

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL  
PROTECTION

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HELD AT: Remote Hearing (Virtual Room 4)

B E F O R E: Costa Constantinides  
CHAIRPERSON

COUNCIL MEMBERS:  
Dharma Diaz  
Stephen Levin  
Carlos Menchaca  
Eric Ulrich

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

Mark Chambers, Director  
Mayor's Office of Sustainability

Angela Licata, Deputy Commissioner of  
Sustainability  
Department of Environmental Protection

Sonal Jessel, Director of Policy  
We Act for Environmental Justice

Isabelle Silverman

Carlos Castell Croke, Associate of New  
York City Programs  
New York League of Conservation Voters

Chris Halfnight, Associate Director of  
Policy  
Urban Green Council

Kelly Farrell  
Rent Stabilization Association

Justin Wood, Director of Policy  
New York Lawyers for the Public Interest



2 SERGEANT-AT-ARMS: Please start their  
3 recording.

4 SERGEANT-AT-ARMS: Computer recording  
5 started.

6 SERGEANT-AT-ARMS: Thank you.

7 SERGEANT-AT-ARMS: Cloud recording good.

8 SERGEANT-AT-ARMS: Thank you.

9 SERGEANT-AT-ARMS: Backup is rolling.

10 SERGEANT-AT-ARMS: Thank you. And good  
11 morning and welcome to today's remote New York City  
12 Council hearing on the Committee on Environmental  
13 Protection. At this time, would all Council members  
14 and Council staff please turn on their video. To  
15 minimize disruption, please place electronic devices  
16 on vibrate or silent mode. If you wish to submit  
17 testimony, you may do so at  
18 [testimony@council.NYC.gov](mailto:testimony@council.NYC.gov). Once again, that is  
19 [testimony@council.NYC.gov](mailto:testimony@council.NYC.gov). Thank you, Chair. We are  
20 ready to begin.

21 CHAIRPERSON CONSTANTINIDES: All right.  
22 Fantastic. Thank you to our great sergeant-at-arms.  
23 And good morning everyone. I am Council member Costa  
24 Constantinides, Chair of the Environmental Protection  
25 Committee and today's oversight is on measures to

2 improve air quality New York City. Today we will  
3 hear Intro 19-- 960 which calls for air quality  
4 monitoring at designated heavy use thoroughfares.  
5 Intro 980 which calls for phasing out of number four  
6 oil by 2025 and Intro 992 which calls for monitoring  
7 power plants performance and, when needed, submitting  
8 comments on proposed actions. [inaudible 00:01:29]  
9 sensations are as frightening as not being able to  
10 get enough air. Shortening of breath, known  
11 medically as dyspnea, is often described as intense  
12 tightening of the chest, air hunger, difficulty  
13 breathing, breathlessness, or feelings of  
14 suffocation. Air quality plays a significant role in  
15 the ability of humans to get enough air. Breathing  
16 polluted air can cause shortness of breath, coughing,  
17 wheezing, asthma episodes, chest pains, heart  
18 attacks, strokes, and in extreme cases, premature  
19 death. According to the EPA, children can be  
20 particularly vulnerable to the effects of exposure to  
21 airborne pollutants because they consume more air and  
22 water per unit of body size compared to adults, are  
23 more likely to be active outdoors during peak hours,  
24 tend to play closer to the ground where particulate  
25 matter concentrates are highest, and because membrane

2 barriers in the respiratory tracts are not fully  
3 developed. Even prenatal exposure has been  
4 positively correlated with height and instances of  
5 heart wall defects, valve defects, aortal defects,  
6 low birth weight in babies, as well as heightened  
7 risk of eclampsia and mothers. In order to protect  
8 everyone, young and old, we have to improve air  
9 quality. The bills we are hearing today are intended  
10 to protect everyone. Intro 960 would protect  
11 everyone, especially vulnerable populations, and is  
12 consistent with title six of the Civil Rights Act of  
13 1964 and Executive Order 12898, federal actions to  
14 address environmental justice in minority populations  
15 and low income populations. Title six of the Civil  
16 Rights Act of 1964 mandates that transportation  
17 agencies such as the Metropolitan Planning  
18 Organization and department heads of transportation  
19 conduct analyses to evaluate whether planned  
20 infrastructural negatively effect low income  
21 communities, communities of color, and other groups  
22 the government classifies as minorities. 960 would  
23 also seek to assure that transportation impacts are  
24 monitored and mitigated especially where impact  
25 burdened risk populations using recreational areas

1 are defined into local law. Intro 980 address fuel  
2 use in large buildings. Currently, buildings are  
3 allowed to use number four oil until 2030. Four oil  
4 is a mixture of number two oil and number six oil and  
5 number four is only slightly less dirty than number  
6 six oil. Many buildings are already able to use  
7 number two oil or natural gas. 980 would amend the  
8 mandates of local law 43 of 2010 to phase out the use  
9 of number four oil by January 1st, 2024 and ending in  
10 January of 2025. This law requires that buildings  
11 can switch to natural gas [inaudible 00:04:19]  
12 immediately to do so following other buildings to  
13 clean up their fuel tanks and promptly address the  
14 buildings to excavate their fuel tanks and possibly  
15 undertake remediation before replacing them. The  
16 banning of the use of number six oil studies show  
17 that communities in upper Manhattan and the Bronx,  
18 many of the intersections have high rates of poverty,  
19 above 20 percent, and racial and ethnic minority  
20 composition above 51 percent [inaudible 00:04:41] to  
21 convert to number four oil or natural gas combusting  
22 systems and were more likely to transition to number  
23 four oil. As it stands, approximately 20 percent of  
24 the city's total population bears the-- bear the  
25

2 pollution costs of more than half the boilers of  
3 still combusting number four oil. Though, honestly,  
4 I would love the phaseout of all oils and going to  
5 just keep pumps and electrification, the going to  
6 number four is a good step in the right direction for  
7 air quality. Finally, Intro 992 looks at the  
8 proximity of the environmental justice communities to  
9 in city power plants. While combustion of fuel for  
10 transportation and production of heat and hot water  
11 are responsible for a significant portion of airborne  
12 pollution in the city, simple cycle and regenerative  
13 combustion turbines and power plants across the  
14 state, many of them using Peaker plants, account for  
15 over 1/3 of the city's daily nitrous oxide emissions  
16 while producing less electricity for consumers than  
17 cleaner sources. This local law requires the Office  
18 of Long Term Planning Sustainability to track all  
19 Department of Environmental Conservation reports on  
20 title X power plants and submit comments on the  
21 proposed permit renewals. Before we begin, I would  
22 like to thank the committee staff, as always. Our  
23 great committee counsel, Samara Swanston, our policy  
24 analyst, our great analyst, Nadia Johnson, [inaudible  
25 00:06:11], our financial analyst, Jonathan Seltzer,

2 my legislative counsel and director, Nicholas  
3 Wizowski, for all of their works. I want to  
4 recognize that we have Council member Menchaca and  
5 Council member Rosenthal. It's always good to see  
6 you, Helen, even if I don't see you on the screen.  
7 It's always good to have you here. And with that, I  
8 look forward to hearing from the administration. So,  
9 Samara, it's all yours. Take it away.

