

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON PARKS AND RECREATION

----- X

April 16, 2019
Start: 1:12 p.m.
Recess: 2:20 p.m.

HELD AT: 250 Broadway - Committee Rm
14th Fl

B E F O R E: BARRY GRODENCHIK
Chairperson

COUNCIL MEMBERS:

Andrew Cohen
Andy L. King
Eric A. Ulrich
Francisco P. Moya
James G. Van Bramer
Joseph C. Borelli
Justin L. Brannan
Mark Gjonaj

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

Liam Cavanaugh, First Deputy Commissioner
New York City Parks Department

Trevor McProud, Director
Office of Public Health Engineering within the
Division of Environmental Health

Mike DeLong, Senior Attorney
River Keepers

Kate Fritz
National Resources Defense Council

SERGEANT-AT-ARMS: Test. Test. This is a test. Today's date is April 16th, 2019. This is a Committee hearing on Parks and Recreation being recorded by Sergeant-at-Arms, Aaron Lopez.

[background comments]

CHAIRPERSON GRODENCHIK: Good afternoon, everybody, and welcome to the April committee meeting on the Committee of Parks and Recreation for the New York City Council. I am Barry Grodenchick. I have the honor of Chairing this committee for this Council term. Today's hearing will examine the practices used by multiple levels of government to maintain our city's beaches and ensure that the water is safe for the millions of beachgoers who enjoy our beaches every year. The city of New York has 14 miles of beaches managed by the Department of Parks and Recreation which is a total of eight or nine beaches depending on how you count. There are, in addition, 17 private beaches in the city. The city's Department of Health and Mental Hygiene is responsible for beach monitoring and surveillance of all the city's beaches. This consists of routine water quality monitoring and inspections of beach facilities in accordance with

New York City and New York State health codes.

Typically, a month before beach season, which begins Memorial Day weekend, water samples are collected from city beaches on a weekly basis for scientific analysis to ensure the water quality is safe for the beach to be opened for swimming and recreation. The testing includes examining water samples for enterococcus which are bacteria that, when found in beach water, tend to indicate possible contamination by fecal waste and signal a potential presence of other pathogens. Under the New York State sanitary code and the city's health code, enterococcus concentrations for a single sample cannot exceed 104 colony-forming units for 100 milliliters of water and cannot exceed 35 colony-forming units for 100 milliliters of beach water for a series of five or more samples collected over a 30 day period. If those levels are reached, the beach may be entirely closed or have a warning against entering the water. High levels of rainfall can also affect beach water quality by resulting in combined sewer overflows when sewage and storm water runoff bypass the treatment system and overflow into local bodies of water. When rainfall passes a certain threshold, which is

different for every beach, a public warning is issued and that depends, of course, on which beach we are talking about. When testing results indicate that the water is not safe for swimming, a beach advisory or closure will use depending on the extent of the pollution. If a beach closure advisory is issued, the pH facility is required to post signage letting the public know the advisory and whether or not the beach is calm, closed. Thankfully, over recent years, there is very few complete beach closures likely because of the cities increased commitment to clean water and environmental conservation, but warnings still do occur with some frequency.

According to the Department of Health's 2018 beach surveillance monitoring program manual report, over 1500 water samples from all 25 permitted beaches were analyzed with no beach-related recreational water illnesses or complaints occurring during the season. Additionally, 12 of the 17 private beaches were issued at least one swimming advisory notice and there were 306 warning days as a result of private beaches exceeding water quality standards. Well, not exceeding, but not exceeding water quality standards. Of the public beaches that exceeded-- that had water

quality issues, there were 49 warning days and one closure day with a length of notification ranging from one week-- one day to two weeks. As we approach our 2019 beach season, it is crucial that we maintain our commitment to clean and safe beaches. Our beach attracted 16 million visitors last year and that number is expected to climb as our city's population continues to increase and our climate continues to warm. I hope that this hearing can examine more closely the metrics that are used to determine how beaches are deemed safe, how the inspection process used by the Parks Department is integrated with the Department of Health surveillance program, and what the long-term future looks like for our beach safety and water quality. I want to thank you all for being here today and, again, remind you, if you would like to testify, please sight up with the Sergeant-at-Arms. Our first panel consists-- We see them there. Liam Cavanaugh who is our First Deputy Commission of Parks and Recreation. Certainly no stranger to these hearings and a stranger to these hearings, though, is Trevor McProud who is with the Department of Health and Mental Hygiene. And can I ask you what your title is there?

TREVOR MCPROUD: The Director of the Office of Public Health Engineering.

CHAIRPERSON GRODENCHIK: Okay. That sounds fancy. I'm going to ask my counsel to swear in the first panel.

LEGAL COUNSEL: Do you affirm to tell the truth, the whole truth, and nothing but the truth in your testimony before the committee today?

FIRST DEPUTY COMMISSIONER CAVANAUGH: Yes.

TREVOR MCPROUD: I do.

LEGAL COUNSEL: Thank you.

CHAIRPERSON GRODENCHIK: Are both of you testifying or? Okay. So whoever would like to go first.

TREVOR MCPROUD: Good afternoon, Chair Grodenchik and members of--

CHAIRPERSON GRODENCHIK: I just want to say--

TREVOR MCPROUD: Am I on here?

CHAIRPERSON GRODENCHIK: Well, I just want to announce that Mr. Andy Cohen has joined us. Council member Cohen is from the Bronx.

COUNCIL MEMBER COHEN: Thank you.

CHAIRPERSON GRODENCHIK: No beaches in his district, thought. Maybe a little one.

TREVOR MCPROUD: Good afternoon, Chair Grodenchik and members of the Parks Committee. My name is Trevor McProud and I am the Director of the Office of Public Health Engineering within the Division of Environmental Health. And on behalf of Commissioner Barbot, thank you for the opportunity to testify about the beaches-- the department beach surveillance and monitoring program. New York City's beaches function as an important recreational resource for city residents and neighboring communities. All beaches operated within New York City limits must be permitted with the health department. There are a public beaches operated by the Parks Department and 17 privately operated members only beaches within the New York City limits. Beach season typically runs from Memorial Day weekend until Labor Day weekend, though for the last number years, this season has been extended one week post Labor Day. The health department is responsible for beach surveillance and monitoring for all permitted city beaches. The program is comprised of two major areas, the routine water quality monitoring and

beaches for compliance with water quality standards and the compliance inspections of beach facilities in accordance with New York City and New York State health codes. The results of routine water quality monitoring and inspections are compiled in the department's annual surveillance and monitoring beach reports, which we post online. Starting one month before the beach season, the health department monitors and samples each beach on a weekly basis with the exception of Rockaway and Breezy Point beaches which are sampled by weekly. In addition to routine water quality monitoring, the health department monitors on a daily basis the regional wet weather conditions and occasional wastewater treatment plant bypasses, operational upsets, and spills as they occur. This information can be used to assess and make beach status determinations on a daily basis. There are three swimming classifications for New York City beaches which are determined by assessing water quality, rainfall and pollution events, on-site sanitary surveys, and/or historical information. Open for swimming and waiting, warning, not recommended for swimming and wait, and closed, which is temporarily restricted for

