 tax on New York City homeowners, at a time when the
17 affordability crisis is worse than ever, right? It
18 doesn't make any sense to me. I mean a quarter of
19 kids in New York City are living in poverty and we're
20 adding these taxes that are just inequitable for no
21 good reason and without a clear explanation.

22 So, I realize this is not your decision but
23 you're the person I get to yell at about it and so,
24 I think that I've made my point clear. I just uhm,
25 can you just - can I - I'll ask the question rather

1
2 than just assert it. Giving the pressing needs for
3 climate resilience, are any of these additional funds
4 that are being generated on the backs of New York
5 homeowners you know through this backdoor tax going
6 to expand resiliency efforts at the agency?

7 ROHIT AGGARWALA: Uhm, well, no not directly.

8 CHAIRPERSON RESTLER: Yeah, okay I could just
9 keep complaining about this but I made my point. Why
10 don't I pass it over to colleagues and then I'll keep
11 asking more questions. Council Member Marmorato.

12 COUNCIL MEMBER MARMORATO: Thank you. Hi guys.
13 So, I have to tell you your sump pump giveaway in my
14 district was a huge success and I was just curious
15 how do you get the funding for that? Like what
16 portion, because I was reading this and I didn't
17 really see anything for like equipment. What portion
18 of the budget does that come out of?

19 ROHIT AGGARWALA: So, I'll ask Nerissa to add a
20 bit more in a moment. We did that last year as
21 frankly as a bit of a pilot, right? And so, we do
22 not at the moment have a program. We do not have a
23 program. So, it is one of the things that we are
24 trying to figure out right now is what the long term
25

1 kind of maintenance of that educational effort is but
2 can you say where the funding is coming from?

3
4 NERISSA MORAY: Yes, I think that's right so we
5 basically used underutilized funds for another area
6 of the budget as a temporary amount of funding for
7 that pilot program.

8 COUNCIL MEMBER MARMORATO: Well, if there's any
9 additional unutilized funds, please send them our
10 way. It was a big success. I still get text
11 messages. The rain that we had the other day that
12 was like very heavy, my neighbor said, thank God for
13 the sump pump because we'd be under water. So, it is
14 effective. My community really did benefit from that
15 and I thank you for that.

16 ROHIT AGGARWALA: That's great, thank you.

17 COUNCIL MEMBER MARMORATO: So, in the Metro North
18 rezoning process, our district secured \$170 million
19 for DEP infrastructure. Given the \$36.8 million
20 reduction in your budget for FY26, how will this
21 impact ongoing or planned water and sewer
22 infrastructure projects?

23 ROHIT AGGARWALA: I don't the - as I mentioned
24 the change in our operating budget for Fiscal Year
25 2026 is small and is related to budgetary dynamics

1
2 about how grants are calculated more than any real
3 reductions. So, I'm not worried. I mean we have a
4 robust capital plan and we did as I said get nearly
5 \$4 billion in incremental capital spending in this
6 new ten year capital plan, which I think it is vote
7 of confidence from the Mayor and from OMB on that
8 fact that we now have the ability to deliver every
9 year a \$3 billion capital program, which you know
10 over the decade ending in 2022, we were averaging
11 about \$1.5 billion a year and now we are consistently
12 delivering \$3 billion.

13 COUNCIL MEMBER MARMORATO: Now how do you decide
14 where that funding is going? Do you have like
15 something set up like a formula of how you disburse
16 that money equally throughout the city or there are
17 certain projects that need to be addressed before
18 others?

19 ROHIT AGGARWALA: So, uhm of the overall capital
20 plan, we you know each project is scoped out. There
21 are some bulk codes where we have a pot of money
22 including money that we are investing now in the
23 stormwater resilience that was first created in
24 response to Hurricane Ida at the very end of the de
25 Blasio Administration and so, that was put there and

1
2 that's actually funded or is going to be funding some
3 of the work that we are doing as I mentioned through
4 the stormwater analysis, including the work for
5 Council Member Nurse's district. I think some of the
6 funding for your district is coming from that pot of
7 money.

8 COUNCIL MEMBER MARMORATO: I think we got hit
9 harder with Ida than we did Sandy, our district.

10 ROHIT AGGARWALA: Yes, well and of course Ida was
11 a very different storm than Sandy. Sandy was mainly
12 coastal inundation. Ida was stormwater flooding and
13 so, the impacts on different parts of the city would
14 be very different. But again, that's why in 2022, we
15 started work on what will be this multiyear effort
16 and actually Chairman Gennaro has a bill around it
17 that we are happily working with the Council staff on
18 to codify in law the kind of next generation of
19 stormwater planning and you know I'm really proud of
20 this work. It represented an integrated effort by
21 our traditional kind of grey infrastructure team at
22 the Bureau of Water and Sewer Operations under Wendy
23 Sperduto who is sitting over here and Melissa Enoch
24 team at our Bureau of Environmental Protection
25 Analysis, which traditionally does green

1
2 infrastructure and now they are doing planning in an
3 integrated way, which is really the way to do it and
4 I'm very excited that's where the Knickerbocker
5 Avenue designs came from. Some of the work in your
6 district, a number of places around the city have
7 already begun or we've already got the plans to
8 benefit them and that will bear fruit over time.
9 Yeah please.

10 NERISSA MORAY: I would just add over the last
11 ten years, we've invested about \$5.9 billion in
12 stormwater resilience and stormwater infrastructure
13 and in the next ten years, including fiscal 2025
14 through 2035, we have about over a \$10 billion
15 investment and coming, so.

16 COUNCIL MEMBER MARMORATO: These guys are
17 bouncing money around like they're pennies. That's
18 some serious money, so that's good. Now what's the
19 status of the capital investments that were promised
20 to us as part of the Metro North expansion in my
21 district? And you said that the funding has been
22 allocated but when will it be scheduled to be
23 distributed?

24 ROHIT AGGARWALA: Council Member, I think we will
25 have to get back to you on the schedule. As you

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

49

1 know, you know a lot of this took place at the end of
2 last year around the City of Yes. We are now working
3 into our capital plans that our engineers are focused
4 on but we'll get back to you with a timetable.
5

6 COUNCIL MEMBER MARMORATO: Because I do have a
7 property that's kind of prime real estate. They want
8 to sell and they're not - they want to wait to see
9 when the sewer will be - the catch basins and sewers
10 will be implemented and you know they want somebody
11 to come and develop on the property. So, alright one
12 more question and so, the budget reflects a \$38
13 million reduction in the city's funds for DEP. How
14 will this effect infrastructure and maintenance and
15 capital improvement projects that my district
16 definitely relies on?

17 ROHIT AGGARWALA: You know again as I said, I
18 think the operating budget is pretty much the same as
19 it was last year, so you know I think this is a - you
20 know and of course, we'll see what happens in the
21 executive budget but in the January budget it is more
22 or less stable in the you know you mentioned it's a
23 \$36 million delta on a base of \$1.6 billion. It's a
24 pretty small change and you know as I mentioned, we
25 are also genuinely enthusiastic about the opportunity

1
2 we have to be really efficient and we've done a
3 number of things already that I'm proud of there's a
4 lot more that we will be doing on that score.

5 COUNCIL MEMBER MARMORATO: Now, going off topic
6 just a little bit. So, do you guys have any like
7 thoughts and ideas or how you're going to fix this
8 stormwater drainage issue? Like other than just
9 replacing and having money to replace these?

10 ROHIT AGGARWALA: Well, you know as is laid out
11 in the stormwater analysis, you know in order for New
12 York City to be resilient for the more intense storms
13 that are coming and you know currently our five year
14 design storm is 1.85 inches per hour. Over the next
15 30 or 40 years, it will go up to 2.1 inches per hour
16 but it is a combination of factors. First is the
17 unified stormwater rule, right which we've discussed
18 in relation to the rezoning and that requires people
19 who are developing private property to do a much
20 better job than they've ever had to before but
21 preventing stormwater runoff. That's actually huge
22 because the majority of land in New York City is
23 privately owned and we need to harness that
24 territory. So, that's one component. The second is
25 making sure we're doing a good job of maintaining the

1 system as it is and I think we are doing a very good
2 job with you know in fact I want to mention among the
3 things that got some attention in the aftermath of
4 the September 2023 storm was our catch basin cleaning
5 trucks, which are really specialized pieces of
6 equipment. We have been working in fact before that
7 storm to get a replacement fleet for our aging catch
8 basin cleaning trucks. We received the first couple
9 over the last few months and we did bring them out so
10 they are opposite 250 Broadway and I invite you to
11 come take a look at these brand new state of the art
12 trucks that are not only going to be much better to
13 maintain and much more reliable, they also have a lot
14 of safety features to be safer for pedestrians and
15 others on the roads that I'm really excited about.
16

17 But maintaining the system is the next thing
18 because that's how we get the best value out of the
19 system we have and then what's forecast here is yes,
20 where we need to expand the system, we have to be
21 able to make investments and smart investments. Some
22 of those will be underground. Some of those will be
23 in green infrastructure. That's why you know the
24 Mayor two years ago started talking about a five
25 borough blue belt strategy because the blue belts are

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

52

1
2 one of our best approaches to harness the way nature
3 manages stormwater, which are lakes and streams that
4 expand and contract. And to engineer that kind of
5 natural feature into our environment. We have nearly
6 100 blue belts in Staten Island. We have a handful
7 in Queens. We're working on Tibbetts Brook in the
8 Bronx, which I'm really excited about and I'm really
9 keen on getting them into Brooklyn and even Manhattan
10 at some point.

11 COUNCIL MEMBER MARMORATO: How many catch basin
12 trucks do you need and how much do they cost?

13 ROHIT AGGARWALA: Let me ask Tasos. Can you
14 answer?

15 TASOS GEORGELIS: We need about 50 of the trucks
16 and they are between \$400,000 and \$500,000 each.
17 Like the Commissioner said, we do have a couple of
18 brand new ones outside and we have - they told me
19 right before the hearing 26 planned to order.

20 COUNCIL MEMBER MARMORATO: How many are allocated
21 to the Bronx?

22 TASOS GEORGELIS: Usually it's we have seven
23 sewer maintenance trucks across the city.

24 COUNCIL MEMBER MARMORATO: Sorry, I can't hear
25 you.

1
2 TASOS GEORGELIS: There's seven sewer maintenance
3 trucks across the city. Bronx has one and they have
4 seven.

5 COUNCIL MEMBER MARMORATO: Okay and just one last
6 question. So, we're talking about homeowners helping
7 with water you know green water like - I remember you
8 had mentioned the porous concrete and just to have
9 like the beds of grass. Is there any tax incentive
10 if the homeowner does these type of things currently
11 in place?

12 ROHIT AGGARWALA: Right now no, we don't have an
13 incentive program for green infrastructure. We do
14 have one partnership program and help me remember,
15 what's the name of I always get this wrong. What's
16 it called? Okay, yes, Resilient NYC Partners, thank
17 you is a program where we will help fund large scale
18 private landowners or in fact non-DEP landowners to
19 install onsite retention, usually green
20 infrastructure and in fact, I think either you or
21 your staff I was unfortunately unable to make it but
22 we did the announcement with Jacobi Hospital and so,
23 H+H has been a great partner and recognize that they
24 have well, on this top in any case, they have
25 recognized that they have a lot of land including a

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

54

1
2 lot of parking lots and so, we can bring some funding
3 so that they can install some of these systems.
4 Greenwood Cemetery in Brooklyn has also been a great
5 partner on that.

6 COUNCIL MEMBER MARMORATO: Okay, alright, thank
7 you so much. Thank you so much Council Member.

8 CHAIRPERSON RESTLER: Thank you so much Council
9 Member and we've been joined by Council Member
10 Zhuang. We'll go to Council Member Nurse then
11 Council Member Avilés.

12 COUNCIL MEMBER NURSE: Thank you Chair. Good
13 afternoon. Good morning still Commissioner. I have
14 a couple of questions. Alright, let me find my, I
15 was working. Uhm, so one, thank you for the sewer
16 projects. I know I was nagging relentlessly for a
17 while and I know it was something you really were
18 committed to and wanted to do, so I was really
19 grateful that we got that over the finish line and
20 Bushwick extends a huge thank you. You have
21 unlimited pastries on Knickerbocker any time you
22 want.

23 ROHIT AGGARWALA: I pay for everyone. I sent a
24 check; I don't want to get in trouble.

25

1
2 COUNCIL MEMBER NURSE: Okay but I said it
3 publicly that way it's not sneaky. Anyways I had a
4 couple questions about the study you all completed on
5 the feasibility of developing waste water recovery
6 facility on Rikers Island. We know that the report
7 showed that it is feasible. It is viable and it's a
8 good plan and so wanted to get a sense of post that
9 study what steps have been taken within DEP. What
10 conversations have you been having with uhm the
11 Commissioner of DCAS? You know what are some of the
12 next steps happening there?

13 ROHIT AGGARWALA: So, we remain very enthusiastic
14 about the possibility for Rikers Island to play a
15 role in our treatment of waste water. You know one
16 of the biggest challenges facing our Bureau of Waste
17 Water Treatment is simply the fact that the footprint
18 of our plants is so constrained and we cannot shut
19 them off. We do not have interconnections. You
20 can't take sewage from one plant and send it over to
21 the other while you fix you know one that needs
22 repairs and that's makes everything we want to do in
23 our treatment plants more expensive, take longer, so
24 on and so forth. So, it's one of our biggest
25 challenges when we look at how we compare to some of

1
2 our peer utilities around the United States where
3 their treatment plants just have a lot more elbow
4 room for stuff. And so, Rikers Island offers a huge
5 opportunity as you say for whether it is a large,
6 centralized waste water treatment plant which is what
7 the legislation required us to study or a different
8 way of thinking about how that piece of land could
9 play a role in the upper east river where we have
10 four treatment plants, the Huntz Point, the two in
11 Northern Queens and Wards Island. You know it could
12 for example Washington DC next to their waste water
13 treatment plant, they literally built a gigantic
14 plant that only treats stormwater right? And that
15 has been one of their main strategies towards
16 managing their combined sewer overflows instead of
17 building a big tunnel, they actually have a plant
18 that can do primary treatment only but that's what
19 you need in a big storm. And that's a strategy that
20 right now is unavailable to us. You could imagine
21 that as a role for Rikers Island in the future and
22 not a traditional treatment plant. There are a bunch
23 of other ways. I think what we would like to do
24 eventually is explore not the literal answer which we
25 did to the law that we were responding to which is

1
2 could a treatment plant be built there but rather
3 think about that network of facilities and a very
4 ecologically sensitive environment of the upper east
5 river which just geographically as you know along
6 with Jamaica Bay is one of the most sensitive and
7 constrained areas of the harbor that we effect so
8 we'd like to do that broader study. I think just you
9 know just as you know as you know better than I,
10 there are a number of issues that DEP is irrelevant
11 to in terms of whether and if and how that land
12 becomes available. So, right at the moment we are
13 waiting to see how that pans out moving forward.

14 COUNCIL MEMBER NURSE: So, what resources do you
15 have dedicated to that next step? If it's not a you
16 know of determining what is the right type of
17 infrastructure that will support the broader goals of
18 waste water recovery or stormwater cleaning or
19 whatever it's called.

20 ROHIT AGGARWALA: Uhm no, right now as I said, we
21 are waiting to see what evolves.

22 COUNCIL MEMBER NURSE: What does that mean for
23 sure?

24 ROHIT AGGARWALA: That means we're waiting.
25 We're not -

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COUNCIL MEMBER NURSE: Is it a priority for you?

ROHIT AGGARWALA: I'm sorry?

COUNCIL MEMBER NURSE: Is it a priority?

ROHIT AGGARWALA: Look, I think for DEP if I mean, you know whether it's Rikers Island or any land but I don't see any other land in that part of the city. Our operations would be dramatically improved if we had a space for an additional BWT facility but it is not something that we are working on right now.

COUNCIL MEMBER NURSE: Okay. Well, we know that the facilities are going to close at some point and the island is going to be abandoned and that it needs to move towards, uses for sustainability and I think it makes sense to begin that process of planning because it's going to be expensive and it's going to take a long time. I mean how long does a waste water recovery facility of any of the kinds that you described take to become operational?

ROHIT AGGARWALA: And the study did envision something like a 20 year process.

COUNCIL MEMBER NURSE: Right. So it would make sense while we you know have you and who knows what the future is to start that work. So, yeah, I mean I

1 think for me I certainly would be advocating for
2 resources to make that a priority for DEP and DCAS.

3 I'm going to shift gears on some small like
4 district level or I mean it's not district level.
5 For DEP bioswale maintenance, how much money do you
6 dedicate to cleaning and maintaining bioswales? And
7 I mean if you have like how many personnel are
8 dedicated to that?
9

10 ROHIT AGGARWALA: Sorry, I'm sure we got it here.
11 I don't carry that number in my head. We have been
12 in the process of using seasonal labor because kind
13 of obviously it's greenery, so the needs are higher
14 during the summer months.

15 I believe it's 100 lines but -

16 COUNCIL MEMBER NURSE: And while you all are
17 looking for that, you know if there are frequency
18 that they're cleaned, I understand that you're saying
19 seasonal and are there priority areas where you get
20 more complaints?

21 ROHIT AGGARWALA: Oh you can, okay great thanks.

22 TASOS GEORGELIS: So we are growing the number of
23 bioswales that we have. We're in the - just over the
24 10,000 mark, 13,000 that we have so far. So, we wish
25 we could get to everyone every week but we don't have

1 COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

60

2 the resources to do that but we do prioritize the
3 ones that are the most frequent congested with litter
4 dumping and stuff. You know if there's specific ones
5 that you have issues with, you could forward to us.

6 COUNCIL MEMBER NURSE: I have 1,000 specific ones
7 but I mean -

8 TASOS GEORGELIS: Yeah, but we try, we try.

9 COUNCIL MEMBER NURSE: A comprehensive ability to
10 keep them clean, you know sanitation doesn't really
11 pick them up. It's not really their job and we get
12 Ping ponged around so you know what would be an ideal
13 amount of personnel or resource that would allow you
14 all to address the bioswales on a regular consistent
15 basis?

16 TASOS GEORGELIS: I don't have that staffing
17 number. That is an area that we do have vacancies
18 that we're trying to fill now and we have in the past
19 tried to get some kind of a partnership, maybe
20 similar to Council Member Restler's Adopt a Catch
21 Basin. If we get folks from maybe the homeowners.

22 COUNCIL MEMBER NURSE: I mean I'm coming from a
23 very maybe a working class community. The last thing
24 that they have time for is to go clean a bioswale.
25 Other districts might have that enthusiasm, mine

1 doesn't. They just want the city to take care of
2 what they're supposed to care of with the tax money
3 that they give to the city, so if in the follow up,
4 you could provide a you know what an ideal scenario
5 would be for you all, you know seasonal is great but
6 in the winter months, it's also when there isn't
7 vegetation, it's also very glaringly dirty and messy.
8 You know a lot of times those things get closed out
9 with no real response and you know it just doesn't
10 seem like there's a consistent plan for bioswale
11 maintenance.
12

13 And we understand the importance that they play
14 but we also need to take care of them so that they
15 actually function.

16 ROHIT AGGARWALA: We will get back to you with
17 the details.

18 COUNCIL MEMBER NURSE: Yes, I would appreciate
19 that. My last question is related to the New Town
20 Creek Waste Water Recovery Facility. It's been a
21 minute since I've put my mind towards that. How are
22 we doing? Are we capturing the thing? Are we
23 flaring it off still?

24 ROHIT AGGARWALA: So, uhm in fact and maybe one
25 of you could look up the numbers. I don't know I got

1
2 them here actually. You know I think it was well
3 publicized that the first year of operation of the
4 gas system had some teething problems and I will give
5 credit to National Grid. I was on phone with them
6 somewhat constantly that first year and they kept
7 saying this is a really complex piece of equipment.
8 It is going to have some problems in its first year.
9 That's always going to be the case. Trust us, it
10 will get better and in fairness, it did so the
11 numbers I have here in 2023, it was operating only 40
12 percent of the time in calendar year 2023. In 2024,
13 it was operating 87 percent of the time. Alright,
14 now its design, I believe the design target was a
15 little more than 90 percent. Any piece of equipment
16 like this is going to have to take out of service for
17 a scheduled maintenance, so 100 percent is never you
18 know a viable target and you know in 2024, we reduced
19 flaring by 83 percent versus what we would have had
20 without the gas to grid system.

21 One of the things we did in response to some of
22 the complaints that were received in that first year,
23 is as I think you know, we've now put the data all on
24 our website so that there is a lot -

1 COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

63

2 COUNCIL MEMBER NURSE: I try to keep up. I
3 didn't know that.

4 ROHIT AGGARWALA: There is a live indicator. It
5 is in real time that shows whether the system is
6 operating. We also have monthly data so you can see
7 the recent performance on our website and the data is
8 also published to NYC Open Data.

9 COUNCIL MEMBER NURSE: Okay and have you all
10 increased and sorry if I'm - it's been awhile since
11 I've been to those facilities but the material from
12 the curbside organics collection program, have you
13 all been increasing that towards the New Town Creek
14 facility?

15 ROHIT AGGARWALA: We have, so we certainly are
16 receiving more. I'm not sure I have the data here.
17 I would have to get you the data on how much it has
18 gone up. I don't have the tonnage I fear but that
19 has been certainly successful and as the city, as the
20 Department of Sanitation has been expanding the
21 citywide organics collection, the New Town Creek Plan
22 is receiving a good chunk of that, so I'm happy to
23 get you the data.

24 COUNCIL MEMBER NURSE: Okay, that would be great
25 to have in the follow up. Okay, thank you so much.

1 COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

64

2 CHAIRPERSON RESTLER: Council Member Avilés and I
3 just want to thank Council Member Avilés for her
4 leadership on the Indirect Source Rule, which I think
5 is some of the most exciting legislation to come out
6 of the Council in quite some time.

7 COUNCIL MEMBER AVILÉS: Thank you. I'll buy you
8 candy later. Thank you Chair. Good to see you.
9 Good afternoon. I guess I'd like to ask a couple of
10 different things. In terms of the vacancies that we
11 talked about a little earlier, given that the federal
12 government no longer believes in science and is
13 gutting all the agencies that we depend on and will
14 have quite frankly impact us in laying off all these
15 workers. We might have a good hiring option and
16 recruitment to get folks to New York City where we
17 believe in science and where we will utilize all
18 those tools. So, a just random thought for you all
19 on our recruitment.

20 In terms of the Indirect Source Rule,
21 Commissioner, you mentioned a commitment of \$800,049
22 for Fiscal 2025 and \$1.3 for Fiscal 2026. Is that
23 specifically for the environmental review?

24 ROHIT AGGARWALA: Yes it is.
25

1 COMMITTEE ON ENVIRONMENTAL PROTECTION,
2 RESILIENCY AND WATERFRONTS

65

3 COUNCIL MEMBER AVILÉS: Okay and in terms of
4 obviously this is a big commitment and we are very
5 excited about the work that we've been able to
6 partner and want to see through. We know this is
7 going to require sufficient staffing to be able to
8 accomplish what we are hoping to. Do you feel at
9 this point you have sufficient staffing?

