

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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March 22, 2024
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HELD AT: 250 Broadway-Committee Rm. 16th Fl.

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

COUNCIL MEMBERS:

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

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

Rohit T. Aggarwala
DEP Commissioner

Joseph Murin
DEP Chief Financial Officer

Kathryn Mallon
DEP Chief Operating Officer

Suhali Mendez
New York Lawyers for the Public Interest

Anil Pasram
Jamaica Bay-Rockaway Parks Conservancy

Miranda Massie
Climate Museum

Maite Duquela
Waterfront Alliance

Issa Diarra
Jamaica Bay Wetlands Fellowship

Hunter Severini
Citizen's Air Complaint Program

Hayden Brockett
New York Clean Air Collective

Mohamed Attia
Street Vendors Project

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

Lonnie J. Portis
WE ACT for Environmental Justice

Brady Meixell
Southwest Brooklyn Industrial Development
Corporation

1 COMMITTEE ON ENVIRONMENTAL PROTECTION, RESILIENCY &
WATERFRONTS

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2 SERGEANT AT ARMS: Good morning everyone
3 and welcome to today's New York City Council
4 Preliminary Budget hearing for the Committee on
5 Environmental Protection, Resiliency and Waterfronts.
6 At this time, we ask that you silence all cell phones
7 and electronic devices to minimize disruptions
8 throughout the hearing.

9 CHAIRPERSON GENNARO: Oh, that includes
10 me, right?

11 SERGEANT AT ARMS: If you have testimony
12 you wish to submit for the record, you may do so via
13 email at testimony@council.nyc.gov. Once again, that
14 is testimony@council.nyc.gov. At any time throughout
15 the hearing, please do not approach the dais. We
16 thank you for your kind cooperation. Mr. Chair,
17 we're ready to begin.

18 CHAIRPERSON GENNARO: Great, I was just
19 silencing my own phone. [gavel] Good morning, I am
20 Council Member Jim Gennaro, known today as the late
21 Jim Gennaro. I'm [inaudible] late. Chair of the
22 Committee on Environmental Protection, Resiliency and
23 Waterfronts. Today we will review the Department of
24 Environmental Protection's Fiscal 2025 budget. I'd
25 like to begin by thanking DEP staff for all their

2 hard work over the past year, and I look forward to
3 hearing about DEP's successes as well as ways we can
4 work together to enrich the environment and protect
5 public health for all New Yorkers. DEP's Fiscal 2025
6 Preliminary Budget totals \$1.6 billion. This funding
7 includes-- this includes funding for a headcount of
8 6,300 positions. The Department's Fiscal 2025
9 Preliminary Budget has been relatively unchanged
10 since adoption, decreasing by \$55.2 million. The
11 Preliminary Financial Plan includes no new needs for
12 the Department and most of the funding changes result
13 from the cost of collective bargaining agreements
14 with the representative unions. Today, we look
15 forward to discussing one, the changes in the
16 Preliminary Plan and programs to eliminate the gap,
17 or PEGs, in the November Plan. Two, ongoing capital
18 projects and growing costs, and three, the filtration
19 avoidance determination, often known as the FAD.
20 We'll also discuss DEP's performance indicators in
21 the Preliminary 2024 Mayor's Management Report and
22 revisit some of the topic of oversight hearings we
23 have held over the past year, including the-- and
24 this is in quotations, "City's obligation to reduce
25 carbon emissions from government operations." And,

2 "The Administration's response to the summer 2023 air
3 quality emergencies." Next page. It is essential
4 that the budget the Council adopts is transparent,
5 accountable and reflective of the priorities and
6 interest of the people we represent. This hearing is
7 a vital part of the budget process, and I expect DEP
8 to be responsive. Why would they not be responsive?
9 Of course, they're going to be responsive. I didn't
10 write this. To be responsive to the questions and
11 concerns of the Council Members. I look forward to
12 an active engagement with the Administration over the
13 next few months to ensure that the Fiscal 2025
14 Adopted Budget meets the goals the Council has set.
15 I'd like to thank our committee staff for their hard
16 work, Financial Analyst, Tanveer Singh, Unit Head,
17 Aliyah Ali [sp?]- we have the Committee Counsel, of
18 course, Claire MacLachlan, Policy Analyst Ricky
19 Chawla and Andrew Bourne, and all my hardworking
20 staff behind the scenes. I'll mention my own
21 Legislative Director, Nabby Kaur. She couldn't be
22 here today, but she is terrific. And
23 I'd also like to, you know, thank the panel. Rit
24 [sic] and I worked together for a long time. We have
25 the same taste in cuff links. These are sewer

2 covers. You can get them at the City's Municipal
3 Store in the Muni building, yeah, or the DEP
4 [inaudible]. And so I'm adorned with DEP jewelry
5 today, and yeah, Rit [sic] and I worked together for
6 a long time, and I thank the panel for their presence
7 here today. This is the list, right? Okay. And
8 we're joined by Council Members Marmorato and Council
9 Member Zhuang. And now I'll turn it over the
10 Committee Counsel to give the affirmation to the
11 witnesses, and then you can-- and then you can begin
12 with your testimony which I have right in front of
13 me. Is there any way you could make the font even
14 smaller? That would be great for someone on the
15 wrong side of 65. Yeah, this is like number two font
16 here. And so yeah, okay. No, I-- yeah. Thank you.
17 Claire, I think you're on.

18 COMMITTEE COUNSEL: Thank you. I am
19 Claire Mcloughlin, Counsel to the Committee on
20 Environmental Protection, Resiliency and Waterfront
21 at the New York City Council. Our first witnesses
22 will be from DEP. Can you each please state your
23 name and title for the record?

24 COMMISSIONER AGGARWALA: Rohit T.
25 Aggarwala, Commissioner of Environmental Protection.

2 CHIEF FINANCIAL OFFICER MURIN: Joseph
3 Murin, Chief Financial Officer for DEP.

4 CHIEF OPERATING OFFICER MALLON: Kathryn
5 Mallon, Chief Operating Officer.

6 COMMITTEE COUNSEL: Thank you. Please
7 raise your right hands and I will administer the
8 oath. Do you affirm to tell the truth, the whole
9 truth and nothing but the truth before this committee
10 and to respond honestly to Council Member questions?
11 Thank you. You may begin when ready.

12 CHAIRPERSON GENNARO: Okay, thank you.
13 Thank you, again. That oath sounds like serious.
14 So, here we go. Okay, Rohit, it's all yours.

15 COMMISSIONER AGGARWALA: Thank you,
16 Chairman Gennaro and Council Members of the
17 Environmental Protection Committee. It's always good
18 to be back under your leadership, Mr. Chairman.

19 CHAIRPERSON GENNARO: Thank you.

20 COMMISSIONER AGGARWALA: I am Rohit
21 Aggarwala. I'm the Commissioner of the Department of
22 Environmental Protection and the City's Chief Climate
23 Officer. As was said, I'm here today with Chief
24 Financial Officer and Water Board Executive Director
25 Joe Murin and our Chief Operating Officer Kathryn

2 Mallon, as well as several of our Deputy
3 Commissioners to discuss DEP's budget, capital plan,
4 and our performance. DEP protects the public health
5 by providing high-quality drinking water, managing
6 wastewater and stormwater, protecting against coastal
7 inundation, and reducing air, noise, and hazardous
8 materials pollution. This year we continued
9 providing the highest quality services to our
10 customers and communities, while keeping our harbor
11 waters cleaner than they have been in 150 years. We
12 are exceptionally proud of the work DEP's 5,600 men
13 and women do every day to keep our city running, but
14 we are not complacent. We are constantly looking for
15 ways to do more and better serve our neighborhoods.
16 You've been able to review our budget documents, so I
17 will not go over them, although of course, I'm happy
18 to answer questions on them. Instead, I'd like to
19 review a few ways we have invested the \$4.1 billion
20 dollars we received from ratepayers last year and
21 address a few topics I know are of concern to New
22 Yorkers and to members of this committee. First, our
23 water supply remains safe, reliable, and delicious.
24 We perform hundreds of thousands of tests each year
25 and our recently released 2023 Water Quality Report--

2 recently released, covering the previous year-- shows
3 that we continue to do that core job with excellence.
4 We have several major projects underway to serve the
5 water supply. As many of you know, the Delaware
6 Aqueduct, which carries roughly half of our daily
7 water consumption, has been leaking since the 1990s.
8 DEP has been taking a \$1.5 billion all told effort to
9 build a bypass for the leaking section. We hoped to
10 start using this new bypass tunnel last fall, but
11 testing indicated that we needed new pumps to ensure
12 construction worker safety, so that project was
13 delayed. We are highly confident now that repairs
14 will begin this fall, which will be one of-- which
15 will conclude one of the largest capital projects in
16 DEP's history. Starting to use this new tunnel
17 bypass requires us to shut down the Delaware Aqueduct
18 for about six months, but we have been preparing for
19 this shutdown for several years to ensure that there
20 is no interruption of water supply either to the city
21 or the upstate communities that we serve. We also
22 expect to start work in FY25 on a massive upgrade to
23 the buildings where we undertake the final treatment
24 for most of the city's drinking water at the Hillview
25 Reservoir in Yonkers. This year we will also begin

2 work on a second tunnel that provides critical
3 redundancy to our water supply between the Kensico
4 Reservoir and our Catskill/Delaware Ultraviolet
5 Treatment Plant. This is expected to cost over \$1
6 billion, but it is vital because this is actually the
7 only single point of failure in our entire water
8 supply system, and while there's no imminent risk,
9 having that redundant tunnel gives us tremendous
10 flexibility and security over the 100 or 200 years
11 that we will expect to rely on that infrastructure.
12 We also continue to make progress on the final two
13 items, shafts 17B and 18B in Queens, which will allow
14 us to place the Brooklyn-Queens leg of City Tunnel
15 Number Three into service in 2032. I visited that
16 site recently and I'm pleased to report that we still
17 are on schedule for that date. Water main breaks are
18 disruptive, and while we've had a few significant
19 ones this year, I'm proud to report that in Fiscal
20 Year 24 we are on track to have the fewest number of
21 water main breaks on record. While water main breaks
22 occur in all water systems with some randomness, our
23 success in reducing them is not just luck. We are
24 using system data and improved technology to catch
25 small leaks and weak spots before they become major

2 breaks. When system data identifies potential weak
3 spots, we send out our pipe doctors overnight to
4 investigate. Their specialized sound equipment acts
5 like a stethoscope to pinpoint leaks before they
6 become disruptive and expensive water main breaks.

7 This proactive work has paid off. We've reduced
8 leaks by 42 percent so far this fiscal year.

9 Further, we are working on a data-driven, risk-based
10 approach to water main replacements that we hope to
11 be ready to integrate into our capital plan over the
12 next year or two. An important finding from this
13 work is that vulnerability is not solely due to aging
14 infrastructure. We have found that water mains from
15 the 1950s and 1960s are actually twice as likely to
16 break as water mains from the 19th century. And I do-

17 - by the way, I want to credit the tremendous work of
18 Anastasios Georgelis, our Deputy Commissioner for
19 Water and Sewer Operations who has brought all of
20 this data-driven analytical rigor to this most-
21 important bureau. We don't rely on him for the
22 outfield, it's okay. Across the United States,
23 people are understandably concerned about lead
24 service lines. To be clear, there are no lead water
25 mains in our system. However, we estimate that

2 between 110,000 and 370,000 homes in New York City
3 may have lead service lines—lines, the lines that are
4 owned by the homeowner and connect from our water
5 mains to the home. Further, an unknown number of
6 homes have internal plumbing that either has lead or
7 has lead solder. DEP carefully manages and treats
8 our drinking water to minimize any lead leaching from
9 these internal pipes. So, we do not see any
10 immediate risk to people drinking our water, and
11 infrastructure act, we have never seen a case of lead
12 poisoning in New York City that was traced back to
13 drinking water. However, we recognize that lead
14 service lines should be replaced, and later this
15 year, the federal Environmental Protection Agency
16 will finalize its revised Lead & Copper Rule, which
17 will essentially require all cities, including New
18 York City, to remove all lead service lines. Last
19 year, we initiated a New York State grant-funded
20 program to locate and replace lead service lines in
21 disadvantaged communities. We expect that these
22 replacements will get underway in FY25. Further,
23 we're currently developing a proposal for how we
24 would manage replacements across the City to comply
25 with the new Lead & Copper Rule. I will note, with

2 thanks, the Council's support for our efforts to get
3 New York State to treat us fairly when it comes to
4 funding like the federal funding for lead service
5 line replacement. In 2022, New York City applied for
6 nearly \$58 million in federal lead service line
7 grants distributed by the State for six disadvantaged
8 communities in the Bronx and Queens that have severe
9 financial hardship. The award criteria used by New
10 York State arbitrarily restricted New York City to
11 \$24 million, just 23 percent of statewide funds, and
12 of course, you all know we have 44 percent of the
13 State's population and 56 percent of the
14 disadvantaged communities. And in 2023, we were in a
15 similar situation where we received another only \$24
16 million, again, a portion of the funds that is less
17 than our share. As a result of these arbitrary
18 restrictions, we expect that New York City residents
19 will bear the bulk of the cost of changing out lead
20 service lines. All New Yorkers know the challenges
21 we face from climate change. Nowhere is it more
22 apparent than with the increased rain and flooding we
23 have seen this past year alone. Climate change is
24 bringing sudden, intense rainfall more frequently
25 than ever before. In fact, New York City experienced

2 rain every three days in 2023. The National Oceanic
3 and Atmospheric Administration a couple years ago
4 reclassified the city as a humid subtropical climate.
5 The storm on September 29th, 2023 was the second-most
6 intense rainfall ever recorded in the five boroughs,
7 exceeded only by Ida in September 2021. DEP is taking
8 climate change very seriously, but it is not an issue
9 that we can solve quickly. Here's a sample of what
10 we have been doing: As many of you know, as part of
11 PlaNYC last year, DEP took responsibility for coastal
12 protection and created the new Bureau of Coastal
13 Resiliency within DEP. We have hired a new Deputy
14 Commissioner, Laurian Farrell, who is right here--
15 pleased to introduce her-- to lead this bureau. She
16 is building and training a team, because, as soon as
17 this summer, DEP will be the agency to take over
18 responsibility for the first operating floodgates,
19 currently under construction as part of East Side
20 Coastal Resilience Project. Very quickly, this new
21 bureau will have simultaneous planning, construction
22 oversight, and maintenance responsibilities. On catch
23 basin cleaning, I've spoken in the past about our new
24 data-informed catch basin inspection program, which
25 targets more frequent inspections in areas that are

2 most likely to need cleaning. This new schedule has
3 allowed us to increase catch basin cleanings by 22
4 percent through the first four months of FY24 while
5 seeing a 45 percent decrease in the resolution time
6 to clear a clogged catch basin. Now, when someone
7 calls in a 311 complaint about a clogged catch basin,
8 we address it in an average of 2.1 days. We have
9 also begun installing a new catch basin design that
10 includes a second grate on the sidewalk, so the basin
11 can function even if leaves, bags or garbage covers
12 the main grate at the street level during a storm.
13 In his state of the city address, Mayor Adams
14 committed to a five-borough Bluebelt strategy, and we
15 are working to make that real. We are particularly
16 working closely with the Parks Department on several
17 potential Bluebelts in all five boroughs. This
18 fiscal year, we inaugurated the Mid-Island Bluebelt
19 in Staten Island, and we are making significant
20 progress on the project to daylight Tibbets Brook in
21 the Bronx. Over the last-- no, I'm sorry. There's an
22 edit I should have made here. Over the last year, in
23 calendar year 2023, DEP has added nearly 1,000 green
24 infrastructure assets. It says rain gardens here in
25 the testimony, but in fact it's a broad category.

2 About half of those are traditional rain gardens.
3 About half of them, in fact,-- and I'll depart from
4 the text here-- is the benefit of our new unified
5 stormwater rule. So, what we are seeing, that rule as
6 you know, particularly you chairman, was implemented
7 in March of 2022 and requires development-- new
8 development on larger property to incorporate on-site
9 stormwater retention. What we are now seeing is that
10 over the course of 2023 that program has yielded
11 roughly 400 retention installations on private
12 property, which is really exciting because it allows
13 us for the first time really to expand beyond just
14 public property and use the rest of the City as a way
15 to manage stormwater. But in addition, we've got the
16 traditional roughly 600 or so, most of which are
17 those traditional rain gardens, and we are continuing
18 to expand them. And of course, we've had great
19 support for cloudburst projects, which design public
20 spaces to retain water during major storm events. I'm
21 pleased that our first cloudburst project, at the
22 South Jamaica Houses of NYCHA, will break ground this
23 summer. We have another four in design that will
24 enter construction over the next two years, and six
25 more that we are currently seeking funding for.

2 We've had great success seeking federal money for
3 these. We have been selected and are awaiting award
4 for \$123 million for cloudburst projects already and
5 are applying for more funding for additional
6 neighborhoods, including East Elmhurst and Central
7 Harlem. Stormwater management has been a priority
8 for this administration, and our teams have been
9 doing great work. Among our achievements this last
10 year is the completion of an innovative 3-dimensional
11 computer model of every one of our pipes in the city.
12 Unlike a traditional static map, this model allows us
13 to examine scenarios and identify bottlenecks that
14 can cause flooding. We've also engaged in a
15 partnership with Rebuild by Design to create a panel
16 of New Yorkers who will provide advice and feedback
17 on how we create resilience across the city.
18 Finally, roughly \$9 billion of our capital plan and
19 36 percent of our expense budget is dedicated to
20 pollution control, the processing and treatment of
21 wastewater. Because of our successes, New York
22 Harbor now has dolphins, whales, and seahorses
23 regularly. Just a couple of highlights of our work:
24 We're well underway in the construction of four new
25 anaerobic digesters at our Hunts Point treatment

2 plant. It's actually a really distinctive new
3 addition to the skyline of the Bronx. We are in the
4 early stages of a major project to bring advanced
5 technology to all of our wastewater treatment plants,
6 which allows our skilled staff to in-source work that
7 we currently contract out. We're also pleased
8 recently to have released the City Council-mandated
9 study on the feasibility of a new wastewater
10 treatment plant on Rikers Island. This study
11 demonstrated that a new plant on Rikers is both
12 feasible and beneficial to DEP and the city, both in
13 terms of financial benefits and especially
14 environmental benefits. While water consumes the
15 majority of our budget and staff at DEP, we also take
16 our air, noise, hazmat, and asbestos enforcement role
17 very seriously. We are pleased with the results thus
18 far on our noise camera program, which now has 10
19 cameras in operation. These cameras don't work well
20 everywhere, for example, near highways, but we are
21 optimistic about their potential, and we've been
22 pleased to work with several Council Members on
23 locations for these cameras in their districts. We
24 are looking into other technology-based approaches to
25 noise enforcement. We are proud of the work we've

2 done on air quality and idling. We're on track to
3 process 100,000 citizen-enforced idling violations
4 this year, up from 12,000 in 2021. Such a massive
5 increase in throughput has led to some delays, but I
6 am pleased with how we have ramped up to get this
7 done. Most importantly, we've had some success
8 working with companies to convert to their fleets to
9 electric vehicles as a result of this program, and
10 I'm optimistic that more will follow. The program
11 does require improvement and, we believe, legislative
12 changes, but we're looking to expand participation by
13 investing in a user-friendly app to allow citizens to
14 report violations more easily and without the time
15 and expertise that is currently required. We have
16 been doing internal work to improve DEP's functions
17 so we can do more, faster, and more efficiently. A
18 few highlights: Over the last two years we've
19 reduced our procurement times by 50 percent compared
20 to procurement rates during the COVID years. Our
21 commitment rate, the rate in which we get projects
22 underway, last year was 103 percent. We got every
23 budgeted project underway, and a little bit more
24 through a tremendous effort across many of our
25 bureaus. And I could not be more pleased. Sorry, to

2 part form the text, but could not be more pleased
3 with what we've done. People think the procurement
4 is just broken and there's nothing you can do about
5 it, and what we've demonstrated is that if you manage
6 it, you can have a significant improvement in
7 procurement, and I will say I feel like that has
8 energized a lot of the agency, because I don't have
9 to tell you all how deadening it is when somebody in
10 an agency who knows that to accomplish something they
11 know is important requires a procurement, and you're
12 looking at two years before you can purchase
13 something, it stifles innovation. It stifles the
14 will to change, right? Now, we can tell them, you
15 know, 11 months. That's imaginable. Like, people
16 can wrap their brains around that, and I think it
17 really has made a big difference. Cybersecurity is a
18 prime concern of ours, and we're in the process of
19 building additional system improvements that will
20 help us ensure continuity of our IT functions in the
21 event of a disruption at our headquarters in Queens.
22 Our DEP police, who protect our critical water
23 infrastructure upstate, will be launching a new class
24 of incoming cadets at DEP's Police Academy in
25 Kingston, New York. It's not often appreciated just

2 how important our roughly 200 DEP police officers are
3 to protecting the water infrastructure that each of
4 us relies upon. We have a significant vacancy rate
5 among EPOs, Environmental Police Officers, and this
6 new class will help. Finally, I'll note that we've
7 undertaken an exciting effort with the Partnership
8 for New York City, which we call the Environmental
9 Tech Lab. Modeled on their Transit Tech Lab
10 partnership with MTA and DOT, this effort uses a
11 structured process to identify new technology
12 solutions that DEP could use, source solutions to
13 those problems from startups around the world, and
14 test them at DEP. I'm pleased that our first year
15 partnership identified one technology to pilot and
16 another technology that was so compelling that we
17 skipped the pilot and are moving straight into
18 procurement. As you know, DEP's water functions are
19 almost exclusively funded by revenue collected from
20 water bills. In FY24, we expect to collect roughly
21 \$4.17 billion in revenue from our water customers.
22 Most things cost more in New York City than anywhere
23 else in America, but our water rates are well below
24 those of many large American cities, and we work hard
25 to keep it that way. Of course, the system needs to

2 be funded, and we can only keep rates low for
3 everyone if everyone pays their bills. Last year, we
4 offered a one-time amnesty program to allow people
5 with outstanding balances to save money on interest
6 if they made down payments and entered into a payment
7 plan. We think the program was very successful. It
8 brought in nearly \$105 million dollars. We forgave
9 \$22 million in fines and interest, and have gotten--
10 and the number's not here, but roughly 100,000
11 customers went from being in arrears to being current
12 with us as a result of that program. It was a huge
13 success. This year, though, we are focused on
14 enforcement, because we still have roughly \$1.3
15 billion in overdue water bills. When people don't
16 pay their bills, they pass the burden on to their
17 neighbors who do. We have programs that can help
18 those who are truly struggling to pay, but it's
19 unfair for customers who have the means to simply
20 ignore their bills, so we have started issuing
21 shutoff notices to these properties. I was with the
22 Mayor on Wednesday when we issued one of 2,400
23 shutoff notices this week. We will continue to do
24 so. We'll also be instigating legal action, and
25 alerting co-op and condo owners if their boards and

2 management companies are not paying. Anyone who owes
3 money should reach out to our Bureau of Customer
4 Service. We will work with you. And Council
5 Members, I also invite your support to improve
6 enhancement. As you know, we no longer have the
7 ability to sell liens on properties for unpaid bills,
8 which means that shut-offs are our only enforcement
9 option. I'm proud of the work that this agency has
10 done during the Adams Administration and am excited
11 about what the future holds for DEP. The 5,600 men
12 and women at DEP manage our drinking water, protect
13 our harbor, and are beginning to protect the city
14 against climate change. We have much to do, and we
15 appreciate your support. Thank you for the
16 opportunity to testify today, and of course, we're
17 happy to answer questions.

