

*Statement of Emily Lloyd
Commissioner
New York City Department of Environmental Protection
At a hearing of the New York City Council
Subcommittee on Landmarks, Public Siting and Maritime Uses
Concerning the Hunts Point Wastewater Treatment Plant
(Application C070008 PS)*

Wednesday, September 5, 2007

Good morning, Chairwoman Lappin and members of this Subcommittee. I am Emily Lloyd, Commissioner of the New York City Department of Environmental Protection (DEP). Thank you for the opportunity to testify regarding DEP's ULURP application for the proposed Phase III Upgrade of the Hunts Point Wastewater Treatment Plant (WWTP).

Before I begin, I want to thank the members of the Hunts Point Monitoring Committee (HPMC) and its sponsors -- Congressman José E. Serrano, Bronx Borough President Adolfo Carrión, Jr., Council Member and member of this Subcommittee Maria del Carmen Arroyo, and Chairman of Bronx Community Board 2 Roberto Garcia -- for their work on so many aspects of this project.

In my testimony, I will describe DEP's overall wastewater treatment plant upgrade program, the specific work -- ongoing and future -- at the Hunts Point plant, and I will address concerns raised by the community. But, first, let me explain briefly, the function of a wastewater treatment plant.

As you know, wastewater treatment plants perform a vital function by removing most organic waste from wastewater before it is released to local waterways and by removing sludge for reuse. Sludge, now known as biosolids, was dumped in the ocean until the practice was outlawed. Instead of the costly and wasteful alternative of landfilling, biosolids are now beneficially reused as fertilizer. At the plants, physical and biological processes closely replicate how wetlands, rivers, streams and lakes naturally purify water. Treatment at these plants is quick, taking only about seven hours to remove most of the pollutants from the wastewater.

construction is also required to rehabilitate or replace existing facilities that are simply worn out.

Approximately ten years ago, DEP projected a need for additional space adjacent to the Hunts Point plant to accomplish the work I have just described. As a result, the agency began a process of investigating and reclaiming the Barretto Point site, a 13-acre City-owned former brownfield site immediately to the west of the Hunts Point wastewater treatment plant. Between 1999 and 2002, in partnership with the New York City Economic Development Corporation and the Department of Parks and Recreation -- and guided by committed community leaders who saw the potential for this waterfront site -- DEP initiated a site investigation of the Barretto Point site.

For your consideration today are a 5-acre parcel that is now proposed for mapping as the Barretto Point Park; the 4.3-acre parcel proposed by DEP for new digesters and the 1.2-acre area proposed by DEP for construction staging before incorporation into Barretto Point Park. The Barretto Point site is an example of New York City's commitment to land use decisions that look forward to the City's long-term needs, both in terms of the conventional infrastructure that is essential to improve water quality, and the green infrastructure that is essential to our quality of life .

DEP recognizes that the Hunts Point plant and its long-term construction will affect the community. Consequently, in addition to working with our colleagues on creating Barretto Point Park, we have been working with community members, the Hunts Point Monitoring Committee (HPMC) and a consultant to obtain community input in selecting a project that will contribute to the tremendous work already going on to make the Hunts Point waterfront a sustainable, healthy, vibrant and accessible place.

At a design charrette held in December 2006, participants identified three priority options: 1) a boathouse facility at Lafayette Park and streetscape improvements on Lafayette Avenue; 2) a multi-use facility focused on maintenance uses and environmental education; 3) a floating swimming pool including streetscape work and the reconstruction of the Tiffany Street Pier. We look forward to continued collaboration with the stakeholders and with the community board that is forming an ad hoc committee which will guide the next phase of this work.

representatives of the Hunts Point Monitoring Committee, Council Member Arroyo, the Office of the Mayor and relevant City agencies.

As detailed in the EIS, DEP has installed numerous odor controls at the plant in recent years and will be installing even more odor controlling equipment this year and next. In addition, studies have been conducted of the plant's uncontrolled sources to identify appropriate control measures. For example, mobile misters will be used to control odors from digesters and sludge storage tanks during cleaning. A portable carbon odor control system will be required to operate at all times during the cleaning of the digesters and sludge storage tanks and an odor counteractant will be utilized as needed for the dewatered residual. And DEP will be covering and treating air from an effluent channel that we have identified as a significant odor source that we are not now controlling.

In addition to odor control measures, we will install hydrogen sulfide (H₂S) air monitors to monitor ambient air adjacent to the plant. The location of the air monitors will be determined with input from the community. I must mention what my staff has said at public meetings: it is difficult to identify the source of the odors from fixed monitoring stations. Nonetheless, we will work to make the best possible use of the data we gather.

We are also very well aware that the concerns of the Hunts Point community about odors extend beyond the Hunts Point Wastewater Treatment Plant to other facilities and other industries. As you know, however, DEP does have a connection to another facility in the area. Although the New York Organic Fertilizer Company (NYOFCO) is a privately owned facility in the Hunts point area, it has been under contract to DEP since its construction in 1992. NYOFCO has significantly improved its odor controls since the plant first began operation. The plant management has demonstrated its willingness to invest in further controls, including an enclosure for truck loading operations, which will capture more of the odors that are released when the sludge is offloaded from trucks. DEP will continue to work with NYOFCO to implement odor controls, including operational adjustments such as the scheduling of deliveries, and will report to the community on the facility's progress.

Of course the human nose is a very sensitive monitoring instrument. Please be assured that we will continue to treat odor complaints from wastewater treatment plants and NYOFCO as a priority. When a complaint is made to

At a minimum, regulations require that the emergency generators must be operated for 3 - 5 hours every month, and, additionally, one day per year for more intensive testing, to ensure proper operation. Aside from routine testing, these generators are only operated when there is a problem with electrical power. That problem could be a blackout, or it could be a threat of a blackout caused by high electrical demand.

DEP is committed to manage the operations of the Hunts Point emergency generators so that they meet this new more stringent guideline. We can do that by using only ultra-low-sulfur diesel fuel with less than 15 parts per million of sulfur.