swimming and waiting. City, state, and federal regulations mandate the use of enterococcus as the indicator organism for evaluating microbiological quality of Marine recreational beach water. Enterococci are indicators of the presence of fecal material in the water and the possible presence of disease causing bacteria, viruses, and protozoa. These pathogens can sicken swimmers and others who use the water for recreation. State water quality regulations provide two standards for the maximum allowable enterococci concentrations for bathing beaches. For any single sample, it is 104 colony forming units and for an average of a five sample set within the 30 day period, it is 35 CFU. When one or both of these water quality standards are exceeded, the health department takes actions to notify the public of the potential risks and conducts resampling to either confirm, remove, or escalate the notification as appropriate. Additionally, the health department has set rainfall thresholds to protect swimmers health. Because most of the city has combined storm water and sewer systems, high levels of precipitation may result in wastewater by passing the treatment system and overflow in into

local water bodies. These bypasses pose a public health threat to nearby beaches and, when these thresholds are met, a public notification is issued in the same way as is done for a sample result exceedences. The health department collects water samples from New York City beaches on a routine basis for scientific analysis. During sampling, and on-site sanitary surveys inspection is performed to identify any existing or potential sources of pollution that are likely to affect beach water quality. Water samples are collected that need to up in three feet of water from the center, left, and right of the beach. At larger beaches such as Coney Island and Rockaway, samples are taken from multiple locations to ensure that adequate representation and reliable results. The collected samples are delivered to the Health Department's public health laboratory for analysis and analysis for enterococci is completed usually within 24 hours. If the analysis reveal that the sample results are above the criteria for the beach to be open for swimming and wading, the health department will issue a beach advisory or potentially a closure depending on the extent of the pollution. In addition to routine

water quality sampling, the Health Department also conducts annual safety inspections and complaint inspections at bathing beaches to assure that all staff, especially lifeguards and supervisors have proper certificates and coverage, including CPR certification. All require life-saving equipment is available, including rescue tubes, spine boards, first-aid kits, and resuscitation equipment, and that there is proper signage posted on site. These inspections also evaluate beach facility hygiene and direct observations of conditions are supplemented by interviews with life guards and other personnel at the beach. It is essential that the public is aware whether conditions at New York City beaches are safe for recreational activity. When the status of any beach changes, the Health Department notifies the public through a number of ways. Beach operators are notified by phone, email, and/or text as to the necessary on site postings and the Health Department-- the Health Department had developed easily to-- easy to interpret signs for beach closures and warnings and beach operators are required to post these signs in designated areas visible to beachgoers. A warning sign indicates that

swimming and wading are not recommended and a closed sign indicates that swimming and wading are not permitted by order of the health department. The department administers know before you go, which is free texting service which we have some material here for. That was introduced in 2014 that enables subscribers to learn the status of and the public New York City beaches before they go to the beach. This is a tool that can also be used to deliver notifications of high-priority water quality warnings or closures, as well as other safety messages such as warnings for high-risk times and currents and closures for extreme weather and when beaches are open or closed for the season. Currently, there are 11,752 English-language subscribers and 559 Spanish-language subscribers. We also provide updates on our website which includes a list of city beaches by borough and their respective status and all the reasons sample results. Information is also available via notify NYC, 311, and health department press releases when necessary. For 2018, between April and September, the department conducted routine water quality monitoring and sample collection at all 25 permitted beaches and over 1500 samples were

collected and analyzed. Over those 1500 samples, only 3.6 percent exceeded the maximum allowable enterococci limit, which was 4.2 percent for the public beaches and 3.2 percent for private beaches. This decrease from 15.3 percent in 2017 or 4.9 for public beaches and 22.1 for the private beaches. Of the 2675 total beach days in the summer, which is collectively across all 25 beaches, there were 356 beach notification days. 355 of those were a warning posted and there was one closure days in 2018. In this decreased from 848 warning days in 2017. In general, the water quality at New York City beaches is acceptable to fully support the important benefits they provide in a healthy and safe manner. An analysis of our data over the last 10 years shows that the number of beach notification days is very highly correlated with the seasonal precipitation totals. It is difficult to say definitively, but the relatively higher number of exceedances that we experienced in 2017 and the elevated notification days of certain beaches and 2018 were likely influenced by local weather patterns and, therefore, could potentially be vulnerable to the ongoing climate change trends. The National Oceanic and

Atmospheric Administration, or NOAA, as documented at a 71 percent increase in the amount of precipitation that falls during the events in the Northeast United States that extreme rainfall events in May to October have increased 2 to 4 times in the region. It may be reasonable to expect that beach notifications could increase if these normal and extreme climate and are consistent on our local level. Additionally, within the next few years, there will be revised water quality standards issued by New York State. These were passed by the Environmental Protection Agency, or EPA, in 2012 and are currently being finalized the state level. The standards will be more stringent than those currently used in, as a result, we are expecting more beach notification days. So, in this case, more notification days will not mean that the water quality is getting worse, the water will be held to a stricter standard to allow recreational beach activities. In fact, I think you for the opportunity to testify today and I'm happy to answer any questions.

CHAIRPERSON GRODENCHIK: We will get to you in a little while. Commissioner? We've also been joined, I just want to say, by my colleague,

Andy King from the north Bronx. Also no beaches.

I'm landlocked, kind of.

FIRST DEPUTY COMMISSIONER CAVANAUGH: Good afternoon, Chair Grodenchik and members to the Parks Committee. My name is Liam Cavanagh. I am the First Deputy Commissioner of New York City Parks and I want to take you for inviting us to discuss the current quality of our beaches and the waters surrounding it. New York City Parks is the steward of 14 miles of beach. Last summer we estimated 16.2 million people visited citywide. The beaches which are-- the beaches and boardwalk are open year-round, of course, but they are permitted by the health Commissioner for swimming in bathing from the Saturday before Memorial Day until the Sunday after Labor Day when lifeguards are on duty and in accordance with local law 181 enacted in the fall of 2017. A public beaches are managed by the parks department located in four boroughs, Brighton and Coney Island and Manhattan Beach in Brooklyn, Orchard Beach in the Bronx, Rockaway Beach in Queens, and Cedar Grove, Midland, South, and Walt's pond beach in Staten Island. Parks is responsible for the daily cleaning of the beach year-round, but especially during the swimming

season. The agency removes debris from the sand and frequently empties trash receptacles and cleans the comfort stations. Water testing is done by the Department of Health and passed through to parks by public broadcast. Our agency posts results on our bulletin boards at all beach comfort stations. Health will notify Park says the water quality reaches levels necessary to place the beach under advisory where swimming and wading is not recommended or closure where such activities are prohibited. In those cases, parks will post specific signs indicating the beach status and health will inform parks when the beaches are ready to be reopened. Information regarding beach status is available through Notify NYC, health's website to which parks webpage is linked, or via text sending the message BEACH to 877877 in order to get real-time opening, closing, and water quality information. To conclude, I appreciate the Council's interest in advocacy regarding this topic look forward to our continued work with health and your colleagues to make New York City's beaches cleaner and safer than ever. Health and parks and enjoy a close working relationship and are always happy to participate in a dialogue about

how to get even better. I'd like to thank you again for inviting me to speak today and testify and I think health for their remarks and will now be pleased to answer any questions you may have.