18 CHAIRPERSON GENNARO: Thank you,
19 Commissioner, for your comprehensive and good
20 testimony. We appreciate you and your team and all
21 the work that you've done. Ordinarily, as Chair I
22 would start off the questioning, but to make it up to
23 my colleagues who were here before I was, I am going
24 to call on members who have signed up for questions,
25 and I'll-- also, since I last recognized Council

2 Members, we've been joined by Council Member Restler,
3 Holden and Nurse. Happy to have them with us here
4 today. We have members who have signed up for
5 questions. This is how I'm making it up to my
6 members for coming late. I'll make it up to all of
7 you by asking for your questions so that we get the
8 15 minutes back. Yes, and so questions-- first up
9 for questions I recognize Council Member Marmorato
10 for questions. Sorry, it's a little--

11 COUNCIL MEMBER MARMORATO: thank you,
12 Chair.

13 CHAIRPERSON GENNARO: I'm having a little
14 difficulty with one of my eyes, so I can't see as
15 well I used to.

16 COUNCIL MEMBER MARMORATO: Thank you,
17 Chair, and thank you today for coming to testify and
18 giving us all this information. So, when I came to
19 City Council, I knew that this was one committee that
20 I needed to be on, because I feel like my community
21 is suffering. We are literally driving in Throgs
22 Neck, Focus Point, Country Club, City Island, and
23 this is just our waterfront community. I live on the
24 other side of the district which is pretty land-
25 locked, and the flooding is starting to become out of

2 control on that end in Morris Park, Van Nest, Pelham
3 Gardens, as well. I wanted to know that since we do
4 have some-- sewer back-up complaints have increased
5 in the beginning part of this year, I wanted to know
6 what studies and assessments are doing as a
7 Department that for my district specifically, and how
8 we can increase this? And we need some
9 accountability and we need to know how we can fix
10 this issue.

11 COMMISSIONER AGGARWALA: Council Member,
12 thank you, and I will say, I mean, this is a-- this
13 is the core of the problem, right? The increase in
14 wet weather sewer back-ups is reflective precisely of
15 the change in precipitation that we have started to
16 see really over the last 30 months. We'll see
17 whether it's a blip or whether it is, as is
18 predicted, really a hockey stick change because of
19 climate change. but you know, the main reason that
20 the first four months of FY24 showed such a spike
21 over 23 is that as you'll recall, 2023-- 2022,
22 calendar 22 was a drought year. Calendar 23 was a
23 very rainy year. And so just as we point out in the
24 PMMR, in September 2022 which is that first four
25 months of FY23 there were 4.1 inches of rain. In

2 September 2023, there were 14.3 inches of rain.

3 That's honestly-- and of course, one of those was the

4 massive storm of September 29th, and that's really

5 all you need to know, because when we get one of

6 these tremendous rainstorms, inevitably there's a lot

7 of wet weather related sewer back-ups. So that is an

8 indication of the challenges we face in the whole

9 sewer system. You know, we're very proud of the fact

10 that over the last decade, you know, again, thanks to

11 Tasio [sic] and his colleagues, we've dramatically

12 reduced the number of dry weather sewer back-ups,

13 right? And historically, that was the main cause of

14 sewer back-ups, these, you know, fat [sic] bergs

15 [sic] and other things. Now, climate change is

16 throwing a new problem at us. We are doing a great

17 deal of work on that. For the last 18 months we have

18 been working on a comprehensive stormwater resilience

19 strategy. The reality is, this is going to be a

20 multi-year effort just to figure it out. The all

21 pipes model that I mentioned in my testimony is one

22 of the first big investments that we've made, but

23 what that means is that really for the first time, we

24 can actually start understanding, because the way the

25 sewer system works, you could have flooding or sewer

2 back-ups down here, down-stream, and the issue is you
3 need to do projects up-stream. Or you could have
4 flooding upstream, and really it's all about a
5 bottleneck further downstream. Now we can start to
6 understand that. The reality is the cost of upgrading
7 all of our sewers is going to be dramatic. And we
8 will probably next month. In PlaNYC we committed in
9 early 24 to come out with a report. It will be a
10 progress update. We will not have a plan by any
11 stretch yet. But we are looking at tens of billions
12 of dollars, even not to get to the point where we can
13 absorb all of the water that Hurricane Ida sent to
14 us. But even to get at what we think the "five or
15 ten year storm" will be under climate change
16 conditions. So, you know, it is certainly something
17 for your district, but it's true across the City that
18 this is of high priority. We've actually identified
19 based on one target, and we don't have an empirical
20 way to-- we have not yet come with a recommendation.
21 That will be something that we start talking about
22 with you, with the public about what service level we
23 should aim for. But if we are to reach, just as an
24 example, a 2.1-inch per hour-- traditionally, we've
25 designed the sewers to absorb 1.75 inches of rain.

2 Hurricane Henri was 1.9 inches per hour. Hurricane
3 Ida was 3.75 in the worst place, 3.15 in Central Park
4 per hor. If we try to get to 2.1 inches per hour,
5 there are 86 places around New York City that we will
6 have to do massive amounts of construction. And so
7 we are going to be, again, coming to you al, coming
8 to the public with our thoughts on how we use a mix
9 of underground infrastructure, green infrastructure,
10 how we think as cost-effectively as possible, but one
11 of the realities that we are going to have to face is
12 that anything we do strategically on stormwater
13 resilience is going to have a significant impact on
14 our water mains.

15 COUNCIL MEMBER MARMORATO: Well, I just--

16 CHAIRPERSON GENNARO: [interposing] And
17 I'll just say that notwithstanding that the time
18 being up, I'll give the Council Member a little, you
19 know, latitude for a comment.

20 COUNCIL MEMBER MARMORATO: Okay. Thank
21 you. This is not just a blip. This has been going
22 on for many years, many years in this district. It's
23 not something that is just-- maybe it's gotten worse
24 over time with climate change, but this is constant
25 flooding throughout my entire district. And my

2 people are worth money. If it's billions of dollars,
3 I say we do the studies, and I say we start to fix
4 it, because the damage that it's causing, our
5 homeowner, our tax paying homeowners, it's
6 outrageous. These people don't deserve it, and
7 whatever we can do to fix it, we need to do and we
8 need to put the money into it.

9 CHAIRPERSON GENNARO: And I'll just-- I
10 want thank you for bringing this, you know, very
11 important topic to the forefront in the first
12 question. I think that's appropriate. I'll mention
13 just to mention that we submitted to the council
14 leadership a plan for our April hearing to be on
15 storm water. 15, 20 years ago I did a comprehensive
16 stormwater management plan, and so I put forward a
17 bill which is the Stormwater Management Plan 2.0, and
18 of course, our intention as a council is to put that
19 forward and then work with the Administration, you
20 know, to make sure that we can-- you know, that we
21 have a consistent vision that will work, and then
22 that will be put into law. And so this is about as
23 intense and effort as we can make in order to push
24 back against the stormwater. And so the Commission
25 and I have had many, many conversations about this,

2 but you and your constituents should, you know, rest
3 assured that the issue of flooding and everything
4 that-- anything that, you know, your folks are going
5 through, everyone else folks are going through, and
6 this is a top priority for the Administration, a top
7 priority for me as Chair, and a top priority for this
8 committee. And so, so happy that you're a member of
9 the committee now. And so-- you bet. I recognize
10 Council Member Zhuang for questions.

11 COUNCIL MEMBER ZHUANG: Our community-- I
12 don't have direct water. We cannot see the water in
13 my district, but we do see the water when it's
14 flooding. It's raining, heavy rain. We always see
15 the water the in the basement, and [inaudible] here I
16 still remember my husband drop my kids to school.
17 When he come back all up to here, all wet. Later on,
18 two hours later, the school called every parent, "Can
19 you guys pick up your child form the school? Our
20 school is flooded. And in my dis probably have the
21 same issue as yours. All the catch basins, probably
22 every single one you've cleaned, and also, during--
23 if any time has heavy rains, you will street people
24 have bucket drain the water from the basement and
25 dumping in the street, and the street is always

2 flooded. And the way your drive you feel like you're
3 going through an ocean, and I see you guys said now
4 our water is clean. We're going to see dolphins,
5 whale, and the seahorse regally. If that issue not
6 fixed, our basement will see those animals regularly
7 also. So I really want to address this issue and get
8 your attention. This-- what we need to do to fix.
9 And I'm looking forward to work with you. And also,
10 they have another questions, noise. We do have a lot
11 of noise complaint about the big truck. Is there
12 anything DEP is working on?

13 COMMISSIONER AGGARWALA: So, Council
14 Member, you know, on your first question, I would
15 imagine what you're describing with your children is
16 from that big storm on September 29th, right?

17 COUNCIL MEMBER ZHUANG: Yes.

18 COMMISSIONER AGGARWALA: And of course,
19 Brooklyn was the hardest hit. Brooklyn had the most
20 intense rain of anywhere in New York City that day.
21 So, your neighborhood was-- your part of the City was
22 particularly affected. You know, as I said to
23 Council Member Marmorato, you know, we know full
24 well. We've been talking about the need, as Chairman
25 Gennaro just pointed out to work-- we have been

2 working on the needs of comprehensively thinking
3 about our stormwater infrastructure for two years
4 now, and so as I said, we'll have more to report. As
5 the Chairman said, we have been in discussion over
6 how we legislate and formalize the work that we've
7 already started so that it is a formal process that
8 moves forward.

9 COUNCIL MEMBER ZHUANG: And what's the
10 plan clean up the catch basins in all the
11 neighborhoods, especially my neighborhood. It's--
12 it's not-- those catch basis probably never have
13 updates for 50 years.

14 COMMISSIONER AGGARWALA: Well, so, catch
15 basins don't go out of style. So a 50-year-old catch
16 basin isn't necessarily a bad thing.

17 COUNCIL MEMBER ZHUANG: And now because
18 of the shape, everything change, all the garbage it's
19 easily to fill up there--

20 COMMISSIONER AGGARWALA: [interposing]
21 Well--

22 COUNCIL MEMBER ZHUANG: and the way it
23 drain, everything's stuck.

24 COMMISSIONER AGGARWALA: Sometimes when
25 re-paving's happen and the street grade changes--

2 COUNCIL MEMBER ZHUANG: [interposing]

3 Yeah.

4 COMMISSIONER AGGARWALA: sometimes that
5 does cause a problem, and so I'd be very happy to
6 follow up with you if you have particular blocks or
7 streets that we should take a specific look at, I'm
8 happy to do that. I will say I think we've done a
9 very good job of catch basin inspection changes, as I
10 said in my testimony, and we are increasing our
11 capacity to clean the catch basins. Catch basins
12 fail in two ways. Either they fill up with dirt and
13 leaves and things like that. That requires DEP to go
14 in with a special piece of equipment and scoop out
15 the gunk so that the water can flow in and flow out.
16 What often happens and what we saw a lot of during
17 the Storm of September 29th, because it was autumn,
18 is that the catch basins can also fail even if
19 they're perfectly functioning underground if they get
20 matted over. In fact, I know Council Member Restler,
21 I saw an image of him on video going out there like a
22 good citizen and solving a problem with a simple rake
23 or a broom by clearing the catch basin and pulling
24 that stuff aside.

2 CHAIRPERSON GENNARO: What a show-off.
3 What a show-off.

4 COMMISSIONER AGGARWALA: You know, it's a-
5 - I think he was wearing a cape at the time. It was
6 tremendous. And you know, so we are-- that is kind
7 of situation. Usually what happens is that water
8 will subside over a relatively short period of time,
9 and one of the things we did see on that day of
10 September 29th is that water filled up very quickly,
11 and then actually within an hour or so, in most parts
12 even of Brooklyn that was hardest it, it resolved by
13 the time sometimes our trucks got to sites that had
14 been called it. There was no flooding anymore. we
15 are working, number one, as I mentioned in my
16 testimony-- we have a new catch basin design that we
17 think will make a big different in helping those
18 situations. It basically provides a back-up catch
19 basin if the one on street level gets covered over,
20 gets matted over. There's kind of a secondary drain.
21 That's helpful. And we are rolling that out now.
22 It's a relatively small roll-out. How many did we
23 do? A hundred over the last year. We have 160,000
24 catch basins across the city, so we have to think
25 about how we can accelerate that retrofit. We put a

2 couple on Knickerbocker Avenue in Council Member
3 Nurse's district, and they got pretty good reviews.
4 Although, they won't solve the problem for September
5 29th. And so-- and we are also beginning to think
6 about how we reengage with citizens about potentially
7 enlisting people to help us, because there is
8 literally no way that DEP or in fact the entire city
9 workforce could respond to every matted over catch
10 basin in the midst of a storm, and so the kind of
11 citizen action like what Council Member Restler did
12 is something that we do encourage people to do.
13 There's no safety risk. There's no hazard. There's
14 no specialized equipment with going ahead and doing
15 that. So it's a multi-faceted solution, but we've
16 invested a great deal of time and effort into making
17 sure the catch basins work.

18 COUNCIL MEMBER ZHUANG: Thank you,
19 Commissioner, and also I'm looking forward-- our
20 district also have some new catch basin happening in
21 my district.

22 COMMISSIONER AGGARWALA: I would love to
23 come walk the streets of your neighborhood with you--

24 COUNCIL MEMBER ZHUANG: [interposing]
25 Thank you.

2 COMMISSIONER AGGARWALA: and we'll talk
3 about that together.

4 COUNCIL MEMBER ZHUANG: Thank you. Thank
5 you.

6 CHAIRPERSON GENNARO: Thank you, Council
7 Member. Okay, it's a little sort of Council question
8 politics here. Now, the next member who signed up for
9 questions is Council Member Restler. However, my
10 Delegation Chair, Council Member Williams has some
11 questions that Council Member Restler is going to ask
12 on her behalf, and so because she's going to get a
13 little extra time, I don't want to get Council Member
14 Holden and Nurse mad at me. And so we're going to
15 jump over Lincoln, and he's always like a really
16 good, and I'm going to recognize Council Member
17 Holden followed by Council Member Nurse, and then
18 Council Member Restler will do his questions, and
19 some he's going to ask on behalf of my Delegation
20 Chair, Council Member Williams. Everybody good with
21 that? Okay, so with that I recognize Council Member
22 Holden for questions.

23 COUNCIL MEMBER HOLDEN: And I want to
24 echo Lincoln Restler's an inspiration to us all. Can
25 we get the stick also from the-- how do you open up a

2 catch basin? You have a stick, a certain-- does it
3 have a hook on it, or?

4 COMMISSIONER AGGARWALA: We don't want you
5 to open them.

6 COUNCIL MEMBER HOLDEN: We--

7 COMMISSIONER AGGARWALA: [interposing]
8 It's just what's on top.

9 COUNCIL MEMBER HOLDEN: You just want to
10 clear it, okay.

11 COMMISSIONER AGGARWALA: A rake or a
12 broom, that's all.

13 COUNCIL MEMBER HOLDEN: Anyway.
14 Commissioner, the Mayor's City of Yes is proposing a
15 lot more over-development, and that kind of flies in
16 the face of some of the complaints you've seen or
17 you've heard today. My district floods regularly, as
18 you know, many other districts in Queens flood.
19 Southern Queens-- and I think Nantasha Williams is
20 going to talk about that or at least the questions
21 will be directed at that. The water table is very,
22 very high in that area. So there's flooding in a lot
23 of sections. Where does-- what about your input on
24 City of Yes? Have you spoken about this and probably
25

2 some of the neighborhoods that might not work in this
3 plan?

4 COMMISSIONER AGGARWALA: Look, from--
5 first of all, I'll say I wear two hats, as you know,
6 in this Administration, and as Chief Climate Officer
7 there is nothing New York City can do for the planet
8 that is more important than expanding our housing
9 capacity. Every single additional person who can
10 live in the five boroughs reduces the global carbon
11 footprint, reduces our impact on the environment.
12 That is why, first, the City of Yes for carbon
13 neutrality was such a big innovation, and I'm so
14 grateful to the City Council for enacting that, and I
15 am a full supporter of the current City of Yes
16 package that will be coming to you before too long.
17 From the point of view of DEP, the thing that we are
18 in ongoing conversation with the Department of City
19 Planning on is just making sure that we have constant
20 communication about where they are expecting growth
21 to occur so that we can incorporate that into our
22 sewer capacity investments. That's the main thing.
23 And frankly, I don't-- it has been on occasion things
24 around small scale distributed growth, like what is
25 really encompassed in some of the City of Yes

2 proposals. The bigger challenges come from larger
3 scale rezoning's where we have to make sure that our
4 investments are timed so we don't wind up hindering
5 growth.

6 COUNCIL MEMBER HOLDEN: But the City of
7 Yes is taking residential areas one and two-family
8 homes and actually building units over garages, in
9 the backyards, side yards, which you're going to have
10 more concrete. You're going to have less green.
11 That's being done across the City. It's not just in
12 certain areas, low rise areas. It's across the City.
13 So, it's a one-size-fits-all. As you heard, as you
14 know, flooding is in a lot of areas, especially where
15 overdevelopment went, you know, went first. That
16 started it. So what the Councilwoman-- both
17 councilwomen said about their neighborhoods flooding
18 even before the climate change started really--
19 started getting a lot of rain. We've had a history
20 in my district of-- first of all, we don't have the
21 electrical grid. Every time I get a 30 mile-an-hour
22 wind, we have a blackout, every single time almost.
23 So, any time-- I got a horrible electric grid, but my
24 sewer system is again 30, 40 years behind the time.
25 Twenty-five years from now, we still-- all the

2 projects will not catch up to what we have now. Now,
3 City of Yes is coming and saying we want to put 20,
4 30, 40 percent more housing in a particular area
5 that's already experiencing flooding, and yes, we'll
6 figure it out is not really answer. We really need
7 you to weigh in and say this can't handle it. We
8 can't handle the current situation. We cannot--
9 because we're just going to give more flooding to the
10 people now who are suffering. So, that's not an
11 answer that-- you know, we'll see. We need more
12 housing and we'll figure it out. That's not really
13 an answer.

14 COMMISSIONER AGGARWALA: Well, Council
15 Member, look again, I am fully in support of the City
16 of Yes package that's currently working its way
17 through. I think DEP is perfectly positioned to
18 handle that, and again, I continue to believe that
19 ADUs and other innovations to help ensure that we can
20 alleviate the City's housing crisis are important. I
21 will point out--

22 COUNCIL MEMBER HOLDEN: [interposing] So,
23 at any cost you're saying?

24 COMMISSIONER AGGARWALA: Well, I will
25 point out that 13 New Yorkers whose lives were lost

2 during Hurricane Ida mostly lived in illegal basement
3 apartments, and this Administration has continuously
4 tried to get Albany to help us start the process of
5 legalizing those illegal apartments. That's an
6 indication of how much we need that kind. Those are--
7 - those are accessory dwelling units. What we are
8 trying to do here is bring these out of the shadows
9 and into the light and out of the basements which
10 tend to be unsafe and into places where people whose--
11 - people's lives won't be at risk. I think that's
12 really important.

13 COUNCIL MEMBER HOLDEN: Right, but again,
14 there is a cost. And the cost is if the
15 infrastructure is inadequate now, and you're not
16 offering an upgrade in that area, and you want to
17 build 20 percent, 30 percent more housing in that
18 particular area without improving the infrastructure,
19 that's a recipe for disaster. That is really
20 questionable. So, again, you can support the City of
21 Yes, but there's got to be, you know, carve-outs.

22 COMMISSIONER AGGARWALA: We-- well, I
23 don't know about carve-outs, but we have certainly
24 been in conversation with the Department of City
25 Planning about making sure that we are fully aware of

2 where development is expected. We will focus on
3 that, but I also have to point out, and I stress this
4 on a number of occasions, that an increase in the
5 sanitary flow, right, of people flushing toilets and
6 taking showers in combined sewer locations in the
7 City which is two-thirds of the City, that is not
8 going to cause flooding, right? Because our sewers
9 are designed for storms, and stormwater, right-- I
10 mean, remember if we get an inch of rain-- so our
11 annual daily water consumption is a billion gallons a
12 day. If we get one inch of rain across the five
13 boroughs, that's five billion gallons of rainwater.
14 And our sewers are designed generally to handle
15 between 1.5 and 1.7. So we have built-in in our
16 combined sewer areas, something between five and ten
17 times the sanitary flow. So the sanitary flow
18 increases from a relatively-- you know, if you
19 quintuple, you know, stuff that happened in
20 Williamsburg and other places-- like if you have a
21 double and tripling, quadrupling of the population,
22 we have to take that into account. 20 or 30 percent
23 is not going to cause flooding. Now, again, I will--
24 I say as I said to both of your colleagues who asked
25 question before. We are absolutely focused on what

2 it will take to address flooding in the City. the
3 sad reality is, that flooding is going to happen in
4 your neighborhood whether its population stays the
5 same or goes down or goes up until we make progress
6 on our work, until we have the engineers we need to
7 do the work, and until we figure out what it's going
8 to cost and get the capital in our budget, and raise
9 the water--

10 COUNCIL MEMBER HOLDEN: [interposing] And
11 again, the infrastructure has to come first before
12 building, and if that's not something that you
13 recognize, then we're in trouble. Thank you.

14 CHAIRPERSON GENNARO: Well, I think it's
15 time for me to jump in here, because I got some good
16 news for Council Member Holden. Hopefully we can
17 make this happen. You know, the time has lapsed
18 anyway, but I have a bill, Bob, that's currently
19 being drafted which would mandate that-- and it
20 sounds like the kind of thing you're going to want to
21 sign onto, because we've seen it all over that they--
22 Department of City Planning will do an up-zoning.
23 you know, subterranean, you know, sewer
24 infrastructure is not prepared for that, and if
25 somebody wants to build a building then they have to-

2 - you know, then DEP charge them to infrastructure in
3 the ground. Anyway, just to cut to it, my bill
4 should it become law, would mandate that the
5 subterranean infrastructure be built out to
6 accommodate, you know, whatever is coming with the
7 new zoning before the new zoning can actually take
8 effect. Now, of course, we'll be going against the
9 forces that are pushing the City of Yes and whatever,
10 and the Administration's for it, and you know, the
11 leadership of the Council, whatever, but I think it's
12 a common sense bill to make sure-- it would be a
13 common sense law that the sewer infrastructure has to
14 be able to handle whatever is envisioned by the new
15 zoning. That's like the crux of what the bill's
16 going to do. I think you're going to like that. You
17 know, thank you for your good questions as always. I
18 appreciate that. And with that, I recognize Council
19 Member Nurse for questions.

20 COUNCIL MEMBER NURSE: Thank you, Chair.

21 CHAIRPERSON GENNARO: And I trust Council
22 Member Nurse so well that I can take a little break
23 and I don't have to worry that anything is going to
24 happen, because Sandy's--

2 COUNCIL MEMBER NURSE: [interposing] The
3 hearing's not going to go off the rails.

4 CHAIRPERSON GENNARO: Sandy's got it,
5 okay? So, I happily recognize Council Member Nurse
6 for questions.

7 COUNCIL MEMBER NURSE: Thank you. And I
8 too want to put for the-- I want to put on the record
9 that I too have cleaned a catch basin, just not on
10 camera, but maybe I will. I need to be a better
11 politician. So, I have just some silly questions,
12 because I-- the testimony was very comprehensive, and
13 because I've just been on the committee for a while.
14 I feel like I know all the answers that you're saying
15 to some of the questions. But I did have a question
16 on the RFEI on anaerobic digestion and if you had any
17 major takeaways or things that you've learned from
18 that process or general updates, and then was
19 wondering if DEP was accessing any IRA or other
20 federal funding?

21 COMMISSIONER AGGARWALA: Thank you,
22 Council Member. I don't have a ton of news to share,
23 but you know, what you're referring to just so the
24 others on the committee know, last year we put out
25 actually three RFEIs around different aspects of the

2 circular economy for organics processing, for bio-
3 solids reuse and for bio gas capture and reuse.

4 We've taken the responses to them and we are
5 incorporating them into our plans to expand our role
6 in the circular economy. I'm really excited about
7 that. I think the-- you know, a couple of takeaways
8 that I see is that there is real opportunity, right?

9 And part of the reason we did that is we needed to
10 make sure that what we understood about the-- what
11 the market was interested in was up to date because
12 the world has really changed on this topic over the
13 last couple of years, as you know as well as anybody.

14 So now I think we are well-poised for that. As it
15 relates to the IRA, we are very much working on
16 something. We are not yet at a point where I can
17 announce it, but I hope within weeks we can say
18 something really positive on that, but we are
19 certainly-- you know, as you know, Deputy Mayor Joshi
20 [sp?], you know, is tasked by the Mayor with leading
21 an effort that Joe leads on behalf of DEP with making
22 sure that we are absolutely maximizing every dollar
23 from the IRA and the BIL that we possibly can, and
24 that is part of our strategy.

