

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL  
PROTECTION, RESILIENCY,  
AND WATERFRONTS

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Tuesday, March 7, 2023  
Start: 10:45 a.m.  
Recess: 1:20 p.m.

HELD AT: COMMITTEE ROOM, CITY HALL

B E F O R E: James F. Gennaro, Chairperson

COUNCIL MEMBERS:

Jennifer Gutiérrez  
Robert F. Holden  
Julie Menin  
Lincoln Restler

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

Rohit Aggarwala  
Commissioner  
NYC Dept of Environmental Protection

Joseph Murin  
DEP Chief Financial Officer  
NYC Dept of Environmental Protection

Kimberly Cipriano  
Deputy Chief Operating Officer  
NYC Dept of Environmental Protection

Rachel Aimee  
Development Director  
Street Vendor Project

Anthony Karefa Rogers-Wright  
Director of Environmental Justice  
NY Lawyers for the Public Interest

Miranda Massie  
The Climate Museum

Pete Sikora  
New York Communities for Change

Tori Kaso  
Campaign Director  
Carbon Free Healthy Schools Initiative  
Climate Jobs New York

Michael Streeter  
Resident of New York City

Eric Eisenberg  
Resident of New York City

Sherisse Palomino  
Director of Advocacy and Programs  
New Yorkers for Parks

Alex Stein  
Resident of New York City

1  
2           SERGEANT AT ARMS: Welcome to the New York City  
3 Council preliminary budget hearing on the committee  
4 on environmental protection. At this time we ask  
5 that you silence cell phones and electronic devices  
6 to minimize disruptions throughout the hearing. Once  
7 again please silence cell phones and electronic  
8 devices to minimize disruptions. We thank you for  
9 your cooperation. Mr. Chair we are ready to begin.

10           CHAIRPERSON GENNARO: Thank you Sergeant. They  
11 made me a book. Pretty cool. Is that my statement?  
12 Where's my statement? In the front? I actually have  
13 a copy of the statement but I have to read it out of  
14 a binder. It makes it feel more official.

15           Let me make sure my own phone is silenced. Yep.

16           Okay, we about ready? Anybody nervous? Oh, no,  
17 they're-- they're pros. They're pros. Why did my  
18 pictures pop up?

19           Okay. Sergeant, I'm ready to go, go right. I  
20 got to tap the thing, right?

21           [GAVEL]

22           Okay. Good morning. I am Jim Gennaro, Chair of  
23 the Committee on Environmental Protection, Resiliency  
24 and Waterfronts. That's our new name. Today this  
25 committee will address the Mayor's fiscal 2024

1 preliminary budget for DEP. The department's  
2 proposed fiscal 2024 budget totals \$1.54 billion for  
3 programmatic funding, broken into \$618 million for  
4 personal services spending, and 925 million for OTPs.  
5 DEP's proposed capital commitment plan totals \$16  
6 billion over five years, spread across 1867 projects.  
7 The 10-year Capital Strategy Plan released every two  
8 years totals \$29 billion for DEP.

9  
10 Going into this preliminary budget cycle,  
11 agencies citywide were instructed to cut their  
12 civilian vacancies by 50%. DEP cut 138 budgeted  
13 positions for the fiscal 2024 preliminary plan.

14 Oh, here's an ominous sentence: These vacancies  
15 are a concern for Council. Did I say that with the  
16 right gravity? Okay. I'm not making light of it.  
17 I'm just being me.

18 The Council looks forward to hearing about the  
19 agency's citywide capital investment strategy,  
20 expense budget updates, with emphasis on agency-wide  
21 vacancies, and when these positions will be filled.

22 The Committee also anticipates getting further  
23 clarity on the details of DEP'S current filtration  
24 avoidance determination (a big issue with me) and  
25 DEP's plans for the release of the new water rate

1 this spring. Typically that's a waterboard thing,  
2 but you know, yeah, they're they got their fingers in  
3 the pie on that. You know, everybody works together.  
4

5 DEP Commissioner Rohit Aggarwala will be  
6 testifying, will be providing testimony today. He  
7 has members of his panel that he will introduce  
8 before we begin. The Committee may not get to all of  
9 our questions, and it says here, "or you may not have  
10 responses." They have responses. They have it. So,  
11 we will send the followup letter for the unanswered  
12 questions.

13 I want to thank my Chief of Staff Henry Yam, my  
14 legislative director, Nabjot Kaur, as well as the  
15 committee staff, finance analyst Andrew Lane Lawless,  
16 (he put get put together his whole Book), Counsel to  
17 the committee Samara Swanson, policy analysts, Ricky  
18 Chawla, and Andrew Bourne, for helping preparing for  
19 today's hearing. That's okay.

20 But before I before-- I was supposed to turn it  
21 over to the Committee, but we're going to recognize  
22 the members who are here. We have Councilmember  
23 Gutiérrez, Councilmember Restler. We have  
24 Councilmember Menin, who's chairing a hearing right  
25 next door, and take a sip of water. And on a

1 personal note, get ready, today begins my fifth  
2 decade in public service, as I started my service in  
3 city government 40 years and two and a half hours ago  
4 right across the street at the municipal building. I  
5 had to report for work at 8:30. It was-- I think the  
6 only time I was ever on time for anything, it was my  
7 first day at work. I worked for OMB. So we were  
8 like those guys. Yeah. And but--

10 COUNCILMEMBER RESTLER: I didn't know OMB had  
11 been in the municipal building.

12 CHAIRPERSON GENNARO: I didn't know it left. Did  
13 it leave?

14 [LAUGHTER]

15 COUNCILMEMBER RESTLER: It did. It's on  
16 Greenwich Street.

17 CHAIRPERSON GENNARO: Oh, it's on Greenwich?

18 COUNCILMEMBER RESTLER: Yeah.

19 CHAIRPERSON GENNARO: Okay.

20 COUNCILMEMBER RESTLER: They're kind of clustered  
21 away.

22 CHAIRPERSON GENNARO: Yeah. That got away from  
23 me. Yeah, we were on the-- we're on the 10th floor  
24 of the Muni Building. And yeah, and, and you go way  
25 up to the top of the Muni Building and walk around

1 where they have like the parapet or whatever. And  
2 then if you really want to break the rules, you can  
3 go all the way up to like right below that, like gold  
4 statue. There's like a little window there and  
5 stuff. You're really not supposed to be up there.  
6 But um, I was 25 years old. I could fit into all  
7 kinds of places I can't fit into now.

9 COUNCILMEMBER GUTIÉRREZ: You've really taken a  
10 left on the opening remarks!

11 [LAUGHTER]

12 CHAIRPERSON GENNARO: What's that?

13 COUNCILMEMBER GUTIÉRREZ: You've really taken a  
14 left on the opening remarks!

15 CHAIRPERSON GENNARO: I'm just saying, you know?

16 COUNCILMEMBER GUTIÉRREZ: I appreciate it.  
17 Congratulations to you.

18 CHAIRPERSON GENNARO: Thank you. Thank you. I  
19 mean, you know, you get the whole-- you get the whole  
20 thing with, you know, you get the whole, you know, no  
21 one told you what you're signing up for when you  
22 wanted to be on this committee? I don't know, but  
23 it's certainly a pleasure to-- to do this. But we're  
24 here to do a whole thing, right? We should probably  
25 get started. Okay. And so we recognized the



1 members. We've taken a walk down memory lane. I was  
2 talking about my illegal activities in the Muni  
3 Building, climbing up to him not supposed to go to an  
4 abandoned area. We had-- no the radio station is  
5 still there, right? It was WNYC at the time, and so  
6 we owned it. And so-- so my son got his start in his  
7 love affair for media. And now he's like a big media  
8 guy. So, I think that's enough about me.

9  
10 I'm going to turn it over to the Counsel of the  
11 Committee to swear in the witnesses, and then we'll  
12 hear DEP'S good testimony, and then we'll have  
13 testimony from the public. We will ask questions,  
14 we'll have gobs of fun. And so with that, Samara if  
15 you can do the needful. Why don't you do that into  
16 the microphone there?

17 COUNSEL: Would you please raise your right hand?  
18 Do you swear or affirm to tell the truth, the whole  
19 truth and an answer honestly, to the councilman  
20 members questions today?

21 ALL: Yes.

22 CHAIRPERSON GENNARO: Okay. Hang on, I want to  
23 make sure I have the administration's testimony.  
24 Okay, good. With that, Commissioner, if you could  
25

1 identify the members of the panel for the record and  
2 begin with your good testimony.  
3

4 COMMISSIONER AGGARWALA: All right. Thank you,  
5 Mr. Chairman. Good morning, and good morning to  
6 Councilmembers Gutiérrez and Restler.

7 and congratulations to this committee on its  
8 broad and important new mandate.

9 CHAIRPERSON GENNARO: Thank you.

10 I am Rohit T. Aggarwala. I'm the commissioner of  
11 the Department of Environmental Protection and the  
12 city's Chief Climate Officer. I'm joined by my  
13 colleagues, DEP Chief Financial Officer, Joe Murin,  
14 and Deputy Chief Operating Officer, Kim Cipriano, to  
15 discuss our various budgets.

16 Most importantly, I'd like to talk about how DEP  
17 is embracing creativity and a sense of urgency to  
18 deal with the challenges that face the agency and the  
19 city.

20 DEP of course continues to provide the highest  
21 quality services to our community, including serving  
22 world-renowned drinking water and keeping our harbor  
23 waters cleaner than they have been in 150 years.

24 These services are consistently exceptional and we  
25 are very proud of the work that DEP's 5400 men and

1 women do every day. But we are ambitious, we are  
2 constantly looking for ways to do more, better. I've  
3 been at DEP for about a year now, and I'm proud of  
4 the work we have accomplished in that time, including  
5 reaching the final steps to prepare for the Delaware  
6 aqueduct shutdown, which I'll talk about more,  
7 breaking ground on new digesters at the Hunts Point  
8 treatment plant, completing more than 2300 new green  
9 infrastructure assets, and starting construction on  
10 1000 more, as well as completing four new blue belts,  
11 implementing a new data-driven system for inspecting  
12 catch basins, which lead to a 62% increase in catch  
13 basin inspections in FY 23, completing 954 miles of  
14 leak detection citywide through a new leak detection  
15 program, which we believe has averted 57 water main  
16 breaks, and managing four times as many citizen  
17 idling complaints as in 2021.

19 Another key accomplishment, and one of my top  
20 priorities personally has been to improve DEP'S  
21 contracting and procurement processes. One of our  
22 big disappointments in FY 22 was that we achieved  
23 only a 69% commitment rate for the year. Through a  
24 significant whole-of-agency effort, we reached 65%  
25 committed as of last week, with nearly four months

1 left in the fiscal year, compared to 18%. At the  
2 same time last year, we have 81% of the DEP managed  
3 projects already committed for this year. And so  
4 that gives me great confidence that we will achieve a  
5 100% commitment rate this year. It's important  
6 because this year we had a \$2.2 billion capital  
7 budget. Next year, happily, we have a \$3.3 billion  
8 capital budget. And so one of our key tasks is to  
9 get ready for the increased rate of spending and  
10 investment that this capital plan provides.  
11

12 The capital plan that you see includes a couple  
13 of major programs that now have fuller costing  
14 included in the budget. That includes \$279 million  
15 for green infrastructure, roughly a quarter billion  
16 dollars for Hillview Reservoir, another quarter  
17 billion dollars for the really important Kensico-  
18 Eastview Tunnel Connection, more than \$200 million  
19 for additional blue belts, and nearly \$200 million  
20 for improvements to the Owls Head wastewater  
21 treatment plant.

22 We are very closely monitoring and pursuing the  
23 unprecedented levels of federal and state funding  
24 that is made possible through the Infrastructure  
25 Investment and Jobs Act, otherwise known as the

1 bipartisan infrastructure law, the inflation  
2 Reduction Act, the CLCPA at the state level, and New  
3 York State's recently passed environmental Bond Act.

4 One of our key concerns is to make sure that New  
5 York City receives its fair share from those  
6 investments. We are actually very concerned that  
7 several state programs-- and by the way, I'll point  
8 out that a lot of that federal money, including more  
9 than half of the bipartisan infrastructure law money  
10 actually goes through the states; it is not  
11 distributed to cities through a formula. And so the  
12 state then sets the rules for how it is going to be  
13 distributed.

14 Several state programs--

15 CHAIRPERSON GENNARO: Or half of it.

16 COMMISSIONER AGGARWALA: Yeah, half.

17 CHAIRPERSON GENNARO: So half comes to the city,  
18 directly?

19 COMMISSIONER AGGARWALA: Half of it goes through  
20 other formats.

21 CHAIRPERSON GENNARO: Okay.

22 COMMISSIONER AGGARWALA: I could get back to you  
23 on exactly how much goes through--  
24

1  
2           COMMISSIONER AGGARWALA: I will do that in  
3 questions.

4           COMMISSIONER AGGARWALA: --the funding. We can  
5 we can get you that.

6           But for example, the state has a clean water fund  
7 that is state money that recently got an additional  
8 amount of \$500 million in the governor's proposed  
9 budget. Last year, there were \$225 million in that  
10 program distributed. (This is all state tax revenue.  
11 This is not federal money.) And because the law  
12 places a per-municipality cap on how much each  
13 municipality can get out, of a pot of \$225 million,  
14 New York City got six. We are 48% of the state's  
15 population. We are 59% of the state's disadvantaged  
16 communities. We are 62% of the state's tax revenue.  
17 And we got 3% of that money.

18           Further the way the state defines several  
19 programs that fund disadvantaged communities,  
20 municipalities with greater than 300,000 people are  
21 prohibited from receiving grants, they can only  
22 receive loans. There is only one municipality that  
23 has more than 300,000 people in New York state.

24           And so there are some structural issues with how  
25 the state is going to distribute this money that we

1  
2 are very concerned about. We will continue to  
3 discuss that with our state delegation. But I do  
4 want to thank you, Mr. Chairman, and the entire City  
5 Council for the work you did to adopt resolution 258  
6 last year, which included its support for the  
7 Environmental Bond Act, which we share, but also  
8 included the Council's concern that the state  
9 distributed funds consistent with the city's  
10 population and portion of state tax revenue.

11 I'll move on to major capital projects.

12 Over the course of FY 24, our most important  
13 capital project will be the final step in the decades  
14 long effort to repair the Delaware aqueduct, which  
15 has had a leaking segment since at least the 1990s.  
16 We completed construction of a bypass tunnel last  
17 year, and we expect to connect it and shut off the  
18 leaking portion later this year.

19 CHAIRPERSON GENNARO: Rohit, hang on I lost my  
20 place. Where are we?

21 COMMISSIONER AGGARWALA: The middle of page  
22 three, sir.

23 CHAIRPERSON GENNARO: Okay.

24 COMMISSIONER AGGARWALA: During several months,  
25 probably starting in October, we will rely entirely--

1 the city will rely entirely on water from the  
2 Catskill and Croton systems. We will make a final  
3 decision later this year as to whether we are ready  
4 to move forward with the shut off, but thus far our  
5 tests and preparation have proved positive. This  
6 will be a major achievement when it is finished,  
7 which again, we hope hoped would be about a year from  
8 now.  
9

10 To put our budget in context, I'd like to share  
11 several of the agency's priorities. These are best  
12 summarized under four challenges and two goals:  
13 Facing climate change, recovering from the pandemic,  
14 adjusting to macroeconomic changes, encouraging  
15 equity, and then the goals of protecting New Yorkers  
16 quality of life and managing water rates.

17 Everything DEP does will be shaped by the dual  
18 goal of combating and adapting to climate change.  
19 Climate change affects all of us, but given the  
20 nature of what we do DEP is often at the front line.  
21 Our wastewater resource recovery facilities or  
22 treatment plants are necessarily located next to  
23 waterways, which makes them vulnerable to sea level  
24 rise. The resiliency improvements made at these  
25 facilities over the last decade ensure that they can



1  
2 operate during extreme weather events. Resiliency is  
3 now integrated into all of our capital work at the  
4 planning stage.

5       Throughout the watershed, DEP has hardened  
6 infrastructure to better withstand more frequent  
7 major storms. Last year, DEP completed, on time and  
8 under budget, a project at the Kensico Reservoir to  
9 limit erosion of the bank that could cause turbidity,  
10 because what happens now that we have more and more  
11 extreme storms, those storms put more organic matter  
12 into our reservoirs, which is a challenge given that  
13 90% of our water remains unfiltered, thanks to the  
14 filtration avoidance determination. And so that's a  
15 an example of the kind of work we've done there.

16       And the city is also very engaged with resilience  
17 efforts large and small. One of our biggest efforts,  
18 both through DEPW and in my role as chief climate  
19 officer is set to change the city's waterfront  
20 through the work of the US Army Corps Harbor and  
21 Tributaries Study. The comment period on that  
22 massive study was supposed to finish today. It was  
23 extended as of last night through the end of the  
24 month. And so we will be sharing with the Council  
25 later this month our testimony that we will be

1 submitting to the Army Corps, but I'm happy to take  
2 questions on that, and we will-- we will certainly be  
3 engaged as a close partner going forward.  
4

5 We have spoken before about the effect of sudden  
6 heavy downpours known as cloudbursts that release an  
7 incredible volume of rain in a short period of time.  
8 These storms may be too intense for our traditional  
9 stormwater infrastructure to manage, so we are  
10 looking to add additional tools to complement sewers.

