

COMMITTEE ON ENVIRONMENTAL PROTECTION, RESILIENCY

AND WATERFRONTS

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CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL  
PROTECTION, RESILIENCY AND  
WATERFRONTS

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June 18, 2024  
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HELD AT: 250 BROADWAY - COMMITTEE ROOM, 14TH  
FLOOR

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

COUNCIL MEMBERS:

Alexa Avilés  
Robert F. Holden  
Kristy Marmorato  
Sandy Nurse  
Lincoln Restler  
Rafael Salamanca, Jr.  
Susan Zhuang

COMMITTEE ON ENVIRONMENTAL PROTECTION, RESILIENCY  
AND WATERFRONTS

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A P P E A R A N C E S

Rohit Aggarwala, Commissioner at New York City  
Department of Environmental Protection

Kathryn Mallon, Chief Operating Officer at New  
York City Department of Environmental Protection

Paul Rush, Deputy Commissioner of the Bureau of  
Water Supply at New York City Department of  
Environmental Protection

Janet Aristy, Director of Project and Business  
Operations Management, Bureau of Water and Sewer  
Operations at the New York City Department of  
Environmental Protection

Syrah Scott, National Clean Water Collective

Valerie Baron, Senior Attorney and the National  
Policy Director for the Drinking Water Team at  
Natural Resources Defense Council

Fabiana Castillo, Senior Litigation Assistant in  
Earth Justice's New York

Suzanne Novak, Senior Attorney at Earthjustice's  
New York

Marissa Lieberman-Klein, Associate Attorney at  
Earthjustice

Joshua Klainberg, New York League of Conservation  
Voters

SERGEANT-AT-ARMS: This is a microphone check for the Committee on Environmental Protection, Resiliency and Waterfronts, recorded on June 18, 2024, located on the 14th Floor by Nazly Paytuvi.

SERGEANT-AT-ARMS: Good morning, and welcome to today's New York City Council hearing for the Committee on Environmental Protection, Resiliency and Waterfronts.

If you would like to testify, you must fill out a testimony slip at the Sergeant-at-Arms desk.

If you would like to submit testimony, you may at [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov).

Just a reminder, no one may approach the dais at any time during this hearing.

Chair, we are ready to begin.

CHAIRPERSON GENNARO: Thank you, Sergeant. [GAVEL] Good morning, I'm Council Member Jim Gennaro, Chair of the Committee on Environmental Protection, Resiliency and Waterfronts.

Today, we will be holding an oversight hearing on lead service lines. The Committee will also hear two pieces of legislation related to the replacement of lead service lines in New York City

2 and the fair allocation of funding for lead service  
3 line replacement. The Committee welcomes testimony  
4 from the Department of Environmental Protection,  
5 advocates, and interested members of the public.

6           The effects of lead poisoning are most  
7 pernicious in children who can suffer physical and  
8 behavioral effects, cognitive impairment, and  
9 developmental delays due to lead exposure. In 2021,  
10 2,557 New York City children under the age of six had  
11 elevated blood lead levels when tested. While even a  
12 single case of elevated blood lead level in a child  
13 is tragic, albeit inevitable due to the prevalence of  
14 lead paint and other vectors of lead contamination,  
15 the City is taking great strides in reducing lead  
16 poisoning and this number is a 10th of what it was  
17 not even two decades ago, but so what? 2,557 cases is  
18 still a very big number. Throughout my career, dating  
19 back to my time as a Policy Analyst with this  
20 Committee, I am proud to have helped New York City  
21 lead in the fight against lead poisoning. My  
22 particular area was managing the hazards caused by  
23 lead paint, particularly chewable services as well as  
24 friction services and contact services. Anyone  
25 involved in lead knows what that all means.

2 But back to lead hazards from water.

3 Thankfully, DEP monitors drinking water and threats  
4 to our municipal water supply with a chemical agent  
5 to minimize lead leaching from service lines and  
6 plumbing fixtures, minimizing drinking water as a  
7 vector for lead poisoning in the city. According to  
8 the latest New York City Drinking Water Supply and  
9 Water Quality Report, 90 percent of drinking water  
10 samples had a lead concentration below 11 parts per  
11 billion, which is below the current federal action  
12 level of 15 parts per billion. However, the new  
13 federal rule, which we'll get into in the hearing,  
14 which the EPA will finalize this fall, reduces the  
15 lead action level to 10 parts per billion, and 10  
16 percent of samples, according to information provided  
17 by staff, and 10 percent of samples did have lead  
18 concentrations in excess of 11 parts per billion of  
19 lead. That's a lot.

20 The Committee looks forward to hearing  
21 from DEP on how it plans to reduce lead  
22 concentrations in the water supply or comply with  
23 mitigation requirements that would be triggered if  
24 the lead concentration level remains at its current  
25 level. While DEP's efforts to reduce lead poisoning

1  
2 are certainly commendable, they are not a permanent  
3 solution to the risks posed by the approximately  
4 130,000 potential lead service lines and 210,000  
5 service lines of unknown material that remain in the  
6 city.

7           In addition to hearing from the  
8 Administration on the oversight topic, the Committee  
9 will hear the following legislation, sponsored by me.  
10 Intro. number 942 would require property owners to  
11 replace lead service lines and to obtain a  
12 certification stating that the property does not have  
13 a lead service line within 10 years. DEP would be  
14 required to establish a financial assistance program  
15 for low-income property owners, and they would need  
16 to replace lead service lines in properties where  
17 childcare programs are located for free.

18           Sergeant, I wonder if we're getting any  
19 feedback here. Is there like a feedback going on? Is  
20 there, am I too close or whatever? How's it sound out  
21 there, it's all right? All right, fine. Where was I?

22           And Reso number 8 would call upon the New  
23 York State Department of Health and the New York  
24 State Environmental Facilities Corporation to fairly,  
25 repeat, fairly allocate funding for lead service line

1 replacement, approved in the federal bipartisan  
2 infrastructure law and to remove all rules, all rules  
3 preventing New York City from receiving its fair  
4 share of funding. I think that sentence bears  
5 repeating, because we don't get what we deserve. Reso  
6 8 would call upon the New York State Department of  
7 Health and the New York State Environmental  
8 Facilities Corporation to fairly allocate funding for  
9 lead service line replacement approved in the federal  
10 bipartisan infrastructure law and to remove all rules  
11 preventing New York City from receiving its fair  
12 share of funding. I said it twice, good.

14 Together, we can eliminate lead poisoning  
15 from drinking water once and for all and secure a  
16 brighter future for New York City's children.

17 I would like to thank the Committee  
18 Staff, Committee Counsel Claire MacLachlan, Policy  
19 Analysts Ricky Chawla and Andrew Bourne, Financial  
20 Analyst Tanveer Singh, and my Chief-of-Staff Henry  
21 Yam, and my new, brand new, freshly minted  
22 Legislative Director, Josh Gachette, Josh Gachette. I  
23 hired him, and now I have to figure out how to say  
24 his name right and so, thank you, Josh, for joining  
25 the team. This is his first hearing.

2 I'd like to recognize the following  
3 Members who have joined us, Council Member Avilés and  
4 Council Member Holden, both great friends and  
5 Colleagues.

6 That's it for now, right? I turn it over  
7 to you?

8 Okay. I will now turn it over to the  
9 Committee Counsel to give the affirmation to the  
10 witnesses.

11 I would call the panel from DEP forward,  
12 and I have slips with names. Rohit Agarwal,  
13 Commissioner; Catherine Mallon, the Chief Operating  
14 Officer; Paul Rush, Paul Rush, I haven't seen Paul in  
15 a while, thank you for being here. Paul does all the  
16 upstate stuff. He's the Deputy Commissioner of the  
17 Bureau of Water Supply. Janet, help me out here.  
18 Aristy, Director of Project and Business Operation  
19 Management, Bureau of Water and Sewer Operations,  
20 DEP.

21 That is a good team to have with us here  
22 today. As we mentioned before, it is Rit's birthday  
23 so happy birthday, Rit. It's also Paul McCartney's  
24 birthday. I asked Sir Paul to be with us. His people  
25 have not gotten back to me, but I wish him a happy



2 82nd birthday and so, yeah, and so I remember when  
3 the first Beatles album came out and every Beatle  
4 album that came out in succession and, if you weren't  
5 there for it, you really missed it until Sgt. Pepper  
6 came out and no one knew anything, people thought  
7 they went sideways at that point, but now we know  
8 differently, and so I'm going to put my distance  
9 glasses on. Oh, no, I have to read his testimony. And  
10 so, they're sworn, right? You did that?

11 COMMITTEE COUNSEL MACLACHLAN: No.

12 CHAIRPERSON GENNARO: Oh, okay, then fine.  
13 I get wrapped up in my own rhetoric that I forget to  
14 run a hearing.

15 COMMITTEE COUNSEL MACLACHLAN: Please  
16 raise your right hands. Do you affirm to tell the  
17 truth, the whole truth, and nothing but the truth  
18 before this Committee and to respond honestly to  
19 Council Member questions?

20 COMMISSIONER AGGARWALA: I do.

21 DEPUTY COMMISSIONER RUSH: I do.

22 DIRECTOR ARISTY: I do.

23 CHIEF OPERATING OFFICER MALLON: I do.

24 COMMITTEE COUNSEL MACLACHLAN: Thank you.

25 You may begin when ready.

2 CHAIRPERSON GENNARO: Thank you. Thank  
3 you, Rit. We get a little feedback going on, but  
4 thank you for working on that. We doing okay with  
5 that?

6 We're also joined by Council Member Sandy  
7 Nurse, a valued member of this Committee.

8 You know, I was talking to Paul McCartney  
9 recently. He was talking about feedback issues he has  
10 when he's on stage, and so it's part of being born on  
11 June 18th, the feedback thing.

12 COMMISSIONER AGGARWALA: It's a cross I  
13 have to bear.

14 CHAIRPERSON GENNARO: Yeah. Why don't we  
15 just wait? So, I guess the gentleman on the board is  
16 working on the feedback thing, right? All right, we  
17 good? Okay.

18 COMMISSIONER AGGARWALA: All right.

19 CHAIRPERSON GENNARO: Okay, I think we're  
20 good.

21 COMMISSIONER AGGARWALA: Excellent. Well,  
22 thank you and good morning, Chair Gennaro, Members of  
23 the Committee on Environmental Protection, Resiliency  
24 and Waterfronts. My name is Rohit T. Aggarwala, and  
25 I'm the Commissioner of the Department of

2 Environmental Protection and, as the Chair noted, I'm  
3 joined by a couple of my colleagues, Deputy  
4 Commissioner Paul Rush, and our Director of Project  
5 and Business Operations Management at BWSO, Janet  
6 Aristy, to discuss this important topic of lead  
7 service lines.

8 This is a detailed and complex topic so I  
9 want to make sure that everyone understands a few key  
10 takeaways from my testimony. First, New York City tap  
11 water is safe, healthy, and delicious. People should  
12 not hesitate to drink New York City water. Second,  
13 the Federal Environmental Protection Agency is  
14 issuing a new lead and copper rule revision that will  
15 require all lead service lines to be replaced,  
16 regardless of whether lead is found in that  
17 building's water or not. This is not a decision New  
18 York City has made. Third, there are at least 130,000  
19 lead service lines in New York City, and we estimate  
20 the full number is roughly 150,000. We estimate that  
21 replacing all the lead service lines will cost about  
22 2 billion dollars. These service lines are privately  
23 owned. They are part of the building. Some of them  
24 are in low-income neighborhoods. Some of them are in  
25 high-income neighborhoods. We have been working to

2 identify grants and other funding to help homeowners  
3 replace lead service lines, but we do not expect ever  
4 to have full funding to pay for all of these private  
5 replacements. Further, while the federal government  
6 has made funding available, that funding is something  
7 like one-tenth the total need around the country, and  
8 New York State places, as you've just noted, Council  
9 Member, arbitrary limits on what we in New York City  
10 can receive. The bottom line is that while we will,  
11 of course, maximize external funding, we cannot  
12 expect all the funding we need to come from somewhere  
13 else.

14           So what has changed about lead? Our  
15 current focus on lead service lines stems from the  
16 EPA's recent determination that there is no safe  
17 level of lead in drinking water. This is not  
18 universally applied. For example, the U.S. Food and  
19 Drug Administration permits a lead level of five  
20 parts per billion in bottled water. EPA's mechanism  
21 for this is the Lead and Copper Rule, which sets  
22 maximum permissible levels of lead and lays out  
23 requirements to minimize contaminant levels. The  
24 original Lead and Copper Rule went into effect in  
25 1991. DEP has a long record of compliance with this

2 rule. The LCR has been revised twice in recent years,  
3 first in 2021, and those revised standards go into  
4 effect this year. Further revisions were made in  
5 2023, creating the Lead and Copper Rule improvements,  
6 which are expected now to go into effect in 2027.