It is also important to note that our decision on which fuel to use was not based primarily on financial considerations, but on the needs of emergency operations. In the past, emergency generators at all DEP plants used standard diesel fuel largely due to the unavailability of other reliable options. Although natural gas burns much cleaner than diesel fuel, it is not a viable option for backup generators, in large part because of storage problems. DEP must store a two-day supply of diesel fuel at its plants; however, fire safety regulations prohibit us from storing a two-day supply of natural gas on site. Fuel cells are another option we considered. Fuel cells, which are the cleanest form of power, are not appropriate for emergency situations, as they take time to reach operating temperature before they can provide electricity, a situation that defeats the needs of emergency response, and could endanger workers' health and safety and the integrity of the plant. Failure to provide power in an emergency could mean a discharge of untreated wastewater.

Fortunately, it is now possible to obtain a reliable supply of ultra-low sulfur diesel fuel, and we plan to begin using it at Hunts Point within the next year. This will have a positive impact on limiting particulate emission. We can also reduce particulate emissions by limiting to five the number of emergency generators we have in operation on those occasions when we use them. Fortunately, the need to use these generators does not arise very often. DEP's wastewater treatment plants are normally run on electrical power and, to a lesser extent, the power obtained from burning the gases captured during sewage treatment. For instance, other than for testing, the last time Hunts Point ran its emergency generators was in 2005.

quantified. In the past, host communities have often found NYCDOHMH staff helpful in explaining the health-related impacts of exposure to air pollutants, or other compounds found in wastewater or used at wastewater treatment plants. DEP will request our colleagues at NYCDOHMH to join us for a meeting with the HPMC to discuss what is known about the health impacts from acrolein.

Remediation

As with the other parcels comprising the former Barretto Point site, the parcels that are the subject of this ULURP will require remediation in accordance with a NYSDEC Remedial Action Plan. The remediation of all parcels that are the subject of this application, like the remediation of Barretto Point Park, will be conducted as part of the Barretto Point environmental restoration process which is under NYSDEC supervision. Citizen participation is encouraged, and repositories for documents related to the remediation work on site have been established. In the first year of work, DEP estimates that a total of 2.75 acres will be remediated, 0.7 acre of which will be excavation of contaminated soils in the area of the former paint and varnish facility. During the excavation, the area will be enclosed in a tent and the air vented through air-pollution control equipment.

The soil management plan will include procedures for handling soil excavated from below the soil cover and demarcation barrier during any future construction or utility replacement. The institutional controls will include annual inspections and reporting. DEP will be responsible for submitting a Site Management Plan annual report to NYSDEC confirming that the institutional controls remain in place. NYSDEC will require that DEP certify on an annual basis that all institutional and engineering controls employed at the site are in place and effective; performing as designed; are capable of protecting the public health and the environment; and are in compliance with the operation and maintenance plan. The operating bureau, the Bureau of Wastewater Treatment, is responsible for implementing institutional controls. Institutional controls and health and safety requirements would be incorporated into the Plant Operations and Management Manual (O&M), which will be updated after the Soil Management Plan is approved by NYSDEC.

access to the water within the footprint of the plant. This has been a particularly confusing question because we were able to provide waterfront access at Newtown Creek, another one of our wastewater treatment plants. The reason is that the layout and size of the two plants differ and at Newtown Creek we can provide waterfront access at a point where there are no active plant operations. At Hunts Point, we do not have that option. The waterfront at the Hunts Point site is very narrow and its most prominent operational feature is a working sludge dock. This feature would require complete closure of the path, several times a day. And even if that were not the case, the width of the path would put pedestrians close enough to plant operations that they could not walk there without protective clothing, such as hard hats. Under those conditions, we cannot possibly convert this space into a public amenity.

We recognize and are very supportive, however, of the Hunts Point Greenway and, as such, we will continue the pathway along Ryawa Avenue, where the low-rise structures of the plant will not detract from the sense of openness. DEP reviewed the South Bronx Greenway Master Plan published by the New York City Economic Development Corporation (NYCEDC) in November 2006. The Master Plan for the greenway recognizes that many segments of the greenway would be located in highly industrial areas, and the design and programming of the individual segments reflects this understanding. Improvements to this section of the Greenway would consist of a 24-foot planted buffer between the plant site and the sidewalk along Ryawa Avenue, the introduction of a bikeway along the streets, and extensive street plantings.

Another aspect of this project that has generated a great deal of public discussion is the placement of the egg-shaped digesters. We have built egg-shaped digesters at Newtown Creek and they are in use at the Deer Island Plant in Boston. They are the most effective technology for the processing of sludge into a product that is virtually odorless. However, at 130 feet high, these structures are very visible and the Environmental Impact Statement (EIS) reflects that by characterizing them as having a significant visual impact. In choosing a site, DEP evaluated three locations: on the waterfront; in the interior of the plant at the existing digester location; and at the plant perimeter which puts them near Barretto Park.

The first alternative evaluated in the EIS would place the digesters along the waterfront. This scenario would put them farther from the park, reduce

gravity for the most part, it is not desirable from an energy efficiency point of view to have long pipes or to pump water over long distances. In the future if we have to build new aeration or settling tanks, either because we need to replace them due to age or because of new regulations, it will be preferable to situate them in the interior of the plant. Second, because the egg-shaped digesters are fully sealed and therefore highly unlikely to emit odors, they are among the most suitable processes to be located near a populated area.

Because the digesters will be visible to the Park, I have directed our engineering and design team to hire a design architect and we will look forward to working with the community to choose an attractive facing that allows the digesters to become a positive visual presence in the community.

In addition to the unlikely odor impact, it should be noted that at the Barretto Park location, the digesters would not block the view of the waterfront. They also would only cast shadows for a short time in the morning. The park would be in full sunlight no later than 9:45 to 10:15 a.m. and for the rest of the day.

DEP remains committed to working with the community and its elected officials to be as good a neighbor as possible. I hope my testimony has addressed your concerns and questions about this important project. Thank you again for the opportunity to testify, and I will be glad to answer any questions you may have.

**TESTIMONY OF THE LANDMARKS PRESERVATION COMMISSION BEFORE THE CITY
COUNCIL SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND MARITIME USES
ON THE DESIGNATION OF THE
MANHATTAN AVENUE HISTORIC DISTRICT, MANHATTAN
September 5, 2007**

Good morning Councilmembers. My name is Diane Jackier, Director of External Affairs for the Landmarks Preservation Commission. I am here today to testify on the Commission's designation of the Manhattan Avenue Historic District in Manhattan.