2 COUNCIL MEMBER NURSE: Okay. I just have
3 one other question. How has it been going with the
4 new Bureau of Coastal Resiliency and the new DEP
5 Borough Commissioners we've discussed at previous
6 hearings?

7 COMMISSIONER AGGARWALA: Well, the
8 Borough Commissioners, we are well behind schedule, I
9 will acknowledge. We did start-- I think they posted
10 at the end of last year. Yeah, so we are in the midst
11 of recruiting for them. we have got-- as with any
12 recruiting process for five roles simultaneously, we
13 are a little bit ahead in the process on some than
14 others, but we are actively doing that, and we are in
15 fact-- my colleague, Beth DeFalco, the Deputy
16 Commissioner for Public Affairs and Communications is
17 essentially redesigning her bureau around having the
18 presence of these Borough Commissioners. So I think
19 that'll be a really powerful force later this year
20 when we get them all on board.

21 COUNCIL MEMBER NURSE: Okay. Sounds
22 good. Thank you so much for-- just wanted to
23 acknowledge and thank you for all the work you've
24 been doing in the Bushwick community from the little
25 micro pilots just coming out. It's been really-- you

2 know, it's nice when a city agency is actually able
3 to deliver. It's been really great. So, thank you.

4 COUNCIL MEMBER RESTLER: I think we're
5 just taking the reins here. Chairman's going to
6 regret it when he gets back. But I will say while
7 he's not listening how much we appreciate Chair
8 Gennaro and his like expert and thoughtful leadership
9 at the Committee. I was saying nice things about you
10 James.

11 CHAIRPERSON GENNARO: [off mic]

12 COUNCIL MEMBER RESTLER: Well, she was
13 done.

14 COUNCIL MEMBER NURSE: I passed it over.
15 I thought that's what the cough drop was about.
16 [inaudible] the reigns.

17 CHAIRPERSON GENNARO: Because she
18 actually chaired the last committee, you know,
19 because I couldn't be here, so now she just acts as
20 chair anytime she wants. So, save me the work. So
21 like I said, Council Member Restler is going to be--
22 he asks his questions and those of Council Member
23 Williams, and yeah so, I'm back just to gum up the
24 works here. Sorry about that, Lincoln. Just go get
25 'em.

2 COUNCIL MEMBER RESTLER: Thank you very
3 much, Chair, I really appreciate it. And I--

4 CHAIRPERSON GENNARO: [interposing] And I
5 just mention that we're joined by Council Member
6 Avilés. I want to recognize her good presence here.
7 Happy to have here. Once again, sorry for the
8 interruption.

9 COUNCIL MEMBER RESTLER: I appreciate it,
10 sir. I really just want to start by echoing Council
11 Member Nurses' sentiments. We've had a great working
12 relationship with Dep on a range of issues. most
13 recently I was thrilled that your team was willing to
14 work with us to relocate an affordable housing
15 development on water tunnel number three access site
16 in Bed-Stuy so we're preserving an amazing community
17 garden while ad-- while securing the affordable
18 housing that we need for our community. We've got--
19 we're in the beginning stages on I hope really
20 dynamic green infrastructure projects in McCarren
21 Park that are critically important to our community.
22 The Gateway to Greenpoint projects has been in the
23 works since you were in the Mayor's Office multiple
24 mayors ago, and it's finally coming to fruition
25 thanks to you and your team's great work. And

2 there's some new-- you know, and I appreciate
3 thoughts around how we can strengthen the long-term
4 control plan for Newtown Creek. And you know, you
5 mentioned and Council Member Nurse mentioned the
6 importance of keeping our storm drains clear, and
7 we're really excited about the preliminary
8 conversations we've had to encourage more neighbors
9 to be able to adopt a drain and map that and track
10 that and think about how we can do a better job with
11 maintaining the drains and the storm catch basins in
12 our community are clear. I did-- and I will just say
13 because it was referenced, the September 29th storm
14 where I was out in South Williamsburg where much of
15 the Broadway Triangle area was flooded. You know,
16 just this morning DEP was out at Walton and Harrison
17 working on the catch basins there. So we really
18 appreciate that and it makes a difference. I know
19 that these are tough issues to solve for, but we
20 appreciate your responsiveness and your partnership
21 really across our district. I have a few areas that
22 I was hoping to ask some questions on. I just want
23 to first start with perhaps the most frustrating
24 issue that we've worked on together which is at
25 Newtown Creek where, you know, national grid was

2 supposed to deliver a product for us about a decade
3 ago that appears to continue to have problems. I get
4 emails from my constituents on a daily basis that
5 things don't seem to be working well. Can you give
6 us a status update from your standpoint on how things
7 are going and what the path forward is?

8 COMMISSIONER AGGARWALA: Happy to do
9 that. Thank you, Council Member, and I will, you
10 know, reciprocate the thanks. We enjoy working with
11 you and I want to acknowledge particularly on Gateway
12 to Greenpoint and the McCarren Park efforts, the
13 great work of Angela Licata, our deputy Commissioner
14 for Sustainability. So, the bio gas facility at
15 Newtown Creek-- another thing frankly that dates back
16 to my days in the Bloomberg Administration as you
17 probably know-- finally in operation most of the
18 time. It had a really rough first year, and frankly
19 we had a number of issues with our partners at
20 National Grid over the way they informed us when they
21 had issues. Now, in fairness to them, we are in
22 pretty close contact. We have ironed out protocols
23 for how they have to let us know when things are
24 going wrong. Sometimes things go wrong that are
25 either they're scheduled maintenance that has to

2 happen on a piece of infrastructure that handles
3 natural gas, right? I mean, that's obvious. One of
4 the things that has been happening that we're
5 concerned about is there have been a lot false alarms
6 being tripped by the various safety sensors, and of
7 course, if something happens you have to take it
8 deadly seriously. And so that led to a disappointing
9 in-service percentage in its first year. And we are
10 just about, maybe almost to the day, at the one-year
11 anniversary of its service period. As I said, we
12 have had some frank exchanges of views with our
13 partners. We have a new set of protocols so we are
14 feeling better informed. And one thing we wanted to
15 do so that your constituents don't have to like take
16 their binoculars out and check the flare, just this
17 week after some really good by-- Jane's not here, but
18 Jane Gajwani and her team and our IT folks. On DEP's
19 website, we now have a real-time status monitor as to
20 whether the bio gas system is working. So you can go
21 at any moment to check whether our flare is firing.

22 COUNCIL MEMBER RESTLER: That's great.

23 COMMISSIONER AGGARWALA: And within a
24 couple of weeks, we expect also to have a direct feed
25 from National Grid system. So at least in terms of

2 that kind of transparency, I think we're making a lot
3 of progress. Now, you know, our-- and I have-- I am
4 personally probably on the phone with National Grid
5 every other week on this topic. Jane's probably on
6 the phone with them every other day. You know, what
7 they are saying is look, it's a complex piece, kind
8 of first of its kind. It's inevitable that the first
9 year is going to be rocky. Don't worry, year two is
10 going to be much better. And it's a plausible
11 argument. I think now that we have a better sense of
12 how quickly we will know, we will see. Of course, we
13 want to hope for the best, right? We don't want them
14 to fail. We are in a 20-year partnership with them.
15 I don't want to wind up in a position where we wind
16 up having to sue them or try to kick them out or
17 something like that. That's not the right way to go,
18 but you know, we will see and we will be critical,
19 because you know, I think your frustration we share.
20 I think there's good will on that side, but we want
21 to make sure that it is as important to them as it is
22 to the city, because as you know as well as anybody,
23 that is a cornerstone of our circular economy
24 strategy. And if at some point in the future we are
25 going to do bio gas capture at other treatment

2 plants, and if we are going to harness that gas to
3 help buildings comply with Local Law 97 and we are
4 going to use it as part of our organics
5 infrastructure, we have to make sure it's working.
6 So that's a top priority.

7 COUNCIL MEMBER RESTLER: I could to agree
8 with you more. I think it was two years ago to the
9 day at our Preliminary Budget hearing that I blew a
10 gasket on the fact that we were two decades in the
11 making and still didn't have a working product, and
12 Chair Gennaro followed up with me immediately,
13 connected me with senior folks at National Grid. We
14 did bi-monthly calls with them or twice a month calls
15 with them throughout until it got launched and have
16 been frustrated by the percentage of time that it's
17 actually been in operation. The data I have is about
18 75 percent for most of year one. You know, they say
19 they have to-- I hear you that there are times that
20 they have to bring it offline, but that's a lot lower
21 than we were anticipating and we have not been
22 getting good responses. I appreciate greater
23 transparency. I appreciate them having better
24 protocols in place for all of us to be able to hold
25 them accountable, and I appreciate that you're

2 continuing to be hands-on and making sure that
3 National Grid takes this as seriously as they need
4 to. I had other questions, but let me go to Nan's,
5 because she asked me to. So, actually, just briefly,
6 I just want to follow on Council Member Nurse, is
7 that okay? One second. I was really excited about
8 the coastal resiliency announcement last year, and
9 just to have been-- it was a little hard in our
10 briefing materials to get a-- I think because it's
11 probably a new unit to get a full understanding.
12 Could you give us a breakdown both of the MOCJ
13 headcount and the coastal resiliency headcount, and--
14 for the FY25 Adopted Budget, Preliminary Budget
15 excuse me.

16 COMMISSIONER AGGARWALA: Let me-- so I
17 believe. And I apologize actually to Council Member
18 Nurse. I answered half of your question, not the
19 other half, so I'm glad Council Member Restler picked
20 it back up, because-- of course. BCR is super
21 important. So, Laurian [sic] joined the team last--
22 joined the team last fall, and I believe in the
23 Preliminary Budget there is literally one line in the
24 Bureau of Coastal Resilience, which is her. That was
25 by design That was by agreement with OMB when we

2 announced it because that we asked her to do was come
3 on board and figure out what a structure for BCR
4 would be. We also have about 10 sewerage treatment
5 workers and figure out what a structure for BCR would
6 be. We also have about 10 sewerage treatment
7 workers. Are they in a BCR line?

8 CHIEF FINANCIAL OFFICE MURIN: Right now
9 they're still over--

10 COMMISSIONER AGGARWALA: [interposing]
11 BWT, so before the bureau was really set up in the
12 budget, we hired 10 people under the sewerage
13 treatment worker, civil service title, and started to
14 train them to be the crew that will maintain the
15 flood gates. So, in effect BRC has 11 people and
16 you've got two, three-- two people, right, two people
17 that we've kind of loaned internally. So she's kind
18 of working with a team of three plus this filed ops
19 crew of 10. And now that she's a couple of months--
20 of course, there wasn't enough time between her start
21 date and December's work on the January Plan. We now
22 in discussion with OMB about what BCR should be
23 staffed at. To your point about OMB, we now-- we
24 have 43 lines within MOCEJ. I apologize. I will have
25

2 to get back to you with what the current headcount
3 is. There are a number of vacancies at MOCEJ.

4 COUNCIL MEMBER RESTLER: When you follow
5 up on that, could we also just get a breakdown from
6 FY21 to the present so we just understand how the
7 agency, the headcount and how many spots were filled?

8 COMMISSIONER AGGARWALA: yeah, we can
9 certainly do that. And of course, as you know-- if
10 I'm thinking correctly, FY21 it was still two
11 offices, right? It was sustainability and
12 resilience. And --

13 CHAIRPERSON GENNARO: [interposing]
14 [inaudible] was it not? It's okay. You--

15 COMMISSIONER AGGARWALA: [interposing] We
16 merged it. But in an-- we'll-- I will certainly--
17 we'll get you the couple of years look-back so you
18 can do a reasonable comparison, and you know, one of
19 the things we are looking at with the future of BCR
20 is to aggregate some of the roles that the previous
21 mayor's Office of Resilience had played. We're in an
22 ongoing conversation between DEP and MOCEJ around
23 what resilience functions remain at MOCEJ?

24 Inevitably there are some that are cross-cutting that
25 you really want in the Mayor's Office. That's a lot

2 that you probably want in the operating agency. Ando
3 there might be some movement back and forth, but also
4 for example, you know, until BCR was created, it was
5 actually assumed that DOT would take over the
6 maintenance of ESCOR [sic]. Those lines at DOT were
7 never funded, and so the conversation right now is
8 even though it was always kind of an outstanding
9 liability for the city in the future, we are now
10 working with OMB to get those things [inaudible].

11 CHAIRPERSON GENNARO: I'll just jump in
12 for a second, because of course the-- Mayor Bloomberg
13 had established Office of Long-term planning and
14 sustainability, and then I thought it was a good idea
15 that that be put into law for, you know, perpetuity
16 and I added resilience to that, because heretofore
17 there was not a resilience office. so the parsing of
18 how the resilience or, you know, resiliency or
19 whatever you want to call it gets done either through
20 the office of resiliency that's part of the
21 [inaudible] that I set up in law-- do we have to a
22 law to kind of figure that out, to kind of make sure
23 that the-- that the new bureau at DEP is fully
24 consistent with prior Local Law which puts it in the
25 Mayor's Office?

2 COMMISSIONER AGGARWALA: Council Member,
3 I'll take another look, or Mr. Chairman. I don't
4 think there is any inconsistency because, you know,
5 as is appropriate, laws like that are generally
6 written with some vagueness and discretion, but I
7 will say that I think we may be coming to you this
8 year with a request to formalize coastal resilience
9 as part of DEP's mission.

10 CHAIRPERSON GENNARO: You could
11 generally-- it's my way, so to speak, when I see
12 something good and it's working, is to you know, do
13 the Hollywood walk of fame kind of thing where it's
14 in concrete and that's the way it is. And so that
15 successive Administration come along and they want to
16 shuffle the deck, and sorry it's the law, you know?
17 If they want to change the law they can try, you
18 know, but that's-- you know, it--

19 COMMISSIONER AGGARWALA: [interposing]
20 Happy to stick my hand in cement [sic] with you.

21 CHAIRPERSON GENNARO: Yeah, if it works,
22 let's just crystalize it and have that be the way it
23 is.

24 COMMISSIONER AGGARWALA: Sounds good.
25 Thank you.

2 COUNCIL MEMBER RESTLER: And I would be
3 eager to co-prime such legislation and support it
4 with you. I think it's a great idea. Just on behalf
5 of Council Member Williams, I think we all know that--
6 - you know, you've heard from everybody complaining
7 about flooding and concerns in their district, but
8 Southeast Queens is without and about ground zero.
9 Council Member Williams wrote a letter on behalf--
10 with every single city, state, and federal elected
11 official representing Southeast Queens in January of
12 this year asking DEP and DEC to begin quarterly
13 public meetings starting in May of 2024 about how
14 joint city and state action can help address the
15 groundwater flooding issue, which I believe according
16 to Council Member Williams who cites the U.S.
17 Geological Survey data, groundwater table in
18 Southeast Queens was 40 feet higher in 2013 compared
19 to its lowest levels in the 70s and 80s. Her office
20 has followed up since the letter was sent in February
21 and March and is hoping for an official response in
22 writing, but I think seeking any information today
23 about DEP's plans to work with DEC and the Southeast
24 Queens delegation to begin addressing the issues
25 caused by the end of groundwater pumping in the

2 Southeast Queens community. She's seeking a
3 commitment from DEP today to participate in these
4 quarterly public meetings with DEC in two months.

5 COMMISSIONER AGGARWALA: Thank you,
6 Council Member. Look, groundwater-- first of all, I
7 need to point out, groundwater is an issue
8 increasingly across the city and around the country.
9 One of the things we're seeing is that as sea level
10 rises, that pushes water underground and so coastal
11 communities across the board are seeing their water
12 tables go up. We've done several things on this
13 issue over the last year or year and a half. The
14 first is we finally registered the USGS? Not yet.
15 So last month, we started with the U.S. Geological
16 Survey where we inevitably took us a year to do the
17 contact, but we got it done. Where we're working
18 with them to a comprehensive set of drills of wells--
19 to drill a comprehensive set of wells across the City
20 so we can start measuring where the water table is
21 across New York. We do not have reliable data on
22 that across the City and we need that. The other
23 thing that we've done-- I know many of her
24 constituents have argued that well, DEP just needs to
25 restart the wells, and so, you know, I'm sure you

2 know this context. But until the late 1990s we had
3 the Jamaica water supply and we were using the
4 underground water. Those pumps have been in moth
5 balls since the late 1990s and under Tasois [sic]
6 leadership we took a close look this year at what it
7 would take to restart that. It's very bad news
8 because I know many of her constituents think that
9 all we need to do is flip the switch, pay the power
10 cost and all of a sudden we can drain out--

11 CHAIRPERSON GENNARO: [interposing] If I
12 could just jump in for a second. I was talking to my
13 legislative director and I missed that. So when you
14 say start them up again, you mean start them up again
15 just for the sake of reducing the water table and
16 pumping them in the waste. You don't mean start them
17 up again to put them into--

18 COMMISSIONER AGGARWALA: [interposing]
19 Correct, no, we would not imagine anybody wants to
20 drink that water.

21 CHAIRPERSON GENNARO: Right, so--

22 COMMISSIONER AGGARWALA: [interposing]
23 [inaudible]

24 CHAIRPERSON GENNARO: we'd just be
25 starting them up for the sake of--

2 COMMISSIONER AGGARWALA: [interposing]

3 Well, let me be clear, that was the idea that a
4 number of the residents and advocates in that
5 neighborhood have been arguing for. Now, for the
6 same reason that-- reading between lines, I'm going
7 to hear you saying you don't want to drink that
8 water, right? One of their things we found is it's
9 polluted enough that we can't just pull it out and
10 dump it into Jamaican Bay or even into the ocean,
11 right? We would have to treat it, and the pump
12 stations having been unused for nearly 30 years at
13 this point cannot just be restarted. We do not have
14 a final cost estimate. We will work towards a closer
15 one and of course it requires a conversation with DDC
16 because any systematic groundwater pumping and
17 dumping of groundwater will require DEC permits, but
18 the cost of restarting the pump stations is between--
19 somewhere between \$500 million and one billion
20 dollars. Not only do we think we would have to
21 basically build new pump stations, but if we have to
22 treat these through a-- treat this water through a
23 traditional wastewater treatment plant, our Jamaica
24 wastewater treatment facility cannot handle it, and
25 so there would have to be an expansion of some other

2 facility created to do that treatment. One of the
3 things that has led us to do, and we reached out a
4 couple of weeks ago to the Queens Borough President
5 office is we really have to start understanding the
6 scope of this problem. There are homes across New
7 York City, across Long Island, across everywhere
8 where you have basement flooding, right, and ground
9 water intrusion, and you know, the thing we have to
10 think about is whether the scope of this problem
11 first in that neighborhood and then frankly across
12 the City is one where a large scale systematic
13 solution like the-- we're talking about
14 geoengineering here. We're talking about intervening
15 to change the earth for the convenience of our
16 buildings, and that kind of effort to lower the water
17 table, not to mention the EIS we would probably have
18 to do for that. We have to think about what it
19 actually protects. Right now, we've actually only
20 been able to get a list of 60 addresses that the
21 Borough President's office tells us that they have
22 self-identified as having a problem with ground water
23 flooding. We-- a couple of years ago, DEP tried
24 literally going door to door in some of the affected
25 neighborhoods, and most people refused to answer

2 questions. It is entirely possible that we have some
3 illegal basement apartments or other things like that
4 which lead residents not to want to engage with the
5 City, which is why we reached out to the Borough
6 President's Office for his help in maybe helping us
7 quantify this problem, but as you can imagine, if
8 we're going to think about a \$500 to-- \$500 million
9 to one billion dollar problem, if it's really only 60
10 homes, it's going to be far more logical to do that
11 on a home by home, sump pump, French drain in the
12 basement kind of solution than to do the
13 geoengineering. The other thing we have to look at,
14 and this is what this USGS data will begin to help us
15 understand-- helping us understand is, is this really
16 just a southeast Queens's problem or is this
17 something that's been happening citywide. And you
18 know, anecdotally, I mean, in you know, Red Hook--
19 you have Red Hook, right? No. Who's that? Oh,
20 Council Member, of course, you've got Red Hook. Your
21 constituent, my Deputy Commissioner, has ground water
22 in her basement on a regular basis. I talk to her.
23 So we know that that is not just a southeast Queens
24 thing. So the bottom line is we are taking this
25 situation seriously. However, it think people have

2 to appreciate there is no easy panacea for this. So
3 we will work in earnest, but huge sums of money to
4 solve undefined problems. We have to be thoughtful
5 before we move on.

6 COUNCIL MEMBER RESTLER: Totally hear all
7 that, and Council Member Williams, I think, has a
8 number of suggestions and ideas for how to
9 potentially help. Is there a time frame by which you
10 plan to respond to the letter from January?

11 COMMISSIONER AGGARWALA: We have a draft.
12 We have not actually worked in coordination with DEC
13 on this. So we're going to answer on our own behalf
14 first. We'll see what DEC says, and then we will
15 figure how to work together.

16 COUNCIL MEMBER RESTLER: Appreciate.
17 Thank you very much. Thank you, Chair.

18 CHAIRPERSON GENNARO: Thank you. Thank
19 you, Council Member Restler. It is my privilege to
20 recognize Council Member Avilés for questions.

21 COUNCIL MEMBER AVILÉS: Hello. Thank you
22 so much, Chair. Thank you to DEP for being here. I
23 think earlier we've talked a lot about flooding, so
24 we're going to go back on topic. As you know,
25 Commissioner, I represent District 38 which includes

2 Red Hook and Sunset Park. We have seen increasing
3 sewer back-up complaints rise quite significantly,
4 and we're on track to have nearly 38 percent increase
5 in sewer back-up complaints. This is truly a
6 significant issue in our district, and with portions
7 of our industrial waterfront also experiencing
8 flooding and sewerage in the streets any time there's
9 a rainstorm. I'd like to hear more about it and
10 forgive me if you've already covered this, but how
11 does DEP plan to address this issue, particularly in
12 my district and on Third Avenue where we have the BQE
13 overheard which is additionally raining down its
14 water in addition to all the other water. We haven't
15 seen any discernable investment in addressing this
16 issue, particularly in Third and Second Avenue.
17 Well, let's-- all over the district that's a problem.
18 Let's talk particularly about Third Avenue where my
19 residents have been trying to address this issue, and
20 quite frankly, extremely frustrated where you will
21 hear some direct testimony later-- what the agency is
22 doing to address these issues?

23 COMMISSIONER AGGARWALA: Well, Council
24 Member, first of all, and it is true, we talked a
25 little bit about this before you arrived. So just to

2 recap, 20-- so, you're referring the PMMR results
3 that compare the first four months of fiscal year 24
4 which is basically the later half of calendar year 23
5 with the first four months of fiscal year 23 which is
6 basically the last several months of 2022. The
7 significant uptick is directly a result of the fact
8 that 2022 was a drought year. We had an
9 extraordinarily dry summer, and most of the state of
10 New York-- happily not New York City because our
11 reservoir system-- but most of the state of New York
12 was under a drought restrictions. 2023 was--
13 September of 2023 was the second wettest September in
14 New York City's history, and when we have massive
15 rain storms, particularly like the one on September
16 29th which particularly affected the northern part of
17 Brooklyn and a lot of our district, that will
18 inevitably lead to a significant rise. So we
19 actually don't believe yet that this is necessarily
20 indicative of a permanent trend, so I don't fully
21 agree with the projection of where we will end up
22 this year. It is highly dependent on the weather.
23 We do have a number of investments going on in your
24 district, and I can get back to you with them, and I
25 have to tell you I don't know-- I don't know it well

2 enough to know what the situation on Third is, but
3 I'm happy to visit and walk the streets with you.