10 ROHIT AGGARWALA: We are working to add some
11 general analytical staff to the Bureau of
12 Environmental Compliance to support Deputy
13 Commissioner Lubin in her work on that. So that
14 recruiting is ongoing, so you know right at the
15 moment we don't however, those are two roles that we
16 are actively recruiting for.

17 COUNCIL MEMBER AVILÉS: Great so two roles in
18 general analytical and then are we leveraging other
19 staff, current staff?

20 ROHIT AGGARWALA: To a certain extent and as you
21 well know my senior advisor Dawn Miller on the
22 climate side has been spending a lot of her time on
23 that over the last two years now.

24 COUNCIL MEMBER AVILÉS: Great, well we want to
25 make sure obviously this is very, very important to
us so we're going to track closely and we want to

1
2 ensure that you have the sufficient staffing and
3 support to accomplish this given all the investment
4 to date. We don't want to undermine that, so I'll be
5 tracking it really closely. At this point, with
6 those commitments, do you feel like those commitments
7 are sufficient for the task at hand currently?

8 ROHIT AGGARWALA: I believe so. I mean with the
9 team and you know I can't say enough about the great
10 work that Deputy Commissioner Lubin and her team have
11 been doing over the last year in terms of the broad
12 range of items. Rethinking about how we should be
13 doing citizen idling, thinking about the other
14 priorities, how we could grow the noise camera
15 program. How we can employ other kinds of technology
16 for enforcement. We're beginning to think about how
17 you know one of our most frequent things is
18 construction noise complaints and we are thinking
19 about how we could use technology to augment our
20 inspectors when it comes to construction noise
21 complaints but I think the you know we as I've said,
22 we need to equip BEC with more ability to do that
23 kind of analysis and support the Deputy Commissioner
24 and her senior team and that is something that we are
25 actively recruiting for.

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

67

1
2 COUNCIL MEMBER AVILÉS: Right, I think again,
3 we'll keep tracking it very closely. We have every
4 expectation that we're going to continue to build on
5 our investments and not undermine them, so we'll
6 continue to talk about that. Are there other
7 resources that DEP might need to be considered in
8 order to you know establish the Indirect Source Rule
9 outside of what we've discussed?

10 ROHIT AGGARWALA: Well look, I think at some
11 point, a year or so from now in the hopes that an ISR
12 is enacted by the Council after the EIS is concluded,
13 which unfortunately realistically is probably well
14 into next year. I would imagine BEC will need some
15 additional staff to help conceptualize it, do the
16 outreach you know but at that time, I think we will
17 figure out kind of what our resources at BEC is, our
18 Bureau of Public Affairs and Communications plays a
19 big role. As you know, we've recently fully staffed
20 up our five borough Commissioners. I'm very excited
21 about that but implementing an ISR I expect will
22 require a great deal of outreach to the community of
23 effected warehouses. I mean to a certain extent,
24 it's not dissimilar from Local Law 97. It would
25 cover fewer entities but in the same way that there's

1 a lot of outreach and education that's going to be
2 required to work with each of the covered warehouses,
3 which as we discussed in the hearing last month, you
4 know we believe should be the broader set of I
5 forget, I think it's 1,600 warehouses and not just
6 the distribution centers. You know that's nowhere
7 near the kind of mass outreach that the Mayor's
8 Office of Climate and the Department of Buildings and
9 HPD are doing on Local Law 97, which covers thousands
10 and thousands of buildings of course but it is kind
11 of a similar quality because we're going to have to
12 work with each individual warehouse to make sure that
13 they are aware of the rule, that they understand the
14 different options that are available. Because also,
15 part of the magic of this rule as you know better
16 than anybody is the ability for customization, right?
17 For each warehouse to come up with a plan that works
18 for its operation, and that will require some effort.

20 COUNCIL MEMBER AVILÉS: Great, so we'll again
21 continue to track closely and expect that the city
22 will continue to commit and invest sufficient
23 resources to make this a success.

24 In terms of environmental justice communities,
25 we're seeing again a national assault on

1 environmental justice programming across the country.

2 I was curious if DEP is tracking its project spending
3 with regard to environmental justice in disadvantaged
4 communities.
5

6 ROHIT AGGARWALA: I do not have data I don't
7 believe on that. We do pay close attention to it and
8 the reality is that 13 of our 14 waste water
9 treatment plants are in environmental justice
10 neighborhoods. You know I believe very strongly that
11 we should be thinking about the state of good repair
12 of our treatment plants as an EJ initiative. The
13 reality is when something goes wrong in one of our
14 treatment plants the first people who suffer are our
15 staff but the second people who suffer are the
16 neighbors who deal with the odor or whatever that
17 comes from something going wrong. I'm really proud
18 of the work we do. I think in general we are a good
19 neighbor. We've also made a lot of effort in recent
20 years to reduce the truck traffic that our treatment
21 facilities generate which is of course a huge issue
22 for those same neighborhoods but I would argue that
23 the investments in maintenance and state of good
24 repair in our treatment plants is one of the key
25 things that we do to be the way we describe it in the

1
2 long range vision, we're about to publish an esteemed
3 partner in all of the communities where we are
4 present.

5 COUNCIL MEMBER AVILÉS: Got it and lastly, in
6 terms of uhm, can the agency supply the Council with
7 a copy of its Preliminary Equity Plan? Has it done
8 part of the racial equity?

9 ROHIT AGGARWALA: We have participated in the
10 Administration, so for all effort to deliver a racial
11 equity plan, I would have to defer to the office that
12 is leading it.

13 COUNCIL MEMBER AVILÉS: Okay, we'd very much like
14 to see it, especially again in the context where they
15 federal government is deciding people of color don't
16 exist and there is no racial inequity in this
17 country. This is particularly important to us again.
18 So thank you. Thank you Chair.

19 CHAIRPERSON RESTLER: Thank you so much Council
20 Member Avilés. I will - why don't we - uhm, are you
21 ready Council Member Salamanca? Okay Council Member
22 Salamanca we'll pass it over for a question or two.

23 COUNCIL MEMBER SALAMANCA: Thank you Mr. Chair.
24 Good afternoon Commissioner. It's good seeing you.
25 Commissioner, we've had this conversation many times.

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

71

1
2 I want to talk about Borough Commissioners and you
3 know this is a bill that I passed in 2021, a piece of
4 legislation that I passed in 2021. I know that it
5 took some time to actually structure it and to
6 appoint for these positions. And so, especially in
7 the Borough of the Bronx. And so, my question
8 Commissioner is the annual budget per borough, does
9 every Borough Commissioners office have an annual
10 budget?

11 ROHIT AGGARWALA: The Borough Commissioners
12 offices do not have their own budgets. They are
13 housed within the Borough of Public Affairs and
14 Communications but our capital budgets for example
15 are still allocated centrally and through the
16 operating boroughs.

17 COUNCIL MEMBER SALAMANCA: Okay and uh in terms
18 of the structure, I know that DOT, Parks and other
19 agencies have Borough Commissioners and normally the
20 Borough Commissioners, the salary is set equally per
21 Borough Commissioner. Is that the same with your
22 Commissioners?

23 ROHIT AGGARWALA: Yes it is.

24

25

1 COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

72

2 COUNCIL MEMBER SALAMANCA: But I hear the Staten
3 Island Commissioner is getting paid much more higher
4 than the other ones.

5 ROHIT AGGARWALA: So, Mario was transferred over
6 and so it seemed appropriate to keep him but I don't
7 think there's a problem with that.

8 COUNCIL MEMBER SALAMANCA: I'm just advocating
9 for the Borough Commissioners to get a bigger salary
10 so you know.

11 ROHIT AGGARWALA: I will if I could Council
12 Member, I want to thank you for your leadership on
13 this. I am so excited about having the full set. I
14 actually mentioned them before you arrived. I'm
15 really excited about the people we've been able to
16 recruit both internally and Efi and Mario within city
17 government in terms of Alfonso and Marty in Manhattan
18 and a new hire who had not been in city government
19 and Drisana in Brooklyn. They are a stellar group of
20 people and I think they will do a really good job of
21 helping our agency connect to elected officials, to
22 local communities and to really know our
23 neighborhoods. But it is, if I could add also,
24 really important to note that the most common
25 interactions with elected officials and local

1
2 communities is through the Bureau of Water and Sewer
3 Operations and we do also have Borough Managers for
4 the Bureau of Water and Sewer Operations and so I
5 would just ask because DEP functions differently than
6 the Parks Department, we have intentionally
7 structured the Borough Commissioners differently than
8 the Parks Department and DOT does. I do think that's
9 appropriate. I'm happy to talk more about that if
10 you have doubts or disagree but we have taken this
11 very seriously.

12 COUNCIL MEMBER SALAMANCA: Alright, you know I
13 value your agency. It plays a major role, especially
14 in my district where I'm surrounded by water and
15 there is - many times there's sewage overflow. That
16 we have flooding because of the you know the Bronx
17 River and the East River and also, you know I had the
18 water transfer stations, the DEP transfer stations,
19 the Waste Transfer Station, I'm sorry in Hunts Point,
20 which I'm going to get to in a minute. My final
21 question here about the Borough Commissioners is the
22 staffing. Does DEP plan on staffing the Borough
23 Commissioners Offices? It's my understanding that
24 Manhattan and Brooklyn each have one staffer while
25

1 COMMITTEE ON ENVIRONMENTAL PROTECTION,
2 RESILIENCY AND WATERFRONTS

74

3 Queens has two staffers but yet the Bronx and Staten
4 Island do not have any designated staff.

5 ROHIT AGGARWALA: Actually yeah, can you come up
6 and just - why don't you take this one. Yes, we'll
7 need to swear her in. I think this is a question
8 Beth can answer.

9 COMMITTEE COUNSEL: Good morning. Please raise
10 your right hand. Do you affirm to tell the truth,
11 the whole truth and nothing but the truth before this
12 Committee and to respond honestly to Council Member
13 questions? Thank you, you may begin when you're
14 ready.

15 BETH DEFALCO: Hi Council Member. Yeah in the
16 Borough Commissioners newly elected roles, the way
17 that we have set this up especially in some of the
18 larger boroughs including Queens and Brooklyn as well
19 and Manhattan. There have been some additional
20 staffers that we use to bolster our Borough
21 Commissioners. However, those staffers are also used
22 in the other boroughs as well. We work as a team.
23 It's not we're backing each other up. It's not like
24 we've got one person per borough and it's good luck
25 to them. So, we've got a staff overall in the public
affairs office about 50 people and we're able to use

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

75

1
2 those as needed and if there's anything that we're
3 not doing, please let us know and we're certainly
4 happy to talk about that and address any questions
5 you've got.

6 COUNCIL MEMBER SALAMANCA: Thank you. Again, you
7 know I envisioned this position Borough Commissioners
8 to fully, you know to staff them and allow them to
9 operate as real Borough Commissioners. I'm going to
10 continue to push the envelope on that but thank you
11 for the answer.

12 BETH DEFALCO: Council Member, one thing I would
13 mention is that our Borough Commissioners work hand
14 and hand with BWSO MBWT's Borough Managers. They're
15 literally tied at the hip so while there is a vision
16 for the way that Parks and other agencies work
17 together, our infrastructure is all connected. It's
18 not separate infrastructure. And so, that's why
19 we've set it up the way that we have but certainly,
20 we're always happy to get more people to help us out.

21 ROHIT AGGARWALA: And if I could also build on
22 that, I think in the operating boroughs, particularly
23 BWSO, you see that all the time. On any given day,
24 if there happens to be two watermain breaks in the
25 Bronx, we'll have a crew from the Queens yard or the

1
2 Manhattan yard respond to it, right? So, part of
3 what we do is intentionally think about a citywide
4 pool even when some of our facilities are separated
5 on a borough basis.

6 COUNCIL MEMBER SALAMANCA: Alright, thank you.
7 My last topic that I just want to hit on is the waste
8 station in Hunts Point. I know that there's a new
9 facility that's being built in Hunts Point. Do we
10 have a status as to where we are with the
11 construction of that site?

12 ROHIT AGGARWALA: I'll ask Tasos to look up the
13 actual completion date. I don't have it off the top
14 of my head. I will say that is a tremendously
15 important project for us. As you see, we've already
16 changed the skyline of the Bronx. With that, I'm
17 really proud of the fact that it's another example of
18 innovation. You probably know, I hope we've shown
19 you the video that we used a continuous pour approach
20 to build those, I think roughly 15 story digester
21 tanks and that cut the construction time down from
22 several months to 20 days per tank. I mean which is
23 kind of mindboggling and really cool. And this is a
24 great example of what I was saying to Council Member
25 Avilés about environmental justice.

1
2 One of the challenges that you know probably
3 better than I with that treatment plant is we do
4 generate a number of odor complaints. A large
5 portion of those odor complaints are attributed to
6 the fact that the tanks where we hold the sludge that
7 we pull out of the water before we dump the cleaned
8 water into the harbor, those at Hunts Point are
9 particularly old. They are made of concrete. They
10 have cracked. Cracks, we do have leaks, that means
11 the odor is getting out. These new tanks are not
12 only a direct investment in our operations. They
13 will also allow us to receive organics at that
14 treatment plant, which I think is going to be a big
15 deal because it will allow the Department of
16 Sanitation to do less trucking of the organics that
17 it collects in the Bronx. So, that's fewer truck
18 miles as well as the you know we do hope to do gas to
19 grid at Hunts Point as well but the simple fact of
20 having those new tanks when they come into service
21 should have a massive impact on the number of odor
22 issues related to that plant.

23 COUNCIL MEMBER SALAMANCA: Once the new facility
24 is completed and it's operational, will the other
25

1
2 older facility go offline or you're going to continue
3 to utilize that facility?

4 ROHIT AGGARWALA: Well, it is one facility, so
5 we're not replacing -

6 COUNCIL MEMBER SALAMANCA: Suited for locations?
7 Because where you're building the digesters are right
8 in front of Barretta Point Park compared to the
9 facility that you have now it's on Rimowa(SP?). It's
10 - there like, there's two separate facilities.

11 ROHIT AGGARWALA: They are connected and our
12 existing digester tanks will go out of service but
13 the rest of that facility is still there. The tanks
14 are only one part of the overall treatment process.

15 COUNCIL MEMBER SALAMANCA: I'm confused
16 Commissioner because I was just there recently in the
17 park doing a tour with the Parks Department and you
18 have the digesters that are there directly across the
19 street from the park. You know we were talking about
20 shadows because there's going to be an issue with
21 shadows there. So, I mean that was approved years
22 ago and then you cross the street, well, I mean you
23 cross the street and then that's where the facility,
24 the old facility is on it's on Rimowa, which kind of
25 takes the whole block.

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

79

1
2 ROHIT AGGARWALA: Well, again I'm happy to meet
3 with you or visit the site together but the bulk of
4 the existing facility will remain. Oh actually,
5 alright thanks. Here's Deputy Commissioner Delillo
6 who can talk about that.

7 ANGELA DELILLO: How are you Council Member?

8 COUNCIL MEMBER SALAMANCA: Good afternoon.

9 ANGELA DELILLO: Do you want me to take my
10 pledge?

11 COMMITTEE COUNSEL: Hi, yes. Please raise your
12 right hand. Do you affirm to tell the truth, the
13 whole truth and nothing but the truth before this
14 Committee and to respond honestly to Council Member
15 questions?

16 ANGELA DELILLO: I do.

17 COMMITTEE COUNSEL: Thank you. You may begin
18 when you're ready.

19 ANGELA DELILLO: Thank you. My name is Angela
20 Delillo. I'm the Deputy Commissioner for the Bureau
21 of Waste Water Treatment.

22 I just want to clarify something. The Waste
23 Water Resource Recovery facility actually has
24 treatment for two different trains. One is a liquid
25 train, which is the water that comes in. The other

1
2 train is for the solids, right? Whatever gets
3 removed from the liquids then goes through a whole
4 treatment process. The digesters are part of the
5 solids process, and so the new digesters will replace
6 all the infrastructure not just on the construction
7 of the cylinders that you're seeing but also there's
8 a couple of other projects that are coming along
9 afterwards that are going to help us with dewatering
10 and some of the other processes that the solids get
11 exposed to.

12 Once all of that is done, then yes, that needs to
13 - not just the tanks, right not just the big visual
14 tanks but the other smaller areas will replace all
15 the existing infrastructure associated with the
16 solidage treatment.

17 The liquid treatment will remain there the way it
18 is mostly but there are investments that are
19 envisioned for that part of the train also in the
20 future.

21 COUNCIL MEMBER SALAMANCA: Okay, alright I'm just
22 going to reach out to your office and request a
23 meeting. I know that we're scheduling a walk through
24 with the local Community Board, so hopefully Deputy
25

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

81

1
2 Commissioner you'll be there and we can ask more
3 questions in detail.

4 ANGELA DELILLO: It will be my pleasure.

5 COUNCIL MEMBER SALAMANCA: Alright, I appreciate
6 it. Thank you Mr. Chair.

7 CHAIRPERSON RESTLER: Thank you very much Council
8 Member Salamanca. I'll just take a point of personal
9 privilege to welcome some very special guests, my
10 niece and nephew are here. Silvey Resperalex(SP?)
11 and Sol Resperalex, and my parents. So, thank you
12 guys for being here. It's great to have you.

13 Okay, shifting gears, Commissioner if you don't
14 mind, I'd like to ask some questions today in your
15 capacity as the Chief Climate Officer for the city
16 that are perhaps not immediately, or not directly
17 related to the DEP budget but are certainly within
18 your purview. So, oh great, I would going to have to
19 leave here at one o'clock for a call but that just
20 got canceled. Thank you.

21 Okay, the Preliminary Plan included just an
22 additional \$500,000 in FY26 and 1.5 million in FY27
23 and \$1 million in FY28 for stormwater resiliency
24 mapping. The funding is tied to Local Law 124
25 sponsored by our Chair to require a creation of flood

1 risk map that includes basements and EDU's. Could
2 you share an update on where we are in that process?
3

4 ROHIT AGGARWALA: Well, we just - uh so that is a
5 DEP effort.

6 CHAIRPERSON RESTLER: Yes it is. I was just
7 giving you a broader warning that I was going to go
8 in some different directions so -

9 ROHIT AGGARWALA: Is your meeting being canceled;
10 we're going to order pizza or something?

11 CHAIRPERSON RESTLER: I wish.

12 ROHIT AGGARWALA: But you know that money was
13 just obtained so we are starting the process of you
14 know that is going to require us most certainly to
15 find an external consultant, so we will be starting
16 that work pretty much now.

17 CHAIRPERSON RESTLER: Okay and did I hear you
18 right that you said as of FY22, DEP was doing \$1.5
19 billion in capital projects annually on
20 sustainability related initiatives and under your
21 leadership, you've been able to bump that up to
22 closer to \$3 billion annually. Did I get that?

23 ROHIT AGGARWALA: Well that's the total capital
24 plan.

1
2 CHAIRPERSON RESTLER: Total capital plan and
3 okay, and do you have - have you had conversations
4 with OMB about working to expand that capital plan
5 further to be able to further expand resiliency and
6 sustainability efforts at the agency?

7 ROHIT AGGARWALA: You know Council Member; we are
8 in constant conversation with our colleagues at OMB
9 around different opportunities that the agency might
10 evaluate and you know I don't know that I have more
11 to say on that at the moment.

12 CHAIRPERSON RESTLER: Okay fair. I'd like to do
13 a couple questions on the FAD, on the Filtration
14 Avoidance Determination. Back in October when you
15 testified, we understood that there were
16 approximately 1,000 acres of eligible vacant land in
17 the Kensico Basin; if I'm saying that right and 375
18 acres had been purchased and another 60 acres were
19 under contract. Could you give us an update on those
20 60 acres and additional plans to obtain more land so
21 that we can ensure the area is appropriately
22 protected?

23 ROHIT AGGARWALA: Actually maybe Paul can you
24 remind me where the knights property stands? Come on
25 up please. So, I'll ask Deputy Commissioner Rush to

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

84

1
2 give us a status update. There's one particular
3 parcel; I think it's 12 acres.

4 COMMITTEE COUNSEL: Hi, sorry I'm going to need
5 to swear you in first. Please raise your right hand.
6 Do you affirm to tell the truth, the whole truth and
7 nothing but the truth before this Committee and to
8 respond honestly to Council Member questions?

9 PAUL RUSH: I do.

10 COMMITTEE COUNSEL: Thank you. You may begin
11 when you're ready.

12 PAUL RUSH: My name is Paul Rush; I'm Deputy
13 Commissioner for the Bureau of Water Supply. So the
14 question is regarding land purchases in the Kensico
15 Basin. There's a small basin compared to our larger
16 unfiltered supply in the Kensico's. There's one
17 significant property we've been working on for years
18 that we're currently still in contract that we have
19 not yet closed on. The acreage of that property, I
20 believe the portion we're after right now is somewhat
21 less. It's about 50 to 30 acres. I believe I don't
22 know if you have the numbers right in front. It's
23 right in that range. It's a large property that
24 we're still in contract.

25

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

85

1
2 CHAIRPERSON RESTLER: So, still in contract on
3 that -

4 PAUL RUSH: We haven't closed on the property
5 yet.

6 CHAIRPERSON RESTLER: Right and are we - was my
7 framing accurate that there was approximately 1,000
8 acres of eligible vacant land that you were
9 considering or exploring purchasing 375 have been
10 secured. This is the next chunk that you're looking
11 at. Is there a plan to try and secure the full 1,000
12 acres?

13 ROHIT AGGARWALA: Look if I could, I think
14 securing the 1,000 acres may or may not be possible.
15 As I mentioned, so first of all, the land in the
16 Kensico area of course that is central West Chester.
17 That is very high value property. It is not one
18 order of magnitude more expensive than land in
19 Delaware County. It's two orders of magnitude more
20 expensive, and that's one of the reasons that we made
21 the decision, for example to suspend the purchase of
22 the really remote land that's far from our reservoirs
23 and west of Hudson Basins in order to really focus on
24 some land in the west of Hudson that's directly
25 adjacent to our reservoirs but also to the Kensico.

1
2 I think one of the realities that we face in
3 Kensico is that that land is sticky right just
4 because it's fewer acres. It's higher value. Some
5 people aren't going to want to give it up. Some
6 people own it with the hopes of developing on it and
7 so that's why as Paul was just saying, we have our
8 eye and have conversations going on. Sometimes these
9 acquisitions take years and years but what I think
10 what I will say is, we are increasingly focused based
11 on the science on the land that is most important to
12 us and particularly as we move towards a proposed
13 renewal of the FAD, the kind of thinking that you're
14 prompting is going to be the kind of thing that we
15 are doing more of.

16 CHAIRPERSON RESTLER: And are you feeling - do
17 you believe that we need to close on this purchase in
18 particular and other purchases to improve our chances
19 of renewal of the FAD?

20 ROHIT AGGARWALA: Well look, I think what we are
21 doing and what under Paul's leadership, we've
22 actually been working on for more than one year now,
23 is really beginning our thinking on what a new fit
24 for purpose FAD will look like and so, that's
25 something that over the next year or so, we intend to

1
2 get our own thoughts together. We've begun
3 conversations with advocates. We've started a
4 conversation with the state DEC, actually more than a
5 year ago now about what a new FAD might look like and
6 as I testified last year, it's in response to the
7 fact that the threats to water quality are no longer
8 the same as they were in the 1990's.

