

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL
PROTECTION

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HELD AT: COUNCIL CHAMBERS - CITY HALL

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

COUNCIL MEMBERS:

Jennifer Gutierrez

Kamillah Hanks

Robert F. Holden

Ari Kagan

Julie Menin

Francisco P. Moya

Sandy Nurse

Keith Powers

A P P E A R A N C E S

Kimberly Cipriano, Deputy Chief Operating Officer
at the Department of Environmental Protection

Maura Kennelly, Deputy Commissioner of External
Affairs at the Department of Health and Mental
Hygiene

Scott Hughes, Director and Assistant Commissioner
of the Public Health Lab at the Department of
Health and Mental Hygiene

Salome Freud, First Deputy Director for Water
Quality in the Bureau of Water Supply at the
Department of Environmental Protection

Jonathan Hoffman, Director of Regulatory
Compliance and Innovation in the Bureau of
Wastewater Treatment at the Department of
Environmental Protection

2 SERGEANT-AT-ARMS: Test, test, test. This
3 is a test in the Committee Room for the hearing on
4 Environmental Protection. This is being recorded by
5 Sakeem Bradly (phonetic). Today's date is February
6 23, 2023.

7 SERGEANT-AT-ARMS: Good afternoon and
8 welcome today's New York City Council meeting on
9 Environmental Protection.

10 Please at this time place electronic
11 devices on vibrate or in silent mode. Thank you.

12 Chair, you may begin.

13 CHAIRPERSON GENNARO: [GAVEL] Good
14 afternoon. I am Jim Gennaro, Chair of the Committee
15 on Environmental Protection. Today we'll be holding
16 an oversight hearing on the City's Water and Sewage
17 Testing Infrastructure. We'll also be hearing related
18 legislation.

19 During the COVID-19 pandemic, our country
20 lost over a million people, over 1.1 million people.
21 New York City lost almost 77,000 people that we have
22 recorded. New York City also reportedly had over 2.2
23 million cases. While 90.3 of New York City residents
24 have received at least one dose of the vaccine, 9.7
25 percent of the population remain unvaccinated.

2 According to the Health Department, the unvaccinated
3 are five times more likely to be hospitalized or die
4 from COVID-19 than individuals who are vaccinated but
5 boosted. The Health Department created a pilot COVID-
6 19 testing program in 2021. However, Intro 633
7 authored by Majority Leader Powers who is here who
8 will make a statement on his bill would require the
9 Health Department to make permanent the COVID-19
10 Wastewater Testing Program that was initially
11 established by Local Law 28 of 2021. There are equity
12 concerns when examining COVID-19 data and the impact
13 of the pandemic on marginalized communities.
14 Available COVID data, forget the 19, I'm just going
15 to call it COVID, we all know what we're talking
16 about, available COVID data indicates that those
17 living in high-poverty areas and/or communities of
18 color are more likely to be hospitalized and die from
19 COVID. Water-based epidemiology is based on the
20 phenomenon that any substance that is expelled by
21 humans and is stable in wastewater can be used to
22 calculate the original concentration of the
23 substance, in this case the virus, in a given
24 population. Because viruses do not grow outside of
25 host cells, changing in concentration of viral

2 particles in wastewater can be used to monitor viral
3 outbreaks, can be used to monitor the emergence of
4 new viral strains, and potentially be extrapolated to
5 determine the extent of an infection in a given
6 population. In August 2022, the New York State
7 Department of Health and the City Health Department
8 made an announcement that the polio virus had been
9 detected in New York City wastewater samples and
10 urged local residents who had not been vaccinated
11 against polio to consider doing so. In September
12 2022, Governor Hochul announced a State of Emergency
13 in response to the evidence of community-spread of
14 polio after the polio virus was detected in
15 wastewater samples collected from New York City and a
16 host of counties in downstate New York. A permanent
17 monitoring program that tests New York City
18 wastewater for pathogens and viruses of concern may
19 be useful in monitoring public health trends for
20 emerging risks.

21 Moving on to microplastics, we have a
22 bill today from Council Member Nurse. Moving on to
23 microplastics, according to the U.S. National Oceanic
24 and Atmospheric Administration, microplastics are
25 categorized as small pieces of any plastic material

2 under 5 mm in length. Scientific analyses indicate
3 that microplastics are ubiquitous in the environment,
4 and these substances are found in the atmosphere, in
5 food and water systems, and even as far as both the
6 North and South Poles. While the health effects of
7 microplastic exposure in humans are not yet well-
8 understood, in 2022 a study analyzing blood samples
9 from 22 anonymous donors found the presence of
10 microplastics in 80 percent of the individuals
11 tested. I'll just put in as a sidebar that 22 donors
12 is a very small sample size, and my concern is not
13 whether the people were anonymous but whether truly
14 random as it should be for a scientific study. I
15 really wouldn't regard any small study like this as
16 really hard science, particularly because I don't
17 know what organization performed the study, but there
18 you have it. I make my own little commentary on the
19 statements that are given to me by staff.

20 Microplastic particles reportedly can attach to red
21 blood cells, can accumulate in the placentas of
22 pregnant women, and have been found in the hearts,
23 brains, and organs of rat fetuses. There is no
24 citation in the statement regarding what study
25 resulting in these findings. Again, that's my own

2 comment. In 2017, there was a study by the
3 environmental advocacy group, Orb Media, on
4 microplastics, but I took the findings of their study
5 out of the statement because I know Orb Media to be
6 an organization of journalists and not a bonified
7 scientific organization so I will not read their
8 findings into the record, but the study, for what its
9 worth, is there for all to see. Orb Media, you can
10 look it up. Getting back to my train of thought. I do
11 know that microplastics are a bonified emerging
12 contaminant worthy of much more study. I remember
13 when I was a Deputy Commissioner at DEC for 2014 to
14 2020, we at New York State DEC as well as the State
15 Health Department had a fair amount of concern about
16 that. I wasn't working in that area, but it was
17 certainly an area of focus for both the DEC and the
18 State Health Department.

19 Intro 633 would require DEP and the
20 Department of Health and Mental Hygiene, as I
21 indicated 633 is authored by Council Member Powers,
22 would require the DEP and the Department of Health
23 and Mental Hygiene to permanently establish a COVID-
24 19 Wastewater Testing Program initially established
25 with Local Law 28 of 2021. The bill would also

2 require the Health Department to publish results on a
3 public-facing website on a weekly basis and submit a
4 report in consultation with DEP to the Mayor and the
5 Speaker of the Council by August 31st of each year.

6 This Local Law would take effect immediately if
7 passed.

8 Intro 797 authored by Council Member
9 Nurse would require the DEP to add microplastics
10 testing to its standard drinking water testing of
11 streetside drinking water sample testing stations and
12 to post the results online. The bill would also
13 require DEP to promulgate regulations or create
14 standards for testing the city's drinking water for
15 microplastics. That's a big deal. This law would take
16 effect in 180 days.

17 Intro 530 authored by the Chair would
18 require DEP to notify relevant Community Boards and
19 District offices of affected Council Members 48 hours
20 in advance of any work the agency might do that could
21 lead to discolored water or the reduction or loss of
22 water pressure except in cases of emergency work due
23 to imminent risk to public health and safety where
24 DEP would be required to inform the relevant

2 Community Boards and Council Members' offices via
3 email in five days of the conclusion of the work.

4 I'd like to thank the great Committee
5 staff who have done such great work over the years,
6 Committee Counsel Samara Swanston, she and I go back
7 to the old days when I was here the first time, and
8 it's great to have her be with us and do all that she
9 does. We have Policy Analyst Ricky Chawla and Andrew
10 Bourne, known as the new guy who is very guy, and
11 Financial Analyst Andrew Lane-Lawless, and finally my
12 Legislative Director Naby Kaur who is terrific for
13 all their hard work.