4 COUNCIL MEMBER AVILÉS: Yes, we
5 definitely would like to arrange that, and in fact,
6 have been in conversation with staff on a-- I'd love
7 to know if the agency can provide us with the
8 complaints that it has seen in terms of sewer
9 overflow and from 49th Street to 51st Street, from
10 Second Avenue to Third Avenue, including both sides
11 of that-- of Third Avenue which is quite wide, and
12 I'd love to see it over a very long period of time.
13 I don't know how long the agency tracks this, and
14 part of the long time frame is because this-- if you
15 talk to any resident on those streets, they will tell
16 you this persistent issue has persisted over 15 years
17 and they have not seen any investment. So, I guess
18 along those lines are really addressing the
19 challenges in earnest and with climate change is only
20 getting worst. In terms of-- how does DEP address
21 the issue when homeowners are in charge of repairing
22 their portion of their connection to the sewer line
23 when the City is neglecting its investment in streets
24 and the streets are collapsing because they are
25 hollow? We also suffer from a good number of sink

2 holes. How is it that homeowners are on the hook for
3 the fact that the City hasn't invested in these
4 streets and we're allowing them to collapse? Just
5 putting in asphalt into a hole is a temporary
6 solution for a couple months and then we have the
7 same pothole there, and it's affecting homeowners,
8 and then we're asking homeowners to pay bills for
9 their portions of sewer lines that are being
10 collapsed because the whole street is collapsing
11 anyway? I'm trying to figure out like where does the
12 responsibility of the City lie here when the streets
13 are collapsing?

14 COMMISSIONER AGGARWALA: Well, Council
15 Member, look, I will-- I would be happy to explore
16 that topic with you further. It is a little bit
17 contrary to my understanding, and so we should
18 discuss it. The way I understand it is, if a failure
19 in the City's infrastructure damages private property
20 no matter what the situation, then the City will be
21 liable, right? And a homeowner in that circumstance
22 should be filing a comptroller claim to seek damages,
23 and if it is in fact due to a lack of maintenance of
24 City infrastructure, then the Comptroller will find
25 in favor of the homeowner and pay the claim. The

2 other thing I will point out, and unfortunately I do
3 see this, right? We see this all the time, that
4 frankly people don't think about the fact that they
5 own the entire service connection to the water main,
6 that entire pipe out to where the water main is, and
7 the sewer line out to the sewer in the street. We
8 have a program which I wish more people would take
9 advantage of which is the service line insurance
10 program. We actually updated it this year, so it'll
11 run for another nearly five years. You know,
12 generally this insurance company that we partner with
13 gets very good reviews for its timeliness, its
14 responsiveness, its claims. It's part of the
15 negotiation where we took advantage of the contract's
16 ability for us to extend it. We negotiated a number
17 of improvements, so the coverage is now more
18 comprehensive. It covers some things that had been
19 the main source of disputes over the last many years.
20 It also includes-- and Council Member Gennaro and
21 Council Member Holden, you particularly would
22 probably appreciate this. we've had a number of
23 issues where-- not that many, but occasionally we
24 have issues where somebody's service line or sewer
25 line has to be replaced and a tree has to get cut

2 down and then you have to pay the tree restitution
3 which can be very expensive. We now have a fund to
4 cover that so that that doesn't get in the way of
5 helping the homeowner, and it is-- what is it, \$18 a
6 month?

7 CHIEF FINANCIAL OFFICER MURIN: It's
8 \$21.99.

9 COMMISSIONER AGGARWALA: Okay. Isn't
10 that tier two?

11 CHIEF FINANCIAL OFFICER MURIN:
12 [inaudible]

13 COMMISSIONER AGGARWALA: Okay. I'll get
14 back to you, but it's roughly \$20 a month, and you
15 know, when a service line needs to be repaired, that
16 can be between \$10-\$20,000. So we really recommend
17 that people take it. You can opt into it. It's an
18 opt-in program. It comes on your water bill, so it's
19 very easy to pay. And something on the order of
20 250,000 New York City households already subscribe to
21 this, and we are going to be doing-- the Chairman has
22 it. We are going to be doing some advertising, aptly
23 funded by our partners, so not using water rate
24 money, to make rate payers aware of this, because we
25 think that is the kind of thing that can help. We do

2 unfortunately see a lot of times when it's bad news.

3 It falls on the homeowner because that's the law, and

4 really is nothing we can do to help, but if people

5 sign up for that insurance, people are protected.

6 COUNCIL MEMBER AVILÉS: I'd love to--

7 thank you for that. I'd love to get-- I'd love to do

8 some outreach in our community to make sure

9 homeowners know, but make sure you come with

10 materials that are translated in multiple languages.

11 Don't show up to District 38 without it.

12 COMMISSIONER AGGARWALA: You will be

13 pleased that part of our negotiation this year

14 included ensuring that-- was it all 10? That our

15 partner will be translating all of their materials

16 into all 10 of our New York City languages.

17 COUNCIL MEMBER AVILÉS: Fantastic.

18 COMMISSIONER AGGARWALA: \$18.99 per month.

19 COUNCIL MEMBER AVILÉS: For the record.

20 Thank you. I appreciate that. I guess I just would

21 like to ask-- definitely would like to set up a walk-

22 through in our community to look at persistent

23 issues. What are the tools that DEP provides in this

24 context of sinkholes and sinking streets?

25 COMMISSIONER AGGARWALA: Well, so--

2 COUNCIL MEMBER AVILÉS: [interposing] And
3 you know, we're an industrial waterfront community
4 which means we have a lot of signs that say, "Don't--
5 trucks are not allowed on this block." And then you
6 see nothing but tractor trailers running up and down
7 the block. So this is part of the issue. We don't
8 have any design, designed mechanisms to stop those
9 trucks. So the truth of the matter is, in an
10 industrial community we're overrun by trucks, and
11 none of these streets can sustain that, and they're
12 all sinking, and we-- I need to know what systematic
13 assessment are we doing of these streets so that we
14 don't have residents and their cars and trucks
15 falling into the ground.

16 CHAIRPERSON GENNARO: And I'll just say
17 that the time is expired, but I'm happy to give the
18 Council Member a little latitude on this very
19 important question.

20 COUNCIL MEMBER AVILÉS: Thank you, Chair.

21 COMMISSIONER AGGARWALA: So, Council
22 Member, I will point out sink holes happens for a
23 variety of reasons, some of which fall to DEP to
24 address and many of which do not. So, if a sinkhole
25 is caused by a leaking water main or a sewer main,

2 then of course we address it. and you know, that is
3 where the work that our Bureau of Water and Sewer
4 Operations is done with these pipe doctors to address
5 water main breaks and find leaks before they have a
6 problem. Basically we have-- the two most common
7 emergency calls we get are either a sink hole, which
8 is a water main break that hasn't really burst out
9 onto the top, or a water main break where it goes
10 straight. Those fall to us, and you know,
11 realistically, I think the path we are on, thanks to
12 Deputy Mayor Joshi's advocacy and support from OMB,
13 we've been able to expand that pipe listening
14 technology which started out just in Manhattan. It's
15 now a five borough effort, so I'm really proud of
16 that. That just started last year, so we'll really
17 see the first fruits of that in Brooklyn and Queens
18 and the Bronx over the next year or two. So that's,
19 I think, the main strategy for us. And you know, for
20 the other structural issues, I fear I have to defer
21 to my colleagues at DOT and DDC, but I will say
22 wearing both my DEP hat and from the perspective of
23 the Chief Climate role, we made a commitment in
24 PlaNYC last year also to look into a low emissions
25 zone, and one of the two places, we said that Hunt's

2 Point and Red Hook or Red Hook, Sunset Park were
3 actually the two places where we thought that would
4 be appropriate to start. Low emission zones are an
5 approach. LA has done a version. London has done
6 the most aggressive one where it basically singles
7 out high-emission vehicles and charges them or
8 requires different activity from them. And what we
9 see-- you know, London has applied this really for
10 all sorts of vehicles in its central city, but our
11 perspective was that in New York if we're going to
12 take this approach, we really need it to address
13 these hubs, particularly at the distribution centers
14 that have gotten so heavily concentrated in places
15 like Red Hook and Sunset Park and the South Bronx.
16 That is something that we are actively pursuing. It
17 is a top priority of Deputy Mayor Joshi. She and I
18 talk about it on a probably weekly basis. And it is
19 something that our-- my colleague, Deputy
20 Commissioner Julie Lubin who runs our Bureau of
21 Environmental Compliance who's in charge of air
22 enforcement. She's not here today, but our Bureau of
23 Environmental Compliance and MOCEJ are working very
24 much on that, and I hope over the next month or two
25 to have some progress to share.

2 COUNCIL MEMBER AVILÉS: Thank you, Chair.

3 CHAIRPERSON GENNARO: Thank you very much.

4 Just talking to my district office as I'm here. So
5 I'm here and there. And thank you very much for your
6 good questions, Council Member. So, now I'm up. For
7 start, I heard Commissioner make reference to Angela
8 Licata. I'm happy to see you. We were buddies along
9 time, and thanks for being here. And Rob Cataldo
10 [sp?] from City Legislative Affairs, I want to shout
11 him out for his good work, and now he works for the
12 Committee and that gets me off the hook for not
13 responding to his last text message to me, but he's a
14 great guy. I'm going to walk through the
15 Commissioner's statement where I made some notes as
16 he was reading it to me, and then I'll go onto other
17 questions. First is actually to Joe Murin, because I
18 understand that you function also as the Executive
19 Director of the Water Board.

20 CHIEF FINANCIAL OFFICER MURIN: Yes.

21 CHAIRPERSON GENNARO: Now, you know,
22 you're a DEP employee and you're here and we're doing
23 oversight over DEP. I don't want to poke my nose
24 too much into Water Board business, because they're
25 their own little entity or whatever, but I'm speaking

2 to you as someone who has knowledge of what that
3 entity does. The Mayor this year in the budget asked
4 for [inaudible] proposal to take a \$440 million
5 rental payment, and I won't bore the audience with
6 the whole story. The rental payment which was
7 originally conceived as a way of paying off the pre-
8 1985 DEP general obligation debt before-- that was
9 back in the days when DEP used to-- was online with
10 everyone else for, you know, capital monies. And
11 then we went to the Water Board, Water Finance
12 Authority Construct where Water Finance Authority
13 goes to Wall Street, borrow money, issues bonds, does
14 whatever, and then it became a fee for service thing,
15 and meters and all that, and then the question was
16 what do we do with this accumulated pre-1985 general
17 obligation DEP debt, and hence the rental payment was
18 born to pay that down. And what was-- you know,
19 rental payment of the year was equal to-- this is for
20 everyone's edification-- was equal to the debt
21 service on the pre-1985 general obligation debt, and
22 that was the-- that was what the rental payment was,
23 and so it was that amount or-- and this is the Trojan
24 horse that was built into the rental payment, was
25 that it would be the debt service of the pre-1985

2 general obligation debt or 15 percent of the Water
3 Finance Authority debt, whichever level-- you know,
4 whichever amount was higher. So, during the early
5 years of the Bloomberg Administration, the lines
6 crossed, so to speak. The pre-1985 G.O. debt service
7 was lower than the 15 percent of the Water Finance
8 Authority debt, and so what mayors would do, they
9 would take the water payment-- they would take the
10 rental payment in full. They would pay off the debt
11 service of the pre-1985 debt, and then they would
12 keep the change and put it into the general fund. If
13 I were DEP, I wouldn't like this, because people are
14 paying their water bill and they are-- they are under
15 the assumption that when they pay their water bill
16 that they're paying for water and sewer operations,
17 not for the Parks Department, the Police Department,
18 and all these other-- you know. And so now we're in
19 a situation where the pre-1985 general obligation
20 debt is zero. The 15 percent of the Water Finance
21 Authority debt is \$300 million or whatever it is,
22 something about around there. And last year, the
23 Mayor didn't ask for a rental payment. That's nice
24 because rental payment is a scam, because there's no
25 pre-1985 debt. It's just free money that budget

2 directors like to get their hands on, and when this
3 all happened, I used to work in OMB back in the days
4 in 1985. That's where I worked, in the Capital
5 Division, and so I knew all about this, knew about,
6 you know, Water Finance Authority that's going to get
7 DEP capital funding kind of out of our hair, and it's
8 a Trojan horse that's built into this, and some day
9 we're going to make a lot of money off of this. So,
10 a lot of giggles around, you know, DEP back in-- OMB
11 back in those days, but I was new, I didn't have
12 anything to do with this. I was there, but it wasn't
13 me. And so here we are. so the Mayor has asked for
14 the full rental payment for FY25 and wants to kind of
15 do like a reach-back because he's asked for \$440
16 million, and if I'm not mistaken, that would be the
17 \$300 million full rental payment for the water rate
18 thing yet to happen for FY25, and he passed the-- he
19 missed the opportunity to ask for it in 2024, but
20 he's asking for it almost like retroactively or
21 whatever. Is that a fair assessment of what's going
22 on?

23 CHIEF FINANCIAL OFFICER MURIN: Yes.

24

25

2 CHAIRPERSON GENNARO: And also, if you
3 could just say your name for the record and make sure
4 you speak into--

5 CHIEF FINANCIAL OFFICER MURIN: Sure.
6 Yes, Mr. Commissioner-- I'm sorry, Chair. Yes, you--

7 CHAIRPERSON GENNARO: [interposing] I
8 don't want to be a Commissioner. I don't. Oh my
9 God.

10 CHIEF FINANCIAL OFFICER MURIN: You
11 summarized it very well. I will say that, you know,
12 it is kind of the reverse of what you just said. The
13 rental payment is-- is requested by the City at the
14 end of the year. So we're still in Fiscal Year 24,
15 so we're still--

16 CHAIRPERSON GENNARO: [interposing] Oh,
17 okay, alright.

18 CHIEF FINANCIAL OFFICER MURIN: So, we're
19 still within the remit of the Mayor and the Budget
20 Director to request, you know,--

21 CHAIRPERSON GENNARO: [interposing] Yeah,
22 but isn't it good if they do that up front so when
23 they make the water rates for any particular year,
24 they build in the ability to kind of do that.

2 CHIEF FINANCIAL OFFICER MURIN: And
3 you're correct, and that was the way it worked for
4 many years.

5 CHAIRPERSON GENNARO: Right.

6 CHIEF FINANCIAL OFFICER MURIN: We're
7 paying the rental payment on an annual basis, and as
8 you recounted, you know, historically we went back
9 and reversed that. And you know, under Mayor de
10 Blasio it was eliminated. Mayor Adams--

11 CHAIRPERSON GENNARO: [interposing] Right.

12 CHIEF FINANCIAL OFFICER MURIN: did, you
13 know, continue that, but as you also know, under
14 Mayor de Blasio when we did go through the pandemic
15 and when the City was having some financial
16 difficulties--

17 CHAIRPERSON GENNARO: [interposing] Right.

18 CHIEF FINANCIAL OFFICER MURIN: we had
19 the request for the rental payment at that time over
20 two years as well, half value for each of those
21 years.

22 CHAIRPERSON GENNARO: Oh, okay. So this
23 is not-- so this is not unprecedented.

24 CHIEF FINANCIAL OFFICER MURIN: Right.

25 CHAIRPERSON GENNARO: Okay.

2 CHIEF FINANCIAL OFFICER MURIN: And I
3 think it's more where this is-- we've, you know,
4 cognizant of the Mayor's responsibility for a fiscal
5 steward of the City to ensure that there's adequate
6 funding to run all of the operations, including--

7 CHAIRPERSON GENNARO: [interposing] Right,
8 but here's what I'm getting at. So that was all--
9 that was all a big preamble. Now, everybody's ready.
10 Okay, and so if, you know, DEP's annual revenue from
11 water and sewer payments are a little over \$4
12 billion, so a rate point would be \$40 million?

13 CHIEF FINANCIAL OFFICER MURIN: Roughly.

14 CHAIRPERSON GENNARO: \$440 million would
15 be 11 points on the rate.

16 CHIEF FINANCIAL OFFICER MURIN: if it was
17 in just on itself, yes, that would be correct.

18 CHAIRPERSON GENNARO: Right.

19 CHIEF FINANCIAL OFFICER MURIN: However,
20 as you're aware, when we go through and do the rate
21 setting processes, many inputs that go into it. We
22 have to look at how is the revenue looking itself?
23 What are the operating expenses? What are the
24 capital expenses? What other-- you know--

25 CHAIRPERSON GENNARO: [interposing] Right.

2 CHIEF FINANCIAL OFFICER MURIN: elements
3 are going on out there? So, we're going through that
4 process right now.

5 CHAIRPERSON GENNARO: right, but it is--
6 but it is my contention that if \$440 million gets
7 paid by the, you know, rate payers, \$440 million for
8 a rental payment, that is ultimately whether it's in
9 one year or over a couple of years if that's the way
10 you do it, it's ultimately going to impact-- it's
11 ultimately going to jack water and sewer rates by 11
12 points at some point.

13 CHIEF FINANCIAL OFFICER MURIN:
14 Cumulatively, if you--

15 CHAIRPERSON GENNARO: [interposing]
16 Cumulatively. So that is just a stone fact, is that?

17 CHIEF FINANCIAL OFFICER MURIN: Well,
18 but-- I think the nuance being as well when we were
19 doing this on an annual basis,--

20 CHAIRPERSON GENNARO: [interposing] Right.

21 CHIEF FINANCIAL OFFICER MURIN: it would
22 have been correct, because you would have had to
23 build it in there for that effect. But since we're
24 not doing it on an annual basis and we have other
25 financial, you know, happenings during the course of

2 the year, you may be running-- as case and point, we
3 want to-- vacancy rates, so you may have money left
4 over from the budget because you're not filling all
5 the--

6 CHAIRPERSON GENNARO: [interposing] Right.

7 CHIEF FINANCIAL OFFICER MURIN: So, those
8 all come together in terms of--

9 CHAIRPERSON GENNARO: [interposing] Yeah,
10 but still \$440 million that walks out of the pot and
11 goes into the general fund that is ultimately going
12 to mean either in one gulp or over several gulps,
13 that's going to have an impact on the water rates to
14 the, you know, to the tune of 11 points. There's
15 just kind of no way out of that.

16 CHIEF FINANCIAL OFFICER MURIN: Other
17 than I would say because we do also have, you know,
18 certain carry-forward cash that we have in the system
19 that could help mitigate that as well. Now, that
20 also means we are eating into some of that if we were
21 going to use, you know, just that to fund the rental
22 payment, but then it also gives us the opportunity if
23 we don't foresee that the rental payment is going to
24 be coming in future years, that we could build up

2 those reserves over time. So we work very closely
3 with OMB, you know, as the--

4 CHAIRPERSON GENNARO: [interposing] Right.

5 CHIEF FINANCIAL OFFICER MURIN: myself as
6 the Executive Director and the Water Board and DEP,
7 to make sure-- and with the Water Finance Authority
8 on the financing side, to make sure that we're
9 moderating and keeping--

10 CHAIRPERSON GENNARO: [interposing] Right.

11 CHIEF FINANCIAL OFFICER MURIN: all of
12 those inputs as conservative or as realistic as
13 possible.

14 CHAIRPERSON GENNARO: But it is also the
15 case that if the \$440 million was not taken, then
16 that would be-- then all these other mechanisms that
17 you're doing about, you know, this money's here, this
18 money's there, you know, that could be used for the
19 system to hold down water rates in the future. I'm
20 sticking with, you know, from my own-- you know, my
21 own simplistic view of things, that \$440 million is
22 11 rate points, and I'm going with that. So,--

23 COMMISSIONER AGGARWALA: [interposing]

24 Council Member, we will do everything we can to--

2 CHAIRPERSON GENNARO: [interposing] No,
3 no, no, this--

4 COMMISSIONER AGGARWALA: to moderate the
5 impact on the public.

6 CHAIRPERSON GENNARO: I have--

7 COMMISSIONER AGGARWALA: [interposing]
8 You are correct that it is--

9 CHAIRPERSON GENNARO: [interposing] I
10 have no doubt.

11 COMMISSIONER AGGARWALA: mathematically
12 equivalent to an 11 percent rate hike for one year.

13 CHAIRPERSON GENNARO: Okay, okay. so, I
14 just wanted to do that, because that's going to be in
15 the Council's response to, you know, the budget, and
16 we're going to have some-- you know, I'm going to see
17 if I can get some traction on that, because I believe
18 the people-- and this is not on DEP, you know,
19 whatsoever. If I were DEP, you know, and I send out
20 water bills, I would like people to know that they're
21 paying for water and sewer and not money going other
22 places. Nothing to do with DEP. You guys are the
23 good guys, I get it, and so but I just wanted to
24 establish that on the record. And Joe, thank you for
25 that. You did a great job. Going through the

2 Commissioner's statement about the Delaware-- the
3 bottom of the first page, top of the second page.
4 So, there's going to be a six-month shutdown, and
5 we've long known that, and just to-- a little more
6 about-- because the-- about how that's going to work.
7 because the Delaware, and sometimes the Delaware
8 aqueduct, what is that like-- it can be, you know, it
9 could-- I don't know what it's capacity is, but some-
10 - it's huge, and so--

11 COMMISSIONER AGGARWALA: [interposing]
12 Right, so yeah. so the-- so, across the course of
13 the year, the Delaware aqueduct supplies about 50
14 percent of our total water consumption, the Catskill
15 about 40 percent, and the Croten [sic] system about
16 10 percent on average.

17 CHAIRPERSON GENNARO: Right.

18 COMMISSIONER AGGARWALA: On average. It
19 fluctuates.

20 CHAIRPERSON GENNARO: Yep.

21 COMMISSIONER AGGARWALA: You know, and we
22 dispatch the reservoirs and those three aqueducts
23 based on a number of factors. Core to the entire
24 program that we've been working on for more than a
25 decade has been planning to make sure that the City's

2 water supply is uninterrupted. And it's actually
3 really in some ways exciting, because one of the
4 things I have come to fully appreciate is that the
5 really thoughtful work that's gone into that--

6 CHAIRPERSON GENNARO: [interposing] Right.

7 COMMISSIONER AGGARWALA: has made our
8 water supply system tremendously robust and
9 resilient. This really is that concept of anti-
10 fragile. We have created a lot of interconnections
11 so that-- realistically, 15, 20 years ago we kind of
12 had three separate water systems, and they couldn't
13 fully cover for each other. Now, we have one. And
14 any drop of water from any of our reservoirs can get
15 to anywhere in the City which gives us the kind of
16 resilience and robustness that we need.

17 CHAIRPERSON GENNARO: Right.

18 COMMISSIONER AGGARWALA: And it will allow
19 us to get through the six-month period with, we
20 expect, no issues at all.

21 CHAIRPERSON GENNARO: And so the thing
22 is, I would imagine we're going to max out the
23 Catskill capacity, right? That's obvious.

24 COMMISSIONER AGGARWALA: We've got a
25 number-- yeah. So we have a number of strategies

2 that we will be using, and Kathryn, I may ask you to
3 add some further detail. But you know, while the
4 Delaware itself will be cut off, because of an
5 interconnection between the Catskill aqueduct and the
6 Delaware aqueduct was put in place--

7 CHAIRPERSON GENNARO: [interposing] Oh,
8 oh, I see.

9 COMMISSIONER AGGARWALA: We can actually
10 take some of the water from the Delaware reservoirs
11 and put it into the Catskill aqueduct.

12 CHAIRPERSON GENNARO: Right.

13 COMMISSIONER AGGARWALA: The pipe, the
14 aqueduct itself, of course, can't take--

15 CHAIRPERSON GENNARO: [interposing] sure,
16 sure.

17 COMMISSIONER AGGARWALA: But if for some
18 reason, for example, there's a problem with water
19 quality or turbidity at the Ashokan Reservoir--

20 CHAIRPERSON GENNARO: [interposing] Right,
21 I was going to say-- yeah, yeah.

22 COMMISSIONER AGGARWALA: we can still
23 make use of Cannonsville or the other Delaware--

24 CHAIRPERSON GENNARO: [interposing] Fine,
25 alright.

2 COMMISSIONER AGGARWALA: so, that's one
3 thing.

4 CHAIRPERSON GENNARO: So, well--

5 COMMISSIONER AGGARWALA: [interposing] And
6 then as you know, we put a lot of effort into
7 maximizing the capacity of our Croton Filtration
8 Plant.

9 CHAIRPERSON GENNARO: Right.

10 COMMISSIONER AGGARWALA: And so, the
11 combination of the Catskill aqueduct and the Croton
12 Filtration Plant will get us through the winter.
13 It's one of the reasons we will do this over the
14 course of the winter when average daily consumption
15 is significantly lower in the summer.