CHAIRPERSON GRODENCHIK: Thank you, Commissioner. Thank you. Got to look up your title again. Thank you, Mr. McProud for being here today. Amazing how many people enjoy our beaches. It's almost double the population of the entire city, which is saying something. And so, I'm glad to have this hearing. I wanted to start, I guess I could start with both of you, but, Mr. McProud, in your testimony-- You talked about water quality and the monitoring. Do you test more-- Last summer-- It was interesting. You would've thought we had, if my memory serves me correctly, an extra 15 inches above what-- of rain above what may be considered normal at Central Park and some of the other reporting stations in New York City and yet, the number of incidents where the water quality was denigrated was down. So, I don't know if it's that heavy, heavy rains that are the problem or, you know, but it did rain last summer, as well and I am just curious if your agency is found any correlation between-- I

assume there is a correlation between heavy rain contaminated water.

TREVOR MCPROUD: That's right. When we have looked back at the last 10 years, there is a correlation between those weather spheres and the number of advisories that we have to post on those years. And so there is a correlation between weather patterns and water quality at the beaches, both because they make-- they are influenced by the combined sewer overflow and the way that the city's infrastructure is built, but also chose certain areas that there is runoff from non-combined sewer areas and so we know that those-- the amount of precipitation can impact water quality.

CHAIRPERSON GRODENCHIK: You said in your testimony that you collect water samples on a routine basis. And how often is routine?

TREVOR MCPROUD: The beach we sample once a week at the minimum except for Rockaway and Breezy Point which we sample--

CHAIRPERSON GRODENCHIK: Twice a week.
So--

TREVOR MCPROUD: Sorry. Once every two weeks.

CHAIRPERSON GRODENCHIK: Okay.

TREVOR MCPROUD: Because they, over the historical record we have sampled there, we know that they of very high quality water. So we made the determination that they don't need to be sampled on a weekly basis.

CHAIRPERSON GRODENCHIK: Would you sample more often if there were heavy rain events? Would that cause you to do an extra sampling? And I know that it takes a while for the water to work its way into the water, into the larger bodies of water, but have you ever supplemented that because of a heavy storm or something like if we were to get a three inch rain in the summer, would you maybe do another sampling?

TREVOR MCPROUD: We don't usually supplement sampling because of water quality because we have-- or sorry. Because of rain events and that's because we have a very robust water quality monitor-- model that we have developed with DEP over the years and refined. So we have, as posted on our website and in our reports, of that of green thresholds that, as those are exceeded, then we have, with a high amount of certainty, we know that the

water quality will be impacted the condos of combined sewer overflows mostly. And, in those cases, because of very robust water quality hydrological modeling that's been done and with using both DEP harbor sampling data and DOHMH Beach sampling data to verify those models, we know that we don't necessarily need to go out into sampling. We chose though with a high amount of certainty that the water quality is impacted for certain amount of time and we issued without warning based on rainfall alone.

CHAIRPERSON GRODENCHIK: The Rockaway Beach and Coney Island Brighton are the furthest to the ocean.

TREVOR MCPROUD: Uh-hm.

CHAIRPERSON GRODENCHIK: into the open ocean as opposed to, say, Orchard Beach or you in the South Shore Staten Island is a little kind of tucked in there and Sandy Bay. Is that the reason you believe that the water quality is better? Because on the open ocean and the--

TREVOR MCPROUD: Yes. That has-- the primary reason is that they are less impacted by the infrastructure and the runoff from the city and because of the hydrodynamic currents that are there

on the open ocean which really act to, you know, remove any potential contaminants very quickly.

CHAIRPERSON GRODENCHIK: Let's-- I don't-- I don't want to hold you up, Mr. King. So I know you have a questions on going to let you do that and then I will go back to my line of questioning shortly. So--

COUNCIL MEMBER KING: Thank you, Mr. Chair. I appreciate that.

CHAIRPERSON GRODENCHIK: Certainly.

COUNCIL MEMBER KING: And Commissioner and-- Deputy Commissioner, excuse me. And of health, as well, Director. My question is this. After looking at-- reading your testimony and understanding-- What's the term? Echo--

TREVOR MCPROUD: Enterococcus?

COUNCIL MEMBER KING: Enterococcus. All right. It sounds like something from Jurassic Park or something. But that piece right there, you talk about the fecal matter that gets into the water from whatever marine life that is in the oceans. My question is one see you identified that there is bacteria is in the water, what relationship does humans have to correct anything that's in the water

and the marine life there? What interaction happens at that point? Or are we just waiting for nature to do its thing or is the rainwater cleansing or what those-- what do those steps look like for mankind?

TREVOR MCPROUD: So, enterococcus bacteria, but it is not necessarily the bacteria that may make you sick that we are most concerned with and recreational water quality. Through a large amount of research and documenting of potential epidemiological risks, the EPA since 1984 has indicated that that indicator bacteria, enterococcus is highly correlated with the other potential bacteria and viruses and protozoa that may be in the water that may mostly cause gastrointestinal illnesses if humans are exposed to it during recreation. And so, that bacteria is measured as a way to-- as a proxy for the potential of their indicate-- harmful bacteria that could be in the water. Mostly-- but it's not because of marine life or what's happening in the oceans, because the human impact. It's an indicator of human waste that could be in the water based on sewage overflows or runoff from urban areas. And, like you say, in-- we have through modeling and through working with our other

agencies in the city, fairly well what happens with the currents and the tides and that usually in a certain amount of time, if there has been an impact, if we have the sample results that indicate there is a problem, those-- the problem will be, you know, naturally attenuated by the natural motion and processes that are going on in the sound and the harbor in the ocean.

COUNCIL MEMBER KING: Okay. So I take that as a no?

[Background comments] [Laughter]

COUNCIL MEMBER KING: Okay. Thank you, chair. I appreciate it. Thank you for that. All right.

CHAIRPERSON GRODENCHIK: Thank you, Council member King. Say, unfortunately, we have a bad sample. It doesn't really matter where. So, what happens? What does that set in motion? You get back a sample that clearly indicates that a beach should be closed. A public beach, in this case. What happens then? Can you go-- Can you work us through that process so the public will know exactly what you do, how you contact-- So, I'm assuming this

is a beach operated by the Parks and Recreation and how does that work?

TREVOR MCPROUD: Yes.

CHAIRPERSON GRODENCHIK: Take your time.