14 Let me just recognize the Members who are
15 here. We have Council Member Holden, Member of the
16 Committee, who is joining us via Zoom, also Council
17 Member Moya, Member of the Committee, joining us by
18 Zoom. Council Member Hanks, Council Member Menin,
19 Council Member Nurse. Is that it for the Members who
20 are here? Council Member Gutierrez. I'm sorry. I go
21 by the paper, I'm going by the paper. I trust the
22 paper more than vision. That's great. We have a whole
23 team on the field. This is terrific.

24 Before we get to the good panel, grateful
25 to have you here, I want to open this up by

2 statements from Members who want to talk about their
3 bills.

4 I'm sorry. Council Member Kagan has
5 joined. Pleasure to have you here, Council Member
6 Kagan, a valued Member of this Committee.

7 I tell you what. I have the Majority
8 Leader has a bill but not a Member of the Committee
9 and then I got Council Member Nurse who has a bill
10 who is a Member of the Committee so what is the
11 protocol here? Okay, so the Majority Leader is being
12 very gracious and wants to have Council Member Nurse
13 recognized who is going to speak on her bill. For as
14 long as you want, the floor is yours, Council Member
15 Nurse.

16 COUNCIL MEMBER NURSE: All right. Thank
17 you, Chair. I'll be very short.

18 CHAIRPERSON GENNARO: Don't worry about.
19 It's Friday afternoon. I got nothing but time.

20 COUNCIL MEMBER NURSE: It's Friday. I have
21 things to do. Good afternoon, everyone. Thank you,
22 Chair Gennaro, for holding this oversight hearing
23 focused on New York City's water and sewage testing
24 infrastructure. Thank you to the New York City
25 Department of Environmental Protection for joining

1 today and for your ongoing work to maintain our
2 water, wastewater, and stormwater infrastructure.

3
4 As Chair of the Sanitation Committee, I
5 know very well the escalating plastics crisis we're
6 facing in New York City and globally. We have held a
7 hearing focusing on the state of New York City
8 recycling. We've introduced and moved legislation
9 focused on tackling the issue on single-use plastics.
10 We focused on clean streets, litter issues, and its
11 intersection with the cleanliness of our waterways
12 and the functionality of catch basins. Last year, the
13 City Council passed a resolution in support of
14 extended producer responsibility to try to address
15 the excessive production of single-use plastics and
16 more. We do need to urgently tackle the proliferation
17 of plastics in all its forms.

18 That's why today I'm turning to the issue
19 of microplastics in our drinking water. One of the
20 bills we are hearing today is Intro 797 that would
21 require the DEP to test for the presence of
22 microplastics when it collects and analyzes samples
23 of drinking water. Some studies have shown the
24 presence of microplastics in New York City waterways,
25 but it's clear we need additional ongoing and more

2 standardized testing and studies to understand the
3 full scale of the issue. Overall, microplastics are
4 ubiquitous in the environment, and it has been found
5 in marine and freshwater habitats, in the atmosphere,
6 in food and water systems, and some studies even
7 found it in our bloodstreams. Currently, DEP conducts
8 continuous sampling in water quality analysis at
9 about 1,000 water quality sampling stations
10 throughout New York City and more across our upstate
11 reservoir watersheds. I would like to understand what
12 it would take to add microplastics to that list and
13 how the City can best coordinate with the New York
14 State Department of Environmental Conservation and
15 the State Department of Health to prioritize this
16 issue. We've already seen California pass legislation
17 and improve requirements and methods for testing
18 microplastics in drinking water sources so I read
19 your testimony, but I look forward to talking a
20 little bit more with you about it. Thank you.

21 Thank you, Chair.

22 CHAIRPERSON GENNARO: Thank you, Council
23 Member Nurse. With that, I recognize our Majority
24 Leader, Keith Powers, to speak about his good bill.

2 MAJORITY LEADER POWERS: Thank you, Chair.
3 Thank you for being here. I'll be brief because it is
4 a Friday.

5 CHAIRPERSON GENNARO: I have nothing but
6 time.

7 MAJORITY LEADER POWERS: I'll kick back,
8 and I'll do a 10-minute bit. Thank you for letting me
9 speak about my bill today, Intro 633, to create a
10 permanent wastewater testing program. I would like to
11 thank Chair Gennaro for holding a hearing today as
12 well as Speaker Adams and my Colleagues for the
13 support of this legislation. We're here to talk today
14 a little bit about sewage which might be engrossing
15 to some but pretty gross to everyone else so I'll
16 keep this short. My bill would require the Department
17 of Environmental Protection and the Department of
18 Health to create a permanent COVID-19 wastewater
19 testing program. The initial pilot program for this
20 wastewater testing was established by Local Law 28 of
21 2021, which I introduced alongside my former
22 Colleague, Council Member Costa Constantinides, your
23 predecessor and I know a friend of yours as well, and
24 this was obviously an important bill at a really
25 important time. It required the Department of Health

2 to publish the results of wastewater testing on a
3 weekly basis and submit an annual report on the
4 program. We've been using wastewater testing to
5 detect polio and other pathogens for decades.
6 Throughout the pandemic, the COVID Wastewater Testing
7 pilot helped us successfully monitor community spread
8 of the virus by people with and without symptoms.
9 Armed with accurate data about community spread,
10 public health experts and city leaders have been able
11 to act quickly to prevent further spread of COVID
12 during spikes in the infection like the omicron wave
13 last winter. Cities across the country have
14 implemented have implemented this effective and
15 inexpensive tool to keep communities safe with cities
16 like Boston making their wastewater testing data
17 easily accessible, and I don't think I have to
18 convince any New Yorker that New York City should be
19 far ahead of Boston even in areas including sewage
20 because their baseball team is trash by the way.
21 You're welcome for that. (INAUDIBLE) Red Sox, a
22 little Red Sox. I ad libbed that one by the way. The
23 virus is unfortunately still with us and will likely
24 continue to be here alongside the flu every year,
25 making a test water program permanent will help us

2 stay responsive to outbreaks and prepared for future
3 health emergencies. As we were sitting here, I noted
4 that as we have outbreaks of other viruses right now,
5 there is discussion about how we're tracking those
6 and how we can do better jobs (INAUDIBLE) wastewater
7 track and the non-COVID pandemics as well.

8 With that, I hope to hear testimony today
9 and will hope to pass this legislation soon. I want
10 to thank again, Chair Gennaro, my Colleagues, and
11 Committee Staff for hearing Intro 633 today and look
12 forward to passing this important legislation. I
13 apologize for my dad puns.

14 CHAIRPERSON GENNARO: Thank you, Mr.
15 Majority Leader.

16 Now I'll call upon the Counsel of the
17 Committee to swear in the witnesses and then I'll
18 call upon you to commence your good testimony.

19 COMMITTEE COUNSEL SWANSTON: (INAUDIBLE)

20 CHAIRPERSON GENNARO: I was talking to
21 Keith. How did that go, the whole swear-in thing? It
22 worked out?

23 COMMITTEE COUNSEL SWANSTON: Yes.

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2 CHAIRPERSON GENNARO: They all bought in?
3 Okay, good, good. (INAUDIBLE) what to make of me. I
4 like to keep my Members happy.

5 We're hearing testimony from DEP, the
6 Deputy Chief Operating Officer, is that Kimberly
7 Chipriano (phonetic) or Cipriano.

8 Pardon.

9 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:
10 Cipriano.

11 CHAIRPERSON GENNARO: Okay. Pleasure to
12 have you before us today and please proceed with your
13 good testimony.

14 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:
15 Thank you, Chair, and thank you, Distinguished
16 Council Members. It's a pleasure to be here today to
17 speak with you on this important topic.