On March 13, 2007, the Landmarks Preservation Commission held a public hearing on the proposed designation. Nine people spoke in favor including representatives of Congressman Charles Rangel, Manhattan Borough President Scott Stringer, Assemblyman Daniel J. O'Donnell, Manhattan Community Board 7, the Historic Districts Council, the Landmarks Conservancy, Landmark West and the New York Chapter of the Victorian Society in America. There were no speakers in opposition. The Commission also received letters of support from City Councilmembers Melissa Mark-Viverito and Inez Dickens, State Senator Bill Perkins and the Duke Ellington Boulevard Neighborhood Association. On May 15, 2007, the Commission voted to designate Manhattan Avenue a New York City historic district.

Located on the Upper West Side, one block west of Central Park, between West 104th and 106th Streets, Manhattan Avenue, originally called "New" Avenue, opened in 1868 and received its current name in 1884. Mass transit played an important role in the development of the area, especially construction of the Ninth Avenue elevated railway which began service to 104th Street in 1879. The historic district contains forty buildings, including 37 three-story row houses, one six-story apartment building and two structures built by General Memorial Hospital for the Treatment of Cancer and Allied Diseases, originally known as the New-York Cancer Hospital, a designated New York City Landmark.

All of the houses in the district were built during a five-year period, from 1885 to 1890. The earliest row, located on the west side of Manhattan Avenue, between West 105th and 106th Streets, was designed by the architect Joseph M. Dunn. C. P. H Gilbert, who would become one of the best-known residential architects in New York City, was responsible for the row across the street on the east side of Manhattan Avenue, from 105th to 106th Streets. Edward L. Angell designed the block to the south on the west side of Manhattan Avenue, between 104th and 105th Streets.

Built as speculative construction, these brick and stone-faced houses were planned as picturesque ensembles, incorporating varied elements associated with the popular Queen Anne and Romanesque Revival styles, including stoops with iron railings, terra-cotta reliefs, projecting metal bay windows, and unusual cornices, frequently crowned by sunburst pediments. The district also contains a pair of early twentieth century buildings that were constructed as additions to the hospital. The first, built as an X-ray laboratory, is located on West 105th Street and displays neo-Gothic details. The latter, on West 106th, was completed in 1927 and served as a nurse's residence and research laboratory. Faced in red brick, the Chateausque facade was designed as the mirror image of a demolished structure that was part of the original hospital complex. Now converted to apartments and a youth hostel, these two early twentieth century buildings function as transitions between the former hospital and row houses.

Because the buildings were built within a five year period, have the same scale, massing, materials and details, the Manhattan Avenue Historic District exhibits an architectural cohesiveness unique to New York City and survives as a beautiful reminder of the origins of the Upper West Side. The Commission urges you to affirm the designation.

TESTIMONY OF THE LANDMARKS PRESERVATION COMMISSION BEFORE THE CITY COUNCIL SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND MARITIME USES ON THE DESIGNATION OF 63 NASSAU STREET, MANHATTAN

September 5, 2007

Good morning Councilmembers. My name is Diane Jackier, Director of External Affairs at the Landmarks Preservation Commission. I am here today to testify on the Commission's designation of 63 Nassau Street in Manhattan.

On November 14, 2006, the Landmarks Preservation Commission held a public hearing on the proposed designation. Seven people spoke in favor, including representatives of Margot Gayle, founder of the Friends of Cast Iron Architecture (who was present), the Municipal Art Society of New York, the New York Landmarks Conservancy, the Historic Districts Council, and Metropolitan Chapter of the Victorian Society in America. A representative of the building's owner testified against designation. In addition, the Commission received several communications in support of designation, including a resolution from Manhattan Community Board 1. The building had been previously heard by the Commission on December 27, 1966, and January 31, 1967. On May 15, 2007, the Commission designated 63 Nassau Street a New York City landmark.

The 5-story, Italianate style cast-iron front facade on the building at No. 63 Nassau Street was almost certainly produced by James Bogardus c. 1857-59. Bogardus was commissioned by Augustus Thomas to remodel the existing structure at 63 Nassau Street in order to capitalize on the commercial changes in the area around Maiden Lane, including Nassau Street, which was being transformed into a major jewelry district.

James Bogardus was the pioneer of cast iron architecture in America, making it an extremely rare extant example of his work. It is one of only five known Bogardus buildings in the United States (there are four in New York City) and is also one of the oldest surviving cast-iron-fronted buildings in the city, and one of the very few located in Lower Manhattan. The attribution of this facade to Bogardus was originally made by Margot Gayle, a founder of the Friends of Cast Iron Architecture and co-author of the definitive monograph on Bogardus, based primarily on a "signature" characteristic known only to buildings definitely linked to Bogardus, namely bas-relief medallions of George Washington and Benjamin Franklin found on the third story. The elegant and finely detailed design originally featured two- and three-story arcades formed by elongated fluted Corinthian columns, rope moldings, arches with faceted keystones, and foliate spandrels. The facade is terminated by a widely-projecting, modillioned foliate

cornice supported by a corbel table. Today, the building remains an early and significant surviving commercial building dating from the 1840s-50s.

The Commission urges you to affirm the designation.

FOR THE RECORD

9/5/07

My Name is Marta Rodriguez a Life long resident of hunts point, To me it seems like all the burden seems to always flow my Communities way. the City gave us a beautiful park and a Industrial zone then after they gave us this beautiful park (Barretto Point Park). The City decides that they want to built ~~2~~ 13 story high egg shape digester that going to over shadow this park, why? you can built this structure in the existing plant! it can even be under ground, if you really want to get technical! the waste water treatment Plant has not been the best neighbors, Niether has NYOFCO I would love to go and enjoy barretto park but I have to worry about the Smell that comes from both places! ~~we need a~~ be I know that regardless the expansion is going to happen but please make sure you have the Communities need in Mind give us an adecute Community Benfits plan, really make Sure that this ~~expansion~~ expansion, is not going to pollute the air I breath, nor destroy the beauty

of the park you have given to my
Community! Make The Hunts point water
Sewage treatment plant and ~~NYofco~~
Accountable, for their Actions! One more
thing if you really want to hear what
the Community wants and needs, Make it
Sure you schedule this meeting on a
good day, where people can make it
and not on the first day of school!