11 In response to Hurricane Ida \$1.7 billion was  
12 allocated to stormwater management efforts. This  
13 includes more than a billion for sewer replacements  
14 and high-level storm sewers. So far we have 29 such  
15 projects in design or development. Our second  
16 largest allocation of funding is directed to  
17 expanding blue belts, which are ecologically rich  
18 drainage systems that naturally handle runoff  
19 precipitation that falls on our streets and  
20 sidewalks. A third is green infrastructure, which  
21 uses rain gardens and other features to absorb  
22 stormwater. We've installed more than 11,000 GI  
23 assets in the last decade and more than 2000 in 2022  
24 alone. Finally, cloudburst infrastructure is our  
25 fourth and newest approach to stormwater management.

1  
2 These systems use specially engineered open spaces or  
3 community amenities like basketball courts to hold  
4 stormwater during extreme rain events. Recently,  
5 Mayor Adams announced \$400 million of funding for  
6 four new cloudburst projects in Corona, Casino Park,  
7 Parkchester, and East New York. Another 24 locations  
8 are being evaluated for this kind of infrastructure.  
9 And by the way, I will add we have a fifth project in  
10 Brownsville where we have completed design, and we  
11 are in the process of submitting a grant application  
12 to the federal government under the bipartisan  
13 infrastructure law for that program, or for that  
14 project.

15       However, designing and constructing these  
16 infrastructure solutions takes years. To help  
17 homeowners in the interim DEP launched the rainfall  
18 Ready program in 2022. We also held a series of  
19 events to distribute inflatable flood barriers in  
20 several neighborhoods, and we've partnered with a  
21 number of Councilmembers and community members in  
22 areas that are most often impacted, especially those  
23 that we saw suffer following Ida. We invite  
24 continued partnership.

1  
2 Like every city agency, DEP is still dealing with  
3 the impacts of the pandemic on our workforce. DEP  
4 staff performed heroically during the pandemic,  
5 especially the majority of our staff, who continued  
6 their work on site running treatment facilities,  
7 fixing infrastructure and testing in labs. DEP even  
8 mass produced hand sanitizer. I was not at the  
9 agency then but I'm grateful for the agency's work  
10 during that time.

11 Given the various economic and social impacts of  
12 the pandemic, we suffered a decline in staff morale  
13 and an increase in departures. This combined with a  
14 period when the city restricted hiring has led to our  
15 vacancy rate to more than triple since 2020, going  
16 from under 5% to 16% in January of this year. Now  
17 that restrictions on hiring have been lifted, DEP  
18 plans to aggressively hire in key roles with a  
19 particular focus on engineers. And I will point out  
20 that we had a great month in February. We had 60  
21 people leave the agency, but we brought on 110. So a  
22 net increase of 50, which is pretty good.

23 Further, we have embarked on a major morale  
24 effort, based on the results of an agency wide survey  
25 we did last summer. This included a pilot that

1 allowed management employees to work from DEP's  
2 facilities closer to their homes, pursuing salary  
3 increases where employees have taken on more complex  
4 work, and making targeted facility improvements such  
5 as bathrooms and locker rooms, which are important  
6 for the quality of life of our staff.  
7

8 Our third challenge is the global economic  
9 environment, characterized by inflation, supply chain  
10 uncertainty, and labor shortages that we have not  
11 seen for decades. These conditions require DEP to  
12 further refine its operations to achieve greater  
13 efficiency, effectiveness, and reliability. One  
14 example is our expansion of computer-based data  
15 collection and operations management, called SCADA  
16 systems. These systems can detect and respond to  
17 issues at our treatment facilities faster than manual  
18 monitoring, reducing downtime and maintenance costs.  
19 This real time data can be used to optimize  
20 performance, reduce energy consumption, and improve  
21 the quality of the treated wastewater. SCADA systems  
22 also improve safety by automating hazardous  
23 processes.

24 Another example is the work that DEP has  
25 contributed to the Capital Process Reform Task Force

1 convened by Mayor Adams and Comptroller Lander. In  
2 October, the task force released a set of  
3 recommendations including using price adjustment  
4 allowances to offset volatile commodity prices,  
5 expanding work allowances to reduce change order  
6 approvals, and amending procurement laws and  
7 regulations. These efforts will speed up capital  
8 projects, reduce costs, and increase the city's  
9 capacity to address emerging needs.  
10

11 We're also deeply focused on the challenge of  
12 equity. DEP's treatment plants are a significant  
13 presence in many EJ neighborhoods. While the  
14 treatment plants are invaluable assets for the city,  
15 they can be a burden for their neighbors who have to  
16 deal with odors on occasion and truck traffic. We  
17 have taken great efforts over the years to minimize  
18 these negative effects and be better neighbors. To  
19 reduce odor, we are incorporating biological air  
20 filtration technology, which uses natural microbes to  
21 extract odors from the air. We are also embarking on  
22 a major effort to reduce fugitive methane emissions  
23 from our facilities, because our digestion processes  
24 inevitably produce methane. Not only is methane a  
25 potent greenhouse gas, but research increasingly

1 demonstrates that it can turn into formaldehyde in  
2 the presence of sunlight.  
3

4 We're also working to make our chemical  
5 consumption as efficient as possible reducing costs  
6 and truck trips to our facilities. In fact,  
7 deliveries, truck rolls, into our treatment plants  
8 are down by 25% over the last four years.

9 Of course, being good neighbors means being more  
10 than just not bad. Our treatment plants can  
11 contribute to neighborhoods beyond the traditional  
12 role of treating wastewater. This is why we  
13 actually, even though I fall into older terminology,  
14 call them Resource Recovery Facilities. The  
15 byproducts of the treatment system, biosolids, and  
16 biogas can be beneficially used. For many years  
17 biogas has been used as a resource at the treatment  
18 plants themselves. But now we are sharing the screen  
19 energy with others connecting our Newtown Creek  
20 treatment plant to the national grid system so this  
21 fossil free fuel source can power the neighborhood.

22 Equity is also a key concern with respect to  
23 service provision, and we work hard to ensure that  
24 response rates are comparable across all parts of the  
25 city. Our infrastructure, however, reflects a long

1 history of development decisions that did not  
2 prioritize long-term needs or equity, and I will  
3 remind you, though, that as I testified last summer,  
4 many of those infrastructure decisions, particularly  
5 with respect to the quality of our sewer system, were  
6 not taken by DEP. They were actually done at the  
7 borough level for most of New York City's history  
8 until DEP was created in the 1980s. And so this is a  
9 legacy that that we deal with from the private sector  
10 and from other levels of government.  
11

12       The prime example of this is of course in  
13 Southeast Queens, where we are continuing the \$2.6  
14 billion effort to upgrade infrastructure. When  
15 neighborhoods in Southeast Queens were built in the  
16 last century, many were built without adequate storm  
17 sewers, and some without any at all. For several  
18 years, DEP and partner agencies like DDC have been  
19 working diligently to install storm sewers and other  
20 infrastructure in these neighborhoods. Part of our  
21 post Ida funding for ramping up sewer expansions is  
22 allocated specifically for Southeast Queens.

23       Another area that has faced chronic flooding for  
24 a long time as the Jewel Streets Neighborhood between  
25 Brooklyn and Queens where DEP has been working



1  
2 closely with the community. This area's low  
3 elevation creates a bowl that collects stormwater  
4 from all around. We are working on long-term  
5 solutions and have allocated \$75 million for this  
6 work, but we are also making short term quick fixes  
7 that have a real impact. In October DEP installed a  
8 sewer to better drain two problem infrastructure  
9 intersections identified by the community, which  
10 reduced flooding significantly, and similar solutions  
11 are planned for other locations, including, I  
12 believe, one this month, right?

13       The neighborhoods around the Gowanus Canal  
14 continue to deal with the negative impacts of heavy  
15 industrial use that began over 150 years ago. The  
16 city, state, and federal governments have been  
17 working together to remedy this issue, and DEP has  
18 already constructed new high-level storm sewers,  
19 upgraded the existing sewer infrastructure and led  
20 regular engagement with the community. We've also  
21 added green infrastructure across streets, public  
22 playgrounds on the GOWANUS houses.

23       This month, we will start constructing the first  
24 of two CSO tanks, which together can hold up to 12  
25 million gallons of overflow. Together, these

1 projects represent an unprecedented \$1.6 billion  
2 investment that will make the Gowanus canal the  
3 cleanest it's historically been and add 3.6 acres of  
4 waterfront open space for the community.  
5

6 While the bulk of DEP's operation focuses on its  
7 role as a water utility, the majority of the 311  
8 calls we get are about our non-water mission: air  
9 quality and noise enforcement. We are working to  
10 innovate in this area. Many of you know that in  
11 2022, we installed noise enforcement cameras that  
12 detect when vehicles exceed the legal noise level and  
13 photograph the offending vehicle. The evidence  
14 collected by the system allows us to send notices of  
15 violation to vehicle owners who are suspected to have  
16 altered mufflers. We've been happy with the results  
17 so far. So we are expanding with seven more cameras  
18 in 2023, and have a million dollars allocated in the  
19 budget for FY 24, allowing us to purchase 25 cameras  
20 and support the hardware and software. These cameras  
21 don't work well everywhere, for example, on highways,  
22 but we are optimistic about their potential and have  
23 been pleased to work with several Councilmembers on  
24 locations for these cameras in their districts.

1  
2 Another aspect of our quality of life mission is  
3 around enforcing idling laws. The citizen  
4 enforcement program enacted by the Council has, I  
5 believe, been highly successful and we have improved  
6 our processes to accommodate a dramatic increase in  
7 the number of summonses issued. In 2021, we had  
8 12,000 complaints. This year, the trend suggests we  
9 could reach 100,000. However, our administration of  
10 this program has taught us a great deal about what  
11 works well, and what does not. And we are eager to  
12 work with the Council, especially on Councilmember  
13 Menin's bill, Intro 684, to streamline the process  
14 and make it more effective against repeat offenders.

15 DEP services, operations, maintenance, and  
16 capital, are directly and almost exclusively funded  
17 by revenue collected from water bills. In FY 23, we  
18 expect to collect roughly \$3.8 billion in revenue,  
19 virtually all of it from New York City customers.  
20 New Yorkers' water bills are among the best bargains  
21 in the city. While most everything here costs more  
22 than anywhere else, our water rates are well below  
23 those of many large American cities. We know we must  
24 manage our operations to keep water rates as low as  
25 possible. We must also ensure that revenue comes in

1  
2 reliably, which also protects our credit rating,  
3 which in turn keeps our rates low, which in turn, of  
4 course keeps our borrowing costs low, and therefore  
5 helps us keep our rates low.

6       A key challenge to this has been the dramatic  
7 growth in our accounts receivable over the last three  
8 years. Nearly 92,000 customers are seriously late by  
9 more than six months, and their delinquent balances  
10 have jumped by over 50% from pre-pandemic levels,  
11 from before nearly \$600 million to more than \$900  
12 million today. This is not just an issue among  
13 single-family homeowners or low-income neighborhoods.  
14 About 1000 buildings south of 96th Street in  
15 Manhattan are delinquent. Some property owners have  
16 not paid a bill in a very long time. Roughly 10,000  
17 have not paid a dime in more than four years.

18       We are working hard to help those New Yorkers who  
19 are genuinely struggling to pay their water bills.  
20 Our Home Water Assistance Program is available to  
21 low-income single family homeowners, and the  
22 Multifamily Water Assistant Program provides a bill  
23 credit to apartment owners who agree to conserve  
24 water and keep rents affordable. We have also been  
25 aggressively marketing through direct mail, because

1 of course we have customer relationships with most  
2 every single family homeowner in the city, to market  
3 the state's Low-Income Household Water Assistance  
4 Program, a federally-funded program that assists low-  
5 income households with water and wastewater bills.  
6

7 In addition, as always, our customer service  
8 staff will work individually with any customer with  
9 outstanding bills to design a payment agreement that  
10 can extend as long as 10 years. Our goal is to  
11 collect outstanding balances by making it as easy as  
12 possible for people to pay their water bills. In  
13 January, we launched our one-time amnesty program to  
14 help New Yorkers who have fallen behind and settle  
15 their debt at a reduced cost. It is the broadest  
16 amnesty program DEP has ever offered. It is open to  
17 all account holders regardless of how much they owe,  
18 and it will help customers by forgiving up to 100% of  
19 interest owed when they pay all or a portion of their  
20 outstanding bill. We are also offering up to \$5,000  
21 in additional support for LIHWAP recipients, because  
22 we found some households max out on their LIHWAP  
23 money, and still have an outstanding debt. Most of  
24 them will now have their debt to us forgiven. And  
25 this program is designed to assist customers and to

1 bring in revenue to DEP so that we can continue  
2 investing and maintaining.  
3

4       That being said the amnesty program will not last  
5 forever. Once the 90-day period ends on April 30, we  
6 will begin pursuing enforcement action against those  
7 ratepayers who still owe, and who have not reached  
8 out to DEP for assistance. And I should emphasize  
9 that point: We never do enforcement against anybody  
10 who is in a payment plan, right? By definition, if  
11 you're in a payment plan, you are not delayed in  
12 terms of enforcement action. We will be fair and  
13 enforcement, but customers must understand that there  
14 are consequences to not paying for their water.  
15 Being lenient to those who can pay but choose not to  
16 means that we will have to raise rates on those who  
17 do pay their fair share. Please encourage your  
18 constituents to take advantage of the amnesty  
19 program, which will only run another few weeks. If  
20 any constituent is having trouble with their bill,  
21 please encourage them to contact DEP to talk to our  
22 customer service team. We are here to help and  
23 people just have to ask.

24       Overall, I'm excited about what the future holds  
25 for this agency. Our FY 24 budget supports our key

1  
2 efforts and initiatives, and we have great support  
3 from Mayor Adams and we believe from you and the  
4 Council. With this continued support, we'll continue  
5 to meet these challenges achieve our goals and  
6 realize our vision to be a world class water and  
7 wastewater utility while building a sustainable  
8 future for all New Yorkers. Thank you for the  
9 opportunity to speak today. And of course, we are  
10 here to answer your questions. Thank you.

11 CHAIRPERSON GENNARO: Thank you, Commissioner.  
12 We're going to proceed with questioning. Let me-- We  
13 are also joined by Councilmember Holden, a member of  
14 the committee who is joining us via Zoom.

15 Fine, okay. Okay, we're going to do it. No,  
16 sure, sure. This is a very busy day at the Council.  
17 There's a press conferences. There's a lot of people  
18 are running around, and I always urge the members of  
19 the Committee to be as active as they can be, and ask  
20 relevant questions. And I'm going to be here for the  
21 duration of the hearing, so I want to give my members  
22 an opportunity to get their questions on the record.  
23 And so what we're looking for-- Lincoln first? I  
24 recognize Councilman Restler for questions.

1  
2 COUNCILMEMBER RESTLER: Thank you so much chair  
3 Gennaro. I really appreciate it. And  
4 congratulations on 40 years of service to our city  
5 and state. It's-- I've enjoyed getting to learn more  
6 about your resume and the breadth and range of  
7 experience that you've had, and I see how much it  
8 informs the quality of the work that you do in this  
9 role. So thank you very much for your leadership.

10 CHAIRPERSON GENNARO: Thank you.

11 COUNCILMEMBER RESTLER: And thank you,  
12 Commissioner and team. It's good to see you all I  
13 have a lot of respect for DEP and the leadership of  
14 DEP, and enjoy very much working with your agency.

15 I just have a handful of questions on a bunch of  
16 different areas, and I'll try to go fast and  
17 appreciate if you go fast too, so that I can stay to  
18 the clock.

19 Happy to hear that you've got net increase in  
20 staff positions, but adding 50 rolls over the last  
21 month means it would take us about two years to fully  
22 fill out all of the vacancies that we're facing at  
23 DEP. It's-- that's not an acceptable pace. So I  
24 just want to say we want to see much more aggressive  
25 hiring so that you all can do the essential work that



1  
2 you do to keep our water clean and our community safe  
3 and healthy. In particular, I want to flag in the  
4 Green Infrastructure Division. My understanding is  
5 that 25 of 65 positions are currently vacant, 40% of  
6 the positions. Are you able to confirm if that's  
7 accurate?

8 COMMISSIONER AGGARWALA: I'm sorry? Say that  
9 again. In which?

10 COUNCILMEMBER RESTLER: 25 of the of the 65  
11 positions in the Green Infrastructure Division are  
12 currently vacant, 40% of the rolls.

13 COMMISSIONER AGGARWALA: Well, look, I'm-- we can  
14 look up the precise number. I think it's really  
15 important to recognize that DEP has not actually  
16 suffered any significant decline in its performance  
17 as a result of our current vacancy rate. And one  
18 thing I will point out: We are-- we are certainly--  
19 one of my own personal goals, and we've done a goal  
20 setting exercise with all of my deputy commissioners,  
21 one of the goals I'm holding myself to, and each  
22 Deputy Commissioner has a hiring goal, is about  
23 hiring because we know how important that is.

24 I think it's also important to recognize that we  
25 can be creative, and we have held to our MMR targets.

1 We are performing very well despite our challenges.  
2 Our biggest concerns are actually in in engineering  
3 and legal as is true for many agencies.  
4

5 So while we are deeply concerned and we are  
6 aggressively going to hire, I think it's important to  
7 point out that we have not fallen down on delivering  
8 for New Yorkers.