10 COMMITTEE COUNSEL: Thank you. I  
11 Samara Swanston, Counsel to the Environmental  
12 Protection Committee. Before we begin, I want to  
13 remind everyone that you will be on mute until you  
14 are called on to testify when you will be on muted by  
15 the host. I will be calling on panelists to testify.  
16 Please be aware that there could be a delay in muting  
17 and un-muting, so please be patient. Please listen  
18 for your name to be called. I will be periodically  
19 announcing who the next panelist will be. Of course,  
20 we will begin with testimony from the administration  
21 which will be followed by testimony from members of  
22 the public. During the hearing, if Council members  
23 would like to ask a question, please use the zoom  
24 raise hand function and I will call on you in order.  
25 We will be limiting Council member questions to four

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2 minutes, including responses. I will call you when  
3 it is your turn to speak. During the hearing, if  
4 Council members would like to ask a question, please  
5 use the zoom raise hand function I will call on you  
6 in order. We will be limiting Council member  
7 questions again to four minutes and now I will hand  
8 it off to Council member Constantinides. Wait. Now,  
9 will deliver the oath of administration telemark  
10 chambers and Deputy Commissioner for sustainability,  
11 Angela Licata. So, let me start with Mark chambers.  
12 Mark, do you swear and affirm to tell the truth, the  
13 whole truth, and nothing but the truth and answer  
14 honestly to the Council member questions?

15 MARK CHAMBERS: I do.

16 COMMITTEE COUNSEL: Thank you. And  
17 Deputy Commissioner for sustainability, Angela  
18 Licata, do you swear or affirm to tell the truth, the  
19 whole truth, and nothing but the truth and respond  
20 honestly to the Council member questions? Okay. But  
21 we can't here. All right. You may begin when ready.

22 UNIDENTIFIED: Samara, can you please  
23 try getting Deputy Commissioner Licata on audio,  
24 please?

25

2 COMMITTEE COUNSEL: Deputy Commissioner  
3 Licata, we did not hear you. We did not hear you.

4 DEPUTY COMMISSIONER LICATA: I certainly  
5 do.

6 COMMITTEE COUNSEL: Okay. Thank you.

7 DEPUTY COMMISSIONER LICATA: Thank you.

8 COMMITTEE COUNSEL: Okay. I'll you may  
9 begin when ready. Mark?

10 MARK CHAMBERS: Thank you. Good  
11 morning. It's great to see everyone. Good morning,  
12 Chair Constantinides, and members of the Committee on  
13 Environmental Protection. My name is Mark chambers  
14 and I the director of the Mayor's Office of  
15 Sustainability. I joined today by my colleague,  
16 Angela Licata, the Deputy Commissioner for  
17 sustainability at the Department of Environmental  
18 Protection. Thank you for the opportunity to provide  
19 testimony on the measures to jointly improve our  
20 city's air quality and to combat the climate crisis.  
21 As this committee knows, the fossil fuels that we  
22 burned to heat our buildings and power our vehicles  
23 negatively impact our short and long term health. We  
24 know from the Department of Health and Mental  
25 Hygiene's community air survey, or NYCAS, the levels

of criteria pollutants our highest in areas of high traffic density, higher concentrations of buildings with heat and hot water boilers and industrial areas, and especially those where these sources coincide.

And that vehicle traffic and building boilers are high sources of pollutants at the neighborhood level.

Ambient air pollution is a major driver of

respiratory and cardiovascular disease

hospitalizations which are increase concerns now

during Covid 19 pandemic. We also know that our low

income neighborhoods and communities of color

experience the highest rates of health impacts due to

the poor air quality, due to toxic combinations of

high levels of pollution and a history of chronic

disinvestment embraces policies. Fortunately, we

have made great progress in the last decade in

improving air quality in all neighborhoods across the

city and our climate policies that we have

prioritized for their potential to improve New

Yorkers health have also driven that improvement.

Take, for example, the efforts that phased out fuel

oil number six by 2020 deadline. More than 5300

buildings have now converted to cleaner fuels

resulting in a 95 percent drop in citywide sulfur

dioxide, SO<sub>2</sub>, levels and a drop in greenhouse gas emissions. The Climate Mobilization Act is an important next step in reducing fossil fuel use in buildings that will continue to drive improvements in air quality. Since 2009, we have seen a 37% decrease in PM 2.5 related premature deaths citywide and a 41 percent decrease in the rate of respiratory hospitalizations. This represents encouraging progress, but, of course, we still have a long way to go. I will now turn to the pieces of the legislation on today's agenda.

Introduction 960. Intro 960 would require specific air monitoring on heavy use thoroughfares defined as traffic corridors that have traffic volume greater than the 50th percentile of the average New York City roadway quarters or has traffic in excess of 100,000 vehicles on an annual basis. We are very supportive of the programs that reduce traffic related pollutants. The negative health impacts of-- associated with these pollutants are well-known. In the past several years, the administration has implemented several important admissions reductions programs including increased use of electric vehicles in the city fleet, requiring

2 cleaner truck fuel, and, of course, strengthening our  
3 anti-idling program including the launch of the  
4 Building Never Idols behavior change campaign last  
5 year. We support to the ultimate goal and intentions  
6 of this bill and look forward to working with the  
7 Council to strengthen it. Primarily, we would like  
8 to work with the Council to prioritize allocating  
9 resources to emissions reduction efforts and to  
10 exploring ways of achieving the goals of this bill in  
11 light of the city's current financial crisis.

12 Intro 980. Intro 980 would accelerate  
13 the city's timeline for the phase out of fuel will  
14 number four in boilers. Currently, the use of fuel  
15 oil number four must and by January 1, 2030. The  
16 city has made significant improvements to the air  
17 quality over the last several years due in part to  
18 the Councils legislation and we are always looking  
19 for more opportunities to make even more  
20 improvements. It is clear that eliminating fuel oil  
21 number six had significant impact on improving air  
22 quality around the city. Neighborhoods the highest  
23 density of boiler conversion, such as northern  
24 Manhattan and southern and Western Bronx saw the  
25 greatest improvement in air quality with the greatest

2 proportion of health benefits occurring in vulnerable  
3 high poverty areas. Eliminating fuel oil number four  
4 will continue these improvements for our air in our  
5 climate and this is the particular importance for our  
6 most vulnerable populations. We look forward to  
7 working with counsel to thoroughly implement this  
8 legislation. And thoughtfully.

9 Introduction 992. Introduction 992 would  
10 require the city to report on powerplant compliance.  
11 The city is committed to ensuring a clean energy  
12 transition in New York city and the opportunity it  
13 provides in particular to provide air quality in New  
14 York City. The city could take on activities laid  
15 out in this bill, but sitting in forcing air  
16 pollution limits ultimately do rest with the state  
17 the New York State Department of Environmental  
18 Conservation. They the primary entity that regulates  
19 air pollution from power plants. We estimate that  
20 this bill would also require additional resources to  
21 track potentially comments on the title V process for  
22 power plants. We support the Council's goal of  
23 reducing air pollution from power plants and look  
24 forward to working together to transition to clean  
25 electricity.