Thank you
Marta Rodriguez

Sustainable South Bronx

TESTIMONY OF THE LANDMARKS PRESERVATION COMMISSION BEFORE THE CITY COUNCIL SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND MARITIME USES ON THE DESIGNATION OF THE ANN AND NATHANIEL WYETH HOUSE, STATEN ISLAND
September 5, 2007

Good morning Councilmembers. My name is Diane Jackier, Director of External Affairs at the Landmarks Preservation Commission. I am here today to testify on the Commission's designation of the Ann and Nathaniel Wyeth House, located at 190 Meisner Avenue in Staten Island.

On April 10, 2007, the Landmarks Preservation Commission held a public hearing on the proposed designation. Six people testified in support including a representative of the owner of the building, and representatives of the Preservation League of Staten Island, the Historic Districts Council, the Metropolitan Chapter of the Victorian Society in America, and the West Brighton Restoration Society. There were no speakers in opposition. The Commission also received letters in support from Council member James S. Oddo, the Municipal Art Society, and the Rego-Forest Preservation Council. The Commission previously held a public hearing on the building on September 13, 1966. On May 15, 2007, the Commission designated the Wyeth House a New York City landmark.

Picturesquely sited on Lighthouse (Richmond) Hill, this impressive Italianate villa, constructed around 1856, is a fine example of the mid-nineteenth century villas which once dotted the hillsides of Staten Island and are now becoming increasingly rare. Named for his uncle, the noted explorer of the Pacific Northwest, Nathaniel Jarvis Wyeth (1831-1916) was a prominent corporate attorney, state legislator, and civic leader who maintained a law office in this house. In the mid-1920s, the house was acquired by opera star Graham Marr, who had studied architecture at Columbia University before embarking on his operatic career. Marr was an acclaimed baritone who sang with a number of leading English and American companies and recorded with Columbia Records.

The large two-and-one-half-story house is faced with brick and trimmed with sandstone. It was among the earliest rural residences in the Italianate style on Staten Island and displays the cubic form, low hipped roof, wide overhanging eaves supported by decorative brackets, paired chimneys with molded caps, and octagonal cupola typical of Italianate designs. Recently the current owner began restoring the paired brackets that had been removed from the house's crowning cornice and installed new wood parapets above the entrance porch and at the captain's walk.

The Commission urges you to affirm the designation.



City of New York Parks & Recreation



Hearing before the City Council Subcommittee on Landmarks, Public Siting & Maritime Uses

LU 0525-2007 ULURP, Hunts Point WPCP Phase III, Bronx (C070009MMX)
LU 0526-2007 ULURP, Hunts Point WPCP Phase III, Bronx (C070010MMX)

September 4, 2007

**Testimony by
Assistant Commissioner Joshua R. Laird**

I will be testifying before you today on the mapping of Barretto Point Park, an 11-acre waterfront community park that consists of 5-upland-acres, located in the Hunts Point section of the Bronx.

Community Board 2, in which the Hunt's Point peninsula is located, is underserved by open space resources. The park site, which the Department of Environmental Protection aided in transferring to Parks, helps address the deficiency of open space that's existed for the residents of this area.

Upon assignment of the parcel in 2001, Parks began working with the community to design and construct the park with a wide a variety of facilities. The park has been open to the public since late 2006 and consists of a waterfront promenade, a grass and stone amphitheater, a large lawn area, basketball and volleyball courts, a beach area, playground, boat storage and comfort station. Brownfield remediation, tidal wetlands planting and rip-rap fortification were also components of the park development.

Looking ahead, the Parks Department is enthusiastic about working with DEP to add an adjacent 1.2-acre waterfront site as a mapped addition to Barretto Point Park. This additional site, which is currently under DEP's jurisdiction, will be used as a staging area for their upgrade project and will be surrendered to Parks once it has been completed. The mapping of this parcel as parkland is included in the ULURP before you and if approved, will be filed following DEP's determination that the area is no longer needed for construction staging.

FOR THE RECORD

September 5, 2007

Patricia Gary
928 Intervale Avenue
Bronx, New York 10459

Attn: Environmental Committee

I am a resident in the Hunts Point area for thirty five years and everyday there is a fowl odor that smells like flesh burning, it's unbearable. I am ~~embarrassed~~^{Embarrassed} to sit outside or entertain anyone on my porch due to the smell, and I am tired of making excuses for it. We in the community finally have a beautiful park to enjoy by the water but, putting a digesters system in the area I will not have the pleasure to sit long enough to enjoy the atmosphere due to the odor that will come from the digesters system. Also, many of my friends and their children suffer from asthma due to the pollution which comes from the various fumes released in the air.

Another problem I am totally against is putting another jail in the community. There are three existing correctional facilities already in the area. Our community is poor and has been through many struggles in the past, we don't need jails we need our community and youth to have a better future. There is a great need for more jobs, better education, and a recreational facility for our youths, and work readiness trainings...

FOR THE RECORD

September 5, 2007

Mrs. Cynthia Phillips
928 Intervale Avenue
Bronx, New York 10459

Attn: Environmental Committee

I am a home owner in the Hunts Point area over forty years and everyday there is an awful fowl odor comes up that is unbearable. I am ^{Embarrassed!} ~~embarrassed~~ to invite anyone to my home due to the smell and I am tired of making excuses for it. We in the community finally have a beautiful park to enjoy by the water but, putting a digesters system in the area I will not have the pleasure to sit long enough to enjoy the atmosphere due to the odor that will come from the digesters system. Also, many of my neighbors suffer from asthma due to the pollution which comes from the various fumes released in the air.