18 My name is Kim Cipriano. I'm the Deputy
19 Chief Operating Officer at the Department of
20 Environmental Protection, and I've been with the
21 Department for just about 12 years now.

22 I'm here today to speak about New York
23 City's robust testing protocols for drinking water
24 and wastewater as well as the three bills being heard
25 today. I am joined by colleagues from the New York

1 City Department of Health and Mental Hygiene: Maura
2 Kennelly, Deputy Commissioner of External Affairs,
3 and Scott Hughes, Director and Assistant Commissioner
4 of the Public Health Lab. I am also joined by my DEP
5 colleagues Salome Freud, First Deputy Director for
6 Water Quality in the Bureau of Water Supply, and
7 Jonathan Hoffman, Director of Regulatory Compliance
8 and Innovation in the Bureau of Wastewater Treatment.
9

10 For more than a century, DEP has been
11 dedicated to protecting public health and the
12 environment by providing high-quality drinking water
13 and managing wastewater and stormwater. Our mission
14 has expanded to include reducing air, noise, and
15 hazardous materials pollution, but our dedication to
16 being a world-class water and wastewater utility has
17 never wavered.

18 DEP provides more than a billion gallons
19 of drinking water every day, serving nearly half the
20 population of the state throughout the City and
21 neighboring communities upstate. Our nearly 2,000-
22 square-mile watershed includes 19 reservoirs and
23 three controlled lakes and is located in portions of
24 the Hudson Valley and Catskill Mountains. We
25

2 encourage the Council to come tour our reservoir
3 system and tour our amazing facilities.

4 The quality and taste of New York City's
5 drinking water is world-renowned. A dedicated team of
6 scientists throughout the watershed and around the
7 city makes this possible. Each year, our scientists
8 collect nearly 45,000 samples from the watershed and
9 street-side sampling stations. Those samples are
10 analyzed more than 550,000 times at our four water
11 quality laboratories. In addition, our robotic
12 monitoring stations in the reservoirs provide another
13 2.7 million tests each year. Testing is conducted
14 throughout the distribution system, in the
15 reservoirs, and in the feeder streams and wells that
16 are potential drinking water supply sources. The
17 tests look for a wide variety of microbiological,
18 chemical, and physical potential contaminants. Our
19 efforts are catalogued in the annual Drinking Water
20 Supply and Quality Report.

21 DEP has a team of scientists that test
22 our wastewater for two primary purposes: process
23 control and regulatory compliance. DEP relies on
24 microorganisms that are naturally present in
25 wastewater to consume organic material as part of the

2 wastewater treatment process. DEP's talented team of
3 operators, scientists, and engineers collect samples
4 and monitor these organisms in the laboratory to
5 ensure that they are in proper balance to optimize
6 the wastewater treatment process. In addition, the
7 New York State Department of Environmental
8 Conservation issues DEP State Pollutant Discharge
9 Elimination System permits, which set standards for
10 acceptable levels of solids, fecal coliform and
11 enterococci, nitrogen and ammonia, heavy metals in
12 the final wastewater discharged from our 14
13 wastewater resource recovery facilities. In an
14 average year, DEP collects 300,000 wastewater samples
15 and runs half a million analyses.

16 In addition to this routine testing,
17 beginning in the early days of the pandemic, DEP and
18 the Health Department worked with the Council to
19 establish a pilot program for epidemiological
20 sampling and testing to quantify and sequence COVID-
21 19 RNA in wastewater. As the world began quarantining
22 in the early days of the COVID-19 pandemic, DEP and
23 the Health Department developed a wastewater
24 surveillance program to supplement clinical testing
25 data and other surveillance data.

2 Together with national experts, including
3 CDC's National Wastewater Surveillance System and
4 academics from the CUNY, NYU, Stanford University,
5 University of Michigan, and leading wastewater
6 utilities from across the country, we stood up a
7 robust and scientifically rigorous program. With such
8 a focused effort, development that would normally
9 take many years was condensed into months, and we are
10 very proud of the staff at the Health Department and
11 DEP that have led this innovative work, some of whom
12 are here with me today.

13 Together with the Council, we completed
14 the pilot wastewater surveillance program outlined in
15 Local Law 28 of 2021, and the DEP and the Health
16 Department submitted a summary report about our
17 findings from that pilot to Council. Despite the fact
18 that the pilot is over, DEP and the Health Department
19 continue to conduct twice-a-week sampling, and
20 results are analyzed by the Health Department. This
21 information is fed into the New York State public
22 dashboard.

23 I will now speak about the three bills
24 being heard today. Intro 797 would require extensive
25 testing for microplastics throughout the drinking

1 water distribution system in New York City. We
2 appreciate the Council's focus on this topic as it is
3 an important and emerging area of focus around the
4 world. While DEP shares the goals of this bill, to
5 ensure that NYC's drinking water continues to meet
6 our high standards, we propose a different testing
7 protocol than the one set out in the bill, and we're
8 happy to discuss today. Drinking water standards are
9 set nationally by the U.S. Environmental Protection
10 Agency under the provisions of the Safe Drinking
11 Water Act. In addition to adopting the EPA standards,
12 the New York State Department of Health can establish
13 its own standards or expand upon the EPA standards,
14 provided they are more stringent than the federal
15 standard. For emerging, unregulated contaminants such
16 as microplastics, the New York State Department of
17 Health has established the NYS Drinking Water Quality
18 Council to provide technical review and science-based
19 recommendations for the regulation of new
20 contaminants. At this time, the Drinking Water
21 Quality Council has not developed a recommendation
22 specific to microplastics. DEP, as a permitted water
23 utility, does not have the authority to establish
24 drinking water standards. We serve the community by
25

1 ensuring that the drinking water we provide meets the
2 standards that public health experts have set. As I
3 discussed earlier, we have a robust testing and
4 quality control system to ensure that we meet these
5 standards. New York State has not established water
6 quality standards relating to microplastics as the
7 science around the potential health impacts of
8 microplastics is still emerging. That being said, in
9 2023, DEP will begin proactive testing for
10 microplastics as part of our emerging contaminants
11 testing program, which was established to collect
12 occurrence data for new contaminants of concern as
13 soon as analytical methodologies are available.
14 Beginning this spring, DEP will monitor for
15 microplastics in the Kensico and New Croton
16 reservoirs as part of our emerging contaminant
17 monitoring program. We will report on all of our
18 findings on all emerging contaminants, including
19 microplastics, in the Watershed Water Quality Annual
20 Report, which can be found on DEP's website. Based on
21 the available science, we believe that we will
22 collect equally actionable insights into the presence
23 of microplastics in our water supply system through
24

2 this targeted testing protocol rather than through a
3 broad sampling program as outlined in Intro 797.

4 Moving to Intro 530, which would require
5 DEP to alert relevant Community Boards and Council
6 Members in advance of construction or maintenance
7 work that could cause discolored water or reduced
8 water pressure. Planned and emergency water main
9 shutdowns are necessary to maintain our world class
10 drinking water distribution system. At the same time,
11 we recognize that these disruptions may inconvenience
12 residents and local businesses, and we support
13 Council's intention to ensure timely notifications to
14 residents of potential impacts.