9 And so, if we just do the same thing that we've
10 been doing for 30 years, we're going to fly this
11 plane into a mountain, right but what I want to do is
12 make sure we don't come up with knee jerk reactions
13 but really focus very much on the science of where
14 the threats are in our entire system, what the
15 potential interventions might be and approach that
16 right now with kind of a scientifically appropriate
17 open mind.

18 CHAIRPERSON RESTLER: And the estimates that
19 we've seen are you know should the FAD not be
20 renewed, we'd be looking at an estimate of
21 potentially \$6 billion in cost. Is that the right
22 back of the envelope?

23 ROHIT AGGARWALA: Well, \$6 billion is an estimate
24 from I think 2009.

25 CHAIRPERSON RESTLER: Oh okay.

1
2 ROHIT AGGARWALA: So it is likely significantly
3 more than that but the only number we have right now
4 is \$6 billion.

5 CHAIRPERSON RESTLER: And as we look toward 2027
6 and the renewal, are there ways in which the Council
7 can be supportive or helpful to DEP to ensure that
8 you have the support and resources you need to
9 increase the likelihood of FAD renewal?

10 ROHIT AGGARWALA: I mean I think in terms of
11 resources right now; Paul has recruited a new
12 Assistant Commissioner to lead that effort and I
13 think her team is reasonably well staffed.

14 PAUL RUSH: I think we are reasonably well
15 staffed to be able to take on the challenges for the
16 FAD in the future. We're doing the planning to
17 understand you know the threats of change, as the
18 Commissioner testified to, they are differently than
19 they were back in the 90's when we first received a
20 filtration avoidance waiver from EPA and with that
21 change in regulatory land the changing climate, there
22 are different items that are of concern then they
23 were back then. I think we're in a good position.
24 We need to still go back study and understand what we
25 need to do in terms of focusing you know, land

1
2 acquisition was in the 90's but really stewarding our
3 land, doing a better job and a good job and
4 understanding the best ways to really take care of
5 that land to provide a high quality water for the
6 people of the City of New York for long term.

7 ROHIT AGGARWALA: And if I could Council Member
8 you know and I'm grateful for your question about
9 what the Council can do. You know I think in the
10 Council's oversight role; I think the questions to be
11 asking about the next FAD are, is the FAD designed to
12 protect water quality? And will it be successful
13 over the long term? You know the reality is some of
14 the residents of the watershed look at the FAD as and
15 in some cases a negative economic impact right? Oh
16 these land purchases and constraints on what we do
17 with our property. That's hurting our economy. I
18 don't think that's accurate because we are the
19 largest employer. We're the largest taxpayer in all
20 of Western Hudson Counties, etc.... but there are some
21 people in the watershed who view the FAD through an
22 economic development lens. I would argue there are
23 some advocates who view the FAD primarily as a way to
24 expand the state park system or have more
25 recreational benefits and we are super excited about

1 making our property available for recreation but
2 recreation is not the purpose of New Yorkers water
3 bills right? And so, what we are trying to do is
4 really focus on the science and come up with our own
5 thinking and we will be open about this. We will be
6 collaborative about this but it think the questions
7 I'd ask the Council to be asking are is it fit for
8 the primary purpose of protecting water quality?
9

10 CHAIRPERSON RESTLER: That's helpful. Thank you
11 and then just lastly on this, does the EPA's
12 announcement that they're rolling back certain
13 protections in the Clean Water Act and removing
14 federal protections for certain areas, in various
15 areas impact DEP's efforts today to maintain clean
16 water and avoid filtration at these two locations?

17 ROHIT AGGARWALA: Look I think you know we
18 certainly paid close attention to what the EPA
19 Administrator said a week or so ago. I think
20 obviously in the very immediate term; there's no
21 change that happens the day after an announcement
22 like that. The reality is that so much of what we do
23 is actually directly regulated by the state and not
24 just by the federal government and the governor and I
25 did recently meet with the newly nominated

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

91

1 Commissioner of state DEC. You know but the
2
3 governors express that New York State is not backing
4 down from any of its environmental regulations. And
5 so I am hopeful and cautiously optimistic that New
6 York State will continue what we are currently. You
7 know all of the protections that we currently rely on
8 but I think we are in an unusual world and a lot
9 remains to be seen.

10 CHAIRPERSON RESTLER: Fair, why don't we shift to
11 federal government risks a little bit more broadly.
12 Thank you very much Deputy Commissioner. You know it
13 seems like the EPA has been making outrageous
14 pronouncements on just about a daily basis. Like
15 yesterday, Administrator Zeldon has indicated he's
16 planning to gut two-thirds of the agency. Yesterday
17 Zeldon and his team indicated they plan to eliminate
18 the Office of Research and Development, the
19 scientific arm of the agency and layoff 1,000
20 chemists, biologists and other scientists.

21 You spoke in your testimony to the budgetary
22 impacts that we could experience with all of the
23 chaos happening in Washington. The budgetary impacts
24 at DEP resulting from the chaos in Washington but
25 could you speak to the policy impacts? I hear you

1
2 that we have a number of strong, we have a strong
3 environmental set of rules and regulations in New
4 York State but are there key areas in which the EPA
5 provides important functions that we depend on for
6 you and your team to be able to do your jobs that
7 you're worried about in light of the shrinking agency
8 and the rolling back of regulations?

9 ROHIT AGGARWALA: So, at least the way I
10 understand it and I do not claim to be an expert in
11 the functioning of the EPA. A lot of that staff was
12 less providing services to environmental actors
13 around the country as it is informing the EPA's own
14 decision. So, there have been a number of important
15 decisions EPA has made in recent years around P Phos
16 and the forever chemicals around lead service lines
17 around any number of things. Uhm, so at least I am
18 right now not aware of a direct impact on DEP from
19 some of the changes that have been proposed but as I
20 say I mean there's a lot that we don't fully
21 appreciate because we are kind of operating in a
22 world of you don't know what you've got until it's
23 gone. And you know we are now very much trying to
24 bear in mind where we depend on the federal
25 government in ways that we might have taken for

1 granted to such an extent that we don't even notice
2 and now we have to make sure we notice.
3

4 CHAIRPERSON RESTLER: And to that, are there
5 areas where you're thinking the DEP or the city as a
6 whole are going to need to step up to fill some of
7 those gaps particularly relating to the EPA?

8 ROHIT AGGARWALA: Well, uhm a bit less with EPA.
9 You know probably our most ongoing engagement with
10 the EPA directly is in the several super fund sites
11 but as I mentioned in my testimony, you know we rely
12 very heavily on the National Weather Service and so
13 we do, Paul you know dispatches our reservoirs, you
14 know based on weather forecasts. So, we rely on the
15 National Weather Service. We rely on the US
16 Geological Survey both in the watershed where they do
17 stream monitoring and that is an input into our water
18 quality and water dispatching. Processes and here in
19 the city with our partnership with them around
20 groundwater monitoring. That's still ongoing as far
21 as we know but again, it's the kind of thing where we
22 have dependencies and of course the Army Corp of
23 Engineers, which is a key partner both for coastal
24 resilience but also less well appreciated but which I
25 testified about last year in the Delaware River where

1 they are a really key partner because 50 percent of
2 our water comes from the Delaware Watershed. We've
3 been working with the Army Corp to explore their
4 ability to do more with their reservoirs in the
5 Delaware to mitigate drought because the really bad
6 scenario for us is if there's a big drought, it will
7 affect the whole northeast all at once if
8 Philadelphia starts running out of water because the
9 Delaware River gets lower and lower, we might be
10 required to release more water from our Delaware
11 Reservoirs and obviously that's a massive portion of
12 our storage capacity and you don't want to be
13 releasing that during a drought. And so, that is a
14 place where we really need the Corp to be a strong
15 and ongoing partner.

17 CHAIRPERSON RESTLER: That's very helpful and I'd
18 like to shift to risks to some of our renewable
19 energy sources to achieve our climate goals in New
20 York City. I'd like to get your thoughts on Chippi
21 and wind power in particular. So, I'll start maybe
22 with Chippi and based on the conversations that
23 you've been having, if these kind of absurd tariffs
24 were to move forward, do you anticipate that it would
25 impact the costs to New Yorkers for accessing the

1 hydro Quebec pipeline that is currently being
2 constructed.

3
4 ROHIT AGGARWALA: Look I think it is too early to
5 say. You know there are two types of tariffs that
6 have been discussed related to electricity. One is
7 an import tariff into the US and then of course the
8 premier of Ontario very briefly.

9 CHAIRPERSON RESTLER: Well, the two - the Hydro
10 Quebec Pipeline would not impact that. It's just
11 through -

12 ROHIT AGGARWALA: Correct and I think that's an
13 important distinction that you know we haven't heard
14 that kind of discussion coming from the Province of
15 Quebec and so there may be a big distinction there.
16 I will also need to look into what the contract
17 actually says and again like with many things, we are
18 really just at the beginning of understanding our
19 exposure to things that we might have taken for
20 granted. But you know the good news I'd say, you
21 know New York City is contracted to be as you well
22 know the anchor user of Chippy. That project you
23 know building anything that's that big, is always
24 complex but you know I've personally been in touch
25 with the leadership at Chippy on a number of

1 occasions and they are moving forward and we continue
2 to fully support them.

3
4 CHAIRPERSON RESTLER: And we're still on track
5 for 2026, is that right?

6 ROHIT AGGARWALA: I believe we are. I'd have to
7 get back to you and I would want to check with our
8 energy team and MOCEJ.

9 CHAIRPERSON RESTLER: You know I just - it's -
10 you know I think that I've been a big supporter of
11 this, of Chippy and this partnership with Hydro
12 Quebec as a critical way for us to expand renewable
13 energy for the City of New York and for both the
14 government and the city as a whole but I'm just
15 proudly concerned what a 25 percent tariff could mean
16 on the viability of that project and who would be
17 paying for it and how this could all actually work.
18 And I know there are broader, much broader
19 implications for the interdependence of New York
20 City's, New York State excuse me, electrical grid and
21 Canada's and how we benefit from energy from Canada
22 that's not just renewable energy but this is one of
23 the most important sustainability projects that
24 happening in our state today and the future of it is
25 totally unknown to me if these you know kind of

1
2 absurd tariffs were to advance. So shifting, uhm, to
3 wind. My understanding is that - so you know when we
4 look at what are the major sources of renewable
5 energy that are going to allow us to reduce our
6 dependence on fossil fuels. There's wind and then
7 there's everything else in the plan that had been in
8 development in New York. You know Con Ed has been
9 working on a renewable energy hub in District 33, you
10 know which if realized that its full potential could
11 you know bring renewable energy through wind power
12 into Brooklyn that could power half of the homes in
13 the borough, right? So, I'm deeply concerned about
14 shifts in the federal government's policies toward
15 wind. What's your interpretation of where we stand
16 today? Is wind power off the table for the
17 foreseeable future? And if so, are there big shifts
18 that we should be thinking about toward other
19 approaches?

20 ROHIT AGGARWALA: Well, you know look I think as
21 with many things really and to the federal government
22 right now, it is too early to tell definitely. The
23 reality as is well known, you know regardless of the
24 federal government or the change in leadership in the
25 federal government. Offshore wind particularly had

1
2 faced a number of challenges due to the fact that so
3 many of the contracts were signed during or right
4 after the pandemic and the massive costs, or the
5 massive escalation in construction costs that an
6 industrywide and a global phenomenon that goes well
7 beyond wind, has been the biggest single thing
8 effecting the pace of offshore wind development.
9 Offshore wind of course does have more of an
10 interaction with the federal government because of
11 the licensing for the locations off shore and I think
12 it is possible you know if you ask me to speculate
13 that New York State may have to think more about
14 onshore wind upstate and think more about solar. But
15 there too, you know we have seen as you probably know
16 the Clean Path Project got suspended and the New York
17 Power Authority is exploring whether it might play a
18 role in keeping that going but look, I think the
19 combination of federal policy and costs are going to
20 require a very different approach in thinking about
21 how we meet the CLCPA goals going forward.

22 CHAIRPERSON RESTLER: That is helpful,
23 disheartening but helpful. Is now the moment for us
24 to more seriously revisit nuclear geothermal, other
25 sources of energy as well to make up for what appear

1
2 to be significant challenges with the federal
3 government?

4 ROHIT AGGARWALA: You know look again, I will say
5 it is too soon to tell.

6 CHAIRPERSON RESTLER: Okay.

7 ROHIT AGGARWALA: You know I think we are big
8 fans of geothermal at the City of New York. Within
9 the city there are some great examples of where it
10 can be used. I taught for a while at Cornell Tech,
11 which is a you know powered by geothermal. There are
12 other challenges because of course there's a lot of
13 infrastructure underground, and so drilling a lot of
14 holes, including our DEP infrastructure can be both
15 expensive and difficult and I think you know as we've
16 seen with Clean Path and some of these others, the
17 challenge of how New York City taps the potential of
18 different sources of large scale renewable power that
19 might come from upstate is one of our biggest issues.
20 We've got to be able to do that. New York City is
21 never going to be self-sufficient on electricity and
22 so these transmission lines are pretty important.

23 CHAIRPERSON RESTLER: No, I completely agree and
24 you know I recognize that you know to go back to your
25 earlier point. Cost on wind had been increasing.

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

100

1 Thank you so much Council Member Avilés. Cost on
2 wind had been increasing and the viability of those
3 projects was in question and the transmission lines I
4 think were still open questions as well. I certainly
5 never heard anybody give a clear answer on how the
6 transmission lines were coming either through Kings
7 County or through the Harbor, which seems really
8 complicated to get to the Clean Energy Hub in Vinegar
9 Hill but I frankly believe that the scale of
10 renewable energy that we can you know bring in
11 through these offshore wind projects is so vast that
12 we have to do everything we can to try to make them a
13 reality and you know I'm a big advocate for solar and
14 rooftops and different things but it's like a drop in
15 the bucket right compared to what we can conceivably
16 accomplish through these major wind projects. So,
17 you know we're doing a geothermal. There's a
18 geothermal project happening in our district today
19 that's reaching conclusion. They're beginning to
20 lease out the units later this spring. It's the
21 largest building powered by geothermal in the City of
22 New York. It's 800, 900 units of housing on the
23 Green Point waterfront. Lend Lease has been leading.
24 We want to see more you know dynamic alternative
25

1
2 approaches that benefit from renewable energy
3 happening in our community. So, if there are ways in
4 which you think we can be helpful as partners in
5 advocating with the state or others, please let us
6 know you know to help ensure that we achieve our city
7 and state climate goals.

8 On MOCEJ, MOCEJ continues to report to you, is
9 that right?

10 CHAIRPERSON RESTLER: Great. Are you able and
11 this may be not in your briefing materials for today
12 but to share the current headcount for MOCEJ and how
13 many are DEP lines?

14 ROHIT AGGARWALA: I'm sorry, I don't have that.
15 I'm happy to get it to you but -

16 CHAIRPERSON RESTLER: These were things I thought
17 about last night when we found out we were Chairing
18 the hearing, so we didn't give you any warning and I
19 appreciate the chance to just ask the questions.
20 I'll shift to Local Law 97. Uhm, which I recognize
21 it's kind of - it's the Department of Buildings
22 that's responsible for the implementation but you
23 know I'm pleased that you've been helping to drive
24 the policy and make sure that we're handling this the
25 right way. I just would like to ask broadly, do you

1 think we are on track for effective implementation of
2 Local Law 97?

3
4 ROHIT AGGARWALA: Uhm, well thank you Council
5 Member. So look, I think we are certainly on track
6 for the effective implementation of the regulations,
7 right and I think Commissioner Oddo and Deputy
8 Commissioner Popa have done a tremendous job and
9 Laura's team, really I have weekly updates with them.
10 I talk to Laura every week and the work that they do
11 has been nothing short of herculean in terms of
12 getting this very complex rule implemented and while
13 you know I think outside observers look at the
14 retrofits and look at the financing and too many of
15 them I'd argue look at the question of are there
16 going to be fines or not. You know the actual nuts
17 and bolts of setting up the regulation, ensuring that
18 it is defensible because as you know there are
19 lawsuits against it and ensuring that it is as smooth
20 as possible a customer service experience. You know
21 you all were asking about some of our permitting
22 processes. You know this is going to be a big
23 imposition on thousands of building managers around
24 New York City and DOB really is trying to make it.

1
2 It will be a burden but they are trying to make it
3 only the burden that it absolutely has to be.

4 So, I think in terms of that, we are on the right
5 track. I think the bigger question frankly we will
6 see, you know one of the problems with the law
7 itself, is that to a certain extent we're flying
8 blind until the first reports come in. As you know,
9 the Department of Buildings and MOCEJ have used bench
10 marking data to estimate how many buildings we think
11 are or are not in compliance. We have no way of
12 knowing what buildings are doing work at any given
13 time, right? That will all be reported to us and
14 even more importantly and what I - you know what we
15 spent a lot of time talking about two years ago when
16 we came out with a big set of rules about it that the
17 2024 compliance period is not really the important
18 one. The important one is the 2030 compliance
19 period. So, the real impact on our carbon emissions
20 will not be decided by how well this year's
21 compliance reports - how good this year's compliance
22 reports look or how many buildings are in violation
23 this year. It really is about how many buildings
24 have plans to meet their 2030 targets. That's the
25 reason that we built in this kind of two year

1
2 mulligan where we're giving buildings that are out of
3 compliance time. We were tacked for it but I think
4 it's the right answer for the planet because in
5 exchange, we are going to be able to require them to
6 have enforceable plans to get to 2030 but that's
7 quite you know quite literally and proportionately
8 the tip of the iceberg because the buildings that are
9 out of compliance in 2024 are a small percentage and
10 I'd have to refresh the actual percentage but it's
11 probably in the high teens of the buildings that are
12 likely right now out of compliance with their 2030
13 targets and those are the buildings that are going to
14 have gear up and do work and this is not work you can
15 get done in 12 months, right? This is work you have
16 to plan into a buildings capital program, ideally
17 it's a five year capital program.

18 The other thing that has happened and of course
19 you know I know pretty much only what's in the
20 newspapers. We've been in touch with some of the
21 green banks that are doing greenhouse gas reduction
22 fund loans. We have been hoping and we continue to
23 hope that the GGRF money that was disbursed under the
24 Biden Administration will be available and the New
25 York property owners of all types will be able to tap

1 into that. I continue to advocate to the state that
2 the \$5 billion in energy efficiency money that the
3 public service commission is going to program this
4 year. That a lot of it be directed towards Local Law
5 97 compliance and you know I don't have a sense of
6 whether they're going to be supportive on that but
7 where we will face difficulties still remains the
8 question of whether buildings can find the financing,
9 whether buildings can find the contractors. I'm
10 really pleased with the work that the New York City
11 Accelerator has done. We've put a lot of effort into
12 outreach but this was a law that was enacted at a
13 time when real estate values were only going up.
14 Where everybody who owned real estate was doing well
15 and where if you didn't have the cash on hand, you
16 could borrow it for two percent, three percent.
17 We're in a very different world right now and the
18 concern I have about Local Law 97 compliance is
19 whether the financing is available.

21 CHAIRPERSON RESTLER: I appreciate that answer.
22 I just would like to ask rather plainly from your
23 perspective, do you feel like and I will say I echo
24 your sentiments about Deputy Commissioner Popa and
25 Commissioner Oddo and the work that they've been

1
2 doing but I just want to ask rather plainly, kind of
3 as the Chief Climate Officer driving and guiding this
4 work for the Administration, there's been a lot of
5 anxiety I think from advocates that the various
6 interests would impact how the regulations of Local
7 Law 97 would be developed in an Adams Administration.
8 Do you feel that the staffing needs have been
9 appropriately supported and that the right regulatory
10 decisions have been made kind of along the way to
11 robustly implement this law?

12 ROHIT AGGARWALA: 100 percent. You know and if I
13 could I will say I have found some of the attacks
14 from some of the advocates to be absolutely
15 outrageous and really insulting. I think we have
16 done and I do - I need to give the Mayor credit for
17 this and others in the Administration and Deputy
18 Mayor Joshi and First Deputy Mayor Torres Springer
19 you know provided constant support to do the right
20 thing by the environment and the decisions we made.
21 Honest people can have honest disagreements but they
22 were done because this is a difficult law for New
23 York City buildings to comply with and we are trying
24 to do everything we can to achieve that goal of
25 reducing emissions, as opposed to the near term what

1
2 might feel good about whacking people with fines.
3 That's not the goal.

4 CHAIRPERSON RESTLER: Yeah, look I would say I
5 think that the Council and a number of advocates have
6 played an important role in ensuring there is a
7 bright - there is a real microscope under everything
8 that happens in Local Law 97 to ensure that
9 everything is handled the right way. But I do think
10 your assessment is fair that it seems to me so far
11 that things have been that smart and thoughtful
12 regulations have been developed and we are moving on
13 a path toward effective implementation.

14 ROHIT AGGARWALA: Thank you.

15 CHAIRPERSON RESTLER: To that point and well, to
16 one of your earlier points, I really want to ask you
17 know our ultimate goal here and well, I do think
18 there are efforts. There are many things that -
19 there's real divisions within the City Council on
20 this law as you know, but I think all of us agree,
21 people who want to see a more stringent Local Law 97,
22 people who would like to see some loosening of Local
23 Law 97, that securing more state support to help
24 subsidize low income co-ops and condos or religious
25 institutions or other worthy actors that need

1 financial assistance to be able to facilitate in the
2 law is a noble goal and you know I think Assembly
3 Member Bronstein and others have been helping to push
4 that. I don't know the status of it for this budget
5 but I do think that all of us in a concerted way
6 really do need to push on Albany. The \$5 billion
7 fund that you reference and additional resources in
8 the state budget that we should have to support
9 effective compliance in this law. So, I would love
10 to work with you on that. It's March 18th, so we're
11 probably a little late for this year but we can make
12 a plan for 2026 as I hope you'll still be around with
13 us. Given our ultimate goal though and just to shift
14 gears a little, is encouraging retrofits and emission
15 reductions, not endless penalties, right? The goal
16 here is not to generate revenue for the city. It's
17 to actually reduce emissions. Could you just speak
18 to - is the city kind of exploring steps that help
19 buildings - you know that help buildings that need
20 extra assistance, ensure that penalties don't further
21 exacerbate our housing crisis or bankrupt religious
22 institutions but instead get the assistance they need
23 to comply with the law?
24
25

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

109

1 ROHIT AGGARWALA: Uhm, thank you. So look, so
2 that - I think one of the biggest questions that we
3 will have to think through is how the Department of
4 Buildings uses its enforcement discretion, right and
5 you know and I will say only a couple things and then
6 defer to my colleagues at DOB but you know in general
7 when a building gets a DOB violation, DOB's first
8 objective is never to get the cash. DOB's first
9 objective is to have the building owner fix the
10 problem and that has to be our guiding approach to
11 this. The most recent set of regulations that were
12 promulgated and I believe they've now been placed
13 into effect, although I'll have to check on that,
14 create the regulations to implement the portion of
15 the law that calls for a financial variance to the
16 law.
17

18 Those regulations very much took account the fact
19 that there may be some building, particularly in the
20 affordable category that simply do not have the value
21 they need or the reserves or the access to capital
22 they need, and subjecting a building like that to
23 more penalties is like trying to get you know blood
24 from a stone, it's not going to help. I think in a
25 very real way what we learn from the first set of

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

110

1 compliance reports that will come in over this summer
2 will dramatically help inform in a very rich way what
3 we understand about this. Like, we're operating in a
4 world it's like before the first benchmarking data,
5 right which you know which this Committee embraced
6 during the Bloomberg Administration. Before we had
7 that data, we knew almost nothing about how buildings
8 were using energy. Benchmarking data gave us one
9 level, these reports are going to give us a much
10 deeper understanding of each buildings energy
11 efficiency and carbon emissions, and I think based on
12 that, you know there will be a lot of opportunity to
13 think in a really tailored and thoughtful way about
14 the different segments that you mentioned.