2 We want to continue to center health  
3 outcomes, specifically and especially in our  
4 historically burdened communities. As we plan and  
5 prioritize future climate policies and programs, our  
6 office looks forward to continuing to work together  
7 to meet this crisis head on with innovative solutions,  
8 data-driven action, and fierce urgency to provide a  
9 livable future for all New Yorkers. Thank you. And,  
10 with that, will return it back to counsel.

11 CHAIRPERSON CONSTANTINIDES: Is there any  
12 testimony from the DEP Deputy Commissioner or I  
13 should jump right into her questions here?

14 MARK CHAMBERS: You can jump right in.

15 CHAIRPERSON CONSTANTINIDES: Okay. All  
16 right. Just wanted to make sure. I didn't want to  
17 cut Angela off if she had testimony to give. So good  
18 to see you both. So, I guess I will begin on 960.  
19 Does the city currently employ any air pollution  
20 mitigations [inaudible 00:15:36] corridors?

21 MARK CHAMBERS: Sir, I think I lost you  
22 lost part of that question.

23 CHAIRPERSON CONSTANTINIDES: Do we  
24 currently employ any air pollution mitigation  
25

2 strategy along heavy use corridors? If so, what  
3 strategy?

4 MARK CHAMBERS: Sure. And, of course, I  
5 will let Angela jump in, as well, but the city does  
6 have monitors all throughout the city and over 90 air  
7 quality monitors that are operated by DOHMH and so  
8 there is a wide kind of breadth of stationary air  
9 quality monitors throughout the city, some in  
10 location to the corridors.

11 UNIDENTIFIED: And what strategies do  
12 they employ?

13 UNIDENTIFIED: Hello?

14 MARK CHAMBERS: Sorry. I inadvertently  
15 muted myself and could not unmute myself.

16 CHAIRPERSON CONSTANTINIDES: Oh. Okay. I  
17 thought it was my computer. I thought it was my  
18 computer that was freaking out again. Okay.

19 MARK CHAMBERS: so, just, I mean, to add  
20 onto that, you know, so being able to have these  
21 monitors and plays are part of the fundamental like  
22 background data that allows for us to be able to  
23 monitor and also deploy several programs that are  
24 operated throughout the city. There are a handful of  
25 different programs and I'm happy to get into them,

2 but I don't know if that is in line with where the  
3 Council what questions to be asked or--

4 CHAIRPERSON CONSTANTINIDES: No. I mean,  
5 look. I guess at the end of the day, my next  
6 strategy is-- my next question is what about  
7 strategies around here that are heavy traffic that  
8 have playgrounds, schools? I can speak to my own  
9 neighborhood where 21st Street has over, you know,  
10 2000 cars now, as IS 126, that is Long Island high  
11 school, has the senior center, the has the Ravenswood  
12 houses, has the Queensbridge Houses. Heavy traffic,  
13 you know, the streets like that, what are we doing  
14 specifically around those types of streets to make  
15 sure that air quality is monitored and if the answer  
16 is we are not doing it, you know, that particular  
17 street or these types of streets, then I wonder what  
18 we are doing. And where we doing it? So, that is  
19 kind of where I would like to go. And if that is a  
20 long answer, it is a long answer. I can live with  
21 that.

22 MARK CHAMBERS: Sure. No problem. So,  
23 let me first start by saying that, you know, we do  
24 kind of acknowledge that the shift away and the  
25 importance of focusing on transportation source

1 submissions and pollutants. There are several  
2 programs, some of which I want to talk a little bit  
3 more about that the city's been implementing in order  
4 to ultimately try to move people away from combustion  
5 vehicles. Green wave program, which was announced in  
6 the summer of 29 which is the city's long term vision  
7 to improve cycling safety and encourage movements to  
8 multi-modal transit is one of those that has been  
9 implemented alongside a record number of protected  
10 bike lanes in 2020 and adding an additional 28.6  
11 miles. Bike share program expansion is another  
12 methodology in which there has been efforts to move  
13 to expansion of dockless bike sharing. Better Buses  
14 is another program that is an important which kind of  
15 looks that being able to increase bus speeds and  
16 reliability along the corridor and making sure that  
17 there is opportunities for mass transit and also  
18 moving out of personal vehicles. We are consistently  
19 working with MTA to kind of plan around congestion  
20 mitigation and being able to implement a program that  
21 would reduce congestion in coordination with the MTA  
22 as well as the federal government. Freight programs  
23 are another great example of how being able to look  
24 at being able to implement programs that would kind  
25

1 of focus in on deliveries, which is also an increased  
2 and incredible source of pollution in the shift  
3 trucks that we are all very familiar with moving all  
4 throughout the city. And, of course, the anti-idling  
5 components that I mentioned before. All of these  
6 start to comprise policies that are built upon the  
7 data that we are getting from air quality monitoring  
8 that is happening throughout the city. It is  
9 important for us to be able to look at ways in which  
10 we are able to take the NYCAS data and the 90 sites  
11 and use that information alongside additional data  
12 that is coming in around what these different sources  
13 could be and what are our opportunities to mitigate  
14 them. I think it is important to recognize that, you  
15 know, more data does not always include better data  
16 and so, for arrests, we want to make sure that the  
17 city is taking a lot of the existing data it is  
18 getting and matching it with other data streams that  
19 allow us to pinpoint where we can actually have the  
20 most impact. It is not always about it being a block  
21 by block basis, but often times it is about being  
22 able to model out where these sources are in getting  
23 ahead of them and then being able to use a strategy  
24

2 to kind of pinpoint how we can shift pieces within  
3 the levers that we control over the city.

4 CHAIRPERSON CONSTANTINIDES: All right.

5 So, do we have anything around recreational areas, as  
6 well? I don't want to belabor the point, but you  
7 know where I am going. I just believe that this bill  
8 sort of helps us sort of evaluate. I know we are in  
9 a time of resource challenges. I think we definitely  
10 put resources in the right places and I kind of think  
11 this does that.

12 MARK CHAMBERS: Yeah. And I agree. And  
13 I think that being able to, again, what we kind of  
14 discussed both in your original statement, as well as  
15 mine, is that being able to target areas where there  
16 are most vulnerable populations in, like you were  
17 saying, around recreation areas is also important.  
18 I'm not sure if DP has anything to have on that, but  
19 I think we share the same goals.

20 CHAIRPERSON CONSTANTINIDES: Okay. I'm  
21 just going to turn my camera off because of having  
22 some technical difficulties with my Wi-Fi. Whatever  
23 it is cloudy out, my Wi-Fi starts to crap out, so I'm  
24 just going to turn the camera off so hopefully I will  
25 not lose you guys. So, just going out onto-- Oh. I

2 saw that Eric all rich, Council member from Queens  
3 has also joined us. Thank you, Eric, for being here.  
4 So, how many register boilers in New York City are  
5 still burning number four?

6 MARK CHAMBERS: I will pass that on to  
7 Angela.

8 DEPUTY COMMISSIONER LICATA: Yeah. Is my  
9 mic on?

10 MARK CHAMBERS: Yes.

11 CHAIRPERSON CONSTANTINIDES: We hear you.

12 DEPUTY COMMISSIONER LICATA: Great. We  
13 have about 3000 and accounts that are still burning  
14 number four. Some are burning number four and  
15 natural gas and some are burning only number four  
16 fuel oil, so it is a combination. Those that are on  
17 the combo of number four and natural gas typically  
18 will burn the cheaper fuel, which is natural gas at  
19 this point, but what they will do is, when the supply  
20 is interruptible, as sometimes happens in the colder  
21 months, they will then shift to the dirtier number  
22 four fuel. In contrast, just maybe for interest, we  
23 had about 5300 accounts originally burning number six  
24 oil and so a combination of those 5300 accounts went  
25 to either natural gas and number two oil or went to

2 number four and natural gas or number four alone.

