CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL PROTECTION

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B E F O R E: COSTA CONSTANTINIDES
Chairperson

COUNCIL MEMBERS: Stephen T. Levin
Rory I. Lancman
Donovan J. Richards
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A P P E A R A N C E S (CONTINUED)

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[sound check, pause] [gavel]

CHAIRPERSON CONSTANTINIDES: Alright, good afternoon. I am Council Member Costa Constantinides, Chair of the Environmental Protection Committee, and today the committee will hear three bills addressing the sewer maintenance system, and two bills addressing fire hydrant maintenance. New York City Department of Environmental Protection, DEP, is responsible for managing the city's sanitary sewer system, which includes 14 in-city sewage treatment plants and 7,500 miles of sewer infrastructure conveying 1.3 billion gallons of sewage everyday. In addition to the identified sewage infrastructure, the DEP maintains approximately 140,000 catch basins. The DEP operates the system pursuant to the New York State Department of Conservation's State Pollution Discharge Elimination System, if the system is not properly maintained, people are exposed to sewage backups in basements streets and yards. Sewage contain a number of biological hazards including bacteria, funguses, parasites, viruses and airborne viruses or bloodborne viruses. Exposure to sewage backups can result in a variety of adverse human health effects that include

amongst others E coli, Cyanosis (sic) Typhoid fever, Salmonella and others. In August 2016, the United States Environmental Protection Agency, the EPA, found that the DEP experienced an excessive number of sewage backups between 2011 and 2015, more than 17,000. There are also numerous instances of repeat backups in the same locations many due to capacity issues or infrastructure maintenance. The EPA thus issued an administrative compliance order based on its conclusion that DEP's wastewater treatment system violated the Clean Water Act. Specifically, the EPA found that DEP failed to properly operate and maintain the wastewater treatment system. The EPA found that the DEP's State of the Sewer Report in 2012 and 2103 concluded that 80% or more of the confirmed sewer backups were due to grease and debris in the sewers. However, the DEP State of the Sewers Reports did not include broken or malfunctioning catch basins. A number of backups also due to capacity related issues on chronic areas with multiple backups on the same segment, and affecting customers over a given period of time. Sewer backups most heavily affected Queens, Brooklyn and Staten Island. There is also evidence that broken catch

basins may have a prominent impact on sewer backups. In 2015, the Council passed an active Local Law 48 of 2015, which require the DEP to clean its catch basins at least once a year and repair broken catch basins within nine days after the receipt of a complaint. Previously DEB has been inspecting catch basins once every three years. The first mandated report pursuant to Local Law 48 of 2015 identified thousands of catch basins that were clogged and broken. These clogged and broken catch basins may have resulted in sewage backups and resulted in flooding. Further, the areas of most malfunctioning catch basins are in Southeast Queens and Community Districts 11 and 13 showing the highest numbers in the city filed by Community District 12 and others. The EPA suggested that DEP should further explore the cause of sewage backups to ascertain if there was any relationship between increased sewage backups and clogged and malfunctioning catch basins. Their response to EPA's Administrative Compliance Order, the DEP has developed a Targeted Sewer Inspection Pilot, which will be conducted from July 1, 2017 to July—June 30, 2020 and aims to conduct 55,000 sewer segment inspections over a three-year period. After the

pilot phase, it is expected that the improved operation and maintenance procedures will continue and result in a reduction of sewer backups.

Backflow Devices: Backflow devices prevent cross-connections between potable and non-potable water. In order to carry out its responsibility pursuant to the public health law, the DEP as a supplier of water must determine if its facility poses a potential hazard to the city's water supply. If the facility should pose a hazard due to its operation, the DEP Commissioner is required to direct the installation by the owners of an improved backflow prevention device. Should the building owner fail to comply with this directive of the DEP Commissioner, he or she is subject to enforcement actions such as cease and desist orders, criminal or civil enforcement actions, fines, penalties and ultimately termination of water supply to the building or any portion of the facility. Intro 812 adds a new provision that would require the DEP to report annually to the Council on (1) the number of facilities and hazards facilities estimated to require the installation of backflow prevention devices, and (2) the number of facilities in which

backflow prevention devices have already been installed. (3) Number—the number of test reports filed with DEP in the preceding year. (4) The number of violations issued for failure to install a backflow prevention device, and failure to file a required test report with DEP.

Fire Hydrant Legislation: Two bills being heard today regard fire hydrant signage and repair. DEP is responsible for the maintenance and repair of the city's 109 fire hydrants. [background comment] Oh. Oh, I'm sorry, 109 fire hydrants. Opening fire hydrants without spray caps is illegal throughout the city. Open hydrants without spray caps release approximately 1,000 gallons of water per minute, which also leads to decreased water pressure of nearby hydrants and thus threaten the safety of New Yorkers. The identification and timely repair of inoperable fire hydrants is also a safety priority for the city. According to a 20-7—70—no-the 2017 Mayor's Management Report the average time it took with DEP or—DEP to repair or replace high priority broken or inoperative hydrants was 2.5 days in FY17. The MMR does not report on non-priority hydrants. In conclusion, proper maintenance of waste water

infrastructure is necessary to prevent sewage backups and to protect the public health from a wide range of diseases caused by sewage backups into homes and businesses, clogged and broken catch basins and infrastructure may play a role in sewage backups and should be more fully explored. This also means that backflow devices need to be installed in the appropriate locations and proper reporting on the installation of backflow devices must take place. Finally, fire hydrants need to be properly maintained so that they when—so that when needed, they can serve the life functioning—-life saving functions for which they are designed. Now, let us hear from—we'll have, well, we will first recognize a member of the committee Council Member Rory Lancman. Thank you for being here, and allow Council Member Espinal to speak on his bill. Thank you.

COUNCIL MEMBER ESPINAL: Thank you, Mr. Chair. I don't have a statement, but I just clearly—I think you hit all of the important points. You know I—I introduced this bill after visiting a city that actually had signage near the hydrants saying what the violation was for opening the hydrants, and where they should go if they're interested in opening the

hydrant. You know, here in New York City I think one of the biggest complaints that a lot of our offices receive especially during the summertime is that hydrants are open on full blast unattended, and we're seeing thousands of gallons of water per minute being wasted. I think this would be a great way to inform New York City who don't have that common knowledge that they can get a sprinkler cap to open that hydrant and they can also—by visiting their local firehouse. I think that this will decrease the amount of hydrants we have opened at full blast, and also again a great way to inform New Yorkers about how they can safely and legally have that hydrant operating during the summer. Thank you. [pause]

CHAIRPERSON CONSTANTINIDES: Thank you, Council Member Espinal. I'd like to call forward the first panel please from the Administration. Who do we have on the list here? [background comment] So Anastasia Zygoura from DEP. [background comment] [pause] and Chief John Hodgkins from FDNY. Michael, are you going to be testifying as well or just there to support?

LEGAL COUNSEL: Just support.

MICHAEL: [off mic] To be here only.

CHAIRPERSON CONSTANTINIDES: Okay, so I might swear you in as well then. [pause]

LEGAL COUNSEL: Can you please raise your right hands. Do you—can you—can you sit on the dias? Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth today?

MALE SPEAKER: [off mic] I do.

LEGAL COUNSEL: Thank you.

CHAIRPERSON CONSTANTINIDES: Hi. Before you give your testimony, I will let you know that we are trying to have a vote on three pieces of legislation. When we do get a quorum, I'm going to pause and we're going to take that opportunity. Okay?

ACTING COMMISSIONER ZYGOURA: Of course.

CHAIRPERSON CONSTANTINIDES: Great. Thank you. Please begin your testimony.

ACTING COMMISSIONER ZYGOURA: Good afternoon Chairman Constantinides and members of the committee. I am Anastacia Zygoura, Acting Deputy Commissioner for Water and Sewer Operations in the New York City Department of Environmental Protection. With me are Michael Deloach, Deputy Commissioner of Public Affairs at DEP, and John Hodgkins, Deputy

Assistant Chief in the Bureau of Operations of the New York Fire Department, and other DEP staff. Thank you for the opportunity to testify on these five bills: Introduction 821 relating to reporting on backflow devices; Intro 972 relating to fire hydrant signage; Introduction 1731 relating to fire hydrant repair standards, and Introductions 1425 and 1468 relating to sewer backups. The Bureau of—the Bureau on Water—the Bureau of Water and Sewer Operations, BWSO, oversees approximately 14,000 miles of water and sewer mains and 150,000 catch basins and over 109,000 fire hydrants in New York City. Our work includes day-to-day management as the underground water and sewer infrastructure, emergency response to event like waterline breaks as well as capital planning and oversight of water and sewer infrastructure projects.

