

**Testimony of Angela Licata
Deputy Commissioner for Sustainability
New York City Department of Environmental Protection**

**Committee on Waterfronts
Council of the City of New York**

**Intro 740 - In relation to discharges in certain designated bodies of water
Thursday, January 26, 2011, 1 pm
250 Broadway**

Good afternoon, Chairman Nelson and Members. I am Angela Licata, Deputy Commissioner for Sustainability at the New York City Department of Environmental Protection (DEP). I am joined by Assistant Commissioner Andrew Schwartz of the Department of Small Business Services (SBS). Thank you for the opportunity to testify today on Intro 740, regarding discharges from vessels in New York City's newly designated No Discharge Zone in Jamaica Bay.

Last June, then-Commissioner Cas Holloway announced that DEP was seeking a No Discharge Zone (NDZ) designation in the open waters and tributaries of Jamaica Bay. The designation, made possible because DEP has developed sufficient sewage pump-out locations where vessels are able to unload waste, was conferred by the US Environmental Protection Agency (EPA) in October, when Mayor Bloomberg and US Department of the Interior Secretary Salazar also signed an agreement committing to a joint planning process that will devise a new, unified governing model and new, common objectives for the 10,000 acres of publicly owned land in south Brooklyn and Queens. At the request of the City and the New York State Department of Environmental Conservation (DEC), EPA's designation bans boats from discharging sewage into the bay, which now joins Long Island Sound and the Hudson River to the New Jersey boundary and south to the Battery as a No Discharge Zone.

Under federal regulations, boats are not permitted to discharge untreated sewage within three miles of the coast, but the new designation expands the discharge prohibition to include treated sewage as well. The NDZ designation will eliminate discharges from approximately 1,200 registered boats that use the bay for recreational purposes. Each of the four pump-outs serves roughly 300 to 600 boaters, the EPA minimum requirement to grant the No Discharge Zone permit.

The three inland pump-outs have been located at Coney Island Wastewater Treatment Plant since 2000, the Hudson River Yacht Club in Paerdegat Basin since 2005, and the Rockaway Wastewater Treatment Plant since 2008. The mobile station is NY/NJ Baykeeper's 24-foot sewage pump-out vessel that since 1994 has provided service to boat owners anchored in Jamaica Bay from April through October. These pump-out stations are part of the State's Clean Vessel Assistance Program that was established to protect and improve water quality in New York's navigable waterways.

Jamaica Bay is the largest estuary waterbody in the New York City metropolitan area, covering an area of approximately 20,000 acres. The bay is a diverse ecological resource that supports multiple habitats, including open water, salt marshes, grasslands, coastal woodlands, maritime shrublands, and brackish and freshwater wetlands. Jamaica Bay is known for its wildlife refuge and excellent fishing, and these habitats support 91 fish species, 325 species of birds, and many reptile, amphibian, and small mammal species.

Intro 740 would grant enforcement power to SBS, DEP and the Department of Sanitation (DSNY) against discharges within 1,500 feet from the New York City shoreline within the NDZ. While we appreciate the effort to keep the Bay and Sound clean, as well as the potential for added revenue that would accrue to the City, given operational and fiscal constraints, these agencies are unlikely to take an active role in enforcing the provisions. Enforcement agents would need to be on board a vessel from which the waste is discharged in order to issue a violation, and this is operationally infeasible for the agencies authorized by the bill.

DEP owns and operates a fleet of vessels; however, they haul sludge and perform other essential tasks and are not available to regulate or control maritime commerce—nor would DEP staff board other vessels to enforce the NDZ. As a successor agency to some of the functions of the former Department of Ports & Trade, SBS has regulatory jurisdiction for waterfront permitting and inspection of certain waterfront property. But SBS and DSNY do not have boats and do not perform inspections on the water. The Police Department advises that it has not received any complaints of the unlawful discharges contemplated by the bill, and that it focuses on unsafe vessel operation, safety equipment, and vessel operator training issues during its inspections of recreational vessels on New York City's waterways.

The issue of NDZ enforcement, among many others, will be discussed as work proceeds on the creation of the Clean Waterfront Plan required by Local Law 55 of 2011. Perhaps this issue can be revisited when the plan is released next January.

Thank you for the opportunity to testify. I would be glad to answer any questions.



January 26, 2012

New York City Council, Waterfront Committee--Hearing on No-Discharge Zones,

Good afternoon and thank you for the opportunity to testify.

My name is Rob Buchanan, and I am here on behalf of the Steering Committee of the New York City Water Trail Association. We are an umbrella group that seeks to represent the interests of the human-powered boating community and the more than 20 community boating organizations that now populate the harbor.

I am also a board member of two of those organizations--the Village Community Boathouse, a community rowing group based on Pier 40 in lower Manhattan, and the Brooklyn Bridge Park Boathouse, which offers free public kayaking and rowing on the Brooklyn waterfront.

The Water Trail Association's mission is to promote the safe use of the Water Trail that was established by the NYC Parks Department in 2007; to promote the environmental stewardship of the harbor and the estuary; and to advance awareness of the public ownership of our urban waterways. One thing that sometimes gets overlooked in discussions about the harbor is that it is a public space--our biggest Commons.

Two years ago, we conducted a survey of our member organizations and found that in 2009, those groups together put more than 40,000 people on the water in human-powered boats. That is not a total of trips or user days, but of individuals, and it does not include independent boaters who went out paddling on their own.

That is a significant constituency, and we believe it qualifies us as primary stakeholders when it comes to discussing the development of the waterfront and the health of our waterways.

We are doing another survey this winter, and expect to see growth in our overall numbers. However, there is no question that last summer's fire at the North River Wastewater Treatment plant, and the subsequent sewage releases it caused, will have an impact. The weekend that followed the fire, when most of our programs were necessarily suspended, was the hottest weekend of the summer, and thus would have drawn our biggest crowds. We also suspect that a lingering mistrust of the water may

have deterred others who would have gone boating later in the season.

Water quality in the harbor remains one of our biggest concerns. The chief culprit, of course, is our outdated sewage system, which overflows not just when there's an accident, but every time it rains—to the tune of some 30 billion gallons a year. In comparison to that, 'gray water' and 'black water' discharges by marine vessels might not seem to be a major problem. Nevertheless, as our numbers and the numbers of swimmers and other on- and in-water recreationalists increase, and as the Upper Harbor really begins to be used in the same way that our beaches are used, we feel the time has come to ask all the users of the harbor to do their part to protect its waters.

We understand that complying with no-discharge regulations can require expensive retrofits and operational inconvenience, and we're sensitive to the economic impacts of such regulations, particularly on small businesses. In short, we realize that we've got a working harbor, and that there are jobs at stake. At the same time, we think it's equally important to recognize that a clean harbor and a productive estuary can in themselves be powerful engines of economic development. Nearly 50 million tourists visited New York last year, and a big draw for many of them was the chance to tour the harbor.

For us, though, the bottom line is that the harbor is a public space, and thus dumping anything into it is ultimately an abuse of the public trust.

To sum up: We are pleased that the state has designated both Long Island Sound and Jamaica Bay as no-discharge zones. We applaud the city for supporting those designations. And we urge the Committee to work with state officials in both New York and New Jersey to see that the entirety of the harbor is someday declared a no-discharge zone--someday soon, we hope.

Thank you for the opportunity to testify today.

Rob Buchanan
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