16 CHAIRPERSON GENNARO: Right.

17 COMMISSIONER AGGARWALA: But we're pretty
18 confident.

19 CHAIRPERSON GENNARO: Yeah, okay. Now
20 that I know now what I didn't know is that, you know,
21 we have the ability to take water from the, you know,
22 Delaware system and get it to faucets down here, and
23 so I'm not worried at all now. So, so relaxed. And
24 page three on the middle of the page, about the lead
25 service lines, Lead and Copper Rule-- and now you did

2 indicate that-- make these little cryptic notes here.
3 Now, the financing for that, you did indicate later
4 on was going to bear the bulk, and then-- oh, here's
5 what I wanted. About New York State arbitrarily
6 restricting New York City to \$24 million. Is that
7 State money or are they allocating federal funds?

8 COMMISSIONER AGGARWALA: This is all
9 federal money under the bipartisan infrastructure law
10 that the states are in charge of distributing, and
11 you know, we were quite frustrated. We responded to
12 the competitive opportunity. According to the
13 criteria, we scored at the top of the proposals. We
14 were expecting we would get 100 percent of what we
15 asked for, and then the state decided they were going
16 to impose a new rule that said no municipality can
17 get more than 25 percent of the pot, and they gave us
18 their cut.

19 CHAIRPERSON GENNARO: And we are kind of
20 helpless to flex on them or whatever? It's not like-

21 -

22 COMMISSIONER AGGARWALA: You know, we have
23 been-- as you know, I have been outspoken about this.
24 We've had support from Congresswoman Meng,

2 Congresswoman Velazquez, Congresswoman Malliotakis.

3 The state has been somewhat immovable on this.

4 CHAIRPERSON GENNARO: Yeah, because if
5 the money is coming from the feds, and-- so I guess,
6 yeah, so that was a good move going to members of
7 congress saying this is money that you folks
8 allocated, and the state is, you know, doing things
9 with the money that-- it's creating these like, you
10 know, arbitrary rules.

11 COMMISSIONER AGGARWALA: That's right,
12 and the congress members in their-- and it was an op-
13 ed that they wrote, they were very clear that at
14 least from the perspective of those three members,
15 this is not consistent with congressional intent.

16 CHAIRPERSON GENNARO: Right. And you're
17 all familiar on this? Nobody cares, right?

18 COMMISSIONER AGGARWALA: I mean, look, it
19 is always helpful. I know you and your colleagues
20 have mentioned this and resolutions in the past.

21 CHAIRPERSON GENNARO: Right.

22 COMMISSIONER AGGARWALA: You know,
23 anything we can do to make sure that the state
24 government knows that New York City needs its fair
25 share across the board would be helpful.

2 CHAIRPERSON GENNARO: Right. Should I
3 call Shams? [sic]

4 COMMISSIONER AGGARWALA: Trust me, I talk
5 to him all the time, and he's doing everything he
6 can.

7 CHAIRPERSON GENNARO: Right. I'm just
8 saying, I don't know if-- I mean, he used to work
9 with me.

10 COMMISSIONER AGGARWALA: I know.

11 CHAIRPERSON GENNARO: And so he's their
12 Albany guy. And TB's [sic] Albany guy. So, just a
13 note to Nabi [sic] that I should call Shams Tarek
14 [sp?] and just see what he thinks and whatever. I
15 don't know. I'm just-- I feel like I want to-- I'm
16 not making a joke. I feel like, I--

17 COMMISSIONER AGGARWALA: [interposing] No,
18 I appreciate it.

19 CHAIRPERSON GENNARO: I mean has some--
20 he's up in Albany, he knows what the heck is going
21 on, and you know, maybe has some name he could come
22 up with that I could call the Governor that would
23 like get her sufficiently-- I don't say that, you
24 know, but-- plus, you know, I haven't talked to him
25 since he-- since he took on the job, anyways.

2 Because it just like irks me, and I know it hurts
3 everybody and it's not fair. Now, when they do that,
4 it doesn't-- this is the second floor, right? It's
5 not DEC, right?

6 COMMISSIONER AGGARWALA: It's-- so
7 technically, it is the environmental facilities
8 corporation that makes the decision. EOC [sic] is
9 kind of a joint operation between the Department of
10 Health and DEC. I would imagine the Governor's
11 office is a participant in this kind of decision-
12 making, but I couldn't say.

13 CHAIRPERSON GENNARO: Yeah, okay. Thank
14 you. And we already mentioned about the Laurian
15 Farrell and the new coastal resiliency. Do you mind
16 if I put in an Ellis [sic] request to do this, and
17 then we do it at the appropriate point? I would just
18 like to be the one to do it. And so I just want to
19 put in the--

20 COMMISSIONER AGGARWALA: [interposing]
21 Always happy to work with you--

22 CHAIRPERSON GENNARO: [interposing] Yeah.

23 COMMISSIONER AGGARWALA: to enshrine good
24 ideas in law.

2 CHAIRPERSON GENNARO: Okay. So, now
3 everybody knows to do that. We talked about it.
4 We're going to do that right after this meeting. In
5 the cloudburst project section of your testimony,
6 selected and are awaiting our awarded for \$123
7 million for cloudburst. Is that federal money?

8 COMMISSIONER AGGARWALA: Is it all
9 federal, right?

10 CHIEF FINANCIAL OFFICER MURIN: Yes.

11 CHAIRPERSON GENNARO: Okay. But you've
12 already-- nothing I can do to help with that, right?
13 That's a competitive federal thing, and yeah, okay.

14 COMMISSIONER AGGARWALA: No, I think
15 we're good. Generally, we've had very good support
16 in terms of getting, you know, the standard letters
17 of support from the relevant electeds [inaudible] to
18 these projects.

19 CHAIRPERSON GENNARO: Alright, okay,
20 good.

21 COMMISSIONER AGGARWALA: Thank you
22 [inaudible].

23 CHAIRPERSON GENNARO: We're going along
24 in a great clip here. Remember, I said, I got to cut
25 15 minutes off the hearing because I was late. So,

2 not going to do that. Yeah, we kind of covered that.
3 As I'm going through this, I see that my colleagues
4 have already covered some of these questions. When
5 it comes to the DEP police, you indicated that there
6 was a significant vacancy rate among officers. I'm
7 just curious what that rate is?

8 COMMISSIONER AGGARWALA: The unfortunate
9 reality is that the salaries at the DEP police force
10 are significantly below those of other police forces.

11 CHAIRPERSON GENNARO: Right. So they get
12 cherry-picked as soon as they get trained.

13 COMMISSIONER AGGARWALA: We lose a lot of
14 people to other police forces upstate.

15 CHAIRPERSON GENNARO: And has there been
16 thought to making their pay more competitive or
17 whatever with other local police forces, or that's
18 another budget thing?

19 COMMISSIONER AGGARWALA: I mean, there
20 are-- look, as you well know, under the city
21 government, city agency heads do not really have a
22 significant role in negotiating labor settlements.
23 So, there's--

24 CHAIRPERSON GENNARO: [interposing] Yep.
25

2 COMMISSIONER AGGARWALA: an arbitration
3 process that finally got their-- they were actually
4 two contracts out of date. We finally got them into
5 a current contract which is good.

6 CHAIRPERSON GENNARO: Right.

7 COMMISSIONER AGGARWALA: We did both.
8 And so, you know, hopefully we'll see some positive
9 benefit from the fact that now there is a new salary
10 that is still-- that is higher than it was.

11 CHAIRPERSON GENNARO: Yep.

12 COMMISSIONER AGGARWALA: And a number of
13 our officers are going to get back-pay. At the same
14 time, there have been changes in the state law that
15 actually make it easier for Police Departments to
16 poach from each other across the state, every--
17 including PD.

18 CHAIRPERSON GENNARO: Right.

19 COMMISSIONER AGGARWALA: And we've
20 already-- that took effect in October, and we're
21 already seeing the impacts of that.

22 CHAIRPERSON GENNARO: Now, when they get
23 trained, do they have their own-- oh, okay, yeah, you
24 mentioned that they have their academy is in
25

2 Kingston, so they don't train with the cops down
3 here.

4 COMMISSIONER AGGARWALA: No, we train
5 them upstate.

6 CHAIRPERSON GENNARO: Yeah, but it's
7 still a gold standard like training.

8 COMMISSIONER AGGARWALA: We're very proud
9 of our policemen.

10 CHAIRPERSON GENNARO: And so if the
11 headcount is 200, what would a full deployment be?

12 CHIEF FINANCIAL OFFICER MURIN: Sorry,
13 Mr. Chair, it's 222. We have 182 on board.

14 CHAIRPERSON GENNARO: So, it's 222 and you
15 have 182.

16 CHIEF FINANCIAL OFFICER MURIN:
17 [inaudible] officers, yes.

18 CHAIRPERSON GENNARO: but you got a class
19 coming in?

20 CHIEF FINANCIAL OFFICER MURIN: Yes,
21 exactly.

22 CHAIRPERSON GENNARO: Okay. Alright,
23 that covers my statement, or covers your statement.

24 Now I have questions here. I'm going to do this more
25 often, have Council Members ask questions for me,

2 because they ask a lot of the stuff I was going to
3 ask. Okay, here's one. I'll just read it verbatim.
4 The November Plan included reductions to MOCEJ for a
5 total savings of \$4.1 million in FY24, and well, that
6 probably means FY25. And \$2.5 million in the out-
7 years, that's the narrative. The question, first
8 question, what program/reports were delayed or
9 downsized as a product of this PEG. So what was the
10 impact of that--

11 COMMISSIONER AGGARWALA: Happy to share
12 it. That was a combination of a couple of things. I
13 don't think there's any significant impact, and in
14 fact, some of it is a benefit to the public. So a
15 couple of these were about timing issues. So, for
16 example, our Environmental Justice Report is behind
17 schedule. We've been working very closely with our
18 Environmental Justice Committee.

19 CHAIRPERSON GENNARO: Yep.

20 COMMISSIONER AGGARWALA: So, I think
21 they're all fully aware of the reasons why, and I'm
22 very pleased. We expect it to come out next month,
23 and I'm really pleased with the content. But as a
24 result, there was money built into the budget that
25 we're not going to be spending this year, so it's

2 been pushed into the out-years. In one case, for
3 example, we're renegotiated our contract with the New
4 York City Accelerator and a couple of other service
5 providers to get the same service that we need at a
6 lower cost. So there's some genuine cost savings
7 there.

8 CHAIRPERSON GENNARO: Okay.

9 COMMISSIONER AGGARWALA: And a couple of
10 things were actually completed at less than
11 anticipated cost including the Urban Agriculture
12 Study.

13 CHAIRPERSON GENNARO: Okay. I have a sub
14 question under that heading. What is the total
15 headcount and vacancy rate at MOCEJ?

16 COMMISSIONER AGGARWALA: We have-- yeah,
17 so we have 32 staff on board. I'm sorry, id didn't
18 see. I had that number when Council Member Restler--
19 so, 43 on the budget, 32 on board, so that is about I
20 guess a 25 percent vacancy rate.

21 CHAIRPERSON GENNARO: Is that-- is there
22 a plan for that? Are we going to keep it like that,
23 or?

24 COMMISSIONER AGGARWALA: So, a couple of
25 factors here.

2 CHAIRPERSON GENNARO: Yeah.

3 COMMISSIONER AGGARWALA: As you know,
4 MOCEJ is kind of a cobbled-together staff, lines on a
5 number of different agencies. Some of the staff--
6 and I don't know if we have the numbers at-hand, but
7 some of them are on Mayor's Office lines, some are--

8 CHAIRPERSON GENNARO: [interposing] Right.

9 COMMISSIONER AGGARWALA: on DCAS lines, a
10 lot of them are on DEP lines. Because DEP worked
11 very hard back in the fall to get agreement from OMB
12 that we got exempted relatively quickly from the
13 hiring freeze, there's been some hiring that MOCEJ
14 has been able to do on its DEP-funded lines, but the
15 hiring freeze that, as you know, was only lifted
16 weeks ago, froze all of its non-DEP lines, and so a
17 lot of those vacancies were stuck. We are currently
18 in discussion with OMB on which ones we can now move
19 forward with.

20 CHAIRPERSON GENNARO: Okay. And that
21 question, the answer you just gave answered my next
22 question. Okay, the preliminary-- this is capital
23 stuff. The Preliminary Capital Commitment Plan with
24 DEP for FY 2024 to 2028 totals \$15.8 billion, we'll
25 call 16. First question, the Preliminary Capital

2 Plan includes \$1.8 billion for the Kensico East View
3 Connection. Can you please provide an update on this
4 project and the estimated completion time for this
5 project? I guess for my edification, what is it?

6 COMMISSIONER AGGARWALA: sure, I can
7 start, and Kathryn, maybe you can pick up if there's
8 anything you should add. So, previously, so if you
9 go back 20 years there were two connections between
10 the Kensico Reservoir which is where our Catskill and
11 Delaware--

12 CHAIRPERSON GENNARO: [interposing] Right.

13 COMMISSIONER AGGARWALA: Reservoirs all
14 combine down to Hill View Reservoir--

15 CHAIRPERSON GENNARO: [interposing] Right.

16 COMMISSIONER AGGARWALA: which is the
17 final storage and treatment point before it enters
18 the distribution--

19 CHAIRPERSON GENNARO: [interposing] But
20 something used to bypass Kensico and go right to Hill
21 View?

22 COMMISSIONER AGGARWALA: Well, we can--
23 we could bypass, and we still have the ability to
24 bypass the reservoir, but as part of the FAD we built
25 in 2014 the ultraviolet plant.

2 CHAIRPERSON GENNARO: Right.

3 COMMISSIONER AGGARWALA: Right. And so
4 now before any water leaves Kensico to go to Hill
5 View, it has to go through the ultraviolet--

6 CHAIRPERSON GENNARO: [interposing] Oh,
7 right.

8 COMMISSIONER AGGARWALA: treatment. When
9 the UV plant was built, there was only one connection
10 from the reservoir to the UV Plant, and so that is
11 the single point of failure.

12 CHAIRPERSON GENNARO: Right.

13 COMMISSIONER AGGARWALA: It's the only
14 single point of failure in the water supply system
15 and this project will create a second connection to a
16 different part of Kensico Reservoir--

17 CHAIRPERSON GENNARO: [interposing] Right.

18 COMMISSIONER AGGARWALA: which gives us a
19 lot of flexibility, a lot of reasons. If one part of
20 the reservoir has a turbidity issue, for example, or
21 something and the other one doesn't, we can dispatch.

22 CHAIRPERSON GENNARO: Yeah, because that
23 was-- you built this big wall in the middle of it so
24 it separates it.

25

2 COMMISSIONER AGGARWALA: That's at Shokan
3 and Hill View. We don't have a--

4 CHAIRPERSON GENNARO: [interposing] No, I
5 thought it was-- oh, no, no, no. I meant--

6 COMMISSIONER AGGARWALA: [interposing]
7 You're thinking about Hill View.

8 CHAIRPERSON GENNARO: Hill View.

9 COMMISSIONER AGGARWALA: Hill View has a
10 weir [sic]. I know Shokan has a very problem --

11 CHAIRPERSON GENNARO: [interposing] Okay.

12 COMMISSIONER AGGARWALA: But in any case,
13 no, Kensico doesn't, but nonetheless, it's such a big
14 reservoir there can be variability from one side to
15 another, and so KEC will build that second tunnel
16 with a full capacity. So when it is under
17 construction--

18 CHAIRPERSON GENNARO: [interposing] Right.

19 COMMISSIONER AGGARWALA: we can either
20 get all of our water from the existing connection.

21 CHAIRPERSON GENNARO: Right.

22 COMMISSIONER AGGARWALA: We can move all
23 of our water from the new connection. We could get
24 from both. The plant is designed to handle--

25 CHAIRPERSON GENNARO: [interposing] Right.

2 COMMISSIONER AGGARWALA: two inputs, and
3 of course, not only does that give us great
4 resilience with respect to dispatching different
5 parts of the Kensico reservoir, but of course, it
6 allows us to take one of those tunnels out of service
7 to do long-term maintenance--

8 CHAIRPERSON GENNARO: [interposing] Right.

9 COMMISSIONER AGGARWALA: that, you know,
10 we haven't had to do with a 10-year-old facility, but
11 after 20, 50, 100 years,--

12 CHAIRPERSON GENNARO: [interposing] Right.

13 COMMISSIONER AGGARWALA: you have to be
14 able to get in there.

15 CHAIRPERSON GENNARO: Sure. Okay. And
16 let me jump down over a couple of question. The
17 Preliminary Capital Plan includes \$437 million to
18 upgrade the chambers of the Hill View reservoir. We
19 were just talking about that. Can you provide an
20 update on this project and the estimated completion
21 for the project? And then I also-- let me just put
22 in there the 30-year saga over the cover of the Hill
23 View Reservoir. We come-- I was-- my hair was much
24 fuller, my waist a lot thinner when we first started
25 talking when I first started as an analyst to the

2 committee in 1990. Hill View, the cover was an issue
3 in 1990. And so, where are things at with that, and
4 what's this other thing that I just asked about,
5 about the chambers?

6 COMMISSIONER AGGARWALA: so this is one
7 of these--

8 CHAIRPERSON GENNARO: [interposing] it's
9 one of these things where the-- we shook hands with
10 the feds, and then we didn't shake hands, and then we
11 shook hands again, and--

12 COMMISSIONER AGGARWALA: Well, so we are
13 operating at Hill View under a consent decree that
14 requires us by 2040-- 2045 to complete a cover at
15 Hill View.

16 CHAIRPERSON GENNARO: Okay.

17 COMMISSIONER AGGARWALA: We have agreed
18 with the Department of Justice which is actually the
19 lead agency, not EPA on this consent decree because
20 the feds sued us, and the first major project that we
21 have to do on the road to get to a cover--

22 CHAIRPERSON GENNARO: [interposing] Right.

23 COMMISSIONER AGGARWALA: is this
24 reconstruction of the treatment chambers at Hill
25 View. So, that went out to bid a couple of months

2 ago. We received bids. Unfortunately, this is a
3 project where we have now started to see the rising
4 cost of construction, and so the bids came back a bit
5 higher than expected, and we've been working with the
6 successful bidder to understand that, but we are
7 still expecting to move forward with this project
8 early in FY25.

9 CHAIRPERSON GENNARO: And we're all-- and
10 it's all worked out. There's like no more drama
11 about is it going to happen, is it going to happen?
12 It's all done?

13 COMMISSIONER AGGARWALA: I think there's
14 no drama. We are also-- and this is consistent with
15 the consent decree. We are going through a process
16 of thinking about what a cover at Hill View might
17 mean, right?

18 CHAIRPERSON GENNARO: Right.

19 COMMISSIONER AGGARWALA: You could imagine
20 a giant concrete dome. You could imagine something
21 that's flexible. You could imagine--

22 CHAIRPERSON GENNARO: [interposing] Right,
23 because back in the day--

24 COMMISSIONER AGGARWALA: turning the
25 reservoir into underground tanks.

2 CHAIRPERSON GENNARO: Because back in the
3 day-- because once upon a time, it was sort of like a
4 floating cover. It was like one-tenth like the cost
5 of like a concrete cover with like a reflecting pool
6 on top.

7 COMMISSIONER AGGARWALA: We have a
8 project going on right now that is trying to assess
9 what the different options are.

10 CHAIRPERSON GENNARO: Right.

11 COMMISSIONER AGGARWALA: Hopefully, we'll
12 have more to report on that over the coming year.

13 CHAIRPERSON GENNARO: Great. Got that.
14 Got that. And this is-- this is something that staff
15 put in here, this is a question I get when I go
16 around Queens and you've heard me say this before.
17 Although I didn't ask for this question to be put in
18 here, so I don't want to be the bad guy here. So, as
19 many people know, currently southeast Queens does not
20 have a full build-out of storm sewers, and while
21 there are lots of plans to do a lot of projects, I
22 don't think anything exists now that there is an
23 actual plan that resides some place in DEP as to when
24 the residents of southeast Queens can expect a full
25 build-out of storm sewers, like the entire network to

2 have that whole area covered by storm sewers? Just a
3 piece of paper somewhere.

4 COMMISSIONER AGGARWALA: We don't really
5 have the end date. This is the same long-term
6 project. I mean, there's no way around it.

7 CHAIRPERSON GENNARO: Right.

8 COMMISSIONER AGGARWALA: It is funded at
9 the \$2.5 billion, \$2.6 billion in our 10-year capital
10 plan, and that's pretty even. So roughly a quarter
11 billion dollars a year for the next 10 years, and
12 we've spent-- we've been spending at about that rate
13 for the last 10 years. \$800 million over the last
14 number of years since it started. You know, one of
15 the things that we have to remember is--

16 CHAIRPERSON GENNARO: [interposing] It's
17 just that folks want to know when, you know what I
18 mean?

19 COMMISSIONER AGGARWALA: And the reality
20 is, the last ones will be a long time away, but what
21 we are focused on and it is exactly the right thing
22 to do, first we have to build the trunks. As you
23 know, the sewer system works like trees, right? You
24 can't build the little branch on the small
25

2 residential street until you build the big trunk
3 main--

4 CHAIRPERSON GENNARO: [interposing] Right.

5 COMMISSIONER AGGARWALA: that all of it
6 feeds into. That's been the priority thus far, and
7 that should allow us to do more in an accelerating
8 way over time, but we still got to get that core
9 network done.

10 CHAIRPERSON GENNARO: Okay. Let it be
11 noted that I let the commissioner off easy on that
12 one. I-- you're welcome. You're welcome. The water
13 rate stuff-- oh, let's have some fun now. Does the
14 Department-- we've talked about this. So, now you're
15 all going to be in on it. Does eth Department have
16 any capital plan directed towards DEP ultimately at
17 some future date selling water to Nassau County?
18 Let's have a little fun.

19 COMMISSIONER AGGARWALA: We do not that I
20 know of have any planning under way to sell water to
21 Nassau County. As you know, Mr. Chairman, the state
22 did a study and it was released a year and a half ago
23 or so, exploring the feasibility of Nassau County
24 tapping into the New York City water supply.

2 CHAIRPERSON GENNARO: I wasn't even aware
3 of that. I thought--

4 COMMISSIONER AGGARWALA: [interposing] I
5 thought it was something that you would have
6 inaugurated during--

7 CHAIRPERSON GENNARO: [interposing] Well,
8 I did the whole-- when I was at DEC I did the whole
9 groundwater aquifer studies. Was that part of that?

10 COMMISSIONER AGGARWALA: I don't know. I
11 had merely attributed it to you in my mind, but--

12 CHAIRPERSON GENNARO: [interposing] It
13 could have been my idea.

14 COMMISSIONER AGGARWALA: I'm sure it was.
15 I'm sure it was.

16 CHAIRPERSON GENNARO: Well, because when
17 I-- I was at DEC, and they you know-- you know, like
18 the way they ran like water operations in Nassau it
19 was like-- it was like running a candy store. You
20 know, it just like we're-- it's like something
21 happens. Oh, like what happened? Is it perk [sic]?
22 Is it freon [sic]? Is it whatever, and all these
23 local water supplies said let's just do a
24 comprehensive groundwater study where we know where
25 various plumes are that we may not know, and just--

2 so we just have a sense of what's going on down
3 there, and not wait for something to go sideways and
4 then all scramble and figure it out. And so they
5 were going to-- and then I laughed and then-- maybe
6 this was part of that. So--

7 COMMISSIONER AGGARWALA: [interposing]

8 Well, so a couple of things I at least took away from
9 that study, and you know, Tasois, tell me if there
10 are other things I should point out, but the study
11 pointed out that right now our distribution system
12 would not be able to provide sufficient supply at
13 sufficient pressure to Nassau County. In our long-
14 term planning, there is -- and frankly, we're
15 thinking about rebranding it, but the notion of a
16 city tunnel four that would--

17 CHAIRPERSON GENNARO: [interposing] Right.

18 COMMISSIONER AGGARWALA: connect the
19 southeastern part of the Bronx directly into eastern
20 Queens, and a project like that--

21 CHAIRPERSON GENNARO: [interposing]

22 Southeastern part of the Bronx.

23 COMMISSIONER AGGARWALA: So, imagine the
24 Whitestone Bridge.

2 CHAIRPERSON GENNARO: right, okay, yeah,
3 yeah.

4 COMMISSIONER AGGARWALA: So something
5 under there, roughly the Whitestone or Throgs Neck
6 Bridge, right, connecting up from Hill View
7 Reservoir--

8 CHAIRPERSON GENNARO: [interposing] Right.

9 COMMISSIONER AGGARWALA: and going into
10 eastern Queens at a large capacity. It's something
11 we want to do anyway--

12 CHAIRPERSON GENNARO: [interposing] Yep.

13 COMMISSIONER AGGARWALA: to ensure we
14 have full redundancy for eastern Queens, but that
15 would be absolutely necessary before we could imagine
16 providing any real volume of water to Nassau County.
17 The study concluded that absent that, we could
18 provide a very small amount, but it really was
19 negligible. The other thing that the study
20 interestingly noted, and you know, frankly never
21 having lived in Nassau County, I didn't fully
22 appreciate it, is that Nassau County does not
23 fluorinate its water and we do.