TREVOR MCPROUD: Okay.

CHAIRPERSON GRODENCHIK: I expect it to be a long answer.

TREVOR MCPROUD: The health department samples almost all beaches either on a Monday or Tuesday and the sample results take approximately 24 hours for the lab to process. And so, the next day, we you will find out the water quality results from the previous day's sample. If they are above the limit, say 104 for a single sample maximum, so we will issue an advisory and notify the beach manager that the-- and in this case it would be the commissioner's office and the local beach manager for that borough. And they would have to post those-- the signs and the health department would make its notifications through its website, through other-- through its mobile notification service and other things like that. Once we have that first sample and the beach is under advisory, the health department

also takes a resample to either confirm the condition is there more to see whether or not that condition has naturally attenuated. So that sample result will be taken that day that we have that exceeded score the highs sample and it will be ready in the next day. So, in most cases, the sample result will demonstrate that water quality has returned to normal and that the beach can be opened and that process can be completed by Thursday or Friday so that the beaches that see the most used during the weekends can return to an open status with no health concerns from the health department perspective.

CHAIRPERSON GRODENCHIK: Commissioner Cavanaugh, so you get a notice from them. Can you explain what the parks department will do with the point?

FIRST DEPUTY COMMISSIONER CAVANAUGH: Yes. As my colleague said, they notify my office directly, as well as the individual beach managers. If there is an advisory or a closure, we confirm with the local management that they have the notice, that they have the sign ends to put up, that they have contacted people who need to know about it such as the police and other partners that we work with that

the specific beach. We post the information on our website and make it available. We have a similar know before you go sort of feature that's available to people who use our facilities and they can also check in and see whether or not there is a closure in effect for any particular beach.

CHAIRPERSON GRODENCHIK: When a closure takes place, the lifeguards still on the beach even though the beaches technically closed?

FIRST DEPUTY COMMISSIONER CAVANAUGH: They are on-- They are not at their normal posts. They are not sitting in chairs. They monitor the beach. They help us, Anna, explained on the public about the situation, but they are technically not on post surveilling the water for swimming activities.

CHAIRPERSON GRODENCHIK: And when a beach is closed, so we try very hard-- I know you try very hard to keep people on of the water, but I guess some people you've had occasion where people have gone in anyway?

FIRST DEPUTY COMMISSIONER CAVANAUGH: It can be difficult--

CHAIRPERSON GRODENCHIK: Okay.

FIRST DEPUTY COMMISSIONER CAVANAUGH: to keep it on the water on a hot day.

CHAIRPERSON GRODENCHIK: All right. I'm going to defer right now to Councilman Cohen who actually was brought up on the beach.

COUNCIL MEMBER COHEN: Thank you, Chair. I would-- I have spent hours and hours, more than I think anybody on the Council, studying the conditions of Rockaway Beach. I'm always-- I may look like I am taking a nap, but I am really studying the conditions on the beach. Thank you. I appreciated the testimony. It does sound to me, though, essentially, that it's really the modeling that you sort of-- you know what the conditions-- what to expect. Because the testing, sounds like, take date day to actually get the testing, so that doesn't do you really a lot of good. That condition could blow over in the day. So you will issue a warning when you actually think the condition exists?

TREVOR MCPROUD: Yes. Based on rainfall, preemptive warnings. Without making any additional determinations because the modeling consistent enough that we know that the-- and it's-- you know, there-- we have a table of varying lengths depending

on how much rain within the previous 24 hours to determine the duration of that warning that needs to be posted.

COUNCIL MEMBER COHEN: And I don't know if anybody from the Department of Health is here today, but they're responsive in terms of getting you the information promptly and--

TREVOR MCPROUD: So I'm from the Department of Health.

COUNCIL MEMBER COHEN: Oh. You're Department--

TREVOR MCPROUD: Yes.

COUNCIL MEMBER COHEN: of Health.

TREVOR MCPROUD: And we--

COUNCIL MEMBER COHEN: Oh. I see. That's why it says Health on here.

TREVOR MCPROUD: Yeah.

COUNCIL MEMBER COHEN: Got it.

TREVOR MCPROUD: And so, yeah. We collect over 1500 samples.

COUNCIL MEMBER COHEN: Uh-hm.

TREVOR MCPROUD: Because-- Despite the fact that the modeling and-- around rain precipitation is very accurate, we still go to every

beach, save Rockaway and Breezy Point, once a week to confirm it with the samples and to make-- to be assured that every beach is always safe for public recreation.

COUNCIL MEMBER COHEN: So, then just so I'm clear, who is the arbiter of whether or not there should be a warning issued or the beach should be closed?

TREVOR MCPROUD: For water quality purposes--

COUNCIL MEMBER COHEN: Yes.

TREVOR MCPROUD: it's the Health Department.

COUNCIL MEMBER COHEN: It's Health. So, I mean, in theory, the modeling is-- I don't know if the modeling , but in theory-- but the same reason as, you know-- if there is, you know, two inches of rain, you should know that certain locations we are going to have a problem.

FIRST DEPUTY COMMISSIONER CAVANAUGH: We are familiar with the patterns, but we rely on the expertise of the health department to inform our decisions.

COUNCIL MEMBER COHEN: But and, obviously, we feel like that's working well. That everybody is on the same page. And, again--

FIRST DEPUTY COMMISSIONER CAVANAUGH: Yes.

COUNCIL MEMBER COHEN: I guess I'm just really concerned about-- Not that I don't have any confidence in interagency-- you know, the agencies working together, but, you know, you-- the information is important that it gets to the public as expeditiously as possible.

TREVOR MCPROUD: Absolutely. So, you know, if the-- if there needs to be a warning or notification based on water quality results, we, in most cases, talk with the-- the Parks Department the day prior to say the next morning before anyone is on the beach, you have to post the warnings.

COUNCIL MEMBER COHEN: That's great. Can I ask what is the-- There is-- you referred to permitted beaches and public beaches. Our public beaches in permitted beaches the same thing or?

FIRST DEPUTY COMMISSIONER CAVANAUGH:

Public beaches for-- are permitted for swimming and bathing, a technical term, by the Health

Department from the Saturday before Memorial Day to the Sunday after Labor Day.

COUNCIL MEMBER COHEN: But there are non-public beaches in the city of New York. Those are permitted also?

FIRST DEPUTY COMMISSIONER CAVANAUGH: Yes.

TREVOR MCPROUD: That's right. So, there are 17 what we call private beaches that are permitted to-- because they are public in the sense that they offer a service to a membership or more than, you know, private residence. We then have jurisdiction over that public activity similar to my office also permits bathing establishments. So, there are parks department pools, public pools, but they're also very large pools that are-- that have a large of the public attend them, but may have a members only or some sort of membership that we also regulate and permit.

COUNCIL MEMBER COHEN: On that point, I'm just-- I don't know why I don't-- I'm surprised I don't know this as I'm sitting here. The coastline of the city of New York is all public? Can I walk anywhere-- if I can get there?