15 Currently, DEP's Community Affairs team
16 routinely sends email notifications for planned DEP
17 water and sewer work to potentially impacted elected
18 officials and Community Boards. These notifications
19 are sent as soon as the work is scheduled, which is
20 generally in the preceding business day.
21 Notifications for emergency work are made as soon as
22 possible. Much of the work on New York City's water
23 mains is managed by our partners at the New York City
24 Department of Design and Construction. DDC posts
25 notices on relevant buildings and hires community

2 construction liaisons to communicate with local
3 stakeholders including elected officials and
4 Community Boards during long-term work. Barring
5 emergencies, DDC liaisons send out 72-hour
6 notifications and 24-hour confirmation emails prior
7 to any planned water shutdowns. These notices include
8 helpful tips for building managers and homeowners
9 about what to expect and who to call if there are any
10 issues once water is restored.

11 We are always happy to work with DDC and
12 the Council to improve how we communicate with the
13 public and look forward to hearing your feedback
14 today.

15 Intro 633 would make the COVID-19 RNA
16 wastewater sampling and testing program permanent and
17 establish reporting requirements. We are proud of the
18 work we have done to establish the testing program,
19 and we support the intention of Intro 633, to
20 continue using cutting edge science to gather
21 disparate data sources to inform health decisions,
22 but we are concerned that this bill would limit the
23 City's flexibility to adapt to evolving science and
24 changing public health conditions. It is important to
25 remember that wastewater surveillance data is just

2 one of many data streams that can inform the City's
3 public health professionals about the current state
4 of COVID-19 in our communities. The Health Department
5 uses this information in conjunction with data from
6 its robust surveillance system, which includes
7 monitoring case reports, syndromic data, and hospital
8 capacity, sequencing specimens to estimate the
9 prevalence of variants of concern, and other data
10 streams to make public health decisions. Because of
11 this, we do not believe that legislating the
12 indefinite continuation of COVID-19 testing
13 specifically allows the flexibility to best use the
14 City's resources.

15 Thank you again for the opportunity to
16 testify today. My colleagues and I are happy to
17 answer any questions you may have.

18 CHAIRPERSON GENNARO: Thank you for your
19 testimony. We appreciate it and appreciate you being
20 here. Out of deference for the Majority Leader's
21 time, a very busy fellow who is running around doing
22 all kinds of things and not a Member of this
23 Committee but he feels very strongly about this bill
24 as do I so I would like to recognize him to question
25

2 the panel about Intro 633. I recognize Majority
3 Leader Powers.

4 MAJORITY LEADER POWERS: Thank you to the
5 Chair for the time. I'll try to be quick.

6 I appreciate your feedback, but I'm still
7 unclear on what the issues are so I appreciate you
8 support the intention but obviously if we want to
9 pass the legislation, we want to make sure the
10 agencies can implement it. Can you share with us how
11 you believe, you said it doesn't allow for increased
12 flexibility so can you give us more detail about what
13 the issues are?

14 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:
15 Absolutely and thank you. Also for the record,
16 talking about wastewater is so cool; it's not gross.
17 I have a 3-year-old so we also talk about poop a lot.

18 In terms of the flexibility, one of the
19 things that we really learned as we've been through
20 the pandemic is that what we originally thought we
21 might be needing to test for and the frequency was
22 not exactly how we ended up doing it. Over time, we
23 learned, we evolved, and given the current state of
24 the pandemic, we think that our current testing
25 protocols are sufficient where we are collecting

2 twice weekly from every one of our 14 wastewater
3 treatment plants, collecting that information, doing
4 a viral load testing as well as RNA sampling for
5 variants. That is a very appropriate testing protocol
6 and analyzation for the current state of the pandemic
7 that we're in. We're not convinced that two years
8 from now or a year from now that that will still make
9 a lot of sense given that the pandemic is constantly
10 evolving and changing and so while we love this tool
11 and we think wastewater epidemiology is very exciting
12 both for our agencies to understand, it's a little
13 premature we believe to state the specific form of
14 testing and a specific protocol will make sense given
15 that the world has changed so rapidly in the last
16 three years.

17 MAJORITY LEADER POWERS: Sure. I think on
18 the other side of the equation is that we don't know
19 who's going to be at the DEP, who's going to be the
20 Mayor, who's going to be leading the charge the next
21 time there's a real pandemic and so having a program
22 in place also works in the other direction as well,
23 which is to ensure that we keep programs in place. I
24 was just reading as we were sitting here about what
25 seems like an increased outbreak of the norovirus and

2 I think we don't have a way to track that right now
3 in the city so my question is do we have a way to
4 track that, are we using wastewater as a testing for
5 that, as another non-COVID-related concerns,
6 infectious diseases, are we tracking that at all
7 right now?

8 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:

9 I don't believe we are tracking the norovirus
10 currently in wastewater. I'll defer to my Colleagues
11 at the Health Department if that's an appropriate way
12 to understand.

13 DEPUTY COMMISSIONER KENNELLY: Thank you,
14 Council Member. I am not an infectious disease
15 specialist.

16 CHAIRPERSON GENNARO: Please state your
17 name for the record.

18 DEPUTY COMMISSIONER KENNELLY: Sure, of
19 course. I'm Maura Kennelly. I'm the Deputy
20 Commissioner for External Affairs at the New York
21 City Health Department. We're happy to meet with you
22 afterwards with our infectious disease doctors to
23 talk about norovirus further, but one thing I will
24 say in terms of the wastewater testing and specific
25 pathogens is that there are different technical

2 considerations as well as public health
3 considerations for each pathogen that you can test
4 through wastewater and so I think that also lends
5 itself to just the flexibility that we're speaking
6 to, and I think we're happy to speak with you further
7 about how to ensure that flexibility in the
8 legislation.

9 MAJORITY LEADER POWERS: Sure. I think in
10 this case we're not doing it so if flexibility means
11 doing it or not doing it, I think we'd like to see
12 more of it being done. What are we testing for right
13 now (INAUDIBLE) wastewater?

14 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:
15 Sure. Right now in wastewater, we are testing, as I
16 said, for process control so we're testing for things
17 like the number of microorganisms that are in the
18 wastewater so that we can make sure we have an
19 efficient program. We're also testing for ammonia,
20 fecal coliform, enterococci so these are all ways
21 that we can evaluate the effectiveness of the
22 wastewater treatment process and making sure that the
23 effluent that we discharge is as clean as it possibly
24 can be.

2 MAJORITY LEADER POWERS: What are we
3 testing in terms of infectious diseases?

4 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:
5 Right now, we are just testing for COVID routinely.

6 MAJORITY LEADER POWERS: Okay. We're not
7 doing polio or any other diseases.

8 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:
9 I'll defer to Scott. He's a little closer to the
10 details.

11 DIRECTOR HUGHES: My name is Scott Hughes.
12 I'm the Laboratory Director and Assistant
13 Commissioner of the New York City Public Health Lab.
14 We are working with New York State and CDC to
15 continue to perform polio virus testing.

16 MAJORITY LEADER POWERS: So polio and
17 COVID-19 would be the answer to that question? Is
18 that fair to say?

19 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:
20 Yes.

21 MAJORITY LEADER POWERS: Have you guys
22 considered recently adding anything to that list and
23 what is the criteria for adding something to that
24 list?

2 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:

3 Sure. We defer to our Colleagues at the Department of
4 Health. They identify if there is a public health
5 concern that would necessitate epidemiological
6 testing of wastewater. Maura.

7 DEPUTY COMMISSIONER KENNELLY: Sure. We
8 work closely with the CDC and the New York State in
9 terms of sort of the effectiveness and value for the
10 testing of wastewater for different pathogens. We
11 also have a very robust primary surveillance system
12 in terms of tracking of all infectious diseases so I
13 think we're also looking at where there would be
14 added value to using wastewater in addition to the
15 systems we already have in place.

16 MAJORITY LEADER POWERS: What are the
17 other systems that are in place?

18 DEPUTY COMMISSIONER KENNELLY: They
19 include laboratory test results. There a lot of
20 diseases that labs and providers are required to
21 report to the Health Department, a list too long to
22 report, as well as hospital data that we work closely
23 with the New York State to get and what we call
24 syndromic data which is really looking at a variety
25

2 of sources to indicate what's happening in healthcare
3 systems.