7 These newest standards are the most stringent yet. We  
8 are focused on how to meet those standards. The LCRI  
9 also sets new testing requirements and a lower lead  
10 action level, which is the lead value that triggers  
11 action requirements by the water utility. Under the  
12 new rule, compliance testing will focus on buildings  
13 with known lead service lines, use water sitting in  
14 the service line for at least six hours, and have a  
15 new lower standard of 10 parts per billion, down from  
16 15 parts per billion. With this approach, it is  
17 likely that New York City, and we expect all cities  
18 with any lead service lines, will exceed the action  
19 level. If we do, the new EPA requirement will oblige  
20 DEP to notify all residents in the entire city, even  
21 those who do not have a lead service line, that lead  
22 levels have exceeded the action level. This will  
23 likely cause confusion and distrust in New York City  
24 water, even among residents who face no lead exposure  
25 whatsoever. Further, the LCRI will now also require

2 every city to develop a plan to remove lead service  
3 lines, regardless of whether water quality testing  
4 shows elevated levels of lead in tap water. Replacing  
5 all privately owned lead service lines has not been a  
6 requirement before, so we are working now to develop  
7 this plan. The legislation being considered today,  
8 which I will discuss in a few minutes, supports this  
9 goal.

10           What is our service line exposure? First,  
11 lead does not come from New York City's drinking  
12 water supply. Our water comes from a series of  
13 reservoirs and controlled lakes upstate, where Deputy  
14 Commissioner Rush's team ensures its quality. Every  
15 day, a billion gallons of water comes down through  
16 our aqueducts and water tunnels, flows through 7,000  
17 miles of water mains, and is delivered to every home  
18 and business around the city. There are no lead pipes  
19 whatsoever in the City's water distribution system.  
20 Lead risk enters at the service line. A service line  
21 is the pipe that connects an individual building to  
22 the City's water main under a street. In New York  
23 City, DEP is responsible for the water mains, but the  
24 service line is private property, even though it  
25 extends into the roadway. This is established, I will

2 note, in case law, dating as far back as 1861 and  
3 affirmed as recently as 2005. In the past, many  
4 service lines for smaller buildings, mainly one- to  
5 four-family homes, were made of lead. When water sits  
6 in a lead pipe, particularly for several hours, lead  
7 can leach into the water. New York City banned lead  
8 service lines in 1961, but an estimated 150,000  
9 buildings in the city still have old lead service  
10 lines. There are about 130,000 known lead service  
11 lines. Another 200,000 or so are made of unknown  
12 material. DEP has been systematically investigating  
13 these lines to determine their makeup and, based on  
14 inspection results thus far of about 30,000 lines, we  
15 expect about 10 percent of them are made of lead, so  
16 that adds another 20,000. That brings the total of  
17 what we expect to be lead service lines across the  
18 city up to 150,000. This represents about 17 percent  
19 of all properties in New York City, and we use this  
20 150,000 estimate for our planning and cost estimate  
21 purposes. It is important to note that even homes  
22 served by lead service lines are not necessarily at  
23 immediate risk. Unlike many other cities, New York  
24 City treats our water with pH adjustments and the  
25 addition of food-grade corrosion inhibitors, known as

2 orthophosphates, to minimize the likelihood of lead  
3 leaching. These corrosion inhibitors react with lead  
4 in a service line to form a coating that seals off  
5 the lead from the water flowing within it,  
6 dramatically reducing the possibility of lead  
7 leaching into the water. While highly effective,  
8 these are not perfect, so they cannot eliminate all  
9 risk, but they account for the fact that many homes  
10 with lead service lines do not show elevated levels  
11 of lead.

12 We maintain a public online map that  
13 shows which buildings in the city have lead service  
14 lines, have non-lead service lines, and have service  
15 lines of unknown material. We encourage everyone to  
16 look up their building with this map. If a home has a  
17 lead service line, we encourage you, or the owner, to  
18 test your water for lead. Anyone in the city can call  
19 3-1-1 to get a free lead test kit. DEP will...

20 CHAIRPERSON GENNARO: Rit, just hang on, I  
21 just, like, lost my place. I was doing so well, like,  
22 top of page four? Okay, thank you. Please continue,  
23 sorry for the interruption.

24 COMMISSIONER AGGARWALA: DEP will mail the  
25 test kit with instructions to residents who request



2 one. The recipient simply fills the provided  
3 containers with tap water according to the directions  
4 and sends it back to DEP using the prepaid return  
5 label. Our team will test the water and provide the  
6 results to the resident. If results show that there  
7 is lead in your home's water, there are simple steps  
8 you can take to reduce exposure risk. Running cold  
9 water, especially first thing in the morning, so that  
10 you do not drink water that has been sitting stagnant  
11 in the service line overnight. Use a water filter  
12 that is certified to remove lead. Finally, of course,  
13 replace your service line. Replacing a lead service  
14 line is the single most effective way to reduce the  
15 risk of lead contamination from tap water.

16 All of this is not to say that the water  
17 is not safe to drink, even if you have a lead service  
18 line. The New York City Department of Health and  
19 Mental Hygiene has never determined that a case of  
20 elevated lead levels has been caused by drinking  
21 water in New York City. In 2018, then Acting  
22 Commissioner of DOHMH, Oxiris Barbot, testified that  
23 "lead in water does not present a meaningful risk to  
24 New Yorkers and we do not consider water a  
25 significant source of exposure for children." Where

2 other cities, such as Newark and Flint, have seen  
3 true lead emergencies, it has been because their  
4 water or their water systems either did not or could  
5 not apply the orthophosphates that provide New York  
6 City's first line of defense against lead. These are  
7 not comparable situations.

8           So what are we doing? Our work to replace  
9 lead service lines has already begun. First, there  
10 are no lead service lines in the City's water system  
11 or on any City property, including schools and public  
12 housing properties. Every two years, DEP reviews all  
13 City-owned and leased properties to ensure that any  
14 properties that have entered the City's portfolio do  
15 not have lead service lines. To address lead service  
16 lines on private property, we have enacted rules to  
17 ensure that broken lines are replaced and have  
18 implemented a program to replace lines during water  
19 or sewer main work and have managed replacement  
20 programs using grant funding.

21           First, for wear and tear. In 2009, DEP  
22 clarified our rules to require a lead service line to  
23 be replaced if it is leaking or broken. In those  
24 cases, property owners are responsible for hiring a  
25 licensed master plumber to replace the whole service

2 line from the water main in the street to the meter  
3 inside the property. This type of job typically takes  
4 one day and costs between 10,000 and 15,000 dollars,  
5 depending on the property's configuration. If a  
6 property owner has warranty coverage for their  
7 service line, such as the Oncourse American Water  
8 Resources service line protection that can be paid  
9 for through their water bill, these replacements are  
10 covered expenses, and the property owner does not  
11 have to pay anything out of pocket. Approximately  
12 1,500 lead service lines are replaced every year due  
13 to wear and tear.

14 Construction-driven replacements.

15 Beginning next Fiscal Year, the Department of Design  
16 and Construction will replace lead service lines at  
17 no cost to property owners for properties that are  
18 impacted by water main or sewer work in the street.  
19 DEP has already begun the same protocol on our own  
20 in-house projects. Approximately 700 lead service  
21 lines are expected to be replaced every year as part  
22 of this program.

23 Finally, the Neighborhood Replacement  
24 Program. In 2019, DEP administered a small State-  
25 funded lead service line replacement program to

2 replace services for about 600 low-income property  
3 owners. Since then, DEP has secured 20 million  
4 dollars in federal grants and I apologize, there's a  
5 typo here, 28 million is the correct number, in zero-  
6 interest loans as part of the federal bipartisan  
7 infrastructure law to continue this work. Let me  
8 spend a moment on this last point. We have applied  
9 for about 96 million dollars to replace lead service  
10 lines in six environmental justice neighborhoods in  
11 the Bronx, Brooklyn, and Queens that demonstrated  
12 severe financial hardship, but we have been limited  
13 by New York State policy to receiving just the 48  
14 million dollars split between grants and loans that I  
15 just mentioned. This represents less than a quarter  
16 of statewide-distributed funds. If New York State  
17 disbursement rules for the bipartisan infrastructure  
18 law funding do not change, New York City anticipates  
19 receiving only another 72 million dollars in the  
20 future, bringing the City's total to 120 million,  
21 which is 50 million dollars in grants and 70 million  
22 dollars in low-interest loans. Over the five years of  
23 anticipated funding, DEP expects to replace about  
24 7,300 lead service lines with this money, and I will  
25 remind you, a low-interest loan is still just a loan.

2 It is money that has to be paid back. This is all a  
3 great help, but it is far short of the 2 billion  
4 dollars needed. We are receiving significantly lower  
5 funding per capita than other regions around the  
6 state and, while we have been in active discussions  
7 with the State to fight for our fair share, they have  
8 not changed their policies.

9           These existing programs, replacements  
10 done to wear and tear, and Neighborhood Replacement  
11 program and construction-driven replacements,  
12 together will replace about 3,500 lead service lines  
13 each year through 2028. At current pace, these three  
14 programs will take 50 years to eliminate all the lead  
15 service lines in the city. These efforts are not  
16 enough. An intentional, dedicated program is needed.

17           Based on actual bids we have received on  
18 recent lead service line replacement contracts,  
19 replacing all the estimated 150,000 lead service  
20 lines will cost around 2 billion dollars, assuming  
21 that average replacement cost of 15,000. We are still  
22 working to understand if lead service line  
23 replacement is a water rate eligible cost but, if it  
24 were, we expect that water rates would have to be  
25 increased to fund this work. Otherwise, funding will

2 need to come from the City's general fund. We must  
3 carefully weigh whether this investment should be  
4 borne by all ratepayers and taxpayers. There are many  
5 low-income homes in New York City with lead service  
6 lines. There are also many homes worth 1 million, 2  
7 million, and 3 million dollars that also have lead  
8 service lines, and the data on all of this is  
9 appended to my testimony. It is not clear that these  
10 homes should receive a free upgrade at the expense of  
11 all ratepayers or taxpayers.

12 On to Intro. 942. There is no simple path  
13 forward to replace all lead service lines in the  
14 city. Doing so will be costly, and it will take time.  
15 City Council legislation is an important tool to help  
16 us achieve our replacement goals, and Intro. 942 is a  
17 great start. In short, this bill requires property  
18 owners to replace their lead service lines within 10  
19 years of the date the law takes effect and the City  
20 to establish a financial assistance program and  
21 replace lead service lines for certain properties. I  
22 want to thank the Chair for introducing this bill and  
23 the Committee for hearing it. We look forward to  
24 working with the Council to build on these proposals.

2 I'd like to speak about a few pieces we'd  
3 like to incorporate in the legislation. First, we  
4 appreciate that the legislation creates an obligation  
5 on homeowners to replace lead service lines. This is  
6 important because we have already seen in New York  
7 and elsewhere that even when offered a free  
8 replacement, homeowners often decline because they  
9 fear it will be a hassle. We will spend money less  
10 effectively if there is no mandate on homeowners.

11 Second, we appreciate that in some  
12 circumstances, the legislation will require property  
13 owners to replace lead service lines themselves, such  
14 as upon the sale of a home. It is important to  
15 remember that by definition, any lead service line is  
16 more than 60 years old and should be replaced in any  
17 event over the next few decades.

18 Third, we agree that some public  
19 assistance for low-income homeowners is warranted,  
20 but we would like any financial assistance program  
21 included in the bill to be flexible enough that we  
22 can create a variety of programs for different  
23 populations and can adapt programs over time based on  
24 our experience.

2 Finally, we agree that a fully  
3 centralized, fully publicly funded approach is not  
4 likely either to be the best for New York City nor  
5 the most cost-effective.

6 We will have other suggestions for  
7 further refining this bill, and we look forward to  
8 working with you and Council Staff to make this  
9 legislation as effective as possible.

10 I want to again thank the Council and  
11 particularly Chair Gennaro for your partnership in  
12 this area. My colleagues and I are happy to answer  
13 any questions. Thank you.

14 CHAIRPERSON GENNARO: Thank you very much,  
15 Commissioner, for your comprehensive testimony and  
16 all of your great work, you and your colleagues on  
17 this matter to date.