16 CHAIRPERSON RESTLER: That is all helpful and I
17 appreciate it. I will just note, I just got a text
18 message, I was not aware that RWE and Community
19 Officer Wind laid off 150 people last week. I'm sure
20 we're aware of this. You know it's just - so while I
21 appreciate your sentiment that it's too early to
22 totally know what to make of the chaos in Washington,
23 you know it was on the Presidents first day that he
24 decided to you know ax offshore wind shore projects.
25 So, I just think that we need people like you and

1
2 other key leaders around our state thinking about how
3 are we going to achieve our sustainability goals and
4 advance other big picture priorities that are not you
5 know a solar panel here and there but that are
6 actually going to be providing us through energy we
7 need at scale, when it looks like - and I know you
8 spoke to this. I just was noting another data point
9 of how concerned I am about this.

10 I'd like to shift to City of Yes commitments and
11 I realize that these are not fully reflected in our
12 budget documents and you know announcements are
13 rolling out on an ongoing basis, like the \$390
14 million allocated for Knickerbocker in Bushwick which
15 is great. Is there a mechanism that DEP plans to
16 share for an accounting of infrastructure investments
17 that are connected to City of Yes to ensure that our
18 growing communities will be safe and resilient with
19 new development that's planned?

20 ROHIT AGGARWALA: Well, let me first reiterate
21 something that I've said to this Committee on a
22 couple of occasions which is that there is a common
23 misconception that I never want to validate, that
24 development and population growth leads to more
25 stormwater flooding, right? That is not accurate and

1
2 in fact, the reverse is correct right because with
3 the Unified Stormwater Rule, every piece of property
4 that is developed, actually has to do proactive
5 measure to retain stormwater. The development is
6 itself a driver to reduce local stormwater flooding.

7 CHAIRPERSON RESTLER: But the development may
8 strain our sewer capacity.

9 ROHIT AGGARWALA: In the combined well- we should
10 remember, two-thirds of the city is a combined sewer
11 system. The incremental sewage that results from
12 population growth is such a small increment compared
13 to what happens when stormwater events happen. So
14 again, by way of comparison, on an average day, we
15 process something around \$1.2 billion gallons of
16 wastewater on a dry day. If we get a quarter inch of
17 rain across New York City, that's \$1 billion gallons
18 of stormwater right? So, our sewers are designed to
19 hold many times the dry weather flow which is why
20 population growth in those combined sewer areas
21 doesn't really change the balance in terms of
22 flooding or overtasking of the sewers. Roughly one-
23 third of the land area of the city is separately
24 sewerred and they are completely divorced right, so
25 the sewage goes through one pipe that's sized for

1 sewage and there we pay very close attention and we
2 were deeply engaged through City of Yes where we do
3 believe that the approach of a little housing across
4 the city rather than highly concentrated growth is
5 not going to tip the scale in any of our separately
6 sewerred areas. We are working very closely with the
7 Department of City Planning on some of the more
8 concentrated rezonings, which if they are in MS4
9 neighborhoods, we do have to take that into account
10 but again, that's not about flooding, that is about
11 sewage capacity.
12

13 CHAIRPERSON RESTLER: Fair. I think that even if
14 the direct correlation is lacking. There's a strong
15 sentiment from New Yorkers and I represent a district
16 that has seen more new development than any other
17 Council District over the last 15 years. That
18 infrastructure issues in our community should be
19 addressed as our community grows. You know that the
20 expectation from the city is that a growing community
21 deserves to make sure that we are handling resiliency
22 issues, stormwater, sewer infrastructure issues,
23 Parks issues, schools issues, appropriately. In part
24 to accommodate the growing population but in part to
25 address quality of life issues for a community that

1
2 is taking - doing its part to facilitate growth in
3 New York. And you know I'll say to - well, I'll do
4 my North Brooklyn stuff, I'll do my own Green Point
5 stuff in a moment but just to the question of is
6 there a mechanism by which the Council will be able
7 to track and the public will be able to track,
8 infrastructure investments that we're committed to as
9 part of City of Yes and our progress on those
10 projects.

11 ROHIT AGGARWALA: Well look, I'll ask Nerissa to
12 talk about some of the specific projects. I'm not
13 aware of a tracking mechanism around City of Yes
14 commitments per say but again I will point out that
15 the City of Yes commitments we've made really are in
16 the context of our overall comprehensive plan for
17 stormwater resilience and that plan is ongoing. It's
18 under development and I would hope going forward and
19 this is I think contemplated in Chair Gennaro's
20 stormwater legislation that we'd be asked to report
21 out as we did last year on the state of our
22 stormwater resilience planning and where those
23 projects are. That's what I would think would be
24 more healthy than focusing narrowly on the City of
25

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

115

1 Yes projects. Do you want to add a couple of points
2 on -
3

4 NERISSA MORAY: No, I think that's right
5 Commissioner and I guess I would just that we have
6 the \$1.5 billion sort of commitments that we do have
7 that number but you're right that there isn't
8 actually a tracking mechanism sort of per say at this
9 time.

10 CHAIRPERSON RESTLER: Okay, thank you very much.
11 I did - so I just want to compliment you and your
12 team. I thought the two reports that you handed out
13 today looked great and I'm excited to read them
14 fully. I skimmed them during your testimony but was
15 particularly interested in just digging into
16 protecting your home for a moment. I was interested
17 in your recommendations in addressing sewer backup
18 complaints and fortunately, I think this is probably
19 partially a reflection of the good work of DEP,
20 partially a reflection of the weather. Sewer backup
21 complaints were down 56 percent in the PMMR to 2388
22 as of a couple months ago, so that's good. For a
23 year over year 56 percent reduction is phenomenal.
24 Although I guess we thank the weather Gods as much as
25 anything. So, but I did want to just check in, so

1
2 you know the map you have here is quite striking of
3 exactly where you know that you were able to pinpoint
4 74,000 homes or buildings are particularly at risk
5 for sewer backups and you know you've identified a
6 few, a couple ways particularly encouraging the
7 utilization of fixture plugs as a cost effective
8 alternative to the backwater valves, but since we can
9 kind of so clearly see a map of these are the
10 neighborhoods where we have these issues. This is
11 where we need attention. I realize this is a moment
12 in time and that perhaps ten years from now, it's a
13 broader area of homes that could be impacted but in
14 this moment, does that inform where we're dedicating
15 capital resources to try to expand sewer
16 infrastructure capacity to mitigate the risks that
17 these homeowners are facing?

18 ROHIT AGGARWALA: I think the answer is very
19 definitely yes and again, I - you know we don't do
20 these things in isolation, right? So, the same team
21 that I referenced that is leading our stormwater
22 resilience work and Wendy and Melissa are here and
23 they do tremendous work, did this analysis and the
24 same places that are constrained with respect to
25 sewer capacity that might cause a wet weather SBU,

1 they're going to be same places that are going to
2 have street flooding. That was one of the key
3 criteria that we used last year in this prior
4 organization. So, I think these things are going to
5 be integrated, which is actually why I mentioned in
6 response to your question about City of Yes, I'd
7 really ask the Council to be thinking about the broad
8 set of priorities and how we are prioritizing those
9 86 locations that were identified last year and that
10 number may evolve you know for example, we're working
11 with MTA on a couple of hot spots that are concerned
12 with them etc., but I think it is that broader view,
13 that broader journey towards stormwater resilience
14 that we should all be focused on.

16 CHAIRPERSON RESTLER: Yup, I think that you know
17 from the conversations I've had over the years with
18 Tasos and others on his team I guess and his formal
19 congratulations. Uhm, when we brought DEP folks out
20 to our district to talk through these issues, you
21 know these are extraordinarily expensive projects
22 over extended periods of time. They are not quick
23 fixes and when people are experiencing sewer backups
24 on a regular basis, they really friggin want a quick
25 fix understandably enough. So, appreciate that you

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

118

1 have some simple guidance here to improve people's
2 quality of life tomorrow or for the next big storm
3 that hits, but I do think that how we can better
4 understand the pipeline for these capital projects in
5 these high risk areas and show the timeline for the
6 progress and that you're you know responding to these
7 risk areas in a way that we can inform our
8 constituents is really helpful because you know it's
9 no surprise to me when I look at this map exactly
10 where the issues are in Green Point. Those are the
11 places where I've had to go knock on peoples doors
12 and connect them to help when we've had big storms
13 and so and I'm sure that's true for most of the
14 members of the City Council and I think it would be
15 enormously helpful to us to be able to understand a
16 little bit better, more granularly the capital
17 planning process that you all have when we might
18 expect resources to hit our districts to actually
19 address these areas when we - because 74,000 is - in
20 some ways it's a big number and in other ways it's a
21 number we can wrap our heads around. And so, I
22 really appreciate the map, the numbers, the short
23 term you know help or guidance you give to folks but
24
25

1
2 being able to better understand how the capital plan
3 reflects these priorities would be immensely helpful.

4 Okay, alright, I am supposed to ask some
5 questions about water quality. Uhm, so I'll do my
6 best. So, the percentage of obviously you know it's
7 the most important thing that you all do. We are
8 enormously grateful for DEP's excellent work in
9 providing the best water in the world. Just a few
10 questions on what are quality monitoring and
11 compliance. The percentage of water samples testing
12 positive for coli or coli formed bacteria decreased
13 from 21.3 percent in the early FY24 to .74 percent in
14 FY25. That's a significant reduction. What specific
15 actions did DEP take to improve this metric and are
16 there ongoing efforts to further reduce contamination
17 risks?

18 ROHIT AGGARWALA: Well, the main thing we did to
19 be honest is we had a drought and so, there is
20 natural variability in this and as I mentioned
21 earlier, one of the things we're paying close
22 attention to is we think about the future of the FAD
23 is the way that uhm the more violent storms that we
24 are getting as a result of climate change has the
25 tendency to flush organic material into our

1
2 reservoirs, which we then treat with higher levels of
3 chlorine, which then creates disinfection byproducts
4 and that's one of the threats to the FAD. Just
5 frankly, it's not so much that we did anything, it's
6 that because there were so few rainstorms in FY25 to
7 date that we just have the more, the slower
8 filtration, which is what you want in the watershed
9 as the water works its way through the soil. That's
10 really good for water quality. Fast runoff is really
11 bad for water quality.

12 CHAIRPERSON RESTLER: Uhm, DEP reported that 100
13 percent of in city water samples met our water
14 quality standards for coli formed bacteria. How
15 frequently does DEP test different areas of the
16 distribution system to ensure compliance? Are there
17 any neighborhoods that are at higher risk or have
18 higher risk factors for contamination and are there
19 any plans to expand monitoring efforts to introduce
20 new technologies that could enhance real time water
21 quality detection?

22 ROHIT AGGARWALA: So, I don't - I'm certainly not
23 aware of any neighborhood that is unusually at risk.
24 The you know we do as I said in my testimony; we
25 really do a massive job of collecting samples. The

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

121

1 number I have here to share I mentioned in the
2 testimony that we had nearly 47,000 discreet water
3 samples that were taken from the network. So, that's
4 more than 100 per day. The vast majority of them
5 33,000 were collected from the 1,000 street side
6 sampling stations that we have you know. All New
7 Yorkers have seen them. They're the silver boxes.
8 They say DEP. You open it up, literally it's a
9 faucet that taps directly into the watermain and our
10 folks will go and they will take a sample and then we
11 analyze that. And so, we get a full picture of a
12 1,000 data points distributed around the city and so,
13 I think that's an amazing level of testing and we run
14 on each of those tests or each of those samples has
15 roughly ten discreet tests, so we have more than
16 nearly 400,000 samples or 400,000 analyses that were
17 done. And then similarly 13,000 samples taken from
18 various places in the water supply network. So, you
19 know we do as with the robot, monitoring that I
20 mentioned. So, we have robots in our reservoirs that
21 do continuous sampling. We're always on the lookout
22 for new technologies but I think this is a - this is
23 as a robust system as it gets.
24
25

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

122

1
2 CHAIRPERSON RESTLER: Great. Uhm, and just in
3 terms of future investments in water quality, I
4 wanted to just come back to the lead service lines
5 and Bob Holden had a question or two on this as well.
6 The lead service line replacement's as I understand
7 it have focused on properties in environmental
8 justice communities. How are you measuring
9 effectiveness on this initiative to date? I know you
10 noted in your testimony that the homeowners that have
11 been assisted with DEP resources, I think, had a
12 \$47,000 median income, so you're reaching moderate
13 income homeowners effectively but are there plans to
14 expand this approach to other areas beyond EJ
15 communities?

16 ROHIT AGGARWALA: Well, you know as I mentioned
17 in my testimony, last year we testified in favor of a
18 bill, the Intro. number of which escapes me right at
19 the moment that would have directed DEP to develop a
20 plan to assist low income homeowners across the city.
21 We, you know frankly, we've spent most of our
22 attention over the last what six or nine months since
23 that hearing, focused on delivering this program with
24 the money that we have and applying to make sure -

25

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

123

1
2 CHAIRPERSON RESTLER: And that's the \$72 million
3 dollars in federal funding.

4 ROHIT AGGARWALA: That's the \$72 million in
5 federal funding. You know and I will say as I
6 testified last year, you know we have not found a
7 correlation on the prevalence of lead service lines
8 with respect to income, with respect to race. This
9 isn't really an EJ issue, except in so far as people
10 without means would struggle to replace their service
11 lines and at least personally, I'm not really
12 comfortable saying that you know a multi-million
13 dollar home in Riverdale or College Point that
14 happens to have a lead service line that New York
15 City government needs to replace that private
16 property. I'm not quite there and so I think we need
17 to think more in a targeted way about how we would
18 invest resources either from the rate payers or from
19 the taxpayers into this, into this kind of thing.

20 CHAIRPERSON RESTLER: I don't remember the
21 details of the hearing but it does make me think
22 about an approach that we developed in the de Blasio
23 Administration around tree conditions when there was
24 severely disruptive street trees that homeowners
25 couldn't afford to upgrade the sidewalk around their

1 house and they were getting penalties that there was
2 a mechanism for the city to cover the cost and
3 essentially for a lien to be placed on the house that
4 upon sale of the property, the city would be repaid
5 and I wonder if there is a similar approach or a
6 mechanism that we could develop here for folks of a
7 certain income level if they were unwilling, you know
8 that are not eligible for support because we do want
9 to get the lines replaced and an uncooperative
10 homeowner that has the means to do so you know we
11 probably want to figure out different ways to tackle
12 the problem but that's a different hearing.

14 ROHIT AGGARWALA: If I could Council Member. You
15 know that's one of the reasons that I think one of
16 the biggest missed opportunities in not passing that
17 legislation was the fact and I haven't had a chance.
18 I meant to look it up for today but I didn't get it.
19 How many homes have transacted? How many homes in
20 New York City have been sold, right? That moment of
21 sale and you just said it, like you put a lien on the
22 home, right. It doesn't affect the current owner.
23 At that hearing, you'll recall Council Member Holden
24 talking about well, why should the old lady who lives
25 alone and is you know fine, why should she have to

1
2 sell out but when that home transacts, a new owner is
3 usually going to money into upgrading the lawn or
4 doing whatever. That's precisely the moment you want
5 to do that lead service line replacement and a new
6 owner is already getting financing so the incremental
7 \$10,000 or \$15,000 is not going to be impossible.
8 That is the mechanism that we should start using as
9 soon as possible.

10 CHAIRPERSON RESTLER: Is it too early to predict
11 whether there will be additional federal resources
12 available?

13 ROHIT AGGARWALA: I think it is too early to
14 predict. I don't think we know yet.

15 CHAIRPERSON RESTLER: Probably not a reason for
16 optimism. And then relatedly on behalf of Council
17 Member Holden, you know I think one of the ambitions
18 that I think many people in city government have had
19 over many, many decades is improved coordination when
20 we dig up the streets. I imagine that for you all
21 you know, well, you all do a lot of sewer
22 infrastructure work all the time. Is there an effort
23 in the lead replacement work to coordinate any
24 efforts with National Grid, with Con Ed, sewer line
25 work - you know, let me resay that. National Grid,

1
2 Con Ed or other infrastructure work so that we can
3 try to tear up peoples streets less frequently?

4 TASOS GEORGELIS: That's an area that I'm really
5 concerned about right. I've seen it. Everybody in
6 New York has seen it. When a new street gets paved
7 over and then somebody comes up a couple months later
8 and rips up the street. Right, that's bad city
9 government, right? So, with the contracts, the grand
10 contracts we do have, we've been coordinating with
11 DOT where we try to give them notice what areas we're
12 going to be focusing on in the coming year and what
13 we try to coordinate is with their paving schedules,
14 if it's an area that they're going to look to work on
15 but put it on hold for a year until we get the lead
16 service line replaced. And then the areas that are
17 already on the street, we're trying to avoid the
18 streets that were currently paved and try to get out
19 of their protective street status. So we have the
20 schedule of when the street is going to come out of
21 protected street status which generally is five years
22 and then we're going to come and do the work after
23 that.

24 CHAIRPERSON RESTLER: And have you been in
25 conversation with the PSC and the entities they

1 regulate? My recollection was that Director
2 Steinberg from Operations had been convening
3 stakeholders around this issue. I know this is like
4 a White Whale issue that many people have thought
5 about over much time. It's probably remembering
6 previous administrations trying to fix this too or
7 Commissioner, excuse me. Has that been a part of the
8 conversation? It's really been tailored to DOT and
9 the repaving schedule?
10

11 TASOS GEORGELIS: Currently it's only DOT but
12 that is something that I've had conversations with
13 DOT on how we do it better right and we've looked at
14 it in the past where we try to do not just the lead
15 service lines but any of the work that we have to do
16 on the ground. If we have to do repairs, to try to
17 get it done before DOT comes in to pave the streets.

18 CHAIRPERSON RESTLER: I think that's smart and
19 DOT's got a pretty predictable calendar at this point
20 for when they're in which community districts and
21 they do a pretty job of planning what streets they're
22 going to do unless I get to them and force them to
23 add a couple in our area.

24 ROHIT AGGARWALA: And is it worth just talking
25 about the Manhattan project we did?

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

128

1
2 TASOS GEORGELIS: So last summer, we did pilot
3 with the DOT where we picked Manhattan and what we
4 did was we kind of collectively worked with them.
5 When they were going to pave the street, we came in
6 ahead of time and during the milling process, where
7 we came in and proactively replaced all of our
8 hardware, our castings, and made repairs to anything
9 that we did. We did leak detection on the water
10 mains. We tried to take care of anything that we
11 knew before the final paving was done by DOT. And
12 that is I think the goal that everybody wants to see
13 us do is when the city comes through to fix the
14 street. We take care of everything, not just one
15 aspect but to take care of everything and minimize
16 the ripping over the streets after its newly paved.

17 CHAIRPERSON RESTLER: All helpful, I'll just in
18 conclusion on the lead pipe replacement piece. You
19 know I think that you know the estimates that we've
20 seen on you know the total cost to replace the lead
21 and copper pipes is approximately \$2 billion and you
22 know what the EPA's regulations are going to be in
23 moving forward. I guess they're an unknown and you
24 know to echo the sentiment that you've shared
25 multiple times today Commissioner, but while the \$72

1 million is a good start, we're clearly going to need
2 additional subsidy resources to help moderate income
3 homeowner. If there's a broader plan to ask certain
4 people to contribute their fair share that have more
5 means but you know we're going to have to just
6 navigate the new realities of not having a federal
7 government that is prepared to help us in any
8 meaningful way.
9

10 I'd like to shift to Southeast Queens for a
11 minute if that's alright. Can DEP ensure that it has
12 the capital - will DEP ensure or guarantee that it
13 has the capital funds for the installation of the
14 sewer line in South Jamaica for the residents of 177-
15 50 to 177-66, 106th Road and 178-109. I don't know,
16 I'm not sure where these exact addresses come from
17 but this is what I've been - but I will send this to
18 you unless you're familiar with this project in South
19 Jamaica that I'm randomly bringing up? Okay, no
20 you're not so we'll send this to you. I will say
21 that Council Member Williams, one of my favorites -

22 ROHIT AGGARWALA: Are you talking about the
23 southeast corner or the northwest corner, sorry?

24 CHAIRPERSON RESTLER: I know, I'm sorry. This
25 was a little ridiculous, I apologize but Council

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

130

1
2 Member Williams and Borough President Richards are
3 very focused on these blocks in particular in South
4 Jamaica to ensure that we have the resources
5 dedicated. I don't really know the block.

6 ROHIT AGGARWALA: Look, I will just say Council
7 Member that you know the Southeast Queens program is
8 a long term effort. It is one that we continue to
9 pursue with our colleagues at DDC. DDC is a great
10 partner in delivering that work and there is I
11 believe \$200 a year roughly?

12 NERISSA MORAY: Well, the whole program is \$2
13 billion going forward in the next two years.

14 ROHIT AGGARWALA: So we have \$2 billion over the
15 next ten years for the Southeast Queens program.

16 CHAIRPERSON RESTLER: Up to \$2 billion over the
17 next ten years? So when you came in, it was
18 approximately \$1 or has that been - am I
19 misremembering? The de Blasio Administration
20 announced \$1 billion for Southeast Queens structure
21 is that right?

22 TASOS GEORGELIS: It was \$1.5 billion. They've
23 drawn it over years. It's currently \$2.7 billion and
24 with this capital plan, we secured an additional \$140
25 million.

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

131

1
2 CHAIRPERSON RESTLER: So, now we're at \$2.8
3 something?

4 TASOS GEORGELIS: \$2.7.

5 CHAIRPERSON RESTLER: \$2.7 oh well that's
6 tremendous. Alright and I think that Council Member
7 Nurse covered renewable Rikers issues. I just wanted
8 to ask kind of at a high level Commissioner, if you
9 had a magic wand, what do you think are the best uses
10 of that space that we as a Council and Administration
11 should be collaborating to explore?

12 ROHIT AGGARWALA: Look as we said last year, I
13 think that the two studies, the one that DEP did and
14 the one that MOCEJ led around renewable demonstrated
15 that there is the possibility of using that space
16 both for wastewater treatment functions and
17 particularly for battery storage and to some of your
18 earlier questions, an interconnection because that
19 kind of unique waterfront space with no neighbors.
20 It's already quite polluted and whatever, those are
21 the right industrial uses. This is a prime space for
22 industrial use. As I said earlier to Council Member
23 Nurse, I think we really would like the ability to
24 step back and think about not a very narrow question.
25 Could you build a gigantic waste water treatment

1 facility here but rather, how would we use that space
2 as part of a network in the upper east river where we
3 have those four treatment plants and I don't want to
4 prejudice you know. Is it a gigantic waste water
5 treatment plant? Is it a wet weather only treatment
6 plant? Is it a consolidated space for solids
7 handling for the entire city? There are a bunch of
8 different permutations and we would like to explore
9 all of them. But I think the main point is that -
10 and we have looked - I asked BWT to look into this
11 and there is really no other large scale site in that
12 part of the city that is even remotely available for
13 waste water treatment infrastructure. And so, it
14 really is prime territory and again, I think the idea
15 that we could share it and have some colocation of
16 battery storage, which as you know is controversial
17 to locate in residential neighborhoods and that
18 interconnect would be the best thing.