4 MAJORITY LEADER POWERS: I remember years
5 ago there was a program where pharmacies were
6 reporting what they were prescribing (INAUDIBLE)
7 over-the-counter too. Is that still in place?

8 DEPUTY COMMISSIONER KENNELLY: I believe
9 we do have a program in place. I don't have those
10 details with me, but I'm happy to follow up and get
11 you more information.

12 MAJORITY LEADER POWERS: Okay. I'll just
13 ask one or two more questions. How accurate are
14 wastewater tests so far when you look at, let's say
15 COVID-19 as an example with the pilot? I know you
16 have a pilot program, it expired, but you're still
17 doing testing twice a week so what is the
18 effectiveness and how accurate have those tests been?

19 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:
20 Sure. Right now we, and the Health Department
21 together, believe that we're still getting actionable
22 and helpful scientific data from the wastewater
23 testing program which is why we are continuing to do
24 it. We don't have an end date even though the pilot
25 period ended. Together we the Health Department, we

2 evaluate and continue to do things as long as they
3 continue to make sense and they're giving us good
4 data so I would say it's providing us good data, and
5 I'll defer if there's any other points.

6 DEPUTY COMMISSIONER KENNELLY: I'm happy
7 just to confirm that it is consistent with the
8 clinical testing data that we're seeing so it is
9 confirming what we're seeing around the city as part
10 of our other surveillance systems. It does lack the
11 precision that some of our other surveillance systems
12 provide, but, again, I think we continue to
13 participate and test, and we think that it's useful
14 information.

15 MAJORITY LEADER POWERS: Okay. Thank you.
16 I look forward to working with you guys on any
17 changes to the bill. Thank you to the Chair.

18 CHAIRPERSON GENNARO: Thank you, Mr.
19 Majority Leader. To the Counsel of the Committee, if
20 I'm not already added as a sponsor to the bill, I
21 want to co-sponsor it. It seems to me that what the
22 Majority Leader is getting at is for us to
23 crystallize into law something that you folks need to
24 be doing well but we don't know how the next
25 administration is going to feel about it, when it

2 comes to crunch time in the budget, and I'm inclined
3 to try to figure out a way where we can reduce to
4 writing and put in law something that would mandate
5 at a minimum a process by which there was an ongoing
6 assessment of epidemiological threats and the extent
7 to which wastewater testing could and should be
8 employed to be a barometer of that threat and to give
9 us some kind of value added as we go through whatever
10 the next epidemiologic threat there is. We have
11 polio, COVID, and it's not my bill, but I think
12 there's a broader vision and I think the Majority
13 Leader made reference to it that we should figure out
14 what we ought to be testing for and testing for it,
15 and the good news is that you're doing that, which is
16 great, but we don't know who's going to be sitting in
17 those chairs 10 years from now and what the
18 circumstances are going, and we've done this for
19 other things. Mayor Bloomberg created the Office of
20 Long-term Planning and Sustainability, great idea. We
21 just chose to put that in law so that it would
22 continue to live on. The New York City Panel on
23 Climate Change, also created by Mayor Bloomberg. It
24 came into existence, went out of existence, we put it
25 back into existence by law so I think the end-game

2 here is to, and I don't know why there would be cause
3 for a lot of pushback on the part of the
4 administration that's already actively doing this and
5 so if this is happening and various assessments are
6 made of the need for wastewater testing to give us an
7 edge on how we can come to grips with various
8 outbreaks I would think it would be something that
9 this administration would welcome. It's just a matter
10 of how we figure out how we put it into law so that
11 we don't step on your toes and act like doctors and
12 scientists, but I think there's a way to do it. Would
13 that be something that resonates with you, Mr.
14 Majority Leader? Any response you have to that would
15 be welcome.

16 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:

17 Absolutely. We are very proud of the program, and we
18 would welcome the opportunity to work with your
19 offices to make sure that legislation does continue
20 this strong partnership that we have with the Health
21 Department to use this tool and have it as a tool in
22 the toolbox and just maintains the flexibility so
23 that we can nimbly adapt to changing public health
24 conditions.

2 CHAIRPERSON GENNARO: Right. We don't want
3 to hem you in, we don't want to tell you what to do,
4 we don't want to be overbearing, but we just want to
5 make sure that this is on the books in a way that
6 makes sense, not that it couldn't be tweaked down the
7 road, but we think it's something that should be part
8 of the laws of the City of New York. We just need to
9 figure out the best way to do that. I'm bullish on
10 this bill if anybody cares.

11 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:
12 Happy to work with you.

13 CHAIRPERSON GENNARO: Okay. Thank you.
14 Thank you, Mr. Majority Leader, for authoring this
15 bill. I'm going to be here all day so I'm going to
16 save of my questions, but I know that Members are
17 always, I recognize Council Member Nurse to ask
18 questions of the panel on her good bill. I recognize
19 Council Member Nurse.

20 COUNCIL MEMBER NURSE: Thank you, Chair.
21 Just had a few questions, more for me to kind of
22 understand logistics I guess first.

23 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:
24 Absolutely.

2 COUNCIL MEMBER NURSE: I hear what you
3 said in your testimony and Annelle (phonetic), who is
4 behind me, when she was researching this bill had
5 already confirmed we don't have the framework. I
6 think for me the goal is more about just to confirm
7 or refute is there an existence of microplastics in
8 our drinking water. I guess my first question would
9 be you mentioned you will be proactively testing at
10 two of the reservoirs. Is there ability for
11 microplastics that you know of to enter the drinking
12 water supply if it doesn't come in through the
13 reservoir?

14 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:

15 Sure. Yes, we are planning to do testing starting in
16 the spring, and the reason why we think the right
17 spot is at the Kensico Reservoir, taking a half step
18 back, the city is supplied by drinking water from a
19 filtered supply which is in the Croton system. That
20 water goes through the New Croton Reservoir before it
21 gets filtered at the Croton Filtration Plant and then
22 distributed throughout the city. That's why we're
23 proposing to sample once at the New Croton Reservoir
24 for that separate system. Then on the unfiltered
25 supply, this is all of the water that comes from west

2 of Hudson in the Catskills and the Delaware, and that
3 water goes to the Kensico Reservoir and so we're
4 proposing to also sample at the last point that the
5 water in that system exist where it could receive
6 runoff or other atmospheric deposition before it
7 enters the real distribution system so once it enters
8 the distribution system we don't see any potential
9 opportunities for plastics to enter so in our mind no
10 additional information you'd get from sampling
11 multiple places downstream.

12 COUNCIL MEMBER NURSE: Okay. Just in terms
13 of capacity, I know you don't have a methodology to
14 do comparisons within house. Do you have the
15 capability to take samples and just fully confirm
16 there aren't the presence of microplastics? I don't
17 know because I'm not a scientist, but in my mind I'm
18 like you take it and you put it under the thing and
19 you can look, I'm sorry, but I don't know if it's
20 that simple, but just in terms of what you have in-
21 house, do you have that type of capability just to
22 look at if we turn on a tap, could we see if we have
23 anything or not?

