

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL PROTECTION

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November 14, 2013  
Start: 12:02 p.m.  
Recess: 12:40 p.m.

HELD AT: Council Chambers  
City Hall

B E F O R E: JAMES F. GENNARO  
Chairperson

COUNCIL MEMBERS:

G. Oliver Koppell  
Peter F. Vallone, Jr.  
Donavan Richards  
Stephen Levin

1  
2 CHAIRPERSON GENNARO: Okay, Sergeant,  
3 we're... we're ready to go. [gavel] And we are  
4 doing this. [off mic] What time is it? Good  
5 morning by 30 seconds. Good morning by just 30  
6 seconds. Yeah, good morning. I am Councilman Jim  
7 Gennaro, chair of the Committee on Environmental  
8 Protection, and today the committee will vote on  
9 proposed Intro 1047A, which will, among other  
10 things, require use of five percent biofuel in  
11 city-owned buildings for heating purposes. Heating  
12 oils are a major source of air pollutants in New  
13 York City. The space heating sector is responsible  
14 for approximately 12 percent of the local emissions  
15 of particulate matter, comely called soot. They're  
16 responsible more than vehicle traffic or power  
17 plants. One immediate solution to address  
18 pollution from oil heat in the short-term is to use  
19 blends of heating oil and biodiesel, known as  
20 bioheat. The use of bioheat would provide a litany  
21 of benefits, including reduced emissions of air  
22 pollutants, reducing cleaning and maintenance costs  
23 of the boilers, increasing the viscosity and ease  
24 of handling of handling of fuel oils and providing  
25 other operational benefits. Let me just say

1           anecdotally that the city is not new to bioheat.  
2  
3           The city is going into its second season of  
4           bioheat. Last heating season, which began at the  
5           end of 2012, was the beginning of the Bioheat Era  
6           in New York City. New York City currently has B2  
7           mandate so that two percent of the volume of  
8           heating oil sold in New York City is basically  
9           vegetable oil, and that is displaced about 20  
10          million gallons of number two, four or six oil. We  
11          just recently had an oversight hearing on the great  
12          success of the B2 program. I won't go into all the  
13          you know, numbers that we got from the  
14          administration, but their analysis had indicated  
15          that the clear air benefits we got from going to B2  
16          far exceeded what they thought we were going to  
17          get, which was you know, certainly significant, and  
18          so that's kind of the back story, so this is the  
19          second bill we're doing on bioheat. So where are  
20          we? Okay, the use of bioheating, and back to...  
21          you know, back to the text. The use of bioheating  
22          fuel would also strengthen the alternative fuels  
23          market, support regional farmers and local  
24          businesses and increase energy independence and the  
25          diversity of our energy supply. And we're talking

1 about local businesses here. We're talking about  
2 partly those businesses and it's become a big green  
3 business, where they go and they collect you know,  
4 the fry grease and the cooking oil and you know,  
5 this is... I always like to refer to it as New York  
6 City's crop. This is what we grow here. We grow  
7 fry grease, and so we can use it now to heat our  
8 buildings. The use of biodiesel in place of  
9 conventional petroleum based diesel home heating  
10 oil or to power generators has many benefits for  
11 local air quality. Emissions and particulate  
12 matter, carbon monoxide, hydrocarbons, nitrous  
13 oxides and sulfur dioxide are all lower for  
14 biodiesel blends than for all grades of  
15 conventional heating oil, meaning that when you put  
16 the bio in, the heating oil burns cleaner.  
17

18 In July of 2010... okay, here's a  
19 little bit of the back story. In July of 2010, the  
20 council passed Intro 194A, and in August of that  
21 year, the Mayor signed it into law, resulting in  
22 the implementation of Local Law 43 of 2010. That  
23 law required, with some exceptions, that buildings  
24 in New York City that burn number two, number four  
25 and number six heating oils switch to heating fuels

1 that contains at least two percent biodiesel. This  
2 Local Law... right, now we're talking about the  
3 one... okay, this Local Law today calls for the  
4 city to advance the use of bioheat fuel by using  
5 five percent bioheat in all New York City  
6 government-owned buildings and creating a pilot  
7 program, which would require the city to use 10  
8 percent bioheat, which we call B10, in at least  
9 five percent of city-owned buildings for one year.  
10 So that's B10 in five percent of the city-owned  
11 buildings. After a year, the city is required to  
12 report on the utility and also the impediments, if  
13 any, to the use of 10 percent biodiesel or bioheat  
14 in... what we call B10 in city-owned buildings.  
15 Finally, this bill requires a one-year study and  
16 report on the feasibility of the use of five  
17 percent bioheat, B5, in all buildings throughout  
18 the city, which would be issued to the Mayor and  
19 the Speaker and the Council, and that is due by  
20 April 1st, 2015.