9 COUNCILMEMBER RESTLER: I hear you and I think  
10 that's a testament to the quality of leadership we  
11 have in the agency that you've been able to achieve  
12 your MMR goals. When we looked at the recent PMMR,  
13 most agencies are failing to meet their core  
14 objectives and are way behind on their goals, largely  
15 because of understaffing. And at DEP we want to see  
16 you not just meet your goals, but exceed them,  
17 because especially as it relates to climate and  
18 resiliency, the work that you're doing is addressing  
19 the most pressing threat that we are facing as a  
20 city. So we need to do more, we need to staff up, so  
21 that the capable team that we have at DEP can do even  
22 more. And I want to highlight the Green  
23 Infrastructure Division because it's something that  
24 Councilmember Gutiérrez and myself, Councilmember  
25 Nurse really highlighted that we want to see greater

1 investment. I appreciate you coming to Bushwick and  
2 hanging out with them. You're welcome in Greenpoint  
3 anytime. We could do a Williamsburg walk together  
4 next.  
5

6 COMMISSIONER AGGARWALA: I'm in Greenpoint a lot,  
7 because we got a we got a thing there as you well  
8 know.

9 COUNCILMEMBER RESTLER: I'm aware of that thing.  
10 It's a lot of fun. And I appreciate your team has  
11 been great on Gateway to Greenpoint, and we're  
12 finally nearing the finish line on National Grid,  
13 thanks in part to your team being involved, and Chair  
14 Gennaro was very helpful on that, too. So I want to  
15 thank you all there. But we're not seeing enough  
16 green infrastructure investment. And the thing that  
17 I want to just ask is, from the perspective of my  
18 constituents. We have areas where we experience  
19 constant flooding every time it rains. I'm not  
20 talking about preparation for the next Ida. I'm  
21 talking about constant flooding whenever there's  
22 meaningful rain. And I go to DEP and I say, "Hey,  
23 look at the data. You guys do your assessment. You  
24 see that there's a real issue too.: And the best  
25

1 case scenario is I'm told maybe in many years, it's  
2 going to be addressed.  
3

4 So like, how should I be better advocating for my  
5 constituents? What should I be communicating to my  
6 constituents who are in these nice areas where we  
7 have seriously flooding whenever there is meaningful  
8 rainfall? And it is many years to see any hope for  
9 resolution? And I-- I mean, I go back and forth with  
10 your team constantly on the most problematic sites in  
11 my district. And I'm certainly appreciative of their  
12 engagement and their thoughtfulness. But the  
13 timelines are totally unacceptable.

14 COMMISSIONER AGGARWALA: Well, Councilmember,  
15 look, I think you are-- you are experiencing a  
16 concern that that we have across the city and that  
17 many of your colleagues and lots of New Yorkers have.

18 There is something about our infrastructure that  
19 takes a long time, right? Unfortunately, planning,  
20 particularly anything that goes underneath takes a  
21 long time to plan and deliver. It's one of the  
22 reasons that I am so focused on our procurement  
23 processes and ensuring that we can deliver as large a  
24 capital plan as we currently have, with the ambition  
25 of doing more.

1  
2 I think just quickly to answer your question, I  
3 would be happy personally. We have not done this,  
4 you and I would be happy personally to sit down with  
5 you and understand myself, the specific areas you've  
6 identified. As I have gotten to know the system  
7 better, I have come to appreciate that there are some  
8 situations, like in the Jewel Streets, where we can  
9 find a quick fix, and there are some where  
10 unfortunately, we just can't. And you know, the  
11 trick is making sure that we are we're doing as much  
12 of the former as we possibly can when it's feasible,  
13 but also appreciating the latter. And it's one of  
14 the reasons that we did Rainfall Ready, and we'll  
15 continue to think as creatively as we can, and we  
16 welcome, you know, ideas and collaboration on this,  
17 for how to help New Yorkers, when there are going to  
18 be years before infrastructure can be fixed for  
19 various reasons.

20 CHAIRPERSON GENNARO: And also feel free to keep  
21 going.

22 COUNCILMEMBER RESTLER: A few quick questions--  
23 two more questions.

24 CHAIRPERSON GENNARO: Yeah, it's fine, because we  
25 don't have a lot of members here, and you know, this

1 is the budget, and this-- you know, so let's get  
2 them in.  
3

4 COUNCILMEMBER RESTLER: One, we had a very  
5 helpful townhall in North Brooklyn with the Army  
6 Corps 10 days ago. Hundreds of folks came. I--  
7 their proposal of a 15-foot sea wall on our  
8 waterfront, really freaked people out, and rightly  
9 so, we obviously need major resiliency investments in  
10 these areas that are in the flood zone. I've been  
11 disappointed to hear that the-- I have been  
12 disappointed to really hear no leadership from the  
13 city in how to navigate this study, what your all's  
14 response is. You know, we're trying our best and  
15 great community groups that have been, you know,  
16 suggesting responses, and the Army Corps has been  
17 very flexible and is engaged, I think, really  
18 positively, and they want our feedback. But I'm--  
19 I'm eager for you to help us with guidance and for  
20 the team at City Hall to help us with guidance on how  
21 to navigate this more responsibly. Is that something  
22 that we can expect in the near future?

23 COMMISSIONER AGGARWALA: Yeah, Councilmember. So  
24 I'll say a couple of things on that. We've actually  
25 been very deeply engaged with the Army Corps and in

1 what I think is a really positive development over  
2 the last year. We've been working really closely  
3 with both New York state and the State of New Jersey.  
4 One of our challenges as the city is that we are not  
5 an official local partner, right? When the Army  
6 Corps does resilience projects in Miami or in several  
7 other parts of the country, the municipality is the  
8 official partner. We are kind of a little brother at  
9 the table, right?, where when there are official  
10 meetings, sometimes we're invited on sufferance, and  
11 only sometimes are we-- and sometimes we are not.

12  
13       Indeed, because we have very good relationships  
14 with both state DEC and New Jersey DEP, and I think  
15 genuinely the Army Corps appreciates how important  
16 New York City is, we've developed a very good working  
17 relationship.

18       We will, as I said a moment ago, be releasing  
19 probably before the-- before the new deadline, since  
20 we were ready to send it out today, but we're going  
21 to take another couple of days I think--

22       COUNCILMEMBER RESTLER: Fair enough.

23       COMMISSIONER AGGARWALA: -- the city's official  
24 comments on the HAT Study. We made the decision not  
25 to be outspoken at the beginning, because we actually

1 very much wanted to get an understanding of how New  
2 Yorkers felt about the various proposals. Staff from  
3 the Mayor's Office of Climate and Environmental  
4 Justice have attended each one of the Army Corps 40  
5 neighborhood meetings. And in fairness, I think the  
6 Army Corps has done a really good job of being  
7 available and present, I think exceeding  
8 expectations.  
9

10 COUNCILMEMBER RESTLER: I agree. Absolutely.  
11 And they've actually wanted our feedback and been  
12 responsive to it.

13 COMMISSIONER AGGARWALA: I will say that that  
14 among the headlines in terms of what the city is  
15 going to be pointing out, is that single-purpose  
16 infrastructure is an unacceptable approach to  
17 pursuing the HAT Study. Personally, I liken it to  
18 highways. I mean, we know with 50 years' hindsight,  
19 the way building a highway network, as a single  
20 purpose piece of infrastructure through cities  
21 devastated cities over the long term. If-- if the  
22 Army Corps pursues the HATs project, with a single  
23 goal of only addressing coastal inundation, the  
24 logical answer, as you suggest, is just building a  
25 bunch of sea walls, which kills economic activity,



1  
2 actually has terrible impacts on inland flooding, and  
3 undermines-- has the potential to undermine our long  
4 term control plans and undermine our ambient water  
5 quality goals. And, of course, has huge economic  
6 impacts, because our waterfront is really vibrant,  
7 whether it's ferries or economic activity of other  
8 sorts.

9       So that is going to be one of our top priorities  
10 is to point out to the corps that they have to in the  
11 integrated designs take all of those things into  
12 account. That may actually require federal  
13 legislation, because the Army Corps to their credit,  
14 they have to follow the mandate given to them by the-  
15 - by Congress. And so it is something that we have  
16 started discussing about whether we need our  
17 congressional delegation to redefine the HAT Study to  
18 pursue those multiple things.

19       COUNCILMEMBER RESTLER: Councilmember Gutiérrez  
20 and I are too smart to speak on behalf of-- of our  
21 Congresswoman, but I know that she deeply cares about  
22 this, and wants to be a champion, and would strongly  
23 encourage you to partner with her on those efforts.

24       And then lastly, just as our Chief Climate  
25 Officer, rather than our DEP Commissioner, are you

1 encouraging further regulations on REX? What's the  
2 status?  
3

4 COMMISSIONER AGGARWALA: We are working on an  
5 analysis, and I think we've shared this publicly. We  
6 are doing an analysis jointly with NYSERDA and some  
7 internal work to understand how Rex-- how we think  
8 REX might affect compliance with Local Law 97. We  
9 will have more to say on that in a couple of weeks.

10 CHAIRPERSON GENNARO: I'll just point out that--  
11 this is a little off topic, but it's very important.  
12 I'm going to give the Councilmember latitude to ask  
13 this important question.

14 COUNCILMEMBER RESTLER: Thank you. I think it's  
15 important that we send a signal now to building  
16 owners, to potential for job training and job  
17 opportunities that will come with retrofitting of  
18 these buildings. If we fail to regulate, if we  
19 create this massive loophole, we're allowing for most  
20 office buildings in the city of New York to do  
21 absolutely nothing to reduce their carbon emissions.  
22 And so I really, really, really, really, really hope  
23 -- I'm saying this all very nicely -- that (thank you  
24 for laughing Jim) that we do the right thing here and  
25 move forward on rulemaking to rein in this issue, and

1  
2 I realize it's a DOB issue, but you're overseeing all  
3 of this, it ultimately is where the buck stops, and--  
4 which is a good thing. But we really need your  
5 leadership on this.

6 COMMISSIONER AGGARWALA: Councilmember, as I have  
7 testified and said in public many times, I am very  
8 much, and Mayor Adams is very much committed to  
9 implementing Local Law 97. It is a very complex law.  
10 And just to be frank, I think there is a lot of  
11 oversimplification out there. I am not yet convinced  
12 of what you asserted, in terms of what office  
13 buildings will do. That is one of the things we are  
14 trying to figure out, is really understanding what  
15 the economic incentives might be for different  
16 compliance paths.

17 We also know that there are a number of  
18 buildings, both office and not office, that are going  
19 to have a very hard time electrifying. And we are  
20 trying to figure out the actual. I mean, the title  
21 of that law, as I've said, on many occasions was the  
22 Climate Mobilization Act. What we are focused on is  
23 how we mobilize buildings into compliance.  
24 Enforcement is one path. Identifying multiple  
25 approaches to compliance is another path.

1  
2 COUNCILMEMBER RESTLER: Right, but-- but to be  
3 fair, one way we will never mobilize buildings into  
4 compliance is by creating big loopholes. And so I  
5 trust your values. I hope that if-- that you will  
6 maintain-- maintain close communication with the  
7 council that spearheaded this legislation, as you  
8 consider these policies, which I agree are very  
9 complex, but we should be in communication and  
10 working together, because I'm very, very concerned  
11 about not-- about what I believe represents a massive  
12 loophole that needs to be whittled down. Thank you.

13 And thank you for the latitude, Chair Gennaro.

14 CHAIRPERSON GENNARO: Thank you, Councilmember  
15 Restler. And-- and I recognize Councilmember  
16 Gutiérrez for questions.

17 COUNCILMEMBER GUTIÉRREZ: Thank you so much,  
18 Chair. And thank you, Commissioner for your robust  
19 testimony. I think there's a ton of really vital and  
20 crucial information. So with that being said, I  
21 don't have a ton of questions but I think, like  
22 Councilmember Restler mentioned, I did have the  
23 privilege of having you in our district for a little  
24 bit, and I appreciate you, as well as your team who's  
25 done an incredible work at following up. They've

1 attended all our-- participated in all our town  
2 halls. So thank you and your team for that. I know  
3 that you are all in high demand.

4 My question is, regarding a portion of your  
5 testimony where you highlighted funding for-- for the  
6 Cloudburst Project. I know we touched on that  
7 briefly while we toured Knickerbocker, and again I  
8 appreciate kind of all the-- the resources and  
9 attention we're putting on this corridor in both mine  
10 and Councilmember Nurse's district.

11 I'm curious where you kind of see this project  
12 expanding for a corridor like-- like Knickerbocker,  
13 which is mainly commercial and also residential. And  
14 I know that you are also looking at 24 other  
15 locations. If you can give us any sense of if  
16 Knickerbocker is being considered on top of kind of  
17 all-- and if that Cloudburst Project is something  
18 that would even be helpful for what we're  
19 experiencing in Knickerbocker. And if not, if  
20 Bushwick is on a shortlist for being included in one  
21 of the 24 locations. I am excited about, obviously,  
22 having East New York in there as well. I think it's  
23 vital. But just curious on those two pieces.

1  
2           COMMISSIONER AGGARWALA: I'll ask Kim to chime  
3 in. I have to confess I don't know off the top of my  
4 head whether Bushwick is one of the 20-some-odd  
5 places we're continuing to do design work on for  
6 cloudburst. But I'll make the broader point: I  
7 think, as you know, and as we discussed when I  
8 visited with you, one of the things about our current  
9 Green Infrastructure Program is it was focused on  
10 reducing combined sewer overflows, right?, which  
11 means that that our green infrastructure to date has  
12 only been located in in places where there is both a  
13 combined sewer system -- which there is in virtually  
14 all of your district -- but also where the modeling  
15 that we agreed with the State which regulates that  
16 program, where the modeling demonstrated that  
17 introducing green infrastructure would have a  
18 significant impact on CSOs.

19           We are now in the process, and in fact working  
20 with the State, to reorient our green infrastructure  
21 program to be a citywide effort, so that we can put  
22 it in neighborhoods such as yours for its overall  
23 stormwater management benefits, not only where we see  
24 a modeled impact on combined sewer overflows. So  
25 that is one thing I will say: We're turning that

1 ship. Of course, that's, you're not going to see it  
2 in the ground for a little while, because there is  
3 some real design work that has to go on.  
4

5 I will also point out, you know, Knickerbocker,  
6 unfortunately, some of the flooding that that your  
7 constituents, as we-- as we discussed, it's such a  
8 big system, there are just some things that we're  
9 trying to figure out that we don't understand, stuff  
10 that goes on. And it's one of the reasons I  
11 mentioned SCADA.

12 COUNCILMEMBER GUTIÉRREZ: So you admit that  
13 Knickerbocker is an anomaly?

14 COMMISSIONER AGGARWALA: I'm sorry?

15 COUNCILMEMBER GUTIÉRREZ: So you admit that  
16 Knickerbocker is some-- some bit of an anomaly with  
17 this issue?

18 COMMISSIONER AGGARWALA: Yeah. I mean, as-- as  
19 our folks, Jerry Fergeus[ph] was out there with us,  
20 and, you know, we've placed a monitor in the-- in the  
21 trunk there, and we are we are trying to figure that  
22 out. It's one of the reasons I mentioned SCADA  
23 systems, which we do with the treatment plants. But  
24 across the agency, I think one of the things we have  
25 to do, both for operational efficiency and to address

1 climate change, is really expand our ability to use  
2 sensors to understand how our massive asset is  
3 operating. [TO MS. CIPRIANO:] Do you have an answer  
4 on Bushwick? [TO COUNCIL:] No? Okay, we will get  
5 back to on cloudbursts.  
6

7 COUNCILMEMBER GUTIÉRREZ: I would appreciate it.  
8 And if there's a space to advocate, I would love to  
9 see Bushwick and/or Williamsburg as a part of that.

10 COMMISSIONER AGGARWALA: Councilmember, let me  
11 let me just add: The only reason that we have  
12 excluded neighborhoods from cloudburst planning is  
13 where the subsurface material does not absorb water  
14 very well. So there is something about green  
15 infrastructure and cloudburst designs, where, if  
16 you've got really dense like bedrock, right under the  
17 surface, there's nowhere for the water to go. So  
18 that's the only reason. So it would only be geology  
19 that-- that drives that.

20 COUNCILMEMBER GUTIÉRREZ: I understand that, and  
21 I and I appreciate that. The only the only other  
22 thing that I wanted to add was just in relation to  
23 what Councilmember Restler added, kind of, what is  
24 the level of advocacy and partnership that we need to  
25 do as members to state or federal partners to kind of



1 have the conversation about some of these like  
2 broader capital projects? Like Ridgewood just  
3 finished a big problem-- a big project, excuse me, in  
4 partnership with DEP and DDC, a whole sewer  
5 replacement project which was really great.  
6 Residents hated it, and now they love it because they  
7 think things are working.

9       So I'm just curious: What are some of the things  
10 that we need to do to help kind of expedite that?  
11 Because I think in areas-- and again, we're still--  
12 you're still investigating parts of Knickerbocker,  
13 and I don't want to want to include my whole  
14 district, but what are some of the things that we  
15 need to do, just advocacy-wise to elevate-- to help  
16 fund these projects to help expedite, because it  
17 really is-- it's a hard conversation, after every  
18 time it rains, and you know, this, whether it's  
19 cloudburst, whatever it is, it's like these areas  
20 continue to be-- to be a problem. And I wouldn't-- I  
21 wouldn't even classify them as a flood because it's  
22 just like-- it's-- it's the way-- people are  
23 starting to become conditioned to it, and that is a  
24 terrible, terrible way to advocate for New York. So

1 what can you suggest to us? How can we move this?  
2  
3 How can we elevate the conversation?

4 Well, look, as-- as I suggested to Councilmember  
5 Restler, first of all, say, I'm-- I'm very happy--  
6 if-- if you feel like you're not getting any of the  
7 attention that you need, or whatever, I'm personally  
8 very happy to sit down and go through them with you.  
9 It's one of the reasons I walked with-- with you and  
10 Councilmember Nurse.