Intro 821 of 2015 would repeal and replace existing provisions in the Administrative code relating to reporting on installation and testing of Backflow Prevention Devices, BPDs. An annual report would replace semi-annual reports, and an estimate of the total number of facilities requiring BPDs as well as the number of test reports

submitted are added requirements. The number of new notifications issued by DEP that that a BPD is required to be installed has been deleted, but the number of facilities including hazardous and non-hazardous requiring the installation of BPDs has been retained. Finally, the number of notices of violation issued for failure to file has been added to the number or violations for future in—to install. Protecting New York City's public water supply is of paramount importance, and backflow prevention is one aspect affording this protection. I would like to mention that DEP's extensive water quality testing and monitoring program is the frontline defense in ensuring the quality of water in the distribution system. New York City tests its drinking water in the distribution system for approximately 240 chemical constituents well above regulator requirements. We perform more than 1,100 tests daily, 34,000 monthly and 400,000 on an annual basis and over 36,000 samples collected from about 1,000 sampling locations throughout the city. Test results are reported to our regulators and are summarized in the annual report on the quality of New York City's drinking water. Backflow prevention devices also

known as cross-connection controls prevent potential contamination within the premises for mentoring the public water supply. The possibility of contamination is caused by various kinds of plumbing configurations and/or equipment that use water under pressure. If the water pressure in an internal system in the medical facility like a hospital for example is greater than the pressure in the public water supply system. Dangerous chemicals can be inadvertently forced back into the public supply unless a properly functioning Backflow Prevention Device is in place to keep that from happening. Protection of our drinking water through the mandated Cross-Connection Control Program which is required by Subpart 5-1.31 of the New York State Sanitary Code is a primary element of BDSL's (sic) mission. The code contained in the Public Health Law mandates that public water suppliers such as DEP requires certain users to install cross-connection controls for which they must submit plans for the installation of these devices as well as annual testing, and reporting once the devices have been installed. This program is approved and reviewed annually by the State and City Departments of Health, and is reportable to the

United States Environmental Protection Agency and the New York State Health Department, and as on in the Filtration Avoidance Determination deliverables. Department of Health's Guidance for the Code divides users into three categories. Department of Health's guidance for code—for the code divides users into three categories: Non-hazardous such as a one or two family home or a dry commercial establishment such as a cell phone store or computer shop. Aesthetically objectionable such as a residential building with an elevated storage tank and hazardous such as an auto repair shop or a dry cleaner. Department of Health's cross-connection guidance defines a hazardous facility as a building that potentially contains substances that if introduced into the public water supply would or may endanger or have an adverse effect on the health water consumers. Typical examples in addition to those previously are laboratories, sewage treatment plants, industrial or chemical plants and mortuaries. DEP has developed a comprehensive Cross-Connection Control Program in which we initially concentrate on those facilities representing highest risk of potential contamination of our public water supply through cross-connection.

To assist building owners, we are constantly upgrading our program guidelines most recently in May 2017. We have made extensive efforts in the identification, inspection, enforcement and reporting of backflow prevention devices. Since 2012 we have reorganized the program by setting up individual units within BWSO to focus on specific areas of expertise. The three units are inspection, enforcement and cross connection review. Our active program far exceeds our commitments to the Department of Health, and we continue our progress towards ensuring that any facility that requires a Backflow Prevention Device has one. DEP maintains an active database compromising records of some 1,001 properties. The number of properties tracked in this database is dynamic shifting both upward and downward with changes in the nature of the property's usage profile. We have been compiling more detail than current information about the number of buildings in the city, their required Backflow Prevention Devices, the above data mining and field inspection. Residential properties are not a subject of concern except where there are large boilers there used—that use chemically treated water. Our approach has been

to target our inspection resources more efficiently by identifying the types of commercial and residential properties that are most likely to pose a risk. Our inspection unit uses a GIS mapping system along with information from the Department of City Planning to generate a citywide map that targets potential high risk areas and buildings. Each year we aim to inspect 3 to 4,000 properties citywide. We continue to fill gaps—we continue to fill the gaps in our knowledge by getting inspectors into the field and doing the labor intensive job of going to previously identified properties. As a follow up to our field inspections, our Enforcement Unit takes action where necessary. The Administrative code provides for various enforcement measures from the issuance of notice of violations returnable to the Environmental Control Board and associated penalties. Determination of water service and disabling of equipment that equipment that creates fresh to the public water supplier. Our enforcement efforts did not stop with the issuance of an NOV. In addition to the penalties and enforcement actions, the unit reviews the list of properties cited to evaluate whether re-inspection is warranted based on failure

to submit a report or install a device. Once a property is notified and hires a licensed master plumber for the installation of a Backflow Prevention Device, our Review Unit is responsible for the review and approval of the Backflow Prevention plans, the initial installation testing report and all subsequent annual testing reports. It is significant to point out that since 1987, all new construction is subject to evaluation of the need of a Backflow Prevention Device in order to obtain a certificate of occupancy from the Department of Buildings. Consequently Post-1987 Construction particles that share compliance with the intent of Subpart 5-1.31 referenced above. A decade ago, the number of so-called high hazardous facilities was estimated at 22,765. This number represented a presumptive list generated based on the Department of Finance usage class categories and was intended to establish a starting point for identifying locations that had the highest probability of requiring a backflow prevention device. These inspections were completed in 2011, and with—with a consultant inspection contract that began January 2010. There are currently 43,230 locations that have one or more

Backflow Prevention Devices installed. There are a total of 92,308 devices installed at these properties. The reason there are more devices installed than the number of locations is that some properties require more than one device. Of the universe of 1,001 properties inspected, 51,000 either have a device installed currently, or have been notified of the need to install a device. DEP will be able to comply with the reporting requirements of this bill with exception of the first. Lastly, the number of hazardous and non-hazardous facilities require a Backflow Prevention Device. As mentioned, these numbers change with the uses that buildings are facilities are put to. The number of properties tracked is dynamic, shifting both upward and downward with changes in the property's usage profile. Properties can be reclassified from a status of need to one of no need if the nature of that activity is at the property changes. For example, if a gas station that uses hazardous chemicals and pressurized equipment were to be converted to a retail business supply store, the requirements regarding backflow prevention for that distinct property could change. These assessments are subject to—subject to continual

evaluation on the part of DEP staff. As such, it would be understood that any reported statistic represents snapshot in time subject to adjustment. Intro 972 of 2015 would require the DEP to place signage on fire hydrants indicating that opening or tampering with hydrants is prohibited and provide information on penalties, and how to request that a hydrant be opened such as—as for a spray cap. Illegally opened fire hydrants release up to 1,000 gallons of water per minute and can reduce water pressure in neighborhoods, making it difficult to fight fires. Hydrants can be opened legally if equipped with a city approved spray cap, which releases only 20 to 25 gallons per minute, ensuring adequate water pressure and reducing the risk that a child can be knocked over and injured by the force of the water. Spray caps can be obtained by an adult 18 or over free of charge at local firehouses. When a resident goes to the local firehouse to request the spray cap, she or he fills out the required paperwork and an officer installs the spray cap in accordance with safety protocols. Depending on demand whether fire activity, water pressure and other factors the officer in charge may vary the protocols. FDNY then

turns the hydrant on and off at designated times. This past summer DEP joined with the Department of Youth and Community Development, FDNY and the South Bronx Overall Economical Development Corporation to celebrate the 10th Anniversary of the Hydrant Education Action Teams, HEAT Program, as we call it. HEAT has developed—HEAT has helped reduce reports of illegally open hydrants. HEAT deploys teams of teens hired through the Department of Youth and Community Development Summers--Summer Youth Employment Program to inform New Yorkers about the dangers of illegally opening hydrants. In partnership with the South Bronx Overall Economic Development Corporation, DEP deploys four teams of 10 to 12 young adults who distribute literature, postures and other informational materials about fire hydrant safety at community events, parades, green markets, churches and libraries. The outreach campaign focuses on neighborhoods in Northern Manhattan and the Bronx that have historically seen high rates of unauthorized fire hydrants use during heat waves. In addition to literature, the teams distribute water—the teams distribute reusable water bottles and other souvenirs that promote the safe operation of fire

hydrants. Opening a hydrant illegally can result in fines up to $1,000 and imprisonment for up to 30 days or both. We do not believe installation of signage citywide is warranted. We are concerned about the cost of producing and maintaining signage on 109,000 hydrants throughout the city. We are not sure the information about the enforcement placed on a sign will act as a deterrent, and we are concerned that warnings about enforcement relief would tend to undermine the collaborative nature of our heat outreach efforts. We believe that success of our community outreach efforts confirms that this approach to reducing unlawful use is preferred. We would be willing to discuss with the committee expanding community outreach or other ideas to further encourage and enhance compliance with the law.

Intro 1731 of 2017 would establish standards for fire hydrant repairs. In addition to rule making and reporting requirements, high priority hydrants including those near a hospital, schools, senior citizen housing and others as determined by DEP would have to be repaired within seven calendar days of receiving the complaint and non-priority

hydrants within ten calendar days. There are 100,009 hydrants in the city over which DEP and FDNY have oversight. There are also hydrants that belong to the Department of Parks and Recreation, the Metropolitan Trans—the Metropolitan Transportation Authority, the Port Authority of New York and New Jersey, the Triborough Bridge and Tunnel Authority and other entities. The primary purpose of fire hydrant is fire suppression. However, hydrants also--[background comment]—

CHAIRPERSON CONSTANTINIDES: If we can just hold our place there for a moment. So, we have quorum for our vote. Alright, thank you. Appreciate it. (coughs) Alright. Do we have to switch tapes or anything?

MALE SPEAKER: Oh, no, we're fine.

CHAIRPERSON CONSTANTINIDES: Okay, that's great. Alright, so, can I shorten this? Okay. Alright, so we at this time are going to switch to a vote on three pieces of legislation, you know, in order to meet our goal of reducing city emissions 80% by the year 2050. There is lots of work to be done in many areas of improving our accessibility to renewable energy, and making sure that red tape in

government we get to work quicker with one other in order to get the desired result of making it as easy to be green as it is to be traditional. These three pieces of legislation do just that. So, 1630-A would require the administration to produce a plant that would encourage city employees—

COUNCIL MEMBER LANCMAN: I'm sorry, Mr. Chairman. Could you call the roll and I can go and then we could the—

CHAIRPERSON CONSTANTINIDES: I—I—I would love to have. I just took out like two pages. It's only two sentences.

COUNCIL MEMBER LANCMAN: no, I don't—I don't want to interrupt your [laughter] your presentation. It's important. I respect that. If I could vote and be on my way. I promise you I'll do the record.

CHAIRPERSON CONSTANTINIDES: This conversation would—I promise to get you done quickly. Alright. So, 1630-A would require the administration to produce a plan to encourage city employees to voluntarily increase their use of solar energy. Intro 1639 would require the administration to create

a plan to encourage the voluntary increase of solar energy use within business improvement districts.