24 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:
25 Sure. Right now the methodology is still evolving so

1 a few years back we had actually worked with a
2 contract lab to help develop the methodology for how
3 you might collect the sample and then analyze it in
4 the laboratory to identify microplastics. At that
5 time five years ago when we were a part of the study,
6 they did not identify any microplastics in the New
7 York City drinking water system. Now, five years
8 later, the methodology has been developed and so what
9 we would do is we would collect a sample from both of
10 these locations, we would package it and send it to a
11 contract lab.
12

13 COUNCIL MEMBER NURSE: Okay.

14 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:

15 The contract lab would then run the analysis because
16 it is one of these evolving kind of methodologies. Of
17 all of our sampling, we do 99 percent of our sampling
18 analyses in-house is Sally's excellent team. They are
19 the scientists. Most of our sampling is done in-
20 house, but for these more kind of nuanced and unique
21 samples we would send them to a contract lab.

22 COUNCIL MEMBER NURSE: Apologies for
23 simplifying something. I know it's very complex, but
24 I have no idea what it is.
25

2 I have a question in terms of what are
3 the conversations you are having with the appropriate
4 New York State agencies on this to develop something
5 at the state level for the city to be able to have a
6 method for doing this kind of ongoing analysis?

7 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:

8 The method has been established, the testing protocol
9 for how you would identify the presence of
10 microplastics in the water, so that is one step
11 that's done in the process, but now the next step is
12 to start to collect data so that we have a baseline
13 understanding of what the prevalence and presence of
14 microplastics may be. Once you have that data, we
15 would work with our partners in New York State
16 Department of Health to understand what the limits
17 may be so the way that it would end up working is
18 that New York State would promulgate a maximum
19 contaminant level or some other kind of threshold to
20 establish what a statewide standard would be and then
21 all regulated utilities of which New York City is one
22 would then have to demonstrate that they meet or
23 exceed that standard.

24 COUNCIL MEMBER NURSE: You're saying
25 that's something that's in motion already?

2 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:

3 Right now, we're adding it to the emerging
4 contaminant list basically so basically the State is
5 saying start watching this, start collecting data so
6 that we have a more informed science and we can start
7 to figure out what the right way to kind of evaluate
8 and regulate this in the future. This is exactly the
9 same that kind of happened with PFOS in the past so
10 it's a process that we're pretty familiar with.

11 COUNCIL MEMBER NURSE: Last question...

12 CHAIRPERSON GENNARO: Council Member, I'm
13 not worried about the clock when it comes to you
14 because I'm a Member of your Committee as well so I
15 have to be nice to you.

16 COUNCIL MEMBER NURSE: Right, courtesy is
17 always reciprocal.

18 CHAIRPERSON GENNARO: So Chair to Chair,
19 you can forget about the clock.

20 COUNCIL MEMBER NURSE: Well, I did just
21 have one little question.

22 CHAIRPERSON GENNARO: And I don't expect
23 the same treatment from your Committee. I don't think
24 I'm worthy.

25

2 COUNCIL MEMBER NURSE: I always let my
3 Committee Members go.

4 CHAIRPERSON GENNARO: So have at them.

5 COUNCIL MEMBER NURSE: I don't think this
6 was my question, but I'm still interested in the
7 answer. Some reservoirs use shade balls, the small,
8 dark plastic, you know what they are, does DEP use
9 these on any of its reservoirs or at any point in the
10 distribution infrastructure and could those use
11 potentially introduce microplastics into drinking
12 water?

13 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:
14 Absolutely. The first time I heard about this, I
15 thought about like a ball pit being emptied into a
16 reservoir which was very entertaining for my
17 children.

18 COUNCIL MEMBER NURSE: The videos are
19 fascinating.

20 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:
21 We have evaluated this technology and actually we
22 evaluated it for some of the reasons that you
23 mentioned but also because we are under other
24 regulations and so we're always at the forefront of
25 thinking about what are the cool new technologies

2 that we might be able to avoid giant billion-dollar
3 capital projects if these are something that can help
4 us meet our water quality goals. For a lot of
5 reasons, we evaluated and determined that shade balls
6 and other similar technology is not conducive to our
7 operations so we don't use them and we have no
8 intention at the moment to be using them in the water
9 supply system.

10 COUNCIL MEMBER NURSE: Awesome. Thank you
11 so much. Thank you, Chair.

12 CHAIRPERSON GENNARO: Thank you, Council
13 Member Nurse, and thank you for bringing forward this
14 good bill.

15 I recognize Council Member Menin for
16 questions.

17 COUNCIL MEMBER MENIN: Thank you so much,
18 Chair. I just had two quick questions. Last December,
19 DEP and DOHMH said in a news article that wastewater-
20 based epidemiology was "a developing field." Can you
21 talk a little about why that's so and in your opinion
22 what's missing, what would make it more
23 comprehensive?

24 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:
25 Sure. Thanks for that question. We didn't use

2 wastewater epidemiological sampling as part of our
3 normal protocol so we were very familiar for the
4 longest time with testing wastewater for a whole
5 bunch of pathogens but really mostly focused on
6 regulatory compliance and on process control and so
7 it was new and it is new in the way of thinking about
8 how it might inform a public health conversation, and
9 honestly I think it's just, as we're all learning
10 about these emerging viruses, we're developing new
11 protocols and new procedures to make sure that we're
12 collecting data in the most actionable way and so we
13 collect in a certain parameter so that we understand
14 better what's going on in the public health system.
15 It's not there's something that we're not doing that
16 we want to do but that we are constantly evolving.

17 COUNCIL MEMBER NURSE: How many staffers
18 are involved in testing wastewater for viruses?

19 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:
20 I'm sorry. I don't have that number offhand, but it's
21 a number of staff, both at the treatment plants who
22 are collecting the samples and then they bring it to
23 our microbiology lab so then there's some laboratory
24 staff and then we have our engineering team who would
25 look at it as well so it's multiple layers of staff

2 because it is really a multidisciplinary kind of
3 analysis and review.

4 COUNCIL MEMBER NURSE: Okay. Thank you.
5 Thank you, Chair.

6 CHAIRPERSON GENNARO: Thank you, Council
7 Member Menin, for your questions. I'm going to jump
8 into some of my own questions now.

9 I remember when I was at DEC, we were
10 dealing with the emergence of PFOS, PFOA, PFAS, and
11 that family of compounds. Since then, the State
12 Health Department set drinking water standards for
13 PFOA and PFOS, which are parts per trillion. It's
14 hard to imagine how any water system like Nassau and
15 Suffolk is going to wrap their testing apparatus
16 around that, but, of course, my focus in the New York
17 City drinking water supply. Can you give me the
18 status of the extent to which that family of
19 compounds, PFOS, PFOA, PFAS, are extant in New York
20 City drinking water and where we are now with regard
21 to compliance with the State standard?

22 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:
23 Absolutely. The first thing I want to just say is
24 that we are fully in compliance with all New York
25 State standards on PFOS and PFOAs. We've been

2 monitoring for these compounds in our water supply
3 system since 2009, and we originally started as part
4 to the Emerging Contaminant Program. As different
5 regulations and research have evolved, we've continue
6 to monitor and refine our monitoring strategy, both
7 in our source waters and our distribution system. We
8 have not detected PFOS in the unfiltered system, and
9 we sample for that when it enters the Croton
10 Reservoir, and in the filtered Croton system,
11 extremely, extremely low levels have been detected
12 but far below the State maximum contaminant limits.

13 CHAIRPERSON GENNARO: But the standard is
14 parts per trillion.

15 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:
16 And we're far below that.

17 CHAIRPERSON GENNARO: And we're far below
18 that?

19 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:
20 An order of magnitude actually.

21 CHAIRPERSON GENNARO: Okay. Now, this is
22 not something I was working on when I was at DEC
23 which is like a thing that I knew what was going on,
24 and is this more of a groundwater phenomenon than it
25 is like a service water phenomenon? It seems like the

2 difference between us and Long Island, which is a
3 ground water system, they're going out of their minds
4 with PFOS and PFOA and we apparently are not. What is
5 it about the nature of our water supply system that
6 has created an outcome where we don't have a lot of
7 PFOS, PFOA, PFAS?