11 I think at the big picture, helping us with the  
12 federal and state money is always a high leverage way  
13 to help us. You know, as you well know, member items  
14 in the budget aren't going to usually do the kind of  
15 infrastructure that we do, but helping us get our  
16 fair share, particularly of those state-administered  
17 grants, can go a very long way. So that would be  
18 one.

19 And then I will say that one thing that we are  
20 working on at DEP: I cited the data-driven approach  
21 to catch basin cleaning. Part of what we did with  
22 Rainfall Ready was as-- as I think, you know, release  
23 a flooding map. And in the many walks and you know,  
24 the one I did with you and Councilmember Nurse I've  
25 done a number of walking tours over the last year

1  
2 with councilmembers. I've been very pleased that our  
3 modeling of the-- down to the BBL level-- of places  
4 that are likely to flood has proven fairly accurate,  
5 right? No model is perfect, but it's proven quite  
6 predictive. We are now in the process of ensuring  
7 that that kind of data is driving our sewer  
8 investments. And so I hope you will see over the  
9 coming years, just naturally without advocacy, a  
10 greater targeting to those problem areas, but we are  
11 always eager to have that direct input.

12 COUNCILMEMBER GUTIÉRREZ: Thank you,  
13 Commissioner. Thank you to the team once again.  
14 Thank you Chair.

15 COUNCILMEMBER RESTLER: And let us know how we  
16 can help on state and federal advocacy. We want to  
17 be your partners, so don't hesitate. And I'm going  
18 to talk with you on the Climate Memorial. Thank you  
19 on that.

20 CHAIRPERSON GENNARO: Thank you, Councilmember  
21 Gutiérrez. Thank you, Councilmember Restler. You  
22 bet. You bet. Sure.

23 Okay, we're going to adhere to the council rules.  
24 We have-- we have Councilmember Holden, who is on  
25 Zoom, but in the arcane rules of the council, he

1  
2 can't ask his questions directly, because there's not  
3 a quorum of members here, so he has transmitted his  
4 good questions through the finance staff just now to  
5 meet. So these are questions from Councilmember  
6 Holden. Question one: What is the cost of each  
7 noise camera, and how many will be allocated to each  
8 district? I'm just reading these verbatim.

9 COMMISSIONER AGGARWALA: I'll ask Kim to get the  
10 number. Sorry, I think it's 25 that we are doing,  
11 and [TO MR. MURIN:] what was the budget number? [TO  
12 COUNCIL:] I'm sorry. I don't bear that in my-- in  
13 my head. I will point out: We do not think about  
14 them as being allocated to--

15 CHAIRPERSON GENNARO: Also, Rohit, if you can  
16 talk right into the microphone, because Bob is on a  
17 connection, and we want to make sure he hears it.

18 COMMISSIONER AGGARWALA: While Kim or Joe gets  
19 the actual numbers so I'm not making stuff up, I will  
20 point out that we don't think about allocating it to  
21 council districts. We do think citywide. We'll  
22 think in terms of-- of hotspots. As we get an  
23 increased number of noise cameras, we will be using  
24 311 data and other data, because we know 311 is not  
25 the only source of truth for where there are problems

1  
2 in the city. But I think we've been very successful  
3 thus far in working with councilmembers to get  
4 cameras placed. Because we only have one in service  
5 right now there's a bit of a waiting list, but as we  
6 get eight, and hopefully a lot more next year, we  
7 will-- we will certainly be able to do more once--  
8 [TO MS. CIPRIANO:] Do you have a number?

9 CHAIRPERSON GENNARO: Let me just jump in with my  
10 own question for a second, and I'm--

11 COMMISSIONER AGGARWALA: Sorry, the specific--  
12 Kim had--

13 CHAIRPERSON GENNARO: I'm sorry, let me-- let me  
14 let Kimberly complete her answer.

15 MS. CIPRIANO: Thank you, Councilmember. Yes.  
16 So a camera costs approximately \$25,000. We have one  
17 in service--

18 CHAIRPERSON GENNARO: Pardon? How much?

19 MS. CIPRIANO: \$25,000.

20 CHAIRPERSON GENNARO: \$45,000?

21 MS. CIPRIANO: \$25.

22 CHAIRPERSON GENNARO: Oh, \$25,000, which leads  
23 into my question, which is not the Councilmember's.  
24 question: Is-- many councilmembers choose to fund  
25 police cameras in their district. I think their-- I

1  
2 think it is part of the Argus cameras, I think  
3 they're called, or whatever, and I'm-- I do that a  
4 lot. And I'm just wondering if this might be the  
5 kind of thing that if councilmembers were amenable to  
6 funding them, I mean, I think-- what I do with police  
7 cameras is that I give X amount of dollars and-- and  
8 I leave it to the police department to determine  
9 where the cameras will do the best good, based on the  
10 police data that they have and I don't. And I think  
11 something along those lines, if it's something that  
12 is amenable to DEP, if we just want to fund it, you  
13 know, with capital funds, if you could comment on  
14 that.

15 COMMISSIONER AGGARWALA: We would be very happy  
16 to work with you on-- on using member funds for-- for  
17 noise cameras.

18 CHAIRPERSON GENNARO: Great. Okay, so that is--  
19 that is good. I'll take a few. I'll figure out--  
20 And now the technology is ready to go, right? We've  
21 got the one camera?

22 COMMISSIONER AGGARWALA: It's-- yeah, we've got  
23 multiple. We're hoping to expand to a couple of  
24 different suppliers, so we can be sure that the one  
25

1 we have right now is the absolute best. But this is  
2 fairly mature technology.

3  
4 CHAIRPERSON GENNARO: Great. Great. Okay.

5 Second question from Councilmember Holden: Who is in  
6 charge of managing the rain gardens and bioswales,  
7 and how many workers are involved in that endeavor?

8 COMMISSIONER AGGARWALA: And I'll ask Kim to make  
9 sure we have the actual number of workers, but our--  
10 the maintenance-- the management and maintenance of  
11 all green infrastructure on the street, not the blue  
12 belts, is handled by our Bureau of Environmental  
13 Planning and Analysis. And that is an integrated  
14 planning and maintenance and operation.

15 CHAIRPERSON GENNARO: And, you know what, I think  
16 I'm going to ask, because he just phoned in another  
17 followup, or just sent in another followup. Okay, so  
18 the question is: So, who is in charge? How many are  
19 working? How many-- on the rain guards and  
20 bioswales? How many workers are involved in that?  
21 And- it's kind of all one question here. Is there a  
22 public web website that residents can-- can access to  
23 see when their bioswales or rain gardens are  
24 scheduled for maintenance? Which begs the question,  
25 you know, is there, indeed a schedule for the

1 maintenance of this infrastructure? So is there a  
2 public website that residents can-- can access when  
3 the their bioswales or rain gardens are scheduled for  
4 maintenance? So if you can talk about that, and  
5 also, just what the whole situation is regarding  
6 maintenance and upkeep of this infrastructure?  
7

8       COMMISSIONER AGGARWALA: Sure. Well, I'll ask  
9 Kim to chime in further, but the maintenance is done  
10 by-- by this team that is actually seasonal. So we  
11 don't do green infrastructure maintenance year round.  
12 We do it during the warmer months of the year, so six  
13 to eight months out of the year. And then we staff  
14 up pretty significantly. So right now we have 85  
15 people, but we have total lines for full capacity of  
16 223. That sounds like a terrible vacancy rate. But  
17 again, because it's seasonal, and given that we're at  
18 the beginning of March, that is what you would be  
19 expecting. We'll be ramping up. And last year, we  
20 were actually able to ramp up quite successfully,  
21 because this is this is work where we can-- we can  
22 bring in a lot of people.

23       CHAIRPERSON GENNARO: And the Councilmember's  
24 question that went to, you know-- is there a--



1  
2           COMMISSIONER AGGARWALA: There is no-- Right now  
3 there is no public published schedule for  
4 maintenance. It is something that we could look  
5 into.

6           CHAIRPERSON GENNARO: I mean-- I'll just add that  
7 as a council member, if I was getting complaints  
8 about, you know, bioswales, or other kinds of  
9 infrastructure that-- and you know, rain gardens that  
10 were not being maintained, I would call DEP, I would  
11 send up a flare, and I would indicate that there's  
12 work to be done. And so maybe that's the paradigm  
13 right now, you know, other than what you do, you  
14 know-- you know, on a regular basis.

15           MS. CIPRIANO: Absolutely. And thank you for  
16 that question. So we do have a map that indicates  
17 all of our constructed rain gardens throughout the  
18 city, and both what is currently constructed and also  
19 what we are planning to construct, so that the public  
20 has a good sense of where they are, where they're  
21 coming. That's on the construction side.

22           In the peak season, we often are doing  
23 maintenance one to two times per week, depending on  
24 the rain garden in particular. So the main  
25 activities that our green infrastructure maintenance

1  
2 workers are doing during the summer-- spring, summer,  
3 and fall are litter removal, plantings, prunings, et  
4 cetera. And so depending on the location of the  
5 asset, we have a greater schedule of cleanup for  
6 areas that are closer to commercial districts, where  
7 we tend to see more litter. In more residential  
8 neighborhoods where you don't see that as often, we  
9 have a slightly different schedule where we're going  
10 out less-- slightly less frequently, but doing more  
11 planting work or pruning work to make sure the  
12 vegetation is working as well as it can.

13       So if there are particularly problematic rain  
14 gardens, where any Councilmember or a member of the  
15 public is identifying that they are becoming litter  
16 strewn, or they need maintenance, they should  
17 definitely flag them for DEP, and we can make sure  
18 that we're evaluating the schedule that those are on.

19       CHAIRPERSON GENNARO: Okay, thank you.  
20 Appreciate that. Now I can-- Now it's me. Okay.  
21 Just got-- I've got some questions. But as I  
22 normally do, I kind of like walk through your  
23 statement and some questions just kind of jump out.

24       On page one of your testimony about being  
25 prepared for the-- for the shutdown of the Delaware

1  
2 Aqueduct. Now-- So a bypass is being built in order  
3 to do the shutdown. And is it going to be the case  
4 that once we build the bypass, the bypass is going to  
5 be the-- the permanent conduit? Are we going back  
6 to-- So we're not going back to the old one? So  
7 we're going to build a-- you know, built for the  
8 ages, kind of like that?

9 COMMISSIONER AGGARWALA: It's already  
10 constructed, actually.

11 CHAIRPERSON GENNARO: Pardon?

12 COMMISSIONER AGGARWALA: Yeah. Construction on  
13 the bypass tunnel was completed a year ago.

14 CHAIRPERSON GENNARO: Right.

15 COMMISSIONER AGGARWALA: The work we've been  
16 doing thus far is to make sure that all of our other  
17 systems are ready to supply the city for up to six  
18 months, with only water from the Catskill and Croton  
19 systems. So the Delaware system is 50% of our water  
20 consumption.

21 CHAIRPERSON GENNARO: Right.

22 COMMISSIONER AGGARWALA: So that requires a lot  
23 of work to make sure that through Croton and  
24 Catskill, we can provide full service to New Yorkers.

1  
2 Right now, as I said, we are looking good, we'll make  
3 a final go/no-go decision.

4 CHAIRPERSON GENNARO: Right, but just the cutover  
5 operation, even though it's already built, and-- But  
6 of course, it's not as easy as diverting the water to  
7 this other conduit from the one it's in now. And so  
8 that's going to be a six-month period of time.

9 COMMISSIONER AGGARWALA: That's-- that's several  
10 months. We are preparing for it to be-- Obviously,  
11 you know, you plan for the worst and work for the  
12 best. So we're planning for a longer shutdown than  
13 we expect. But that is-- Yeah, it will be multiple  
14 months that we will be relying only on Croton and  
15 Catskill water.

16 CHAIRPERSON GENNARO: So it's going to be Croton  
17 and Catskill. And there's not going to be any other  
18 asset brought online, like, you know, Southeast  
19 Queens wells, nothing like that, no?

20 COMMISSIONER AGGARWALA: No, definitely not.

21 CHAIRPERSON GENNARO: Okay. On page two of your  
22 testimony, a lot of discussion about fair share, the  
23 story of state money of \$225 million, we get 3% of  
24 the money, \$6 million. And-- and we've already done  
25 a little bit with the-- with the resolution on the

1  
2 bond ag to the extent that people are concerned about  
3 that. So you know, the Council's sort of, you know,  
4 sent up a flare on that. And there is-- and there's  
5 all the federal money, which some of it-- half that,  
6 I think you said it comes through the state, like,  
7 more or less, and other parts of that funding stream  
8 from the various federal laws that have been passed  
9 that provide money. So certainly, we have concerns  
10 on the state side that they may not be as fair. And--  
11 - can we talk about separate from the-- from the  
12 state, you know, the money that comes-- that will  
13 come through the city from other entities other than  
14 being funneled through the state? Like one of those  
15 kinds of entities, and how does that happen?

16 COMMISSIONER AGGARWALA: So there are two broad  
17 buckets of non-state-administered money coming from  
18 the federal government. One is formula money, which  
19 comes from--

20 CHAIRPERSON GENNARO: One is what? Sorry?

21 COMMISSIONER AGGARWALA: Formula money--

22 CHAIRPERSON GENNARO: Okay.

23 COMMISSIONER AGGARWALA: -- which is done through  
24 the Community Development Block Grant Formula. So  
25 some portion of the BIL money, and Joe can elaborate

1 on this, is allocated across all of the  
2 municipalities in the country on a formula. The city  
3 has to come up with compliant projects. So there is  
4 a level of oversight. It's not just a check that  
5 that we can spend however we wish. But that is  
6 something that we have been aggressively using. A  
7 lot of that is targeted to resilience, and the  
8 preponderance of that money has been best suited  
9 actually for NYCHA and there's been an  
10 underappreciated, I would argue, investment in  
11 resilience in NYCHA, in part funded through that but  
12 DEP has seen some of that money for flooding  
13 resilience.

14  
15       There are also a handful of projects or programs  
16 that are directly administered by the federal  
17 government, like the BRIC [TO MR. MURIN:] What does  
18 BRIC stand for? [TO COUNCIL:] Building Resilient  
19 Infrastructure in Communities Program. And that's--  
20 that's the program for example to which we are  
21 applying for the Brownsville Cloudburst Project. I  
22 don't off the top of my head have the relative  
23 proportions of-- administered by the state directly--  
24 directly formula, or federal competitive. [TO MR.  
25 MURIN:] Do you have a sense of that Joe?

1           MR. MURIN:  You know, not off the top of my head.  
2  
3       But I would say that we have both the formula-driven  
4       grants as well as those that are competitive grants,  
5       which are not-- you know, as the Commissioner said,  
6       but we're also looking across the spectrum of, you  
7       know, Department of Energy, Department of Homeland  
8       Security.  You know, there's a whole suite of other  
9       competitive grants out there that we're pursuing, you  
10      know, from the federal program, as well as continuing  
11      to use the-- the ones that Commissioner mentioned,  
12      the CDBG.  And FEMA is also, you know, having some  
13      grant opportunities, as well as the continued use of  
14      the State Revolving Fund, which is administered  
15      through EPA, and is, you know, facilitated through  
16      the Environmental Facilities Corporation from the  
17      State.

18           CHAIRPERSON GENNARO:  Thank you.  So just so I  
19      understand, all these-- this whole mechanism of how  
20      the funding has been allocated, that has been in  
21      existence for a long time, but the passage of, you  
22      know, the recent federal-- federal legislation that  
23      provided this-- this funding are going through these  
24      established networks, so now their-- their coffers

1 are more flush with money. And so-- but we're using  
2 the same mechanism to get it to the--  
3

4 And with regard to, you know, that which is going  
5 to be funneled through the state, I mean-- I mean  
6 my, you know, understanding of the way all this works  
7 is not anywhere near the grasp that you have of it,  
8 but there's direct funding, there are loans, and  
9 there are whatever, and-- and it would be within the  
10 domain of the state to make some of those calls as to  
11 who gets direct funding, who gets loans, and  
12 whatever. And I don't-- I mean, feel free to voice  
13 concerns that you may have that are-- you know, that  
14 you have some direct insight into. There's chit-chat  
15 about how it may work, but any, you know, insight  
16 that you have about, you know, concerns that may  
17 develop between us and the state, and city fair  
18 share, this would be the forum to--

19 COMMISSIONER AGGARWALA: Well, as I said, and  
20 thanks for your attention to this. I'll give you one  
21 example. The-- the first big tranche of money that  
22 the state is going to be delivering based on the  
23 bipartisan infrastructure law is around lead service  
24 line replacement. Now, of course, New York City has  
25 a lot of lead service lines, we do not consider them



1 at all an immediate health hazard because DEP does a  
2 very good job of managing the pH and the chemical  
3 composition of the of the water to ensure that lead  
4 does not leach into people's drinking water.  
5

6       Nonetheless, we are eager to take advantage of  
7 the large amount of money in the bipartisan  
8 infrastructure law to replace lead service lines,  
9 because we're very happy that the federal government  
10 is willing to pay for it.

11       The State Environmental Facilities Corporation  
12 has been tasked by the state was distributing that  
13 money. They put out a notice of -- what's it called?  
14 -- a Notice Of Funding Opportunity, NOFO, in the  
15 fall. And New York City, we at DEP, applied for 50%  
16 of the money.

17       Now under the Bipartisan Infrastructure Law, half  
18 of the money given to the states is for loans, and  
19 half is given for grants. If EFC applies its  
20 definition of disadvantaged communities to this  
21 project, New York City will only be eligible for the  
22 loans, which means that it's very good that we will  
23 get a low interest rate. But it is not-- it is still  
24 money that will have to go to the ratepayers to be  
25 repaid.