18 As is my normal way of starting my  
19 questioning, I normally go through your statement and  
20 your testimony, which I made notes. I might even go  
21 back to my opening statement because my opening  
22 statement had some information that was provided to  
23 me by staff. I just thought of doing this. That's why  
24 I didn't make marks in my opening remarks, but now I  
25 think I want to do that. Okay. Here we go.



2           According to the latest New York City  
3 Drinking Water Supply and Water Quality Report, 90  
4 percent of drinking water samples had a lead  
5 concentration below 11 parts per billion, which is  
6 below the current federal action level of 15 parts  
7 per billion. However, the new federal rule, we talked  
8 about that, will reduce the action level to 10 parts  
9 per billion, and 10 percent of samples did have lead  
10 concentrations in excess of 11 part per billion of  
11 lead, and my remarks indicated that that was a lot.  
12 Did you find this information to be accurate?

13           COMMISSIONER AGGARWALA: Council Member,  
14 yes, that is from our published data. The one thing I  
15 would point out is it's important to note that is not  
16 a citywide sample. That is a sample of homes with  
17 lead services.

18           CHAIRPERSON GENNARO: Oh, I see, okay.

19           COMMISSIONER AGGARWALA: All right, so  
20 it's not at all the case that 10 percent of all homes  
21 around the city had lead levels at that level. It was  
22 10 percent of that sample.

23           CHAIRPERSON GENNARO: Right, okay. No, I  
24 certainly appreciate that context. Someone mentioned  
25 to me the other day, I'm just kind of going all over

2 the place today, that we've got the new lead and  
3 copper rule finalized later this year, why are you  
4 doing this, Jim, this is going to be promulgated and  
5 it's going to be DEP's problem, and I'll just let  
6 them do it, and I said, no, I think we should work in  
7 partnership and get it right, the Administration  
8 working with the Council to develop the funding  
9 mechanisms, to talk to advocates about how that would  
10 work, to try to create more pressure on the State to  
11 be fair, but what would happen if we just didn't do  
12 this bill? We're doing the bill.

13 COMMISSIONER AGGARWALA: Well, look, I  
14 think a couple of things that I noted in the  
15 testimony, the mandate is actually really important.  
16 I mentioned that in 2019, we did the sample, I think  
17 it was 600 homes that we were able to do with a small  
18 pot of State money, and fully one third, this was  
19 targeted at low-income homeowners with a known lead  
20 service line. Fully one third of the homeowners we  
21 offered turned it down because there was no mandate  
22 on them, and that has to come from the City Council.  
23 Because there was no mandate, they said, nah, it's  
24 too much trouble, you might tear up the flower bed, I  
25 just don't want the hassle, right, and so the most

2 important thing for us is there has to be a mandate  
3 so that homeowners see this as this is the same as  
4 fire protection, sprinklers, window guards. This is a  
5 responsibility of owning a home. This is  
6 responsibility particularly if you're renting out a  
7 home as a landlord.

8 CHAIRPERSON GENNARO: Thank you. People  
9 know me by now but, when I ask a question, a lot of  
10 times I already know the answer. I just want to put  
11 it on the record, and so thank you for that.

12 On the first page of your statement, I  
13 think two places in your statement, that service  
14 lines are privately owned. You mentioned on the first  
15 page and then you talked some, then on page three,  
16 there was case law about that, and you and your team  
17 do this every day and, even though you indicate that  
18 the lead service line is private property, even as it  
19 hooks up to the main, which is in the middle of the  
20 street, I believe once upon a time when we were under  
21 the Jamaica Water Service, I think the Jamaica Water  
22 Service, which is now like defunct, they had a  
23 situation where the Jamaica Water Service was  
24 responsible for the lead service line or all service  
25 lines from the main to the property line and then

2 from the property line to the building was the  
3 responsibility so they used to work it a little  
4 differently, and I would imagine that everyone who  
5 was in the former Jamaica Water Service, old service  
6 area, still abides, so now everyone's on the same  
7 page. It goes from, so like the entirety of the lead  
8 service line from the main to, I guess, where it  
9 enters the building, is private property so was that  
10 how that was worked out?

11 COMMISSIONER AGGARWALA: That's right. New  
12 York City, well, so as I said, it has been New York  
13 City's practice that dates back in case law to 1961.  
14 It's been reaffirmed as recently as 2005 in  
15 litigation. It's been accepted by the State  
16 Department of Health so this is just our practice.

17 CHAIRPERSON GENNARO: Okay, and so  
18 somewhere in your statement, I won't go through it,  
19 but you indicated that it was still being looked at  
20 as to whether or not the costs of replacing the  
21 service lines could come from water and sewer fees or  
22 maybe the general fund, and I'm not a lawyer, but it  
23 gets into the issue of the City putting dollars into  
24 private property. Could you just kind of expand on  
25 that a little bit?

2 COMMISSIONER AGGARWALA: Sure. The City  
3 Charter prohibits improvements to private property  
4 except for a clear public purpose, and I'm not a  
5 lawyer, I would need to get a legal counsel to say  
6 more about that, but the way I understand it and the  
7 way it functionally shapes our programming is that  
8 when we are using certain kinds of City dollars, we  
9 can only do programs that are means tested, and that  
10 included that initial state program that I talked  
11 about from 2019. It could only be used for low-income  
12 homes. It was one of its shortcomings. I actually  
13 visited one site that we were still doing right when  
14 I became Commissioner and there were four lead  
15 service lines interconnecting at the same place. We  
16 opened up the street. We could only change one of  
17 them because only one of them was low income.

18 CHAIRPERSON GENNARO: I see.

19 COMMISSIONER AGGARWALA: The federal money  
20 does not contain that limitation so we can use that  
21 federal money more freely to make investments in  
22 private properties and then, as you know very well,  
23 Chair, there are a lot of legal constraints that go  
24 back to State law that authorizes the water system  
25 and the Water Board that determine what water utility

2 funding can be paid for. We have been working with  
3 Bond Council at the Water Board and the Municipal  
4 Water Finance Authority, but we do not yet have a  
5 final determination on whether water utility money  
6 could be used for these service line replacements.

7 CHAIRPERSON GENNARO: Well, certainly, I  
8 mean I felt it was important to go forward with the  
9 bill and get things going and catalyze the  
10 conversation between the Council, the Administration,  
11 and all stakeholders about possible funding  
12 mechanisms just to put some clay on the wheel just to  
13 kind of get it going, and I see this as a  
14 collaboration between the Council and the  
15 Administration and various stakeholders to do what we  
16 need to do to fashion the best funding mechanisms for  
17 this including advocacy by many of the people in this  
18 room to the State Representatives and to the  
19 Governor, and so we're kind of all in this together,  
20 and so even though we didn't have every conceivable  
21 financial pathway, we're just not able to write it  
22 into the bill right now because it doesn't exist so,  
23 and we've talked about this, and so this is the  
24 beginning of a conversation of how we can have the  
25

2 best program financed in the best and most fair way.

3 Is that how you see this?

4 COMMISSIONER AGGARWALA: Yes, completely,  
5 and one of the things that I think this bill, the  
6 approach it outlines actually makes it possible to  
7 have a variety of funding mechanisms and programs.  
8 For example, there's no inconsistency and, in fact, I  
9 think there's a great deal of synergy between the  
10 bill having an overarching mandate on homeowners, but  
11 we will also be able to do the targeted geographic  
12 effort that I describe in here that will use the  
13 federal money where we have identified low-income  
14 neighborhoods with high concentrations of lead  
15 service lines so those we could do, go in and  
16 hopefully do the whole block. Again, we'll get much  
17 higher participation rates if the homeowners know  
18 they have a mandate to do this work, but there are  
19 other programs that we are still figuring out how we  
20 might, for example, I mentioned the company that does  
21 insurance for lead service lines. That means they  
22 have a network of master plumbers who can come  
23 replace any service line, but they can replace a lead  
24 service line very quickly. It's a very easy standard  
25 thing for a master plumber to do. That company has

2 expressed interest in providing some sort of  
3 standardized package to New Yorkers who have lead  
4 service lines. We've been approached by a different  
5 company that does insurance products that are  
6 interested in a similar offering. We don't have to  
7 provide it. It could just be something that emerges  
8 on the private market. Similarly, we're exploring a  
9 number of different mechanisms through which we might  
10 scale up work in low-income neighborhoods so we're  
11 still working on that, but I think one of the things  
12 I appreciate is by setting an armature, by creating  
13 this mandate and alerting homeowners to the fact that  
14 this is your responsibility to fix at some time,  
15 number one, it gives homeowners the ability to plan  
16 for it. If you own a 2-million-dollar home, planning  
17 for a 15,000-dollar expense with 10 years' notice is  
18 not the end of the world. That is manageable if you  
19 have a fair timeframe, and this will give us a lot of  
20 flexibility.

21 CHAIRPERSON GENNARO: We're also joined by  
22 Council Member Zhuang. Pleasure having you with us.

23 Now that the bill is on the street, now  
24 there's going to be people coming out of the  
25 woodwork, we hope, to try to, on the governmental



2 level, the private sector, various entities that want  
3 to play a role here because this is a thing, this is  
4 happening. It was already going to happen because of  
5 the federal mandate, but now it just creates more  
6 imperative to move forward.

7 Let me finish with your statement then I  
8 have some questions, and it is normally, just to my  
9 Colleagues on the Council, it is normally my way to  
10 ask very few questions up front and to have Council  
11 Members jump in with their questions. I've done that  
12 every hearing. This is not one of those days, and so  
13 I apologize for that, but there's a couple of things  
14 that I want to just nail down, and I thank my  
15 Colleagues for their indulgence.

16 Yeah, I'll just put in a plug on page  
17 four of your testimony for the home test kits. When  
18 we were raising our daughter, we tested the water  
19 every year. House is now 99 years old. We have a lead  
20 service line, and we've never had any detectable  
21 levels of lead, but the only reason I know that is  
22 through these home test kits so a little plug for  
23 people to use those and to do the standard things, to  
24 run your water in the morning, to take the stagnant  
25

2 water that's been sitting against the pipes all  
3 night.

4 I read with interest your quotation from  
5 the City Health Department. You know, we always want  
6 to affirm the overall safety of the water supply, and  
7 no less of an authority than the Department of Mental  
8 Health made that declaration that they've never  
9 detected a case of elevated lead level that was  
10 caused by drinking water in New York City. Some may  
11 dispute that or whatever, and that does not mean that  
12 this is not going to happen or there's just no way to  
13 get out of this, and this is a good thing, but I just  
14 want to reaffirm people that the water is safe to  
15 drink, lest they go run out and buy bottled water,  
16 which has less than no lead in it, you know?

17 Item three on page four of your  
18 statement, what is New York City already doing about  
19 lead service lines. To address lead service lines on  
20 private property, we have enacted rules to ensure  
21 that broken lines are replaced, have implemented  
22 programs to replace lines during water and sewer  
23 work, and have managed replacement programs using  
24 grant funding, and so could you expand a little bit  
25

2 more on the grant funding that's used to do that? You  
3 probably already discussed it, but...

4 COMMISSIONER AGGARWALA: As I mentioned,  
5 there were two sources of money. There was a small  
6 pot of money...

7 CHAIRPERSON GENNARO: Oh, those two pots  
8 that you talked about.

9 COMMISSIONER AGGARWALA: From the State in  
10 2019, and now the 20 million in grants and 28 million  
11 in loans that we have.

12 CHAIRPERSON GENNARO: So that is that. The  
13 next page, page five, is all about how we don't get  
14 our fair share, and that is, many people believe that  
15 there's has to be a way to do this with no cost to  
16 homeowners, this should just happen. Cities should  
17 just raise water rates, general funds should play a  
18 role, federal government, state government, city  
19 government, whatever, and that we can, you covered  
20 this a little bit, but just kind of go over again how  
21 that is going to be difficult in the extreme, if not  
22 impossible, and has other drawbacks to it.