[background comments]

FIRST DEPUTY COMMISSIONER CAVANAUGH:

There are some places that are in private hand that I-- Where, you know, below the high tide line you're allowed to walk, but they are private.

COUNCIL MEMBER COHEN: Below the high ti--
[background comments]

FIRST DEPUTY COMMISSIONER CAVANAUGH:

Below the high tide line. Yes.

COUNCIL MEMBER COHEN: Anywhere--
[background comments]

COUNCIL MEMBER COHEN: Okay. You know, the last thing I'll just say is I'm not sure if I was aware, but maybe it's been mentioned before know-before-you-go, but we should do a better job of promoting that. It doesn't sound like, you know, that there are as many subscribers there could be and I think that could be very useful information. We should try to do a good job at getting the word out. Thank you, Chair.

CHAIRPERSON GRODENCHIK: Thank you, Councilman Cohen. Just a follow-up, I assume that if there is a major closure and I-- in any of these beaches, the eight, would be a major closure because, you know, at Rockaway certainly could have well

over-- I'm sure well over 100,000 people coming off the subway and so that would go to the mass media also. So you would-- you would go to the newspapers and, you know, Internet and more every could to display this information?

FIRST DEPUTY COMMISSIONER CAVANAUGH: Yes. And we do have a long-standing relationship with the MTA to both post notices on subway stops leading to Rockaway and to Coney Island and to use their informational kiosks to post information about disruptions to beach services during the operating season.

CHAIRPERSON GRODENCHIK: I think Councilman Cohen has--

COUNCIL MEMBER COHEN: I'm sorry.

CHAIRPERSON GRODENCHIK: one more. One more. Maybe two more. I don't know.

COUNCIL MEMBER COHEN: Just like Colombo. We use the modeling as the primary to make decisions about closing. How do we decide when it's safe to reopen?

TREVOR MCPROUD: So, the modeling all-- we have a table in our report and online which for each intensity of rainfall also has a duration. So,

say 24 hours or 36 hours if there has been extremely high amounts of rainfall say over 2.5 inches at this beach, then it results in a 36 hour advisory. And that is based on water quality modeling and-- which is verified with historical water quality data that we have partnered with the DP throughout the years to refine and use. They use the same model to base their water model advisory system on which is not the beaches, but the other water bodies throughout the city that may use-- have reduced water quality after larger amounts of brain.

COUNCIL MEMBER COHEN: Thank you, Chair.

CHAIRPERSON GRODENCHIK: Thank you, Councilman Cohen. We have been joined by Councilman Jimmy Van Bramer who we haven't had a member here with a beach yet, but you kind of almost do.

COUNCIL MEMBER VAN BRAMER: Close.

CHAIRPERSON GRODENCHIK: Close. It depends on how you define a beach, but-- back there in western Queens. Let me just get to-- The water quality in New York Harbor has been getting steadily better over the past decade, so I assume that is also been the case for historic data in terms of beach closures?

TREVOR MCPROUD: Yeah. As I said, there is a trend-- For water quality at beaches, there is a trend with precipitation. So, it's not necessarily a-- as a clearly demonstrable improvement that DEP has for their harbor stations that they sample, but at the beaches, you know, as I said, the water quality is generally good and the number of advisory days or closure days that we have on a whole compared to the 2600 days that we have for all beaches is fairly good and that has remained so over the last 10 years.

CHAIRPERSON GRODENCHIK: All right. Back, I think it was 2014. I'm going to take back a little history and I certainly think Commissioner Cavanaugh knows about this. I was working for borough president Melinda Cass and there was a Saturday, a very hot Saturday in the month of June when the entire Rockaway Beach was closed and my understanding, my memory of the incident-- and, Commissioner Cavanaugh, certainly, if you have a different memory, apparently, a truck was driven on the beach having to do with a dredging operation. Sand replenishment and my memory is that the DOH ordered the beach closed. And, obviously, that was a

very difficult days for the beachgoers because they really weren't allowed in the water. It was a difficult day for the parks department because they had the onerous task of keeping literally tens of thousands of people out of the water. I know there were pet porkers there. There were rangers. There were police officers there. As the chair of the parks committee and somebody who, obviously, has an abiding interest in making sure as many people can visit our New York City parks, I'm just wondering what happened after that incident whether there were protocols established. Because I know we are doing some replenishment now at Rockaway and I would hate to think that this incident could recur. I-- so I just want to know if there is-- is there a hotline between health and-- like we had between the Kremlin in the White House. Is there a hotline for parks and health department?

FIRST DEPUTY COMMISSIONER CAVANAUGH: It's not quite a hotline, but--

CHAIRPERSON GRODENCHIK: Okay.

FIRST DEPUTY COMMISSIONER CAVANAUGH: we do have regular--

CHAIRPERSON GRODENCHIK: A beach line?

Okay.

FIRST DEPUTY COMMISSIONER CAVANAUGH:

communication. We do have regular communication. And I-- The situation that you described, it was a terrible incident that had enormous impacts, however, we were in communication with the health department that day and, you know, the decision to close didn't affect the entire Rockaway Beach. There was a good portion of the beach already closed because of the pumping operations and it was not scheduled to open that day. And section was one of the most popular sections of the beach was close because of the impact of the pumping operation. I hate to admit it, but we could not get cooperation from the contractor to limit their vehicle operation on the beach. It was not one vehicle.

CHAIRPERSON GRODENCHIK: Okay. Okay.

FIRST DEPUTY COMMISSIONER CAVANAUGH: It was multiple vehicles and some very large vehicles.

CHAIRPERSON GRODENCHIK: Okay.

FIRST DEPUTY COMMISSIONER CAVANAUGH: It did create an unsafe situation, but it was not

communicated as timely and effectively as it could've been and we have taken steps to correct that--

CHAIRPERSON GRODENCHIK: Pay for that.

FIRST DEPUTY COMMISSIONER CAVANAUGH: in the--

CHAIRPERSON GRODENCHIK: [interposing]
Yeah. I have not heard of anything like that since. I--

FIRST DEPUTY COMMISSIONER CAVANAUGH: No.

CHAIRPERSON GRODENCHIK: You know, it was not my favorite call of the year--

FIRST DEPUTY COMMISSIONER CAVANAUGH: No.

CHAIRPERSON GRODENCHIK: to have to tell the borough president of the beaches were closed that day. But I thank you for your follow-up and I appreciate it very much. Last month a vessel suffered a 15 inch hole in one of its fuel tanks in New York Harbor and approximately 100,000 gallons of fuel oil were released along the East Coast of New York. Can you update us on cleaning operations and how it might affect the upcoming peach season?

TREVOR MCPROUD: Yes. So in this case and in the event that there is any oil spill New York waterways, there is a joint task force between the US

Coast Guard and New York DEC who are the primary agencies to lead the response and certify that the cleanup-- That said, NYSIN (sic) was involved and we were notified of it. We then, you know, communicating as necessary with them and the fact that the beaches are closed right now for swimming doesn't necessitate as much of a, you know, public outreach as it would if it were swimming season. And from what I-- From the information that I have that we have for the health department, the Coast Guard and DEC have said that all cleaning operations will be completed before breeding season.