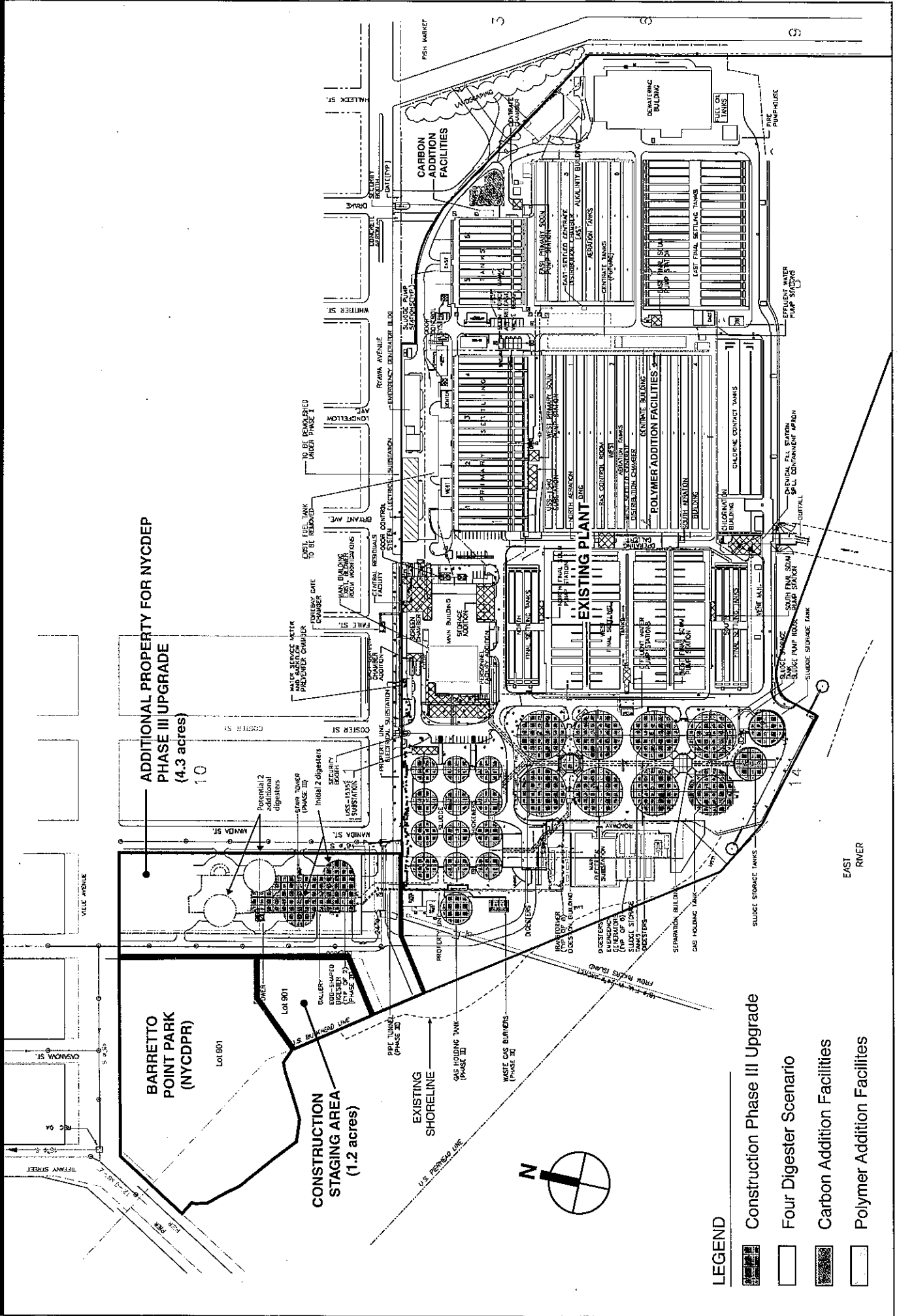
Another issue that I am totally against is having another jail built in the community. There are three existing correctional facilities already in the area. Our community has been through many struggles in the past, and suffers with a low economic growth. There is a great need for more jobs, better education, and a recreational facility for our youths.

mothers on the move member





928 Intervale

Bronx N.Y. 10459

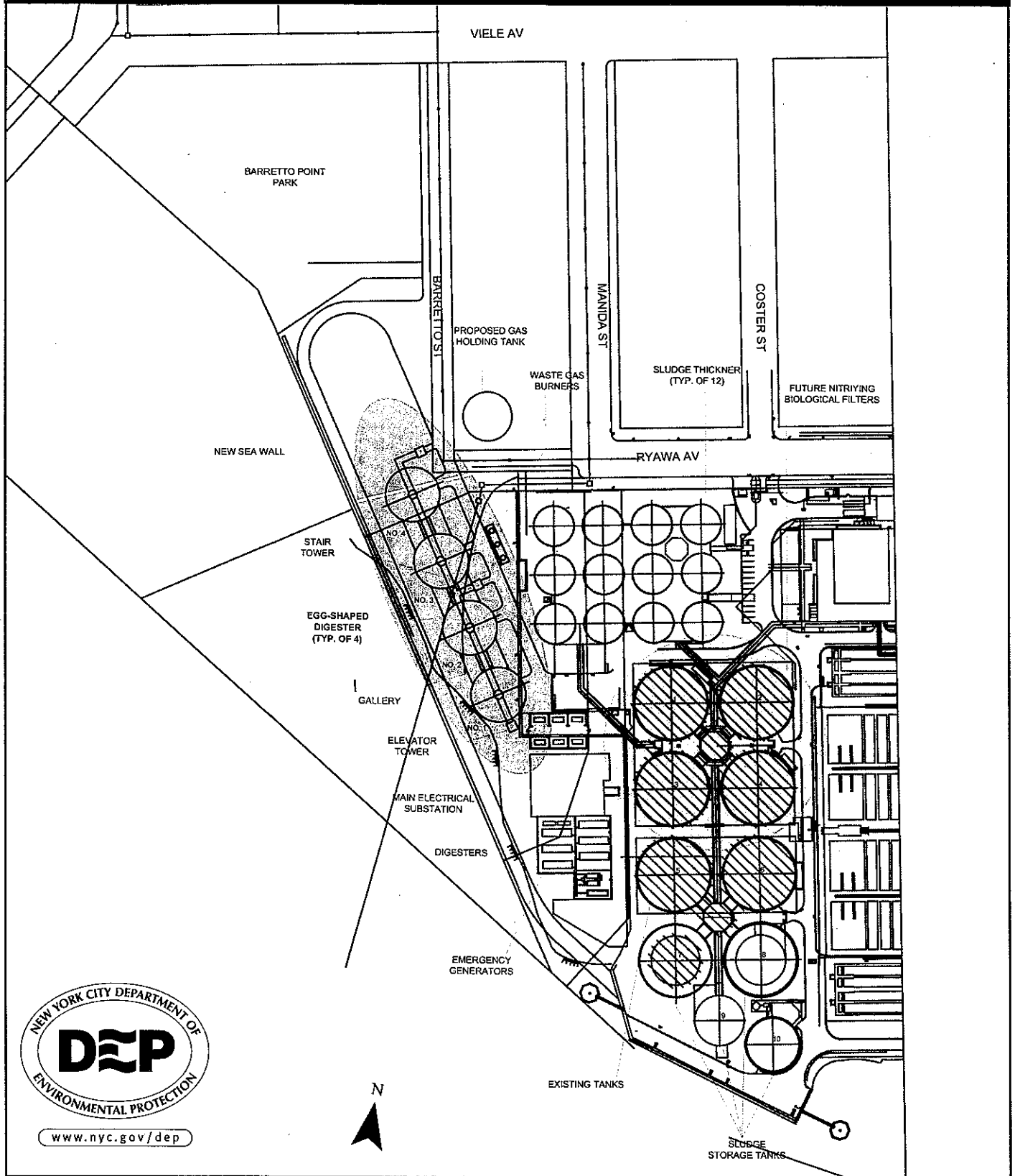
Hunts Point Project Site



LEGEND


-  Construction Phase III Upgrade
-  Four Digester Scenario
-  Carbon Addition Facilities
-  Polymer Addition Facilities