23 COMMISSIONER AGGARWALA: Well, look, I  
24 think there are a couple of considerations here. The  
25 first is that as the data in the back of my testimony

2 demonstrates that lead service lines are pretty  
3 equally distributed across the housing stock, and so  
4 there are very expensive homes that have lead service  
5 lines, there are much lower value homes that have  
6 lead service lines, and so I think one question is  
7 whether it makes sense to do a program that winds up  
8 replacing lead service lines for free in a 3-million-  
9 dollar townhome or something like that where it's a  
10 reasonable burden on a homeowner. I think there's a  
11 similar analogy to be made. There are lots of  
12 requirements that we impose on homeowners and  
13 landlords for safety, whether it's fire alarms or  
14 window guards or things like that. We don't go in and  
15 have the City install window guards. We require the  
16 landowner or the landlord or the homeowner to do  
17 those things, and I think the final thing is the  
18 reality that the complexity of a service line  
19 replacement is not in the difficulty of doing the job  
20 or the paperwork. That's quite standard. Where  
21 complexity enters is where a homeowner has a patio  
22 that they really love or the garden with the heritage  
23 rosebush that happens to sit right over the service  
24 line or whatever, and what we find is that in a  
25 centralized way, if you are trying to do the whole

2 street at once with a centralized City contract, you  
3 really run afoul of people who want it done their own  
4 way, so I think some homeowners would probably much  
5 rather have their own contractor do it, probably at a  
6 lower price than the City could engage due to the  
7 City's contracting rules, and therefore that's why  
8 while to make use of the BIL money, we're going to  
9 follow those rules and maximize the amount of money  
10 that we are allowed access to, and we're going to do  
11 that centralized approach in neighborhoods where it  
12 makes sense, but we don't necessarily believe that  
13 one size fits all, and that's not necessarily the  
14 answer for the whole city.

15 CHAIRPERSON GENNARO: Thank you. On page  
16 six, your testimony indicates the 2 billion dollars  
17 that is needed. I will mention that this has nothing  
18 to do with you, it has to do with the Administration,  
19 and this is a crusade I've been on for a long time.  
20 The Adams' Administration, you're not going to want  
21 to touch this with a 10-foot pole, so this is just  
22 from me. You guys can cover your ears. This year, the  
23 Adams' Administration is diverting 440 million  
24 dollars in water and sewer funds through an arcane  
25 mechanism known as the water rental payment, whereby

2 the Mayor asks for, it's a complex formula, but the  
3 Mayor is legally entitled to ask for rental payment,  
4 which was abandoned by the de Blasio Administration  
5 as he saw it as righting a wrong. It certainly was  
6 wrong. Those of you who, you're fortunate if you  
7 don't know the history of the rental payments, so I  
8 don't want to drag you into the saga, but once upon a  
9 time, the rental payment was a meaningful thing. It  
10 paid off pre-1985 debt for when the Water Board and  
11 the Water Finance Authority was created in 1985, that  
12 was a pile of pre-existing DEP, general obligation  
13 capital debt, and they were created, and so going  
14 forward, that was going to be self-financing that  
15 way. The debt that was already on the table was going  
16 to be paid down over the years through this rental  
17 payment concept, which was created, and that rental  
18 payment was equal to exactly the debt service on that  
19 pre-1985 DEP debt, and that was all good, and it  
20 worked just fine, but when the State did that law,  
21 they built a Trojan horse into it such that the  
22 rental payment went from being the debt service in  
23 the pre-1985 debt to 15 percent of the Water Finance  
24 Authority debt going forward, and so, long story,  
25 which I've already made long, but shortening it is

2 that now the rental payment does not go to water and  
3 sewer. It doesn't pay off any DEP-related debt. It  
4 doesn't go to DEP or water sewer at all, and hasn't  
5 been used since like 2016 and 2017, and Mayor Adams  
6 in his first budget didn't ask for rental payment.  
7 Second budget didn't ask for rental payment, but now  
8 in this year, making up the 2025 budget, he's  
9 reaching back into FY24, which we're in right now,  
10 150 or so million dollars there, and almost 300, and  
11 it comes out to 440 million between like the reach  
12 back and the reach forward into the next Fiscal Year,  
13 so it's sort of 440 million dollars. That would be 11  
14 points on the rate if the Water Board and the Water  
15 Finance Authority were paying this correctly, but now  
16 they're only, it's a mess, and then going forward,  
17 the Mayor's declared in the Executive Budget that  
18 he's going to be doing full rental payments as far as  
19 the eye can see, and that could mean 8, 9, 10 points  
20 on the rate just to finance the diversion of water  
21 and sewer money. People pay their water and sewer  
22 bill, and the Mayor takes a whole chunk of change and  
23 puts it into the general fund. 1.4 billion dollars  
24 over the next four years. 1.4 billion. It costs two  
25 to do this, and why do they do it? I worked at OMB in

2 the Capital Division in 1985 when this whole thing  
3 was created. We needed a new financing mechanism for  
4 funding DEP projects, and what was put in place, the  
5 Water Board and Water Finance Authority was a good  
6 one. The rental payment was a good thing, but  
7 sometimes good things go bad and are used for the  
8 wrong things, so I mean DEP wants to build out the  
9 water and sewer infrastructure for the very severe  
10 storms. We want to pay for stuff like this, but the  
11 Adams' Administration is taking 440 million dollars  
12 in water and sewer in this coming Fiscal Year, and  
13 putting that, and is going to spend that money, and  
14 they're not even, they're borrowing from future years  
15 to do it, because if they paid for it, pay as you go,  
16 it would be 11 points on the rate. It's not. It's  
17 like they're adding like three and a half points on  
18 the rate. That's not Rit's problem. I mean, he didn't  
19 do this. He's the regulated entity, but the Water  
20 Board is regulated, and they're obligated to do this  
21 by State law, and because I yelled and screamed at  
22 them, I'm good at that, so the Water Board has passed  
23 unanimously a Resolution that the Mayor doing this  
24 going forward makes him a meanie, and so, I don't  
25 think they call him a meanie, but it was the way the



2 Water Board would say it, but you get the idea, and  
3 so when we're talking about money to pay for stuff  
4 like this, this is what happens when budget directors  
5 see free money sitting on the table that we could ask  
6 for that no one has asked for in years, but like,  
7 let's just ask for it just because we can, and no  
8 one's really going to understand, and so this is like  
9 a crusade of mine, and so back to our regularly  
10 scheduled programming. We indicated that you're still  
11 working to understand if the lead service line  
12 replacement is a water-eligible rate, this is complex  
13 analysis, I certainly appreciate you and your folks  
14 doing that. We're now through my opening statement,  
15 and Rit's statement, now here are my actual questions  
16 and, in hearings going forward, I like to get to my  
17 Colleagues, you know Bob, I'm good about this, but  
18 just, today is just like one of these days. I have a  
19 few more questions, and then you can have Rit and his  
20 team, all you want.

21 Okay. Let me try to cut down, I think  
22 I've asked some of these already. Yeah, we did that.  
23 I already did that. Did that. So far, so good. Yeah,  
24 we sort of did that. I'm trying to conserve time. We  
25

2 talked about that in your statement, you answered  
3 that, and we talked about that. That wasn't so bad.

4 On my prepared questions, it looks like I  
5 asked all of them already. I surprise myself  
6 sometimes, you know, so thank you for your good  
7 testimony and your good answers.

8 We have Council Members that want to ask  
9 questions. It is my pleasure to recognize my good  
10 friend, Council Member Holden.

11 COUNCIL MEMBER HOLDEN: Thank you, Chair.  
12 Thank you, Commissioner, for your testimony. This has  
13 been a big problem in most Council Districts since  
14 you got the federal mandate. Can you expand on the  
15 federal mandate? What's the timetable? Did it give us  
16 any timetable to do this?

17 COMMISSIONER AGGARWALA: Well, the federal  
18 government is still finalizing the rules so we're  
19 acting based on the proposed improvement to the lead  
20 and copper rule, but the general guidance from the  
21 federal government is that there needs to be a 10-  
22 year plan. There is in what the EPA has proposed a  
23 longer timeframe that would apply for New York City  
24 and other cities with large numbers but, again, I  
25 think what we are trying to do is come up with an

2 approach that is responsible but accelerated, so we  
3 endorse the idea that is reflected in the Intro. of  
4 looking at 10 years. It may take us a year or two to  
5 get this program underway so...

6 COUNCIL MEMBER HOLDEN: So DEP is taking  
7 an aggressive approach to this. It's actually, you  
8 could back off a little bit since they haven't  
9 finalized the mandate. So here's the problem that  
10 we're seeing, especially seniors. Now, I understand  
11 that people, but, again, what we're getting from DEP  
12 is a little heavy handed, I think. Because they're  
13 coming in and they're saying, your water meter needs  
14 to be replaced and they come and show up to the  
15 owner's home, and many times in my neighborhood,  
16 they're seniors and, yes, they might have equity in  
17 the home if they're the owners, obviously, but it  
18 triggers off a whole bunch of bureaucratic snafus  
19 here. Let me explain. DEP comes in and says, we're  
20 not going to install a water meter on your lead line,  
21 and most of the homes in my District are way over 60,  
22 70 years. My own home is over 100 so...

23 CHAIRPERSON GENNARO: Bob, if I could just  
24 jump in for a second. I have to touch base in the  
25 Health Committee upstairs. If you could act as Chair

2 until I return in a couple of minutes. I appreciate  
3 that.

4 COUNCIL MEMBER HOLDEN: Oh, I get as much  
5 time as I want now? Okay, thank you. This is heaven.  
6 Well, yeah, I'll certainly do that.

7 So DEP then refuses to put the water  
8 meter in. They say you have to do it if it's a lead  
9 line, because we're not going to touch it, and then  
10 we called DEP, said, well, yeah, we don't touch lead  
11 lines because our people are not trained to deal with  
12 the lead line. They're plumbers, but they can't deal  
13 with a lead line, which is strange, but they're  
14 probably told that they can't touch the lead line. So  
15 why not, if I could hire my own plumber to replace  
16 that lead line, at least for now, and then when all  
17 these new programs come in, possibly in two or three  
18 years, maybe they'll get some help in paying for the  
19 full lead line replacement, let's say. So that's what  
20 I'm hearing. That's possible, right? That we're  
21 looking at maybe financing this down the road, but we  
22 haven't yet so why would I want to replace it, and  
23 it's going to cost many times, like you said, 10,000  
24 to 15,000 dollars to replace this so they'd probably  
25 have to get a loan, a home equity loan so now you're,

2 you see what's going on just to replace a water  
3 meter. Let's say in my own home, let's say I had a  
4 lead line. I don't even know if I do. I'm going to  
5 check when I get home but if, and I probably do, but  
6 if there's a space where I could put just the copper  
7 line, let's say, just around the water meter, why  
8 couldn't I do that and get DEP to install the meter?

9 COMMISSIONER AGGARWALA: Council Member,  
10 there has been a practice elsewhere in the country,  
11 something we have not done, of partial replacements,  
12 and I think across the industry, there is a  
13 recognition that that is just a bad idea. The rule is  
14 less about we're not trained to touch lead, but the  
15 problem is, as I mentioned, our first line of defense  
16 against lead leaching into the water is this lining,  
17 right, that the orthophosphates create. If you  
18 disturb the line, you can disturb that coating,  
19 right, which is why we have this, and it's why we  
20 consider it an appropriate thing to embrace now that  
21 when, if DDC or DEP are changing the water mains,  
22 which inevitably means you touch that service line,  
23 if it's lead, we're going to replace the whole thing  
24 at our cost because we've caused a disturbance that  
25 might take a situation where, as Council Member

2 Gennaro was saying in his own home, he's had a lead  
3 service line. He's done the testing. He's been in  
4 that 90 percent of homes that has had no detectable  
5 or very low levels of lead despite having a lead  
6 service line because the orthophosphates are working  
7 and protecting his family from leaching lead but, if  
8 you disturb it, which could be right at the point  
9 where the service line connects the meter, you can  
10 undo all that work. That's why we have that new rule.  
11 Not new, actually, that rule dating back to 2009.

12 COUNCIL MEMBER HOLDEN: Now, so let's say  
13 the homeowner installs their own, or they hire a  
14 plumber to install the water meter. Is there a full  
15 100 percent reimbursement on just the water meter  
16 installation from DEP?

17 COMMISSIONER AGGARWALA: I would have to  
18 get back to you on that.

19 COUNCIL MEMBER HOLDEN: Well, that's  
20 important because if you can get back to me, because  
21 I have a lot of homeowners who are stuck between a  
22 rock and a hard place. I recommend, because I did  
23 speak to Mario in DEP, and he said, same thing you're  
24 saying, that it's their home and they should make the  
25 improvements. They own it, but we're talking now,

2 we're not talking just window guards or smoke alarm.  
3 We're talking about major investment now that will  
4 disrupt everyone so, especially when down the road,  
5 there might be programs, but you mentioned that  
6 there's low-income neighborhoods so I would assume  
7 mine's not included in that, but what about people  
8 who are low-income within my middle-class  
9 neighborhood and, again, like I said, mostly seniors.  
10 Is there a program for that?