1  
2           If New York City gets its fair share, I would  
3 argue, we should get roughly half of the loans and  
4 roughly half of the grants, but that is a  
5 determination that EFC will make.

6           CHAIRPERSON GENNARO: So there's already been,  
7 you know, guidance or a statement put forward by the  
8 Environmental Facilities Corporation? That's how the  
9 federal lead money is going to work?

10          COMMISSIONER AGGARWALA: Yes.

11          CHAIRPERSON GENNARO: And they have the-- just  
12 the authority to do this by fiat or...?

13          COMMISSIONER AGGARWALA: It is through the  
14 legislation. I believe this one is under the  
15 oversight of EPA not FEMA. And as long as the State  
16 operates within the guidance issued by the federal  
17 oversight agency, then yes, they have a reasonable  
18 amount of jurisdiction. So we are, in fact, I'm  
19 about to send a letter to EFC, expressing my concern  
20 over the potential that they might apply that rule to  
21 this pot of money, which I think is inconsistent with  
22 congressional intent.

23          CHAIRPERSON GENNARO: Oh, it'd be because it's  
24 DEP's view that the interpretation of the  
25 Environmental Facilities Corporation is at odds with

1 the spirit, if not the letter of the federal  
2 guidance.  
3

4 COMMISSIONER AGGARWALA: That is what I believe,  
5 yes.

6 CHAIRPERSON GENNARO: Do you want any backup from  
7 the Council on that?

8 COMMISSIONER AGGARWALA: I will share the letter  
9 with you all, and yes, we're always happy to have  
10 backup from the Council.

11 CHAIRPERSON GENNARO: I mean, yeah. We're happy  
12 to bang that drum. And I'll make a point of to  
13 Andrew from our finance staff to make sure we get  
14 that letter, and then we'll talk to the Council  
15 leadership, and we'll do whatever we do with it,  
16 maybe do a reso, maybe do a letter, or maybe do  
17 something. Yeah, we welcome the opportunity to do  
18 that. And like we said-- this is only the-- so this  
19 is what we know about. There'll be other tranches of  
20 funding.

21 COMMISSIONER AGGARWALA: That's right.

22 CHAIRPERSON GENNARO: So this is the kind of  
23 thing that would be wise to sort of, you know, get at  
24 the outset and come to an understanding about fair  
25 share.

2 COMMISSIONER AGGARWALA: Exactly.

3 CHAIRPERSON GENNARO: So yep.

4 We did that.

5 Right, we talked about the HAT study. And so DEP  
6 is going to hold off for now in submitting its  
7 testimony or its comments on the HAT study. Right?

8 COMMISSIONER AGGARWALA: Yes. And actually,  
9 it'll be-- it'll be the climate office that is on  
10 point right now for relations with the Army Corps.  
11 But yes, we'll get that. We'll share that with you.  
12 In fact, I'm happy to share a draft.

13 CHAIRPERSON GENNARO: So when is the deadline for  
14 that to get in now?

15 COMMISSIONER AGGARWALA: Last night, they  
16 extended it to the end of this month. So I believe  
17 it's close of business on March 31st.

18 CHAIRPERSON GENNARO: Okay, now, I mean, I don't  
19 think you want to give that to us. You want to give  
20 it to the feds, right? They, you know, we shouldn't  
21 have that before they get it. But if we, you know,  
22 get it in, like-- Let's just say you didn't wait for  
23 the deadline, and you submitted it like a week early  
24 or something. And then we got it, the Council that  
25 is, then we go to school on it. Nothing really

1 prohibiting us from submitting official comments,  
2  
3 right?

4 COMMISSIONER AGGARWALA: Definitely not. Every--

5 CHAIRPERSON GENNARO: So we would like to go to  
6 school off, what you're going to put out. And so if  
7 we can--

8 COMMISSIONER AGGARWALA: I appreciate the  
9 support. I think it would be a wonderful first step  
10 for the newly-enlarged mandate of this Committee to  
11 weigh in on this really important project.

12 CHAIRPERSON GENNARO: That'll be great. We look  
13 forward to doing that. But you know, we would need a  
14 little time to kind of--

15 COMMISSIONER AGGARWALA: Happy to sit with you,  
16 or Samara, or any of you to help shape that and share  
17 our thinking on it.

18 CHAIRPERSON GENNARO: Yeah. So why don't we--

19 COMMISSIONER AGGARWALA: And, Mr. Chairman, I  
20 will say we had been working closely with the  
21 previous Waterfront Resilience Committee along these  
22 lines, and I think the change has merely interrupted  
23 that. So we're happy to pick that up. But we had--

24 CHAIRPERSON GENNARO: Yeah, sure. That'd be--  
25 that'd be great. So-- so when it goes into the feds,

1  
2 you know, then we'll arrange for like a briefing or  
3 something, and then--

4 COMMISSIONER AGGARWALA: Well, we can get a  
5 briefing set up very soon. We'll do that.

6 CHAIRPERSON GENNARO: Okay, sure. If you could  
7 make proper communication with the Council, to the  
8 Committee and, you know, and then Samara will loop in  
9 Andrew, and then we'll go to the Council leadership,  
10 and we'll try to do something about that.

11 And we did that.

12 One of the benefit of having my colleagues ask  
13 questions first is that they take the burden off me,  
14 you know? They ask a lot of good things.

15 On page six of your testimony, middle of the  
16 page, you're talking about the water treatment  
17 plants, about the fugitive methane emissions. Can  
18 you give us some sense of what the scope of the  
19 leakage is, and the steps that are being taken to--  
20 I guess some well, you know what? Just do-- This  
21 doesn't necessarily mean there is some malfunction,  
22 which is causing a leak? I think Methane is a  
23 natural byproduct of the processes that go on at  
24 sewage treatment plants, or whatever.

25 COMMISSIONER AGGARWALA: That's right.

1  
2 CHAIRPERSON GENNARO: And so it's really more of  
3 that phenomenon and something's leaking. It's just--  
4 if you could just--

5 COMMISSIONER AGGARWALA: I'm happy to-- happy to  
6 explain on that score. So yes, you're 100% crrect.  
7 We create methane intentionally, because we use  
8 anaerobic digestion to digest the solids that are in  
9 sewage, which is organic material of course. There  
10 are-- there's really no other way, there's no better  
11 way to deal with sewage.

12 CHAIRPERSON GENNARO: Right.

13 COMMISSIONER AGGARWALA: So this is exactly the  
14 right way. It's the most environmentally efficient.

15 CHAIRPERSON GENNARO: And this is the-- and this  
16 is the standard across the country.

17 COMMISSIONER AGGARWALA: And around the world.  
18 No question. And it is, of course, basically a  
19 natural process that we just use these treatment  
20 facilities to accelerate. The byproducts of that are  
21 methane, and then a solid material called digestate,  
22 or the biosolids. The biosolids can and should be  
23 beneficially reused. We are working on a multi-year  
24 plan to get to 100% beneficial reuse. We are also  
25 exploring whether there is a way to turn it into

1 really good class A material that could be used  
2 directly for compost or gardening. There are some  
3 utilities around the United States that actually have  
4 treatment plants where literally what is hauled out  
5 of the facility is safe to stick your hand into and  
6 put into your flower pot at home. That's something  
7 we do not have, but it is aspirational.

9 CHAIRPERSON GENNARO: Oh. So right now because  
10 we have the, you know, like the cake, or whatever it  
11 is that has heavy metals and stuff in it or whatever.  
12 And it goes to--

13 COMMISSIONER AGGARWALA: It's partially--

14 CHAIRPERSON GENNARO: -- that partially processes  
15 it, that further processes it into a cleaner  
16 substance. Right?

17 COMMISSIONER AGGARWALA: That's right. It's--  
18 it's less about the heavy metals. It's actually more  
19 about the biological component and how long it's  
20 cooked, and how I seen mimics the natural process of  
21 composting. But then the other aspect of this is the  
22 methane that is emitted, which by design should be  
23 fully captured, and either beneficially reused for  
24 co-gen, which we have a couple of our plans, or as we



1 now have at Newtown Creek to be reinjected into the  
2 grid.  
3

4       Unfortunately, of course, there's a lot of places  
5 for that to leak. And whether that's a big  
6 problematic leak, because we've got a concrete  
7 digester, that's 50 or 70 years old and it has a  
8 crack in it, or a relatively modest leak because  
9 there's a small pipe that just needs to be tightened  
10 or wrapped. All of those leaks add up. Over the  
11 course of 2022, we did a complete survey of methane  
12 leaks across all of our plants. We had people  
13 walking around with-- with meters to test where they  
14 were concentrations of methane. Happily, we found  
15 none that that led to an immediate safety risk,  
16 because of course methane is explosive. But we know  
17 that for greenhouse gas and for air pollution, this  
18 is a bad thing, and so we need to tighten it.

19       So starting later this year, we will be  
20 undertaking a significant program to tighten all the  
21 easy things, you know where it is just about wrapping  
22 some pipes and doing that systematically. We  
23 identified about 1000 tasks across our 14 treatment  
24 plants. Some of them will require a much larger  
25 capital programs to address.

1  
2 CHAIRPERSON GENNARO: Right. It's going to be  
3 more of a bricks-and-mortar kind of, you know...

4 COMMISSIONER AGGARWALA: In some cases yes.

5 CHAIRPERSON GENNARO: And-- And with regard to  
6 that, is-- I guess DEP has like air permits for this  
7 kind of thing, or whatever, from DEC, or is this--  
8 you are just-- are just doing it because it's what  
9 needs to be done in...?

10 COMMISSIONER AGGARWALA: We're doing it because  
11 it's the right thing to do. It's also part of our  
12 Local Law 97 effort, because our methane emissions  
13 are counted towards city operations--

14 CHAIRPERSON GENNARO: Right. Right.

15 COMMISSIONER AGGARWALA: -- our carbon footprint,  
16 and so one of the ways that we need to reach the city  
17 operations target set in local on 97 is around DEP's  
18 methane emissions.

19 COMMISSIONER AGGARWALA: Right. Okay, thank you.

20 CHAIRPERSON GENNARO: At the bottom of page  
21 eight, it talks about the ongoing effort to do the  
22 full build out of storm sewers for Southeast Queens.  
23 And, you know, I've been, you know, banging this drum  
24 a while as to you know, when the full build out is  
25 actually going to be completed. And so that-- that

1 that question is still, you know, out there. I'm not  
2 going to press you for it now, but I'm just wondering  
3 what percentage of the area in Southeast Queens, you  
4 know, right now is still-- still has no, you know  
5 storm sewer infrastructure?  
6

7 COMMISSIONER AGGARWALA: I don't know that off  
8 the top of my head.

9 MS. CIPRIANO: So the work that we've been doing  
10 so far in Southeast Queens is really to invest in the  
11 storm spine. So those are the really large pieces of  
12 infrastructure that are at the tail end of the  
13 system. So the sewer system is built like a tree  
14 trunk. So we build the biggest trunk part first,  
15 that allows us to then very quickly move upstream and  
16 pull all of the stormwater from the neighborhoods  
17 into the spines that then run out to the outfalls.  
18 So I'm pleased to inform you that we have already  
19 committed \$500 million worth of storm sewer work in  
20 Southeast Queens, which is either currently in  
21 construction or already completed. That's 18  
22 projects completed in Southeast Queens. And we're  
23 continuing over time to sewer the area. So I don't  
24 have an exact percentage of how much is left to be  
25 sewered, but we are kind of working our way up the

1  
2 system. So the dollars invested is not a perfect  
3 alignment to the percentage of the community boards  
4 that need sewers still.

5 CHAIRPERSON GENNARO: Thank you. Yeah, I just  
6 think it's important to, sort of, you know, quantify  
7 the-- what needs to be done, and that kind of backs  
8 you into, how long is it going to take to do it? I  
9 was in-- I was in Southeast Queens recently for some  
10 event, and there-- and people knew I was chair of  
11 this committee, and they're-- they're like, our  
12 streets are being overrun with construction, they're  
13 building storm sewers, and it's like a big pain in  
14 the neck because it makes noise and whatever. And  
15 I'm like, "You're welcome." You know, and so...

16 But it was nice to hear that a lot of people--  
17 "Oh, they're coming in in big vehicles, and they're  
18 digging." And I'm like, "Yeah, exactly. Exactly."  
19 We did the-- the camera thing with the with the  
20 noise.

21 Yeah, we're, you know, regarding the Julie Menin  
22 bill on-- on idling, we're very interested in moving  
23 that. We're in good shape there.

24 Oh, with regard to-- Oh, we're also going to do  
25 the Joann Ariola derlict watercraft bill or whatever.

1  
2 I mean, you know, I know you deal a lot in coastal  
3 waters, and there's, you know, derelict watercraft or  
4 whatever, so we're doing-- we're doing that bill.

5 It sounds like I'm testifying now.

6 Okay. water rates. So 'tis the season, right?,  
7 spring, and the Adams Administration, like in many  
8 years in the de Blasio Administration, you know,  
9 graciously pass on the opportunity to receive a  
10 rental payment from the waterboard. I know you don't  
11 speak for the Mayor, or the highest reaches of the  
12 Administration, although you're pretty high up there.

13 Do you know of any indication from the  
14 Administration that they have any interest in seeking  
15 a partial or full rental payment when it comes to the  
16 water rates? I don't know if this jams you up, but I  
17 mean, it's...

18 COMMISSIONER AGGARWALA: Mr. Chairman, right now,  
19 we have had no indication that there will be a rental  
20 payment this year. But-- Thus far, nothing.

21 CHAIRPERSON GENNARO: Okay. So right now I'm  
22 going to take no good-- you know, no news is good  
23 news. And now, if they're going to put that into the  
24 Rubik's cube that spits out the water rate, they  
25 would have to take their-- I mean, what's the

1  
2 timeline on this? Like when do the-- when do the  
3 water rates get published?

4 COMMISSIONER AGGARWALA: We-- We expect to make a  
5 proposal to the Water Board in April for their  
6 consideration, and hopefully adoption in May or early  
7 June.

8 CHAIRPERSON GENNARO: Okay. And regarding all  
9 the steps that DEP is making to recoup, you know,  
10 late payments, and, you know, of course, the pandemic  
11 and everything else, no one has money, and everybody  
12 wants to-- everybody wants to be a nice guy. And  
13 there's the program that you had articulated here  
14 that people are availing themselves of. But the days  
15 of wine and roses are coming to an end. And so-- And  
16 so I guess if I put my parochial you know,  
17 Councilmember hat on. I mean, you know, some kind of  
18 communication I could make to my constituents, you  
19 know, even though they-- they get information from  
20 DEPA, or whatever, would be to indicate that if they  
21 want to enter into the program that's currently on--  
22 on the table, they should endeavor to do so within a  
23 certain amount of time, because the landscape is  
24 going to change. And so what is it going to change?  
25 When are we doing that?

1  
2 COMMISSIONER AGGARWALA: The amnesty is--

3 CHAIRPERSON GENNARO: No, no, no. when are you  
4 doing that? Sorry. I'm-- I'm only a partner in the  
5 good stuff. I'm not a partner in this stuff.

6 COMMISSIONER AGGARWALA: The Amnesty closes on  
7 April 30th. And so yeah, so we will...

8 CHAIRPERSON GENNARO: So up until then, as, you  
9 know, you owe us a bunch of money. You know, we'll  
10 work with you on the interest. We just want the  
11 principle. We've got to-- you know. And so, if I  
12 could give DEP a little-- I mean, I should already  
13 know this. Maybe my staff already does. But I'm  
14 thinking of making some kind of strategic  
15 communication, you know, beneficial communication to  
16 my constituents that maybe, you know, in arrears that  
17 they have until X to-- to use the amnesty program.  
18 Afterwards, it's back to business as usual. And so  
19 where would I get that? Who would who would serve  
20 that up to me?

21 COMMISSIONER AGGARWALA: Well, I'd be very happy.  
22 Our-- Our Deputy Commissioner for Public Affairs,  
23 Beth DeFalco is here, and our Deputy Commissioner for  
24 Customer Service, Jeff Lynch.

25

1  
2 CHAIRPERSON GENNARO: Oh right. Yeah. You gave  
3 me her card. Right. Yeah.

4 COMMISSIONER AGGARWALA: Yes. And so we are, in  
5 fact, in the process of going to community boards and  
6 working with electeds across the city to help them--

7 CHAIRPERSON GENNARO: Yeah, that would be--

8 COMMISSIONER AGGARWALA: I think your staff  
9 probably has a starter deck, but we're happy to-- to  
10 give you anything that is helpful, because yes, it  
11 would be wonderful to have councilmembers help spread  
12 the word on this.

13 CHAIRPERSON GENNARO: Right.

14 COMMISSIONER AGGARWALA: We are doing at DEP, we  
15 are doing direct mail to everybody who is in arrears,  
16 for the largest buildings--

17 CHAIRPERSON GENNARO: Okay. So you're taking  
18 affirmative outreach, saying--

19 COMMISSIONER AGGARWALA: Yeah. We are not just  
20 relying on-- on word spreading. We are we are  
21 directly contacting eligible account holders. We are  
22 doing phone calls to the largest buildings that are  
23 delinquent, where we have contact information. So we  
24 are being really aggressive, as much as we can.  
25 Inevitably though, it does require somebody to be



1 willing to pick up the phone. And so you need  
2 multiple kinds of reminders--

3  
4 CHAIRPERSON GENNARO: Right.

5 COMMISSIONER AGGARWALA: -- to get that. And by  
6 the way, I will say that we've-- we've expanded the  
7 hours of our call center so that there are evening  
8 hours and Saturday hours now, which had not been the  
9 case, and we've done that because we are seeing an  
10 increase in phone calls as a result of the amnesty.