3 So, we have been shifting from the most dirtiest fuel  
4 of number six and, as you indicated earlier, to  
5 number four, which is still a dirtier fuel as  
6 compared with number two and natural gas.

7 CHAIRPERSON CONSTANTINIDES: All right.

8 And what would the-- what would this phaseout mean  
9 by 2025 if we got rid of number four fuel oil on the  
10 city's air quality? What effect would that have?  
11 Have we been able to quantify?

12 DEPUTY COMMISSIONER LICATA: Yeah. We  
13 actually have quantified that there would be  
14 tremendous improvements and continuing improvements  
15 in the criteria pollutants such as the particulate  
16 matter, especially particulate matter of the 2.5  
17 microns or less. It would result in reduced sulfur  
18 dioxide, nitrogen oxide. So, really, across the  
19 board with respect to the criteria pollutants, we  
20 would see reductions.

21 CHAIRPERSON CONSTANTINIDES: Give me one  
22 moment. How many buildings did we offer grants to to  
23 go off number six oil and is that an effective  
24 strategy for number four?

25

2 DEPUTY COMMISSIONER LICATA: I will turn  
3 that back to the MOS who ran the clean heat program  
4 which offered assistance for buildings to convert  
5 with financing assistance.

6 MARK CHAMBERS: All right. So, what of  
7 the main assistance programs that I think you're very  
8 familiar with is the New York City Accelerator which  
9 is the program that allows for the city to provide  
10 free technical assistance to building owners to be  
11 able to implement, you know, both energy reduction,  
12 as well as like retrofits that would kind of reduce  
13 some of the pollutants that were talking about here.  
14 So, boiler replacements combined with other  
15 interventions in the buildings that would allow for  
16 them to be able to take advantage of these as much as  
17 possible. So, and, you know, similarly, we are, you  
18 know, in the kind of multiple thousands of buildings  
19 that have been touched by the accelerator. I have to  
20 come back to you on how many particular related to  
21 phaseout, but that is one of the main programs in  
22 which the city is assisting--

23 CHAIRPERSON CONSTANTINIDES: Number six  
24 [inaudible 00:25:53]

2 MARK CHAMBERS: Go ahead? Did we lose  
3 the Chair?

4 JOHANNA CASTRO: One second. Chair  
5 Constantinides?

6 CHAIRPERSON CONSTANTINIDES: Yes. I am  
7 having Internet issues. I'm going to switch to  
8 another device.

9 JOHANNA CASTRO: Okay. Then we will hold  
10 the hearing for a couple minutes until you rejoin us.

11 CHAIRPERSON CONSTANTINIDES: Okay. Great.  
12 I apologize for that. Just when it gets cloudy  
13 outside, I Internet craps out. Thank you.

14 JOHANNA CASTRO: No problem. Chair  
15 Constantinides?

16 CHAIRPERSON CONSTANTINIDES: Yes.

17 JOHANNA CASTRO: Okay. You're back.

18 CHAIRPERSON CONSTANTINIDES: Hey. I'm  
19 sorry about that. I had to switch to my phone and go  
20 off my data. It's just no matter how many times I  
21 have spectrum come in and try to fix it, it does it.  
22 So--

23 JOHANNA CASTRO: Not a problem. Okay.  
24 We can continue.

2 MARK CHAMBERS: Okay. So, just one last  
3 piece related to this. To fully answer your question  
4 is that there was a Con Ed program that you might  
5 also be referring to around providing grants for  
6 conversions and so were happy to cut a follow-up and  
7 get some clear data with them about how many grants  
8 were issued in previous conversions. The previous  
9 phaseout.

10 CHAIRPERSON CONSTANTINIDES: And on 992, I  
11 know you had talked-- I know that DEC is the main  
12 driver on power plants, but do we monitor New York  
13 City permits issued by DEC?

14 MARK CHAMBERS: So, monitor is that--  
15 You know, we receive information from DEC and, as  
16 they report out, but, you know, we don't have any  
17 requirements in terms of kind of then re-reporting  
18 what DEC is publishing. But as part of our general  
19 regulatory posture and making sure we are actually  
20 representing the city with the state, as well as the  
21 Public Service Commission, we do kind of take all  
22 that information into account for all of our  
23 regulatory filings. But DTC is responsible for  
24 enforcing their permits.

2 CHAIRPERSON CONSTANTINIDES: And do we  
3 comment on these permits as part of the factors that  
4 the city has indicated?

5 MARK CHAMBERS: So, commenting on-- We  
6 comment generally on the procedures. We do not have  
7 specific role to comment on the permits themselves as  
8 opposed to the conditions around general permits.  
9 It's almost like we are able to provide, yeah,  
10 commentary, but we do not have a statutory role of  
11 being able to determine anything around those  
12 permits.

13 CHAIRPERSON CONSTANTINIDES: No. I  
14 understand that. I was just worried about, you know,  
15 how do we keep track. And sometimes the state does  
16 things that we disagree with and knowing --

17 DEPUTY COMMISSIONER LICATA: Yeah.

18 CHAIRPERSON CONSTANTINIDES: what those  
19 things are--

20 MARK CHAMBERS: Yeah. Absolutely.

21 CHAIRPERSON CONSTANTINIDES: important.

22 MARK CHAMBERS: And part of our  
23 responsibility is-- that we take very seriously is to  
24 make sure that our voices heard and kind of use the  
25 positioning of the city to file comments, you know,

2 when we feel as though there are decisions made that  
3 are in contrast to stated kind of policy, you know,  
4 or principles that the city holds.

5 CHAIRPERSON CONSTANTINIDES: No. The thing  
6 that worries me is that, you know, DEC issued permits  
7 for number six oil permits even after New York City  
8 had moved in the right direction and we had to  
9 abolish number six. DEP was still allowing number  
10 six in power plants for years, so that is like the  
11 challenge here and I think we were the first group to  
12 have a hearing on power plants. As you know, they  
13 are not a [inaudible 00:31:32] not under our direct  
14 purview. But, you know, I just want us to, you know,  
15 drive on the point about how-- what did we-- what  
16 can we do when they issue a permit that is in direct  
17 contrast to what we're trying to accomplish.

18 MARK CHAMBERS: Right. I mean, to be  
19 just very clear with you, you know, the-- a lot of  
20 the role that were able to play-- you know, a lot of  
21 this, again, is controlled by the state and they have  
22 the ability to kind of preempt our decision-making,  
23 but our-- we do have the ability to continually kind  
24 of lobby both the state, as well as other  
25 stakeholders to make sure that we are growing a

2 larger consensus around decisions that we feel are in  
3 contrast to what the city is advocating for. So,  
4 consistently, if-- you know, and I'm happy to kind  
5 of follow up with some of her filings, but we  
6 consistently represent those positions to the Public  
7 Service Commission to make sure that they know that,  
8 if things are in violation with what the city has  
9 stated policy on, that it is recorded and potentially  
10 can galvanize more additional resources around that  
11 from stakeholders.