11 COMMISSIONER AGGARWALA: There is not at  
12 the moment but, as I said, it's something we've  
13 certainly been working on over the last year or so,  
14 and it's exactly what this bill would require us to  
15 do. As I mentioned, I think we'd like a little more  
16 flexibility to do our work and I'm happy to come back  
17 to the Council with what we would recommend in terms  
18 of a program for that but, again, it is important.  
19 What we are about to embark on, which I hope will  
20 start up before the end of this year, is a highly  
21 targeted program that is driven by the requirements  
22 set by the federal government and by the state to use  
23 this bipartisan infrastructure law money, and so we  
24 have been aggressively, as you know, across the  
25 board, we have been trying to grab every federal

2 dollar we can on any topic, and so we have tailored a  
3 couple of projects so we can get our full allowance  
4 of that money. That requires a targeted program and  
5 there's a map in my testimony of where we got funded.  
6 The first year we got two neighborhoods in the Bronx,  
7 and this year we got one neighborhood in the Bronx  
8 and one neighborhood in Northern Queens, looks to be  
9 Flushing, and those were done really tightly on  
10 census tracts that had low income and high  
11 concentrations of lead service lines so we do not, I  
12 guess to get back to your question, we do not have a  
13 program for a low-income homeowner in a middle-income  
14 neighborhood.

15 COUNCIL MEMBER HOLDEN: Right, so you see  
16 why they're resisting, at least in my office. We're  
17 trying to come up with answers but we get nowhere  
18 many times.

19 COMMISSIONER AGGARWALA: Look, as I said..

20 COUNCIL MEMBER HOLDEN: But here's the  
21 problem, Commissioner. Now DEP is threatening to fine  
22 the homeowners for not replacing their meter. That  
23 they feel it's too old but, you see, we had that  
24 thrust upon us 35 years ago when the water meters  
25 were installed. We didn't choose to do that. The City



2 decided and they came in and they installed one on my  
3 lead line, I guess, right, and that was okay then,  
4 not anymore so, when rules change and then people get  
5 hit with 10, 15,000 dollars and many are just living  
6 on social security, now they have to get loans, and  
7 that's why I think if we tell them just wait a while,  
8 but then they get fined, which I think DEP is putting  
9 a little too much pressure. They should give them  
10 some leeway because give them a time period, maybe a  
11 couple of years, all right, in a couple of years  
12 you're going to have to do this.

13 Here's another thing I think we could  
14 try, and I just want to bounce this off you. If we  
15 say, let's say somebody's selling an older home and  
16 it has a lead line, why not require, I mean, that  
17 would have to be a law from the City Council, but  
18 what would you feel about a law that required the  
19 person selling the home to replace the lead line?

20 COMMISSIONER AGGARWALA: I believe that's  
21 in the Intro. being heard today, and we fully endorse  
22 that idea.

23 COUNCIL MEMBER HOLDEN: Yeah, because that  
24 would make sense. That would actually take the  
25 pressure off the person. When they sell a home, I

2 assume they're making a profit. I mean, you have to  
3 assume they're making a profit and that could be then  
4 fixed and you're not talking about huge money at  
5 least in that regard.

6 COMMISSIONER AGGARWALA: Right, but  
7 Council Member, if I may, I think there's a  
8 conflation of two things and more than happy to work  
9 with you on this. One is when something triggers work  
10 on the meter, right, because the meter is old or  
11 malfunctioning. I hear what you're saying, and we  
12 will look into that. That is different from replacing  
13 a lead service line as part of an overarching program  
14 or because there is an actual finding that there's  
15 lead in the water in that home.

16 COUNCIL MEMBER HOLDEN: Right, but see, I  
17 have a few filters on my line, anticipating that it's  
18 a lead line and that lead is getting through so the  
19 effectiveness of filters seems to be pretty good,  
20 right, I mean, in reducing the lead so that's why I  
21 don't think it's that urgent for some homeowners when  
22 they put the filters in, everything is working fine.  
23 They don't have any leaks. I mean, I have the  
24 American Water Insurance and it would be an  
25 additional cost if I, because even I've gotten some

2 advice and I don't want to say who it's from in DEP,  
3 wait till it breaks before you, because then you're  
4 covered, right, and that's what homeowners are  
5 understanding that maybe they should wait. But  
6 anyway, back to you, Chair. I think since you're  
7 back, I know you had a bunch of other questions.

8 CHAIRPERSON GENNARO: Bob, thank you for..

9 COUNCIL MEMBER HOLDEN: No, I like the  
10 extra time. I'll do this any time.

11 CHAIRPERSON GENNARO: No, no, it's great  
12 to have you.

13 We're also joined by Council Members  
14 Marmorato and Restler. Very pleased to have them here  
15 today.

16 The next Council Member signed up for  
17 questions, I recognize Council Member Zhuang and, if  
18 the other Council Members want to sign up, just let  
19 the Committee Counsel know, but you are recognized,  
20 Council Member Zhuang, for questions.

21 COUNCIL MEMBER ZHUANG: Thank you, thank  
22 you, Chair, and I also thank Commissioner for the  
23 testimony. I have some concerns similar to my  
24 Colleague, Council Member Holden's. My District has  
25 probably majority homeowners, and a lot of them even

2 doesn't know they are lead in the water and, also,  
3 for me, I'm a mother of two young kids. I understand  
4 it's very important to test the water. If I did not  
5 see that bill, I probably even never thought about  
6 it. It's a good idea, but how do we implement? Also  
7 in my District, a lot of people, they own the  
8 property, but they're senior. They don't have the  
9 money and also the resources or anyone to help them  
10 to do that. Is DEP have the support system there?  
11 Also, as you said before, in the low-income area, you  
12 guys have support. How about middle-income working  
13 families?

14 COMMISSIONER AGGARWALA: Council Member,  
15 thank you. As I said, we have been working on a set  
16 of concepts for what an effective but responsible  
17 financial assistance program might look like. As you  
18 see here, the numbers are quite large, right, and so  
19 to put it in perspective, if we were to fund a 10-  
20 year replacement, 2 billion dollars, if it were  
21 eligible for the water rate, we would have to  
22 increase the water rate by another 5 percent, right,  
23 across the entire city. That impacts a lot of  
24 working-class homeowners and a lot of people who live  
25 in rental apartment buildings who would get no

2 benefit from it so I think one of the things we are  
3 trying to balance is how much do you place this  
4 burden on everyone across the city, knowing that you  
5 will also be impacting a lot of low-income people, or  
6 do you concentrate the benefit on those who own the  
7 properties? Again, we don't have more programs in  
8 place right now than I have outlined in the  
9 testimony, where a line breaks, where we're doing a  
10 replacement in the street, or the state and federal  
11 funded programs, but we are working on a set of  
12 concepts. Intro. 942 includes one approach. Again, we  
13 would love to have a bit more flexibility so that we  
14 can tailor perhaps a package of support that might  
15 include some loans, might include grants, might  
16 include some direct replacements and, again, part of  
17 the reason we want to do that is to be able to  
18 maximize our eligibility for any future state and  
19 federal funding that might be available so I  
20 recognize that we don't have an answer for you right  
21 now. That's exactly what this bill is in part trying  
22 to address, and we have been working very much to get  
23 there as well.

24 COUNCIL MEMBER ZHUANG: Okay, and also, do  
25 we have the other ultimate methods? Maybe you have a

2 filter. A lot of family, I know my in-laws' house,  
3 they have a filter under the sink to filter all the  
4 drinking water. Is that able to reduce that issue?

5 Because if it's a shower water, no one cares.

6 Bathroom water, no one cares. Only the drinking  
7 water, is that correct?

8 COMMISSIONER AGGARWALA: Yes, generally  
9 speaking, yes. I mean, lead in water has to be  
10 ingested to have a real problem from it, but I guess,  
11 as I said in my testimony, the drinking water testing  
12 kits are available to any New Yorker. You call 3-1-1,  
13 it'll arrive in the mail. It's really quite  
14 straightforward to do the test. If lead is found in  
15 your water, then we will be following up with  
16 specific advice around filters and things like that.  
17 It is not clear to me, I don't have a filter at home,  
18 it is not clear to me that New York City's drinking  
19 water needs to be filtered as a general rule, only if  
20 a particular building, for some reason, either  
21 because of its service line or because of its  
22 plumbing, has a problem, does filtration make sense.

23 COUNCIL MEMBER ZHUANG: But if we do the  
24 filter at home, will that be cheaper?

2 COMMISSIONER AGGARWALA: It is possible,  
3 however, filters do need maintenance and  
4 replacements, so over the long-time frame that a  
5 service line can stay in place, I don't know the  
6 cost-benefit analysis, maybe you do offhand, Paul or  
7 Janet, but I would imagine that that is suboptimal as  
8 a permanent fix.

9 COUNCIL MEMBER ZHUANG: And also, you said  
10 that every house can do whatever they want. Like,  
11 say, if I live in the streets, my neighbor did  
12 yesterday, one month later, the other side of  
13 neighbor going to change the pipe so every day, my  
14 street will have someone dig it there. Will that be  
15 the case?

16 COMMISSIONER AGGARWALA: It could be and,  
17 again, one of the things that we are looking into is  
18 whether there are opt-in kind of geographically  
19 concentrated programs so you get some of that done.  
20 It was something that Council Member Gennaro and I  
21 worked together on the Clean Heat Program years ago,  
22 where we did opt-in neighborhood-level planning to  
23 convert buildings off of dirty heating oil, right,  
24 and so that was coordinated geographically, but it  
25 didn't rely on a City grant program or City

2 contractors to do the work, so there are a number of  
3 different models that we can explore. Again, I  
4 believe the answer we will find is that there is not  
5 a one-size-fits-all solution that really optimizes  
6 for New York City, but I totally recognize the  
7 disruption that you point out. I will say, though,  
8 over the course of a 10-year phase-in, it's unlikely  
9 that it would be one day to the next so that might be  
10 an extreme case, what you've just posited, but it is  
11 plausible.

12 COUNCIL MEMBER ZHUANG: Okay, thank you.

13 COMMISSIONER AGGARWALA: Thank you.

14 CHAIRPERSON GENNARO: Thank you, Council  
15 Member.

16 I happily recognize Council Member  
17 Marmorato for questions followed by Council Member  
18 Restler.

19 COUNCIL MEMBER MARMORATO: Thank you,  
20 Chair. Hi, how are you today? Thank you, and I  
21 apologize for coming late. I was in another Committee  
22 so, if I have some repetitive questions, just bear  
23 with me. How do you know if you have a lead line?

24 COMMISSIONER AGGARWALA: We have a  
25 website. You can go to the DEP homepage and you can



2 get to the website, and you can enter your address  
3 and it will tell you. DEP identifies this in a couple  
4 of ways. First of all, we know many buildings, in  
5 fact, probably most buildings in New York City were  
6 never even eligible for a lead service line because  
7 even when lead was widely used, it was really only  
8 used for one- to four-family homes, not for an  
9 apartment building, so if you live in an apartment  
10 building, there's basically no chance you have a lead  
11 service line. We then look at the TAP cards. So DEP  
12 has a record of every connection to the New York City  
13 water system so Council Member Gennaro's house,  
14 Council Member Holden's house, I don't know if you  
15 live in a single family home or not, we will have a  
16 TAP card that records everything that's been done  
17 relevant to connecting that address to the water  
18 main, which includes when the service line was put  
19 in, whether or when it was replaced and, in most  
20 cases, what the material was, right, and so we can  
21 determine if we know, for example, that the service  
22 line was replaced with galvanized steel in 1980, we  
23 know it's definitely not lead because we've got a  
24 record. We may see a home, and this is where we have  
25 the 130,000, that either it says it was lead or it

2 was a one- to four-family home where the last change  
3 to the lead service line was before 1961. We assume  
4 that is lead, and then there is this bucket of  
5 unknowns where we have 200,000, where the records are  
6 incomplete or, for whatever reason, we can't be sure.  
7 We have now over the last several years sampled  
8 30,000 of what had been 230,000 unknowns. Of the  
9 sample, 10 percent turned out to be lead, which is  
10 why we are using the estimate that of the 200,000,  
11 20,000 are. Again, you can go to a website, you can  
12 look it up for yourself and, if you do have a lead  
13 service line, then we would encourage you to call 3-  
14 1-1 and get one of these testing kits.

15 COUNCIL MEMBER MARMORATO: Okay, so you do  
16 provide testing kits?

17 COMMISSIONER AGGARWALA: Yes, we have, I'm  
18 sorry, yeah, but it's important. The lead testing kit  
19 will not necessarily tell you if you have a lead  
20 service line. It will tell you whether there is lead  
21 in the water. If you have lead in the water...

22 COUNCIL MEMBER MARMORATO: I was going to  
23 panic once I went home and checked if I had it and if  
24 I had it, you know.