Hunts Point Wastewater Treatment Plant Alternative Digester Sites



Source:URS

 Site Plan Alternative 1 - Along Water Front

 Site Plan Alternative 2 - Existing Digester Site

**Testimony before the Land Use Committee
Of the City Council regarding the ULURP Applications
For the Hunts Point Water Pollution Control Plant
On behalf of SUSTAINABLE SOUTH BRONX**

Presented by Barbara Warren
September 5, 2007

Good Morning, Chairperson Melinda Katz, Councilwoman Arroyo, my name is Barbara Warren and I am here today representing Sustainable South Bronx. SSBx has been a key participant in the Hunts Point Monitoring Committee working on the plans for the upgrades to this Water Pollution Control Plant.

Our presentation takes a broad perspective of the issues surrounding this plant and in general we are asking this Committee and the Council to exercise their clear oversight authority to ensure a greater degree of accountability 1) for the impacted community in and near Hunts Point and 2) for the ratepayers of the City of New York who pay the bills for sewage and water, as well as some of the highest energy costs in the nation.

Why the DEP ULURP Applications related to the Hunts Point Water Pollution Control Plant CANNOT BE APPROVED without Stringent Conditions:

ACCOUNTABILITY

- It is our position that no additional land and no additional sewage, solid waste or sludge treatment capacity at Hunts Point should be granted to DEP UNLESS the City Council requires MORE ACCOUNTABILITY from this Agency.
- Accountability is what all official involved committees, the Hunts Point Monitoring Committee, the Community Board, and public officials including the Borough President and Councilwoman Arroyo have stated is necessary. Accountability can be achieved by establishing stringent CONDITIONS to any ULURP Approval.
- In fact the need for the permanent acquisition of additional land by DEP is not adequately demonstrated in the EIS, because of the failure to seriously consider a construction plan with the egg digesters on the existing property. The temporary use of City-owned property as a construction staging area only might have been an option.
- It must be understood that DEP has targeted the South Bronx for an extraordinary level of wastewater treatment capacity--- more than any other community must bear. Beyond the water pollution control plant, DEP sited a plant which receives sludge from other city treatment plants for dewatering. In addition DEP planned for and facilitated the siting of a private facility that then dries and pelletizes

sludge. No other community in NYC experiences this concentration of wastewater and sludge treatment.

- Despite the importance of these treatment works, DEP has given short shrift to maintenance of these facilities in a way that prevents, avoids or quickly mitigates local impacts from their facilities. More typical of DEP is point the finger at the private sludge facility when odors occur. NYOFCo often does the same thing, pointing to the WPCP as the source of odor incidences. DEP is of course ultimately in charge of all three facilities and has the authority to investigate, remediate and ultimately correct these ongoing odor problems.
- This Water Pollution Control Facility and its associated Dewatering Plant have NOT been Good Neighbors, plaguing the community with odors for many years. Such neighborhood impacts should be fixed comprehensively as the number one priority for DEP, particularly when undertaking an upgrade of the plant worth \$700 million.
- DEP, rather than function in an environmental protection role for the community, functions primarily as a Water and Sewer Agency. We understand why. DEP's budget devotes 95% of funds to water and sewer issues. Only 5% of its budget must address all other environmental issues. Even though water protection is obviously an important environmental goal, the goal should not be achieved at the expense of communities. DEP is proposing this land use, and this project, overseeing the construction and doing the Environmental Impact Statement for it. There is far too little independent oversight. The community has raised this issue as one involving a conflict of interest that must be rectified. Since DEP does not voluntarily commit to providing the highest degree of community protection, it is incumbent upon the City Council to attach conditions to any approval of this application. A Third Party Monitor is one such mechanism. Oversight and Accountability are essential roles for City Council to play concerning this Agency.
- The primary purpose for the overall upgrade at the Hunts Point Water Pollution Control Plant concerns excess nitrogen discharges from the plant which have a severe impact on LI Sound. Excess nitrogen has an important history with DEP. Many years ago members of the public serving on the Sludge Citizens Advisory Committee advised DEP that excess nitrogen would be an outcome of centralizing dewatering facilities. DEP denied this vociferously, insisting that routing the fluids from dewatering back to the sewage treatment plant would not exceed plant capacity or cause excess nitrogen discharges. We can now see clearly what the outcome has been. Enforcement orders from EPA and DEC document the excess nitrogen loading to waterways from dewatering. This serious error illustrates quite clearly that DEP can be very wrong and that all Agency proposals should undergo careful scrutiny.

- While we are clearly talking about DEP, we are not singling this Agency out for sanction. All government agencies and all private companies require oversight and accountability. This is most effectively communicated with two words and separate situations—Katrina and Halliburton.
- At this point, despite the recommendations of the Hunts Point Monitoring Committee, Community Board #2 and the Borough President, the City Planning Commission approved this ULURP action. DEP told the Commission that it had addressed all of the public comments in the Final EIS. This is NOT TRUE. DEP has ignored very important public comments and concerns.

ODOR

- DEP claims it compared EPA requirements for total enclosure for odor sources at sewage treatment plants to the situation at the Hunts Point plant. DEP now offers to address some additional odor sources. However, the complete analysis has not been made available to the public or public officials. Such lack of public disclosure is very problematic.
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EPA Factsheet http://www.epa.gov/owm/mtb/energycon_fasht_final.pdf

NYPA installs microturbine at Brooklyn Wastewater Treatment Plant
<http://www.nypa.gov/press/2003/030429b.htm>

General Information on NYSERDA programs for Wastewater Treatment Plants:
<http://www.nyserda.org/Programs/Environment/muniwaterwwt.asp>

NYSERDA 2006 Report:

<http://www.nyserda.org/programs/Environment/Report%2007-01-Submetering%20Complete%20Report.pdf>

Earlier NYSERDA reports are cited in EPA factsheet above.

