

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON ENVIRONMENTAL PROTECTION

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November 30, 2009  
Start: 2:03 pm  
Recess: 3:04 pm

HELD AT: Council Chambers  
City Hall

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

COUNCIL MEMBERS:  
Elizabeth Crowley  
Bill de Blasio  
Mathieu Eugene  
Dominic M. Recchia, Jr.  
Peter F. Vallone, Jr.  
G. Oliver Koppell

2 CHAIRPERSON GENNARO: Committee on  
3 Environmental Protection. I will start reading my  
4 statement into the record. And good morning and  
5 welcome. I am Councilman Jim Gennaro, Chair of  
6 the Committee on Environmental Protection.

7 We're going to be voting on two  
8 items today, and our first vote focuses on Intro  
9 935-A, which is intended to address threats to the  
10 safety of the drinking water supply as a result of  
11 what are called plumbing cross-connections, and  
12 the potential for backflow into potable drinking  
13 water. Cross-connections between non-potable  
14 liquids and potable water are not legal, but they  
15 routinely happen. When backflow takes place,  
16 chemicals, bacteria, metals, bodily fluids, even  
17 pesticides, mix into potable drinking water inside  
18 buildings and sometimes contaminate the public  
19 drinking water supply outside the source of  
20 origin.

21 Public Health Law Article 225,  
22 enacted in 1981 and 10 NYC RR 5-1.31 places the  
23 DEP under continuing obligation to identify  
24 facilities that pose a hazard to the City's  
25 drinking water supply and require the installation

1  
2 of a backflow device. Notwithstanding that law,  
3 the DEP has thus far failed to complete the task  
4 of identification of hazardous facilities and  
5 ensuring compliance with Article 225 of the Public  
6 Health Law. As recently as last year at an  
7 oversight hearing, DEP committed to complete this  
8 task by hiring an outside consultant who is  
9 supposed to have undertaken and finished this  
10 task. 17 months after the 2008 oversight hearing,  
11 we are in the same position in that work has not  
12 yet been done.

13 A single backflow event can expose  
14 many people to the health risks of contaminated  
15 water, and can even cause death. According to the  
16 EPA 57 illegal cross-connections between 1981 and  
17 1998 resulted in 9,734 cases of illness.  
18 Providing safe drinking water is DEP's  
19 responsibility. In order to protect the drinking  
20 water supply, so-called high hazard buildings need  
21 to be identified by DEP, cross-connection and  
22 backflow prevention devices and other kinds of  
23 apparatus need to be inspected and repaired. If  
24 necessary, backflow prevention devices need to be  
25 installed and enforcement actions need to be taken

1 when necessary.

2  
3 This bill we're voting on today  
4 requires a property owner to certify to the  
5 Department that a backflow prevention device has  
6 been installed and where necessary that a backflow  
7 device has been replaced; and it requires the  
8 Department to submit a report to the Council  
9 indicating the number of hazardous facilities and  
10 all other facilities where the Department  
11 determined to have had required backflow  
12 prevention devices installed, as well as the  
13 number of facilities in each category that the  
14 Department notified of the need to install one or  
15 more backflow prevention devices.

16 That's the longest run-on sentence  
17 in any statement that I've ever read. I  
18 apologize.

19 Finally, the bill requires the  
20 Department to send out a mailing or otherwise  
21 notify owners or operators of facilities  
22 identified by the Department as potentially  
23 requiring backflow prevention devices, informing  
24 them of the potential need for such a device and  
25 of the process for installation of backflow

1  
2 prevention devices under the auspices of the  
3 Cross-Connection Control Program. The materials  
4 contained in such a mailing must be translated  
5 into six languages and provided for in the  
6 administrative code.

7 Our second vote is on Proposed  
8 Intro 998-A, the last of the 12 bills that were  
9 proposed after the investigation of the tragic  
10 2007 fire at the Deutsche Bank Building. These  
11 bills speak to crucial gaps in the regulation of  
12 construction, demolition and asbestos abatement  
13 work. 11 of the bills, three of which came  
14 through this Committee, have already been passed,  
15 and the passage of this bill will complete the  
16 package.