20 CHAIRPERSON RESTLER: Worry less about the
21 controversy and more about the FDNY approvals but the
22 - look I think to just echo the sentiments that were
23 mentioned earlier, we really need to start crafting a
24 specific plan as quickly as possible because it's a
25 generational opportunity for us to achieve myriad

1 goals that we have as a city. You know I have long
2 loved the idea that there are many city uses in
3 across the neighborhoods of New York City that don't
4 belong, that could be relocated to Rikers Island.
5 You know we have a DOT facility on the waterfront in
6 Williamsburg where they you know, it's a shop where
7 they fix things under the Williamsburg Bridge that
8 doesn't need to be on the water. It doesn't even
9 need to be in a residential neighborhood it could be
10 anywhere. If we were to relocate some of those uses,
11 we could free up really valuable real estate for high
12 impact, highly beneficial uses in addition to battery
13 storage waste water treatment plants or replicating
14 what they're doing in DC if you think that's the
15 right approach. So look, I bluntly don't expect that
16 we're going to have leadership from the other side of
17 this building for the remainder of the year but we
18 need your leadership and to help guide us so that we
19 don't lose this time. And so, I hope that we can
20 collaboratively work together to start informally at
21 very least crafting a plan of what makes the most
22 sense that we can start pushing. While the exact
23 deadline - while the exact timing of when Rikers
24 Island is going to close is an open question. It's
25

1
2 going to happen and we've got to start getting
3 ourselves organized as quickly as possible to
4 maximize that opportunity.

5 I'd like to shift to Newtown Creek and again echo
6 the earlier sentiments complimenting you and your
7 team for putting the resources in this budget for the
8 New Town Creek long term control plan. I'm impressed
9 by the work that you all did to dramatically reduce
10 sewage CS overflow, not just into New York Creek but
11 into the East River, into Dutch Kills in Council
12 Member Won's District and reduce the construction
13 impacts on Green Point Avenue and you know you and
14 your team have been I think good partners for us in
15 trying to identify green infrastructure opportunities
16 in our community. I'm especially grateful to Melissa
17 and John who have been working with us on the
18 McCarren Asphalt lot and doing a terrific job. It's
19 one of the most, it's one of the projects in district
20 33 that I'm most excited about. \$15 million project
21 to dramatically expand green infrastructure and build
22 new park space for our community. Both in the
23 context of the New Town Creek long term control plan,
24 how can we work together to identify more green
25 infrastructure opportunities around our district?

1
2 Around this area I should say to you know help
3 mitigate flooding and make our flood prone community
4 more resilient?

5 ROHIT AGGARWALA: Well, I'd say Council Member, I
6 think you know as often happens, our main task is to
7 deliver what we've already promised right and I am -
8 I'm glad you're happy with it. I was very pleased
9 with it. I give a ton of credit to DC Licata and DC
10 Barrio at Betsy whose team also contributed
11 significantly to that but we knew that proposing that
12 modification, we had to find some near term things we
13 could do in the neighborhood and I'm pleased that
14 they met your and the communities approval.

15 I will say that is a \$3 billion project, like it
16 is you know probably the third largest single project
17 we've undertaken as an agency if I'm thinking about
18 the UV plant, the filtration plant. I guess the city
19 tunnel three but it's a gargantuan project and our
20 teams have already been working. I mean we've got
21 alignments; we're working on property acquisition. I
22 mean there is so much blocking and tackling and I
23 guess I would ask your forbearance in giving us the
24 space to deliver what we have promised before we
25 think about what's more.

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

136

1
2 CHAIRPERSON RESTLER: That's fair. I think that
3 we you know to come back to my kind of earlier point
4 a moment ago on the sewer backups. We know the
5 geographies in our district where we have problems
6 and so, we really want to - I mean, I guess as a
7 Council Member, I really want to be able to look
8 those constituents in the eye and say, this is the
9 plan for how we're going to improve the conditions in
10 your life and in your home and this is the timeline
11 that we're going to be able to achieve it. And I
12 recognize that you don't have a magic wand and you
13 don't have an infinite budget and that you are doing
14 impressive things at scale. I'm not minimizing any
15 of that but it's my job right to do my absolute best
16 to push for those people and to deliver solutions for
17 them. So, you know I talk a lot with other city
18 agencies and I think you all have it seems like a
19 pretty good working relationship with the Parks
20 Department and the site I mentioned, you know the
21 [INAUDIBLE 02:45:26] a phenomenal job. I'm really
22 grateful. I don't want to lose sight of that.

23 I've been talking more to DOE and I think they
24 are eager to figure out how to partner with DEP more
25 effectively. How do we take DOE school yards and

1
2 maximize green infrastructure opportunities in those
3 locations? I really think there's a real opportunity
4 there for us to do more. I could certainly highlight
5 sites in our district. You know part of the reason
6 that I'm interested in putting resources into
7 renovating parks and playgrounds in my district right
8 now in Green Point is to see that we can layer and
9 maximize DEP green infrastructure and flood
10 mitigation work as a part of those projects, right
11 that I might otherwise put those resources into other
12 places. So, I'm interested in figuring out how to
13 maximize those kinds of opportunities as much as
14 possible. Is that a clear way to set up the
15 question?

16 ROHIT AGGARWALA: Yeah, look and that is totally
17 fair and there's always more that we can do and your
18 point about the short term and again when it comes to
19 the long term, I'm constantly going to back to the
20 fact that we are working on a comprehensive effort
21 towards stormwater resilience. There are 86
22 locations around the city that are going to need
23 investment to deal with the rain that climate change
24 is bringing us. And so, I guess one of the things
25 that we deal with is everybody thinks their

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

138

1 neighborhood isn't getting enough because the whole
2 city isn't getting enough and it's going to take us
3 you know as Nerissa mentioned, we have \$10 billion.
4 Our estimate is that this is a \$30 billion effort,
5 at that one rate it's a 30 year timeline right to get
6 the stormwater resilience that we already know we
7 need.

8
9 I think a lot of the wisdom that's in your point
10 and also is reflected in your comment on the
11 protecting your home document is that while we do the
12 long term stuff, we've been really focused also on
13 how can we do the shorter term stuff and I think some
14 of the nearest term impacts, it's why we were
15 enthusiastic to work with you on the partnership
16 around catch basin cleaning. That's the obvious, the
17 easiest, cheapest, whatever. You know there are some
18 locations that get clogged but even so they get
19 matted over and that's the thing that you have done
20 great work on personally and individuals can do and
21 one of the nearer term things that we are working on
22 and Tasos, maybe you have the numbers at hand is the
23 new designs that we've got for slotted manhole covers
24 and for the new catch basin covers that help reduce
25 that matting, and I think that's one of the highest

1
2 return on investments we can make. We do have some
3 of that planned and Tasos I think has found the
4 numbers, so maybe you could say something about the
5 catch basin modernization program.

6 TASOS GEORGELIS: Thank you Commissioner. So we
7 do have 150,000 catch basins that we have to maintain
8 across the city and we do know that sometimes catch
9 basins get clogged for different reasons, one is the
10 matting over condition which is the above ground
11 condition. And to combat that we've been looking at
12 different strategies over the last two or three
13 years. The covers that the Commissioner mentioned,
14 our goal is to install ten of them a month. We've
15 installed about 100 of them so far this fiscal year
16 and those are the areas that we know are prone to
17 matting over and this way we evaluate the ones that
18 are most frequent that will get those slotted covers.
19 So, this way if the water starts pouring because it
20 can't get down the catch basin, it jumps the curb.
21 We have the slotted cover installed on the sidewalk
22 and then that takes the flooding, so this we way
23 we'll only have a couple of inches of flooding and
24 not the massive foot or two. But in conjunction to
25 the slotted covers, what we started doing and if you

1 know - if you've seen our catch basins throughout the
2 city, the curb pieces, some of them are wide open.
3 Some of them are smaller openings. We've changed
4 about three years ago; we changed the design where
5 it's a more narrower opening and then we have some
6 relief slots right about it. So, that design you
7 know you're going to walk by, you're not going to
8 understand different but for us, it's important
9 because by having that narrower open prevents some of
10 the larger debris from getting in the catch basin,
11 which causes them to clog more frequently. So, we're
12 trying to improve the design of the catch basins to
13 prevent the clogs that happen more often and then
14 what we actually did with some of the catch basins,
15 we started a retrofit where we're putting a grow
16 plate over it which is a simple design that we could
17 do pretty quickly and get those and reduce the amount
18 of debris that get in the catch basins. We put in
19 about 700 of those this fiscal year.

21 CHAIRPERSON RESTLER: Okay that is helpful. I
22 think relatedly just want to understand the flood
23 sensors. I know the preliminary plan include an
24 additional \$500,000 in FY26 and a little bit more in
25 the outyears. This will help DEP utilize existing

1
2 live traffic feeds for assessing water levels and
3 projections. The goal in rainfall ready - the goal
4 in the Rainfall ready report was 500 I believe of
5 these by FY26. By the end of 2026 excuse me, not
6 FY26. Is that right? Is that the right goal? Are
7 we on pace to achieve it?

8 ROHIT AGGARWALA: So, there are two complimentary
9 things. So, what was launched in the aftermath of
10 Hurricane Ida in the new normal report was the Flood
11 Net system and that is optical sensors that point
12 down. They're purpose built and that's where we are
13 on track to do 500. The original plan was it would
14 take until 2027 or 2028 to achieve all 500. We are
15 on track to finish the installation next year so we
16 are ahead of schedule and have done a lot of work
17 with our partners to deploy flood nets. I think we
18 are at 200 already, so we do have 242. Thank you
19 Tasos. We have 242 already installed, so we're just
20 about half way and that gives us the beginnings of a
21 comprehensive monitoring system.

22 The additional money will actually allow us to
23 compliment the flood net technology with an effort to
24 use existing traffic cameras to train the musing
25 computer vision to understand flooding levels. So,

1
2 it's a very different approach to getting the same
3 information. It's just a good thing and systems
4 design to bet on multiple approaches to solving the
5 same problem because you know we don't know how long
6 the flood net sensors will last. We don't know how
7 accurate optical - the traffic camera work might be
8 so by doing multiple things at once, we make
9 ourselves more robust. Did you want to add
10 something?

11 CHAIRPERSON RESTLER: Great. I'd like to do -
12 I'm going to try to wrap up because it's been a few
13 hours and I imagine people need to go to the bathroom
14 or order that pizza. The pizza is not coming, I'm
15 sorry to say.

16 I'd like to ask you about DEP taking control of
17 eastside coastal resiliency. So, I think I'm really
18 thrilled that this administration has continued to
19 make progress on this critical infrastructure
20 investment. Could you speak to the current funding
21 for operations and maintenance that DEP has for
22 eastside coastal resiliency? Just for my and forgive
23 me, I don't know about things outside of District 33.
24 Is there a timeline that you have for when you're
25 going to be responsible for taking control of this

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

143

1
2 infrastructure and are there yeah, if you could just
3 speak to that a little bit it would be helpful.

4 ROHIT AGGARWALA: Uhm, well thank you and yeah,
5 I'm really pleased and Deputy Commissioner Farrell
6 has done a great job. We now have also Assistant
7 Commissioner Pavinsk who is here with us today. In
8 Fiscal Year 2024, BCR had three lines. In Fiscal
9 Year 2025, we have 12, that included a transfer of
10 four, so new were eight and in terms of the timing,
11 you know basically we will be receiving these pieces
12 of infrastructure when they are completed. So, as I
13 mentioned, the first set of gates at ESCAR have
14 already been transferred. Full completion is
15 estimated for late 2026. The Brooklyn Bridge
16 Montgomery which we just demoed a couple of weeks ago
17 with Deputy Mayor Joshi and Commissioner Tom Folli,
18 thank you will also be done towards the end of 2026.
19 Red Hook should be kicking off construction this year
20 and it will be complete in 2028. So, basically
21 whenever these things are complete, we are going to
22 be taking them on and so, Deputy Commissioner Farrell
23 and Tasos and her team are planning out our staffing
24 needs accordingly.

25

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

144

1
2 CHAIRPERSON RESTLER: But you've just to ask it
3 plainly, you have the staffing resources you need to
4 manage these new projects.

5 ROHIT AGGARWALA: We are redeploying in some
6 cases, so as I mentioned coastal resilience has to
7 come out of the tax levy budget. Our tax levy budget
8 is quite small within the context of DEP's overall
9 and so we are working to figure out how we reallocate
10 appropriately.

11 CHAIRPERSON RESTLER: Okay look I don't recall how
12 many billions of dollars we spent to build out these
13 resiliency, do you remember? No, no problem if you
14 don't. I just I don't mean to put you on the spot.
15 It was an absolutely massive project right and one of
16 the larger infrastructure projects we have taken
17 undertaken as a city in a long time. And we need to
18 make sure that we invest the resources to maintain
19 it. And so, I guess when we come back for exec, we'd
20 like more information on how that's coming along and
21 what the needs are there with a little bit more
22 specificity because if this is something that we
23 should pushing for as a Council, we should because
24 it's too important to you know to not maintain it
25 effectively.

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

145

1 So, I think the last topic that I'm hoping to dig
2 in on is one that I care a lot about. My wife thinks
3 I care too much about it but that is noise
4 complaints. Uhm, so noise complaints were up another
5 ten percent in the PMMR. 19,403 complaints on track
6 to be 20 percent greater than FY22. So, it's not
7 just - it's not just me who's upset about this. My
8 constituents are particularly excited about the noise
9 cameras that we funded in last year's budget, even
10 though we had to use expense dollars, which pissed me
11 off and we're excited about the potential they have
12 for kind of a long term deterrent impact on noise.
13 So, I have a few questions. I think these are going
14 to be the first noise cameras that are installed in
15 Brooklyn. I think we're still on pace to install
16 them this year, hopefully that's true. I don't know
17 if you all have any more information on that.

18
19 My understanding is that there are only nine
20 noise cameras installed citywide right now, but DEP
21 is required under Local Law 7 of 2004 to install five
22 cameras per borough by September of this year. Is
23 DEP on track to meet that requirement?

24 ROHIT AGGARWALA: We are not funded to get to
25 '25. No, I believe we currently have ten in service

1
2 around the city but it is also important to note that
3 we move them around very intentionally right and in
4 fact one of the things that we have seen is that you
5 know there is a bit of a community of people who have
6 made the amendments to their vehicles that
7 disproportionately generate the violations and they
8 do tell each other when they start getting summonses
9 and so we do have to keep these things moving. So,
10 I'm not sure whether yours will be the first ever in
11 Brooklyn. I will find out whether -

12 CHAIRPERSON RESTLER: We like to be the first.

13 ROHIT AGGARWALA: Then for your case, we'll call
14 it the first but look I think I go back to the fact
15 that you know we - I think the public tends to think
16 of air and noise as completely separate. The way we
17 manage it, these are air and noise inspectors, right?
18 And this is why I say I think the reforms to the
19 Citizen Idling Law are really necessary because
20 keeping up, we had in over the course of last year,
21 we were operating at roughly 10,000 violations or
22 10,000 citations or complaints that were filed per
23 month for a total of roughly 120 some odd thousand.

24 In January, we had 18,000 submitted, including
25 one individual who submitted 1,700 complaint in one

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

147

1 day, right? 1,700 complaints at \$85.00 each that's
2 \$150,000 that that person stands to receive and that
3 volume because until now at my direction, we have
4 tried to do the back office work right, so there are
5 two options in the law. DEP can do the back office
6 work. Take the burden off the citizen enforcer or we
7 can wait the 45 days and just say you do it on your
8 own, good luck with OATH right? We have thus far
9 tried to do it all ourselves. It is not clear to me
10 that that is sustainable because it is now squeezing
11 out our ability to do noise. Our ability to do
12 construction noise. Our ability to do dust and our
13 ability to do this other targeted enforcement in the
14 EJ neighborhoods where the citizen are not coming
15 from. So, it's a frustration.

17 CHAIRPERSON RESTLER: I, I, I, you know attended
18 that hearing, shared my perspective on the record as
19 well and made some suggestions around different
20 approaches we could do including CAP's on the revenue
21 that somebody could generate through this initiative.
22 I do think that the citizen enforcement model has
23 merit. I do think that there are guardrails that we
24 need to impose. With that being said, and it pains
25 me that it undermines your effective enforcement of

1
2 noise issues and other types of enforcement issues
3 that we need DEP to have the resources to swiftly and
4 effectively address.

5 But that is separate and apart from the resources
6 that we need for the noise cameras. They should be
7 capitally eligible. They should be easy to install.
8 They should be easy to move around. You created a
9 model that I think works. We should be able to
10 comply with Local Law. I don't understand why the
11 resources have not been provided to your agency to be
12 able to implement it.

13 So, I don't know if there's a question there but
14 it's just a point of clarity and I will also say,
15 just on again, kind of parochial Council Member
16 level, because this is the stuff that we worry about
17 every day. You know we have a building at 134
18 Atlantic Avenue that has an extraordinarily loud HVAC
19 system that is severely disruptive to its neighbors
20 and they don't allow entry for DEP inspectors and we
21 communicate back and forth with DEP on sites like
22 this all the time and your staff is great but we just
23 lack of effective tools to actually hold guys
24 accountable and because of statute of limitations, we
25 try to hold them accountable during a given cooling

1
2 season. We don't make enough progress or have enough
3 enforcement actions and then we have to start over th
4 following spring and summer, which is just bonkers to
5 me and I don't know what I'm going to tell my
6 constituents who are pissed about this HVAC system
7 that doesn't allow them to sleep. And it sounds like
8 a small issue but it's not if you live next door
9 right and I don't, you know we have another call with
10 your staff set up for I don't know, this week or next
11 week to try and figure out a solution for this site
12 but if there are legislative solutions that we need
13 to address so that you have more flexibility and
14 latitude, we welcome it. I just - this stuff is
15 really frustrating and we want to - I know like you,
16 I certainly want to help solve problems for my
17 community. That's why I ran for this. That's why I
18 do this work and when we hit bureaucratic hurdles on
19 this stuff, it's just really frustrating. So, I hope
20 that we can work more together to try and identify
21 some solutions there.

22 I could ask you another three hours of questions
23 that are mostly - that would without a doubt be
24 highly informative and simulating. I want to just
25 say, is this your first budget hearing without Joe?

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

150

1 It is, so did Joe retire? He did, well
2 congratulations to Joe. He had been at DEP for a
3 long time. Well, he was a good public servant, so
4 thank you to Joe for his service and I do want to
5 just say, I've tried to shout out a number of your
6 staff by name today that we have the pleasure of
7 working with, who do a great job. I would also just
8 note Alijah Hutchinson does a terrific job and has
9 been a great partner. He is also a District 33
10 Native like John McLaughlin. You got to you know
11 recognize people who grew up in the community and you
12 know I think you also deserve credit for the team at
13 DOB that's doing a good job in Local Law 97, so Laura
14 and her staff. So, I just want to thank you, not
15 just for the team at DEP that you lead but for the
16 other folks that are part of your kind of broader
17 climate portfolio and you know I am - and just
18 because this came up and I feel like I should clear
19 this up a little bit. If I recall correctly, Mario
20 has I think he is on vacation this week otherwise
21 he'd probably be sitting here. Mario has worked at
22 DEP since the Guliani Administration or close enough
23 to it. There is nobody that knows more about DEP
24 operations than Mario Bruno. His technical expertise
25

1
2 is impressive but what is even more impressive is
3 like when I have an emergency in my district at 12:00
4 at night, Mario responds and helps and like that
5 level of care that he has for the people of New York
6 City is really special and while of course there
7 should be equity in pay whenever it's possible, when
8 somebody is a 30 year plus employee of an agency with
9 a very long record, the idea that everyone's going to
10 - that somebody coming in without 30 years of
11 experience would be getting the exact same
12 compensation, doesn't really make sense.

13 So, I just want to - I didn't like - I wasn't
14 happy about those comments earlier, so I just wanted
15 to say that very clearly to clear it up and just
16 thank you for your hard work. Thank everyone at DEP
17 for your hard work. We really appreciate working
18 with you all day in and day out and I hope you guys
19 have a great rest of your day. Thank you and we'll
20 take a five minute break to get a seltzer and we'll
21 start back up with public panel shortly.

22 RECESS [03:04:55]- [03:11:46]

23 CHAIRPERSON RESTLER: Okay before we enter the
24 formal public comment period for the hearing, we'd
25 like to invite the IBO testify. We have Jordan Paige

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

152

1
2 and Brian Cain and I apologize if I butchered
3 anybody's names. And we'll give five minutes for IBO
4 testimony and we'll give two members for members of
5 the public. Thank you in advance for being with us.

6 COMMITTEE COUNSEL: Good morning, please raise
7 your right hand both of you. Do you affirm to tell
8 the truth, the whole truth and nothing but the truth
9 before this Committee and respond honestly to Council
10 Member questions?

11 PANEL: I do, yes.

12 COMMITTEE COUNSEL: Thank you. You may begin
13 when you're ready.

14 BRIAN CAIN: Great, thank you. Good afternoon
15 Chair Restler. I'm Brian Cain, Assistant Director of
16 Housing, Environment, and Infrastructure at the New
17 York City Independent Budget Office or IBO. IBO is
18 an independent, non-partisan city agency that
19 conducts fiscal and policy research for the city. I
20 am joined here today by my colleague, Jordan Paige,
21 our Lead Environmental Budget and Policy Analyst.

22 In October 2024, IBO published a report examining
23 how the city sets water rates and bills property
24 owners. Our research found that the city's practice
25 of requesting rental payments from the Water Board

1 indirectly leads to additional costs for property
2 owners and renters. We also found that the original
3 justification for this payment is no longer
4 applicable, raising the question of whether the
5 rental payment should continue.
6

7 In the 1980's, water bill revenue was removed
8 from the general fund and moved to the control of the
9 Water Board to be used exclusively for water system
10 maintenance, operations, and the debt service on new
11 Water Finance Authority bonds. This agreement
12 granted the Water Board permission to use the city's
13 water and sewer system. However, the city retained
14 the right to request an annual payment to pay off
15 pre-existing debt related to the water system, which
16 was still held by the city.

17 This pre-existing debt was fully paid off in
18 2005. Since 2005, the rental payment has simply been
19 a mechanism to move revenue from the water system to
20 the city's general fund as a source of additional
21 revenue. Once in the general fund, there is no
22 requirement to use it on the city's water system
23 maintenance. The rental payment can be spent at the
24 discretion of the administration on any mayoral
25 priority.

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

154

1
2 In recent years, the city's request for payment
3 has varied. Referring to city fiscal years here,
4 every year from 1985 at the very beginning through
5 2015, mayoral administrations requested the full
6 rental payment. In 2016, when the city saw
7 particularly strong revenue collections, the de
8 Blasio administration decided to pause the rental
9 payment, requesting a partial payment in 2016, and no
10 payment for the next three years.