8 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:

9 Absolutely. I do believe that part of the reason is
10 because of the incredible protection that we have for
11 our water supply system. We take so much care in
12 making sure that our 2,000-square-mile watershed is
13 well-protected, that there are not opportunities for
14 contaminants to enter the water supply system and so
15 I would argue that it's because we've done so much
16 work to develop the filtration avoidance
17 determination and build up the communities in the
18 watershed to make sure that we're managing point-
19 source impacts. We are not at the same condition that
20 other water purveyors may be.

21 CHAIRPERSON GENNARO: Thank you. With
22 regard to microplastics, as I said in my opening
23 statement, they range in size from like 5 mm all the
24 way down to god knows what, and let's just say
25 microplastics became like a big thing and we had to

2 do something and let's just say the microplastics
3 that were of most concern happened to be like the
4 smallest or whatever, I mean I go back on this issue
5 to the early '90s when I was staff here, this was
6 before we signed the 1997 FAD, the first one, in
7 which we were given the opportunity to avoid
8 filtration. Would filtration processes as we know
9 them now be sufficient to filter out the smallest of
10 the small particles that you might have with
11 microplastics or would we have to develop a new
12 technology that would suffice to get that? This must
13 be going through somebody's mind, about what do we do
14 if we really have to do this.

15 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:

16 On the filtered water supply, in New York City we
17 have the Croton Filtration Plant that is responsible
18 for filtering up to 290 million gallons of water per
19 day.

20 CHAIRPERSON GENNARO: Croton we're talking
21 about, yeah Croton.

22 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:

23 For the Croton system. For that system, all that
24 water does get filtered through that facility, and it
25 was not designed specifically to evaluate

1 microplastic removal but as the science is evolving,
2 that's definitely something that we're evaluating
3 with the scientific community and understanding what
4 technologies may need to be add-on processes or
5 otherwise evaluated to support the removal, if it is
6 determined in some point in the future that that's
7 needed. I think we are a little far away right now
8 from understanding both the prevalence and the
9 quantity of microplastics in the water supply, also a
10 little bit far away right now from how much we might
11 have to remove so a lot of that will depend, once
12 those kind of predecessor facts are determined, how
13 much is there, what are the standards, then we would
14 seek to identify the engineering solutions to remove
15 the plastics if they so existed.

17 CHAIRPERSON GENARO: Can you give me a
18 little insight on what is going on in the world of
19 looking very closely at the risk that microplastics
20 may pose? This has got to be the subject of a lot of
21 people in the water community. Presumably there are
22 conferences on this. Who's doing the cutting edge
23 research on this and just where is all this
24 (INAUDIBLE) program or like where is all this at?

2 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:

3 The conversation right now is really in the public
4 health sphere and really determining what are the
5 public health implications of microplastics in the
6 drinking water.

7 CHAIRPERSON GENNARO: Why don't we ask the
8 folks from Health, like what they're hearing about
9 this?

10 DEPUTY COMMISSIONER KENNELLY: Thank you.
11 I will say neither Scott nor I are the experts here
12 from the Health Department.

13 CHAIRPERSON GENNARO: You look pretty
14 expert to me. Your testimony here is considered
15 expert testimony.

16 DEPUTY COMMISSIONER KENNELLY: Great.
17 Lovely. I think similar to what Kim mentioned in
18 terms of our Colleagues at the State Health
19 Department we are following the research. It is
20 emerging, and I think it's still a very young sort of
21 body of research if you will in terms of the
22 implications specifically on human health.

23 CHAIRPERSON GENNARO: Right, and this
24 would be more in the domain of the State Health
25 Department that would be doing this because they are

2 the ones that give you folks your marching orders
3 pursuant to the FAD and all that, right?

4 DEPUTY COMMISSIONER KENNELLY: Correct,
5 yes. Our Colleagues at the State Health Department
6 have jurisdiction here. Not to say that we're not
7 following the research, but they're the experts.

8 CHAIRPERSON GENNARO: I figured you would
9 be. I know that the Suffolk County Water Authority
10 does a pretty good job of trying to get out ahead of
11 things because they've got a lot of problems out
12 there. I've been out there many times, and they're
13 sort of like a mini-DEP. I guess the Suffolk County
14 Water Authority covers about half the county or
15 something like that, and I'm just wondering if you've
16 heard whether they're doing a lot of stuff on the
17 ground there because they have a lot, certainly
18 they're in the same position you are that they have
19 to follow the State's lead, but it seems that
20 they're, because they're right in the middle of it,
21 and they've got this war that they're waging, are
22 they doing any of their own research? I'm asking you
23 to talk about what's going on with some other agency,
24 but they always seemed to me to be quite impressive.
25 I've been out there a number of times, and when I'm

2 out there I feel like I'm at a smaller version, as I
3 said, of DEP.

4 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:

5 Absolutely. We do collaborate closely with our
6 partners on Long Island. I was out there maybe last
7 year meeting with them on a different topic where we
8 strategizing about how we might both tackle an
9 entirely different water supply issue. I'm not
10 familiar with their efforts on microplastics. They do
11 have to filter their water because they are providing
12 ground water so it's a little bit of a different
13 system, but I would be more than happy to reach out
14 to them and find out if they're doing any exciting
15 research or..

16 CHAIRPERSON GENNARO: Is it still Szabo?
17 Is he still the guy out there?

18 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:
19 On the record, I do not know.

20 CHAIRPERSON GENNARO: I think he was.

21 COUNCIL MEMBER NURSE: Chair, could I ask
22 a followup question?

23 CHAIRPERSON GENNARO: Sure. I recognize
24 Council Member Nurse for a followup.

25

2 COUNCIL MEMBER NURSE: Thank you. One of
3 the things that you said kind of just struck me a
4 little bit, not in a bad way, just more curiosity
5 around actually what Council Member Gennaro mentioned
6 around the filter that would then be needed. In your
7 engineering department, are there any ongoing
8 conversations or existing conversations around types
9 of filter out there, does a filter exist? I'm very
10 ignorant to this subject. Does a filter exist that
11 can filter out microplastics and are you all talking
12 about it or looking at it all within your engineering
13 department?

14 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:

15 Sure. It sort of depends on how small of a
16 microplastic we're talking about. A 5 mm microplastic
17 is visible to the naked eye would get caught in our
18 existing filtering system. We use granular activated
19 carbon so it would get caught up in that system. If
20 we're talking about the nano millimeter, really I
21 don't know if the technology even exists yet, but as
22 part of our research agenda we participate in a
23 number of national organizations that are looking at
24 these types of questions and we participate in more
25 than 10 ongoing studies at any given time about other

2 kinds of things that might be happening in the water
3 supply, and I'm sure that if we aren't already it
4 will be something that comes up as the utilities are
5 starting to think about this emerging contaminant.

6 COUNCIL MEMBER NURSE: Just for the
7 record, there's never been a time where within house
8 at DEP you've ever sent out a sample of water to just
9 even see any type of microplastic particle?

10 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:
11 In 2018, we sent out a sample as part of the
12 methodology development process, and it came back
13 non-detect, and we are planning in the spring so like
14 in two months I believe we'll be sending out the
15 next, and we're happy to share with you that initial.

16 COUNCIL MEMBER NURSE: I know you
17 mentioned that. I just blanked on it. Thank you so
18 much.

19 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:
20 Thank you.