24 CHAIRPERSON GENNARO: Right.

2 COMMISSIONER AGGARWALA: And so the people
3 of Nassau county would have to be willing to take
4 fluorinated water because we fluorinate upstate.

5 CHAIRPERSON GENNARO: Yeah, and that
6 would be good for them, but state legislature gave
7 local jurisdictions the ability to legislate
8 fluoridation policy. When I first started as a
9 policy analyst for this committee in 1990, I would
10 get all the fluoridation people and they could come
11 to me, and I'd say look, this is determined by the
12 Board of Health. Council can't legislate the Board
13 of Health, and we don't' have the ability to
14 legislate that. And then the-- and then we-- every
15 local jurisdiction was given the ability to legislate
16 fluoridation policy and all the tin foil hat people
17 descended upon Suffolk County, Nassau County, got
18 them to kind of buy into the whole fluoridation is
19 evil, and then I had to deal with them because we
20 could indeed, you know, do what they wanted. And--
21 tin foil hat thing is kind of like a pejorative in
22 case people don't know that, whatever. Yeah, and so
23 you had your-- thank you. Am I starting here?
24 Silence came over the room when I talked about the
25 fluoridation people, but you didn't have to sit toe-

2 to-toe with them and go through all their like stuff.
3 Yeah, it was a whole, like, thing. Yeah, it was-- I
4 should read the narrative for the question, first,
5 though, right? The Preliminary Mayor's Management
6 Report was released last month, and there's some
7 areas in which the Department has now reached certain
8 benchmarks. A, the percentage of samples testing
9 positive for coliform bacteria was-- is this in the
10 distribution system? Yeah, the percentage of
11 samples, I guess when the-- when you do the testing
12 of the distribution. Percentage of samples testing
13 positive for coliform bacteria was only half a
14 percent in fiscal 2023, but increased 2.13 percent in
15 the first four months of FY24. You know, why the
16 increase? So, the question is about we have more
17 hits on coliform in the distribution system.

18 COMMISSIONER AGGARWALA: Thank you, Mr.
19 Chair. First of all, I have to stress we've got to
20 compare apples to apples, right? So, coliform
21 bacteria, like many aspects of the water system
22 varies with temperature and ambient conditions.

23 CHAIRPERSON GENNARO: Right.
24
25

2 COMMISSIONER AGGARWALA: And so to
3 compare a full year average with four months that are
4 generally hot months--

5 CHAIRPERSON GENNARO: [interposing] Oh,
6 okay.

7 COMMISSIONER AGGARWALA: is not
8 appropriate, right? And so I will say, you know, if
9 you look at the PMMR, the correct benchmark is 2.13
10 to 1.41 for the same period last year. That is a
11 much smaller variance.

12 CHAIRPERSON GENNARO: Right.

13 COMMISSIONER AGGARWALA: And as the
14 weather got cooler, I will expect that--

15 CHAIRPERSON GENNARO: [interposing] Yep.

16 COMMISSIONER AGGARWALA: And you know, I
17 get daily reports on our coliform testing. I've seen
18 nothing to indicate that we will be--

19 CHAIRPERSON GENNARO: [interposing] Okay.

20 COMMISSIONER AGGARWALA: in a bad spot.
21 And then the increase in significant rainstorm, as
22 we've discussed in the past, I've testified in the
23 past, one of the issues-- one of the other issues
24 related to climate change that we face is when we get
25 massive storms like these very intense storms--

2 CHAIRPERSON GENNARO: [interposing] Right.

3 COMMISSIONER AGGARWALA: that we had a
4 lot of in 2023 and not that many of in 2022, in
5 addition to the flooding it causes in the City, it
6 also washes a lot of stuff into our reservoirs.

7 CHAIRPERSON GENNARO: Right.

8 COMMISSIONER AGGARWALA: And so while we
9 do all the treatment, and by the way, the benchmark
10 is five percent. So we're still well--

11 CHAIRPERSON GENNARO: [interposing] Right,
12 okay.

13 COMMISSIONER AGGARWALA: below any safety
14 concern, but that is what is going on, and again, I
15 think it will revert back to more or less an average
16 of well--

17 CHAIRPERSON GENNARO: [interposing] Okay.

18 COMMISSIONER AGGARWALA: [inaudible]
19 percent.

20 CHAIRPERSON GENNARO: And speaking about
21 stuff, you know, going into the water supply and
22 heavy storms, you know, it goes-- it affects the
23 sewer system. It also washed into the-- into the
24 reservoirs which leads to my next point. The FAD,
25 you know, we had talked recently-- you know, we've

2 had the FAD of along time. It's worked well. We've
3 done wonders. There was a 97, you know, filtration
4 void, and the whole handshake that 97-- then it was
5 the five-year FAD, and then the next five year, and
6 then it was 10 and a bunch of EPA having primacy
7 which they held onto for a long time. Then the State
8 health Department and whatever. And it's only, I
9 guess, natural to think of or at least plan for the
10 possibility of like a post-FAD reality. And so
11 there's-- you know, the questions here about the FAD,
12 but why don't we just get to it about, you know, what
13 are the depar-- just generally, what are the
14 Department's thoughts and planning for the
15 possibility of like a post-FAD reality and building
16 filtration plan, and just what is the Department--
17 and the budget impacts of doing that?

18 COMMISSIONER AGGARWALA: Of course, thank
19 you. And that is a hugely important topic and one
20 we've certainly been paying close attention to. So,
21 just a couple of things. First of all, the FAD
22 itself requires us to do on a set schedule planning
23 for a filtration system so that we are not completely
24 unready if someday the State DOH or EPA itself
25 determines that we have to filter. As part of work

2 that we've been doing on our strategic plan at DEP,
3 we've been looking at the long-term kind of potential
4 longevity of the FAD, and we are very concerned that
5 climate change and increasing drinking water
6 standards at some point may well force us into
7 filtration now, this is not-- we do not expect this
8 to be imminent. This is not something that we need
9 to plan for--

10 CHAIRPERSON GENNARO: [interposing] Right.

11 COMMISSIONER AGGARWALA: in five years or
12 ten years, but--

13 CHAIRPERSON GENNARO: [interposing] But
14 it's one of these things where if somebody drops the
15 hammer on a mandate, it'll take 20 years to build a
16 plant.

17 COMMISSIONER AGGARWALA: That's right, and
18 right now we are at least 15 if not 20 years away,
19 and I personally think we should do more to be-- to
20 shrink that time period. What the right kind of t-
21 minus number is--

22 CHAIRPERSON GENNARO: [interposing] Right.

23 COMMISSIONER AGGARWALA: a little unclear,
24 but we are certainly looking into this seriously.
25 The other thing that we have found, and this is I

2 think really interesting and underappreciated, it's
3 something that we're going to be working on very much
4 under a new sub-bureau that Paul Rush [sp?] is
5 setting up in the Bureau of Water Supply, is thinking
6 about how the FAD needs to change with the times.
7 so, one of the things we have found, and as the FAD
8 went through its mid-cycle review a couple of years
9 ago, the National academy of Sciences did a review,
10 and amount the things I found was that pretty much
11 west of the Hudson River, more land acquisition has
12 no more positive impact on water quality. We've kind
13 of reached that point of diminishing returns from
14 land acquisition. One of the other things that our
15 own research has found, and this was particularly
16 acute when we saw the impacts on our water supply of
17 Hurricane Ida was that when we have a violent storm,
18 the pollutants that are going into the reservoir are
19 different than they were 30 years ago. So, in the
20 1990s we were worried about human sources and we were
21 worried about agricultural sources, right, dairy
22 farms and things like that.

23 CHAIRPERSON GENNARO: Right.

24 COMMISSIONER AGGARWALA: right? And so
25 the work of the FAD over the last 30 years has been

2 about septic systems, about wastewater treatment and
3 the communities where we run--

4 CHAIRPERSON GENNARO: [interposing] Whole
5 farm program, blah, blah.

6 COMMISSIONER AGGARWALA: Exactly, and
7 then the programs with the watershed agricultural
8 accounts [sic]. What we found is that a lot of the
9 coliform that we saw going to the reservoirs after
10 Hurricane Ida was actually from wildlife. It's a
11 different source. And if you think about it--

12 CHAIRPERSON GENNARO: [interposing] Oh, so
13 we're like too successful.

14 COMMISSIONER AGGARWALA: Yeah, so we've
15 done very well, right, which doesn't mean you let up.
16 It doesn't mean, you know, you stop investing--

17 CHAIRPERSON GENNARO: [interposing] Right.

18 COMMISSIONER AGGARWALA: in septic systems
19 and things like that. But it does suggest that it's
20 time for us to start thinking creatively about what--
21 how do we ensure that the FAD succeeds over the next
22 20 years.

23 CHAIRPERSON GENNARO: Yeah.

24 COMMISSIONER AGGARWALA: May require us
25 thinking very differently about what the key

2 components of the FAD are. That's something we
3 recognized, we've had discussions with DEC about--
4 frankly, I've been presenting this to some of the
5 environmental advocates who of course played a big
6 role of setting up the FAD.

7 CHAIRPERSON GENNARO: Yep, yep, yep.

8 COMMISSIONER AGGARWALA: As you know very
9 well. And our intention is to approach this with a
10 scientific basis with a creative mindset and with
11 recognizing the way to extend the life of the FAD may
12 be to think very differently about what it is.

13 CHAIRPERSON GENNARO: Here, here. I
14 remember all that yelling and screaming leading up to
15 the-- you know, 1997, that's almost a long time ago,
16 but yeah, thank you for that update. I'm looking at
17 that. I'm going to see if I have anything more. You
18 know, I think I'm just going to go to stuff that's
19 bouncing around up there. Once upon a time, the--
20 one of the toughest places to-- so you've got
21 Kensico, which has I think like a some small like 10-
22 square mile natural watershed or whatever, you know,
23 really hard to buy land there because it's all
24 developed or whatever, and once upon a time this
25 could be a number that's way out of date, and that,

2 you know, the water in Kensico, because it's like a
3 pass-through from water coming upstate, that 98
4 percent of the water in Kensico was from upstate.
5 Two percent was native form like the local 10-square
6 mile or whatever it is water shed, but that two
7 percent of the water form like the local watershed,
8 you know, contributed something like 50 percent of
9 the pollutants that were in Kensico. What's the
10 current state of affairs now? Not that this is
11 really like a budget question, but it just--

12 COMMISSIONER AGGARWALA: So, I would have
13 to check any of the numbers. That is-- without going
14 necessarily to 50 percent, generally speaking you're
15 totally right. It's a tiny percentage of Kensico is
16 captured there, but because we do not have the same
17 extent of natural defenses--

18 CHAIRPERSON GENNARO: [interposing] Right.

19 COMMISSIONER AGGARWALA: around Kensico
20 as we do in the West of Hudson watershed, the
21 pollution risk is different. Among the things that
22 we have done, and this was in part in the aftermath
23 of hurricane Sandy-- and what was the other one that
24 it our state? Irene, thank you. We have completed
25 several shoreline stabilization efforts--

2 CHAIRPERSON GENNARO: [interposing] Right.

3 COMMISSIONER AGGARWALA: at Kensico and
4 that uses features like rocks and gravel beds and
5 things like that--

6 CHAIRPERSON GENNARO: [interposing] Right.

7 COMMISSIONER AGGARWALA: to provide
8 filtration. We are very aggressive about controlling
9 wildlife, particularly birds. So we do a lot to try
10 to keep birds from--

11 CHAIRPERSON GENNARO: [interposing] Yeah.

12 COMMISSIONER AGGARWALA: hanging out in
13 the Kensico Reservoir, but it is certainly a topic
14 that we are thinking about.

15 CHAIRPERSON GENNARO: Right. Is that one
16 of the-- is that-- when one thinks of the FAD, is
17 that--

18 COMMISSIONER AGGARWALA: [interposing]
19 Yes, 100 percent.

20 CHAIRPERSON GENNARO: So that's like in
21 the top 10.

22 COMMISSIONER AGGARWALA: 100 percent.
23 You know, and the other thing, as you well know, Mr.
24 Chairman, the increase in attention both globally and
25 general and from the EPA on the issues of these

2 forever chemicals, the PFAS, Peflo [sic]-- PFAS.

3 We've never found these chemicals in our watershed.

4 CHAIRPERSON GENNARO: Right.

5 COMMISSIONER AGGARWALA: However, if
6 there is going to be a place where we are likely to
7 find them it is likely to be in and around the
8 Kensico Reservoir, and so that is something we are
9 very focused on.

10 CHAIRPERSON GENNARO: Right.

11 COMMISSIONER AGGARWALA: A couple of
12 months ago, I don't remember whether it was this year
13 or end of last year, we requested of the Water Board
14 a special contract.

15 CHAIRPERSON GENNARO: Right.

16 COMMISSIONER AGGARWALA: So that we are
17 doing a full assessment of all the tributaries that
18 lead into the Kensico Reservoir so we can sample and
19 test for the forever chemicals, and there is one area
20 of risk which is at the Westchester Country Airport.

21 CHAIRPERSON GENNARO: Right.

22 COMMISSIONER AGGARWALA: As you know, is
23 right there.

24 CHAIRPERSON GENNARO: Yeah.

2 COMMISSIONER AGGARWALA: Which this former
3 Air National Guard site is polluted. I've discussed
4 this site with the county executive. He's very on
5 it. The Westchester Congressional Delegation, I'm
6 told they have a plan to get federal funding to clean
7 that site up.

8 CHAIRPERSON GENNARO: Thank you. Thank
9 you for that foresight, particularly when you talk
10 about these-- you know, and again, Nassau County is--
11 they've been hit with like-- whether it's PFAS, you
12 know, like one of [inaudible] after like, their limit
13 is one part per billion, and for another one it's
14 like 10 parts per trillion. It's just like, you
15 know-- I had-- I was already fat and grey when you
16 couldn't test for parts per trillion, you know.

17 COMMISSIONER AGGARWALA: You know, and
18 this is actually one of the kind of outstanding risks
19 to the FAD over time is exactly that. So, the
20 standards that EPA has issued for PFAS are currently
21 untestable, right? And so--

22 CHAIRPERSON GENNARO: [interposing] Oh,
23 oh, they are untestable?

24 COMMISSIONER AGGARWALA: They are
25 untestable still.

2 CHAIRPERSON GENNARO: Right.

3 COMMISSIONER AGGARWALA: And so it is
4 true that we have never found PFAS west of Hudson.
5 That does not mean we are necessarily in compliance,
6 because we literally cannot test. And so that is open
7 of the other kind of, you know, a sort of Damocles
8 hanging over the FAD.

9 CHAIRPERSON GENNARO: right, right,
10 right.

11 COMMISSIONER AGGARWALA: Because if some
12 day we were to find that, that could force us into
13 filtration, because currently--

14 CHAIRPERSON GENNARO: [interposing] Yep.

15 COMMISSIONER AGGARWALA: the conventional
16 wisdom is that PFAS and PFOA requires filtration, and
17 I haven't been convinced that there's chemical
18 solutions to that. Although, I'm sure with the focus
19 on this there's millions and millions of dollars that
20 are indeed being spent by suppliers and contractors
21 around the world on treatments for those forever
22 chemicals.

23 CHAIRPERSON GENNARO: Right.

24 COMMISSIONER AGGARWALA: But that is the
25 kind of the thing. Now, I will also rush [sic] to

2 say I am not that worried about it. I mean, it is an
3 outside risk given all of our watershed--

4 CHAIRPERSON GENNARO: [interposing] Yep.

5 COMMISSIONER AGGARWALA: protections.

6 That is where the land acquisition pays off, because
7 you don't get PFAS and PFOA from all the bald eagles
8 in the Catskills.

9 CHAIRPERSON GENNARO: Yep.

10 COMMISSIONER AGGARWALA: You get it from
11 Fire Departments putting out fires and--

12 CHAIRPERSON GENNARO: [interposing] Yep.

13 COMMISSIONER AGGARWALA: things like
14 that.

15 CHAIRPERSON GENNARO: Yeah, airports,
16 whatever.

17 COMMISSIONER AGGARWALA: We've done a
18 good job there.

19 CHAIRPERSON GENNARO: And this is great,
20 I appreciate it, and I will mention this is something
21 that you don't know, but my predecessor as Chair of
22 this Committee was the late Stan Michaels. I don't
23 know if anybody's familiar with them. I'm sure some
24 people in this room know who he was. He passed away
25 a couple years after he left the Council and one of

2 his phrases that he used all the time was the "sword
3 of Damocles." And so-- and you just made reference
4 to that, and so Stan is still, you know, having an
5 influence over what happens in this room, and I
6 remember him dearly, and I-- he was the-- and he was
7 around for all the 1997 yelling and screaming, and
8 yeah, he was a great guy, and we miss him. Thank
9 you. Thank you, Commissioner you and your team for
10 being here today. We look forward for, you know, to
11 putting together a budget that makes sure you're all
12 nice and taken care of, and to do all the other work
13 that we'll be doing in the upcoming session. So, I
14 thank you very much. It's always a pleasure dealing
15 with you and your great team, and-- what was I going
16 to-- say something else, but-- having a senior moment
17 here. Yeah. Oh, yeah, I was going to say Robert,
18 someone's going to hang behind and make sure that--
19 what's that? Okay. Yeah, so just saying we want to
20 make sure we have other people going to give good
21 testimony. We want to make sure that the
22 Administration has the benefit of all the good
23 testimony that's going to follow the great testimony
24 that we just heard. So, thank you all very much.
25 With that said, I'm going to do a two-minute recess,

2 and then we'll be calling the first witnesses from
3 what we got, okay?

4 [break]

5 CHAIRPERSON GENNARO: Okay, we're going
6 to reconvene. Sorry for the-- you know what, I think
7 I-- forgive me. Middle of an eye situation here.
8 You know you got to put in certain meds at a certain
9 time. It's a stage of life when you start carrying
10 around lists of like meds that you have to take at
11 like a certain time. Yeah, why don't you call the
12 first witness, and then--

13 COMMITTEE COUNSEL: I now open the
14 hearing for public testimony. I remind members of
15 the public that this is a formal government
16 proceeding and that decorum shall be observed at all
17 times. As such, members of the public shall remain
18 silent at all times. The witness table is reserved
19 for people who wish to testify. No video recording
20 or photography is allowed from the witness table.
21 Further, members of the public may not present audio
22 or video recording as testimony, but may submit
23 transcripts of such recording to the Sergeant at Arms
24 for inclusion in the hearing record. If you wish to
25 speak at today's hearing, please fill out an

2 appearance card with the Sergeant at Arms and wait to
3 be recognized. When recognized, you will have two
4 minutes to speak on today's hearing topic, the budget
5 of the New York City Department of Environmental
6 Protection. If you have a written statement or
7 additional written testimony you wish to submit for
8 the record please provide a copy of that testimony to
9 the Sergeant at Arms. You may also email written
10 testimony to testimony@council.nyc.gov within 72
11 hours of this hearing. Audio and video recordings
12 will not be accepted. I will now call the first
13 panel. Suhali Mendez with New York Lawyers for the
14 Public Interest, Anil Pasram from Jamaica Bay-
15 Rockaway Parks Conservancy, and Miranda Massie with
16 the Climate Museum.

17 CHAIRPERSON GENNARO: Now, I just want to
18 reaffirm what the Counsel to the Committee has said,
19 and that this effectively a budget hearing, and so
20 any policy matters that you wish to discuss, there
21 has to be like a nexus to the budget. Some people
22 use any opportunity, and I would too, to come before
23 committee and talk about policy matters. This is a
24 budget hearing. And so there has to be at least some
25 tenuous connection to the budget, okay? With that

2 said,-- how do we-- why don't we start from my left
3 to the right. So I'll-- I don't-- what's this
4 witness' name? Okay. Yeah, so please state your
5 name for the record. Oh, you already did, so please
6 commence with your good testimony.

7 MIRANDA MASSIE: Thank you so much, Mr.
8 Chairman. It's a pleasure to be here. As a reminder,
9 way back in yesteryear you and I worked together on
10 PCBs in New York City Schools. Back when I was--

11 CHAIRPERSON GENNARO: [interposing] Oh my
12 God, yeah.

13 MIRANDA MASSIE: Suhali Mendez's
14 colleague at New York Lawyers for the Public
15 Interest. And since then, you've engaged a lot with
16 my current work at the Climate Museum, including
17 through the introduction of Resolution 82. We're
18 very excited about that and really look forward to
19 getting a hearing--

20 CHAIRPERSON GENNARO: [interposing] Great.

21 MIRANDA MASSIE: on the books and
22 getting-- drumming up some more support for it. My
23 testimony is a change of pace for sure, but it does
24 have a connection to the budgetary matters that you
25 all have been discussing, because it's critically

2 important for you and other forward-thinking policy-
3 makers on climate to have the support of New York
4 City communities and members of the public. At the
5 Climate Museum, we use the arts to mobilize civic
6 engagement with the climate crisis, and in our first
7 six years of public-facing programming, we've reached
8 more than 150,000 New York City residents and
9 tourists, many thousands of high school students and
10 also younger and older young people have come through
11 our youth leadership programs, and our visitors tell
12 us that engaging with the arts and climate and with
13 solutions and pathways forward increases their sense
14 of agency and their sense of civic engagement
15 massively. We recently had a front page story on the
16 New York Times art section. We've been asked to
17 partner with Brooklyn Botanic Garden and Rockefeller
18 Center. We've been very lucky as a new organization,
19 but still we face the prospect of going out of
20 business in the very short term. And so I come
21 before you both in relation to that resolution, and
22 also to ask you to consider using your convening
23 power to gather a roundtable that would be not just
24 about the climate museum in a narrow sense, though
25 that's very dear to me and to our visitors and the

2 community members we serve, but also to the sector--
3 if I could just finish my sentence.

4 CHAIRPERSON GENNARO: Sure, sure.

5 MIRANDA MASSIE: The-- at the
6 intersection of climate and cultural work which is
7 growing in New York City but dramatically underfunded
8 and has the capacity to elevate New York City's
9 climate leadership by drawing on our super-power as
10 one of the cultural capitals of the world. The work
11 at that intersection is incredibly important, and
12 it's growing, but it's really under-funded, and it
13 would be great-- we're not asking you for money, but
14 it would be great to convene a conversation and you
15 and a few others could do that to talk about how we
16 can help this sector grow, and maybe in the process
17 save the Climate Museum which is-- we're told is a
18 worthy institution.

19 CHAIRPERSON GENNARO: Yes, I think it is
20 a worthy institution. So here's what we're going to
21 do. I've got my Legislative Director, you know, Nabi
22 Core [sp?], if you could just-- you know, once this
23 panel is finished, if you could, you know, take
24 Miranda into the hall just for a little side bar to
25

2 figure out how we can facilitate, you know, the
3 conversation that she envisions. Okay?