11 When the city faced financial uncertainties
12 during the pandemic in 2020 and 2021, the de Blasio
13 administration requested partial rental payments.
14 Under the Adams administration, there were no
15 payments in 2022 and 2023. The rental payments were
16 resumed midway through 2024. At that time, the Adams
17 administration requested a partial rental payment of
18 \$145 million, about half of the maximum, citing
19 financial pressure on the city's budget due to rising
20 costs of caring for asylum seekers.

21 However, IBO's revenue and expense forecasts,
22 painted a less dire financial picture than the
23 administration's. The Adams administration plans to
24 charge the maximum annual rental payment from 2026
25 through 2029, at over \$300 million each year. Since

1
2 IBO last testified in October, the projections for
3 2026 and 2027 each decreased by about \$10 million and
4 the projection for 2029 was added with the
5 preliminary budget.

6 Rates set by the Water Board must cover the cost
7 of maintenance, operations, and the rental payment
8 when it's requested. The 2025 water bill rate
9 increase was approximately 3 percentage points higher
10 due to the administration requesting a rental payment
11 from the Water Board. These rate increases are seen
12 directly by property owners when they receive their
13 water bill. Rate increases also indirectly impact
14 residents of rental condo and co-op apartment
15 buildings because water bill increases may be
16 partially or wholly passed on to residents.

17 In conclusion, the city paid off its debt related
18 to the water system in 2005, so all rental payments
19 since then have been unrestricted contributions to
20 the general fund. Whether or not the city requests
21 the rental payment creates uncertainty in the Water
22 Board's rate setting process each year and can
23 increase costs for city residents. Thank you for
24 this opportunity to testify. We welcome any
25 questions.

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

156

1
2 CHAIRPERSON RESTLER: Thank you so much. I
3 really appreciate you both being here today and your
4 thoughtful testimony. So, just to be clear, this
5 additional fee that's placed on - this additional tax
6 that is imposed, it represents 30, between 35 and 40
7 percent of the total increase in the water bill
8 increase this past year?

9 BRIAN CAIN: I'm trying to do math in my head.
10 Yes, 3 percentage points out of 8.5 percent I think
11 that's about correct, yeah.

12 CHAIRPERSON RESTLER: And you're much more
13 diplomatic than me but it doesn't appear that there's
14 any rhyme or reason for why this additional payment
15 has been imposed?

16 BRIAN CAIN: Well, there have been justifications
17 when it's been imposed since the de Blasio
18 Administration paused it initially. You know they
19 cited COVID in 2021 and then they cited the rising
20 cost of asylum seekers recently but neither of those
21 relate directly to the city's water system.

22 CHAIRPERSON RESTLER: Yeah, well I really
23 appreciate you highlighting this issue. I think it's
24 an egregious decision by the Adam's Administration
25 and OMB and I think it's unfair and like I said

1 before, if this was an additional assessment that
2 went directly towards strengthening our resiliency,
3 then we could have a serious conversation about the
4 merit of such a proposal. But this is just to
5 provide resources for the general fund and there
6 doesn't - there has been no correlation between
7 asylum seeker spending and the need for this revenue
8 despite the asylum seeker expenses going
9 significantly - the anticipated expenses for asylum
10 seekers going significantly down, right?

12 BRIAN CAIN: Correct, yes that's what IBO's
13 forecast for asylum seeker cost has shown over time.

14 CHAIRPERSON RESTLER: We appreciate you
15 highlighting this issue. We appreciate you being
16 with us today and I look forward to working together
17 and partnering with you to hopefully try and address
18 this.

19 BRIAN CAIN: Our pleasure, thank you very much.

20 CHAIRPERSON RESTLER: Thank you so much. Great,
21 wonderful, we're going to keep it moving. Now as we
22 move to the public comment period. At the beginning
23 of the public comment period, I am opening this - and
24 now that we're at the beginning of the public comment
25 period, I am opening this hearing for public

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

158

1 testimony. I am required to remind all members of
2 the public that this is a formal government
3 proceeding and that decorum shall be observed at all
4 times. As such members of the public shall remain
5 silent at all times. The witness table is reserved
6 for people who wish to testify. No video recording
7 or photography is allowed from the witness table.
8 Further, members of the public may not present audio
9 or video recordings as testimony but may submit
10 transcripts of such recordings to the Sergeant at
11 Arms for inclusion in the hearing record. If you
12 wish to speak at today's hearing, please fill out an
13 appearance card with the Sergeant of Arms and wait to
14 be recognized. When recognized, you will have two
15 minutes to speak at today's hearing topic, DEP's
16 budget for Fiscal Year 2026.

17
18 If you have a written statement or additional
19 testimony you wish to submit on the record, please
20 provide a copy of the testimony to the Sergeant of
21 Arms. You may also submit written testimony at
22 testimony@council.nyc.gov within 72 hours of the
23 hearing. Audio and video recordings will not be
24 accepted. I will now introduce the first panel,
25 which is a distinguished panel, including Eric

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

159

1 Goldstein of Natural Resources Defense Council,
2 Cecilia Ellis of NYPIRG, Tyler Taba of the Waterfront
3 Alliance and I am especially excited to call up Em
4 Ruby of Riverkeeper who is an alum of our office.
5 Thank you.
6

7 And the Council will now swear you all in. Oh
8 no, we don't swear people in. Just kidding, nobody
9 is getting sworn in. I'm paying attention but I was
10 looking for my snack. Thank you for being with us
11 today. We appreciate your patience.

12 ERIC GOLDSTEIN: Good afternoon Chair Restler in
13 Acting capacity but thank you for your leadership and
14 for the great questioning this morning. I'm Eric
15 Goldstein, the New York City Environment Director at
16 the Natural Resources Defense Council.

17 At the outset, let me say that NRDC supports
18 DEP's overall request for its preliminary FY26
19 proposed operating budget and preliminary FY26-FY29
20 capital funding requests. The drinking water,
21 wastewater treatment and resiliency needs of the
22 nation's largest city are enormous. The work is
23 mostly done unseen by typical New Yorkers but it's
24 both expensive and essential to protect the air we
25 breathe, the water we drink, and the people and the

1 properties from the dangers of the climate crisis.

2 So we appreciate DEP's overall work. I'll make three
3 quick points. First, the most important thing the
4 Council can do to meet the departments capital and
5 operating needs and not unfairly burden the city's
6 water rate payers, is to negotiate with the Adams
7 Administration to end the irrational antiquated water
8 system rental payment. As you know, this is a
9 financial gimmick. Water rates are regressive and
10 this amounts to an unfair, unseen tax on homeowners
11 and lower income New Yorkers. Nothing in the
12 existing laws that set this up in the 1980's requires
13 that the mayor demand an annual rental payment from
14 the rate payers.

15 This year, the Mayor is demanding \$300 million.
16 The Council could and should request that this
17 regressive and unfair rental payment be eliminated or
18 at least that the rental payment be reduced to about
19 \$100 million, which is the 20 year average rental
20 payment since 2025 when the bonds had been retired.
21 So, for 20 years, the rental subsidy has been on
22 average \$100 million. It should not be \$300 million.

23 Second, we recommend that the Council ensure that
24 DEP allocates sufficient funds to advance planning
25

1 for the construction of a modern waste water
2 treatment plant on Rikers Island. As you heard this
3 morning, the sewage plants nearby are reaching the
4 end of their useful life. They don't have sufficient
5 space to capture and treat stormwater runoff and they
6 will need to be rebuilt, repaired or replaced in the
7 years to come. The study that you directed DEP to
8 undertake in 2021 in the renewable Rikers legislation
9 about constructing a state of the art waste water
10 treatment plant found not only that it was feasible
11 but according to DEP, that it's a potentially
12 significant cost saving investment. We heard what
13 the Commissioner said today but the next logical step
14 is for DEP to undertake a more detailed master
15 planning analysis of exactly what its waste water
16 needs are. As you said, there's no need to wait. We
17 don't want to wait nine months until the end of the
18 year and so we urge you to ensure that DEP set aside
19 sufficient funds in its 2026 budget to get that work
20 underway whether it's a new plan, a plan only for
21 holding primary stormwater or some other operation,
22 that planning ought to get underway now.

24 And finally, the DEP is taking on the important
25 responsibilities of resiliency and addressing climate

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

162

1
2 change. This makes perfect sense to do. We want to
3 emphasize the importance of fully funding these
4 programs and for the continued construction and
5 cleaning of the flood alleviating rain gardens and
6 bioswales as well as accelerated implementation of
7 the Citywide Stormwater Master Plan. The
8 Commissioner says that's going to take 30 years and
9 if we got some of that money back from the rental
10 payments, that program could be accelerated to
11 protect those 83 neighborhoods.

12 And finally addressing extreme heat, which every
13 year kills more New Yorkers than any other climate
14 related threat. We look forward to working with you
15 and we thank you for your attention.

16 CHAIRPERSON RESTLER: It's a great testimony.
17 Thank you.

18 CECILIA ELLIS: Good afternoon, my name is
19 Cecilia Ellis, I am an environmental protection
20 organizer with NYPIRG, the New York Public Interest
21 Research Group. NYPIRG is nonpartisan, not for
22 profit research and advocacy organization,
23 environmental protection and public health consumer
24 protection, higher education equity and civic
25 empowerment are our principle areas of concern.

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

163

1 Thank you Committee Chair Restler and members of the
2 Committee for allowing me the opportunity to testify
3 about the city budget in support of Local Law 97 and
4 Intro. 1180. Recent decisions from the Governor
5 demonstrate an alignment with the current federal
6 administration that is at odds with what New Yorkers
7 want, such as approving the air coin natural gas
8 pipeline expansion. Pipelines we know are not the
9 future of New York so right now it is paramount to
10 the current moment that New York City moves boldly to
11 shore up environmental protection efforts that are
12 within your independent power, such as prioritizing
13 building decarbonization.
14

15 Once again, the country is looking to New York
16 City to lead by example and act with appropriate
17 urgency. Protecting Local Law 97 by fully funding
18 staff lines at the Department of Building, closing
19 the landlord loophole with Intro. 1180, adequately
20 and robustly funding school electrification,
21 amplifying testimony from our coalition partners at
22 Align and supporting Council Member Williams
23 Resolution 711 in support of the state bill Buck for
24 Boilers are our forearms of the same effort to
25 protect New Yorkers. So, along with the a robust

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

164

1 coalition of organizations and community members, we
2 are concerned about efforts to see Local Law 97,
3 weakened through compliance loopholes, lack of
4 administrative support or reduced penalties.
5

6 As you know OBEEP is in charge of implementing
7 the law. The Office of Building Energy and Emissions
8 Performance. NYPIRG is concerned that the Mayor's
9 Preliminary Budget is largely flat for the Department
10 of Buildings and the staffing levels for OBEEP are
11 unclear. Through the next few years, buildings will
12 need to work harder to comply with Local Law 97 so we
13 encourage the Council to fight for an adopted budget
14 that ensures sufficient funding for OBEEP's necessary
15 staff levels that are dedicated to this initiative.
16 Though I'm glad to hear that the DEP gave thumbs up
17 on that front so far.

18 Secondly, we're concerned about the landlord
19 loophole in Local Law 97 that allows for building
20 owners to offset an egregious 50 percent of emissions
21 through purchasing renewable energy credits. Thank
22 you to Council's De La Rosa and Restler for
23 introducing Intro. 1180 that caps the amount of those
24 emissions in order to ensure that wealthy building
25 owners can't buy their way out of complying with the

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

165

1 law and allow Local Law 97 to achieve its full
2 potential. The young people that NYPIRG works with
3 know that there's no time to wait or move backwards.
4 So Local Law 97 must be fully funded, supported and
5 implemented and that means also passing Intro. 1180
6 to close the landlord loophole. Thank you so much.
7

8 CHAIRPERSON RESTLER: Thank you.

9 TYLER TABA: Hello, my name is Tyler Taba, I'm
10 the Director of Resilience at the Waterfront
11 Alliance. Thank you Chair Restler. Thank you
12 Members of the Committee. Thank you to Josh and to
13 Chair Gennaro for hosting the hearing today. I'm
14 grateful to testify today in favor of dedicated
15 funding and long term planning for climate
16 resilience.

17 Especially in the current context of federal
18 rollbacks on climate regulation funding, which we
19 heard about a little bit at the hearing today, local
20 spending on climate resilience cannot be lost or
21 minimized. Nearly 14 percent of New Yorkers live
22 within or adjacent to the 100 year floodplain.
23 Nearly 78 percent of New Yorkers have an urban heat
24 index of eight degrees Fahrenheit or higher and we
25 strongly urge the city's budget to reflect the

1 reality that climate change is already here and
2 effecting millions of residents today. Waterfront
3 Alliance strongly supports a \$2 billion budget for
4 the New York City DEP. We applaud the formation of
5 the New Bureau of Coastal Resilience within DEP,
6 which we heard about here today as part of
7 commitments made in the latest PlaNYC. Specifically
8 we're advocating for a budget for the New Bureau of
9 Coastal Resilience in Fiscal Year '26 of \$8.5
10 million. Additionally, we're looking for long term
11 dedicated funding to expand the city's current
12 portfolio climate resilience projects, many of which
13 were talked about today, the Cloudburst Projects,
14 Blue Belt projects and the like.

16 There's also been some efforts made on launching
17 a voluntary buyout program in the latest PlaNYC,
18 however, there has been some issues I believe in
19 terms of figuring out how to fund that long term
20 voluntary buyout program. And so, we urge the city
21 to leverage part of the \$250 million investment from
22 the New York State dedicated towards buyouts as well
23 as identifying other funding sources to support the
24 implementation of this program.

1 COMMITTEE ON ENVIRONMENTAL PROTECTION,
2 RESILIENCY AND WATERFRONTS

167

3 Related to housing, we also support retrofit
4 programs like Home Fix and also support legislation
5 introduced like Intro. 1067 which would support
6 residents with retrofits that are experiencing ground
7 water flooding. And the last thing I'll just end on
8 is to echo the concerns about the budget related to
9 the water rental payment. We support rejecting the
10 water rental payment in the Fiscal Year '26 budget.
11 There's a lot more in the testimony related to
12 resiliency, waterfront access, maritime and we would
13 be happy to connect and talk more about all of those
14 issues but thank you for the hearing today.

15 EM RUBY: It's nice to see you Council Member
16 Restler. My name is Em Ruby and I am the Advocacy
17 and Policy Coordinator at Riverkeeper. Thank you
18 Chairperson Restler and Chairperson Gennaro and
19 members of the Committee for your leadership and for
20 the opportunity to testify today. I would also like
21 to thank the staff of DEP for their very dedicated
22 work.

23 So, New York City is on the frontlines of climate
24 change and New Yorkers today face serious overlapping
25 threats from rising sea levels, coastal storm surge,
extreme rainfall and extreme heat. However, the

1
2 city's aging sewer system is not designed to meet
3 today's extreme weather and coastal resiliency
4 projects remain years from completion.

5 DEP has estimated that it will cost nearly \$30
6 billion, which they mentioned today to upgrade the
7 city's sewer infrastructure to prevent the worst
8 damage from stormwater flooding. However, this
9 administration has proposed to take \$1.3 billion over
10 four years in the form of a rental payment from the
11 water board. Funds that should be going toward DEP's
12 capital budget.

13 We cannot advocate in good faith for more state
14 funding, while our city continues to give away \$1.3
15 billion in a rental payment over the next four years
16 for non-water purposes. The severe drought last fall
17 illustrated that New York is vulnerable and urgently
18 needs investment in its water infrastructure now.

19 To address these challenges, we call for the
20 Council to support six critical priorities in this
21 year's budget. To fully fund the Department of
22 Environmental Protection at \$2 billion to restore
23 agency staffing to pre-COVID levels and fill 800
24 vacancies. To reject \$3.3 million rental payment in
25 FY26 from the New York City Water Board. To provide

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

169

1 \$8.5 million to fully staff the Bureau of Coastal
2 Resiliency. To provide \$4 million to fully fund
3 implementation of the Unified Stormwater Rule and to
4 provide \$3 million to begin the Master Planning
5 Effort for a renewable Rikers. \$2 billion budget for
6 DEP would restore the \$38 million in cuts from the
7 FY25 budget for the agency and support staff to
8 upgrade and maintain critical infrastructure for
9 stormwater, drinking water, waste water and coastal
10 resiliency to protect the city in climate change.
11

12 Today, we are faced with unprecedented attacks on
13 climate mitigation and resiliency work, on clean air,
14 clean water and environmental justice from the
15 federal government. Now more than ever, we need bold
16 leadership from this Council to address these
17 challenges and prepare our city.

18 And I'll just add on the Unified Stormwater Rule
19 that the \$4 million is for 20 staff members, which
20 will be critical for implementation of that rule. We
21 know there are issues and concerns from developers
22 around the timelines, and so that \$4 million I see as
23 being critical for the success of that program.

24 Thank you.

25

1 COMMITTEE ON ENVIRONMENTAL PROTECTION,
2 RESILIENCY AND WATERFRONTS

170

3 CHAIRPERSON RESTLER: I want to just thank you
4 each for your really thoughtful testimony. If you
5 haven't submitted it in writing to the Sergeant at
6 Arms, please do so so we can review it more closely
7 but really appreciate you being here today and for
8 your thoughtful advocacy. Thank you so much.

9 Alright, next up we have another old friend from
10 District 33, Michael Higgins, New York City
11 Environmental Justice Alliance from NYCEJA, thank you
12 for being here, Faiza Azam from ALIGN, Anais Reyes
13 from the Climate Museum and Sarita Daftary. I didn't
14 see Sarita from Freedom Agenda. Are any of these
15 people on Zoom or did they leave? No, okay alright
16 so can I add somebody else in? And we will add in
17 Hayden Brockett from the New York City Clean Air
18 Collective.

19 Thanks so much Michael, great to see you.

20 MICHAEL HIGGINS: Good afternoon. Again, my name
21 is Michael Higgins Jr., I'm the Land Use Planner at
22 New York City Environmental Justice Alliance, also
23 known as NYCEJA. I'll keep it short; it's been a
24 long day for you Chair Restler and thank you again
25 for hosting this space. NYCEJA is a founding member
of the Renewable Rikers Coalition, a member to

1
2 advance a green and restorative vision for a
3 renewable Rikers and the environmental justice
4 communities around it that after the announcement of
5 the closure of the culture facilities on the Island
6 during the de Blasio Administration.

7 Since then, New York City Council has passed the
8 Renewable Rikers Act, a package of three separate
9 bills to both create a government structure would
10 inform the management of the land on the island and
11 decision making on how the city will move that plan
12 forward and study potential uses that would support
13 the city's reduced emission goals.

14 More than four years after that, however, the
15 Adams Administration has done little to either ensure
16 the closure of the facilities along the 2027 deadline
17 or to give the city agencies the latitude to make the
18 decision on what type of facilities will be at
19 Rikers.

20 We're here to support inclusion in this coming
21 Fiscal Year, Fiscal Year 2026 for funding to do
22 further study on a master plan for Rikers. Again, as
23 DEP mentioned, it's not only a cost, a potential cost
24 savings in terms of reducing the burden on older
25 waste water treatment plants and putting that on a

1
2 new fresh plant on Rikers. We also see it as a part
3 of a vision where again we are taking away the
4 burdens of particular facilities in NYCEJA
5 communities along the waterfront around Rikers and
6 place it in a place where people aren't living.

7 And so again, we want to make sure that not only
8 does the money get put in this coming budget for that
9 planning but also we would love to support the
10 passing of a bill that Council Member Nurse was here
11 earlier Intro. 1038 to make sure that there is a
12 clear mandate from the city administration to make
13 sure that DEP does that setting. Otherwise, thank
14 you for listening and happy to take any questions.

15 CHAIRPERSON RESTLER: Thank you.

16 ANAIS REYES: Greetings Chair Restler and to the
17 members of the Committee. Thank you for the
18 opportunity to testify today. My name is Anais Reyes
19 and I'm the Curator at the Climate Museum. We're the
20 first Museum in the US focused on climate change and
21 I'm also a constituent of District 33, so it's great
22 to meet you.

23 CHAIRPERSON RESTLER: Oh great.

24 ANAIS REYES: At the Climate Museum, we use
25 cultural programs to educate visitors about climate

1
2 and get them involved in civic action. We recently
3 secured a permanent home near Hudson Yards that will
4 open in 2029 and we're currently in the process of
5 finding and fundraising for a temporary home in the
6 interim.

7 I'm here with an urgent request for you today
8 that you uphold the civic fabric of New York City's
9 climate leadership by expressing your support for the
10 Climate Museum both individually and through the
11 Speakers initiative.

12 Research from Yale showed that in 2024, 75
13 percent of New Yorkers all across the five boroughs
14 are worried about climate change and three out of
15 four people feel anxious and overwhelmed and most
16 people feel like no one cares. Through the
17 exhibitions and events at the Climate Museum, we
18 acknowledge peoples worries and lived experiences.
19 We connect people to tangible actions that they can
20 take and we build an empathetic and civically engaged
21 and empowered community in the process. Put simply,
22 our work is transformative. A peer reviewed study
23 recently confirmed the strong impact of our work. We
24 are providing an essential service to New Yorkers.

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

174

1
2 Moving visitors from despair and isolation to
3 communal engagement.

4 This is how we fulfill our civic responsibility
5 as a cultural organization and do our part for the
6 betterment of New York City and for the environment.
7 We all know that our values and rights are currently
8 under attack right now and now is the time to stand
9 together for them and for civic and climate
10 leadership.

11 Today, I'm asking you for your support in helping
12 us to continue this vital work. First, we have
13 submitted several member item requests including to
14 members of the Committee. Chair Gennaro's support
15 has been vital in establishing the Climate Museum and
16 we look forward to deepening that partnership.

17 Second, we have also submitted a request as part
18 of the Speakers initiative and asked for support with
19 Speaker Adams. Finally, we are reaching out
20 separately to Chair Gennaro's office about the
21 resolution that he introduced in support of the
22 Climate Museums mission and development. Thank you
23 for your partnership and for your time.

24 CHAIRPERSON RESTLER: Thank you.
25

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

175

1
2 FAIZA AZAM: Thank you to the Committee of
3 Environmental Protection, Waterfronts and Resiliency
4 for giving me this opportunity to speak. I am Faiza
5 Azam, I am the Climate and Labor Organizer for ALIGN:
6 The Alliance for a Greater New York. We co-
7 coordinate the Climate Works for All Coalition, which
8 is coalition of labor, environmental justice,
9 climate, faith, students, and parents, working
10 together to ensure that we tackle inequality and the
11 climate crisis while hand and hand with a diverse
12 group of members. One of our core issues is green,
13 healthy schools. This is a known fact that our
14 buildings in New York City are aging and they are
15 over 100 years old and our schools are often
16 underinvested in.

17 We must ensure that green, healthy schools is a
18 priority and that the city's budget is focused on
19 investing millions of dollars that could be saved
20 from clean energy upgrades into our schools. When
21 we're talking about upgrading our schools, we're
22 talking about ensuring that ventilation is
23 appropriately dedicated funding towards as well as
24 electrification. The city has not prioritized
25 funding our public schools and ensuring that there is

1
2 an upgrade in the electrification process and we want
3 to make sure that students from 3K to 12 are the ones
4 as well as teachers and school staff that are facing
5 the most climate injustices are the ones that are
6 being supported the most and that is done in
7 environmental justice communities, especially those
8 heavily impacted by flooding and poor air quality.
9 So, thank you so much for this opportunity to speak
10 and we hope that the city is prioritizing funding for
11 our New York City Public Schools.