2 COMMISSIONER AGGARWALA: I would still  
3 wait because, as we were talking about a moment ago  
4 and Council Member Gennaro volunteered his own  
5 history, even a home with a lead service line because  
6 of the orthophosphates that we put into the water,  
7 there is a reasonable chance that you are quite well  
8 protected, right, which is why 90 percent of the  
9 homes that we test, virtually all of which have lead  
10 service lines, do not have elevated levels of lead,  
11 right, because that barrier is doing a good job.

12 COUNCIL MEMBER MARMORATO: Okay. Now, I  
13 know you had mentioned neighborhoods in the Bronx. It  
14 doesn't look like any of those were mine, right,  
15 because I see on this diagram that we have the  
16 portion of what could possibly be my District because  
17 I don't have my glasses with me. It looks like a  
18 zero.

19 COMMISSIONER AGGARWALA: Yes, the zero  
20 that's there is because that was one of the  
21 neighborhoods that was cut by the State's arbitrary  
22 cap so the way to interpret this map on page five in  
23 the, I think that's green, we had put forward in  
24 2022, those were our 2022 applications, six  
25 neighborhoods, one in Queens, five in the Bronx. We

2 actually scored, under the State's published scoring,  
3 all of our proposals scored at the high end of the  
4 proposals they received so, had they stuck by their  
5 standards, we would have gotten all of those  
6 neighborhoods funded either through grants or loans.  
7 We had requested a 50-50 split because the pot of  
8 money is half grants, half loans. Frankly, realizing  
9 how well New York City scored, they then decided they  
10 were going to impose a rule that no municipality  
11 could get more than 25 percent of the money and so,  
12 yes, it does look like part of your District lost out  
13 because of the State's rule that is precisely, as a  
14 general practice, the Administration doesn't weigh in  
15 on resolutions, but I will say, I have been saying  
16 the same thing as expressed in this resolution for  
17 quite a while. Thank you.

18 COUNCIL MEMBER MARMORATO: Thank you.

19 CHAIRPERSON GENNARO: Thank you, Council  
20 Member.

21 As we discussed earlier in the hearing, I  
22 mean, the whole idea is to put some clay on the  
23 wheel, work out various funding mechanisms. There's  
24 analysis going on in DEP, but I didn't want to wait,  
25 we need to go forward, we need to do this, and then

2 we will work collaboratively to develop the best  
3 financing mechanisms that are legal, fair, fundable.  
4 This is a huge undertaking, and we need all-hands-on-  
5 deck to make sure it's financed properly, and I thank  
6 Rit and his team and everyone here who will yell at  
7 the State to be more fair to the City. Thank you very  
8 much for that.

9 Now, it's my pleasure to recognize  
10 Council Member Restler for questions.

11 COUNCIL MEMBER RESTLER: Thank you very  
12 much, Chair. I cannot say enough that I think we are  
13 very fortunate to have you leading this Committee,  
14 and we don't agree 100 percent of the time, close,  
15 but not 100, but I think you've done just a  
16 phenomenal job leading this Committee. I've learned a  
17 lot from you, and I really appreciate it. And I want  
18 to wish our Commissioner a very happy birthday so,  
19 oh, we got one round of applause. There you go. Where  
20 was the DEP staff? Come on.

21 I know that this is a controversial  
22 hearing, and that there are a lot of feelings on  
23 different sides of this issue, and so I really just  
24 appreciate the opportunity to have the conversation,  
25 to learn, and to dig in a little bit and, like

2 Council Member Marmorato, I unfortunately have been  
3 in three hearings this morning so I will be carefully  
4 reading the transcript afterward, but I did want to  
5 ask a few questions. Firstly, setting aside the issue  
6 of ownership, of whether this should be the City's  
7 responsibility or private homeowner's responsibility,  
8 wouldn't it be in the interest of the City for lead  
9 pipelines to be replaced in an organized fashion by  
10 reputable contractors that we're confident are going  
11 to do this work correctly, diligently, appropriately,  
12 rather than ad hoc efforts that an individual  
13 homeowner might undertake? Do you worry about quality  
14 control if the City were not responsible?

15 COMMISSIONER AGGARWALA: I will say,  
16 Council Member, I don't really worry about quality  
17 control. The entire way we regulate all of our  
18 buildings relies on licensed contractors and experts  
19 to do their job, to submit their paperwork, etc.  
20 Replacing a service line is not a particularly  
21 complex thing. I couldn't do it, I'm not a plumber,  
22 but it is not a particularly intricate task and,  
23 frankly, since a lead service line is not really even  
24 available, it's not like somebody's going to replace  
25 it with a lead service line and falsify the

2 documents. That would, of course, be a career-ending  
3 and potentially criminal thing for somebody to do so  
4 I think the general and, as I mentioned, we already  
5 have, whether it's through the insurance product that  
6 is our partner Oncourse or through others, there are  
7 1,500 lead service lines being replaced by  
8 independent contractors every year so I'm not  
9 convinced that you have to have a central contract in  
10 order to maintain quality.

11 COUNCIL MEMBER RESTLER: One of the  
12 concerns that we've heard from advocates is that this  
13 policy or this legislation could actually have a  
14 negative impact on our ability to secure state and  
15 federal funds. By shrinking the City's  
16 responsibility, we would be eligible for less federal  
17 support to actually address this issue. Do you think  
18 that's an accurate critique, inaccurate critique?

19 COMMISSIONER AGGARWALA: I cannot help but  
20 think it's a completely inaccurate critique. I see no  
21 evidence that we would be precluded by anything  
22 that's in this law from developing programs that  
23 would make use, and it's one of the things I  
24 appreciate about the Intro., that by providing kind  
25 of a general requirement..

2 CHAIRPERSON GENNARO: Rit, I'm sorry, I  
3 just kind of like missed that. I was having a  
4 conversation with staff, and could I just have the  
5 set up to what you're replying to now?

6 COUNCIL MEMBER RESTLER: I asked, could  
7 there be a potential negative impact on our  
8 eligibility for state or especially federal funding  
9 by shrinking our liability and making this the  
10 responsibility of homeowners? Are there federal funds  
11 that we might lose out on as a result? And  
12 Commissioner was saying...

13 CHAIRPERSON GENNARO: No, no, no. I just  
14 wanted to catch up.

15 COMMISSIONER AGGARWALA: And my answer to  
16 that question is I certainly see no evidence that  
17 that's the case so I think it's inaccurate to say  
18 that. I think one of the things that Intro. 942 does  
19 is it sets kind of a backstop, it sets a general  
20 requirement, but it doesn't preclude us from doing  
21 other programs and, as I said, you know, both the  
22 2019 means-tested but non-geographically specific  
23 program that was funded by the state and the  
24 geographically concentrated central program that is  
25 funded by the bipartisan infrastructure law, I see no



2 reason that either of those is incompatible in a  
3 world in which Intro. 942 has become law so we would  
4 still be able to put forward and we certainly would  
5 be putting forward programs to grab as much federal  
6 money as we possibly can but, as I also said earlier,  
7 one of the things we currently lack is that  
8 fundamental mandate that makes it the homeowner's  
9 responsibility. That encourages people to take  
10 advantage of programs because what we have seen is we  
11 go to people, particularly in that 2019 pilot we did,  
12 we say, hey, we'll give you a free service line and  
13 somebody says, well, I'm not home that week, I really  
14 don't want the hassle, I just put in a new azalea  
15 bed, no, please don't disturb the stuff in front of,  
16 and they don't do it, right, and so they pass up on  
17 our ability to do something for them so that's one of  
18 the healthy things that 942 would do.

19 COUNCIL MEMBER RESTLER: That's  
20 interesting. Is that okay? Just another question or  
21 two. One, I'll do one.

22 We got a full house here. Forgive me if I  
23 miss this in others' questioning, but have you been  
24 able to evaluate an average cost for a one- to four-  
25 family home for replacing lead service lines?

2 COMMISSIONER AGGARWALA: Yeah, the number  
3 that we use for a central program is probably 15,000  
4 dollars. It ranges from 10 to 15, if a homeowner does  
5 it on their own and, again, there are some economies  
6 of scale. Certainly, the City contractor, we learned  
7 a lot in 2019 that there are economies of scale if  
8 you do an entire street at once. However, that is  
9 counterbalanced by the fact that City contracting is  
10 always at a premium, whereas the private contractors  
11 that homeowners can get on their own will almost  
12 always be cheaper than a City contract.

13 COUNCIL MEMBER RESTLER: If the City were  
14 to develop a program where we paid for low- and  
15 moderate-income homeowners and covered those costs  
16 explicitly and shifted liability to homeowners of  
17 greater means, we'd still be ultimately reducing the  
18 total cost to taxpayers to address this issue if  
19 something along those lines were developed.

20 COMMISSIONER AGGARWALA: Yes, well, and  
21 that is the kind of package or portfolio that I think  
22 is contemplated in Intro. 942. I said in my  
23 testimony, we'd probably seek a bit more flexibility  
24 so that we could develop a program and, again, I'm  
25 sure there's a way to do that in partnership or with

2 appropriate oversight, but I think there's an  
3 opportunity for a portfolio approach here, right?  
4 There are some neighborhoods where there are very  
5 high concentrations of both poverty and lead service  
6 lines. That probably lends itself to that kind of  
7 centralized approach. There are other neighborhoods  
8 where they're much more diffuse, right? You might  
9 only have a couple of lead service lines on the  
10 block. The centralized approach may not be the most  
11 cost effective and then, as Council Member Holden was  
12 pointing out, you're going to have some neighborhoods  
13 where it could be a medium-income or a high-income  
14 neighborhood and you've got a couple of people on the  
15 block who are in fact low-income, right, and we have  
16 to have the flexibility to tailor a program to all of  
17 those circumstances.

18 COUNCIL MEMBER RESTLER: We've all seen  
19 there are many New Yorkers today who are house rich  
20 and cash poor, and additional expenses even can be  
21 really deeply challenging and even force people out  
22 of their homes so we want to avoid that wherever  
23 feasible. I know that there's a lot of concern from  
24 environmental justice advocates who I have a lot of  
25 respect for. I know the Chair has a lot of respect

2 for. I know the Commissioner has a lot of respect  
3 for. I am looking forward to their feedback today and  
4 hearing from them as well, and I think this is a  
5 healthy conversation for us to be having so I just  
6 appreciate the hearing and appreciate the opportunity  
7 to learn a bit more about the issue so thank you very  
8 much.

9 CHAIRPERSON GENNARO: Thank you, Council  
10 Member Restler.

11 As I said earlier, everyone's running  
12 around going to different hearings, me included. Like  
13 the Commissioner said, this is not our first  
14 interaction on this bill, and many things are still  
15 being researched from the Administration's end and  
16 the availability of whether water and sewer funding,  
17 general fund funding, how all that works legally,  
18 making sure we get, are you on your phone while I'm  
19 talking to you?

20 COUNCIL MEMBER RESTLER: I'm listening.

21 CHAIRPERSON GENNARO: Okay.

22 COUNCIL MEMBER RESTLER: I'm taking notes.

23 CHAIRPERSON GENNARO: Yeah, and so the  
24 idea of 942 is planting the flag and opening up the  
25 collaboration with the Administration to get the

2 right amount of flexibility, the right amount of  
3 funding to make the best of a very challenging set of  
4 circumstances, and so this is the game plan and so  
5 thank you very much. Appreciate that.

6 With that, I want to thank the panel.  
7 Wish you a very happy birthday for the rest of the  
8 day and this is your birthday week too so I don't  
9 limit my calorie intake on my birthday to just one  
10 day and, if you can leave behind a senior staff  
11 member who can get the benefit of the good testimony  
12 that we're going to hear, that would be really great.  
13 I'd appreciate that very much.

14 COMMISSIONER AGGARWALA: We have people  
15 back at the office watching on TV.

16 CHAIRPERSON GENNARO: Okay. Well, thanks  
17 very much. Paul, good to see you. Just hang on.  
18 Janet, okay, thank you very much and, Paul, good to  
19 see you. It's been a long time and so, yep.

20 Okay, my Counsel just handed this to me.  
21 I have to read this whole thing? Okay.

22 I will now open the hearing for public  
23 testimony. I remind members of the public that, this  
24 is like a new thing the Council does. I remind  
25 members of the public that this is a formal

2 government proceeding and that the quorum shall be  
3 observed at all times. As such, members of the public  
4 shall remain silent at all times.

5 The witness table is reserved for people  
6 who wish to testify. No video recording or  
7 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.