11 CHAIRPERSON GENNARO: Okay, and, and Beth-- what  
12 was it?

13 COMMISSIONER AGGARWALA: Beth DeFalco.

14 CHAIRPERSON GENNARO: Beth. Beth. So yeah, just  
15 see me before you leave, Beth, and then I'll give  
16 that to my staff, and we can make the proper  
17 connection, and get that little package that we could  
18 get out to people.

19 Okay. That's your statement. Those are my  
20 questions here. Oh, yes. Okay, thank you, Andrew.  
21 Okay.

22 I'm going to read this verbatim. No  
23 embellishment.

24 A new Filtration Avoidance Determination started  
25 in 2017. It just finish the first five years last

1 year. The FAD is extremely important in order to  
2 keep our unfiltered water system working. And land  
3 acquisition is an important part of the FAD process.  
4 And so the question would be: Does DEP have details  
5 on the Land Acquisition Program during the first five  
6 years of the FAD. And I remember telling, you know--  
7 in preparation for this hearing, I said, "Look, I  
8 want to do this whole thing on land acquisition," and  
9 I want to make-- because I mean, buying land is a lot  
10 of money, and the state government because-- like the  
11 FAD police or the State Health Department and the  
12 people of upstate New York have their own ideas about  
13 city, you know, buying land or whatever. And-- And I  
14 just want to make sure that we're hitting our targets  
15 regarding land acquisition, both in-- in, I guess,  
16 the first half of the FAD, which ended last year, and  
17 what the targets are for the new, I guess five years,  
18 right? And-- and is there money budgeted for the  
19 land acq targets that are put in the new FAD? So how  
20 do we do-- in the last five years about hitting the  
21 land acq targets? And how are we looking for the  
22 next five years? And is there indeed money in the  
23 budget to do that? That-- that's what you want,  
24 right? Okay, that's it.  
25

1  
2           COMMISSIONER AGGARWALA: So we do-- Certainly we  
3 have information, and if there's more information  
4 that we don't have on hand here we can-- we can give  
5 it to you. But I'll say during the first five years,  
6 we signed contracts to purchase 13,500 acres of land.  
7 Right now DEP owns roughly a third of all of the land  
8 in the watershed, which is massive.

9           CHAIRPERSON GENNARO: Right. But in what terms  
10 of the-- in terms of the-- and I don't look at the  
11 FAD, and I don't know how it works. And I don't know  
12 that when the FAD is put together, it gives an actual  
13 acreage target, or is it more like you have to make  
14 so many-- You know, so much in the form of outreach  
15 to people to do willing-buyer/willing-seller. So I  
16 don't know what metric they use in the FAD in terms  
17 of what you need to do to comply with it. I don't  
18 think it's actual acreage, its actual--

19           COMMISSIONER AGGARWALA: It's not. It is about  
20 offers made.

21           CHAIRPERSON GENNARO: Right.

22           COMMISSIONER AGGARWALA: And we are certainly in  
23 compliance with the FAD. Looking forward, the one  
24 thing I will say is that, now that we own already  
25 such a large percentage of all of the available land,

1 we have actively changed the market for land in the  
2 watershed, right?

3  
4 CHAIRPERSON GENNARO: Right.

5 COMMISSIONER AGGARWALA: We constricted the  
6 potential supply dramatically. It's also the case--  
7 And two years ago, there was a major project done on  
8 our behalf by the National Academy of Sciences that  
9 demonstrated that there are diminishing returns to  
10 kind of general land acquisition. And one of the  
11 things in the revisions for the second half of the  
12 FAD is an increased focus in the west of Hudson  
13 watershed on very specific types of land acquisition,  
14 particularly streamside land.

15 So we are shifting our focus away from kind of  
16 buying any kind of land wherever it is, and really  
17 focused on this targeted repair.

18 CHAIRPERSON GENNARO: But that was the way it  
19 was-- because you had like whatever it was, it was  
20 like the A, and the B, and the C, and you know, there  
21 were like gradations of how prime this stuff was and  
22 how prime the land was.

23 COMMISSIONER AGGARWALA: But it's even more of a  
24 focus now, as we go into the second half and state  
25

1  
2 DOH seems completely to have concurred with the  
3 analysis that the National Academies did.

4 CHAIRPERSON GENNARO: Okay. Now I just want to  
5 talk a little bit-- I don't want to turn this into an  
6 oversight hearing on the FAD, but once upon a time,  
7 the, you know, 10 square mile Kensico Natural  
8 Watershed was responsible for a lot of the-- it was  
9 something like that 10 square miles-- because it's a  
10 holding reservoir. So it's an-- and it has a small  
11 natural watershed, thank goodness. You know, but  
12 there is an opportunity for, you know, stuff to get  
13 in. And you know, once upon a time, that little 10  
14 square mile watershed was responsible for a pretty  
15 high percentage of stuff getting into the water  
16 supply that we didn't really want getting in.

17 And there's only so much land you can buy in that  
18 highly-developed area. And there are other  
19 methodologies, presumably that DEP can use to divert  
20 water from that natural 10 square mile watershed from  
21 getting into Kensico. And so just-- just to sort of  
22 make this a budget question, just-- Is that a, you  
23 know, active focus of volt the FAD and DEP and, you  
24 know, protecting Kensico from, you know, local  
25

1           contamination? And is there adequate funding in the  
2           budget to-- to cover that?  
3

4           COMMISSIONER AGGARWALA: Well, first of all--

5           CHAIRPERSON GENNARO: I thought that was well  
6           stated. I thought that was good.

7           COMMISSIONER AGGARWALA: I agree. First of all,  
8           let me point out, remind everybody that while, yes,  
9           it is true that the area around the Kensico Reservoir  
10          is relatively built up compared to our other  
11          reservoirs. Our drinking water is safe. We are well  
12          in compliance with every standard that there is. We  
13          just released our clean drinking water report. So  
14          the fact that we continue always to be vigilant and  
15          concerned should never concern anybody about what is  
16          currently going on.

17          CHAIRPERSON GENNARO: Yeah, and I didn't mean to  
18          paint that picture. But yes-- But thank you for  
19          putting that on the record. Yeah.

20          COMMISSIONER AGGARWALA: So yes, it is true that  
21          in the second half of the FAD, the one place where we  
22          are still eagerly trying to buy as much land as  
23          possible is on the east of Hudson and particularly  
24          around Kensico. It is the most difficult because it  
25          is small, because it is built up. There is a large

1 pot of money in the budget. We can get the actual  
2 number for you, for land acquisition. I don't think  
3 we have a separate line item. [background voices]  
4 [TO MR. MURIN:] 15 for Kensico? But we don't  
5 distinguish. [TO COUNCIL:] Yeah. So we have \$50  
6 million in the budget to buy any land that comes up.  
7 And we would-- we would certainly be opportunistic,  
8 if there were an opportunity, especially around  
9 Kensico.  
10

11 CHAIRPERSON GENNARO: Right. And so that's--

12 COMMISSIONER AGGARWALA: We would do whatever it  
13 took.

14 CHAIRPERSON GENNARO: So for the next five years  
15 of the FAD, we got \$50 million in the budget. And  
16 we're having a like a focused eye on where we get  
17 like the biggest water quality, you know...

18 COMMISSIONER AGGARWALA: We pay very close  
19 attention to-- to Kensico. And yes.

20 CHAIRPERSON GENNARO: Okay. What else do we have  
21 here. Oh fine. Oh my god. Yep, yep, yep, yep.  
22 Okay. And so-- I yeah, there's a-- there's 1 p.m.  
23 hearing scheduled for-- for this for this room.

24 Having a little family conversation up here.  
25 That's all. It's good.

1  
2           And okay, so my last question is going to be:  
3 Manhattan Borough President Mark Levine proposed the  
4 creation of new city agency dedicated to overseeing  
5 coastal resiliency projects, noting the need to  
6 centralize and unify this work. I don't think that's  
7 a good idea, but this my own editorial comment.  
8 Does-- I mean, it's got to be taken care of, of  
9 course. Does DEP have any thoughts on how to better  
10 coordinate resiliency work that currently involves  
11 many different agencies and what a new coastal  
12 resiliency officer agency would need to look like or,  
13 where this responsibility would reside?

14           COMMISSIONER AGGARWALA: Thank you. Certainly  
15 how we manage the long term ongoing work that we have  
16 to do on-- on resilience, and coastal resilience  
17 specifically, has been top of mind. There's a lot of  
18 conversation going on right now actively around how  
19 we best do that. And I will just point out, you  
20 know, as-- as you know, last year at the beginning of  
21 the Adams Administration, we combined several  
22 offices. So what had been Mayor's Office of Climate  
23 and the Mayor's Office of Resilience are now one in  
24 the same. That's all already beginning to--



1  
2 CHAIRPERSON GENNARO: Just one second. Sorry  
3 about that.

4 COMMISSIONER AGGARWALA: That's already beginning  
5 to bring greater cohesion, as well as the fact of my  
6 role where I oversee both MOCEJ and-- and DEP, which  
7 I think has led to a greater integration between  
8 DEP's role on coastal resilience and-- and that from  
9 the Mayor's office. So we are working on it, sir.

10 CHAIRPERSON GENNARO: It sounds like a great  
11 idea. I-- you know, I'm-- I'm all for consolidating,  
12 and, you know, not creating different silos all over  
13 the place, and you know, bringing things together  
14 which is, you know. I'm very gratified to have, you  
15 know, picked up waterfronts and coastal resiliency as  
16 part of this committee's portfolio. And-- And so  
17 yeah, we'll-- we'll you know, work together and shake  
18 hands on that.

19 So with that said, I like the I'd like to thank  
20 this panel and the administration, and we had a good  
21 time at the bill signing yesterday, and lots of big  
22 fun there.

23 COMMISSIONER AGGARWALA: Congratulations.

24 CHAIRPERSON GENNARO: I don't have my pen on me,  
25 but I got a pen from the Mayor. It's-- I'm going to

1  
2 keep that one. So thanks very much for coming and  
3 testifying. We're going to open it up to public  
4 comments, but I'm going to just have a have a word  
5 and then then I have to just take a two minute recess  
6 during which the committee will prepare the people  
7 who are testifying. I guess we have people in here  
8 public-- in person. But yeah, don't-- don't read  
9 them yet. So we got people online. We got people--  
10 okay fine.

11 COMMISSIONER AGGARWALA: Excellent. Thank you.

12 We're going to take a two minute recess and then  
13 we're going to start up again.

14 [THREE MINUTE BREAK]

15 We are back.

16 Okay, we're going to begin the public portion of  
17 the-- the public testimony portion of the hearing.  
18 Now we have some witnesses in person. And we have  
19 some on Zoom. We're going to do the in person people  
20 first. And I ask the Counsel to call up our first  
21 witness.

22 COUNSEL: I'd like to call Rachel Aimee of the  
23 Urban Justice Center.

24 CHAIRPERSON GENNARO: Okay. Thank you very much.  
25 Thank you for having a-- having your written

1 testimony. And please identify yourself for the  
2 record and proceed with your good testimony. Make  
3 sure to talk right into the microphone.  
4

5 I can't hear you. Maybe your microphone is not  
6 on, or not in front of you. You've got to have the  
7 red light on.

8 MS. AIMEE: My name is Rachel Amy-- Should I  
9 start?

10 CHAIRPERSON GENNARO: Yeah, please start. Yes.

11 MS. AIMEE: Good afternoon. My name is Rachel  
12 Aimee. I'm the Development Director at the Street  
13 Vendor Project, a membership-based organization that  
14 champions the rights of street vendors as small  
15 businesses to contribute to the life and culture of  
16 New York City.

17 In 2021, SVP launched an environmental justice  
18 initiative to research and invest in healthy vending  
19 technology to reduce the environmental footprint of  
20 New York City's food carts and trucks. There are  
21 currently 5100 permitted food vending carts in New  
22 York City. Most of these food carts use fossil fuel  
23 generators, which emit harmful air and noise  
24 pollutants that negatively impact both the  
25

1  
2 environment and vendor health. Yet vendors lack  
3 clear and affordable alternative technologies.

4 CHAIRPERSON GENNARO: If you could bring the  
5 microphone a little closer to your-- to your face  
6 than we could hear it better.

7 MS. AIMEE: Is that better?

8 CHAIRPERSON GENNARO: Just kind of tilt it up.  
9 That's what I do. That's my trick.

10 MS. AIMEE: Is that okay?

11 CHAIRPERSON GENNARO: Yes. It's better.

12 MS. AIMEE: There are currently 5100 permitted  
13 food vending carts in New York City. Most of these  
14 food carts use fossil fuel generators which emit  
15 harmful air and noise pollutants that negatively  
16 impact both the environment and vendor health. Yet  
17 vendors lack clear and affordable alternative  
18 technologies to reduce these emissions. Through our  
19 environmental justice program, SVP has identified and  
20 tested a lithium ion battery that is effective and  
21 long-lasting enough to provide a sustainable  
22 alternative to fossil fuel based generators for  
23 street vendors. In FY 24 We plan to pilot this  
24 program by electrifying 10 food carts and trucks with  
25 clean, quiet reliable energy.

1  
2 CHAIRPERSON GENNARO: You need to tie the  
3 testimony to the budget, as to-- Is there a budget  
4 tie in here?

5 MS. AIMEE: We are-- we are requesting funding?

6 CHAIRPERSON GENNARO: Yeah. This is really a  
7 hearing about DEP'S-- about the city budget. This is  
8 not a-- I'm willing to give you a little latitude,  
9 and-- but why don't you get right to the right to the  
10 funding request. This is really not the forum for  
11 this. But you're nice people, the Vendor Project, I  
12 go way back with-- with the project. So I'll give  
13 you a little bit of latitude, but why don't you get  
14 right to the funding request. And also, you have to  
15 make sure that whatever you're doing, that you have  
16 to make proper application for-- make the proper  
17 application for this funding, which this committee is  
18 not the conduit for, but I'm happy to let you, you  
19 know, give you a little more latitude and just go  
20 right to the funding requests and put that on the  
21 record.

22 MS. AIMEE: Okay, thank you. SVP puts in a  
23 funding request this year to do community citywide  
24 community outreach to educate vendors about the  
25 benefits of transitioning to clean energy. Our

1 funding request is for \$300,000 to the City Council.  
2  
3 And we put in applications.

4 CHAIRPERSON GENNARO: Oh, and you did put in an  
5 application?

6 MS. AIMEE: Yes. We have an application.

7 CHAIRPERSON GENNARO: Great. Great.

8 MS. AIMEE: Yeah.

9 CHAIRPERSON GENNARO: And so. And you-- you talk  
10 about it here in your statement, right?

11 MS. AIMEE: Yes, I did it.

12 CHAIRPERSON GENNARO: Okay. Great. Okay, so now  
13 that I have this in hand, budget tie-in, we are all  
14 good, and we certainly do appreciate your patience  
15 and waiting to testify, and all the good work you do  
16 for the Street Vendor Project. Thank you very much  
17 for your testimony.

18 MS. AIMEE: Thank you. Thank you for having me.

19 CHAIRPERSON GENNARO: You bet.

20 COUNSEL: The next witness is Anthony Rodgers  
21 Wright from NYLPI.

22 MR. WRIGHT: Good afternoon.

23 CHAIRPERSON GENNARO: Thank you, Mr. Wright.  
24 Please state your name for the test-- please state  
25

1  
2 your name for the record, and proceed with your good  
3 testimony.

4 MR. WRIGHT: Thank you, Mr. Chairman. My name is  
5 Anthony Karefa Rogers-Wright. I currently serve as  
6 the Director of Environmental Justice with New York  
7 Lawyers for the Public Interest, or NYLPI. We're a  
8 45 year old civil rights organization. Our dedicated  
9 staff of attorneys, policy advocates, and organizers  
10 work tirelessly with community partners and partner  
11 organizations across the city and state to pursue an  
12 advanced justice for all New Yorkers.

13 I'd like to take this opportunity to speak with  
14 you about the recent budget offered by Mayor Adams  
15 including our concerns and hopes for necessary  
16 interventions by your committee, sir, and the City  
17 Council as a whole.

18 We agree with your esteemed speaker Adrienne  
19 Adams, who in response to the mayor's proposed  
20 budget, in part stated, we need consistent and  
21 effective management that prioritizes investments in  
22 our cities functionality and its people. And she  
23 added how concerned she was that the mayor's budget  
24 fell woefully short.

1  
2           Skipping ahead, since you have the full  
3 testimony, there are three specific and local laws  
4 that I'd like to speak about that require adequate  
5 funding in order for the city to actually comply with  
6 the law.

7           CHAIRPERSON GENNARO: Right.

8           MR. WRIGHT: The Mayor who stresses law and  
9 order, we should start by setting an example. First  
10 and foremost, Local Law 16, or the Renewable Rikers  
11 Act. As you know, Mr. Chairman, we've spoken about  
12 this before, we're woefully behind in keeping with  
13 the schedule of the 2027 deadline for closure and  
14 transfer to the Department of City and administrative  
15 services. We would like to see some budgeting to  
16 make sure that that happens, and ensure that you're  
17 also corresponding with coalitions like the Renewable  
18 Rikers Coalition and the Coalition to Close Rikers.