12 CHAIRPERSON RESTLER: Thank you very much.

13 HAYDEN BROCKETT: Thank you Council Member
14 Restler for Chairing this hearing today and thank you
15 in absentia to Chair Gennaro and for you and your
16 staffs leadership on improving New Yorks air quality.
17 Thank you.

18 My name is Hayden Brockett and I'm a founding
19 member of the New York Clean Air Collective, the
20 NYCAC. I'm a father and a husband who lives in
21 Manhattan and I participate in the Citizens Air
22 Complaint Program. I took time off from work today
23 to be here because our organization, our nonprofit
24 organization supports higher wages for DEP workers
25

1
2 and higher headcounts for DEP complaint reviewers and
3 air inspectors.

4 Sadly, the Adams Administration's own budget and
5 request I should say, keeps its headcount flat and
6 Mayor Adams's budget doesn't pay some of its workers
7 a living wage and as you know I noted Chair Restler,
8 that's a problem. As you know, we suffer from
9 terrible air quality in New York, which kills 3,000
10 New Yorkers each year. That means that more than one
11 in 20 deaths this year in New York will be caused by
12 air pollution, and as someone who participates in the
13 Citizens Air Complaint program, I experienced first
14 hand how every day air pollution from trucks and
15 buses, particularly around our schools and parks
16 poisons our citizens. Idling needs to stop, full
17 stop.

18 Let me make three points about some of the
19 incorrect information put forth today about the
20 budget impact of the CACP. First, this program is
21 working well. When the city faces a climate crisis
22 and multiple air quality emergencies, as we saw with
23 wildfire last year, this program represents about 95
24 percent of air code enforcement and about \$66 million
25 lifetime dollars collected by the city.

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

178

1 That's because although this Council banned
2 idling 50 years ago, that law went completely
3 unenforced for decades. The Council however has
4 changed that because in 2018, that opened up citizens
5 air enforcement and the citizen air complaints filed
6 last year, 140,000 of them are victory both for the
7 City Council and for our clean air. And I just would
8 like to say, this is tangible work to protect our
9 environment and stop climate change as Anias
10 mentioned. On the budget, make no mistake, this
11 program increases city revenues because for every
12 dollar paid as a reward to a citizen reporter, the
13 city collects at least \$4 more in revenue. This
14 program is in itself a huge revenue positive even
15 before your account for the program lowering air
16 pollution and associated health and hospital cost,
17 which are the real goals.

19 DEP's reviewers get a huge chunk of the credit
20 for this and they deserve higher pay. Citizen
21 participants likewise deserve fair compensation for
22 this serious work and Chair Restler, if the Council
23 caps or cuts this enforcement, you're only going to
24 get dirtier air and lower city revenues and it's that
25 simple.

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

179

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRPERSON RESTLER: Thank you.

HAYDEN BROCKETT: To cut this program is just as dangerous as cutting the IRS budget to save money. Now that's an idea that's popular in Washington DC but New York City should reject such what I consider backwards thinking. Second, I think it's absolutely sinical to try and pit noise enforcement against air quality enforcement. As you noted, we can walk and chew gum at the same time. Chair Restler, the Council, already I will point out, has built in existing safeguards to the law. If DEP cannot handle the volume of complaints, as the Commissioner acknowledged.

CHAIRPERSON RESTLER: Thank you sir. I just ask you to wrap up if you don't mind.

HAYDEN BROCKETT: No problem. So, I would just say there's no need to cut air quality to enforce our noise laws and I think as you acknowledged, that's a budgetary choice by the Adams Administration that hurts our environment. Thank you so much for your time.

CHAIRPERSON RESTLER: Thank you. I just want to thank you each for your very thoughtful testimony. We really appreciate it and look forward to working

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

180

1
2 together with each of you. To the next panel, we've
3 got two in person and two on Zoom. We're going
4 hybrid. We'd now like to invite Linda Dada and Nicki
5 Cross in person and Nicki Cross is from NYLPI as well
6 as; I'm going to struggle here but I'm going to do my
7 best Nabil Julolidine(SP?) on Zoom and Andrea
8 Scarborough also on Zoom. Thank you all.

9 We'll start with the in person folks and then
10 unmute the people on Zoom if that's okay. That's
11 fine with me; can somebody help unmute Ms.
12 Scarborough somewhere in the ether? No, maybe? Oh,
13 you've been unmuted, Ms. Scarborough go for it.

14 ANDREA SCARBOROUGH: Yes, oh I'm up? Oh okay,
15 sorry. Well good afternoon Chair Restler and good
16 afternoon Committee Members. My name is Andrea
17 Scarborough, I am a former President of My Civic
18 Addisleigh Park. A Board Member of the Queens Solid
19 Waste Advisory Board, as well as a Board Member of
20 the Southeast Queens Residents Environmental Justice
21 Coalition, also known as SQREJ. SQREJ is an
22 organization that applicates the environmental policy
23 changes, improvements in our southeast Queens
24 community.

25

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

181

1 Today, I come before you speaking on behalf of
2 SQREJ. For many years we have been working, we have
3 been seeking to work with the Department of
4 Environmental Protection to resolve the issue of
5 ground water flooding in Southeast Queens. Our
6 efforts have been hampered by an increasing lack of
7 transparency on the part of DEP and their failure to
8 engage with the community in any meaningful way.
9

10 At one point the agency did meet with community
11 residents to discuss these issues. However,
12 currently they refuse to engage at all. Most
13 recently DEP has conducted a pilot radio collection
14 project in our community at 165th Street on
15 [INAUDIBLE 03:44:19] Boulevard in Jamaica. The
16 purpose of this pilot project was to determine the
17 efficacy of this procedure in lowering the water
18 table which would result in a reduction in our ground
19 water flooding. DEP has not provided any information
20 to the community as to the findings of this project.
21 We are left without any understanding as to if this
22 project was successful and if additional pilot
23 projects will be undertaken.

24 Schools are the big concern as DEP's fairly
25 recent position taken that residential property

1 owners are solely responsible for litigating the
2 effects of ground water intrusion into their
3 property. In Southeast Queens in particular, the
4 ground water flooding can largely be directly traced
5 to the -

6
7 SERGEANT AT ARMS: Thank you. Your time is
8 expired.

9 ANDREA SCARBOROUGH: The water supply - I'm
10 almost done. In the 1990's and cease pumping from
11 this. This lead directly to a rising water table and
12 flooding in our community. In statements by Jamaica
13 Water Supply purchase and in testimony before the
14 City Council, DEP official stated acknowledgement at
15 that time and we confirmed that decision of pumping
16 the Jamaica water supply wells led to a rising water
17 table and they also took the pledge to mitigate the
18 flooding conditions. We are asking that DEP take
19 responsibility for this problem and that efforts to
20 resolve is to be reflected in the fiscal year 2026
21 budget. We also strongly support Intro. 1067A,
22 legislation introduced by Council Member Nantasha
23 Williams. The legislation will assist homeowners
24 that experience ground water flooding by connecting
25 those properties with retrofit repair assistance and

1
2 providing case management to a collaboration with a
3 designated community based organization.

4 We urge that this legislation be adopted and
5 funded in the Fiscal Year 2026 budget. Thank you so
6 much.

7 CHAIRPERSON RESTLER: Thank you Ms. Scarborough
8 for your testimony and I believe that we've addressed
9 where we've - let me restate that. Attempted to
10 address some of these issues in the past at DEP
11 hearings, thanks to the leadership of Council Member
12 Williams. I know that answers have not always been
13 satisfactory, so we will continue to follow up with
14 Council Member Williams and Chair Gennaro to figure
15 out how we can be more helpful in addressing the
16 needs of Southeast Queens and the broader Jamaica
17 community.

18 So, thank you for your diligent advocacy and your
19 presence here with us today and I know Council Member
20 Williams is a tremendous champion for exactly these
21 issues. So, thank you very much and with that, I'll
22 kick it over to the folks who are here in person.

23 NICKI CROSS: Thanks very much. I'm Nicki
24 Cross, Staff Attorney for the Environmental Justice
25 Program at NYLPI, New York Lawyers for the Public

1 Interest. Our EJ program works on a range of
2 community driven priorities but the focus of my
3 testimony is on sewer backups and flooding in Queens.

4 Communities in which the city has historically
5 invested less money and resources which tend to be
6 Black, Brown, and low income communities,
7 disproportionately bear the burdens of flooding and
8 sewage backups. For example, residents in Queens,
9 the city's most racially diverse borough, made over
10 4,000 backup complaints involving private sewer
11 systems to DEP in 2022 alone. That's nearly six
12 times as many as Manhattan. Many in Queens are under
13 water, sewer backups make residents environments
14 unsafe, financially unstable, unhealthy and inhumane.

15 We represent clients in South Jamaica, a
16 historically redlined and unjustly disinvested area
17 of Queens. They are a community of 20 homes is
18 connected on a failing shared private sewer line
19 requiring frequent repair and maintenance, costing
20 the community approximately \$10,000 a year for
21 decades.

22 After years of advocacy by those impacted, DEP
23 committed to constructing a public sewer line within
24 "three or four years" during an August 2023 meeting
25

1
2 with the homeowners and their elected leaders
3 including Council Member Nantasha Williams.

4 We, the residents and the representatives have
5 been trying for many months to get updates on the
6 timeline of the project with little to no response
7 from DEP. This has left the residents unable to
8 accurately plan for how much to invest in maintaining
9 their private line and also having to keep these
10 repairs going for years. Despite its promise to
11 complete the project by 2026 or 2027, we recently
12 received word from BP Richards Office that DEP
13 intends to finish the project by Fiscal Year 2029.
14 That's totally unacceptable.

15 As DEP writes in its Preliminary Budget Report
16 and wrap shortly. It's facing growing budget risks
17 as climate change drives more extreme weather events
18 and as you mentioned Chair Restler, everyone wants
19 their projects fixed ASAP but communities who are
20 least able to advocate and have the least time and
21 resources to do so, simultaneously need these
22 projects the most and the fastest and we need to
23 ensure that DEP is transparently committing these
24 projects and doing so on time. Thank you.

1 COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

186

2 CHAIRPERSON RESTLER: Thank you for your
3 testimony.

4 LINDA DADA: Good afternoon. Good afternoon
5 members of the DEP budget hearing committee. My name
6 is Linda Dada and I'm a homeschooling mom, a nurse,
7 and the owner of Capital Brilliance Alliance, where
8 we provide financial literacy and solutions for
9 everyone. For over 20 years, my community in South
10 Queens, Jamaica has endured relentless sewage
11 backups. A crisis that DEP promised to fix decades
12 ago. Today, I'm basically here to hold you all
13 accountable and demand action.

14 In our neighborhood, known as Brick Town, 20
15 newer construction homes that were meant to be dreams
16 for us are plagued by sewage backups. These homes
17 were built on fraudulent infrastructures with sewage
18 pipes that are about two inches smaller than the
19 standard and this negligence has caused raw sewage to
20 flood into our basements and living spaces. While
21 the older brick homes with original infrastructure
22 remain unaffected. For 20 years we've been told this
23 would be fixed. For over 20 years we've been
24 ignored. The consequences are devastating. Toxic
25 mold caused by sewage has led to health issues like

1
2 asthma, especially in our children. The emotional
3 toll is crushing. Years of mental distress, anxiety
4 and sleepless nights.

5 Every time it rains, we all go into a communal
6 panic trying to see who is effected and if we can
7 even afford the \$1,000 it costs to call private
8 companies to clean the lines. Sometimes neighbors
9 even go into manholes themselves to try to alleviate
10 the flooding and despite the promises that DEP has
11 made, they do not come out to do the cleaning during
12 the floods, which leads us to kind of fend for
13 ourselves.

14 Even as early as three years ago, DEP promised to
15 alleviate the cost of us calling the trucks to come
16 out but along with other many broken promises,
17 nothing has been done in that area. These are just
18 basically temporary fixes. They're not solutions.
19 They are reminders of DEP's failures to keep their
20 promises.

21 We're not asking for special treatment. We're
22 asking for DEP to do what they said they would do 20
23 years ago. This is not about the infrastructure.
24 It's about justice. It's about holding DEP
25 accountable for decades of neglect. We demand

1
2 immediate funding for infrastructure upgrades in
3 South Jamaica, a clear timeline for when the crisis
4 will be finally resolved and for DEP to fulfill its
5 promise to clean during floods and help alleviate the
6 cost of the trucks. Enough is enough.

7 Today, I speak for 20 families in South Jamaica
8 whose dreams have been turned into nightmares. We're
9 just here to demand change that DEP made a promise
10 and now it's time to keep it. Thank you.

11 CHAIRPERSON RESTLER: Thank you very much for
12 that incredibly powerful testimony and I just want to
13 say how sorry I am that you've had to deal with this
14 and I know that doesn't mean much but there's just no
15 reason you should have had to be fighting for 20
16 years to address issues that never should have
17 happened in the first place.

18 And you know we hear from DEP today that they've
19 got \$2.7 billion allocated to address chronic issues
20 across Southeast Queens and that's a beautiful thing
21 and that is a result of advocacy from you and many,
22 many neighbors over an extended period of time
23 recognizing you know how unfairly the Southeast
24 Queens community has been treated and how inadequate
25 our infrastructure is. But the solutions are too

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

189

1 slow and we have to hold them accountable and be
2 aggressive. You know residents and elected officials
3 together to get the improvements you deserve. And so
4 you're also in Council Member Williams district?
5

6 LINDA DADA: I am and I'll be honest with you, I
7 haven't really - you know we've gone through about
8 three different -

9 CHAIRPERSON RESTLER: Council Members?

10 LINDA DADA: Council people, yeah, Council
11 Members and uhm I was hopeful for Nantasha Williams
12 Office but I'll be honest, you know that apology that
13 you gave, it's really heartfelt because in 20 years,
14 that's the first time we've received one, even our
15 neighbor.

16 CHAIRPERSON RESTLER: I appreciate it. I mean I
17 will tell you Council Member Williams is one of the -

18 LINDA DADA: She's amazing.

19 CHAIRPERSON RESTLER: She's amazing, like she is
20 amazing.

21 LINDA DADA: But she's done a lot too. I just
22 think she has a lot on her plate as well.

23 CHAIRPERSON RESTLER: Yeah but we'll follow up
24 with her. We'll talk and we'll make sure that uhm,
25 you know your testimony is shared with her today and

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

190

1 we'll figure out how we can work together to be
2 helpful and we appreciate you being here and taking
3 the time.
4

5 LINDA DADA: Thank you. Thank you for taking the
6 time to see us.

7 CHAIRPERSON RESTLER: Thank you for sharing. And
8 now we'll hear from Nabil on line.

9 NABIL JULOLIDINE: Hello, can you all hear me?
10 Hello?

11 CHAIRPERSON RESTLER: Yes.

12 NABIL JULOLIDINE: Okay perfect, okay, hey I'm
13 Nabil Julolidine, a local resident of East Elmhurst
14 under Shekar Krishnan's District. Thank you for the
15 opportunity. Hurricane Ida and a storm in September
16 of 2023 devastated our basements in East Elmhurst
17 resulting in several inches or feet of sewage water.
18 Thousands of dollars of damage, mold, lost items and
19 significant emotional toll as well here. Since July
20 of 2023 we've had at least six of these storms that
21 resulted in various levels of basement flooding and
22 the DEP has built some new green infrastructure
23 around the neighborhood but - and they've done some
24 cleaning as of last year but we still have yet to
25 hear about the study that's being done regarding the

1
2 Cloudburst project as well as preexisting lamp and
3 street ponding all over the neighborhood that doesn't
4 help the situation at all. We have - we would like
5 additional rain gardens in catch basins as well as a
6 plan or schedule for regular cleaning of our catch
7 basins and sewers as we saw the flooding was in part
8 because at least 50 percent of the sewers on our
9 block were full of sewage. So, I support both
10 Intro. 1067 and 1150 to devastating storms only
11 becoming more frequent and residents of East Elmhurst
12 are in dire need of flood resiliency. Thank you for
13 your consideration.

14 CHAIRPERSON RESTLER: Thank you so much for being
15 with us and tremendously appreciate your advocacy for
16 the community in East Elmhurst and we'll follow up
17 with Council Member Krishnan to figure out how we can
18 do more to be of assistance, so thank you so much.

19 NABIL JULOLIDINE: Thank you.

20 CHAIRPERSON RESTLER: Thank you. Thank you to
21 the panel. Appreciate your thoughtful testimony.
22 It's very powerful, appreciate it.

23 Next panel up, we're going to hear from Lisa
24 Alpert from Greenwood Cemetery, Brooklyn's own,
25 Theodora Makris from the Center for New York City

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

192

1
2 Neighborhoods. Theodora, excuse me Theodora and Tony
3 Ores from Neighborhood Housing Services from NHS, and
4 Dara Illowsky from Save the Sound; and I apologize to
5 anyone whose name I butchered. Thank you. In
6 whatever order you're also motivated is fine. Go
7 ahead, you just got to hit the button. Just hit the
8 button on the microphone.

9 DARA ILLOWSKY: Oh sorry. Okay, I think I'm on.
10 Good afternoon. My name is Dara Illowsky, you're
11 very close on the pronunciation. Well done, and I'm
12 the New York Staff Attorney at Save the Sound. Save
13 the Sound is a nonprofit organization that works to
14 improve and protect the environment of the entire
15 Long Island sound region, including the upper east
16 river.

17 Save the Sound as endorsers of the Renewable
18 Rikers Campaign urges this Committee to recommend \$3
19 million in the DEP budget to begin the master
20 planning effort outlined in Intro. 1038. To
21 redevelop Rikers Island for sustainability and
22 resilience. We thank Council Member Nurse and
23 Cosponsors including my representative Council Member
24 Chi Ossè for this important bill.

25

1
2 The future for Rikers Island envisioned by the
3 renewable Rikers Campaign would be a game changer for
4 the city in many ways but I'm going to focus on water
5 quality today. As explained in DEP's feasibility
6 study, a state of the art waste water resource
7 recovery facility - sorry it sounds like - did this
8 go off?

9 CHAIRPERSON RESTLER: We can hear you good.

10 DARA ILLOWSKY: Never mind. A state of the art
11 waste water resource recovery facility on Rikers
12 Island would replace four outdated facilities
13 currently operating along and discharging into the
14 upper East River. These existing facilities are not
15 adequate to help the city meet our current or future
16 water quality goals and continued reliance on them
17 contributes to environmental burdens
18 disproportionately forced on the environmental
19 justice communities surrounding them and destroys the
20 recreation and economic potential of city waters.

21 Much of the upper East River and it's bays and
22 tributaries are impaired, including for fecal
23 coliforms and dissolved oxygen. Combined sewer
24 overflows are a regular problem with water body
25 advisories active for the East River west of the

1
2 Whitestone Bridge just yesterday. Just as one
3 example.

4 And based on annual water quality data reporting
5 by Save the Sound, the western narrows, which include
6 the upper East River, has earned F grade for overall
7 health every year since 2008. With climate change
8 further stressing these already strained systems and
9 new regulations forthcoming to address the most up to
10 date water quality science, these nearly 100 year old
11 facilities do not have the technology or capacity to
12 meet the moment. A major change is needed and the
13 city has a rare opportunity here on Rikers Island.

14 At this point, the city is at risk of that
15 opportunity slipping away absent a clear plan to get
16 us there. Developing this master plan for the future
17 of Rikers Island is an essential step toward a
18 healthier environment for all New Yorkers and I urge
19 this Committee to push through \$3 million necessary
20 for that planning. Thank you.

21 CHAIRPERSON RESTLER: Thank you.

22 THEODORA MAKRIS: Hi, good afternoon. My name is
23 Theodora Makris and I'm a Senior Program Manager at
24 the Center for New York City Neighborhoods, a
25 nonprofit that promotes and protects affordable

1 homeownership for middle and working class families.

2 I would like to thank members of this Committee for
3 holding today's budget hearing and I'm happy to be
4 with you today.

5
6 Today I want to highlight three critical
7 investments New York City must make to protect
8 homeowners from escalating storm risks and ensure
9 long term housing stability. Number one, expand
10 access to resiliency retrofit programs. Homeowners
11 need financial support to afford essential flood
12 resiliency upgrades such as backwater valves and
13 sewer line repairs. We urge the city to support
14 Resolution 0341 that calls on Albany to expand
15 eligibility and increase funding for these program.

16 Number two, conduct a feasibility study on
17 housing adaptation and mobility. With rising flood
18 risks, homeowners in vulnerable areas need equitable
19 pathways to relocate or adapt their homes. Passing
20 Intro. 0153 will help determine best tragedies for
21 adaptation, buy outs, and relocation support.

22 And number three, investing in water
23 infrastructure upgrades. Severe storms and climate
24 driven flooding continue to endanger thousands of
25 homes. Notably a recent report by the regional

1
2 planning association estimates that New York City
3 could lose as many as 19,300 homes over the next 15
4 years due to flooding from high tides and storms.

5 Additionally, the report predicts that another 24,300
6 units could suffer significant damage by 2040 from a
7 major storm that has an annual one percent chance of
8 occurring and notably these estimates do not account
9 for flooding caused by extreme rainfall such as the
10 impact from Hurricane Ida's remnants.

11 So, with that in mind, we call on New York State
12 to pass Resolution 0144 which removes funding
13 restrictions to allow for necessary flood prevention
14 investments and we want to applaud the Department of
15 Environmental Protections efforts to reduce sewage
16 overflow in Newton Creek, a vital step towards
17 mitigating pollution and stormwater risks.

18 Continued investments in these projects is
19 essential for the health and safety of homeowners by
20 prioritizing these initiatives. The city can protect
21 homeowners, prevent displacement and build resilience
22 for at risk New Yorkers. I want to thank this
23 Committee once again for allowing me the opportunity
24 to testify. Thank you.

1 COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

197

2 CHAIRPERSON RESTLER: Thank you. Thank you for
3 your thoughtful testimony.

4 LISA ALPERT: Hi guys, I'm here from a green
5 space in Brooklyn that spans 478 acres. Sorry, I
6 wrote this for a Council Member from Queens, I
7 thought I could trick him. It's not a public park.
8 It's not a waterfront. It's Greenwood Cemetery and
9 it is a natural landscape, which is as of this year,
10 187 years old.

11 These 478 acres delivered to Brooklynite's and to
12 New Yorkers significant environmental benefits, which
13 I'll briefly describe in a second but first for
14 context, I am here to respectfully advocate for a
15 budget request of \$20,000 that we have made to the
16 Greener NYC Initiative.

17 Our modest request supports these three important
18 activities. First, climate resilience, our staff
19 cares for about 8,500 trees at sequester 220 tons of
20 carbon annually and that same amazing staff had
21 launched a really incredible stormwater abatement
22 program at Greenwood that utilizes Greenwood's
23 glacial ponds to divert 51 million gallons of
24 stormwater annually from the city's overburdened
25 sewer system.