Intro 1644-A, would require the city to establish from the Building Department an Office of Alternative Energy to assist with technical review and improve on applications as well as provide guidance to applicants with a connection with alternative energy projects and support technical research for advancing energy legislation. So, with that, I vote—I would recommend a yes vote on all three pieces of legislation, and if the clerk could please call the roll.

CLERK: William Martin, Committee Clerk, roll call vote Committee on Environmental Protection. All items are coupled. Chair Constantinides.

CHAIRPERSON CONSTANTINIDES: I vote aye.

CLERK: Lancman.

COUNCIL MEMBER LANCMAN: Aye.

CLERK: Ulrich.

COUNCIL MEMBER ULRICH: Yes.

CLERK: By a vote of 3 in the affirmative, 0 in the negative and no abstentions, all items have been adopted by the committee.

CHAIRPERSON CONSTANTINIDES: Please, can we just leave the vote open for a few minutes? That would great. Thank you. [pause] If you can please continue your testimony, thank you.

ACTING COMMISSIONER ZYGOURA: The primary purpose of a fire hydrant is fire suppression. However, hydrants also serve other useful functions. For example, hydrants provide a method of testing to this recent system's flow capabilities. They also provide a means for flushing the system mains. FDNY and DEP have along and successful relationship when it comes to public safety. In fact, DEP personnel and units respond to fire notifications of varying severity by FDNY. Upon a fire event, FDNY notifies DEP's emergency communication center, which then notifies the appropriate DEP water main and its yard. DEP personnel are dispatched to every fire of two alarms and above to ensure that the FDNY has the water pressure and resources they require in emergencies. In some cases at the request of FDNY, DEP personnel will also respond to one-alarm fire events. In addition, DEP personnel stay on site throughout the fire—fire event until release by FDNY. Overall, DEP's role in response to fire events is to

provide assistance and guidance to FDNY regarding their use of a water system and firefighting operations and to assess system pressures and performance. To ensure that a hydrant will work properly when it is needed a periodic testing and maintenance program must be followed. Although hydrants are operated by members of the Fire Department, it is generally the water utility's responsibility to maintain them in working order. As recommended in the Manual of Water Supply Practices, all hydrants should be inspected regularly, at least once a year to ensure their satisfaction and operation. In freezing climates dry borough hydrants may require two inspections per year. A comic—a common technique is to perform one inspection in the fall and another in the spring. FDNY inspects the more than 109,000 hydrants twice a year in spring and fall. FDNY inspectors record results of their inspection in BWSO's database and designated whether the hydrant repair is priority or non-priority. This information is then automatically routed in the database through our repair crews. To strive for continuous improvement DEPS started a Hydro Inspection Tablet Mobile Inspection Pilot Program

with FDNY. This program uses a web based mobile application on Tablets so FDNY inspectors can locate hydrants in a Map view, enter inspection results the field and automatically upload them to the database. This will help to reduce FDNY's effort and inspection times even further. As specified in FDNY's All Unit Circulars 205, a priority hydrant is defined as a hydrant that is the only hydrant on the—in the block or a hydrant that is vital to the protection of high profile locations or critical infrastructure such as—such—locations such as hospitals, schools, senior housing, bridges, tunnels, and mass transit systems. In addition, two adjacent hydrants in a block that are out of service or both reported as requiring priority repair.

In an effort begun in 2009 to improve response times, DEP set an ambitious but achievable target of 10 days to repair high priority hydrants. As a result of discussions with the Mayor's Office of Operations, effective January 2014, the target has been changed to seven days in the Mayor's Management Report. Reporting in the September 2017 Fiscal Year 18 MMR as shown in the table below, DEP's average time to repair high priority hydrants has been three

days since Fiscal Year 2015, which is significantly lower than our target of seven days. Inoperative hydrants are generally reported by FDNY through local fire company service of neighboring hydrants. Less than one percent of the city's 109,000 hydrants are inoperative at any given time. As you can see from the September 2017 MMR, DEP aims to ensure that there are fewer than one percent of broken and inoperative hydrants citywide. We work hard with FDNY to address high priority hydrant repairs immediately to ensure that there is an adequate supply of water for firefighting operations. The actual backlog—backlog of broken and inoperative hydrants citywide from fiscal year 2015 to 2017, was between .50% to .54%. The current year-to-date backlog is—in Fiscal Year 2018 is .38%, which is significantly decreased compared to the past three fiscal years. Most importantly we are below the MMR's annual target of 1%. The average time to repair high priority broken and inoperative hydrants from fiscal year 2015 to fiscal year 2017 was between 2.5 and 2.9 days. The current fiscal year 2018 year-to-date is 2.8 days, which is significantly lower that the MMR's annual target of seven days. While DEP already meets the

proposed target on a time to repair high priority hydrants, which is of paramount, which is the paramount criterion for public safety. We do not believe that the dedication of additional resources required to reduce the backlog of non-priority hydrants further is warranted given the needs of all the components of the system that demand our attention. Finally, the real time reporting requirements in the bill are infeasible and of doubtful utility in light of the repair protocols we have outlined above. The cross-coordination between FDNY and DEP and our exemplary record, which exceeds the MMR targets by as much as or more than 100%.

Intro 1425 of 2017 would require that by December 31, 2018 DEP submit and post on its website a plan to prevent sewer backups, SBUs. Also, addressing the sewer backups is Intro 1568 of 2017, which would amend the Administrative Code to require that where an SBU occurs more than once at the same location within a 12-month period, the portion of the sewer system causing the second or subsequent backup is identified and claimed within 10 days of such subsequent backup. As New York City's water and wastewater utility, DEP provides vital services to

more than 8 million New Yorkers delivering over one billion gallons of fresh drinking water and trading approximately 1.3 billion gallons of wastewater daily. To reliably treat this volume of wastewater, DEP utilizes a network of more than 7-1/2 thousand miles of sewers to convey wastewater to one of its 14 wastewater treatment plants. To operate and maintain the many components of the extensive sewer system, DEP has repair yards, seven sewer maintenance yards, a fleet of specialized vehicles and a staff of laborers, supervisors, engineers and add-ons. (sic) Over the last decade, DEP has shifted from a reactive to a proactive data drive approach through operating and maintaining the sewer system. DEP employs the principles of adopted management to continually improve our sewer maintenance program while balancing our overarching responsibility to deliver high quality drinking water and treat wastewater everyday in an affordable and sustainable manner. DEP's Regular Sewer Inspection, Analysis and Cleaning Program has produced tangible improvements to the level of sewer service citywide. In the last five years, we have achieved significant improvements in many of our key indicators demonstrating our enhanced

reliability of our system. For example, between Fiscal Year 2012 and Fiscal Year 2016 total SBU complaints dropped 25% and confirmed SBUs dropped 49%. These reductions are the result of DEP's ongoing Operations and Maintenance Program, which relies on both responding to complaints and utilizing programmatic efforts to prevent backups. DEP also targets its efforts by reducing the amounts of fats, oil and grease, FOG, discharged through the sewer system. These efforts include regulations that mandate the use of grease interceptors in certain commercial establishments such as restaurants, as well as extensive public outreach to inform New Yorkers about actions they can take to prevent the improper disposal of grease into the system, a primary cause of SBUs. DEP stepped up its FOG outreach of efforts in 2015 to inform the public about grease problems in the sewer's infrastructure. To date, the outreach effort has reached over 60,000 households in targeted communities throughout—through a combination of activities including door-to-door canvassing and workshops with community organizations and local houses of worship. The outreach program is also closely coordinated with the New York City

Housing Authority where similar issues exist. Additionally, our education staff conducts classroom and assembly programs, and has developed a special curriculum for teachers on the topic of grease and its proper disposal. Most recently in July 2017, we augmented our proactive approach by implementing a three-year pilot program to conduct targeted sewer inspections in parts of the city that have a relatively higher rate of SBUs. Using the principles of adoptive management, DEP will evaluate the results of this pilot and identify additional opportunities to improve our overall sewer maintenance program. All of DEP's efforts including the pilot program are set forth in DEP's Sewer Back-up Prevention and Response Plan, copies of which I am glad to provide you today. DEP performs these proactive sewer inspections and responds to its Sewer Operations and Analysis Program. The program was instituted in 2011 in an effort to reduce the number of recurring SBUs. SOAP locations are defined as sewer sediments that experience a recurring confirmed SBU in a three month period. A sewer segment is defined as a city block. Once we identify the SOAP location, these locations are referred to Field Operation for investigation and

analysis of the sewer segments. The investigation will lead to cleaning, spot repair or referral for capital replacement. At times, field crews identify sewer conditions that require cleaning beyond their capabilities or determine a sewer needs to be televised. For example, the size and condition of the sewer or record of recent repeating cleanings may limit the crew's ability to take effective action. In these instances, the work is transferred to DEP's Capacity Management Operation and Maintenance Section, CMOM. CMOM then makes the—of those specific needs and boundaries of the work via more robust field inspection. Once the scope is defined, it can be a sign to DEP's citywide contractors for cleaning, debris removal and internal visual inspection utilizing the sewer camera. Once cleaning and televising work is completed, CMOM inspectors report findings to field operation and emergency reconstruction staff as needed. Once DEP completes remedial measures through the SOAP Program, the sewer segment enters a 12-month monitoring period. During that time, if an additional confirmed SBU occurs in that segment, DEP identifies and elevates the segment to our SBU Recurrent After SOAP, SRAS Program, and

assigns it to the CMOM section to develop and implement an action plan tailored to the site specific conditions. The CMOM analysis uses tools as closed circuit TV to evaluate the structural integrity of the sewer and engineering analysis of joint plan and as-built drawings to ensure that the system is functioning as designed. CMOM personnel may also perform walk-through inspections of larger as sewers. Corrective action plans recommended by CMOM may include programmatic degreasing, flushing or repair or replacement of a portion of the sewer. BWSO has improved its program to address FOG. We identified liquid degreasing locations, which are locations that have recurrent or chronic SBUs where grease is the contributing cause. Sewer segments that experience two or more SBUs where grease is the contributing factor are flagged to their respective borough managers for assessment and consideration to add to the programmatic LDG cleaning locations. Both Intro 1468 and Intro 1425 address identification and cleaning of locations with more than one SBU during a 12-month period. So, my comments apply to both bills. DEP has a robust plan to address SBUs, and has recently commenced a three-year pilot program to

further determine appropriate and effective enhancements through our plan. We would ask that the Council either defer legislative action on these bills until the pilot has been completed, or amend the requirements of the bill to reflect DEPs commitment to update the Council on its progress in implementing the plan including the pilot. We look forward to working with the committee to most effectively and efficiently reduce for the system sewer backups, and thank—again, thank you for this opportunity to testify. I would be glad to answer any questions.