12 CHAIRPERSON CONSTANTINIDES: So, at this  
13 time, do we have any questions for many of my  
14 colleagues? Samara?

15 COMMITTEE COUNSEL: I don't see-- is  
16 anyone interested in making a comment at this time?  
17 So, again, I'm not seeing any hands raise.

18 CHAIRPERSON CONSTANTINIDES: Okay. I guess  
19 the last question I'll ask and then I'll let the  
20 administration go is when DEP issues a permit for a  
21 site located in communities of color, does the city  
22 notice whether the boiler is new or 40 years old or,  
23 you know-- what is our process there around permits  
24 issued in EJ communities?

25 COMMITTEE COUNSEL: That's right.

2 MARK CHAMBERS: Angela? Okay.

3 DEPUTY COMMISSIONER LICATA: Sure. We,  
4 through the New York City Air Code, regulate boilers  
5 of a certain size. So, whatever new facility is  
6 located in any area of the city, we have a permit  
7 process and that requires a filing with New York City  
8 DEP. When we have permits of a greater size, we  
9 consider that a certificate to operate. We will  
10 actually have an air engineering inspection and we  
11 will keep track of the fuel oil and the capacity of  
12 those boilers so we have full on records with respect  
13 to that. If you have a more minor burning equipment,  
14 then we will consider that applicable for a  
15 registration. So we have two categories of  
16 registrations, as well. So we have quite a  
17 significant database on these fuel-burning equipment.

18 CHAIRPERSON CONSTANTINIDES: All right. So  
19 I look forward to continuing to partner with you all  
20 on these issues as well as other issues. I know that  
21 we're, you know, coming to the end of our term, so  
22 the end of my time as this Chairman-- you know,  
23 we're a few months away from that, so I do want to  
24 continue to do as much good work as we possibly can  
25 for the people in the city of New York in the time

2 that I have left to do it. So I thank you for your  
3 service. I hope that you and all your families are  
4 safe and, at this time, I'll thank the administration  
5 for their testimony and go only the rest of the, you  
6 know, presenters.

7 MARK CHAMBERS: Chair, thank you for  
8 that. Thank you for allowing us the opportunity to  
9 testify today and just a kind of comment on your last  
10 point, you been an incredible champion for this work  
11 and have continued to both work collaboratively, as  
12 well as push as hard as possible for us to be as  
13 responsive to these incredible and needed changes  
14 throughout the city. So, we also want to thank you  
15 for being such a fierce advocate both for New  
16 Yorkers, as well as for our collective response to  
17 climate change and it continues to be a pleasure to  
18 work with you and we will continue to do so for as  
19 long as we have the opportunity to do so.

20 CHAIRPERSON CONSTANTINIDES: I look forward  
21 to it, Mark. Thank you. Thank you.

22 COMMITTEE COUNSEL: Thank you. Seeing no  
23 more Council member questions or no Council member  
24 questions, but this wraps up the administration's  
25 testimony. I'm going to go over the procedure now or

2 the public testimony. I would like to remind  
3 everyone that, unlike our typical Council hearings,  
4 we will be calling on individuals one by one to  
5 testify. Council members who have questions for a  
6 particular panelist should use the raise hand  
7 function in Zoom. For panelists, once your name is  
8 called, a member of our staff will unmute you and the  
9 sergeant-at-arms will give you the go-ahead to begin  
10 upon setting the timer. Please wait for the sergeant  
11 to announce that you may begin before delivering your  
12 testimony. Panelists will be limited to four  
13 minutes. I would now like to welcome Sonal Jessel  
14 who is representing We Act to testify followed by  
15 Isabel Silverman formally with EDF, but now  
16 testifying as a private citizen. Sonal?

17 SERGEANT-AT-ARMS: Starting time.

18 SONAL JESSEL: Good afternoon,  
19 everyone. Chair Constantinides, nice to see you and  
20 members of the committee, thank you all for the  
21 opportunity to testify. Particularly here to testify  
22 regarding Introduction 980 addressing fuel oil  
23 phaseout. My name is Sonal Jessel. I am the  
24 director of policy at We Act for Environmental  
25 Justice. Over the past 32 years, We Act has been

2 combating environmental racism in northern Manhattan.

3 I, myself, have received my Masters in public health

4 from Columbia University and I'm here as an advocate

5 expressing my support for Introduction 980 with some

6 suggestions. And this is speeding up the phaseout of

7 dirty number four fuel oil in New York City. The

8 number four fuel oil produces a high level of

9 particulate matter that pollutes our air. Since its

10 beginning, We Act for Environmental Justice has been

11 fighting for cleaner air uptown. Harlem has always

12 dealt with poor quality in comparison to other

13 neighborhoods. This is due to the disproportionate

14 placement of busy roads, plants, sanitation sites,

15 trade, and truck yards, throughways creating traffic,

16 and more. The rates of childhood asthma are higher

17 than the average rates in New York City. Other

18 health impacts, such as cardiovascular disease and

19 now, more severe cases of Covid 19 are plaguing

20 northern Manhattan due to environmental injustices.

21 And I am invoking We Ask old campaign, Breathe at

22 Your Own Risk. Under New York City's Clean Heat

23 program, number six fuel oil was successfully banned.

24 However, number four fuel oil is still allowed until

25 2030 and it is still very dirty source. While many

1 buildings have phased out this oil,, that still use  
2 number four. To quote an article from Dr. Diana  
3 Hernandez on this a few years ago that residual fuel  
4 oil number four continues to be burned and these  
5 numbers might've been amended earlier, but about 3253  
6 residential buildings, despite the city's efforts to  
7 educate and incentivize owners of these buildings,  
8 1724-- which is about 53 percent-- were clustered  
9 in northern Manhattan north of 110th Street. And, in  
10 the Bronx. And only about 1/5 of the city's  
11 residents live in these neighborhoods. So, the  
12 portion of fuel oil being produced in these  
13 neighborhoods is much higher than the proportion of  
14 its population. Ultimately, banning number four fuel  
15 oil in 2025, which would be five years earlier than  
16 currently planned will lead to direct air quality  
17 improvements in our community. We Act has been  
18 advocating for speeding up phaseout of this for many  
19 years and we are happy to see it come to discussion  
20 today. When this bill was originally introduced,  
21 local Law 97, however, was not law. With the earlier  
22 phaseout of this fuel oil, we do have some concern.  
23 It will take some of these buildings longer to  
24 install more energy-efficient heating sources such as  
25

1 heat pumps. To mitigate this unintended impact, it  
2 is important that the city be very proactive in  
3 reaching out to these buildings that have to do this  
4 phaseout and to assist them in electrifying and  
5 particularly offering mechanisms for affordability  
6 and financial help instead of switching to natural  
7 gas or other fuel oil grades. We believe that is  
8 really vital in this process here and we know which  
9 buildings need to be targeted. We have the numbers.  
10 We know what buildings they are, so we can certainly  
11 do this reach out. It really isn't too many  
12 buildings, so they really should be targeted and  
13 bring them along in this electrification process for  
14 New York City faster than originally planned, which  
15 would be great. Therefore, I am joining other  
16 advocates, experts, community members to urge the  
17 city to pass this introduction. I would also like to  
18 just quickly add our interest in Introduction 960.  
19 Heavy truck routes such as on 125th Street in East  
20 Harlem, 10th Avenue in East Inwood are both areas  
21 that are members have expressed a lot of concern  
22 about with poor air quality due to the heavy Thruway  
23 truck emissions. So, you know, we would like to see  
24

2 that monitoring will help implement more targeted  
3 programs--

4 SERGEANT-AT-ARMS: Time expired.

5 SONAL JESSEL: So, thank you very much  
6 to our Chair, Council member Constantinides, for  
7 being a tireless supporter of our environmental  
8 Justice policy initiatives. Thanks to the Mayor's  
9 Office of Sustainability and the Department of  
10 Environmental Protection for working on this, as  
11 well. Thank you.