FIRST DEPUTY COMMISSIONER CAVANAUGH:

Okay.

TREVOR MCPROUD: And I would just direct use to the Coast Guard is the primary point of information for whether or not that has been completed as of now or when it will happen.

CHAIRPERSON GRODENCHIK: So for environmental disasters such as this, really is-- it's not your [inaudible 00:44:55] so to speak. It would really fall upon the Coast Guard and DEC?

TREVOR MCPROUD: If it is a spill within the water bodies, yes. That's true. That's correct.

CHAIRPERSON GRODENCHIK: Okay.

TREVOR MCPROUD: That said, if-- You know, in the event that it was bathing season and this would, you know, really impact recreation, we would be on the beaches. We would perform sampling, if needed to determine whether or not the beaches were closed and if they could be opened and things like.

CHAIRPERSON GRODENCHIK: Okay. And we don't have any-- Beaches were closed. We don't have any reports of anybody being stricken because of-- Okay. You mentioned in your testimony that DEC is in process of revising their water testing criteria and you expect it to get-- the standards to be made more stringent. Can you go into that a little more? Is there anything else that you can tell us about that?

TREVOR MCPROUD: Yes. The recreational water quality standards are set at a national level by the EPA. So the enterococcus standards that we have now that are promulgated at the state and the city level were set in 1984 and have remained the same until 2012 when the EPA issued new water quality standards. And so, since 2012, we have been anticipating that they would be-- those new

standards would be promulgated at the state level which has happened. New York State TEC proposed new standards which the comment period ended yesterday, I believe. So once those become effective, then we anticipate the New York State health department will issue those same or similar standards for specifically at bathing beaches which we would then implement. The standard is still enterococcus. It is there are different numbers in different ways of calculating the numbers. So I mentioned that one of the criteria was an average based over a 30 day period. There is still that average at the same level, but there is now a new calculation method called the statistical threshold value, or STV, and that instead of averaging all of the samples within that 30 day period to achieve a value to determine whether it is below 35, says that no more than 10 percent can be above a certain level, which is-- because of bad it's a small different-- it's a different way of calculating it, but we think it will have a big impact when we done retroactive analyses of our water quality data.

CHAIRPERSON GRODENCHIK: Do you anticipate them beaches being closed more frequently?

TREVOR MCPROUD: We anticipate more advisory days.

CHAIRPERSON GRODENCHIK: Okay.

TREVOR MCPROUD: Not necessarily closures. In general, you know, specifically at Parks Department beaches there are-- there have been very few actual closers because of water qualities--

CHAIRPERSON GRODENCHIK: Right.

TREVOR MCPROUD: samples. It's mostly an advisory where we warn people, but the impact isn't that nobody can go swimming. We just post the health advisory information.

CHAIRPERSON GRODENCHIK: And do you-- Does your agency-- I mean, fortunately, we've been very lucky that we haven't had too many incidents of illness. Do you track like you would any other disease or?

TREVOR MCPROUD: Yes. We track that through our Bureau of Communicable Disease who are looking at any-- the number of different waterborne illnesses which can be either from ingesting water through drinking water, but also through water recreation. So those diseases are reportable and are tracked through our epidemiological arm of the Health

Department which is, you know, a very robust process. So, we work with them to see whether or not there is any signals that could be potentially associated with recreating on either our beaches or the pools that we oversee, as well. There is also a-- There's 311 complaints that we can respond to. We field 311 complaints related to beaches which can include reported illnesses and we haven't received those either.

CHAIRPERSON GRODENCHIK: All right.

Just to get off the contamination, I know that you testified that really it's mother nature that cleans this and, I guess, in case of an oil spill we would try to clean the beaches. Debris. Floating debris and all that, is that the responsibility of the Coast Guard? If you had a log or-- It's that the kind of stuff which could be extremely dangerous to somebody swimming. How does that--

TREVOR MCPROUD: If-- Well, I could say that the city as a whole has many programs to reduce the potential accumulation or impact of debris from the city. If there are large pieces of debris, if it's-- You know, that could be a hazard for shipping or things like, then that would be a Coast Guard

issue. But I would just say that DEP does have some, as part of their harbor monitoring program, they do some floatables monitoring and just the city, in terms of the land side operations, there are many activities that the city does to reduce the impact of debris and litter that could find its way to the water bodies.

CHAIRPERSON GRODENCHIK: Okay. We have been joined by Councilman Eric Ulrich who actually represents the Rockaways. Parts of the Rockaways. And I think he has some questions at this time.

COUNCIL MEMBER ULRICH: Oh, thank-- Yes, Mr. Chair. Thank you very much. I apologize for being late. I didn't get a chance to read your testimony, Commissioner, so I apologize. Two quick questions. Obviously, about Rockaway, of the sand replenishment, is that on track? I know it's not the main topic of today's hearing, but may be you could just give a quick update. Is that all right?

FIRST DEPUTY COMMISSIONER CAVANAUGH: Yes. It began Sunday at 5:30. There was a disruption due to the overnight storm, but it is pumping again.

COUNCIL MEMBER ULRICH: So, we are hoping--
We are still on target that it will be ready by the
beach opening?

FIRST DEPUTY COMMISSIONER CAVANAUGH: By
the start of the hurricane season.

COUNCIL MEMBER ULRICH: Great. All right.
Just in time. The second question I have is
pertaining to an issue that Costa Constantinides and
I have sort of taken up which is abandoned boats and
Jamaica Bay and along the waterfront in New York
City. We are trying to put together a task for us to
identify or create an agency that could be
responsible for helping us to remove derelict boats
and large debris from the waterways throughout the
city. And in the past, Council members individually,
such as myself, have used our discretionary money and
we have given it to the department of sanitation.
They then go out and hire private contractors to go
out and remove large bulk items, abandoned boats
another debris from the waterways. DEP recently did
a pilot program. I think they removed over 100 boats
from Jamaica Bay and, I think, from the Bronx
actually there was some boats and one of the
estuaries they are. But, anyway, the point is is

Parks Department involved in any of those discussions? Because some of those boats are along the beaches and along the areas that parks department maintains. So, are you in-- How do you handle those types of situations and how do you get involved?

FIRST DEPUTY COMMISSIONER CAVANAUGH: Yes. We do get involved. We have contracts that we manage directly to remove abandoned boats from our property. We have used them to remove abandoned boats from other properties, as well, not directly under our jurisdiction. But it was a-- I guess it came about after Hurricane Sandy when there was many boats and lots of debris left on our beaches that we could not remove with our own staff and equipment and we needed some expertise to do that. So yes. We are actively involved in that work.