CHAIRPERSON CONSTANTINIDES: I thank you for the testimony. At this time, I'll just ask the clerk to call the role on the—the part of the bills.

CLERK: Continuation roll call, Committee on Environmental Protection, Introduction 1630-A, 1639-A and 1644-A, Council Member Levin.

COUNCIL MEMBER LEVIN: I vote aye.

CLERK: The vote now stands at 4 in the affirmative.

CHAIRPERSON CONSTANTINIDES: Thank you. At this point, we're going to close the roll on these pieces of legislation. Thank you. [background

comment, pause] Alright. Thank you for your patients as we try to balance both today. Alright, so I definitely appreciate your testimony. So, tell me a little bit about what percentage of sewage backups DEP has determined they're caused by grease.

ACTING COMMISSIONER ZYGOURA: So, the exact percentage varies. I think it's between 70 and 80% depending on which area we are.

CHAIRPERSON CONSTANTINIDES: On—on what basis do we—do we use that? What sort of metric are you using to sort of say that grease is the culprit?

ACTING COMMISSIONER ZYGOURA: So, right now maintenance crews respond to a complaint, and they go out there. They—they start by opening up the metal covers, you know, where they investigate. They look for signs for what could possibly be cause an issue. So, if they see surcharge conditions in the sewer, they look for tale—telltale signs of grease. So, if they see grease deposits, then they—they'll indicate that it's the commission, and they also indicated what level is it, like a light grease condition to a more—a robust grease condition.

CHAIRPERSON CONSTANTINIDES: And when these backups occur, we're doing that on every catch

basin and every line, we're checking these—these—these instances to see what's causing it?

ACTING COMMISSIONER ZYGOURA: So, every time we respond to a 311 complaint about a sewer backup, crews go out to inspect the sewer in front of the property.

CHAIRPERSON CONSTANTINIDES: And then how—what percentage does debris play in these backups beyond just grease?

ACTING COMMISSIONER ZYGOURA: So, I—I don't have the specific metric on debris, but the grease and debris are the primary force in causing backups.

CHAIRPERSON CONSTANTINIDES: But they're less likely? You're stating lesser so than grease?

ACTING COMMISSIONER ZYGOURA: So, debris is less than grease, yes.

CHAIRPERSON CONSTANTINIDES: Less than grease. Alright, how about city tree roots, do they paly at all a role in-in sewer backups?

ACTING COMMISSIONER ZYGOURA: So, city tree—tree roots aren't normally found in the city sewer.

CHAIRPERSON CONSTANTINIDES: They're normally found in the city sewer?

ACTING COMMISSIONER ZYGOURA: No, we don't have—have a big problem with roots in the city sewer?

CHAIRPERSON CONSTANTINIDES: We don't?

ACTING COMMISSIONER ZYGOURA: No.

CHAIRPERSON CONSTANTINIDES: Okay, so what-what is the result you're looking at catch basins, looking at the catch basin sort of cleaning program? What role does clogged or broken catch basins play in—in backups?

ACTING COMMISSIONER ZYGOURA: So—so catch basins are—are used to convey storm water off the street and into the sewer system.

CHAIRPERSON CONSTANTINIDES: Uh-hm.

ACTING COMMISSIONER ZYGOURA: So, so—we—our goal is to inspect the catch basins now on an annual cycle--

CHAIRPERSON CONSTANTINIDES: [interposing] Right.

ACTING COMMISSIONER ZYGOURA: --and clean them as we find them—they—when they're required to be cleaned.

CHAIRPERSON CONSTANTINIDES: Uh-hm.

ACTING COMMISSIONER ZYGOURA: Having a clean basin is—is vital to convey the storm water off the street and into the sewer. Having broken catch basins we—we could discuss in further detail, but that would prevent flow from getting into the sewer. So, I don't—we don't generally see a correlation between broken catch basis and sewer backups. There might be flooding in the street, and then you might have some flooding—have conditions with the homeowners, but generally broken catch basins are a leading contributor to sewer backups.

CHAIRPERSON CONSTANTINIDES: So,--so the backups are primarily caused by, from what you're saying, grease and debris?

ACTING COMMISSIONER ZYGOURA: So, sewer backups is when—when the sewer experiences a surcharge condition. So, it's primarily the focus or the reason we find is—is there is some of a blockage in the sewer that's causing the sewer backups.

CHAIRPERSON CONSTANTINIDES: And those—those conditions are over 60% grease and debris, a large portion of the other, right/

ACTING COMMISSIONER ZYGOURA: Yes.

CHAIRPERSON CONSTANTINIDES: So, what does, you know, what does, you know, what does the department determine the main reasons people will discard grease down the drains of their home and businesses especially when in particular communities they're having a—a lion's share of the backups?

ACTING COMMISSIONER ZYGOURA: So, we—we try and encourage everybody not to put grease into the sewer.

CHAIRPERSON CONSTANTINIDES: Right.

ACTING COMMISSIONER ZYGOURA: So, on the commercial side there is a robust inspection program where restaurants and other eating establishments are required to have grease into—grease traps and—and—and devices to prevent grease from entering into the sewer system, and there is a program where we go out and enforce—inspect and enforce the regulations regarding grease traps in commercial establishments. On the residential side we've—we've—we've started a robust outreach programs, and we're looking always to improve that.

CHAIRPERSON CONSTANTINIDES: And what sort of outreach have you done in—in—in these sort of areas that are having the most backups?

ACTING COMMISSIONER ZYGOURA: So, I don't have—so I think we've reached out to 60,000 homeowners I think I said in the testimony--

CHAIRPERSON CONSTANTINIDES: [interposing] Uh-hm.

ACTING COMMISSIONER ZYGOURA: --and I think that was predominantly community boards 12 and 13 in Queens, and we've also piloted a lot of the outreach with the New York City Housing Authority, and we're also starting to do outreach in—with some of the public schools as well.

CHAIRPERSON CONSTANTINIDES: And what's the rationale for the public schools?

ACTING COMMISSIONER ZYGOURA: So, the rationale is to try to get the message out to the—to the most—most effectively to the most amount of people. So, the rational there is—is if we could try to reach out to all the children in the households, they'll carry that message home with them, and try to police the households.

CHAIRPERSON CONSTANTINIDES: And so, basically asking the kids to sort of remind their parents that that's a bad idea?

ACTING COMMISSIONER ZYGOURA: Just—just for them to enforce the idea that, you know, we should all be aware similar to what we do with recycling, and—and seat belts in your car. I know in my house getting the message out to the children always are a positive enforcement.

CHAIRPERSON CONSTANTINIDES: Okay, children will always remind you when they think you're doing something wrong, which we tell them. I have an 8-year-old. I'm well aware. [laughs]

ACTING COMMISSIONER ZYGOURA: Okay.

CHAIRPERSON CONSTANTINIDES: So, what sort of impact has this Cease the Grease campaign yielded so far?

ACTING COMMISSIONER ZYGOURA: I don't have any metrics on that with me, but we'll—we could get back to you on that. Sometimes it does take a little time before you actually see results. So, sometimes just saying it once isn't enough. You might have to repeat it a couple of times before you change behavior.

CHAIRPERSON CONSTANTINIDES: And is the campaign continuously going? Are we still sort of speaking to folks in these areas?

ACTING COMMISSIONER ZYGOURA: Yes.

CHAIRPERSON CONSTANTINIDES: And what's—and we're still doing—are we giving out materials or giving out sort of things to sort of capture the grease?

ACTING COMMISSIONER ZYGOURA: I—I believe we are. I don't have any with me, but I'm—I'm sure we could get you all the details.

CHAIRPERSON CONSTANTINIDES: You showed me a nice picture, though. [laughs]

ACTING COMMISSIONER ZYGOURA: [off mic] I'm glad you saw them.

CHAIRPERSON CONSTANTINIDES: Alright, so we'd definitely would want to see those, and I guess so the biggest question I have right is—is this—there's—you're saying that broken and, you know, and clogged catch basins have nothing to do with sewer backups and yet in the same communities, we seeing the highest number of clogged and broken catch basins, but also the—the most sewage backups in Queens in Southeast Queens. So how do we reconcile those numbers? What—what is happening that we can do better? Like how do we reconcile that together?

ACTING COMMISSIONER ZYGOURA: So, so we could work at seeing whatever metrics you're looking at that that—that bring you to your conclusions, but from what we're looking at specifically in Southeast Queens the system is—is a separate system. So storm water and sanitary flow aren't in the same pipe. So, they're—they're separated. On the storm side, we are committed and this administration has committed $1.7 billion--

CHAIRPERSON CONSTANTINIDES: [interposing] Which is a big deal, absolutely, and it's exciting.

ACTING COMMISSIONER ZYGOURA: --into this long infrastructure, and that—that's primarily in—in the Southeast Queens area--

CHAIRPERSON CONSTANTINIDES: Uh-hm.