12 There's also a mechanism of people  
13 sending in their testimony, right? Is that in here?  
14 Okay.

15 If you wish to speak at today's hearing,  
16 please fill out an appearance card with the Sergeant-  
17 at-Arms and wait to be recognized. When recognized,  
18 you will have two minutes to speak on today's hearing  
19 topics, Lead Service Lines, Intro. 1984, and Reso 8.

20 If you have a written statement or  
21 additional written testimony you wish to submit for  
22 the record, please provide a copy of that testimony  
23 to the Sergeant-at-Arms. You may also email written  
24 testimony to testimony@council, C-O-U-N-C-I-L,  
25 testimony@council.nyc.gov within 72 hours of this

1 hearing. Audio and video recordings will not be  
2 accepted.  
3

4 Do I have to do this? No? Okay.

5 I want to recognize Council Member  
6 Salamanca. It's a pleasure, always a pleasure to see  
7 you and be with you.

8 The first panel is, um, what do you think  
9 that is? Syrah Scott of the National Clean Water  
10 Collective. I can't, I can't read that, say that.  
11 Fabiana Castillo from Earthjustice, and Valerie Baron  
12 from NRDC.

13 Thank you all for coming to testify. Why  
14 don't we do it from my left to my right, starting at  
15 this side, going that way, so please proceed with  
16 your testimony.

17 If you have written testimony, certainly  
18 you can give that to the Sergeants, but please  
19 proceed. Every witness, each witness has two minutes.

20 SYRAH SCOTT: Thank you so much, Council,  
21 for bringing the critical legislation to the  
22 forefront. It's so great to see some colleagues that  
23 probably don't know me, but I know about the report  
24 that they actually, that came out last year.  
25

2 CHAIRPERSON GENNARO: I also should have  
3 said to please state your name for the record.

4 SYRAH SCOTT: Oh, sure thing. My name is  
5 Syrah Scott of the National Clean Water Collective,  
6 and you pronounced that right. Thank you.

7 A recent report came out that one in five  
8 New Yorkers may be drinking water from lead pipes.  
9 That's about 21 percent of New Yorkers, and this is a  
10 serious concern, given that New York's aging  
11 infrastructures is encouraging us to see this issue  
12 addressed. However, I'm concerned about the 10-year  
13 timeframe that the Resolution talks about for  
14 property owners to replace lead pipes. What happens  
15 to residents that are currently experiencing  
16 discolored water, toxic water? I've spoken to some  
17 folks in NYCHA and also other places across New York  
18 City, not just in low-income communities, and a 10-  
19 year wait can be a lifetime for those struggling with  
20 these issues. If you don't have income to pay for  
21 bottled water, which is not the best answer either,  
22 because it makes a terrible environmental impact and  
23 so, Councilwoman, I'm a little nervous, my first  
24 time, guys. Councilwoman Zhuang, she asked a question  
25 about whether or not folks should be concerned about



2 taking showers. Lead can enter the body through both  
3 ingestion and absorption through the skin. The skin  
4 is our largest organ and, when our pores open up,  
5 contaminants can easily penetrate. This is especially  
6 concerning for residents taking showers as they may  
7 be inhaling lead particles along with water vapor.  
8 This tragic experience also happened in Flint,  
9 Michigan. It highlights the danger as residents who  
10 showered were exposed to both Legionella and lead. I  
11 urge the City to consider immediate relief measures  
12 for impacted residents. If I can just finish, this  
13 includes testing, as you mentioned, but also water  
14 filtration systems, like point of use, point of  
15 entry, and temporary alternatives. Other sort of,  
16 I'll stop there, but what I say is that it's  
17 important for folks to know what's in their water  
18 first before they get the filtration systems, but I  
19 think that should be a step that we should take  
20 before that 10 years is over.

21 CHAIRPERSON GENNARO: Thank you and, when  
22 this panel steps down, Josh, you should put yourself  
23 in a situation where you can, I want you to, I  
24 haven't seen this very nice person testify before and  
25 we certainly want to have her information and keep

2 the conversation going. Josh is my Legislative  
3 Director. Raise your hand, Josh, so everyone knows  
4 who he is and so, when this panel, so make sure you  
5 get her information. Thank you very much for your  
6 testimony, appreciate it.

7 Please commence.

8 VALERIE BARON: Chairman Gennaro, Members  
9 of the Committee, thank you for the opportunity to  
10 testify today. My name is Valerie Baron, and I'm a  
11 Senior Attorney and the National Policy Director for  
12 the Drinking Water Team at NRDC. At NRDC, I look  
13 across the country and keep track of the best and  
14 worst in class drinking water policies. I'm sorry to  
15 say that while I very much applaud the intent of this  
16 legislation to get the pipes out and prevent lead  
17 exposure, this approach would codify some of the  
18 worst policies and we have seen from other places  
19 that have tried this, it simply would not work. We  
20 need a fresh start and, as advocates, we're here to  
21 help create a fresh start. Across the country, the  
22 best programs that get the lead out safely and  
23 equitably have several things in common. They take a  
24 wholesale approach, coordinating the work throughout  
25 the jurisdiction. There is no cost to property

1 owners. When the owners shoulder the cost, the  
2 results are highly inequitable. They require copper,  
3 the safest material. This bill does none of those  
4 things. Also troubling is how the bill could cost,  
5 contrary to what we've heard, New York access to the  
6 largest pot of federal funding ever allocated for  
7 lead pipe replacement. In its current form, a  
8 regulatory proposal at EPA is being finalized and it  
9 would allow utilities to evade liability when private  
10 property owners are solely responsible for the pipes.  
11 New York State, like most states, prioritizes  
12 distributing its federal dollars, including the  
13 infrastructure law's funds, to utilities that need  
14 those dollars to come into compliance with federal  
15 law. I would be happy to speak to this more in  
16 questions. If you'll allow a mixed metaphor here,  
17 this approach passes the buck to property owners and  
18 then picks the pocket of ordinary New Yorkers at the  
19 same time. Many of the pipes are in place because  
20 they were required. We heard about historic codes  
21 earlier, and the very first report of the Queens  
22 Water Company in 1898 notes that "service pipe must  
23 be of extra strong AA lead pipe." No lead pipes were  
24 installed after 1961. Leaving property owners to fend  
25

2 for themselves is inefficient and it's unfair to  
3 today's New York City residents who did not create  
4 this problem. We really are here to help craft an  
5 approach that will work and that will be equitable  
6 and get the lead out of drinking water for all New  
7 Yorkers.

8 CHAIRPERSON GENNARO: Thank you and I look  
9 forward to that colloquy. I've always enjoyed my  
10 relationship with the NRDC. I really appreciate your  
11 testimony here today. Thank you.

12 Oh, Council Member, I'm sorry, Council  
13 Member Holden has a question. Sure, okay, we'll do  
14 that.

15 FABIANA CASTILLO: Good morning, my name  
16 is Fabiana Castillo, and I'm a Senior Litigation  
17 Assistant in Earth Justice's New York office. As I'm  
18 sure others will testify today, this bill is the  
19 wrong approach for any city that both wants its lead  
20 service lines replaced and wants to narrow rather  
21 than broaden health disparities between different  
22 neighborhoods, but I would like to explain why this  
23 approach is exponentially wrong for New York City in  
24 particular. 69 percent of New Yorkers are renters,  
25 more than double the national average, yet Intro. 942

2 entrusts landlords to decide whether their tenants  
3 should remain exposed to the biggest source of lead  
4 in drinking water. Intro. 92 presents two options,  
5 replace lead service lines or pay a one-time 1,000-  
6 dollar fee. Nothing is currently stopping landlords  
7 from replacing lead pipes if they were so inclined,  
8 but let's say landlords choose the first option under  
9 Intro. 942, replacing lead service lines at their  
10 properties. Those landlords would most likely then  
11 pass that cost onto their tenants, deepening the  
12 historic affordable housing crisis in the city and,  
13 even though the bill does not guarantee financial  
14 assistance to anyone for replacing lead service  
15 lines, under no circumstance would it provide such  
16 assistance to the tenants of landlords replacing lead  
17 service lines, but those tenants would most likely be  
18 paying for the cost of replacement through increased  
19 rent and, again, the vast majority of New Yorkers are  
20 renters. But it is very likely that landlords will  
21 choose the second option under the bill, that is they  
22 will not replace lead pipes. They will likely take  
23 the chance of a 1,000-dollar fine, what would just be  
24 the cost of doing business to avoid arranging for the  
25 pipe replacement, fronting the money, raising rents,

2 managing complaints from tenants about raised rents,  
3 and risking vacancy from higher rents. Transferring  
4 the obligation to tackle a public health threat, a  
5 core responsibility of government, to the direction  
6 of landlords for the vast majority of New Yorkers is  
7 not a strategy that the City Council should stand  
8 behind. Indeed, it is mindboggling that such an  
9 approach even made its way into proposed legislation.  
10 We just urge the Council to withdraw Intro. 942 and  
11 develop a bill that builds on successful experiences  
12 for other cities, is workable, and will result in an  
13 actual and equitable replacement of lead service  
14 lines for all. Thank you.

15 CHAIRPERSON GENNARO: I recognize Council  
16 Member Holden for the motion.

17 COUNCIL MEMBER HOLDEN: Yes, thank you.  
18 Valerie, you said that these lead pipes were required  
19 because they were, were they more durable, I guess,  
20 and I don't know if you can answer that, but...

21 VALERIE BARON: I can. I can't speak to  
22 whether all of the pipes were required. We're still  
23 completing our historic research, but throughout the  
24 country we see that they were required, and we do  
25 have records from Queens and from Staten Island that

2 in the early days of the water system, they were  
3 required for hookup. They're likely still in the  
4 ground because they are extremely durable.

5 COUNCIL MEMBER HOLDEN: Right, so that's  
6 why my 100-year-old house has, and the pipe has I  
7 bought the house in 1979, and the inspector said,  
8 well you might have to replace the pipe because it's  
9 old already, and this was in 1979. It still hasn't,  
10 it didn't break, but I felt that the Commissioner,  
11 when his testimony, was interpreting the federal  
12 mandate, like he was very aggressive, because we have  
13 a lot of homeowners in my District that have to  
14 replace their water meters, and they, by the way, DEP  
15 installed it in lead. They had no problem in 1980-  
16 something, whatever it was, when they were installing  
17 it, but now they have this federal mandate, but  
18 they're jumping the gun before the feds have a chance  
19 to come up with a program. We're passing it on to the  
20 homeowners, the cost of not only replacing the lead  
21 line, but even the water meter, and then if you don't  
22 replace the water meter and the lead line, you're  
23 fined, and they're fining them, I guess it's 1,000  
24 dollars, whatever they said they were going to, so I  
25 just felt, and I said to the Commissioner today, what

2 do you think about just waiting until we can get all  
3 these programs set up and not really punish the  
4 homeowner? I have a lot of seniors and, again,  
5 they're hit with so many, the sidewalk obviously is  
6 broken, the tree breaks their sidewalk, it does this  
7 to that, every day it's something else that  
8 homeowners are getting hit with, so I agree with you.  
9 I think maybe we should look at a federal program and  
10 wait.

11 VALERIE BARON: Thank you.

12 CHAIRPERSON GENNARO: I'm just going to  
13 speak to that first before you get an opportunity to  
14 do so. First of all, Council Member Holden, when  
15 you're talking about the Commissioner, I mean, it's  
16 our bill, it's my bill, so when you talk about these  
17 mandates, it's me.

18 COUNCIL MEMBER HOLDEN: I wasn't talking  
19 about your bill. I'm talking about what DEP is  
20 currently doing to homeowners, about water meters and  
21 replacement, but the line is one thing, and I get it.  
22 We do have to replace the line, but I got off the  
23 bill for a reason because I think they're just, what  
24 homeowners are just getting hit with, and I'm trying  
25 to protect my, I originally got on the bill, but then



2 I started to get tons, a flood of complaints, by the  
3 interpretation of DEP with the federal mandate.

4 That's what I'm addressing, but that's what I'm  
5 addressing, but I'd like to hear, you were following  
6 up, Valerie?

7 CHAIRPERSON GENNARO: Well, I'm the Chair,  
8 and I'm going to assert my...

9 COUNCIL MEMBER HOLDEN: (INAUDIBLE)

10 CHAIRPERSON GENNARO: We are not in a  
11 position, notwithstanding the fact that the federal  
12 mandate is still being finalized and notwithstanding  
13 the fact that DEP is still figuring out which funds  
14 could potentially be eligible. The feds are coming  
15 down hard in that the lead service lines have to go,  
16 and this bill is a starting point. A lot of people  
17 think we're going to vote it out tomorrow. We're not.  
18 There's a lot of colloquy and interaction. This is  
19 the first hearing on the bill, and it's going to be a  
20 lot more colloquy to figure out how we can do this in  
21 the best way.