COUNCIL MEMBER ULRICH: And lastly, you know, I also represent the Howard Beach Community which is served by Frank Charles Park and I know we have sort of visited this on several occasions. It's technically a federal park. It's under the Nation Park Service. But I know that the-- under the Bloomberg administration, there was an agreement between the city parks and also national parks for, I

guess, sharing responsibility or-- I don't know what the-- what is the right-- partnership, maybe.

What's the--

FIRST DEPUTY COMMISSIONER CAVANAUGH: It was a cooperative management.

COUNCIL MEMBER ULRICH: A coop-- Thank you. The cooperative management agreement. Some of these federal parks are in desperate need of capital work and we have yet to identify a way or a path to use city tax dollars to make light renovations to tennis court, basketball courts, baseball fields, in areas that are not served by a city park. This is the only park that is in the community that I represent and read tried in previous fiscal years to broach the issue. We are now coming up to another budget season. We may engage the Alec Zablacki's (sp?) group. The Conservancy. To be sort of as a fiscal conduit, if you will, to try to do that. I am hoping that city parks will be helpful in making that money actually go to its intended purpose and authorizing us to use it there because it is the only park in my neck, words over there. We don't have a city park and we are looking for, you know, cooperation from city parks on that front.

FIRST DEPUTY COMMISSIONER CAVANAUGH:

Absolutely. We will cooperate to the extent that we can. I am not familiar with all of the restrictions on city [inaudible 00:54:29] dollars and where they can be spent, but we have tried to work with the National Park Service to better maintain Frank Charles Park. In some years we have been able to do that. Another's the agreements or not put in place and time for us to step in and help. But we're still interested in the cooperative spirit.

COUNCIL MEMBER ULRICH: If I can, I think in a couple weeks, we may arrange a phone call with Josh Leonhard who I know you know very well.

FIRST DEPUTY COMMISSIONER CAVANAUGH: Yes.

COUNCIL MEMBER ULRICH: And Jen Nesser--

FIRST DEPUTY COMMISSIONER CAVANAUGH:

Nessessian (sp?).

COUNCIL MEMBER ULRICH: Nessessian. And I'm sorry. Nessessian. And I know that we will have the Queens Parks Commissioner on board, but maybe someone in your office that handles the budget can also participate in the phone call just to sort of talk through some of these issues to see if there is a way for us to get it done in the upcoming fiscal

year. That's a really important issue for my constituents.

FIRST DEPUTY COMMISSIONER CAVANAUGH: Yes.

COUNCIL MEMBER ULRICH: And there is a beachfront there, as well, that we have volunteers maintain and help clean up into things, and there is a lot of work that needs to be done there and we are hoping that parks can be helpful, as well.

FIRST DEPUTY COMMISSIONER CAVANAUGH: We will be happy to participate in those calls.

COUNCIL MEMBER ULRICH: Thank you, Commissioner. Thank you, Mr. Chair. Thank you.

CHAIRPERSON GRODENCHIK: Thank you, Councilman Ulrich. Last question for this panel. We have federal beaches as Councilman Ulrich just mentioned. Great Kells (sp?) comes to mind on the south shore. Do you monitor that water or is that done by the feds?

TREVOR NOAH: That-- We do not monitor that water.

CHAIRPERSON GRODENCHIK: Okay. So all right. That's pretty easy. I want to thank you for your testimony today and for being here and it was great to meet you, Mr. McProud, and of course, First

Deputy Commissioner, always a pleasure to see you. So, thank you for being here today. With, I'm going to call the only other panel. Mike DeLong. I hope I got that right. From River Keeper. Mike, are you here? Okay. And Kate Fritz from the national resources Defense Council. So-- Again, if anybody wants to testify, last call. Next month is budget. There probably will be more people there.

[background comments]

CHAIRPERSON GRODENCHIK: All right. We do not swear you in. However, whoever would like to go first--

KATE FRITZ: Should I go first?

Sure.

KATE FRITZ: Okay. Good afternoon, Chairman and members of the committee. Thank you for convening this important hearing. My name is Kate Fritz. I'm here on behalf of Natural Resources Defense Council, NRDC. As you may know, NRDC is a national non-profit legal and scientific organization that is very interested in the quality of life issues around New York City and environmental issues. And this statement was prepared with the help of NRDC attorneys, Eric Goldstein and Larry Levine. NRDC has

reviewed the last several years of Department of Health and Mental Hygiene's beach surveillance and monitoring program reports. These reports are informative and the work of the department has been helpful in alerting the public as to water quality conditions at city beaches. Never the less, and despite the progress that has been made over the years in reducing pollution discharges into New York City's waterways, climate change is posing new challenges to beach water quality. Increased precipitation from climate change is likely to trigger more frequent combined sewer overflows which will pose significant long-term threats to the beach water quality. It is essential that the city develop its sewer infrastructure in anticipation of more rainfall in the future. Combined sewer overflows cause significant problems after even modest rainstorms. This condition occurs almost every time it rains in New York City. Raw sewage, pet waste, trash, and polluted runoff mixed with huge volumes of rain water and are funneled into local waterways where people swim, fish, and boat. People who come into contact with such contaminated water can suffer health impacts include name intestinal illnesses,

rashes, and infections. The city seeks to manage these risks through monitoring in beach closure. However, trends in precipitation and indicate that sewage pollution from storm water runoff will only get worse in the coming decades. From 2016, a relatively dry year, to 2018, the number of days with a combined sewer overflow rose by 44 percent from 85 days to 122 days. In other words, New York City experienced sewer overflows on average once every three days and 2018. Though not all sewage overflows result in a beach quality issue that triggers a public health notification, the beach quality trends roughly map onto CSO (sic) trends. The department's 2018 report noted that bacterial exceedances at city beaches are consistent with recent increases in the summer heat index as well as increases and total precipitation in the Northeast United States. Of the 356 notification days given at city beaches and 2018, approximately 60 percent were issued as a result of rainfall events. The percentage for 2017 was 11 percent and 420 16, was 40 percent. This data shows that increased precipitation threatens water quality of the city's beach is and that climate change will make this problem much worse. The mayor's office and

the D apartment of environmental protection, DAP, are currently developing a New York City long-term sewage control plan. This plan is likely to shape billions of dollars and sewer infrastructure investments. If it's done well, the plan could help safeguard beach quality-- beach water quality in the face of climate change by reducing or eliminating sewage overflows. However, the Mayor's office does not currently intend to make this plan available for public review before submitting it to the state. One important step that you, Chairman Grodenchik, and your Council colleagues could take is to urge the mayor's office and DEP to release the long-term sewage control plan in its draft form for public review. Such a step would give the city Council and all New Yorkers an opportunity to see what the administration is planning and to allow experts a chance to help strengthen the plan. Thank you for your attention and NRDC stands ready to work with you to help New York prepare for the urgent challenges climate change will cause for water quality and New York City's beaches. Thank you.

CHAIRPERSON GRODENCHIK: Thank you for your testimony. Mr. DeLong?