ACTING COMMISSIONER ZYGOURA: --which is going to bring storm sewer relief. So, getting those sewers in there would set—would help get storm flow into those new pipes.

CHAIRPERSON CONSTANTINIDES: And—and how—how are we doing? I know that we passed the bill already this year on the reporting, but things are moving along?

ACTING COMMISSIONER ZYGOURA: Yeah, we're—we're still on target.

CHAIRPERSON CONSTANTINIDES: Great. Glad to hear that. Now, as fare as backflow devices it sort of quickly sort of transitioned to that. How long do building owners have to comply with the directive of the Commissioner?

ACTING COMMISSIONER ZYGOURA: Thirty days.

CHAIRPERSON CONSTANTINIDES: Thirty days and is it sort of self-certification. So, what—how do we know that they are complying within 30 days, and what enforcement actions are we then taking if they're maybe not getting back to us and not doing this in a quick and—and kind of judicious manner?

ACTING COMMISSIONER ZYGOURA: So, they have 30 days, but not all—they don't always comply within 30 days, but as—if they at least take steps and they submit a plan for a Backflow Prevention Device, we would work with them to try to implement it. So, it might go past 30 days if they show intention of installing the device.

CHAIRPERSON CONSTANTINIDES: And then once they submit to your plan, that's when they have

intention to installing, how long does it take from the time they submit that plan? How much lead time do we give them to actually install it? [pause]

MARK SAFARI: [off mic] I think then they--

CHAIRPERSON CONSTANTINIDES: Oh, you can come and—and—you guys have done this before. [laughs] Just state your name for the record, please.

MARK SAFARI: So, I'm Mark—Mark Safari.

CHAIRPERSON CONSTANTINIDES: Uh-hm.

MARK SAFARI: As now they get a—they have one month to apply for the high—obtain service for our engineer to some of the plan. When the plan is approved, they have 60 days to install the device.

CHAIRPERSON CONSTANTINIDES: So once they sort of submit a plan, they're sort of are on a clock of 60 days?.

MARK SAFARI: Yes.

CHAIRPERSON CONSTANTINIDES: And how do we verify that they're meeting that 60-day calendar?-

MARK SAFARI: [interposing] Well, they—after the work, after the device is installed by the

licensed plumbers and after send--they—they show a test to—to the department.

CHAIRPERSON CONSTANTINIDES: And we're following up to make sure that they're—we're issuing enforcement actions or we're sending—

MARK SAFARI: [interposing] Right.

CHAIRPERSON CONSTANTINIDES: --somebody out to follow up?

MARK SAFARI: Yeah, if the—our database enforcement constantly they look at the database. If the issuance test is not—the summary of the annual test are not submitted then they go to issue the violation.

CHAIRPERSON CONSTANTINIDES: And how--

MARK SAFARI: All that and they constantly do that.

CHAIRPERSON CONSTANTINIDES: And how many times has the Commissioner issued the directive to building owners to install and approve backflow device?

MARK SAFARI: I don't have the Status 3 in front of me, but—

ACTING COMMISSIONER ZYGOURA: So, the question is how many—how many—how many—how much orders we've sent out--

CHAIRPERSON CONSTANTINIDES: [interposing] Correct.

ACTING COMMISSIONER ZYGOURA: --to install the device in 2016, there was 2,266.

CHAIRPERSON CONSTANTINIDES: 266?

ACTING COMMISSIONER ZYGOURA: 2,266.

CHAIRPERSON CONSTANTINIDES: 2,266, and of those 2,266 buildings have all those backflow devices been installed to our knowledge?

ACTING COMMISSIONER ZYGOURA: Not--not all of them. Let's see. So, I—I have here that in 2016 we also issued a little over 1,300 summonses for failure to install a Backflow Prevention Device. Just—just to be clear, I'm not—I'm not sure if that's a subset of the 16 of the 2,026 or-or it could be previous years.

CHAIRPERSON CONSTANTINIDES: Just sort of all the—of all the universe of those buildings that need backflow devices, we issued 1,300 violations.

ACTING COMMISSIONER ZYGOURA: For failure to install a backflow device--

CHAIRPERSON CONSTANTINIDES: [interposing] For failure to install.

ACTING COMMISSIONER ZYGOURA: --in 2016.

CHAIRPERSON CONSTANTINIDES: And now that those folks have sort of been sort of cited, you know, cited for those, what is the process to make sure that they comply?

ACTING COMMISSIONER ZYGOURA: So, we continue to work with the ACB, and then we—we monitor them, and as, you know, a portion of them get on—within compliance, and the ones that don't--

CHAIRPERSON CONSTANTINIDES: [interposing] Right.

ACTING COMMISSIONER ZYGOURA: --we escalate either penalties or—or--

CHAIRPERSON CONSTANTINIDES: What are—what are the penalties?

MARK SAFARI: It's $500 to $5,000.

CHAIRPERSON CONSTANTINIDES: $500 to $5,000.

MARK SAFARI: I could—I could give you all the details. I don't have them here.

CHAIRPERSON CONSTANTINIDES: Is that enough to sort of make it more than the cost of doing business? Is it—what does a backflow device cost?

MARK SAFARI: So a Backflow Prevention Device from a simple one and in like a smaller building is between $3 and $4,000 and—and make it's way up tot $20,000.

CHAIRPERSON CONSTANTINIDES: So, in some cases, it's, you know, it's cheaper for them not to install right, and—and so, we're—we're following up constantly right?

ACTING COMMISSIONER ZYGOURA: We're—we're happy to look into that further.

CHAIRPERSON CONSTANTINIDES: Okay, I just want to make sure that we are ensuring, you know, ensuring that they're actually it and not just sort of continuously paying the fine, right?

MARK SAFARI: There—there is a subsequent one. If they are all failing to do it, then we—we do or their cease and desist for the water services.

CHAIRPERSON CONSTANTINIDES: How many of those have we issued?

MARK SAFARI: Well, I don't have the status at this time with me.

CHAIRPERSON CONSTANTINIDES: Can you get back to me, get back to the committee please?

MARK SAFARI: Yes.

CHAIRPERSON CONSTANTINIDES: Thank you.

ACTING COMMISSIONER ZYGOURA: So, what—what I can tell you is as the years have progressed, we've—it creates the number of annual inspections and people in compliance. So, we—we are seeing a trend that goes up to a thousand every year.

CHAIRPERSON CONSTANTINIDES: And how many inspectors are out there doing that work?

MARK SAFARI: Five Inspectors. We had five inspectors, but currently we have three.

CHAIRPERSON CONSTANTINIDES: So, three?

MARK SAFARI: Due to a transfer and a resignation. So we have to backfill those.

CHAIRPERSON CONSTANTINIDES: So are we going to get those slots filled?

MARK SAFARI: Yes.

CHAIRPERSON CONSTANTINIDES: And then—and those five individuals are—are in this case currently three individuals. They—they—this is all that they do, or what is their—?

MARK SAFARI: This is their full-time job.

CHAIRPERSON CONSTANTINIDES: So, they're full-time. They just eat, sleep and drink backflow--

MARK SAFARI: Yeah.

CHAIRPERSON CONSTANTINIDES: --all day long. [laughs] Alright, just—just, you know, making sure that we're—we're all speaking the same language. So, do you have any idea when those two jobs will be hired? Are there postings.

MARK SAFARI: Currently, I don't have nothing on it.

CHAIRPERSON CONSTANTINIDES: Okay. I definitely would like it if you can get back to this committee with that information. That would be extremely helpful. And sort of lastly on my colleague's bills in relation to fire hydrants, on the priority fire hydrants, do you have any objection for us setting some sort of rule into law on those priority hydrants? [pause]

JOHN HODGKINS: Sorry, you're asking—say—say your question one more time.

CHAIRPERSON CONSTANTINIDES: If—if you have—I understand your objection on the non-priority

hydrants, but do you have an issues with us sort of setting a timeline on priority hydrants. I know right you're at 2.5 days.

JOHN HODGKINS: Yeah.

CHAIRPERSON CONSTANTINIDES: That sounds pretty good.

JOHN HODGKINS: I'm--I think we feel like we've been, you know, obviously through the MMR been doing a very good job and continue to improve, and I think we're happy to talk you about ways we can kind of find and look into specific metrics.

CHAIRPERSON CONSTANTINIDES: I'm—I think I'm a big believer in codifying things because there is a—right now it sounds like we're doing really well on priority hydrants, but there is a possibility in the future we may not be doing so well, and—and the nature of what we do is then we get people sitting in all of our chairs in the future and want to make sure that we set a good baseline, right and make sure that the high standards that we hold will always be upheld.

JOHN HODGKINS: Definitely, I think we just have, you know, we see that and talk about the fine print. There's some issue versus priority

hydrants versus priority repairs and so we just want to make sure that we're all speaking with the same intention.

CHAIRPERSON CONSTANTINIDES: I—I am in agreement with you.

JOHN HODGKINS: Great.

CHAIRPERSON CONSTANTINIDES: Alright with that, I don't have any colleagues to ask any other questions. So, I will—I will, of course, stay in touch with you guys and thank you for your testimony.

JOHN HODGKINS: We'll follow up on that and send you stuff.

CHAIRPERSON CONSTANTINIDES: Great. Thank you very much.

JOHN HODGKINS: Thank you.

ACTING COMMISSIONER ZYGOURA: Thank you. [background comment]

CHAIRPERSON CONSTANTINIDES: So, the next panel Stewart O'Brien of Plumbing Foundation, Arthur Klock from Plumbers Local 1 and Kim Lawton from Spring Jam Block Association. [background comments, pause] We're going to have our attorney Samara Swanston swear you all in.

LEGAL COUNSEL: Can you please raise your right hand. Do you wear or affirm to tell the truth, the whole truth, and nothing but the truth today?