22 One of the goals of PlaNYC and this  
23 council is to achieve the cleanest air of any large  
24 city in the country. This legislation previously  
25 passed and the market created by the use of

1 biodiesel has not... or bioheat has not only  
2 improved our air quality, but it has grown jobs and  
3 reduced the reliance on fossil fuels. This  
4 legislation will also provide health benefits to  
5 the most vulnerable people. Everyone is impacted  
6 by poor air quality, but certain groups experience  
7 more serious impacts than others due to their  
8 greater susceptibility at the same levels of air  
9 pollution. Most studies have found greater  
10 susceptibility to air pollution in vulnerable  
11 populations including, but not limited to, the  
12 elderly and children. Of all groups  
13 disproportionately impacted by air pollution  
14 studied, the most research has involved adverse  
15 health impacts to children. With the legislation  
16 being voted on today, we will move much closer to  
17 the goal of this council and PlaNYC and we achieve  
18 the health benefits most desperately needed by the  
19 most vulnerable groups and people of our city.  
20 Today's vote is another step towards a more  
21 sustainable future. Before I call for a vote, I  
22 want to recognize the people who are here, but I  
23 also just want to comment that with regard to the  
24 study 'cause remember this bill does three things.  
25

1           It takes city-owned buildings and moves them from  
2           B2 to B5, and then it takes a small percentage of  
3           city buildings and pilots B10, and the third thing  
4           it does is a study as to whether as to if and when  
5           the city as a whole goes from B2 to B5. So  
6           that's... and that's a very key piece study part,  
7           and I feel compelled to put on the record that it  
8           kind of goes without saying that once the  
9           administration you know, does this study that you  
10          know, they will involve all the relevant  
11          stakeholders. Our great partner in this has been  
12          the, you know, New York Oil Heat Association. It  
13          was not an easy thing for them to kind of make the  
14          transition to a, you know, full embrace of bioheat.  
15          It was not something that all of the, you know,  
16          business members of that trade organization wanted  
17          to embrace. It is my you know, fervent wish that  
18          you know, they be included in the study. I think  
19          it's critical that they be involved and you know,  
20          other relevant stakeholders. The people in that  
21          sector reached out to me and they wanted to make  
22          sure that I made that clear in my statement today  
23          that they're ready and willing to be of great  
24          assistance to the administration in you know, doing

2 the study and I think without their input in such a  
3 study it wouldn't have you know, quite the same  
4 validity as it otherwise would have.

5 So with that being said on the record,  
6 we want to recognize the people who are here. We  
7 are joined by Council Member Koppell, Council  
8 Member Vallone, Council Member Richards and I am  
9 here, of course, and that makes a quorum. I would  
10 ask, of course, for a yes vote. That is my  
11 recommendation and with that, if no one wishes to  
12 be heard on this matter on the committee, I would  
13 ask the clerk to call the role.

14 COMMITTEE CLERK: Kevin Pin, [phonetic]  
15 Committee Clerk. Role call on the Committee on  
16 Environmental Protection. Council Member Gennaro.

17 CHAIRPERSON GENNARO: Yes.

18 COMMITTEE CLERK: Koppell.

19 COUNCIL MEMBER KOPPELL: [off mic] If I  
20 can just abstain for a moment...

21 CHAIRPERSON GENNARO: Sure.

22 COUNCIL MEMBER KOPPELL: [off mic]

23 Making a vote.

24 CHAIRPERSON GENNARO: Please.



1           COUNCIL MEMBER KOPPELL: [off mic] This  
2  
3 is another in a series of very fine measures that  
4 you've brought before us. There is no doubt in my  
5 mind that the air of New York is considerably  
6 cleaner because of things that we've done in the  
7 last number of years and I can tell you having  
8 lived in New York for many decades now, the  
9 difference in the air quality already is quite  
10 remarkable, and I know that going to continue.

11           CHAIRPERSON GENNARO: Thank you very  
12 much, Oliver.

13           COUNCIL MEMBER KOPPELL: [off mic] I  
14 vote aye.

15           CHAIRPERSON GENNARO: Thank you.

16           COMMITTEE CLERK: Vallone.

17           COUNCIL MEMBER VALLONE: Aye.

18           COMMITTEE CLERK: Richards.

19           COUNCIL MEMBER RICHARDS: Aye.

20           COMMITTEE CLERK: By a vote of four in  
21 the affirmative, zero in the negative and no  
22 abstentions, the item has been adopted, and  
23 members, please sign the Committee Report.

24           CHAIRPERSON GENNARO: Thank you. I  
25 just want to thank all the members for being here

1 today, for their support of this bill and the many  
2 bills that we've brought forward, and we wanted  
3 make a special thank you to Council Member Koppell  
4 for his gracious comments, and I want to return  
5 those comments, but I've been chair of this  
6 committee for a long time, but he was chair up at  
7 you know, State Encon in the assembly for more  
8 years than I did and it had a you know, profound  
9 statewide impact and the people of the state will  
10 you know, be forever in your debt, Oliver and so I  
11 think we make a pretty good team. So and with that  
12 said, also I wish to leave the record open if there  
13 are other members on their way to cast their vote,  
14 so we will leave the record open for the... I guess  
15 the allowable period of time to do that, 30 minutes  
16 I believe it is. And so then after 30 minutes, the  
17 hearing will be gaveled closed, unless some other  
18 committee has to come in here and you know, do  
19 business in the interim. So thanks very much and  
20 so, the record will be left open for other members  
21 to cast their votes. Thank you.

22 [Pause]

23 COMMITTEE CLERK: Levin.

24 COUNCIL MEMBER LEVIN: Aye.  
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COMMITTEE ON ENVIRONMENTAL PROTECTION

COMMITTEE CLERK: The vote stands at  
five in the affirmative.

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. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Date: 11/23/2013