Pacific Gas & Electric Study: Energy Baseline Study for Wastewater Treatment Plants
http://www.pge.com/includes/docs/pdfs/biz/rebates/water_treatment/wastewatertreatment_baselinestudyreport.pdf

Additional detail on What NYSERDA offers:

Benchmarking

Benchmarking provides Water/Wastewater Treatment Plants (WWTP) with a baseline of energy performance. This allows the plants to track their own performance over time (internal benchmarking) or to compare performance to other similar facilities (external benchmarking). To develop a benchmark, energy measurements as well as flow, loading, and other data specific to WWTPs are collected to provide the basis for the comparison. Benchmarking can help identify facilities or processes that need improvement within a facility and that could offer cost savings and reduced energy consumption. Benchmarking can also help verify the savings associated with equipment or process changes within a facility.

Assessments

NYSERDA offers programs to help WWTPs increase energy and process efficiency, saving money and often increasing capacity or treatment levels. Studies can evaluate equipment, controls, operations, processes, biogas production, and biogas use through co-generation or direct heating. Customized energy evaluations are cost-shared on a 50:50 basis, with NYSERDA providing up to \$50,000 per project. The FlexTech Program uses NYSERDA's pre-qualified consultants to provide customized energy evaluations. The Technical Assistance Program allows customers to select their own contractor to undertake the study.

Submetering

Submetering within a WWTP involves installing power-metering equipment to determine the energy consumption of the various processes within the facility. Measurements can be collected for each unit process and/or for the whole plant. Submetered data can be used to develop a benchmark for the facility. The collected data from the meters is compared with historical data of the same processes to examine and evaluate performance and energy use at the facility. Better understanding and more precise measurements of energy use often provide information leading to energy cost savings and energy efficiency measures within the plant. In October of 2006, NYSERDA completed energy evaluations of 11 WWTPs in New York State through the Submetering Program. For the summary report go to website above.

**Testimony before the Land Use Committee
Of the City Council regarding the ULURP Applications
For the Hunts Point Water Pollution Control Plant**

**Presented by
Miquela Craytor, Deputy Director, Sustainable South Bronx
September 5, 2007**

Good Morning, Chairperson Melinda Katz, Councilwoman Arroyo, my name is Miquela Craytor and I am here today representing Sustainable South Bronx. As a member of the Hunts Point Monitoring Committee, SSB has been an active participant commenting on the plans for the upgrades to this Water Pollution Control Plant.

As an organization focused on the tenants of environmental justice and sustainability, we have taken a broad look at the issues surrounding this plant. We respectfully request that the Committee and the Council exercise their clear oversight and authority to ensure a greater degree of accountability 1) for the impacted community in and near Hunts Point and 2) for the ratepayers of the City of New York who pay the bills for sewage and water, as well as some of the highest energy costs in the nation.

Why the DEP ULURP Applications related to the Hunts Point Water Pollution Control Plant CANNOT BE APPROVED without Stringent Conditions:

ACCOUNTABILITY

- It is our position that no additional land and no additional sewage, solid waste or sludge treatment capacity at Hunts Point should be granted to DEP UNLESS the City Council requires MORE ACCOUNTABILITY from this Agency.
- Accountability is what all official involved committees, the Hunts Point Monitoring Committee, the Community Board, and public officials including the Borough President and Councilwoman Arroyo have stated is necessary. Accountability can be achieved by establishing stringent CONDITIONS to any ULURP Approval.
- In fact the need for the permanent acquisition of additional land by DEP is not adequately demonstrated in the EIS, because of the failure to seriously consider a construction plan with the egg digesters on the existing property. The temporary use of City-owned property as a construction staging area only might have been an option.
- It must be understood that DEP has targeted the South Bronx for an extraordinary level of wastewater treatment capacity--- more than any other community must bear. Beyond the water pollution control plant, DEP sited a plant which receives sludge from other city treatment plants for dewatering. In addition DEP planned for and facilitated the siting of a private facility that then dries and pelletizes sludge. No other community in NYC experiences this concentration of wastewater and sludge treatment.

- Despite the importance of these treatment works, DEP has given short shrift to maintenance of these facilities in a way that prevents, avoids or quickly mitigates local impacts from their facilities. More typical of DEP is point the finger at the private sludge facility when odors occur. NYOFCo often does the same thing, pointing to the WPCP as the source of odor incidences. DEP is of course ultimately in charge of all three facilities and has the authority to investigate, remediate and ultimately correct these ongoing odor problems.
- This Water Pollution Control Facility and its associated Dewatering Plant have NOT been Good Neighbors, plaguing the community with odors for many years. Such neighborhood impacts should be fixed comprehensively as the number one priority for DEP, particularly when undertaking an upgrade of the plant worth \$700 million.
- DEP, rather than function in an environmental protection role for the community, functions primarily as a Water and Sewer Agency. We understand why. DEP's budget devotes 95% of funds to water and sewer issues. Only 5% of its budget must address all other environmental issues. Even though water protection is obviously an important environmental goal, the goal should not be achieved at the expense of communities. DEP is proposing this land use, and this project, overseeing the construction and doing the Environmental Impact Statement for it. There is far too little independent oversight. The community has raised this issue as one involving a conflict of interest that must be rectified. Since DEP does not voluntarily commit to providing the highest degree of community protection, it is incumbent upon the City Council to attach conditions to any approval of this application. A Third Party Monitor is one such mechanism. Oversight and Accountability are essential roles for City Council to play concerning this Agency.
- The primary purpose for the overall upgrade at the Hunts Point Water Pollution Control Plant concerns excess nitrogen discharges from the plant which have a severe impact on LI Sound. Excess nitrogen has an important history with DEP. Many years ago members of the public serving on the Sludge Citizens Advisory Committee advised DEP that excess nitrogen would be an outcome of centralizing dewatering facilities. DEP denied this vociferously, insisting that routing the fluids from dewatering back to the sewage treatment plant would not exceed plant capacity or cause excess nitrogen discharges. We can now see clearly what the outcome has been. Enforcement orders from EPA and DEC document the excess nitrogen loading to waterways from dewatering. This serious error illustrates quite clearly that DEP can be very wrong and that all Agency proposals should undergo careful scrutiny.
- While we are clearly talking about DEP, we are not singling this Agency out for sanction. All government agencies and all private companies require oversight and accountability. This is most effectively communicated with two words and separate situations—Katrina and Halliburton.
- At this point, despite the recommendations of the Hunts Point Monitoring Committee, Community Board #2 and the Borough President, the City Planning Commission approved this ULURP action. DEP told the Commission that it had addressed all of the public comments in the Final EIS. This is NOT TRUE. DEP has ignored very important public comments and concerns.