STEWARD O'BRIEN: I do.

ARTHUR CLARK: I do.

CHAIRPERSON CONSTANTINIDES: Ms. Lawton, would you like to go first?

KIM LAWTON: [off mic] Thank you.

CHAIRPERSON CONSTANTINIDES: Wonderful.

KIM LAWTON: [off mic] Good after-- [background comment] [on mic] Hello. Okay, thank you. Good afternoon--good afternoon, Chairman, members of the Environmental Protection Committee, community members and advocates, members of Spring jam Block Association, the JFK IBID and all of the vested stakeholders. My name is Kim Lawton. I stand or actually I'm sitting here before you today as President of the Spring Jam Block Association. I'm also the secretary of the JFK IBID, which was recently formed and signed into legislation, and I'm also a resident homeowner. My primary reason for being here today. I am in favor and the majority of my constituents are definitely in favor the legislation before us in regards to the proposed

changes and in respect to the enhancements regarding the sewer and infrastructure systems in Southeast Queens. I live off of Rockaway Boulevard and South Conduit Avenue near 155th Street and 159th Street. Those areas are currently in the JFK IBID catchment area. As everyone is aware, Southeast Queens has had a flooding problem for many years, and the infrastructure that currently exists has not been sufficient to handle all the business that comes its way. Although I have prepared statement and I will continue with it, I would just like to digress a little bit and state that I'm not sure how the gentlemen who just testified when looking at the data stated that the majority of our flooding is due to grease because if you look at those areas that were pinpointed, those are the areas where the infrastructure hasn't been updated in almost 30 or 40 years. So, I would just say, not to digress, that although we're here in terms of the reporting, I think that further supports while we need to have these bills into effect and why we should have an independent person investigate this because to say that--and I mean no disrespect—that all of the neighborhoods in Southeast Queens are the only people

frying chicken, I-I—I divert and I-I—I say that that's a digression from why we're here, but anyway as you're aware, Southeast Queens has had a flooding problem for many years and the infrastructure that currently exists has not been sufficient to handle the business that comes our way. Actually, the infrastructure is outdate, over-capacitated and has not been sufficient. I would just like to note that during Hurricane Irene even before Sandy, members of the community of those specific areas that we're here to address including myself were flooded up to our knees in our basements in our homes, and sewage and garbage and feces. Senator Sanders who was a Councilman at the time we felt that was not helping us to cure that situation. We really weren't sure how to go about addressing that issue, and I—I appreciated being invited here today to testify because at that time the only thing we knew was that we were flooding in our basements, that we were not enjoying the quality of life that everyone else in the surrounding communities in Queens were. So, we went on New York One, and we complained about the Flooding and about how critical it was to our community and to our quality of life, and this is

when all of these different bills and all of these different studies came to fruition as far as the flooding, specifically in Southeast Queens. Although at the time we made complaints to the Councilman's Office to DEP to 311 to city officials, no one addressed our cries for help until Councilman Sanders who is now Senator Sanders and Council Member Richards created these bills and helped to create these studies regarding the flooding. So, I appreciate that as well as you, Chairman. I remember you from the last time. I appreciate it. So, I'm here today. I don't have all the logistics and all the specifics and all the terminology that was used before the committee, but I'm here as a homeowner whose been a homeowner for 17 years, a city employee who struggles to keep that home to the best of my ability. I'm here as the President of Spring Jam and actually our association was created because of the flooding. We've done different things thus far as far as being a part of the first mixed use IBID, and we have different beautification committees, and different things for our children, but we started because—forgive my rudeness—we were mad as hell, and we felt that Southeast Queens was not being addressed

properly as far as the infrastructure and flooding problem that has existed almost as long as I've been alive, almost. So, I would say that I urge the committee to approve these bills. The sewer and catch basin problems within other aspects of the infrastructure was a nightmare and is a nightmare although it is being addressed. However, the initial stages that were put into motion and although there's been allocation of billions of dollars to support this, I would also encourage the legislation that would implement a plan for upgrades and temporary enhancements, but also support the reporting of the stages to support the information being given to the community as to what is actually being done, and not what's just on paper. In summary, I thank you for your time, and your consideration, and the action that has been taken strongly towards this—this critical issue. There were other members of the community from Community Board 12 and 13 who wanted to be here, but the meeting had to be rescheduled. So, although I do not speak for them specifically, I know they do support the approval of this legislation, and I thank you so much for hearing what I have to say.

CHAIRPERSON CONSTANTINIDES: Well, Ms. Lawton, I—I—we take your concerns very seriously.

KIM LAWTON: Thank you.

CHAIRPERSON CONSTANTINIDES: You know, we—we know—we understand that Southeast Queens for too long had been left just to fend for itself when it came to flooding. We were glad to see the administration come through with the $1.7 billion commitment--

KIM LAWTON: Yes.

CHAIRPERSON CONSTANTINIDES: --to bring relief to the homeowners who have needed relief for far too long, and—and were being ignored, and we passed legislation last year. I think we were out there together--

KIM LAWTON: Yes.

CHAIRPERSON CONSTANTINIDES: --to announce legislation that we were going to have yearly updates to ensure that this project is-is-it's sort of wide scope, right? $1.7 billion is—we need to know like what's happening block by block, neighborhood by neighborhood to ensure that we're getting it right, and I—I--

KIM LAWTON: I agree.

CHAIRPERSON CONSTANTINIDES: And I—I—so, I'm—I'm with you and as the lead sponsor of these bills I share your advocacy to get them done.

KIM LAWTON: Thank you.

CHAIRPERSON CONSTANTINIDES: But I really want to work in partnership with you, and so I just want to ask you just if you gentlemen can just indulge me for a couple of seconds, you know, we're speaking about the sewage bills, and have you ever observed flooding and sewage backups at the same time?

KIM LAWTON: Yes, and actually yesterday I didn't get a lot of sleep worrying about the same thing, but I can say since there's been attention brought to this matter, DEP is cleaning it out more frequently, and we're not seeing the level of flooding that we've seen in the past, but yesterday I did see the flooding, and the sewer backup at the same time.

CHAIRPERSON CONSTANTINIDES: So you did see flooding, and in addition to flooding you found sewage in your home?

KIM LAWTON: Um, not in my home, but--

CHAIRPERSON CONSTANTINIDES: [interposing] Not in your home.

KIM LAWTON: --what's happening is—what's happening is where I live is directly behind JFK.

CHAIRPERSON CONSTANTINIDES: Right.

KIM LAWTON: We're below sea level.

CHAIRPERSON CONSTANTINIDES: Uh-hm.

KIM LAWTON: So, it started from the corner house and it's starting to progress. So, yesterday although there was a heavy rain it didn't reach to the middle of the block where I live near the FAA building--

CHAIRPERSON CONSTANTINIDES: -Right.

KIM LAWTON: --but the people at the corner did have that.

CHAIRPERSON CONSTANTINIDES: They did have that, they did have both sewage--

KIM LAWTON: Yes.

CHAIRPERSON CONSTANTINIDES: --and water in their basements and sewage?

KIM LAWTON: Yeah and 157th Street because we take pictures and everything and we send it to 311, and the Councilmen and everything. 157th Street

and that area near South Conduit you could literally swim in that area. The ponding is unbelievable.

CHAIRPERSON CONSTANTINIDES: But beyond the ponding there's also sewage in that water?

KIM LAWTON: Yes.

CHAIRPERSON CONSTANTINIDES: Can you send me those pictures as well?

KIM LAWTON: Yes.

CHAIRPERSON CONSTANTINIDES: I'll have my staff reach out to you afterwards just so we have it for the committee.

KIM LAWTON: Yes.

CHAIRPERSON CONSTANTINIDES: Clearly they said on the record that the sewage backups and flooding are two different sets of pipe and that's—that's not possible.

KIM LAWTON: Okay, well, I don't know where it's--

CHAIRPERSON CONSTANTINIDES: [interposing] That's why I—I was--

KIM LAWTON: --I know where it's coming from, but I know where it goes.

CHAIRPERSON CONSTANTINIDES: [interposing] I want to—I want to—I believe there's a correlation. You and I are I the same camp, right?

KIM LAWTON: Yes.

CHAIRPERSON CONSTANTINIDES: I think that we—we have the data with the most broken catch basins and—and issues. In Southeast Queens we also have the most flooding issues. So, I think there's a correlation there. I just think we need to deal with our evidences, as they say, and I'm attorney by trade.

KIM LAWTON: Right.

CHAIRPERSON CONSTANTINIDES: So, we need to sort of lay out our evidence a little bit better.

KIM LAWTON: And I will just say one other thing. I know this is not like a disposition or hearing, but as far as reaching out to the community, I did see under Council Member Richards and Senator Sanders one outreach within the last three years as far as DEP doing a town hall or well it wasn't a town hall but an outreach, and we were informed about that like the day before it was happening. So, and, you know, we were told oh, it may be grease et cetera, but I think that the

community is on board. We have an excellent representative from the DEP Ms. Karen Ellis.

CHAIRPERSON CONSTANTINIDES: I know her well. She's great.

KIM LAWTON: Yeah, yeah and she's really outstanding but, you know, her powers are limited and I think that if the community and DEP and City officials really want to work to—to address this—this issue, and to actually do the real work, we should have more outreach. I don't think it's just based on grease and people frying chicken. I'm not trying to be, you know, disrespectful. It has to be a correlation when you look at the areas that it's affecting compared to other areas.

CHAIRPERSON CONSTANTINIDES: Well, I mean, I know that the Mayor has communicated to me and DEP's is speaking of their desire to get this done. You have my commitment. I know that Donovan Richards cares deeply about his community. He's a fighter for his neighborhood.

KIM LAWTON: Yes.