17 Proposed Intro 998-A focuses on the  
18 dangers created when asbestos abatement activities  
19 are performed at the same time with demolition in  
20 a building. Demolition increases the likelihood  
21 of fire, and while asbestos containment structures  
22 can make it more difficult for firefighters to get  
23 in and out of the building, as was the case with  
24 the two firefighters that were killed on the day  
25 of the Deutsche Bank fire. This bill prohibits

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2 current asbestos abatement and demolition without  
3 a site-specific variance from DEP. This bill  
4 requires DEP to notify and consult with the  
5 Department of Buildings and the Fire Department  
6 before granting any variance and to post the  
7 variance and the reasoning for it on the DEP  
8 website. By ensuring that no concurrent  
9 demolition and abatement occur without thorough  
10 review and agreement by these three agencies, we  
11 will help to protect emergency service providers,  
12 construction workers and New York City residents  
13 from this type of tragic accident in the future.

14 And that is my statement on the two  
15 items that we'll be voting on today. As I said  
16 before, item 935-A, which has to do with the  
17 backflow prevention devices to protect the water  
18 supply and Intro 998-A, the last of the 12 bills  
19 that came out of the tragic Deutsche Bank fire.  
20 And I'd like to recognize the members of the  
21 Committee who are here with us. I see Council  
22 Member Koppell. Thank you Oliver for being here.  
23 Council Member Vallone, Council Member Crowley,  
24 Councilman Dr. Eugene and that constitutes a  
25 quorum I believe. I'd be happy to call the roll

1  
2 now. Let me ask Counsel. Are we going to couple  
3 the bills in one vote?

4 SAMARA SWANSTON: Yes.

5 CHAIRPERSON GENNARO: So we'll  
6 couple the bills in one vote. Before we take the  
7 vote, if anyone has anything to say on any of  
8 these bills, I'd be happy to entertain a statement  
9 from any of the members who wish to comment on the  
10 bills. Seeing no one who wishes to make a  
11 statement, I'll ask the clerk to call the roll,  
12 and I urge a yes vote on both measures. So clerk,  
13 please call the roll on Intro 935-A and Intro 998-  
14 A, which will be coupled for the purposes of this  
15 vote.

16 WILLIAM MARTIN: William Martin,  
17 Committee Clerk, roll call on Committee on  
18 Environmental Protection. Council Member Gennaro.

19 CHAIRPERSON GENNARO: Yes.

20 WILLIAM MARTIN: Koppell.

21 COUNCIL MEMBER KOPPELL: Yes.

22 WILLIAM MARTIN: Vallone.

23 COUNCIL MEMBER VALLONE: Yes.

24 WILLIAM MARTIN: Eugene.

25 COUNCIL MEMBER EUGENE: Yes.

2 WILLIAM MARTIN: Crowley.

3 COUNCIL MEMBER CROWLEY: Yes, and  
4 I'd like to be put on as a co-sponsor of Intro  
5 935-A. Thank you.

6 CHAIRPERSON GENNARO: Thank you.

7 WILLIAM MARTIN: By a vote of five  
8 in the affirmative, zero in the negative and no  
9 abstentions, items are adopted. Council Members,  
10 please sign the Committee reports.

11 CHAIRPERSON GENNARO: Thank you.

12 And rather than close the hearing, we'll keep the  
13 record open to allow the other members of the  
14 Committee to cast their votes on these very  
15 important bills, and we'll hold the record open  
16 for the maximum of 30 minutes if that is  
17 necessary. Okay. So this hearing is held over.

18 [END OF 1002]

19 [START OF 1003]

20 WILLIAM MARTIN: Council Member de  
21 Blasio.

22 COUNCIL MEMBER DE BLASIO: I vote  
23 Aye.

24 [END OF 1003]

25 [START OF 1004]



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COMMITTEE ON ENVIRONMENTAL PROTECTION 9

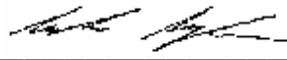
WILLIAM MARTIN: Environmental  
Protection. Council Member Recchia.

COUNCIL MEMBER RECCHIA: Yes on  
all.

[END OF 1004]

C E R T I F I C A T E

I, Erika Swyler, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature  \_\_\_\_\_

Date December 2, 2009