ODOR

- DEP claims it compared EPA requirements for total enclosure for odor sources at sewage treatment plants to the situation at the Hunts Point plant. DEP now offers to address some additional odor sources. However, the complete analysis has not been made available to the public or public officials. Such lack of public disclosure is very problematic.
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Bronx Community Board #2

Borough President Adolfo Carrión, Jr.

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Roberto S. Garcia
Chairperson



John Robert
District Manager

BRONX COMMUNITY BOARD # 2 RECOMMENDATIONS

Uniform Land Use Review Procedure

Hunt's Point Water Pollution Control Plant Expansion and Upgrade

September 5, 2007

I must start by congratulating and thanking all the members of the Hunt's Point Monitoring Committee (HiPMiC), whom for the past 2 years have done an incredible job in representing the best interests of the Hunt's Point and Bronx community during the proposed plans for the continued upgrade of the Hunt's Point Waste Water Pollution Control Plant. I must also thank our technical consultant Mathy Stanislaus, for articulating the concerns raised by the community and the HiPMiC; it was imperative to have someone bring professional advise to us and to the table.

I would be remised, if I did not send a special thanks to the NYC DEP, from Commissioner Emily Lloyd to the entire staff that has worked on this planning process. I can honestly say that this is the first time in this community that a public works project of this cost and magnitude has gone through such a well planned, involved and transparent community process.

Because this project will have significant impacts in our community and the city in general, this process we feel was imperative in achieving a proper and fair balance between the community concerns and the City's public need.

Although Community Board #2 has voted to continue with the process of this plant's upgrade, we request and expect DEP to continue to work with the CB#2, the HiPMiC, Consultants, the Bronx Borough President's Office and our Councilmember during the entire plant upgrade process to assure minimal negative impacts to our community.

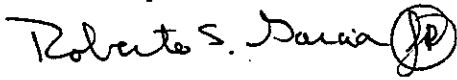
We have requested that DEP continue to work with the community during the construction so that we can monitor the implementation of mitigation measures. We also expect that DEP will install monitoring stations along the plant's perimeter in order to monitor the impacts to the community.

We expect that this process will continue to be transparent therefore, we also request that a Community Liaison be hired to act as a point person to both DEP and the community.

I believe that the transparent process we have gone through will serve as a template for other public works projects that have and must involve communities throughout NYC and the Country.

Once again, we thank everyone who has been involved in this process and look forward to continuing to work as partners on this project.

Sincerely,



Roberto S. Garcia
Chairman
Bronx Community Board #2

OFFICE OF THE BRONX BOROUGH PRESIDENT

The Bronx County Building
851 Grand Concourse
Bronx, New York 10451
718-590-3500

Adolfo Carrión, Jr.
Borough President

**Comments of Bronx Borough President Adolfo Carrión, Jr.
City Council Committee on Land Use, Subcommittee on Landmarks, Public Siting &
Maritime Uses
Hunts Point Water Pollution Control Plant Phase III Upgrade and Barretto Point Park
Uniform Land Use Review Procedure
September 5, 2007**

The Hunts Point Water Pollution Control Plant (HPWPCP) is an essential element in New York City's infrastructure, treating wastewater from the Bronx, Rikers Island, City Island and Hart Island. The New York City Department of Environmental Protection (NYCDEP) has been upgrading the plant pursuant to two State-mandated plans. This application concerns the Phase III Upgrade, improved solids handling and enhanced nitrogen removal to meet State standards.

The application also seeks to officially map the adjacent 5.5 acre Barretto Point Park as permanent waterfront parkland, along with 1.2 additional acres currently used for DEP construction staging. These mapping actions, which culminate a partnership between the Hunts Point community and public agencies to create more open space and recreational facilities, merit approval.

Mindful of the statutory need to improve water quality, along with ongoing concerns about plant construction and operations, my support for the site selection action is subject to DEP's agreement to certain conditions:

1. Communication and oversight

Building on its past cooperation, DEP should forge an even more effective working relationship with the community and the Hunts Point Monitoring Committee. To this end, I call for a commitment from DEP to fund a community liaison along with an office and necessary support, for the duration of construction and for a period thereafter as agreed by DEP and the HPMC, and monthly project status meetings over that same period. This commitment would include additional funding for technical advisors to assist the HPMC and the community liaison as the Committee deems necessary with the review of data, procedures and documents generated during construction to ensure that negative community impacts are minimized. HPMC will be actively involved in monitoring the mitigation of construction impacts and, if measures are not successful, will expect DEP to devise alternate means of mitigation.

2. Odor control

I appreciate the odor control measures already undertaken at the plant and DEP's commitment to ensuring that equipment performs at the highest standards. However, with Hunts Point still

burdened by odors, a comprehensive odor control analysis is needed. I ask DEP's commitment to further odor studies in the community and continued work towards improving the odor reporting and response systems, including the City-contracted NYOFCo sludge processing facility.

3. Air quality

Given the high levels of air pollution and extremely high asthma rates in Hunts Point and throughout the South Bronx, any avoidable emissions are unacceptable. In this context I question the plant's participation in Con Edison's Peak Load Management (PLM) program. I recognize the PLM program's value in regulating energy consumption during times of high demand. However, NYCDEP's use of dirty diesel generators at the plant will contribute to the degraded air quality and asthma emergencies that typically coincide with peak load periods. I therefore urge DEP either to withdraw from the PLM program or, preferably, to upgrade its equipment to clean technologies. Use of highly polluting diesel generators contradicts New York City's clean energy and emissions reduction goals. DEP should take the lead in employing clean technologies and energy efficiency for its back-up power sources as well as its normal operations.

I also expect the DEP to offer a generous program of community benefits that will be determined on a consensus basis.

Notwithstanding these stipulations, the Phase III upgrade is clearly needed. Subject to the above conditions, I recommend approval of this application.