CHAIRPERSON CONSTANTINIDES: He's helping deliver. So, I will work as the chair of the

committee with you and with him and with DEP to sort of meet our shared goal.

KIM LAWTON: I appreciate it.

CHAIRPERSON CONSTANTINIDES: Well, I really appreciate it. Thank you for coming for, you know, and delivering this testimony. We need to have voices from communities to let us know how we're doing--

KIM LAWTON: Yes.

CHAIRPERSON CONSTANTINIDES: --and we need to do this in partnership. So, I definitely appreciate your time.

KIM LAWTON: Yes. Thank you so much.

CHAIRPERSON CONSTANTINIDES: I don't—I don't know if you want to stay around for some other testimony or do—do you have time.

KIM LAWTON: Well, I would actually like to leave, you don't mind.

STEWART O'BRIEN:

Okay, it won't be a problem.

CHAIRPERSON CONSTANTINIDES: Thank you so much for your testimony. I really appreciate--

KIM LAWTON: [interposing] Okay.

CHAIRPERSON CONSTANTINIDES: --you-you being here today.

KIM LAWTON: Thank you. Okay.

CHAIRPERSON CONSTANTINIDES: Alright. Gentlemen.

STEWART O'BRIEN: Hello. My name is Stewart O'Brien. I'm the Executive Director of the Plumbing Foundation. I will skip the first page of my prepared testimony and go straight to the second page. It is—I—I want to give some context to this. This—I'm talking about 821, backflow. The testimony earlier sort made it sound like this was a—nobody said it was a relatively new law, but it was—it was giving figures, and—but you have to put this into context. This is a 1981 law that requires certain buildings to have backflow devices installed to protect the public. It is not recent. So, it's 36 since it went into effect, and all we need to know is how many buildings have to have these devices installed, how many are required to have them installed, how many buildings have them installed, and then you could figure out the compliance rate. And each year you track is it going up from 70% to 72% and you see if there is progress. I 2007, just

ten years ago the New York Times reported that close to 100,000 large residential and commercial buildings lacked these devices, you know, and that 26,000 of these are especially at high risk. Does that include factories, gasoline stations, funeral homes, hospitals or otherwise house businesses that handle hazardous materials. An internal 2000 DEB Report 17 years ago concluded that even in the high risk pool that 26,000 that I just mentioned, only 30% more in compliance. In 2007, the New York Times article entitled *Many Buildings Lack Required Water Valve*, reported that as many as 85,000 large residential and commercial buildings lacked the device with approximately 26,000 being classified as high risk. After the New York Times article, this committee and I testified at held hearings in 2009. I'm giving the dates to indicate this has been an issue for quite some time.

CHAIRPERSON CONSTANTINIDES: [interposing] I know. I was here in 2009 as a staff member I remember.

STEWART O'BRIEN: [laughs] I know—on ways to better ensure compliance with this important self law, which had then been in effect for 28 years.

One proposed solution was to create a simple transportation—transparent reporting system, by which DEP informs the Council on the city's effort to achieve compliance. What was requested was simple: DEP was to establish the number of buildings that required the device, the number that had the device installed, and the number of annual testing reports filed with DEP on those installed devices. DEP at that time objected to those criteria. Rather, what resulted was Local Law 26 of 2009, which required D to report—DEP to report to—to the Council the number of buildings with devices installed and thereafter twice each year the number of new devices installed since the previous report. First, this was their flawed reporting system since there was no requirement to establish an actual universe of buildings where installation was—where it was required. It is fairly useless to know, for example, that a hundred buildings installed the device in the past six months. Is that hundred out of a universe of a thousand buildings outstanding or 20,000? You can't determine the compliance rate unless the universe is established. Also, since virtually all brand new large newly constructed structures required

the device before the certificate of occupancy can be issued, the report on new installation is inflated because it missed—missed—mixed exiting and new buildings. Is the hundred installations mostly in new buildings with little increase in compliance in existing buildings? Second, the semi-annual report to the City Council is still on the books. While DEP initially fulfilled its reporting obligation, we believe that has failed to submit those reports to the City Council and comply with the law the last few years. We encourage the Council to discuss with the administration why it appears that DEP hasn't been following the law the past few years. Maybe I'm mistaken but I haven't seen any of those reports in the last few years. Before the committee today is Intro 821, which is designed to tighten up the reporting requirements of Local Law 76 of 2009. It requires DEP to report to the Council on definitive milestones so the Council and the public can determine whether compliance of this health law is being achieved. In particular it requires DEP to establish a universe of buildings requiring compliance and a running total of those buildings that have actually—actually installed devices. We

heard numbers before. What context is that? Two thousands, you know, violations given out of how many, right? You asked a very simple question. If 2,000 were given notices, what happened to those 2,000? Did they get them installed or not? They reported the violations were given out, but was it on that or it's this very simple system that 821 is asking for. What's the universe, which we understand is always going to go up and, you know, it's static, but it doesn't change by thousands. It changes by small numbers. Is it 26,000 high hazard, and how many of those have the devices installed? If it's 24,000, I'd say we're doing a pretty good job. If it's 10,000 this—it doesn't have it and we're not doing a good job, and all we're asking is after 36 years, DEP should be reporting on what the compliance rate is, and let me just finish. One suggestion is where I believe the Intro should be amended if possible so that the universe is not an estimate. It should be an actual number. Other agencies have established actual databases of buildings requiring the inspection of boilers, elevators, facades, cooling towers. After decades, DEP should be required to establish how many buildings require this

safety device. And lastly, the public and the City Council deserve to know compliance rates on this 36-year-old health and safe—safety law. There's no valid reason not to. Thank you.

CHAIRPERSON CONSTANTINIDES: Thank you. Mr. Klock.

ARTHUR KLOCK: My name is Arthur Klock. Thank you for having me here, Chairman and Council Members. I'm the Training Director for the Plumbers Local Union No. 1, Trade Education Fund. This jointly administered labor and management fund operates a 40,000 square foot training center located in Queens. In that facility, we operate the Cross Connection Control Bureau a New York State Department of Health regulated training program to certify Backflow Prevention Device testers. In fact, it's the most active certifying program of this type in New York State, and open to any individual who needs this New York State Department of Health certification. Students in the program studied the causes of and effects of backflow in the water supply system and learned the skills necessary to keep the equipment which prevents backflow in good working order. I'm here today because I want to raise

awareness of the fact that the public health risks associated with backflow are increasing not decreasing due to new systems being installed throughout the city while at the same time our Department of Environmental Protection is still not doing enough to prevent opportunities for contamination, which already exist. A large concern of the DEP is sustainability and conservation of our water resources. Another major concern of the DEP is combined sewer overflows. We just had testimony about problems due to possibly combined sewers. Combined sewer overflows, which threaten the health of our waterways. For these reasons and others, the DEP has encouraged and even founded through direct grants private projects for reuse of wastewater in buildings as well as projects for capture and use of rainwater. Many residential and commercial buildings in New York City have recently installed such captured rainwater systems in accordance with green building initiatives and DEP financing. However, these systems while environmentally friendly can be extremely dangerous if not handled carefully. The potential for hazardous cross-connections can increase where reused water systems and drinking

water systems are close together. The greatest threat posed by reuse of wastewater, captured rain water is that potential for cross-connection between the drinking water system and reused water system. Of course there rules that prohibit cross-connections. Our Plumbing Code prohibits cross-connections in plumbing systems. However, a code book without enforcement to ensure compliance or data collection, as the previous speaker just talked about is a system that doesn't protect anyone. The best defense against illness or death from hazardous backflow is a good backflow prevention program. In fact, a rigorous program is prosecuted, which is prosecuted diligently and effectively, is the only defense there is, which is why it is mandated by the state and federal government. Our New York City Department of Environmental Protection has shown through its own calculations that installation, testing and maintenance of these safety devices in New York City has been inadequate over many years. In light of these figures, a more aggressive and effective enforcement of the requirements would seem the best course of action. However, the DEP has no plans to prosecute its Backflow Prevention Program in

the diligent manner required. In fact, statistic show that they have allowed the current situation to deteriorate by their lax oversight and enforcement policies.

Potable Versus Non-Potable Water: Plumbers, engineers, doctors, and the DEP calls safe drinking water potable water. Frequently, we hear that reclaimed water is good for all sorts of non-potable uses. There are different treatment levels for reclaimed water depending on intended use. Reclaimed water systems in building for non-drinking uses like irrigation, sidewalk washing, makeup water for boilers, cooling towers and most notably for flushing toilets and in private and public restrooms. However, make no mistake, even reclaimed water that receives disinfection can pose an acute health risk if it is mixed accidentally into drinking water. Disinfection against present bacteria and viruses does not even take into consideration the long list of chemical contaminants, which are likely presenting in reclaimed water. These may include lead and other heavy metals, nitrogen, phosphorous, volcanic, organic, raw tile organic compounds and even prescription medication residue among a host of other

pollutants. It is the express responsibility under the law for the purveyor of water, and that's the DEP, to operate an effective backflow prevention program. Failure to do so opens the city to tremendous legal exposure if a catastrophic backflow event should occur. Cross-connections can occur no matter how diligently we try to prevent them, and backflow preventers remain the best defense against backflow. The American Water Works Association is the best source of guidance for matching the backflow preventer to the application or the hazard condition at the site. The AWWA identifies reclaimed water as a hazardous—excuse me—a healthy hazard, and recommends the use of a reduced pressure zone backflow preventer for the buildings served by reclaimed water systems. Approved backflow preventive assemblies should be tested at least annually as outlined by American Water Works Association, and all the manufactures. The annual failure rates of approved assemblies varies from 10% to 40% and the AWWA and the manufacturers of these devices recommend testing at least every year to be sure of proper function. Based on the failure rates of approved assemblies, it should be assumed that

valves in most backflow prevention assemblies will fail some time within five years. Under these circumstances, just installing these devices and then failing to enforce to requirements for testing or replacing them gives the public a false sense of security. It also leaves the purveyor of water, which is ultimately the city of New York, open to tremendous legal exposure if a catastrophic—if a catastrophic backflow event should occur. In summation, we already had a host of possible cross-connection hazards to worry about before we added reclaiming water and capturing rainwater. These risks increase significantly if we fail to recognize and acknowledge them. The potential for cross-connections in backflow will increase as reclaimed water lines are installed in buildings. The best defense against backflow is a well developed backflow prevention program. Preventing cross-connection via plan site review of new construction and surveying and retrofitting of existing facilities should be a major focus of that program. The DEP has not kept true to this mission. The ongoing failure is particularly true for the maintenance and repair piece of the program. Reclaiming waste water and

capturing rain water are great ideas on many levels, but it's important to bear in mind that this is no drinking water, and if ingested represents a recognized health hazard. We already had an existing universe of possible sources of contamination in any building and we are currently adding more. Intro 821, if enacted into law will help keep New York a health city. Thank you.