4 MIRANDA MASSIE: thank you.

5 CHAIRPERSON GENNARO: So, once this panel
6 is done then talk to Nabi and we'll get that going.

7 MIRANDA MASSIE: Thank you so much, sir.

8 CHAIRPERSON GENNARO: You bet. It's been
9 a pleasure to work with you over the years.

10 MIRANDA MASSIE: Likewise, truly.

11 CHAIRPERSON GENNARO: Oh, hi. I can't--
12 I'm wearing their reading glasses, but they kind of
13 don't work. I'm in the middle of an eye thing. So
14 please state your name for the record, and--

15 ANIL PASRAM: Good afternoon. My name is
16 Anil Pasram. I'm the Stewardship Coordinator at the
17 Jamaica Bay-Rockaway Parks Conservancy. We are a
18 public private partnership dedicated to improving
19 10,000 acres of public parklands throughout Jamaica
20 Bay and the Rockaway Peninsula and 18,000 acres of
21 open water and marsh lands within Jamaica Bay. In
22 2023, we started the Jamaica Bay Wetlands Fellowship
23 program, and we're first development program
24 dedicated to training the next generation of wetland
25 managers. Within six months, the wetland fellows

2 planted over 70,000 new native plants-- sorry--
3 native plants, cleared over five acres of invasive
4 species and removed over six tons of debris from our
5 marsh lands and shore lines. Jamaica Bay wetlands
6 are disappearing at a rate of over 40 acres per year,
7 and to ensure the sustainability of restoration
8 sites, maintenance must be part of the solution.
9 Wetlands play a crucial role in climate adaptation.
10 Their natural buffer is against flooding, reduce the
11 impacts of extreme weather and suppress [sic] the
12 carbon at a rate ten times greater than that of
13 forests. Our goal is the restoration of the Jamaica
14 Bay wetlands, which are the first line of defense for
15 surrounding communities. Jamaica Bay Wetlands
16 fellowship program provides opportunities for young
17 adults to experience potential career paths that need
18 to be significantly expanded in New York City. While
19 the New York City Parks has a wetland stewardship
20 team, there just aren't enough wetland caretakers
21 needed to fulfill the scope of work that both
22 restoration and maintenance of our wetlands demand.
23 For a city with 520 miles of coastline and a mandate
24 to expand waterfront access, we will need a massive
25 investment in these jobs and training programs to

2 meet the demand for skilled maintenance and
3 management of these vital ecosystems in the future.

4 Thank you Chairman Gennaro and all Council Members on
5 the Committee for allowing me this opportunity.

6 CHAIRPERSON GENNARO: Thank you for your
7 good testimony. So you represent the Jamaica Bay-
8 Rockaway Parks Conservancy, that's what you said,
9 right?

10 ANIL PASRAM: Correct.

11 CHAIRPERSON GENNARO: Now, down there you
12 go the Jamaica Bay Eco Watchers, Dan Monday [sic] and
13 those guys?

14 ANIL PASRAM: correct.

15 CHAIRPERSON GENNARO: You know them. Don
16 Repay [sp?], right, he's always there.

17 ANIL PASRAM: Great partners of ours.

18 CHAIRPERSON GENNARO: What's that?

19 ANIL PASRAM: Great partners of ours.

20 CHAIRPERSON GENNARO: And so this
21 conservancy, is it like a standalone thing, or is
22 that-- how does it-- how does that work? How did
23 that come to be?

24 ANIL PASRAM: So, it was founded in 2023
25 as a Bloomberg Administration-- during the Bloomberg

2 Administration as a way to get all these park
3 agencies--

4 CHAIRPERSON GENNARO: [interposing] 2023,
5 no.

6 ANIL PASRAM: Ah, sorry. Oh, correction,
7 2013.

8 CHAIRPERSON GENNARO: Right, okay.

9 ANIL PASRAM: it was founded-- there was
10 a need between the park agencies that surround
11 Jamaica Bay. We have New York City parks, the state
12 parks, and federal park land, and we were formed as a
13 way to bring these parks together, all these
14 agencies, and really fill the need within this
15 section itself.

16 CHAIRPERSON GENNARO: And so you have a
17 relationship with the National Park Service and all
18 that?

19 ANIL PASRAM: Yes, so we do work closely
20 with those agencies, across all agencies that is.

21 CHAIRPERSON GENNARO: Right. And where
22 does your funding come from?

23 ANIL PASRAM: It's both public and
24 private.

2 CHAIRPERSON GENNARO: Oh, you said the
3 public private partnership or whatever.

4 ANIL PASRAM: Yeah.

5 CHAIRPERSON GENNARO: Well, yeah, we--
6 also you should meet with Nabi just so we can get--
7 just so we can stay in touch with what sort of like
8 you're doing and you know, ways that we could partner
9 with other stake-- I guess you know all the elected
10 officials down there, Joe Adabo [sp?] and all those
11 or whoever.

12 ANIL PASRAM: Correct. Just to put it
13 out there, it's also-- it's not a factor that we're
14 trying to get complete funding. We're also just
15 trying to put it out there for different agencies to
16 really see this role as like wetland managers need to
17 be filled.

18 CHAIRPERSON GENNARO: Right.

19 ANIL PASRAM: And during all these
20 restoration projects, we want to make sure that
21 maintenance is part of that budget talk for, you
22 know, years to come, because you know, it's not just
23 one-- you set the-- you do the restoration project
24 and leave it alone. These projects are not self-

2 sustaining. So going forward in the budget talks, we
3 just need maintenance in part of that.

4 CHAIRPERSON GENNARO: but you need people
5 as well, right?

6 ANIL PASRAM: Correct. That's a start.

7 CHAIRPERSON GENNARO: So, your
8 relationship with Queens College, for example?
9 They've got a good Natural Science Program there.
10 They've got their Earth and Environmental Sciences
11 program. Do you have a relationship with them?

12 ANIL PASRAM: Not closely. We work with
13 them--

14 CHAIRPERSON GENNARO: [interposing] Well,
15 you're going to, and so Nabi, if you could-- what's
16 your first name?

17 ANIL PASRAM: Anil.

18 CHAIRPERSON GENNARO: Anil, okay. If you
19 get Anil, you know, connected to Queens College
20 through Jeff Rosenstock, because I think that'd be a
21 good partnership, because they have a lot of--
22 because college students is the age you're looking
23 for, right?

24 ANIL PASRAM: Yeah.

2 CHAIRPERSON GENNARO: Okay, so yeah,
3 let's you know, get them connected to Queens College,
4 and I'll talk to Queens College. I'll make them an
5 offer they can't refuse. And so--

6 ANIL PASRAM: [interposing] Appreciate it.

7 CHAIRPERSON GENNARO: Great. No, my
8 pleasure. Please state your name for the record and
9 continue.

10 SUHALI MENDEZ: Sure.

11 CHAIRPERSON GENNARO: Oh, do I have your--
12 - oh, okay. So this is your-- this is your testimony
13 here, right? Okay. Sergeant, I'm going to give this
14 to Nabi just so she has this. Thank you so much.
15 Please.

16 SUHALI MENDEZ: Thank you.

17 CHAIRPERSON GENNARO: and do you have
18 written testimony as well? Is this it?

19 SUHALI MENDEZ: Ys, I provided it. That's
20 correct.

21 CHAIRPERSON GENNARO: Alright, okay.

22 SUHALI MENDEZ: Good afternoon. My name
23 is Suhali Mendez, and I'm the Policy and Legislative
24 Coordinator at New York Lawyers for the Public
25 Interest. I'd like to thank you, Chairman, for

2 holding this hearing and giving me an opportunity to
3 provide testimony along with members of the City
4 Council's Environmental Protection, Resiliency and
5 Waterfronts Committee. Today, I would like to
6 highlight three area, one of which is the Department
7 of Education-- I mean, excuse me, Environmental
8 Protection's proposed rules on the idling law,
9 private sewer line repairs, and Rikers Island power
10 plants for the Council's consideration for the
11 Preliminary Budget. The first is the DEP's proposed
12 rules for the term adjacent. We are puzzled
13 specifically by the DEP's proposal to restrict the
14 instances in which school buses, trucks, and other
15 heavy vehicles would be found to be illegally idling
16 close to schools and parks, as engine idling near
17 schools remain a major issue in our city. In our
18 recent report, which was published in November called
19 Wake Up and Smell the Fumes, we found that New York
20 City's massive school bus fleet has an outsized
21 environmental impact on our cities and communities.
22 we found as many as one in four school buses were
23 idling near schools in violation of the city law, and
24 idling diesel and gas line combustion engines, as we
25 know, they spew dangerous emissions that harm human

2 health and the environment. So, clearly, we're in
3 opposition for this rule to change the definition of
4 adjacent. The second item will be the private sewer
5 line repairs. New York City homeowners and tenants
6 are already facing chronic-- oh, I'm out of time.

7 CHAIRPERSON GENNARO: Yeah, just try to--
8 I'll give you a little.

9 SUHALI MENDEZ: I appreciate it. So, New
10 York City homeowners and tenants are facing chronic
11 sewer backups and flooding that poses major health
12 and financial risks, and we-- and is rapidly
13 worsening in sea levels areas, rising, and extreme
14 become routine. We hope to collaborate with the
15 Council and DEP to seek innovative funding solutions
16 to ensure low and moderate income homeowners and
17 tenants can make repairs to private sewer lines and
18 connection and install retrofits to prevent flooding
19 and damage. And the other topics are covered in
20 testimony at length, and I will also be providing
21 that online. Thank you for your time.

22 CHAIRPERSON GENNARO: Thank you. And
23 also, make sure you give a copy of your testimony to
24 my Legislative Director. We want to be aware of your
25 concerns and how we can, you know, work with the New

2 York Lawyers to help in all these areas. You have a
3 copy of your own testimony, right? And so, Nabi, you
4 got to go to work on this whole panel here. So,
5 thank you. Thank you for that. I appreciate you all
6 being here, and Nabi's your next step, okay? And
7 she'll be holding court out in the hall. Thank you
8 Nabi, appreciate that. Oh, you bet. You bet.
9 Thanks for coming out.

10 COMMITTEE COUNSEL: The next panel is
11 Maite Duquela with the Waterfront Alliance, Issa
12 Diarra and Mohamed Attia with the Street Vendor
13 Project.

14 CHAIRPERSON GENNARO: Do we have a third
15 panelist? Three were called. Okay, because we have
16 two.

17 COMMITTEE COUNSEL: They were Maite
18 Duquela, Issa Diarra, and Mohamed Attia.

19 CHAIRPERSON GENNARO: Okay. Please,
20 please start. Just state your name for the record.
21 I've been corrected in the way I've been dealing with
22 witnesses. Once the-- don't start yet. Once the two
23 minutes up, I have to indicate that your time is
24 expired. At that point I, you know, may ask you to--
25 you know, in the form of a question as you to

2 continue if you're really going someplace. So, there
3 you have it. So, state your name for the record and
4 commence with your testimony.

5 MAITE DUQUELA: Thank you. My name is
6 Maite Duquela. I'm the Climate Policy Fellow at
7 Waterfront Alliance. I'm grateful to be here to
8 testify in front of you today in favor of sustained
9 dedicated funding and long-term planning for climate
10 resilience. Climate risks and impacts are no longer
11 abstract; they are the reality of today, and in order
12 to reduce the City's vulnerability to climate change,
13 direct and bold action must be taken immediately, and
14 that actions starts by explicitly establishing line
15 items in the City's budget dedicated towards climate
16 resilience programs. Even in the understanding of the
17 current context of constraints, fiscal restrictions
18 and uncertainties, spending on climate resilience
19 cannot be lost or minimized. One example of an
20 innovative way to support the budget is by
21 restructuring water utility bills to reflect
22 properties contributions to stormwater runoff. This
23 will benefit the City from designated revenues for
24 stormwater management and from incentives for more
25 green infrastructure that reduces flooding events.

2 So, Waterfront Alliance calls on the City Council to
3 pass a resolution of support for the Assembly Bill
4 A9435 that categorizes stormwater separately and
5 fairly for homeowners. We would also like to see
6 long-term dedicated and increased funding for
7 programs like the Cloudburst Management Program, the
8 Bluebelt Program, the Home Fix [sic] Program, and the
9 Housing Mobility and Land Adaptation Program.
10 However, dedicated long-term funding is only half of
11 the equation. There is an urgent need for
12 comprehensive long-term planning for climate
13 resilience in the city which will dictate how funding
14 can and should be spent. The Local Law 122
15 established a five-borough climate adaptation plan.
16 While the City made the initial step of creating an
17 educational website known as Adopt NYC, we strongly
18 urge the City to allocate resources towards the
19 creation of a thorough detailed plane with specific
20 measures to be taken, timelines, goals, and
21 indicators to track progress over time. Thank you.

22 CHAIRPERSON GENNARO: You're time is
23 elapsed. It's the first time I said that. I'm
24 supposed-- thank you very much. I just wanted to say
25 that we've got some good news instore for you. I

2 believe-- I'm not speaking for them, but I know that
3 in an attempt to deal with stormwater, there is
4 something that's in the works now. It is that to the
5 extent that one has impervious services on their
6 property, they will be-- there will be some kind of
7 assessment made because of the contribution to
8 stormwater that those impervious services are making.
9 It'll be built into your water bill. This will
10 create the incentive. For example, people like
11 myself who I'm just about to change out my driveway,
12 and so-- I mean, we bought the house years ago. it's
13 a concrete driveway, and so now when I replace it I'm
14 going to use porous pavement and this will give
15 people an incentive to get out from under the-- what
16 I believe to be a soon levied, you know, kind of
17 assessment that'll be made. And all of your other
18 points where excellent. I love the Waterfront
19 Alliance because they gave me my first environmental
20 award way back when I had black hair, you know. I
21 was the Hero of the Harbor. That was back when it
22 was in Metropolitan Waterfront Alliance. Yeah, long
23 time ago. It was 2000-- it was like 20 years ago.
24 So, thank you for coming. Appreciate your--

25 MAITE DUQUELA: [interposing] Thank you.

2 CHAIRPERSON GENNARO: good testimony.

3 Sir?

4 ISSA DIARRA: Good afternoon. I'm out
5 here with Jamaica Bay Wetlands Fellowship. My name
6 is Issa Diarra, and in 2023 I had the pleasure of
7 being part of the first Jamaica Bay Wetlands
8 Fellowship cohort. I've been a Far Rockaway resident
9 for 18 years, but in the past five years I've started
10 to notice dramatic changes in flooding as it has
11 become more consistent. Smaller rain events now seem
12 like heavy rainstorms, and regular high tides are
13 causing flooding throughout the Rockaways more
14 frequently. Not only are people homes being affected,
15 but also school and our overall livelihoods as a
16 Rockaway residents. Initially, I grew up thinking
17 someone else would address these issues and protect
18 our community. It was not until I joined the Wetlands
19 Fellowship Program that I felt like I became that
20 person who is now stepping up. In addition to
21 learning the importance of wetlands, as they are the
22 first line of defense against storm surges, it became
23 apparent that they need care, restoration, and
24 further investment. Having the opportunity to work
25 already makes a huge difference. But allowing me to

2 share the many lessons learned and show my community
3 that they can also be a part of the solution makes
4 the experience all the more meaningful. It was truly
5 a great feeling working alongside locals from
6 neighboring communities, all dedicated to making a
7 difference in our bay. These nature-based jobs not
8 only benefit frontline communities like mine, but
9 also create a connection between the communities and
10 their surrounding environment fostering community
11 stewardship from within. Continued investments on
12 our waterfronts, park lands, and bay means continued
13 investments in our front line community. I hope the
14 Committee will continue to support workforce
15 development programs like the Wetlands Fellowship and
16 further the discussion in creating more opportunities
17 like this. Thank you for allowing me this time to
18 speak.

19 CHAIRPERSON GENNARO: Thank you. And
20 just tell me a little bit about the Wetlands
21 Fellowship, like what does it-- how did it come to be
22 and how did you get connected with, and how does it
23 work?

24

25

2 ISSA DIARRA: Well, for me, I was looking
3 for work and where I live at there's not, like, much
4 opportunities there.

5 CHAIRPERSON GENNARO: Yep.

6 ISSA DIARRA: So, I was-- I was on my way
7 paying rent and then they gave me this opportunity if
8 you want to help the community and stuff. And I was
9 looking through the website and it was just-- and
10 since then I fell in love.

11 CHAIRPERSON GENNARO: Wow. And so this
12 is your livelihood now?

13 ISSA DIARRA: Technically.

14 CHAIRPERSON GENNARO: Wow, and you work
15 by Jamaica Bay, or?

16 ISSA DIARRA: Yeah, I'm one of the
17 residents in there. I live right across the street
18 from the Bay, so I see it all the time, and like
19 heavy rains come I see it all the time flooding the
20 streets and stuff.

21 CHAIRPERSON GENNARO: Yeah.

22 ISSA DIARRA: So, I wanted to be--

23 CHAIRPERSON GENNARO: [interposing] Yeah,
24 and your local Council Member is probably Selvena
25 Brooks-Powers, is that who it is?

2 ISSA DIARRA: Yeah, I think so.

3 CHAIRPERSON GENNARO: Yeah, she's always
4 stalking about flooding in the Rockaways, and she's
5 part of the leadership council. But thank you for
6 your compelling testimony. And now, does the
7 fellowship get city funding? Like, does it get--

8 ISSA DIARRA: [interposing] Yes, yes.

9 CHAIRPERSON GENNARO: Okay, well, I'll
10 certainly keep an eye for that, and it-- you have a
11 great story. It's really good.

12 ISSA DIARRA: Appreciate it.

13 CHAIRPERSON GENNARO: Thank you so much
14 for enriching this hearing by being here and telling
15 us your story. I will certainly look out for that
16 funding, and thank you again. Appreciate it.

17 ISSA DIARRA: I appreciate it. Thank
18 you. Thank you.

19 CHAIRPERSON GENNARO: You bet.

20 ISSA DIARRA: Thank you.

21 CHAIRPERSON GENNARO: That was a good
22 panel. That was good, yeah. And so-- yeah, so we'll
23 call the next panel.

24 COMMITTEE COUNSEL: The next panel is
25 Hunter Severini, Hayden Brocket [sp?] with New York

2 Clean Air Collective, and Nick Consentinku [sp?]. I
3 apologize if I mispronounce your name.

4 CHAIRPERSON GENNARO: Sergeant? I think
5 this is better directed to the Sergeant. Okay, we'll
6 follow the same protocol. My left to my right.
7 We'll start with the gentleman in the black blazer,
8 and please state your name for the record and
9 commence with your testimony. You got to talk right
10 into the microphone. I think it's off.

11 HUNTER SEVERINI: Okay. Thank you,
12 Chairman Gennaro. My name is Hunter Severini. I'm a
13 resident of lower Manhattan and I'm here to testify
14 in support of the Citizen's Air Complaint Program.
15 Thanks in large part to support from the City
16 Council, this program is an ever-increasing success
17 and I'm here to ask that you give this program the
18 highest possible consideration in the City budget.
19 Currently, the DEP is receiving about 300 idling
20 complaints a day from citizens, putting the City on
21 track for over 100,000 complaints this year, as Rohit
22 mentioned. This is an enormous workload to manage
23 and would benefit from further resources being
24 allocated. The practical result would be that
25 respondents are notified of violations more quickly

2 and hearing dates are scheduled closer in the future.

3 To further strengthen this program, I suggest that
4 the Council pass legislation requiring the Department
5 of Environmental Protection to establish and maintain
6 a database of past offenses based on license plate
7 number, to issue summonses with the maximum possible
8 offense based on alleged previous offenses, and to
9 adjourn hearings whenever there are potential
10 previous violations that need to be adjudicated
11 first. According to idling.nyc/stats.html which uses
12 open source data, as of March 22nd, 2024 there are
13 over \$1 million in assessed fines, reflecting both
14 undercharged tickets and under-assessed fines. In
15 2023, over 20 percent of tickets issued were
16 erroneous. The practical result of this was that
17 companies got large number of first offense summonses
18 for the same license plate, surely not how the system
19 was intended to be working. There's even a public
20 website that shows past offenses,
21 idling.nyc/check.html, and this is information that's
22 also available on New York Open Data. Additional
23 resources directed towards this program could be a
24 benefit in many ways. As part of the aforementioned
25 proposed database of past offenders, the DEP could

2 maintain more consistency by ensuring all summonses
3 are served to the correct entity based on the New
4 York Department of State or US DOT records. Right
5 now this is done scarcely in and inconsistently, and
6 if it were improved the city would have better
7 options.

8 CHAIRPERSON GENNARO: Your time is
9 expired. I will-- your time is expired, but I will
10 ask you to continue a little bit to finish your
11 thought.

12 HUNTER SEVERINI: Okay, sure. As I was
13 saying, if this were approved, the City would have
14 far better options to pursue collection of
15 violations. As I mentioned before, the volume of
16 citizen complaints is significant and ever-
17 increasing. I believe that it is necessary to shore
18 up this program before it becomes even more
19 overwhelming for the City to keep up. It'd be great
20 to have a higher retention of air complaint reviewers
21 and to give them more resources to do their job
22 effectively. When considering the many successes of
23 this program, particularly its effect on the
24 environment and profitability for the City, I believe
25 that there's a strong case for further investment. I

2 also believe that there's a strong case for passing
3 02912024 which would increase the civil penalties for
4 idling infractions. This law would ensure the
5 continued effectiveness and survivability of this
6 program.

7 CHAIRPERSON GENNARO: Thank you. And
8 what I'll ask you to do is if you can somehow
9 transmit your full testimony to my Legislative
10 Director, because you talk about legislative
11 initiatives in there, and so I want to make sure that
12 my legislative director has the full benefit of your
13 entire testimony.

14 HUNGER SEVERINI: Yeah, I'll be sure do
15 that. Thank you.

16 CHAIRPERSON GENNARO: Okay, you bet.
17 Okay, thank you.

18 HAYDEN BROCKETT: Are you ready for me,
19 Chair?

20 CHAIRPERSON GENNARO: Yes, I am.

21 HAYDEN BROCKETT: Alright, great. My
22 name is Hayden Brockett. I'm the founding member of
23 the New York Clean Air Collective, and I want to
24 thank you, Chair Gennaro and your staff and the
25 members of the Committee. On behalf of the New York

2 Clean Air Collective, and as a father of two children
3 in New York City public schools and testifying today--
4 - here's my budget hook, Chair-- in support of
5 increased funding, as Mr. Severini mentioned for the
6 DEP's Bureau of Enforcement-- excuse me,
7 Environmental Compliance. Specifically, there should
8 be increased headcount and raised salaries for the
9 Citizen Air Complaint reviewers. These front line
10 workers, they have an extremely difficult job
11 reviewing the citizen idling complaint videos, but
12 it's extremely important as well. They help
13 administer the most successful citizen environmental
14 program in the world, that is the Citizen's Air
15 Complaint Program, and it's a shining example of how
16 citizen enforcement works to combat climate change
17 and to protect our air on the local level. We are
18 nonprofit organization dedicated to protecting New
19 Yorkers rights to enjoy clean air, including by
20 supporting the hundreds of participants in the
21 Citizen Air Complaint program. We hold polluting
22 companies accountable. Companies like Con-Ed,
23 Verizon, and Loomis pollute our air to fuel their
24 profits, and we work to combat environmental racism
25 and to mitigate the causes and effects of climate

2 change, especially around schools and in and around
3 our parks. We also conduct trainings and perform
4 advocacy to expand the participation in this program
5 throughout the five bureaus. So, we support
6 increased funding of Citizen Complaint Reviewers,
7 period, but we are also very concerned about some of
8 the things that were mentioned by the DEP and past
9 legislative proposals, including those advanced by
10 the DEP which we feel would have gutted this crucial
11 program. we are also strongly in opposition to the
12 variances that DEP has granted to polluting companies
13 like Loomis that grant, you know, gigantic holes in
14 our idling laws for specific companies that actually
15 don't change their behavior. And we also look
16 forward to working with you as my colleague
17 mentioned, Chairman Gennaro, and we would like to
18 work with DEP leadership, although we've sort of been
19 stiff-armed.

20 CHAIRPERSON GENNARO: Thank you. Your
21 time is expired, but please finish your--

22 HAYDEN BROCKETT: Thank you so much. We
23 would like to craft legislation that truly benefits
24 the air rather than discouraging participation in
25 this crucial successful and quite honestly hopeful

2 program. It really has been just on a personal level
3 hope-inspiring to be able to help enforce our air
4 code, and to protect our air around where my kids go
5 to school. So, I really hope that we can work
6 together productively to make sure that the
7 legislation that comes out of this committee benefits
8 all of New Yorkers.