22 COUNCIL MEMBER HOLDEN: Chair, you said  
23 that the feds are coming down hard. How are they  
24 coming down hard?

2 CHAIRPERSON GENNARO: Well, in that every  
3 lead line is going to be out. I mean, once the lead  
4 and copper rule is promulgated, every lead service  
5 line has got to be gone in 10 years.

6 COUNCIL MEMBER HOLDEN: Right, but...

7 CHAIRPERSON GENNARO: There's no way out  
8 of that.

9 COUNCIL MEMBER HOLDEN: But what I'm  
10 saying is that the DEP is interpreting very  
11 aggressively, putting it on the homeowners, like  
12 Valerie said, which I think maybe we could wait for a  
13 program. You said it's probably the largest federal  
14 program, Valerie, in the nation.

15 CHAIRPERSON GENNARO: Yeah, why don't you  
16 interact with Valerie and have her answer your  
17 question or whatever.

18 COUNCIL MEMBER HOLDEN: Well, I want it on  
19 the record of what she's saying.

20 CHAIRPERSON GENNARO: Yeah, sure, of  
21 course. Yeah, put it on the record.

22 COUNCIL MEMBER HOLDEN: All right, thank  
23 you.

24 CHAIRPERSON GENNARO: I'm done. Valerie,  
25 you're up.

2 VALERIE BARON: Thank you, Mr. Chairman,  
3 for recognizing me. I can speak to this and try to  
4 tease out some of these things, and I think what  
5 we're hitting on here is exactly why this would be so  
6 confusing to leave up to hundreds of thousands of New  
7 Yorkers to navigate on their own. This is a  
8 conversation amongst experts and folks that can  
9 professionally navigate complex regulatory systems,  
10 and it still takes this dialogue and back and forth.  
11 It would be a huge mistake to leave that up to  
12 individuals. First and foremost, if you think you're  
13 hearing from your seniors now, just wait until they  
14 get hit with bills from unscrupulous contractors. We  
15 have seen in other jurisdictions that have led  
16 programs where the homeowner has to arrange for the  
17 work themselves that most of the plumbers out there  
18 are great, but, like every profession, there are a  
19 few people that are not going to do the right thing  
20 and when you have a senior calling you that's hit  
21 with a bill five times as high as it needs to be,  
22 that's the kind of thing that we're trying to prevent  
23 here. Two is that I actually don't think it's too  
24 early for a mandate. I appreciate what you're saying  
25 about waiting for a federal program and regulatory

2 certainty is always a concept that comes up in our  
3 work. However, we know that the pipes do need to come  
4 out and we know that a mandate has been a central  
5 tenet of successful programs. The problem is it  
6 doesn't stand on its own. It's like part of a stool.  
7 You need the mandate coupled with the public  
8 education and coordination of the work and the public  
9 funding. Public funding is not something I'm going to  
10 sit here and pretend is easy. How often as lawmakers  
11 are you saying, you know what would be great, let's  
12 do a big infrastructure project, it'll be easy and  
13 everyone's going to agree from the get-go. We all  
14 know that's not how it works. But with the bipartisan  
15 infrastructure law funding that is 15 billion dollars  
16 for lead pipe replacement, we're halfway through the  
17 cycle now, I don't want to see New York City miss out  
18 on that opportunity and another place where we agree  
19 with the Chairman is that New York City has not  
20 gotten its fair share and that is something that  
21 we're going to have to work on. What I want to parse  
22 a little bit for you now if you'll allow me just  
23 another moment is why I'm concerned about this  
24 program and the federal funds because it is a multi-  
25 step nuanced thing but it has a very real impact on

2 the number of dollars that New York City gets. The  
3 state and cities report to EPA how many lead pipes  
4 there are. New York City has reported roughly one in  
5 five of the lead pipes that the state has reported.  
6 EPA then awards funds to the state based on the  
7 amount of lead that's present in New York City. The  
8 state then gets to decide where it goes. One in five  
9 dollars that are coming in through the specific lead  
10 fund which is not the only one but it's highly  
11 relevant here are coming in because of the lead in  
12 your Districts. New York State like most states has a  
13 formula that they use, and they award the dollars  
14 based on that formula to localities and utilities  
15 based on what is needed to come into compliance with  
16 federal regulations. Of course, they could change  
17 that. All of these things could change. The law that  
18 you all are writing could change, but the way that  
19 things stand right now and it is a common practice is  
20 that the points that are awarded and it's the first  
21 thing listed in what's called the Intended Use Plan  
22 for New York State and I'm happy to go through it  
23 with you and your staff. The top thing is dollars  
24 that are needed for compliance with federal  
25 regulations called an MCL or a treatment technique,

2 maximum contaminant level or a treatment technique.

3 The lead and copper rule improvements will be a new  
4 treatment technique for lead and, if DEP and the City  
5 successfully evade responsibility under the  
6 regulation, you will also lose those points towards  
7 the formula to award the funds that were given to New  
8 York State based on the lead in your Districts. That  
9 money then will not come back to the Districts and  
10 that is the concern that I wanted to air out today.

11 COUNCIL MEMBER HOLDEN: No, thank you for  
12 that. Thanks so much.

13 CHAIRPERSON GENNARO: Thank you. Thank you  
14 for testifying.

15 The next panel is Suzanne Novak from  
16 Earthjustice, Marissa Lieberman-Klein from  
17 Earthjustice, and Josh Klainberg from NYLCB.

18 Like we did in the last panel, we'll  
19 start from my left to the right.

20 Please commence with your testimony.

21 SUZANNE NOVAK: Good afternoon, my name is  
22 Suzanne Novak. I'm a Senior Attorney at  
23 Earthjustice's New York office located just a few  
24 blocks from here. Earthjustice is a member of the New  
25 York City Coalition to End Lead Poisoning, and a core

2 focus of my work is advocacy concerning lead in  
3 drinking water at the federal, New York State, and  
4 New York City level. I wanted to start off with  
5 saying that lead exposure comes from many sources,  
6 soil, paint, water, air, but we know that it's  
7 dangerous even in very small amounts. Thus, any  
8 exposure pathway must be ameliorated. Also, EPA  
9 modeling has shown that water can constitute 10 to 80  
10 percent of U.S. children's lead exposures with the  
11 highest levels for formula-fed infants less than a  
12 year old and, while New York City may not determine  
13 lead poisoning is from lead in drinking water for  
14 certain children, water is often not considered or  
15 looked at when a child presents with lead poisoning  
16 and, again, there's usually no one source. I also  
17 want to clarify that the federal lead action level is  
18 not and never has been health-based. EPA does not  
19 claim otherwise. In fact, the Federal Office of  
20 Inspector General has criticized the lead and copper  
21 rule for creating confusion regarding whether the  
22 action level is health-based, like it seems to have  
23 done maybe here this morning, and the same with the  
24 FDA allowing five parts per billion in bottled water,  
25 that is not health-based. There is no safe level of

2 drinking water. Flint and Newark were not isolated  
3 events. There is lead in drinking water in high  
4 levels all over the country. The lead and copper rule  
5 requires one-time testing of 100 sites in a city of 9  
6 million people. It's not exact science at all. And 11  
7 parts per billion, what the Commissioner said is that  
8 they would surpass, is obviously a lot more than zero  
9 so we do have an issue on our hands to deal with. And  
10 although New York City, like other large water  
11 systems, uses corrosion control treatment to reduce  
12 lead levels, even the best corrosion control  
13 treatments can't reduce lead levels because there are  
14 various use patterns, particles flake, there are  
15 physical disturbances.

16 SERGEANT-AT-ARMS: Time expired.

17 SUZANNE NOVAK: I just want to end with  
18 this.

19 CHAIRPERSON GENNARO: Thank you, next  
20 witness.

21 MARISSA LIEBERMAN-KLEIN: Hello. My name  
22 is Marissa Lieberman-Klein, and I'm an Associate  
23 Attorney at Earthjustice as well as a member of the  
24 New York City Coalition to End Lead Poisoning. Intro.  
25 942's approach to lead service line replacement is so



2 broken that it can't be fixed, and we need an  
3 entirely different approach, one that we know works.  
4 We know from other cities that full lead service line  
5 replacement works only when the municipality or water  
6 system replaces the lines at no direct cost to  
7 property owners. When Washington D.C. required  
8 property owners to pay to replace lead service lines,  
9 wealthier white areas of the city replaced their  
10 lines, whereas lower wealth black and brown areas did  
11 not. Black and Latinx communities already experience  
12 higher rates of elevated blood lead levels in  
13 children and D.C.'s approach of making lead service  
14 lines a private issue only exacerbated these  
15 disparities. By contrast, cities like Newark and  
16 Denver either have replaced or are replacing all of  
17 their lead service lines at no cost to property  
18 owners and they are not seeing these disparities.  
19 It's clear that these cities took the right approach  
20 and are replacing lead service lines in an equitable,  
21 systemic, and efficient manner. By contrast, Intro.  
22 942's approach of having property owners pay is no  
23 different than the status quo, which we already know  
24 is not resulting in lead service line replacement.  
25 Having property owners pay is particularly unfair

2 because lead service lines were banned in New York  
3 City in 1961, meaning, as others have said, that  
4 these are a legacy pollution issue that current  
5 property owners didn't install and didn't ask for. I  
6 ask you to withdraw Intro. 942 and introduce a  
7 comprehensive plan that protects public health at no  
8 direct cost to homeowners that also addresses  
9 inequities and uses safe materials. Thank you.

10 CHAIRPERSON GENNARO: Thank you. Next  
11 witness.

12 JOSHUA KLAINBERG: Good morning. My name  
13 is Joshua Klainberg with New York League of  
14 Conservation Voters. Thank you, Chair Gennaro and  
15 Members of the Committee for the opportunity to  
16 testify today. New York LCV agrees that lead pipes in  
17 New York City should be replaced within a 10-year  
18 period. However, we strongly oppose Intro. 942, and  
19 we urge the Council to withdraw this bill from  
20 consideration. With limited time, here's two reasons  
21 why. Intro. 942 leaves it up to private property  
22 owners to foot the bill, which could be 10,000 to  
23 15,000 dollars as you heard today, for a mess that  
24 was created by New York City, which allowed and even  
25 in times encouraged and required lead pipes to be

2 used until 1961. It also places the burden on  
3 scheduling lead pipe replacements onto property  
4 owners, not the City, potentially creating unsafe  
5 work practices as well as logistical headaches for  
6 your community. I've passed along a map, which I've  
7 shared with you of DEP data as of March 2024. Roughly  
8 on this side here, New York City has 857,000 pipes  
9 delivering drinking water. 40 percent of them are  
10 lead or possible lead so we're talking about 338,000  
11 properties around the city in every single District.  
12 If Intro. 942 is enacted as written, that means  
13 hundreds of thousands of appointments will have to be  
14 made in New York City by property owners, causing  
15 some streets to be ripped up a dozen times or more.  
16 If you flip the map over here, here's an example of a  
17 neighborhood in Queens. You'll see along the street,  
18 there are nearly 50 households with lead pipes along  
19 the street, meaning that without coordination, a  
20 section of the street will be ripped up possibly  
21 every two to three months, on average over a 10-year  
22 period and, even worse, the physical disturbances  
23 created by each replacement does lead to the  
24 possibility of lead leaching into other people's  
25 pipes so, in sum and substance, we urge the Council

2 to withdraw this bill, to work with the advocates  
3 that have spoken today and experts around the country  
4 who are working on this issue, and we are happy to  
5 answer your questions.

6 CHAIRPERSON GENNARO: Thank you. I look  
7 forward to that colloquy going forward.

8 With no other witnesses to be heard,  
9 anybody on Zoom. If you're on Zoom, no one's on Zoom.

10 If we have inadvertently missed anyone  
11 registered to testify today yet to be called, please  
12 use the Zoom raise hand function if you're testifying  
13 remotely, and you'll be called in the order your  
14 hand, this is, we have to read this, has been raised.  
15 If you're testifying in person, please come to the  
16 dais.

17 Seeing none, I will now close the  
18 hearing. Thank you for Members of the Administration  
19 and members of the public who have joined us today to  
20 discuss this very important topic.

21 The last line is the hearing is adjourned  
22 but, before I say that, I want to thank, what's going  
23 on, come on. Just want to thank you all. Ongoing  
24 colloquy to get to something that we can all support.

2 This is my hope, and I very much appreciate your  
3 presence here today.

4 With that said, this hearing is  
5 adjourned. [GAVEL]

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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 July 12, 2024