12 COMMITTEE COUNSEL: Thank you, Sonal. I  
13 would now like to welcome Isabelle Silverman to  
14 testify on her own behalf followed by Carlos Castell  
15 Croke on behalf of the New York League of  
16 Conservation Voters.

17 SERGEANT-AT-ARMS: Starting time.

18 ISABELLE SILVERMAN: Hi. Hi. My name  
19 is Isabelle Silverman and good morning, Councilman  
20 Constantinides and thank you for allowing me to  
21 testify. I used to work for Environment Defense  
22 Funds, as you know, but then I actually moved to  
23 Switzerland, but then several people asked me to  
24 testify because a similar bill was brought before the  
25 Council in 2017, but then the private buildings were

1 taken out of that bill. So, I did some research in  
2 2017 and wanted to present that to you. So, of  
3 course, I expressing support for an accelerated  
4 phaseout of number 40 will and let's also clarify  
5 something here. So, the New York State D EC is  
6 regulating the oil tanks, as far as I know. Oil  
7 tanks. The New York City DEP regulates the boilers  
8 in the boilers and the birders are maybe not that  
9 much of a problem here to go from number four to  
10 number two. The big problems are the oil tanks in  
11 which is why, in 2010, when number six oil was phased  
12 out, what we gave this-- the city gave this  
13 compromise of buildings being able to go to number  
14 four oil instead of going straight to two oil or  
15 natural gas because of the oil tanks. Because a lot  
16 of these oil tanks that were holding number six oil  
17 were like single wall, buried in the ground and if  
18 you would put in number two oil, they would have  
19 leaked. So, then they said, let's allow number four  
20 oil which is a little thicker. Much thicker than  
21 number two oil, so these tanks don't leak. So, I  
22 think the problem we have here in front of us should  
23 maybe also be to look at from an oil tank perspective  
24 because those are really the problem here. So, the  
25

2 research that I did showed, of course, these  
3 buildings. You know, everybody's been saying that.  
4 3000 buildings are still burning this. Three years  
5 ago, a bunch of these buildings, like over 1000, were  
6 burning and they had a gas line, but were still  
7 burning number four oil as a backup. Now, this  
8 proposed bill rights hear something about 2018 that  
9 they should switch, which is in the past, so I assume  
10 that, if I understand this correctly, these buildings  
11 that already have a gas line and four oil as a  
12 backup, they should be-- I mean, they have to  
13 convert right away, according to this bill. I mean,  
14 they could go on for gas. They only burn gas. So  
15 those types have to be looked at and hopefully they  
16 can convert quickly. But, now, let's draw our  
17 attention to the ones that have aboveground oil  
18 storage tanks. Now, those that just have to be  
19 cleaned can very easily switch to number two oil in  
20 the interim before they go to heat pumps or something  
21 and an oil tank cleaning is not that expensive. So,  
22 they clean the oil tanks and then, if the oil tank  
23 and hold number two oil, obviously, they can go to  
24 number two oil. So, let's look at those and then  
25 let's look at the ones aboveground that are not able

2 to hold number two oil and then, the biggest problem  
3 are the underground oil storage tanks because those,  
4 of course, are often very thin-walled-- you know,  
5 single walls. Could not hold to oil and then the  
6 basement doesn't have space. I have researched about  
7 360 of those that had those underground oil storage  
8 tanks. Obviously, those have to be given a little  
9 more time and then here maybe what you could be  
10 doing, because you are also balancing these different  
11 interests like as We Act pointed out, between, you  
12 know, buildings now and not having stranded assets  
13 going, you know, replacing oil tanks and you want  
14 them to go to heat pumps, what you could be doing is  
15 also putting the burden on the buildings. Being a  
16 little bit more aggressive with the phaseout and then  
17 have the buildings come to you saying, hey--

18 SERGEANT-AT-ARMS: Time expired.

19 ISABELLE SILVERMAN: Yeah. And then  
20 have the buildings come to you saying, we can't do  
21 this for X, Y, Z reasons or we need more time because  
22 you are going to go-- I set an alarm, too. Or we  
23 want to go to heat pumps. So, I will submit the  
24 testimony also in writing and just I would, you know,  
25 look at the whole thing from the oil tank perspective

2 and how you can divide up the buildings and, yeah,  
3 make them go to heat pumps, if possible and keep the  
4 cost down. Thank you very much.

5 COMMITTEE COUNSEL: Thank you, Isabelle.

6 I will now call on Carlos Castell Croke whose  
7 testimony will be followed by Chris Halfnight of  
8 Urban Green Council. Carlos?

9 SERGEANT-AT-ARMS: Starting time.

10 CARLOS CASTELL CROKE: Good afternoon. My  
11 name is Carlos Castell Croke and I am the associate  
12 for New York City programs at the New York League of  
13 Conservation Voters. NYLCV represents over 30,000  
14 members in New York City and we are committed to  
15 advancing a sustainability agenda that will make our  
16 people, our neighborhoods, and our economy healthier  
17 and more resilient. I would like to thank Chair  
18 Constantinides for the opportunity to testify today.  
19 We are all well aware of the fact that poor air  
20 quality leads to poor health outcomes. Especially  
21 for vulnerable populations like seniors and children.  
22 Specifically, concentrations of particulate matter  
23 and ozone are the compounds of air pollution most  
24 associated with health issues like respiratory and  
25 cardiovascular diseases. Air pollution is

2 responsible for both the climate crisis and the  
3 public health crisis. In fact, according to the  
4 World Health Organization, indoor and outdoor air  
5 pollution is directly responsible for one in nine  
6 deaths worldwide. And as much as the number one  
7 source of school absenteeism in New York City. There  
8 are many actions the city can take to improve air  
9 quality and public health, but I want to point out to  
10 main areas that are relevant to this hearing:

11 cleaning heavy duty fleets and reducing use of  
12 heating oil. Electrifying heavy duty fleets such as  
13 buses and garbage trucks is essential to improving  
14 air quality. I would also like to emphasize the  
15 importance of including New York City's school bus  
16 fleet in the transition and making it a high priority  
17 for the Council's children are especially susceptible  
18 to developing asthma from exposure to particulate  
19 pollution. To maximize climate and health benefits,  
20 priority for the school bus transition should be for  
21 fleets that are older. Those with high vehicle miles  
22 traveled and those traveling in and around  
23 environmental justice communities. For these  
24 reasons, we support Intro 455 by Council member Dromm  
25 to speed up the transition to cleaner, safer, zero

mission buses. We also support Intro 960 because it will monitor air quality along heavy use thoroughfares which we think will emphasize the heavy air pollution burden children and low income communities bear and the need to electrify school buses and other heavy duty fleets. We would also like to express our support for Intro 980. Making a push to phaseout number four heating oil five years sooner than the current schedule is an easy step in fighting climate change and reducing air pollution. A large portion of indoor and outdoor air pollution comes from the burning of dirty heat oils in our building. Although number six heating oil was phased out of 6000 buildings by the end of 2015, other buildings all around New York City are still burning number four heating oil which releases large volumes of fine particulate matter into the air. Additionally, the use of number four heating oil disproportionately occurs in neighborhoods of low socioeconomic status, therefore contributing to environmental injustice in our city. The emissions released from burning number four heating oil are correlated with higher frequencies of cardiovascular disease, respiratory illnesses such as asthma and

2 bronchitis, and death. The current schedule for  
3 phasing out number four heating oil from residential  
4 buildings, January 2030, is not aggressive enough.  
5 Accelerating the deadline to 2025 is a step the city  
6 can take to accelerate meeting the air quality goal  
7 spelled out in One NYC as well as providing  
8 incentives for new heating technology, beneficial  
9 electrification, and energy efficiency. Just this  
10 five year difference could mean in diverting hundreds  
11 of deaths and thousands of emergency room visits, but  
12 must be coupled with support to enable transition to  
13 clean heating. NYLCV is proud to have worked with  
14 the city Council over the years on policies that  
15 improve our quality and public health and we hope to  
16 continue the work by encouraging the passage of  
17 Intro's 960 and 98 zero. Thank you for the  
18 opportunity to testify today.

19 COMMITTEE COUNSEL: Thank you, Carlos. I  
20 would like to know welcome Chris Halfnight of Urban  
21 Green Council whose testimony will be followed by  
22 Kelly Farrell of the Redcap Stabilization  
23 Association.

24 SERGEANT-AT-ARMS: Starting time.

2 CHRIS HALFNIGHT: Thank you very much.

3 Good morning, Chair, and members of the committee.

4 It is nice to see you again. My name is Chris

5 Halfnight. I am associate director of policy at

6 Urban Green Council. We are a nonprofit focused on

7 transforming buildings for a sustainable future. I

8 am testifying today in support of Intro number 980,

9 accelerating the phaseout of number four fuel oil

10 because it will reduce air pollution from New York

11 City buildings and improve the health of New Yorkers.

12 I will read my full testimony today because many of

13 my comments echo those already made by the city and

14 are very well articulated by my colleagues from We

15 Act the League of Conservation Voters. Namely that

16 the six celebration will drive significant reductions

17 in particulate matter and nitrogen oxides and other

18 pollutants with very serious negative health impacts

19 and, particularly, in low and moderate income

20 neighborhoods that are already burdened with high

21 asthma rates and were, in some cases, the Clean Heat

22 program has lacked. I would also like, however, to

23 echo the calls for stressing that this acceleration

24 should be paired with outreach and support for

25 building electrification. Currently, over 40% of New

1 York City's total carbon emissions come from burning  
2 fossil fuels for heat and hot water in buildings. In  
3 the near term, unchecked, most, if not all buildings  
4 out are affected by this amendment will convert to  
5 number two fuel oil or natural gas. In other words,  
6 from one fossil fuel to another. But to reach the  
7 city's climate goals, I think many in this group know  
8 that, over the next 30 years, we need these buildings  
9 to the transition to high efficiency electric systems  
10 that tap into a cleaner grid. So, to support that  
11 end, Urban Green urges city Council and the  
12 administration to pair this phaseout with targeted  
13 outreach and support programs coordinated with New  
14 York State to identify and assist the leading  
15 candidates in this group for building  
16 electrification. That outreach needs to leverage the  
17 existing state-level rebates, loans, on bill  
18 financing and support from Con Edison, the New York  
19 Clean Heat program, Retrofit New York, and other  
20 programs. With the right incentives, some smaller  
21 buildings may be potential candidates to leap from  
22 fuel oil straight to electric systems and, in the  
23 larger buildings, about 1500 of that 3000 that we  
24 have discussed today reported using number four fuel  
25

2 oil in the recent benchmarking data. That is  
3 170,000,000 ft.<sup>2</sup> of building area. It's a lot of  
4 building space. Some of these buildings are subject  
5 to local law 97 and will face strict carbon limits  
6 and very strict carbon limits in 2030. They may be  
7 good candidates for incremental electrification  
8 opportunity like heat pump installations in common  
9 area or low-level apartments. So, in both cases, we  
10 would like to see the city proactively seize any  
11 opportunity to encourage partial or total  
12 electrification. That way we can avoid more stranded  
13 gas assets in New York City buildings and help lay a  
14 foundation for electrification retrofits at scale in  
15 the decades ahead. Thank you to the Chair of the  
16 committee for moving these bills forward. We  
17 appreciate the opportunity to testify today.

18 COMMITTEE COUNSEL: Thank you, Chris. I  
19 would now like to welcome Kelly Farrell of the Rent  
20 Stabilization Association or RSA whose testimony will  
21 be followed by Justin Wood of New York Lawyers for  
22 the Public Interest.

23 SERGEANT-AT-ARMS: Starting time.

24 KELLY FARRELL: Hi. Good morning, Chair  
25 Constantinides and other Council members. My name

2 Kelly Farrell and I am speaking today on behalf of  
3 the Rent Stabilization Association and its 25,000  
4 owners and managers who collectively managed 1  
5 million units of housing in every neighborhood and  
6 community throughout the city. We thank the  
7 committee for giving us the opportunity to testify  
8 today in opposition to Intro 980. When the Council  
9 passed local law 43 of 2010, it was recognized as  
10 important legislation that would achieve cleaner air  
11 through fuel conversions over the next 20 years. The  
12 process and timeline were clear and the real estate  
13 industry has relied on this for the past decade to  
14 make budget and maintenance choices. To be asked at  
15 this point to the fast track the process by five  
16 years is both financially and logistically  
17 unrealistic. As the cost to achieve these things are  
18 substantial, a two-step timetable was created. This  
19 phase then allowed cost to be budgeted over a multi-  
20 year period and also importantly recognize the value  
21 of monetizing the longevity of current equipment by  
22 not requiring the replacement or upgrade of equipment  
23 that was still within the recommended useful life.  
24 The full conversion was linked to coincide with  
25 boiler replacement cycles that would ease financial

and compliance burdens. While the cost to convert from number six to four were approximately 10,000 per building, the cost to convert to dual interruptible systems of firm natural gas is estimated to be in the hundreds of thousands of dollars. At time when recouping improvement costs has been capped by the HSTPA, vacancies are at an all time high, rent collections at an all time low, and compliance costs are being ignored by the rent guidelines board in assessing rent increases. There's no funding source that would make immediate conversion possible for most owners. With this legislation, owners may be forced into making a shortsighted adaptation to number two oil in a reduced conversion period when natural gas might've been the better and preferred long term solution. Boiler and burner equipment, gas lines, asbestos removal, gas meter rim construction, buried oil tank removal, chimney liner, and chimney relocation. These costs, all of which are substantial, taken together means that gas conversion process can easily reach 500,000 dollars for a modest sized building. Onerous in the best of times and crippling in the current conditions. Even if the building finds gas conversions are in budget, it

2 requires access to gas lines for which the building  
3 is at the mercy of the supplier and is also subject  
4 to DOT limitations should opening streets be needed.  
5 These are matters beyond a buildings control and can  
6 take upwards of a year to implement. In crafting the  
7 original legislation, the Council recognized that the  
8 cost would be more significant to achieve conversion  
9 to number two oil or interruptible or natural gas  
10 systems, so there was a plan established to meet this  
11 target by 2030. The industry has been working  
12 diligently to achieve this, despite obstacles in  
13 costs. Changing this plan at a time of industry  
14 collapse is misguided and unattainable. Thank you  
15 for giving us the opportunity to testify today.