19           The second, Local I'd like to discuss is Local  
20 Law 97, which of course is very controversial.  
21 Chair-- Councilmember Restler was pressing DOB. You  
22 were here for that. While \$259 million is-- is a  
23 good start, we want to make sure that that money is  
24 not primarily helping real estate developers and  
25 building owners, and making sure that it's also



1 helping tenants. And furthermore, we really want to  
2 make sure that that money is not being used for  
3 initiatives to circumvent the intent of the law,  
4 which is to retrofit buildings to reduce the  
5 emissions. So that includes the profligate use of  
6 renewable energy credits, as well as so-called carbon  
7 capture technology, which is unproven, nascent and  
8 potentially very, very dangerous for New Yorkers who  
9 live in those buildings work in those buildings, and  
10 of course, trucks transporting corrosive materials  
11 throughout our city streets.  
12

13 We saw what just happened in East Palestine. We  
14 don't need that happening in New York City.

15 CHAIRPERSON GENNARO: Correct.

16 MR. WRIGHT: The last thing that I want to  
17 mention is of course, Local Law 1664 of 2017, which  
18 of course called on-- or directed the city to create  
19 an environmental justice plan, a portal, and a series  
20 of maps which were supposed to be produced in 2018.

21 The website, if you solicit it, is outdated, and  
22 it doesn't give any guidance as to what's happening,  
23 what's coming forth, and when we can expect this  
24 process to be completed.  
25

1           What I would also like to say is that as a part  
2 of that plan, I beseech you to look at one of the  
3 biggest threats to public safety and the tenets of  
4 environmental justice, which is hyper-gentrification  
5 in the city, which is disproportionately impacting  
6 black New Yorkers. 9000 black folk in Harlem lost  
7 over the last 10 years, replaced by an influx of  
8 white folk, which is not a problem necessarily. But  
9 in Bed Stuy, 22,000, black folk displaced, replaced  
10 by 30,000 and white folk. I've been joking around  
11 with my staff and saying that if we're really okay  
12 with the major atrophy of the city's black  
13 population, the population that brought the city in  
14 the world, everything from the Harlem Renaissance to  
15 hip hop culture, if we're okay with that, then we  
16 should name-- rename the city to New Boston and start  
17 rooting for the Celtics, the Patriots, and heavens  
18 forbid the Red Sox, which I don't think many people  
19 would like to do.

20  
21           So I mean, that's-- that's really the-- the basis  
22 of my testimony. I really appreciate the time.

23           CHAIRPERSON GENNARO: I'm actually going to jump  
24 right into a question here, because the-- the third  
25 point you made of the law that was passed in 2018, or

1  
2 whatever it was that creates-- supposed to create an  
3 environmental justice plan. Right?

4 MR. WRIGHT: Yes, sir.

5 CHAIRPERSON GENNARO: Could you go back over that  
6 again?

7 MR. WRIGHT: Yes, sir. So pursuant to Local Law  
8 60 and 64 of 2017--

9 CHAIRPERSON GENNARO: So 60 and 64 of 2017.  
10 Okay.

11 MR. WRIGHT: Yes, sir. So 64 was more the  
12 development of an EJ steering committee, if you will.  
13 And that's been established. We have great people on  
14 it, Peggy Shepard, Rebecca Bratsbey, and others.

15 CHAIRPERSON GENNARO: Peggy and I go back  
16 forever.

17 MR. WRIGHT: One more time, sir? Sorry.

18 CHAIRPERSON GENNARO: I said, Peggy and I go back  
19 forever.

20 MR. WRIGHT: Oh, yeah. Yeah. Everybody knows  
21 Peggy.

22 CHAIRPERSON GENNARO: Here's what I like to do.  
23 I'd like you to, right after your testimony, Samara--  
24 or no, we'll have Andrew-- if you could just have a  
25 little sidebar with Andrew. And-- Because what we

1 want to do, Andrew, is because now the council has a  
2  
3 Legislative Integrity Unit.

4 MR. WRIGHT: Yes sir.

5 CHAIRPERSON GENNARO: So we-- I can make out of  
6 to the council, after being away for seven years, and  
7 we're-- and we're passing laws that I already passed.  
8 And it's just like, "Why don't we just enforce the  
9 ones we already did?"

10 MR. WRIGHT: Yes sir.

11 CHAIRPERSON GENNARO: And so now we have a  
12 Legislative Integrity Unit, and this is why we have--  
13 this is why we have this new-- why we have this new  
14 unit, is to make sure that laws that we pass that,  
15 you know, we should make sure that they're being  
16 complied with.

17 MR. WRIGHT: Yes sir.

18 CHAIRPERSON GENNARO: If you-- you know, pass a  
19 law and no one does it, or doesn't, you know-- it's  
20 like a tree falling in the woods kind of thing.

21 MR. WRIGHT: Just one more thing that I think is  
22 important that the Mayor's budget did also didn't  
23 reflect: We talked about the loss of federal  
24 funding, you know, since we have emerged from the  
25 COVID pandemic, thank goodness. However, we have to

1 discuss-- There are-- there's a panoply of funding  
2 available from the federal government via the  
3 Inflation Reduction Act, especially. As a matter of  
4 fact, the EPA did just announced federal funding  
5 available for municipalities and metro areas  
6 specifically, but the Notice of Intent to apply for  
7 those funds is due on April 28. So we really do need  
8 to get moving. NILPI would love to work with you,  
9 some of our EJ partners, Eddie Bautista, Elizabeth  
10 Lapiere, to make sure that this city is in a great  
11 position to allocate those funds, and then of course,  
12 redistribute them in a way that upholds environmental  
13 justice.

15 CHAIRPERSON GENARO: Certainly, you know, point  
16 well taken, you know, regarding the budgetary thing,  
17 but let's get that law complied with. Andrew, if  
18 you're going-- and just have a sidebar with Mr.  
19 Wright, and make sure we got the right laws or  
20 whatever. And, you know, exchange, you know, basic  
21 information, you know, his contact your-- your  
22 contact as well. I want that to go to the-- to the  
23 Legislative Integrity Unit. For me to chair a  
24 hearing, and hear about environmental laws that we  
25 took to-- I mean, I wasn't here at the time. But we-

1  
2 - we passed them the bill was signed, and you know,  
3 here we are years after we were supposed to see  
4 concrete outputs from them, and we're not seeing  
5 them. So if you just have--

6 MR. WRIGHT: And last thing, Chairman. Thank you  
7 so much for your amazing work on electric school  
8 buses and electric vehicles in this city. That is  
9 something you can be proud of. We're starting to  
10 move forward with that. We're purchasing buses,  
11 repowering them.

12 CHAIRPERSON GENNARO: That's my job, Mr. Wright.  
13 I'm supposed to do this. That's my job. I do it.  
14 I'm happy to do it. I'm not a volunteer. And so  
15 this is my life's work. And 40 years gone, I'm still  
16 sitting there.

17 MR. WRIGHT: Thank you, Mr. Chairman.

18 CHAIRPERSON GENNARO: Thank you, Mr. Wright. And  
19 my best wishes to everyone at the New York Lawyers.

20 MR. WRIGHT: Thank you sir.

21 CHAIRPERSON GENNARO: Just go-- go talk to him.  
22 He's waiting.

23 COUNSEL: The next witness is Shiv Soin from  
24 TREEage. And after that, we have Miranda Massie from  
25 the Climate Museum.

1  
2 CHAIRPERSON GENNARO: Okay. Please state your  
3 name for the record and proceed with your testimony.

4 MS. MASSIE: Good afternoon. Hello, Mr.  
5 Chairman. It's great to see you again, and Miss  
6 Swanson here as well.

7 CHAIRPERSON GENNARO: Same here.

8 MS. MASSIE: We had the chance to touch base  
9 about this time last year, as you might recall.  
10 Speaking of New York Lawyers for the Public Interest,  
11 we previously worked together on the campaign to rid  
12 New York City Public Schools of PCBs when I was back  
13 at that excellent organization. I've since developed  
14 a plan to launch America's first climate-dedicated  
15 museum. We have our first Manhattan transit-  
16 accessible pop up show right now, and one of my  
17 agenda items is to invite you and anybody who might  
18 be interested in coming for a personal-- personalized  
19 tour of that space. The basic idea behind the  
20 climate museum is to bust the myth of American  
21 climate indifference.

22 So while two thirds of Americans support very  
23 robust climate justice policies, green New-Deal-level  
24 policies, reparative payments to sacrifice zones, we  
25 all believe that we're outnumbered two to one.

1           The researchers call this a false social reality.  
2  
3       So in New York State, for example -- this is  
4       ubiquitous in every state, though the percentage is  
5       very little -- 72% of us want very, very aggressive  
6       action at scale on climate. But when you ask us,  
7       what we think the level of support is, we say well  
8       under 50%. So we need to change that dynamic so that  
9       people can break the climate silence and speak out in  
10      a way that, among many other things, allows  
11      policymakers to do what's right, and slows down those  
12      policymakers who are in the grips of the fossil fuel  
13      industry, and want to slow down the action that we  
14      need for civilizational and ecological survival.

15           So our work mobilizes arts and culture to carry  
16      this out. We'd again love for you to come see our  
17      current show. We think that without the climate  
18      engagement and civic awareness, as a baseline that  
19      we're not seeing now across our culture, despite this  
20      private, anxious support that I just mentioned, we  
21      won't get where we need to go. And our role is to  
22      deepen our partnership, the support of City Council  
23      and the city itself has been transformational for us.

24           So we're really looking forward to talking about  
25      a resolution in support of the climate Museum, and



1  
2 generally to working with you all to build the civic  
3 engagement of New Yorkers, and to cause-- give people  
4 pathways for recognizing their own climate  
5 protagonism, and we'll be handing in our written  
6 testimony later.

7       When that bell went off-- I thought I had three  
8 minutes, did I only have 2? Am I over?

9       CHAIRPERSON GENNARO: It's-- it's 2, but I-- you  
10 know.

11       MS. MASSIE: My apologies. I will say--

12       CHAIRPERSON GENNARO: It's like the default is 2,  
13 but it's-- you know, it's fine.

14       Sincere apologies. And I would love to speak  
15 more with you all about this.

16       And yeah-- and my legislative director is viewing  
17 this hearing remotely. And if you could just state  
18 your-- regarding the -- so I if you can, you know  
19 send my office and email, I'm not hard to find. It's  
20 you know, J.Gennaro at council whatever-it-is.  
21 janeiro at Gmail dot you know, JJ narrowed Council.  
22 And I don't have any-- any of my business cards with  
23 me, but it's J.Gennaro@Council.nyc.gov.

24       MS. MASSIE: Fantastic. We will do that, and we  
25 really look forward to working with you on this.

1  
2 CHAIRPERSON GENNARO: Yeah, that'd be-- That  
3 would be great. Thank you for your, you know, good  
4 testimony and your-- your advocacy for the for the  
5 for the museum and the impact that will have, and  
6 everything you didn't back on PCBs back-- back in the  
7 day.

8 MS. MASSIE: Yeah, that was great work we did  
9 together.

10 CHAIRPERSON GENNARO: We just did a bill-- We  
11 just did a bill this week, which we just signed  
12 yesterday, that's going to phase out number four fuel  
13 in schools--

14 MS. MASSIE: So important.

15 CHAIRPERSON GENNARO: --Which is 25% of the  
16 schools still use number four. They had until 2030  
17 to get off that fuel. And we just changed it to  
18 2025. And so it's--

19 MS. MASSIE: Outstanding. Thank you.

20 CHAIRPERSON GENNARO: It was kind of a big deal.

21 MS. MASSIE: Thank you. That's huge. That's  
22 absolutely huge.

23 CHAIRPERSON GENNARO: That is a big deal. So...

24 MS. MASSIE: New York City leadership, which can  
25 be provided with respect to the museum too. But the

1  
2 City Council has provided so much leadership on  
3 environmental justice and environmental legislation.  
4 So for-- on behalf of all of my fellow residents of  
5 New York, a huge thanks for all that hard work.

6 CHAIRPERSON GENNARO: Thank you. Thank you. It's  
7 not needed, but I appreciate it. Okay.

8 MS. MASSIE: And we'll be in touch. Thank you.

9 CHAIRPERSON GENNARO: Yes, yes. Please send that  
10 email to my office, and send that to the attention of  
11 Matt. He does my schedule. Attention, Matt. M-a-t-  
12 t.

13 MS. MASSIE: Will do. You'll see that later  
14 today.

15 CHAIRPERSON GENNARO: Thank you. You bet.

16 MS. MASSIE: Thanks a lot. Take care.

17 CHAIRPERSON GENNARO: Take care.

18 MS. MASSIE: Great to see you again.

19 CHAIRPERSON GENNARO: Same here.

20 COUNSEL: The next witness is Pete Sikora.

21 MR. SIKORA: Hey, Councilman.

22 CHAIRPERSON GENNARO: : Good afternoon.

23 MR. SIKORA: How are you?

24 CHAIRPERSON GENNARO: I'm entering my fifth  
25 decade of public service. Um-- but I'm still.

1 MR. SIKORA: It's great.

2 CHAIRPERSON GENNARO: Still got it.

3 MR. SIKORA: It's great. I am taking you up on  
4 keeping old obscure phrases alive. You talked about  
5 that. And it stuck in my head. And yeah.

6 CHAIRPERSON GENNARO: We did.

7 MR. SIKORA: Yeah, I had this horrible moment at  
8 a meeting in my office where I talked about the  
9 camels nose in the tent.

10 CHAIRPERSON GENNARO: Yes.

11 MR. SIKORA: Right? Apparently, nobody knows  
12 that phrase anymore. You know, and I looked on  
13 Wikipedia. And it told me it's a 20th century phrase  
14 now.

15 CHAIRPERSON GENNARO: Oh well.

16 MR. SIKORA: Yeah. Right? Nobody in the room  
17 knew it.

18 CHAIRPERSON GENNARO: We're going to change that.

19 MR. SIKORA: I know. Exactly. The camels nose,  
20 don't let it under the tent.

21 CHAIRPERSON GENNARO: Don't let it under the  
22 tent.

23 MR. SIKORA: Then you get the whole camel.

24 CHAIRPERSON GENNARO: Correct.  
25

1  
2 MR. SIKORA: Thank you. Anyway, I'm with New  
3 York Communities for Change. And we are very  
4 embedded on fighting around Local Law 97, as you  
5 know. It's a fantastic law that sets a path for New  
6 York City to create tens of thousands of jobs  
7 slashing pollution.

8 I wanted to focus on one tiny aspect of it, which  
9 is the people implementing the law. The  
10 administration has just--

11 CHAIRPERSON GENNARO: This is a budget hearing.  
12 I'm going to give you a little latitude.

13 MR. SIKORA: Exactly. Exactly. So in the  
14 budget, the city needs to allocate more funding for  
15 the city to actually implement the law. And it's a  
16 tiny, tiny, tiny amount of money because we're  
17 talking about handfuls of staff lines here. So last  
18 year, the Mayor was proposing to cut staffing in the  
19 Department of Buildings. The Council and the Mayor  
20 changed that, and now the department kept the number  
21 of people that is necessary to implement the law.  
22 These are great professionals, Gina Brokra and her  
23 team are fantastic.

24 CHAIRPERSON GENNARO: You're talking about OB?  
25

1  
2 MR. SIKORA: Yes, exactly, exactly. So they're  
3 just really, really good at this stuff. And we  
4 really appreciate the work they're doing. As good as  
5 they are, they need more people. And so I don't  
6 understand what the staffline analysis is. I  
7 couldn't find it on the on the mayor's budget  
8 documents. But he's proposing a large cut at the  
9 Department of Buildings. And I wanted to alert you  
10 because it will have, I think, a potentially large  
11 impact on Local Law 97's implementation, if they  
12 don't get the staff that they need in that office.  
13 So again, they're doing a really good job, super  
14 professional.

15 CHAIRPERSON GENNARO: Yeah. And this is  
16 something I talked about with, you know, Chair  
17 Brannon, the Finance Chair, during the last budget  
18 cycle, and I think we were able to get like, six more  
19 lines or whatever.

20 MR. SIKORA: I remember, thank you.

21 CHAIRPERSON GENNARO: Which I didn't think was  
22 enough. It was, you know-- we made a little bit of  
23 an impact, but this is getting very real very fast.  
24 And so, you know, I'm going to do everything I can.

25

1  
2 I mean, what we do is we have these hearings, and  
3 then we have our official budget response.

4 MR. SIKORA: Right.

5 CHAIRPERSON GENNARO: And so-- and because the  
6 preliminary budget is not-- it doesn't look like a  
7 budget. It's like-- It's like prose. You know, I  
8 mean, like the exec budget is going to have, like,  
9 it's all filled in with all kinds of, you know, units  
10 of appropriation, budget lines, the whole thing.

11 But, you know, as part of our budget response,  
12 I'm going to make sure that, you know, in that budget  
13 response, the former budget response from the-- from  
14 the Council includes, you know, more lines for OB,  
15 even though that's really like a, you know, a  
16 buildings, you know, committee, type thing.

17 MR. SIKORA: Right. Right.

18 CHAIRPERSON GENNARO: But it's all-- but you  
19 know, Local Law 97 is the work of this Committee. So  
20 I've got-- I got a hook there.

21 MR. SIKORA: It's so big.

22 CHAIRPERSON GENNARO: Yep.

23 MR. SIKORA: Thank you very, very much. I really  
24 appreciate that. And, you know, they are really

1 wonderful. And they're really implementing it  
2 professionally.

3  
4 CHAIRPERSON GENNARO: That's all the feedback--  
5 you know, I get tons of good feedback. But you know--  
6 - but I don't want people to think that less is more  
7 when it comes to OB.

8 MR. SIKORA: Oh, totally. That's right. Well,  
9 thank you. And I also wanted to highlight the issue--  
10 - the two big regulatory threats to the law: Number  
11 one, not tightly limiting renewable energy credits as  
12 a substitute for actually upgrading your building and  
13 cutting pollution. You heard the Commissioner  
14 talking about the process that they're in. We want  
15 them to tightly limit recs, as the Advisory Council  
16 has recommended. The Council has, you know, wants--  
17 wants that as well. We really appreciate that.