MIKE DELONG: Thank you, Chairman

Grodenschik, and members of the Council committee on Parks and Recreation. I am Mike DeLong. I'm a senior attorney with river keeper. River keeper is a nonprofit. We protect the Hudson River and New York City drinking water and as part of our mission, we test the waters in and around New York City. We monitor shorelines for pollution and we have been fighting for decades to clean up sewage discharges that cause beach closures and often make waterways throughout the five boroughs unsafe to fish, swim, and even touch. So I am here for three reasons. One is to point out that these closures occur because of sewage discharges. They are directly related to them. Every single waterway in New York City is affected by them, whether there is a public beach, private beach, or not and there is recreation going on in every single waterway in New York City. And DEP's plans will not solve the problem. So, in the report, the 2018 Department of Health report, it states that public beaches or on warning 49 days and there was one closure day. That is more than double what happened in 2017. There were 22 warnings then. That is more than four times in 2016 when there were

only 12 warnings and there were 16 warnings in 2015. And note that this-- that's different than what Department of Health was comparing for the private and beach warning days. I am talking about only the public beach warning days. So what was the difference? 2018 saw significant amount of rainfall. 32 inches, this is from May to October saw 32 inches compared to 24 inches. And so, with rainfall in New York City comes sewage. And I'm going to repeat exactly what Kate said, but--

CHAIRPERSON GRODENCHIK: That's okay.

MIKE DELONG: in 2016, the number of days with sewage discharges is 85. And then 2018 it was 122. And that is growing. A group by 44 percent. And though water quality sampling results are reflecting this. With the water trails Association did, they sampled waters right off the coast all around New York City. There 2018 results are miserable. They were-- it was gross. It was a gross year. And, indeed, the Department of Health found the same-- their conclusions are congruent with our is that this was probably caused by increased rainfall and increased heat and these two problems are only expected to grow worse. New York

City's panel on climate change expects a 1.1 to eight increase in precipitation by the 20 twenties. That's a year away. 4 to 11 percent increase by the 2050s. And in heat, we expect an increase between four and 5.7 degrees by the 2050s. And so, what we are going to see in the future is more beach warnings. More beach closures. And, unfortunately, the beach surveillance monitoring report is slightly misleading in that it states that only a fraction of the warning days are due to wet weather. That is not true. They are all due to wet weather. All of the pathogens, all the pollutants that get into the water that cause beach closures occur during wet weather days, whether that is storm water sweeping pollutants off the street or storm water mixing with the CSO to overwhelm the system then dump raw sewage into our waters now river keeper believes it is our mission to make every single waterway in New York accessible for use for human contact and for recreation. And last year, the New York Times had promoted the idea that we could have a beach off of Manhattan. That ID is possible. We should have beaches everywhere. We should have water contact everywhere. Creeks like Newtown Creek, the Qantas canal, the Bronx River, all

these waterways are calm. They are places that there are fewer boats. There is less wave action. These are places where it is safe to get into the water and it would be safe if we could clean up sewage going into the water. All of those waterways could be beaches. And last I want to point out that-- We have a recommended actions. We're go through all of them, but tonight there is a hearing on the Department of Environmental Protections long term control plan for citywide and open waters. These are the discharges, the city's plan to control discharges going into the major waterways, Hudson River, East River, Harlem River, the western portion of Long Island Sound where there are a lot beaches. What happens in that plan is going to determine how safe the waters are going forward. So we urge you to get in engaged in that plan. We urge you to ask DEP to release that plan to the public and to the Council's oversight before it goes to DEC. before it goes to the State and I hope to see you there tonight. Thank you for--

CHAIRPERSON GRODENCHIK: don't look too closely, but I-- it's not the previously plan, but--

I think I have some questions for you, but I think Councilman Cohen had one.

COUNCIL MEMBER COHEN: Thank you. Just so you know, I have been-- and the Chair knows-- I have been a big advocate of a project in my district called Daylight [inaudible 01:06:34] which if it came to fruition would divert a significant amount of water out of our sewer system and into the Harlem River. But I'm curious about the data because I haven't see it. For some reason, I was under the impression that the city was making progress. In terms of the-- is there a difference between sort of qualitative versus quantitative discharges? Are we doing-- Is the quality of the water coming out consistently bad on a-- when we're-- when we have a CSO? Is it the same? Have we made any improvement on the quality of the water like-- like the water used to be really terrible when we had a CSO and now it's just bad? Like is there any improvement on that front?

MIKE DELONG: There is no doubt that there has been a huge, huge improvement from-- even from the 70s, if you want to look back to the 90s, and looking forward, the city is still making

improvements. They are-- It's not the quality of the water. I think it's the quantity of the amount of CSO that is coming out that is untreated. So some of the things that the city has planned are capture-- sewage capture tunnels in certain waterways that will capture some portion of the existing CSO that is coming out. So, yes. It is getting better, but not a single one of the plans that the city has for any of the waterways will make the waters compliant with the clean water act.

CHAIRPERSON GRODENCHIK: [inaudible 01:08:02] since the late 80s when the one for Flushing Bay under-- along College Point Boulevard where there were two soccer fields on top-- they were going to be baseball fields. That's how long it to-- the amount of people playing soccer greatly increased, so we changed it from baseball fields to soccer fields. Do you have an opinion, just curious. There were some people that wanted to build a big basin underneath and other wanted a store inline in the sewers. I always though inline storage-- As a homeowner, I don't want that stuff-- I'm at the top of the [inaudible 01:08:38] but you can still get a

sewer backup anywhere pretty much. So, any opinion on that?

MIKE DELONG: I think what the city is doing now is they are considering inline storage and they are considering capture on the back end. Our solution would be both. You should be maximizing the capacity of the system so that you can capture as much sewage in it, yes, without backing up into homes and without being dangerous. So those calculations are tricky and the city is doing them, but it could never be enough to capture all of the sewage in the system. It's just-- there is not the capacity there. So the-- the back end capture is really the only solution.

CHAIRPERSON GRODENCHIK: I know that it-- it can be very difficult and they, you know, without telling us that, it was supposed to be a 40 million gallon tank and it became a 28 million gallon tank. So it was almost an inch of rain which, at that time, would occur over the watershed like five times a year, but it went down to like .7 tenths of an inch which greatly increased the amount of overflow, as I remember. I want to thank you for being here today and for your work. It's extremely

important. Your advocacy, clean water should be a goal that all of us share. We've been joined by my colleague who represents a waterfront, but doesn't have a beach either. But that is Francisco Moya represents part of the area that I was talking about, Flushing Bay, and the issues that we have there. So, seeing that there are no more members, I want to thank you.

KATE FRITZ: Thank you.

CHAIRPERSON GRODENCHIK: This panel is dismissed. Seeing that there are no more members of the public ready to testify, I want to thank you all for being here today for your interest in the safety of the water in New York City and its surrounding ocean waters and, of course, the quality of our beaches. And with that, I will close this hearing at 2:20. Thank you all for being here today.

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 May 17, 2019