16 COMMITTEE COUNSEL: Thank you, Kelly.  
17 I would now like to welcome Justin Wood of New York  
18 Lawyers for the Public Interest whose testimony--  
19 who may be the last witness. I think Nicole  
20 Hernandez is submitting testimony. So, Justin, take  
21 it away.

22 SERGEANT-AT-ARMS: Starting time.

23 JUSTIN WOOD: Great. Thank you, Samara.  
24 Good afternoon. My name is Justin Wood. I am the  
25 director of policy at New York Lawyers for the Public

1 Interest. Thank you so much, Chair Constantinides  
2 and members of the Council committee for the  
3 opportunity to testify and, particularly to the Chair  
4 for your leadership on the critical issues of climate  
5 change, systemic environmental and racial injustice,  
6 and public health in the city Council. And we know  
7 that this Council's time is drawing to a close and we  
8 really look forward to making 2021 a year that we  
9 implement the really transformational change we need  
10 in the city to address all the multiple crises and  
11 intertwined crises of Covid 19, environmental  
12 injustice climate change, and, of course,  
13 unemployment which is at an all time high. And so,  
14 we're in support. And I don't need to echo all of  
15 the positive things that have been said about the  
16 legislation that is being heard here today. We are  
17 also in support of these bills. I would like to take  
18 a moment to sort of situate them within what we hope  
19 is sort of an ambitious-- appropriately ambitious  
20 and realistic agenda for 2021 of additional things we  
21 can achieve on air quality in this Council working  
22 together. NYLPI, our clients, and our partners would  
23 love to see the Council take as much action as  
24 possible on shutting down dirty and costly peak or  
25

2 power plants cited in disadvantaged environmental  
3 justice communities and pass whatever legislation is  
4 needed to facilitate the rapid expansion of solar,  
5 offshore wind, and battery storage to replace these  
6 expensive and polluting power plants. We see Intro  
7 992 being heard today as a promising step in this  
8 direction and we fully support its passage, but we  
9 also call for the swift passage of Intro 1591, 1592,  
10 and 1593 which, of course, the Renewable Riker's Act  
11 which would then transform that island from a toxic  
12 site with a legacy of racial injustice to a renewable  
13 infrastructure hub with the potential to create  
14 hundreds of local green jobs and economic stimulus in  
15 the communities most impacted by mass incarceration  
16 and air pollution. Secondly, I would like to echo  
17 what others have said in calling for the  
18 electrification of heavy truck and bus fleets to  
19 improve their quality and reduce climate emissions  
20 and improve worker health and safety in the city and  
21 we, similarly to our colleagues at the New York  
22 League of Conservation Voters, are very-- and We  
23 Act-- are very focused on school bus fleet as a huge  
24 opportunity given children's particular  
25 vulnerabilities and the fact that children with

1 disabilities spend disproportionate amounts of time  
2 on buses and so we are strongly in support of Intro  
3 455 of 2018. Let's get it done. Let's set a  
4 timeline for electrifying this fleet. And  
5 additionally, we've recently heard announcements that  
6 the city is acquiring some of the bus providers which  
7 were private fleets before, and we see that as a huge  
8 opportunity for the city to really set a gold  
9 standard with a new municipal fleet in terms of  
10 sustainability, safety, and service for our city's  
11 schoolchildren. So, we would love to get that done.  
12 Finally-- No. Not finally. Two more. The landmark  
13 commercial waste zones law that the Council passed a  
14 little over a year ago is finally being implemented.  
15 There was a rules hearing this morning. We would  
16 love to see a robust version of it from an  
17 environmental and air-quality perspective pass that  
18 includes electrification of private sanitation fleets  
19 and big investments in recycling infrastructure. And  
20 so, while we know the implementation primarily rests  
21 with sanitation at this point, we do call on the  
22 Council and want to work with the Council--

23  
24 SERGEANT-AT-ARMS: Time expired.

2 JUSTIN WOOD: to get it fully funded in the  
3 city budget which could be a big issues. And then  
4 just very briefly, of course, we are fully in support  
5 of Intro 980 and echo the comments of Sonal from We  
6 Act and others in calling for let's bring the  
7 dirtiest building right into electrification and into  
8 a clean power grid and skip natural gas and fossil  
9 fuels. Thank you so much. We look forward to  
10 working with you.

11 COMMITTEE COUNSEL: At this time, I  
12 would like to ask if there is anyone else who is  
13 registered to testify but whose name I have not  
14 called. If so, please raise your hand using the zoom  
15 raise hand function. Seeing none, I will now turn it  
16 over to Chair Constantinides for any closing remarks.

17 CHAIRPERSON CONSTANTINIDES: Well, I will  
18 begin by recognizing Council member Dharma Diaz. My  
19 apologies for not recognizing you earlier. It's  
20 difficult to see text messages while I'm using my  
21 phone for the hearing because my Internet issues  
22 today. So, thank you, Council member Diaz for your  
23 patience and for being here. I want to reiterate  
24 some of the points today. I wholeheartedly agree  
25 with Sonal and everyone else who is testify today

2 that we do need, as part of 980, to bring these  
3 buildings to electrification rather than more fossil  
4 fuels. So, I think that this bill adding robust  
5 outreach to those buildings that are part of local  
6 law 97, but also those that aren't, making them aware  
7 of case financing and the ability to switch over is  
8 very important and something that I agree with and  
9 look forward to working on as we move these bills  
10 forward. So, want to thank the administration for  
11 all their testimony today. I want to thank all of  
12 the people who took the time out of their busy  
13 schedules during this very challenging moment in New  
14 York City to testify. Thank you all for testifying  
15 today. Of course, I want to, again, thank our staff,  
16 our counsel, Samara Swanston, policy analyst, Nadia  
17 Chonston [sp?] and Rick Ochoa. Our financial  
18 analyst, Jonathan Seltzer. My legislative counsel  
19 and director, Nicholas Wizowski, all the great  
20 sergeant-at-arms and all of our technical folks who  
21 are unnamed today but made all of this work when we  
22 had so many technical difficulties. I think Johanna  
23 Castro is in there in that group. So thank you all  
24 for all of your great efforts that aren't usually  
25 recognized. So, with that, I will gavel this

1 COMMITTEE ON ENVIRONMENTAL PROTECTION

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2 committee hearing of the Environment Protection

3 Committee on January 26th, virtually closed.

4 [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date January 31, 2021