18 Second big issue is: How do they enforce the law?  
19 We want to make sure that they do not create  
20 loopholes in enforcement, or weaken, or delay  
21 penalties in a way that doesn't make sense.

22 CHAIRPERSON GENNARO: I would agree with that.  
23 You know, the law as written does give the  
24 Administration some latitude in there.

25 MR. SIKORA: Right.



1  
2 CHAIRPERSON GENNARO: And that's how the bill was  
3 written.

4 MR. SIKORA: No, it makes sense. They should  
5 have latitude.

6 CHAIRPERSON GENNARO: But you know, duly noted.  
7 And, you know, I see a big part-- I mean, I should  
8 care about the city's big business, and not my  
9 legacy. So I shouldn't say this is like a legacy  
10 thing for me, but my interest-- and one of my  
11 interests in coming back to the Council is to make  
12 sure that, you know, we get this done, and we and we  
13 get it done right.

14 MR. SIKORA: Totally. Thank you very, very much.  
15 That's really appreciated. And I appreciate it all.  
16 Thank you. Have a great day.

17 CHAIRPERSON GENNARO: You too. Pete.

18 COUNSEL: Tori Kasof.

19 CHAIRPERSON GENNARO: Your mic is off. Oh, she  
20 heard you. Okay.

21 Yes, I have good hearing.

22 CHAIRPERSON GENNARO: Okay.

23 MS. KASO: My name is Tori Kaso, and I am the  
24 Campaign Director for Climate Jobs New York's Carbon  
25 Free and Healthy Schools Initiative, which you are

1 very familiar with, so I won't do a whole rundown of  
2 the campaign and all of its great benefits.  
3

4 Specifically, what I'm going to talk about today  
5 is the significant amount of federal funding that is  
6 available. And the time of time is now for this  
7 investment. We are calling for the acceleration of  
8 solar installation to 150 schools per year, along  
9 with the commitment to completing deep retrofits and  
10 installations by 2030 with good labor standards.

11 Climate science demands urgency, and we have  
12 found ourselves presented with a historic funding  
13 opportunity to invest at the scale needed to make a  
14 lasting environmental and economic impact. Last  
15 year's passage of the Inflation Reduction Act has  
16 provided a previously unavailable source of federal  
17 funding New York City can access to meet these  
18 commitments through the Income Tax Credit direct pay  
19 provision. However, if we delay any longer, we could  
20 miss out on the chance to make lasting impacts for  
21 our city and communities.

22 In taking advantage of the direct pay provision,  
23 the IRA can provide 40% in federal funds to install  
24 solar and 20% of the cost of retrofitting City  
25 Schools.

1  
2 By directly investing in solar and becoming a  
3 zero energy school system, this work would save \$8.25  
4 billion in energy expenditures over 30 years money  
5 that can be reinvested towards programming continued  
6 maintenance or the hiring of additional staff and  
7 teachers. Our research partners at climate jobs New  
8 York Resource Center have projected the total costs  
9 for installing solar rooftop on 150 school buildings  
10 at approximately \$50 million. The income tax credit  
11 would provide \$19.2 million of that, and the  
12 projected annual loan payments would be \$2.05  
13 million, whereas the annual solar revenue would  
14 amount to \$2.9 million, outpacing the loan payments,  
15 meaning the payback period would be pretty short at  
16 four years, and a 30-year savings of \$44.1 million.

17 I'll just wrap up with saying that recently over  
18 a majority of the City Council members, including  
19 yourself, have signed on to a letter of support  
20 expressing your commitment to this initiative, and we  
21 are deeply grateful and greatly encouraged by your  
22 support, and our are asking that you stand by that  
23 commitment this year.

24 CHAIRPERSON GENNARO: Thank you so much. You  
25 know, it's a great endeavor. I love working with

1  
2 your organization. And there's just, like, so much  
3 to do you know, that it's kind of an exciting time to  
4 be able to be part of that. And so the tie-in with  
5 the union movement. It is just-- it's a perfect  
6 synergy of progressive forces coming together to make  
7 schools clean and healthy.

8 MS. KASO: Yes, and provide good union jobs.

9 CHAIRPERSON GENNARO: And anything you could  
10 submit to us in writing would be greatly appreciated.

11 MS. KASO: Yes. Our written testimony is being  
12 legalized. So I will submit it by email.

13 CHAIRPERSON GENNARO: Thank you. And your first  
14 name is Tori, right?

15 MS. KASO: Tori, yes. Thank you.

16 CHAIRPERSON GENNARO: Thank you, Tori.

17 The next witness is Schwabanathy[ph] Kinickel[ph]  
18 from New York City Environmental Justice Alliance. I  
19 don't see her. The next witness is Milap[ph]  
20 Seyorum[ph]. Milot[ph] Seyorum[ph]? Okay. Romi[ph]  
21 Diniwal[ph]. Romi[ph] Diniwal[ph] from El Puente.  
22 Okay. Anthony Guerrero from Smart Local 28 Metal  
23 Sheet Workers Union. Okay.

24

25

1  
2 All right. I think we went-- We went through the  
3 online people. Michael Streeter. Do we have Michael  
4 Streeter.

5 Yes. We have Michael Streeter as someone who  
6 will be testifying online.

7 MR. STREETER: Hi. Yeah, thanks. I'm Michael  
8 Streeter. I'm one of those people who am a citizen  
9 who submits complaints to the DEP about idling  
10 commercial vehicles. And I wanted to take-- take a  
11 moment to, to urge for sufficient funding for-- for  
12 staffing and other whatever other resources are  
13 necessary to be to be allocated to the to the DEP  
14 idling team. And I wanted to tell you why real  
15 quick.

16 I don't always see eye to eye with them. But the  
17 team handling the idling cases is working very hard.  
18 And they-- they keep getting more and more work.  
19 Last year, there were a hair under 50,000 complaints,  
20 which was significantly more than the year before.  
21 It really took off after a after a front page New  
22 York Times article about the program last spring.  
23 This year, there are likely going to be around  
24 100,000 complaints if not more. There-- there's also  
25 a major television show that has recorded a segment

1 on the program as well, that could that could have an  
2 even larger influx of new participants when it  
3 eventually airs, you know, just like with the New  
4 York Times article. So it could very well go-- go  
5 far beyond that.  
6

7 You know, these complaints and summonses are  
8 making a huge difference for New Yorkers and the air  
9 we breathe. Companies like UPS have pretty much  
10 stopped idling as a result, as have FedEx and  
11 Amazon's primary Manhattan partner merchants fleet.  
12 So more and more companies are taking note and  
13 they're adjusting their-- their business practices.  
14 But there's still a long way to go. We need to  
15 continue these efforts so that all companies  
16 operating in New York City simply shut off their  
17 engines. And additionally, these complaints are tied  
18 directly to revenue. It is lucrative for-- I'm  
19 sorry?

20 CHAIRPERSON GENNARO: The Sergeant was just  
21 saying that the time had elapsed, but I'm going to  
22 give you a little latitude to just sum up your  
23 statement.

24 MR. STREETER: Sure. Thanks. Yeah. So it's  
25 tied directly, and based on historical payment rates,

1 and I don't know how that compares to the to the  
2 city's projections, but I'm getting just off of  
3 what's available to me on open data 50,000 cases from  
4 2020 to should bring in about \$10 or \$11 million over  
5 the next two years, if not more. So double that for-  
6 - for 100,000 that we're looking to get this year.  
7 So any bottlenecks with the DEP team could lead to  
8 the delay of or even loss of some of the that already  
9 sort of happened last year, when the when the team  
10 was severely understaffed. Please realize how  
11 critical your idling team is. They deserve raises,  
12 promotions, whatever, and they deserve whatever  
13 resources they need. Thank you.

15 CHAIRPERSON GENNARO: Thank you very much. Yeah,  
16 we're very focused on idling. We have the new idling  
17 law, the new bill that we're going to pass by Julie  
18 Menin, is the-- is the author of that and a member of  
19 this Committee.

20 I thank you for your diligence on this issue and  
21 your interest and your advocacy on it. And I'm very  
22 happy that you had the patience to stay with us and,  
23 you know, give us the benefit of your good views on  
24 this matter. Thank you. Thank you, okay. And the  
25 next?

1  
2 COUNSEL: Eric Eisenberg.

3 CHAIRPERSON GENNARO: Eric Eisenberg, right on  
4 Zoom.

5 MR. EISENBERG: Hi, my name is Eric Eisenberg.  
6 I'm probably going to wind up sounding an awful lot  
7 like Michael Streeter. I'm a volunteer member of the  
8 DEP'S anti-idling working group. We provide the DEP  
9 with input as to how to effectively and fairly  
10 operate its anti-idling program in which DEP  
11 enforcement personnel work with citizen-submitted  
12 evidence to enforce the city's air pollution loss.  
13 The program is overall successful DEP is receiving  
14 many submissions and numbers growing.

15 With Alexa Avilés's Intro 689 finally requiring  
16 foreign language access to the idling program, in  
17 2023, I agree with Michael Streeter, there could be  
18 over 100,000 citizen idling complaints.

19 The resulting tickets educate the idlers to stop  
20 polluting the air and harming New Yorkers. DEP air  
21 inspectors are due a lot of credit. They do an  
22 enormous amount of very boring review of videos of  
23 truck and bus engine noise, and act as prosecutors at  
24 idling hearings. They're overworked and underpaid.  
25 This is odd as their revenue far exceeds their cost.



1  
2 Their-- the inspectors are forced, given inadequate  
3 staffing, to schedule idling hearings in some cases,  
4 years out from the date of idling. Idlers have quite  
5 appropriately complained about this delay as unfair.

6 I echo Manhattan Community Board 4's proposal  
7 that this program be much better funded. Doing so  
8 will benefit the city's air, benefit the city's  
9 coffers, benefit morale of the air inspectors, and  
10 even benefit respondents with the prompt hearings.  
11 There is no reason whatsoever not to aggressively  
12 fund this program.

13 Lastly, as the Commissioner mentioned, amendments  
14 to Julie Menin's wonderful Intro 684, I would caution  
15 City Council and the DEP not to allow any edits that  
16 would undermine the efficacy of the idling law, or in  
17 any way discourage citizen complaints. Higher level  
18 DEP officials have previewed to the anti idling  
19 working group a number of suggestions for amendments  
20 to this bill, some of which are helpful, and some of  
21 which may be problematic and would discourage citizen  
22 participation and reduce the scope of the idling law.  
23 Any and all amendments need to be guided by our new  
24 constitutional right to clean air.

1  
2           The answer to the DEP's staffing problem has  
3 greatly increased funding, that will more than pay  
4 for itself, not weakening the important anti-idling  
5 program by discouraging complaints or ignoring  
6 illegal idling. Thank you.

7           CHAIRPERSON GENNARO: Thank you and make sure  
8 that any-- I'm sure with you being part of the idling  
9 working group, you're working presumably, you know,  
10 close with Councilmember Menin. And so anything  
11 that-- anything specific that that the Councilwoman,  
12 or-- or I as-- as chairman, you know, need to know  
13 make sure that you submit it either to Julie, or to  
14 this Committee so we can be given due consideration,  
15 because we're coming to closure on the negotiation of  
16 that bill.

17           MR. EISENBERG: The main thing that we'd like is  
18 that Intro 684 refer to the BTL definitions of bus  
19 and trucks and not the RCNY definitions, as it  
20 currently does, which is very problematic and  
21 confusing for citizen complainants. That's the big  
22 one.

23           CHAIRPERSON GENNARO: And this is something  
24 you've made the Councilmember Menin aware of,  
25 presumably, right?

1  
2 MR. EISENBERG: Her staff, yeah.

3 CHAIRPERSON GENNARO: Okay. Well then that--  
4 Yeah. Normally talking to my staff is better than  
5 talking to me. And so--

6 MR. EISENBERG: I try every day to call Nabi, but  
7 no pickups.

8 CHAIRPERSON GENNARO: Please make sure Nabi  
9 knows, and then we will be good to go. Okay, I got  
10 to move on to the next witness, because I have my--  
11 So thank you, Eric, I appreciate you being with us  
12 today.

13 COUNSEL: Sherisse Palomino.

14 MS. PALOMINO: Good afternoon. My name is  
15 Sherisse Palomino, and I am the Director of Advocacy  
16 and Programs at New Yorkers for Parks. We are a  
17 founding member of the Playfair Coalition, which  
18 includes over 400 organizations from across the city.  
19 Thank you to the Committee for the opportunity to  
20 speak about our city's need to invest in parks as  
21 climate infrastructure. It is imperative that the  
22 Environmental Protection Committee champion 1% for  
23 parks. This climate crisis has highlighted the  
24 critical needs of our park system, including adequate  
25 funding for parks staffing, to do resiliency work and

1 to address inequities in access, infrastructure, and  
2 general maintenance.  
3

4       The city's decades-long divestment in parks  
5 continues to exacerbate these inequities in our park  
6 system. The City Council can fix this by making the  
7 1% investment of the city budget into parks. New  
8 York City's urban trees and natural areas play an  
9 important role in climate change mitigation. Trees  
10 help reduce air and water pollution and cooling costs  
11 by acting as energy savers. The Parks Department  
12 plays a critical role in managing the urban forests  
13 and natural areas, but needs more resources to do so.  
14 As climate change intensifies flooding and increases  
15 heat, the city council has an extraordinary  
16 opportunity to mitigate the increasing dangers of  
17 climate change by investing on our park system. More  
18 intense weather events causes more flooding and an  
19 increase in falling trees. Climate change makes the  
20 city's response to harsh weather events and  
21 operational costs more expensive. And our parks  
22 department needs additional funding, staffing, and  
23 resources to meet this growing demand. Adding more  
24 trees and improving and maintaining natural areas of  
25 wetlands helps New York City's natural areas that are

1 storing and sequestering carbon. We are overdue for  
2 a transformative investment in our park system. 1%  
3 of the city budget for parks can ensure that our  
4 urban forests and natural areas can be resourced to  
5 support New York City during this climate crisis.  
6 This is one of the many reasons why New Yorkers for  
7 Parks and the Playfair Coalition are calling for a  
8 commitment to increase the parks budget to 1%. Thank  
9 you.  
10

11 CHAIRPERSON GENNARO: Thank you, Sherisse. We  
12 greatly appreciate you being with us. I will  
13 certainly communicate that to-- I mean, I have my own  
14 voice on this. But you know, the most powerful voice  
15 in this would be the Chair of the Parks Committee,  
16 Councilmember Krishnan, and, you know, he and I are  
17 Queens colleagues, and I appreciate you getting your  
18 message out to all the relevant entities and I will  
19 make sure that he knows that you and I spoke, and  
20 that you mean business.

21 MS. PALOMINO: That's great. Thank you. I'm  
22 also a constituent so.

23 CHAIRPERSON GENNARO: Oh, okay. That's great.  
24 Come by and visit us at our District Office on Union  
25

1 Turnpike anytime you want. Thank you so much. I  
2 really appreciate it. Bye, bye.

3  
4 COUNSEL: And our next witness is Alex Stein.

5 MR. STEIN: Hey, James, you know, I want to talk  
6 to you real quick. You know, I was actually recently  
7 unfairly stopped from speaking earlier because one of  
8 the council members said that since I have a TV show  
9 on Blaze TV, then that does not allow me to speak at  
10 these City Council meetings. And I just would like  
11 to let them know that by law, that if I'm legally  
12 signed up, I am allowed to speak here. And now let's  
13 talk a little bit about the environmental issues that  
14 the city is facing. It really worries me when people  
15 like Barack Obama, who cried the most about climate  
16 change, buy a house in Martha's Vineyard, it bugs me  
17 and guys like Bill Gates, who talked about climate  
18 change, and who owns the most farmland, and also has  
19 the most fake processed meat. He always talks about  
20 climate change, but he has one of the biggest beach  
21 houses in California. So I just don't understand all  
22 the hypocrisy of our elected officials that tried to  
23 scare us on climate change. The fact that you know,  
24 the sea level might rise a few millimeters over 300  
25 years, all of a sudden you need to tax us to death

1 and make our life incredibly hard. I mean, look at  
2 the World Economic Forum what they're trying to do  
3 with the implementation of 15 minutes cities where  
4 you're going to have no carbon footprint. I don't  
5 want to live in a pod, James, I don't want to eat  
6 bugs. So you guys are sitting here and you fat cat  
7 bureaucrats are trying to make our lives terrible by  
8 taxing us small business owners. We reserve the  
9 right to operate in the city without unfair rules and  
10 regulations on make-believe stuff that you cannot  
11 prove. So listen, we're not going to sit here and  
12 cry all day long about the rising sea levels, when I  
13 believe Al Gore said this about 25 years ago that all  
14 the polar ice caps are going to melt. Guess what?  
15 None of them did. So you all are full of crap. You  
16 all are full of doo doo so why are we supposed to  
17 trust you and all you guys do is misallocate all of  
18 our funds? So we have very little empathy for you  
19 politicians that want to scare us into submission  
20 through climate change. I'm done with it. We should  
21 all be done with it. And if you want to find more  
22 information about that you can watch my show but just  
23 because I have a show on Blaze media, a company that  
24 was started by Glenn Beck, you know, one of the  
25

1  
2 legendary broadcasters of all time, hall of fame  
3 radio guy, you should respect it and I should have my  
4 time and that's why I respect you, James, for giving  
5 me the platform to come here and speak to you because  
6 I do think that there are citizens of New York.

7 CHAIRPERSON GENNARO: Your time has expired.  
8 Thank you for your testimony. This hearing is  
9 adjourned.

10 [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 03/15/2023