1
2 And second, the funds would support Greenwoods
3 natural landscape as an outdoor classroom. We serve
4 thousands of students annually with programs in
5 environmental education that align with DOE
6 standards. And finally, this we are really excited
7 about, City Council dollars would support women in
8 green careers. We are launching this women's tree
9 climbing workshop this fall. It will take place at
10 Greenwood utilizing the towering trees of Greenwood
11 accredited [INAUDIBLE 04:03:51] and in partnership
12 with the women owned and women operated tree care
13 company, we will train women for careers in tree
14 care. A field where they currently make up just five
15 percent of the workforce. And with City Council
16 support, we can provide scholarships for aspiring
17 tree care specialists who lack financial resources.

18 So, on behalf of Greenwood, I urge the Council to
19 invest in these critical initiatives and I did it.
20 Thank you for your time.

21 CHAIRPERSON RESTLER: Thank you Lisa, that was
22 great.

23 LISA ALPERT: Yeah.

24 TONYA ORES: Good afternoon. My name is Tanya
25 Ores. Thank you Council Member and your team for

1
2 your time. My name is Tonya Ores and I'm the new
3 Chief Executive Officer for Neighborhood Housing
4 Service of New York City. There is neighborhood
5 housing services organizations and throughout New
6 York City, there is two in Brooklyn, two in Queens,
7 two in the Bronx and one on Staten Island. We
8 provide residents with the tools they need to buy,
9 improve and keep their homes but we also provide home
10 repair assistance. Home repair assistance that
11 directly are caused by storms, directly caused by
12 wind and hurricanes and we receive requests for
13 services on a regular basis to address these issues.
14 We are funded through the city and the state. The
15 funds are not enough, especially when the calls come
16 in repeatedly and we are advocating for funds for
17 this year to increase the loan fund program which is
18 a program that provides only for grants per year, per
19 borough I should say and that's \$1 million and it
20 should be more.

21 So, we have an extensive waiting list and we are
22 also asking on behalf of NHS of New York City, \$3
23 million to support our home repair efforts and on
24 this, I know it was addressed earlier regarding
25 putting a lien on the property and it's evaporating

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

200

1
2 over time. So, this is on the services that we do
3 provide. We are advocating for City Council and DEP
4 to think about Neighborhood Housing Services and
5 other like organizations when creating different
6 programs and service because it is needed. With the
7 increase frequency of extreme weather events, we know
8 that low and moderate families continue to be hit the
9 hardest, so we're advocating on their behalf. So
10 thank you for your support and your time.

11 CHAIRPERSON RESTLER: Thank you for your
12 thoughtful testimony and for your advocacy.
13 Appreciate you being here. Congrats on your new role
14 leading NHS and NYC oh not new role? I thought you
15 said it was new.

16 TONYA ORES: Yes it is.

17 CHAIRPERSON RESTLER: It is, congrats.

18 TONYA ORES: It's new but I've been with NHS for
19 about 30 years. Born and raised in Brooklyn near a
20 park.

21 CHAIRPERSON RESTLER: Terrific where?

22 TONYA ORES: On Lynch between Liem RC(SP?).

23 CHAIRPERSON RESTLER: District 33?

24 TONYA ORES: Yes.

25

1 COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS 201

2 CHAIRPERSON RESTLER: And you know the good news
3 is, we got \$2.1 million in the preliminary budget to
4 redo the PS 380 Playground.

5 TONYA ORES: Oh wow.

6 CHAIRPERSON RESTLER: So that's right there. Did
7 you go to PS 380?

8 TONYA ORES: Yes I did.

9 CHAIRPERSON RESTLER: Oh my God we're going to
10 have to have you come and visit the school.

11 TONYA ORES: In IS 71 around the corner.

12 CHAIRPERSON RESTLER: Did you really, okay, we're
13 working on the air conditioning in the auditorium
14 there for this budget too but we would love to have
15 you come visit the students at PS 380. That would be
16 really special.

17 TONYA ORES: Wonderful, alright.

18 CHAIRPERSON RESTLER: That's one of our priority
19 schools in District 33, so it's great to meet you.
20 Bernelle is one of my favorites.

21 TONYA ORES: Thank you. Bernelle is my
22 predecessor yeah, yes.

23 CHAIRPERSON RESTLER: So, you know only love for
24 Bernelle.

25 TONYA ORES: Yeah.

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

202

1
2 CHAIRPERSON RESTLER: Okay great. Thank you all
3 for being here. We really appreciate it and
4 congratulations. Next up, our last in person panel.
5 We've got and I apologize for mispronunciations but
6 Zulay Velazquez, Chris Hartmann, and Sharon Brown,
7 each representing themselves. Whoever would like to
8 go first. Whomever, whomever, alright apologize
9 whomever.

10 CHRIS HARTMANN: Okay, good afternoon. I'm a New
11 York City citizen, father and public health
12 professor. My name is Chris Hartmann. I'm also a
13 participant in the Citizens Air Complaint program and
14 as this Council is aware, the Citizens Air Complaint
15 program here after CACP has done tremendous work to
16 hold to account some of the worst polluters in this
17 city. We all breathe a little easier, just a little
18 bit because of this program.

19 I am here today to ask Council to increase
20 staffing and compensation for the air and noise
21 Administrative staff and Inspectors at DEP. They
22 along with the citizen complainants are doing
23 fantastic work to ensure our constitutional right
24 that all New Yorkers enjoy cleaner air. From a
25 public health environmental justice perspective, the

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

203

1
2 CACP is remarkable because it empowers every day New
3 Yorkers to hold polluters accountable. The CACP lets
4 us document polluters and turn over the proof to DEP.
5 We know our neighborhoods best. We know the sources
6 of pollution best. We are on our stoops and on our
7 sidewalks at times when there are no inspectors
8 around.

9 Let me end by rebutting something that the
10 Commissioner stated today. He said that the CAP is
11 "currently failing to focus on neighborhoods where
12 air quality related health impacts are
13 disproportionately located." This is not true and I
14 kindly ask that he and his staff look at the data,
15 from open data. The last time I checked, which was
16 two hours ago. Yeah, I've been here five, six hours
17 like you all have been. 26 percent of idling
18 complaints were for violations in what New York State
19 calls disadvantaged communities. Let me state that
20 again, 26 percent of all idling complaints were in
21 disadvantaged communities, including mine in Northern
22 Manhattan but don't listen to me. Let's listen to We
23 Act, the well known Black led environmental justice
24 organization in Harlem in September of last year
25 here, We Act testified that "the CACP empowers these

1
2 communities to report air quality issues, advocate
3 for healthier living conditions and hold polluters
4 accountable, advancing both environmental justice and
5 public health equity.”

6 Thank you for your time. Thank you for your
7 dedication to improving New Yorkers health and
8 wellbeing.

9 CHAIRPERSON RESTLER: Thank you so much. Ma'am.

10 ZULAY VELAZQUEZ: Hi, my name is Zulay, I live in
11 the north side of Jacob Riis Houses. A designated
12 [INAUDIBLE 04:10:37] site. Despite knowing this, our
13 politicians and resilience projects have put
14 residents, visitors and pets in increased risk.

15 I am here today to ask why must we wait two more
16 years until the resilience project and to clean up
17 our contaminated grass and soil? Why blame - they
18 blame the old gas manufacture plant for potential
19 leakage mixing with salt water from Hurricane Sandy
20 but no one is addressing the bigger issue. Our
21 entire development underwent a rat abatement, yet no
22 clean up follow up. Meanwhile, our water is
23 repeatedly shut off as they cut into our pipes for
24 the East Coastal Resilience Project.

1 COMMITTEE ON ENVIRONMENTAL PROTECTION,
2 RESILIENCY AND WATERFRONTS

205

3 Since 2022, the residents have fallen ill after
4 the arsenic scare. People have died with arsenic in
5 their bloods and our pets are suffering with
6 allergies - from allergies to death. Our buildings
7 shake, streets cracking and construction [INAUDIBLE
8 04:11:43] our homes, but also worsens - has worsened
9 respiratory issues.

10 NYCHA residents along - sorry. NYCHA residents
11 along the East Coast, the East River, sorry, the East
12 River, aren't given basic warning, clean water or air
13 purifiers. I ask that the funds be put aside to
14 protect our health and safety. We refuse to be
15 ignored anymore or sacrifice due to the resilience
16 projects. We are not being heard. When we call 311
17 complaints are routed out into NYCHA, which fail to
18 follow up and advocate for us.

19 May I also say that the sewer, the holes that
20 they are putting for the bridge that they are
21 creating, are being left open, the sewer holes and
22 that is effecting everyone and we don't know how many
23 years that pollution is going to last or how far it
24 is expanding, and it smells. We all have migraines
25 and our cell service is always being interrupted.
The construction, I don't know if it's related to the

1 construction but there's so many residents
2 complaining about the same issue. There has to be
3 some -

4
5 CHAIRPERSON RESTLER: Thank you so much Ms.
6 Velazquez, we will follow up with Council Member
7 Rivera and see what we can do as well with the Public
8 Housing Committee to try and address some of the
9 conditions around Riis Houses. We really appreciate
10 your presence here and your thoughtful testimony.
11 Ms. Brown.

12 SHARON BROWN: Hello, my name is Sharon Brown.
13 Before I get started remember the hostages, release
14 the hostages, yet Yawas people go, defend Israel.

15 Okay, for the infrastructure, we need storm
16 drains, more storm drains. People have been leaving
17 the areas where there has been massive flooding and
18 they have been moving from their because of the
19 damage in their homes and because of the damage on
20 the roads because of the standing water and the
21 environment of the standing water. It's dangerous to
22 have water standing. Everyone is aware of the
23 announcements that they make. Do not have standing
24 water and things like that. So, the fact that this
25 is something happening, it needs to be cured

1 immediately. We need to address all the
2 environmental issues. We have to take an assessment
3 of all the environmental issues that we having facing
4 in the five boroughs and one of them is flooding, and
5 the flooding is a serious issue because of the
6 standing water. It is very serious. We need more
7 sewers, more drainage, standing water as I said is a
8 problem. We can get filtration trucks and we can
9 build a whole new filtration system of how we deal
10 with the water. We need to get someone to make plans
11 or if I have to come in and help design something
12 where we run off the water instead of having it stay
13 on streets, we find a way to run the water off into
14 certain other areas so that it won't be standing
15 water and we can clean the waters instead of having
16 it staying there as a toxin for the people. And
17 climate change does not need to be funded. God
18 controls the weather. We need to know how to take
19 care of our environments after there are storms. We
20 need to put real serious plans - I'll just take a few
21 minutes. We need to put serious plans together
22 instead of calling it climate change, climate change.
23 You littered; you did that. We need to put some
24 serious plans together of what to do after storms and
25

1
2 then we'll have something instead of calling it
3 climate change.

4 CHAIRPERSON RESTLER: Thank you for your
5 testimony Ms. Brown. Appreciate your presence and
6 now we have also added Hunter Severini to this panel.
7 You have two minutes.

8 HUNTER SEVERINI: Thank you very much. I
9 appreciate your time here and I'll try to keep this
10 quick. My name is Hunter Severini and I am a Citizen
11 Reporter of Air Code Violations. I have self-
12 prosecuted arguably more of these than any other
13 citizen, so it's something I'm familiar with and
14 that's what I quickly wanted to speak about

15 For years, I've been willing and able to
16 prosecute these violations, yet the DEP has largely
17 prevented this and I think it's contrary to the
18 urgent intent of the Council in creating the law for
19 the Citizen Air Complaint Program. Whenever I have
20 tried to do this for the most part, these requests
21 have been denied and I've been getting hearings
22 scheduled in mass. Like to give you an example, just
23 in the past day or two I've gotten 154 hearings
24 scheduled on this one date in October. And so
25 basically anytime I request to self-prosecute, they

1
2 seem to be prioritizing my complaints over that of
3 other citizens and I'd just like to say that it's
4 been a good - I really appreciate the experience of
5 self-prosecuting these idling complaints. It's been
6 a good thing to do. It would reduce resources for
7 the DEP if they are as overwhelmed as I assume that
8 they actually are and these cases are largely
9 winnable based on the strength of the evidence. I've
10 had overwhelming success self-prosecuting idling
11 complaints and I think that more citizens who elect
12 to do this, like me, I'm a single digit percentage of
13 idling complaints in New York City but I think that
14 more citizens who elect to do this should be given
15 the opportunity, especially since it's done by such a
16 small group of people that know the system well. And
17 so, to that, I just think it was a little bit
18 disingenuous that the DEP did claim in a budget
19 hearing that their resources are completely stretched
20 by this program. They claim that 94 percent of air,
21 noise, administrative staff, and 65 percent of air,
22 noise and inspectors time is spent on this program
23 when there are already solutions available to them
24 that the Council has basically offered to them and
25 Commissioner Aggarwala himself mentioned in his

1 testimony that he's aware of these and it's something
2 they've deliberately chosen not to do but I think
3 they could do in the future. And I'm also really
4 against 941 because I think it would also hurt the
5 Citizens Air Complaint Program. So, that's all,
6 thank you.
7

8 CHAIRPERSON RESTLER: Thank you for your
9 testimony today and for your presence and for your
10 advocacy for this important program. At the
11 beginning - oh, we will now return to Zoom- to remote
12 testimony or Zoom testimony. Once your name is
13 called, a member of our staff will unmute you and the
14 Sergeant at Arms will give you the go ahead to begin.
15 Please wait for the Sergeant of Arms to announce that
16 you may begin before delivering your testimony. We
17 are going to have to hold the remaining testimony
18 strictly to two minutes, so just want to give fair
19 warning to the remaining folks. We have five people
20 joining us on Zoom. Michelle Luebke, Eric Eisenberg,
21 Michael Streeter, Michael McFadden and Christopher
22 Leon Johnson.

23 Ms. Luebke, uh sorry, I tried. You have two
24 minutes beginning momentarily.

25 SERGEANT AT ARMS: You may begin.

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

211

1
2 MICHELLE LUEBKE: Hold on. Thank you. Good
3 afternoon. My name is Michelle Luebke, you got
4 close. She, her, program manager for the SWIM
5 Coalition. Thank you Chairperson Gennaro in
6 absentia, Acting Chair Restler and members of the New
7 York City Council Committee on Environmental
8 Protection, Resiliency and Waterfronts for your
9 leadership and thank you also for providing the
10 opportunity for us to deliver public testimony on
11 behalf of the SWIM Coalition. Storm water
12 infrastructure matters, SWIM Coalition is a group of
13 70 plus organizations dedicated to ensuring the
14 mandates of the Clean Water Act. Swimmable and
15 fishable waters of New York City through sustainable
16 storm water management practices including both
17 growing green infrastructure.

18 So in close, should member organizations endorse
19 a truly sustainable view of watershed management, one
20 that restores ecological systems, creates local
21 economic opportunities and equitably distributes the
22 numerous benefits of green infrastructure. The next
23 decade is crucial in terms of how we address our
24 storm water and climate change related challenges in
25 New York City. At the same time, we are faced with

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

212

1
2 unprecedented attacks from the federal government, a
3 climate mitigation and resiliency work on clean air,
4 clean water and environmental justice. With federal
5 funding insecure or entirely nonexistent, now more
6 than ever we need bold leadership from the New York
7 City Council and this Administration to ensure that
8 critical agencies receive adequate funding and
9 resources to protect our ecosystems and prepare for
10 the changing climate. The SWIM Coalition echoes our
11 partners at Riverkeeper, advocating to one fully fund
12 the Department of Environmental Protection at \$2
13 billion, a \$370 million increase from the preliminary
14 budget. Two, restore agency staffing to pre-COVID
15 levels and fill nearly 800 vacancies. Three, reject
16 the \$303 million rental payment from the New York
17 City Water Board. Number Four provide \$8.5 million
18 to fully staff the Bureau of Coastal Resiliency. And
19 Number Five, fully fund implementation of the Unified
20 Stormwater Rule with an additional \$4 million. We're
21 submitting a more extensive written testimony with
22 key concerns. Thank you for your time.

23 SERGEANT AT ARMS: Thank you. Your time is
24 expired.

25

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

213

1
2 CHAIRPERSON RESTLER: Thank you Michelle. Sorry
3 about your name.

4 MICHELLE LUEBKE: No worries.

5 CHAIRPERSON RESTLER: Mr. Eisenberg.

6 SERGEANT AT ARMS: You may begin.

7 MICHAEL EISENBERG: Oh sorry I took a second to
8 unmute. I was a little bit taken back by the
9 Commissioner's complaints about receiving too many
10 air pollution complaints. It seems a little bit like
11 complaining about too many rat complaints in New York
12 City but when the problem isn't the complaint but the
13 problem is the rats.

14 Here the problem is the air pollution. We lose
15 3,000 New Yorkers a year to air pollution and I think
16 that Commissioner and I are in agreement with one
17 thing and that is that uhm our city has been badly
18 under funding the hardworking men and women of the
19 air complaint review team at the DEP. We need more
20 of them to be able to handle cleaning our air and
21 they need to be better compensated. The Commissioner
22 in previous hearings have pointed they are paid a
23 totally unacceptable wage and that needs to stop.
24 There should have been a matter of choosing between
25 [INAUDIBLE 04:22:17] because we can have our cake and

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

214

1
2 eat it too. The Citizen Air Complaint program over
3 the past six or so years, more so I the last few
4 years, has taken in about \$65 million. The DEP staff
5 costs I believe less than \$1 million a year. We are
6 really making a bad choice by overworking these
7 individuals and we need to appropriately fund them
8 and I don't even know if the Commissioner is in
9 disagreement about that but for some reason, this
10 request has been made year after year and the City
11 Council has not inserted in that line item to make
12 sure that we have enough of these reviewers and they
13 are paid appropriately. So, I just want to emphasize
14 that this is something that needs to be done. This
15 has been a problem in the budget process, which has
16 not been done. It will be good for our budget
17 because they take in more money than they cost.
18 Thank you.

19 CHAIRPERSON RESTLER: Thank you so much for your
20 testimony. Appreciate you being with us today. Next
21 up, we have Michael Streeter.

22 MICHAEL STREETER: Hello, my name is Michael
23 Streeter. I'm also a participant in the Citizen Air
24 Complaint Program and submit - well I submit as many
25 idling complaints as I can, as well as the legal dust

1
2 complaints. My participation has made a direct and
3 noticeable impact in my neighborhood, which is in
4 your district 33. I feel that I have a good working
5 relationship with the DEP idling team with the air
6 inspectors and the complaint reviewers to take in and
7 process my complaints. Review and then join in
8 hearings at Oath. It's a very complex nuance role.
9 The team does a great job and they deserve better
10 pay. I sometimes listen to the hearing audio for a
11 hearing and I'm continually impressed by how well
12 spoken and well prepared the inspectors are and how
13 great of a job they do at presenting to the city and
14 the DEP at these hearings. Where usually it's you
15 know lawyers are doing what they can to get their
16 clients out of a ticket. So, as I have at budget
17 hearings in the past, I'm once again going to
18 advocate for the air inspectors and again argue that
19 they deserve proper compensation for their skilled
20 work. Also, I think it's incredibly sinical to
21 suggest that Intro. 941 would reduce the workload for
22 these inspectors and reviewers. Capping the roads to
23 lower the workload as mentioned before is like Trump
24 cutting funding for the IRS. The way to reduce the
25 workload is to reduce idling behavior. We are on

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

216

1 that path right now but if you have an eight month
2 backlog, that only slows down the progress.

3
4 Responding to often getting summonses nearly a year
5 after the violation occurred. Put more resources
6 into handling those complaints. Proper resource
7 allocation for the DEP's Air Inspectors would mean
8 that respondents can get their summonses sooner and
9 promptly adjust their behavior. It would also hurry
10 up inspectors to devote more time to the other areas
11 that deserve their attention. Thank you.

12 CHAIRPERSON RESTLER: Thank you so much. Next up
13 Mr. McFadden.

14 SERGEANT AT ARMS: You may begin.

15 CHAIRPERSON RESTLER: Okay, next up, Christopher
16 Leon Johnson. He'll be the final speaker today.

17 SERGEANT AT ARMS: You may begin.

18 CHAIRPERSON RESTLER: Okay, Michael McFadden,
19 you've now been unmute but you're on the clock.

20 You're muted. We'll go to Christopher Leon
21 Johnson and we'll try and come back to you to see if
22 we can get you at the end and you'll be the final
23 person testifying. Can we get Christopher Leon
24 Johnson?

25 CHRISTOPHER LEON JOHNSON: Yeah, hello am I on?

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

217

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRPERSON RESTLER: Yes.

CHRISTOPHER LEON JOHNSON: Yeah, my name is Christopher Leon Johnson. I'm a caller also. Thank you Chair Restler, Acting Chair for having this hearing today. I'm here to call on the preservation of two [TESTIMONY IS VERY HARD TO MAKE OUT 04:26:34- [04:27:25] Thank you so much. Thank you. Take care.

CHAIRPERSON RESTLER: Thank you sir. Next up, our final person for the day, Mr. Michael McFadden are you able to unmute?

MICHAEL MCFADDEN: I am.

CHAIRPERSON RESTLER: We can hear you. Go for it.

MICHAEL MCFADDEN: I am supporting an increase in pay and numbers of air and noise inspectors at the DEP. I am an employee of the police department. I was designated a first grade detective in recognition of my hard work. It's disheartening for me to hear how the particularly the DEP continues to align citizens that are very dedicated to improving the air quality here in New York City.

In the 50 years since the law was passed, all enforcement agencies in the City of New York have not

1
2 issued the acknowledged of violations that the
3 citizens have in just the past year. If any agency
4 in New York City increased enforcement on a level
5 that the citizens have here in New York, we'd be up
6 for international recognition with the improvements
7 to improving the environment.

8 I'd also like to add that all of these violations
9 made by the citizens are camera violations. These
10 recordings are reviewed by the DEP before they are
11 approved and ultimately result in a violation. We
12 love noise cameras here in New York City. We love
13 the speed camera enforcement here in New York City
14 but when it's a camera violation recorded by a
15 citizen there seems to be some disconnect. As far as
16 reporting environmental justice communities, I myself
17 have issued many violations in environmental justice
18 communities and the real issue that DEP should be
19 brought to task for is that there is no outreach to
20 expand this program only than a few exceptional
21 citizens.

22 SERGEANT AT ARMS: Your time is expired.

23 MICHAEL MCFADDEN: For these complaints. If the
24 DEP wants more violations in the community, they
25

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

219

1
2 should be doing outreach and encouraging citizens to
3 participate and this is not taking place.

4 CHAIRPERSON RESTLER: We really appreciate your
5 testimony today Mr. McFadden. Thank you for being
6 with us and for sharing your insights and
7 recommendations on how to improve this program. If
8 we inadvertently missed anyone who registered to
9 testify today and has yet to be called on, please use
10 the Zoom raise hand function. If you are testifying
11 remotely, you will be called on in the order that
12 your hand has been raised. If you're testifying in
13 person please come to the dais, but the only people
14 left in the room have already testified.

15 Seeing no one, I will now close the hearing and
16 thank the members of the Administration, the members
17 of the public, the staff at the City Council. With
18 that - and Council Member Gennaro and his team. With
19 that, this hearing is adjourned. [GAVEL]

20

21

22

23

24

25

C E R T I F I C A T E

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



Date April 12, 2025