9 CHAIRPERSON GENNARO: Thank you. Thank
10 you very much, Hayden, and if you-- and again, like--

11 HAYDEN BROCKETT: [interposing] I know
12 Nabi and I don't mean to cut you off, Chair. I will
13 make sure that--

14 CHAIRPERSON GENNARO: [interposing] Oh,
15 fine.

16 HAYDEN BROCKETT: the appropriate folks
17 get the right information.

18 CHAIRPERSON GENNARO: Good, good, good.
19 I'm for that.

20 HAYDEN BROCKETT: Thank you.

21 CHAIRPERSON GENNARO: I'm for that.

22 HAYDEN BROCKETT: Alright, good.

23 Thank you for having me here today.

24 CHAIRPERSON GENNARO: You bet.
25

2 UNIDENTIFIED: I live in District 38. I'm
3 a property owner and I live in the community as well.
4 I've been having a problem with my sewer backing up
5 for over 15+ years. It has gone on deaf ears with
6 the City. I have stated to the City that my sewer
7 pipe is in line directly where the-- I don't know
8 what you want to call them. They're not potholes,
9 because they're beyond potholes. Nothing has been
10 done. Recently I've been calling up for the past
11 three years 311 to state DEP to come to my property
12 and do an examination of my complaint. I complained
13 that when tractor trailers hit the bumps on the caved
14 in roads, my building shakes and vibrates. You
15 cannot sit on the corner without you feeling like
16 you're in an earthquake. Now my pipe is confirmed
17 that it's broken, 17 feet past the curb, and now DEP
18 wants me to spend the money and fix it? Meanwhile,
19 DEP doesn't have the budget to fix anything, and they
20 expect me as a homeowner to have the budget to spend
21 \$30,000 to fix a problem that the City should have
22 took good care of it 15+ years ago.

23 CHAIRPERSON GENNARO: So, here's what
24 I'm-- so, who's here from the Bloomberg
25 Administration? Who's taking-- who's listening to

2 testimony from the Bloomberg Administration? Who's
3 here? Oh, pardon me, from the Adams Administration,
4 who's here? Because I talked to Robert and wanted to
5 make sure someone is here from the Administration to
6 hear the testimony. Anybody here from the Adams
7 Administration. Call--

8 UNIDENTIFIED: [interposing] May I
9 continue before the clock finishes?

10 CHAIRPERSON GENNARO: Yeah, don't worry
11 about the clock. I mean, even though you're thing
12 is-- I just feel for you. This is not a budget
13 matter, but I feel for you. I want to help you out.
14 So, call-- call Robert Cataldo and tell him to come
15 back here, okay? You have his number right? So,
16 call Robert Cataldo [sp?], tell him to come back here
17 or to send someone from the Administration, because
18 I-- you know, this gentleman should have-- I'm going
19 to provide you an opportunity to bring your complaint
20 directly to the Mayor's Office. And so--

21 UNIDENTIFIED: [interposing] My
22 councilwoman spoke about this earlier. I was the one
23 that she said about 15+ years--

24 CHAIRPERSON GENNARO: [interposing] Oh.
25

2 UNIDENTIFIED: on Third Avenue underneath
3 the Gowanus [sic].

4 CHAIRPERSON GENNARO: Alexa?

5 UNIDENTIFIED: Yes.

6 CHAIRPERSON GENNARO: Alexa, okay. Well,
7 she's a very good Council Member, and I'm sure she is
8 trying to do her best. So she'll do what she's going
9 to do, but I'm going to get you face-to-face with
10 someone in the Administration.

11 UNIDENTIFIED: Okay, I just want it on
12 the record, that when something happens on Third
13 Avenue and it caves in and God forbid somebody loses
14 his life, I'm going to be that guy on the news. I
15 told you so.

16 CHAIRPERSON GENNARO: You should be the
17 guy on the news. You should be the guy.

18 UNIDENTIFIED: I just want to make that
19 perfectly clear.

20 CHAIRPERSON GENNARO: No, that's fine,
21 but I mean, we are the legislative branch, and the
22 problem that you brought forward is definitely under
23 the purview of the executive branch, you know,
24 meaning that it involves DEP. It involves all of
25

2 the-- this is-- like the Council doesn't fix
3 potholes, but--

4 UNIDENTIFIED: [interposing] This is more
5 than just a pothole. You literally [sic] walk
6 underneath the streets. My water line broke seven
7 years ago, and the people who came to fix it, didn't
8 have to snake it the normal way, they literally
9 walked underneath to the other side of the street
10 with concrete hanging. You can clearly see it. It's
11 a nightmare there. Somebody needs to come and
12 examine this before there's a catastrophe.

13 CHAIRPERSON GENNARO: Okay. My staff is
14 on the phone. I ask that you stay here until a
15 representative from the Administration-- and also,
16 Nabi, you can tell the Administration I'm very
17 disappointed that I went out of my way to tell them
18 to stay here, to listen to testimony because exactly
19 for this kind of-- you know, like, exactly for this
20 reason. But you know what they're probably doing?
21 They're probably watching the live stream. Hello?
22 Where's the camera? Come back here. Whoever's--

23 UNIDENTIFIED: And the Commissioner--

24 CHAIRPERSON GENNARO: watching from the
25 Adams Administration, we need you to come back here

2 and be in the room. And we should have a policy,
3 Nabi, going forward-- no, declare that when we set up
4 the thing for a hearing, we'll talk about like who's
5 going to testify, we want to know who is physically
6 going to stay behind and not just watch on the live
7 stream, because it's different. I mean, somebody
8 watching on the live stream. Maybe they're watching
9 and maybe they're not, but we want them here. But
10 with that said, this is-- so we're going to call the
11 next panel.

12 UNIDENTIFIED: Can you just give me one
13 second, please?

14 CHAIRPERSON GENNARO: I--

15 UNIDENTIFIED: DEP stated that I can send
16 it to the Ci ty Comptroller's. As long as you-- with
17 the Ci ty Comptroller, you never-- the City's never
18 liable for anything, and then also the DEP
19 Commissioner stated that oh, they can have insurance.
20 Unfortunately, I own a multiple family unit. I don't
21 qualify for that kind of insurance. Lucky me.

22 CHAIRPERSON GENNARO: This is a case that
23 you can make to the Administration, you know, eyeball
24 to eyeball, and so I think I tried to be
25 accommodating because this is not a budget thing.

2 UNIDENTIFIED: Thank you. I appreciate
3 it.

4 CHAIRPERSON GENNARO: But I sympathize. I
5 have 170,000-something constituents and so I'm doing
6 some constituent work, but I have to move forward
7 with the hearing.

8 UNIDENTIFIED: No problem. Thank you.

9 CHAIRPERSON GENNARO: Well, thank you for
10 coming forward, and so-- you know Alexa, right?
11 She's your Council Member.

12 UNIDENTIFIED: Yeah, if it wasn't for
13 Alexa [inaudible] DEP would have never come--

14 CHAIRPERSON GENNARO: [interposing] Okay.

15 UNIDENTIFIED: And then when DEP calls
16 me, they seem annoyed that my Councilwoman and my
17 Senator and my Assembly person called them, and then
18 threatened me over the phone that if they do come
19 there, they're going to give me 30 days. They did
20 give me the 30 days to fix \$30,000. DEP doesn't have
21 the budget, but me as a homeowner, I'm [inaudible]
22 \$30,000.

23 CHAIRPERSON GENNARO: Okay, you're off
24 the record now, and so-- but--

2 UNIDENTIFIED: [interposing] You
3 understand my frustration.

4 CHAIRPERSON GENNARO: I do, and I see it,
5 and so we'll have someone from the Administration to
6 talk to you. Please call the next, counsel. I'm
7 waving this around. Is this the new slips or the old
8 slips? Oh, okay. So what's the next panel? Oh,
9 it's Zoom. We're moving to Zoom.

10 COMMITTEE COUNSEL: We will now turn to
11 remote testimony. When your name is called, a member
12 of our staff will unmute you, and the Sergeant at
13 Arms will give you the go-ahead to begin. Please
14 wait for the Sergeant to announce that you may begin
15 before delivering your testimony. And the first
16 witness that we will have is Mohamed Attia with the
17 Street Vendor Project at Urban Justice Center.

18 SERGEANT AT ARMS: You may begin.

19 MOHAMED ATTIA: Hello?

20 CHAIRPERSON GENNARO: We can hear you.

21 MOHAMED ATTIA: Hi, good afternoon, Chair
22 Gennaro. My name is Mohamed Attia. I'm the Managing
23 Director of the Street Vendor Project at the Urban
24 Justice Center. Thank you for the opportunity to
25 testify. The Street Vendor Project is a membership

2 based organization that champions the rights of
3 street vendors as small businesses to earn a living
4 and contribute to the culture and the life of New
5 York City. [inaudible] we respectfully request
6 funding to sustain and expand the Environmental
7 Justice for Vendors by Vendors program. This program
8 is a street vendor-led initiative to reduce the
9 carbon footprint of New York City food carts and
10 trucks. There are currently 5,100 permitted food
11 vending units in New York City. Most cars and trucks
12 use fossil fuel generators which emit harmful air and
13 noise pollutants that negatively impact both the
14 environment and vendor health. Yet, vendors lack
15 clear [sic] and affordable alternative technologies
16 to reduce these emissions. Since 2021, SVP has been
17 engaging vendors and other stakeholders in a
18 collaborative effort to identify more sustainable
19 vending technology and proactively anticipate
20 barriers to scalability and adoption. Through this
21 process, we have identified and tested
22 environmentally sustainable, healthy, and safe
23 batteries that are long-lasting enough to power food
24 vending cars and trucks. We are currently piloting
25 this program by electrifying a select number of food

2 cars and trucks with clean, quiet, reliable energy.

3 So far, we have generated a lot of interest from the

4 vending community to improve their business

5 practices. We were able to prove to the vendors that

6 batteries actually work and can replace their

7 gasoline-powered generators. We also learned so much

8 about the challenges and opportunities that we will

9 be navigating throughout this program. With funding

10 from the Council, we are hoping to accomplish the

11 following: One, hire a program manager and outreach

12 specialist; two, staff the program to expand our

13 testing of zero emission products to replace the

14 generators in food cars and trucks with at least 20

15 vendors; three, conduct community outreach--

16 SERGEANT AT ARMS: [interposing] Your time
17 is expired. Thank you for your testimony.

18 MOHAMED ATTIA: May I have few more
19 seconds to wrap up my last point.

20 CHAIRPERSON GENNARO: Sure. Yes, I'll
21 allow that.

22 MOHAMED ATTIA: Thanks so much, Chair.
23 The third point is actually conducting community
24 education and outreach in seven different languages
25 to 500 food vendors and 10 commissaries and garages

2 to promote and support vendor's transition to clean
3 energy. The fourth point is pilot connecting vendors
4 to the grid in partnership with stakeholders,
5 experts, and interested elected officials. The very
6 last thing would be to expand our coalition and
7 create a shared understanding amongst stakeholders
8 about environmental impact of food cars and trucks
9 and the alternative solutions that are out there.
10 Thank you so much for having me today.

11 CHAIRPERSON GENNARO: Thank you. And if
12 I can ask you to submit your testimony in full to the
13 Council. There's a website or something?

14 MOHAMED ATTIA: Sure thing.

15 CHAIRPERSON GENNARO: So, the Committee
16 is going to give you the website or whatever it's
17 called.

18 COMMITTEE COUNSEL: Please submit your
19 testimony to an email address. The email is
20 testimony@council.nyc.gov.

21 MOHAMED ATTIA: sure thing. Thanks so
22 much, Chair.

23 CHAIRPERSON GENNARO: Thank you. That'll
24 give us the ability to, you know, put this into the
25

2 record and as we go through the budget we want to
3 make sure we give your request due consideration.

4 MOHAMED ATTIA: Awesome. Thank you.

5 CHAIRPERSON GENNARO: Thank you for
6 testifying.

7 MOHAMED ATTIA: Thanks for having me.

8 CHAIRPERSON GENNARO: You bet.

9 COMMITTEE COUNSEL: The next witness is
10 Lonnie J. Portis with WE ACT for Environmental
11 Justice.

12 SERGEANT AT ARMS: You may begin.

13 LONNIE J. PORTIS: Good afternoon, Chair
14 Gennaro.

15 CHAIRPERSON GENNARO: Lonnie. Lonnie.

16 LONNIE J. PORTIS: How are you doing?

17 CHAIRPERSON GENNARO: Good.

18 LONNIE J. PORTIS: I feel like it's been
19 a long time.

20 CHAIRPERSON GENNARO: Yeah.

21 LONNIE J. PORTIS: But good afternoon,
22 Chair Gennaro and the Environmental Protection
23 Committee, and thank you for the opportunity to
24 testify on four key items today, and I'll submit
25 detailed written testimony. For those who don't know

2 me, I'm Lonnie Portis, the New York City Policy
3 Manager at WE ACT--

4 CHAIRPERSON GENNARO: Everybody knows
5 Lonnie Portis.

6 LONNIE J. PORTIS: for Environmental
7 Justice. I want to start by saying that WE ACT
8 definitely opposes the DEP water rental payment
9 outlined in the January 2024 financial plan.

10 CHAIRPERSON GENNARO: We're going to
11 make-- I'm going to make a big deal about this, and I
12 need, you know, WE ACT to-- and this is not about
13 DEP, you know, this is the Administration. Don't
14 worry about your time. I'll give you the time because
15 I'm jumping in. This is \$440 million and, you know,
16 people pay their water and sewer bills, you know,
17 it's supposed to be going to water and sewer, not
18 \$440 million to go into the general fund. This is an
19 outrage, and we need more than me doing this. And so
20 once this becomes-- I mean, I want this issue to
21 become like a flashpoint, and I'm so happy that
22 you're picking up on this, because no one knows about
23 the rental payment. No one knows what it is.

24 LONNIE J. PORTIS: Right.
25

2 CHAIRPERSON GENNARO: And everyone who was
3 around when this thing was created is dead except for
4 me, you know? So, this goes back a long time, and so
5 this-- that's great. So please continue.

6 LONNIE J. PORTIS: Yeah, so to your point
7 there, there are definitely quite a few applicants
8 that are going to support you on this aspect. But
9 like you said, the \$440 million can go to making
10 essential infrastructure upgrades, especially
11 environmental justice community, and with the
12 estimates showing that the City tax revenues by more
13 than \$3 billion for the current and upcoming fiscal
14 year, the City does not need this revenue stream for
15 the general fund. So, we urge that the Council
16 reject the water rental payment in their budget
17 response. We'll definitely reach out and be in touch
18 about, you know, partnering with that cause, as well.
19 When it comes to the PlaNYC getting sustainability
20 done, I want to say that WE ACT advises the Council
21 go through--

22 CHAIRPERSON GENNARO: [interposing] Can
23 you say that again? Say that again. The PlaNYC
24 what?

25 LONNIE J. PORTIS: Yeah, the PlaNYC--

2 CHAIRPERSON GENNARO: [interposing] Your
3 time is expired, but I'm-- your time is expired, but
4 I'm asking you to continue. And so--

5 LONNIE J. PORTIS: [interposing] Thank
6 you.

7 CHAIRPERSON GENNARO: What did you just
8 say about the-- what was that?

9 LONNIE J. PORTIS: The PlaNYC, getting
10 sustainability done--

11 CHAIRPERSON GENNARO: [interposing] Oh,
12 okay, yeah.

13 LONNIE J. PORTIS: from the Mayor's
14 Office.

15 CHAIRPERSON GENNARO: Yep.

16 LONNIE J. PORTIS: Yeah, we just-- we
17 advise that the Council kind of go through this plan
18 and identify everything that needs to have like
19 fiscal needs and make strategic investments in these
20 initiatives in action, and we really want to see
21 emphasis on green infrastructure projects such as the
22 rain garden bio swells, water squares, green and blue
23 belts, river daylighting, and [inaudible] pavement to
24 really help absorb storm water, purify our air, and
25 mitigate the urban heat island effect. You know,

2 advocates really appreciate plans, but we're kind of
3 exhausted by them, and we want to see action and we
4 want to see more direct investment by the City. And
5 two more points here that I want to make. You know,
6 funding for the Mayor's Office of Climate and
7 Environmental Justice's Adapt NYC, particularly the
8 Climate Strong Communities program, which I quoted,
9 you know, is intended to invest in communities left
10 unaddressed by limited Hurricane Sandy recovery
11 funding with a focus on environmental justice and it
12 leverages existing resilience in the sustainability
13 planning and capital commitment. The Climate Strong
14 Communities program is vital to the Environmental
15 Justice communities like East Harlem who are in
16 desperate need of implementation of the Vision Plan
17 for the Resilient Harlem. The City must go beyond
18 seeking state and federal funding to this work and
19 put substantial investment in the future in a true
20 citywide adaptation plan, via Adapt NYC. And the
21 last piece here that I just want to make sure we
22 address that WE ACT is concerned that there's a lack
23 of financial support for environmental justice.
24 There have been some challenges and obstacles in
25 achieving some of MOCEJ's goals. The Commissioner

2 addressed MOCEJ's PEG cut issue for this budget
3 cycle, so I won't go into any of the aspect, but we
4 want to thank you, Chair Gennaro and this committee
5 and the majority of the City Council for their
6 commitment to advancing environmental justice through
7 policy. For the record, I still want to state that
8 these commitments to environmental justice must be
9 supported financially, and it's been-- WE ACT
10 requests for the past few years that the City Council
11 provides annual funding of a million dollars to the
12 MOCEJ, and starting in Fiscal Year 2025, but you know,
13 we want to ensure-- we want the assurance that MOCEJ
14 can properly execute its plan and do meaningful
15 outreach to the disadvantaged communities. But
16 that's all I have for testimony, and I appreciate you
17 giving me the opportunity to do so.

18 CHAIRPERSON GENNARO: Thank you, Lonnie.
19 Always good to see you. Give my best to everyone at
20 WE ACT, you know, particularly Peggy. I don't know if
21 she comes around that much. But you see her, right?

22 LONNIE J. PORTIS: Yeah.

23 CHAIRPERSON GENNARO: You see her around,
24 right?

2 LONNIE J. PORTIS: Yeah, we see Peggy. I
3 definitely always tell her that you said hey.

4 CHAIRPERSON GENNARO: Okay, very good.
5 Thank you, Lonnie, appreciate it. Have a good
6 weekend.

7 LONNIE J. PORTIS: Thank you. You too.

8 COMMITTEE COUNSEL: Our next witness is
9 Brady Meixell with Southwest Brooklyn Industrial
10 Development Corporation.

11 SERGEANT AT ARMS: You may begin.

12 BRADY MEIXELL: Thanks. Good afternoon,
13 Chair Gennaro and Committee Members. My name is
14 Brady Meixell, and I'm with the Southwest Brooklyn
15 Industrial Development Corporation. SBIDC is a local
16 economic development corporation and membership
17 organization whose mission is to create equal
18 opportunity for the people, businesses and community
19 of southwest Brooklyn. We provide free service to
20 over 1,500 small industrial and manufacturing
21 businesses across Sunset Park, Gowanus and Red Hook,
22 and help place 200 job-seekers in full-time
23 industrial jobs every year through our workforce
24 [inaudible]. In the Southwest Brooklyn Industrial
25 Business Zone, businesses and residents have

2 consistently faced issues with sewers overflowing
3 during storm events. Given that southwest Brooklyn
4 sits in a major flood zone and is largely made up of
5 low land communities, the sewer system here is
6 overtaxed. During heavy rains sewerage back-up flows
7 into homes, as well as business's facilities
8 disrupting operations and creating an unsanitary
9 environment for employees and customers. To give on
10 illustrative example, a fabrication business in Red
11 Hook has reported storm water and sewerage back-up
12 flowing out of their toilet during every substantial
13 rainstorm, multiple times every year. We work with
14 DEP to investigate the issue, and they ran a camera
15 into the business's sewer line. DEP determined that
16 there was nothing wrong with the business's sewer
17 line, but the street sewer could not handle the
18 volume of storm water mixed with [inaudible]. This
19 resulted in the back-up resulting-- releasing at the
20 lowest point in the business which is a ground floor
21 toilet, and led to disruption of that business and
22 lost revenue multiple times. As a problem that's not
23 with its own line, the business had no direct remedy
24 to prevent these back-ups in the future. Given the
25 clear need for infrastructure improvements to expand

2 seer system capacity, SBIDC urges DEP to begin
3 planning for these long-term capital projects.
4 Contract HWK700B was supposed to have carried out
5 extensive sewer upgrades on Van Brun [sic] Street
6 from Hamilton Avenue to Verona Street over 10 years
7 ago now. It still has not happened, and SBIDC urges
8 that this work be re-initiated. We recognize that
9 even if approved, such a capital investment would
10 take years to implement, so we hope that in the
11 meantime, DEP could engage in additional efforts to
12 educate property owners, including small businesses
13 about mitigation strategies.

14 SERGEANT AT ARMS: Your testimony-- your
15 time is expired.

16 CHAIRPERSON GENNARO: You're time's
17 expired, but I'm asking you to finish your thought.

18 BRADY MEIXELL: Thank you. So, the
19 mitigation strategy, just trying to spread
20 information about available city assistance, such as
21 incentives currently available for flood resiliency
22 measures and improvements such as green roofs or
23 catch basins, and we also encourage kind of short
24 term measures such as the sum pumps that are
25 currently being used during storm events on the need

2 of Van Brun Street. We'd like to see a greater
3 capacity of sum pumps or a larger amount of sum pumps
4 available in that area. Thank you so much.

5 CHAIRPERSON GENNARO: Thank you. Now,
6 before you go, who's your Council Member? Is it
7 Alexa?

8 BRADY MEIXELL: Yes. Yeah, Council
9 Member Avilés, yeah.

10 CHAIRPERSON GENNARO: She's terrific.
11 So,--

12 BRADY MEIXELL: [interposing] Yes.

13 CHAIRPERSON GENNARO: you know, make sure
14 she knows about your specific projects so she can
15 push for it in the budget. In the meantime, for this
16 business that's having the, you know, persistent
17 sewer back-ups, I think the investment of a back flow
18 prevention device-- do you know what this is?

19 BRADY MEIXELL: Yes.

20 CHAIRPERSON GENNARO: Yeah, I think that
21 would be prudent. Council Member Brannan and I
22 passed a bill where we're going to-- where the City
23 is going to-- they're doing rule-making for it now.
24 You know, that's going to take a while, but in
25 certain instances, the City will be putting in

2 backflow prevention device, but in the meantime,
3 like, you're having problem now, and so that I think
4 would be, you know, a prudent investment. And of
5 course, you know, by working with the Council Member,
6 you can always claim damages and go through the
7 Comptroller for the back-up and all that. So, you
8 probably know all this already, right?

9 BRADY MEIXELL: Yes. Yeah, but not
10 about-- I mean, that's a good suggestion, and excited
11 that that bill is coming down the line.

12 CHAIRPERSON GENNARO: Yeah, that is-- just
13 hang on a second. So,-- yeah, I'm just talking to
14 Counsel to the Committee about the backflow
15 prevention device bill, which I-- it is now law, and
16 so that's one of the things we should take a look at
17 like where's that at, you know. Okay, thank you very
18 much for your good testimony and being part of our
19 hearing, and having your patience. I would give you
20 a Ricola thing, but it doesn't go through the wire or
21 whatever. It's not even a wire. It's just like Wi-
22 Fi. It's even more bizarre. And so yeah, thanks for
23 all the good work that you do, and I hope you-- I
24 certainly found your presence here productive, so
25 thank you.

2 BRADY MEIXELL: Thanks so much, Chair.

3 DEPUTY COMMISSIONER GERBER: And with no
4 one else wishing to-- sorry.

5 COMMITTEE COUNSEL: If we have
6 inadvertently missed anyone that has been registered
7 to testify today and has not yet been called, please
8 use the Zoom raise hand function if you are
9 testifying remotely, and you will be called in the
10 order that your hand has been raised. If you are
11 testifying in person, please come to the dais.
12 Seeing none, I will now turn it over to Chair Gennaro
13 for closing remarks.

14 CHAIRPERSON GENNARO: I want to thank the
15 Counsel to the Committee and all the staff and all
16 the members and the Finance staff particularly, being
17 that this is a budget hearing, and all the witnesses
18 and DEP and everyone who came forward and the
19 Sergeants for, you know, keeping order. And with
20 that said, this hearing is adjourned.

21 [gavel]

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1 COMMITTEE ON ENVIRONMENTAL PROTECTION, RESILIENCY &
2 WATERFRONTS

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1 COMMITTEE ON ENVIRONMENTAL PROTECTION, RESILIENCY &
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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 April 19, 2024