CHAIRPERSON CONSTANTINIDES: Thank you both. I have a couple of quick questions I definitely appreciate your years of experience here, and I think we've been working together on this issue together before I was a council member, when I was working for the former chair, Council Member Janera (sp?) So, it's good to see you both, but so, Intro 20—821, outside of that small change, you guys support the bill, right, you support the reporting requirements within it?

STEWART O'BRIEN: Absolutely.

ARTHUR KLOCK: Yes.

CHAIRPERSON CONSTANTINIDES: Absolutely, and, you know, what other actions should the city take to prevent the contamination of the flood via backflow?

ARTHUR KLOCK: I think—I think some of the most important actions that—that has to be taken are exactly what we're discussing here. These devices are critical to prevent backflow. Any building that's been identified as needing a backflow preventer is potentially a source of contamination. The water could leave the building carrying with contaminants, which go into public system, then go down the street and somebody drinks it. This can happen any time there is a fire. When a fire engine hooks up to a hydrant--we were talking earlier about with a different bill—that causes a pressure drop in the system. If you have multiple fire engines, you get a big pressure drop. The pressure inside the buildings is now higher. They water starts to flow out taking anything that might be in there out with it. This is any time you have a dry cleaning establishment, any time you have any kind of chemicals in the boiler or things like that. These devices, if they're installed, they do their job, but they fail within fives. They're going to fail. They need to be maintained. The state runs a rigorous training program for people to maintain these. It's a simple procedure. It's not expensive. You do some

testing, you find out if it works. If it works, we're good. If it doesn't work, you get it fixed. Nobody is monitoring this. Nobody is enforcing this. It's just not being done but that's the most important thing in my mind.

STEWART O'BRIEN: Let me add. You're—council member, you're absolutely right. You've been—you asked all the right questions probably because you've been on this for so long. You asked the right questions of DEP when they testified which is forgetting about the issue I talked about getting compliance rates after 36 years, but when you identify and when they identify, there were 2,000 buildings that were instructed to get these devices installed. What happened? It seems to me if I was in charge of that program, and testifying on a bill, I'd know the answer of well there were 2,000 notices we gave out to people. Of those 2,000, a thousand of them put them in by the end of the year within a certain period of time. Of the other thousand we gave them a violation and that led to another 500 being put in, and then those guys we upped the violation so now the penalty instead of being $1,000 was $25--$2,500. That's a—that's a program, right,

and if I'm testifying before the City Council on an issue, that's what I would like to hear, the answers to your questions. I was a little surprised that they—they—you didn't get them today because--

CHAIRPERSON CONSTANTINIDES: I'm looing forward to getting them.

STEWART O'BRIEN: Ok, okay. Well, it—it—it should be interesting. The other thing, and you raised and excellent point, which is if the—if the fine is only $500 or $1,000, what incentive is for hat a large landlord to—to do this? You know, there are landlord, then there are landlords. There are lot of landlords who will comply with the law that in comes in. But there are some who are really recalcitrant, and unfortunately, the penalties have to be sufficient to get them—to get their attention. So, you asked all the right questions, and it should be interesting for you to find out the—the responses.

CHAIRPERSON CONSTANTINIDES: I'm looking forward to getting the answers because I am concerned about the issue of—of, you know, bad actors, right. I think we have a lot of good actors in the city of New York. I don't want to paint such a broad brush, right, and say that we have a lot of—everyone is a

bad actor. But there are some that are looking at the fine and—and looking at the installation of the device and doing a comparison shopping and saying, you know, can I get away with it, and how long can I push this off for? So, I want to make sure that we are making sure that there isn't a choice, that they have to comply, they have to comply immediately, and that we kind move the—move the needle quickly. So, with that, unless you have anything else to say, I will thank you both for your advocacy and I appreciate your continued efforts and look forward to working with you again.

STEWART O'BRIEN: Thank you very much.

ARTHUR KLOCK: Thank you.

CHAIRPERSON CONSTANTINIDES: Thank you. [background comment] Alright, so Daniel Carpen. So I have you testifying three different times, four different times here. [background comment]

LEGAL COUNSEL: Well, can you please raise your right hand. Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth today?

DANIEL CARPEN: Yes, I do. My name is Daniel Carpen. I am a registered professional

engineer. My address is 3 Harvard Hill Drive, Huntington, New York 11743. I want to comment about the repair of fire hydrants. About 14 months ago, I watched a DEP crew repair a broken hydrant. The two men they came with a truck well equipped with lots of equipment and repair parts, and they were very, very efficient in putting—in fixing and repairing hydrants. The question is why are hydrants inoperable? It's because they leak, and when they leak, someone goes into the street, and there's a valve and shuts the hydrant off. There is no reason for a three or four-day delay in getting a hydrant fixed. The Fire Department re—re—responds to fires in five minutes. There's no reason why the DEP can't respond to broker or inoperable hydrants within hours. If the reason is inadequate resources, they should hire additional people, and find out whether they need one additional crew, two additional crews, where to put them, buying a truck and doing that. They didn't—the person who spoke, if I was the Commissioner and I heard what he had to say, I would be embarrassed. If I was the commissioner of DEP, and I just took over the job of being commissioner and I heard about this problem, the first thing I

would want to know how much more resources do we have and need to commit to take care of this problem much more quickly. If they needed an additional truck, an additional two—two mechanics, go out and hire them. What if there's problem them? There's a nine-month wait between the time someone is actually interviewed for a job with the city, and the time they actually start work. It's 5 to 11 months and Samara, you can testify to that. So, the human resources groups in the city have to figure out how to hire people quicker to solve all these DEP problems. It's not just money. It's just getting the stuff done. If they need to buy a new truck that means the city has to put out the bid, buy all the equipment, all the parts, the tools that the fellows need to repair the hydrant. You know, it's—it's basically it's no excuse for a three-day delay in repairing a hydrant. There's no reason why they can't—they can't come the same day. If they get a call in the morning, they should be there in the afternoon. If there's insufficient manpower the fellow should have told the committee we don't have enough people. We need some resources to do it. Fortunately, the city is in a good financial condition so it can afford it.

CHAIRPERSON CONSTANTINIDES: Is that the entirety of your testimony, sir.

DANIEL CARPEN: That's on the—that's on the fire hydrants.

CHAIRPERSON CONSTANTINIDES: Okay, we can move onto the next one. Okay, I'll give the next one.

DANIEL CAPPEN: Okay, as far as sewer backup is concerned—

CHAIRPERSON CONSTANTINIDES: Uh-hm.

DANIEL CAPPEN: --Southeast Queens suffers sewer backups much more than other parts of the city because at one time there were lots of freshwater wetlands there with frogs and unfortunately the frogs got towed away when the city developed that area. That area should have never been built on. It's too flat. When you have flat areas and the pipes are flat, horizontal, the flow rates are not big enough. You may need a—you may need to dig up the streets and spend hundreds of millions of dollars and re-pipe everything in order to correct the problem of flooding, and if there's a problem with people eating too much greasy food, then I think the school system in the city has done the right thing by going to

salad bars. And when I was in high school we used to have hamburgers that were baked, no fried and we called them grease burgers for that reason. A good education program where you get people to each fruits and vegetables. I go through five to ten pounds of fresh fruits and vegetables a day. No grease goes down—down my drain whatsoever. I think we have some real problems. She expressed real concern that DEP just hasn't put the resources into it to fix the—the drain system, the sewer system in Southeast Queens. It's going to cost a lot of money because it's flat, and as far as the catch basins are concerned, they should be cleaned in the fall when they get clean—clogged with leaves from the trees not—not every 12 months. The fall is when you have to clean the catch basins before the winter snows then clog them up and sand comes in the streets. It's continuous it's not just every 12 months. You got to—you got to continually inspect them every three months if you want to get catch basins that are going to stay clean, and useful and functional.

CHAIRPERSON CONSTANTINIDES: Okay. Alright, so thank you so much for your testimony. I appreciate it. Thank you for being here today, and

for advocacy on a myriad of issues this committee faces. So, thank you.

DANIEL CAPPEN: Thank you.

CHAIRPERSON CONSTANTINIDES: Thank you. Alright, with that, I want to thank the—the Administration for their testimony today for our advocates that came out and spoke on these issues. We look forward to moving these pieces of legislation to get the results for the people of the city of New York. I want to thank our staff attorney for the Environmental Protection Committee, Samara Swanston, our Policy Analyst Nadia Johnson, and our Finance Analyst John Seltzer as well. I think our committee Clerk Bill Martin for being here for our votes. Thank you, sir and, of course, my staff Nick Wazowski my Legislative Counsel and our sergeants-at-arms as well. So, with that, we will gavel this committee hearing on the Committee on Environmental Protection closed. [gavel]

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 November 16, 2017