21 CHAIRPERSON GENNARO: Thank you, Council
22 Member Nurse.

23 Let's talk a little bit about 530, about
24 the DEP notification, that's the notification bill
25 that I advanced. Yes, we do get calls in my office,

1 we do get notifications, but sometimes we get them,
2 sometimes we don't so notwithstanding the fact that
3 this was a phenomenon and a practice that the City
4 engages, we just thought it would be a good idea to
5 crystallize it. In your testimony, you spoke about it
6 so like who specifically does DEP notify and by what
7 outreach method? You made a little reference to that
8 but if you could expand upon that, that'll be great.

10 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:

11 Absolutely. I'd be more than happy to. Our Community
12 Affairs Group has a borough liaison for each borough,
13 and those borough liaisons have a list of members in
14 the Community Boards and also in each of the Council
15 Member's offices as well as State Assembly Members,
16 State Senators, and so when we identify a
17 particularly affected community, so, for example, our
18 Bureau of Water and Sewer Operations is planning to
19 do work on a 20-inch transmission line. We know that
20 when we do that type of work it often causes
21 discolored water because it is a large piece of
22 infrastructure that we infrequently take down so we
23 would work them to develop a map of what the possible
24 areas that might be impacted are and then that map
25 would get shared with Community Affairs, they'd

2 identify all of the local elected officials that
3 would be affected and then we would make
4 notifications via email to those people. We know
5 water being discolored is a very disconcerting thing
6 to a constituent, and we share your concerns of
7 making sure people are well-informed, and so just
8 maybe two weeks ago we had one of these water main
9 shutdowns where we expected to have discolored water,
10 and we posted on social media a map so that people
11 would be aware if you live in this zone you might
12 experience discolored water, run your water for a few
13 minutes, if it still is discolored call 3-1-1 so we
14 look forward to working with your office to identify
15 if there's anyone we should be additionally notifying
16 and trying out new ways of notifying the public.

17 CHAIRPERSON GENNARO: Yes, but as per your
18 own testimony, as per your own statement, you
19 indicated that notification is made the preceding
20 business day which doesn't give my office a lot of
21 time to reach out to, because we know who to talk to
22 so we have all the civic associations and they all
23 have lists of their members that once we give it to
24 them they can share with their members, there are
25 various congregations, every Council Member knows

2 whom to talk to in her or his district, and the day
3 before just doesn't provide us with much, it would be
4 more effective if it was more in advance. You know
5 the work that's going to be done, it's either going
6 to be DEP or DDC doing it, I think that DDC does most
7 of your work, right, does DEP do any of its own work
8 anymore or is it all...

9 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:

10 Absolutely. I think it really does depend on what the
11 condition is that we're responding to. That really is
12 the precipitating kind of factor for how much
13 notification we can give. DDC gives three days'
14 notice because they are doing long-term planned
15 capital projects. They have a very routine
16 understanding of how long a job is going to take,
17 when they plan to be on this block versus that block
18 and so they can with a lot of precision identify
19 exactly when there is planned a shutdown and a little
20 bit farther in advance. The kind of work that DEP
21 responds to is of the more emergent kind of variety
22 so we're responding to street leaks, something that's
23 not a water main break yet but could be a water main
24 break very soon we're responding to. It's not so
25 emergent that we have to shut down water this minute,

2 but we wouldn't want it to linger for two or three
3 days because the longer you let a leak linger the
4 more likely it is to have a catastrophic failure.
5 That's why we generally end up only knowing the day
6 before because we are constantly monitoring leaks,
7 monitoring our activities, and trying to do work as
8 quickly as we can so we also wouldn't want to not do
9 work quickly because we're like we have to wait three
10 days.

11 The other thing I would say too is that
12 there's a whole other body of work that is for
13 shutdown, and that is plumber-initiated shutdowns.
14 For example, you're having the water service to your
15 property replaced. For some reason, your plumber
16 needs a shutdown to install a new tap. We would want
17 to keep the street open for as short a period of time
18 and so the plumber would finish their work, that
19 afternoon they'd call and they'd ask us for a
20 shutdown the next day in order to minimize the cost
21 to property owners because the plumber will charge
22 you more if he has to leave the street open longer
23 because he has more liability, we seek to do shutoffs
24 the next day if possible so for those reasons, it
25 depends really on the type of work. The DDC work

2 which is a majority of where there could be
3 discolored water, we are endeavoring for that three-
4 day notification.

5 CHAIRPERSON GENNARO: I still haven't
6 given up on this. I still think there's more refining
7 that we can do to move that forward, but we will see.

8 We have Council Member Holden who is
9 participating remotely. The Council has interesting
10 rules and if there's not a quorum of Members then
11 someone who is remote can't ask a question through
12 the thing. Don't get me started. I don't make the
13 rules; I just work here. He's a great Colleague. He's
14 a great Member of the Committee. He sits right next
15 to me in the Chambers, and here's his question if I
16 can read it. That's a little note to staff. If you're
17 writing something out for someone who's over 65, use
18 big letters.

19 I'm going to let Ricky pose the question.
20 Just pose the question, and it'll be like it came
21 from me, but it's really from Bob Holden so figure
22 that out.

23 RICKY: Wastewater testing is already
24 being...

2 CHAIRPERSON GENNARO: Nice and loud and
3 right into the microphone.

4 RICKY: Wastewater testing is already
5 being used in other U.S. cities to monitor drug use.
6 This approach is already being applied in Australia
7 and Europe to understand drug consumption patterns.
8 Is DEP planning to use wastewater testing on drugs
9 like fentanyl?

10 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:
11 I'll defer to my Colleagues at the Health Department
12 for that question.

13 DEPUTY COMMISSIONER KENNELLY: We will get
14 back to Council Member Holden. I don't have that
15 information with me today, but we're happy to follow
16 up both with Holden and with the rest of the
17 Committee.

18 CHAIRPERSON GENNARO: If you just make a
19 note that that's for Council Member Holden and also
20 that should be forwarded to the Counsel of our
21 Committee, Samara Swanston, just because I'd like to
22 know as well.

23 DEPUTY COMMISSIONER KENNELLY: Happy to.

24 CHAIRPERSON GENNARO: Sure. Let me go
25 through the statement here. I made little marks.

2 Part of your statement on page three the
3 third paragraph is about how New York City does not
4 establish water quality standards relating to
5 microplastics, but DEP will begin proactive testing
6 for microplastics. Do you know of any entities that
7 has set standards for microplastics? I stepped out. I
8 might've missed it when Council Member was talking
9 about it. I know that California did something. I
10 don't know if they set standards or whatever so has
11 anyone that you know of actually set standards for
12 microplastics anywhere?

13 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:

14 Not at this time. California is evaluating standards,
15 but they have not set.

16 CHAIRPERSON GENNARO: Okay, so they're

17 doing with a view towards setting standards. Europe,
18 anybody doing anything in Europe? Sometimes they're
19 like ahead of us when it comes to GMO foods and all
20 of this other...

21 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:

22 Not that we're aware.

23 CHAIRPERSON GENNARO: Okay. Good to know

24 See what other notes I made on your statement. I

25 don't see any other questions here. I don't want to

2 ask anything that's already been asked. I think
3 that's okay. I'm going to do something that only a
4 Chair can get away with and just go a little bit off
5 topic and give myself a little latitude so you're
6 walking into something you didn't know you were going
7 to have to be dealing with.

8 With regard to the FAD, I was around for
9 the 1997 FAD which was for five years, and in 2002 it
10 was another five years until 2007, and then in 2007 I
11 think the EPA kind of like renounced primacy and then
12 they gave it to State DOH from 2007 to 2017, and it's
13 my understanding that we've just completed another
14 FAD. Is that where we're at? Can you speak on that?

15 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:
16 Absolutely. We just completed the first five years of
17 our 10-year FAD.

18 CHAIRPERSON GENNARO: So in 2017, there
19 was a five-year FAD to 2022 so it was a 10-year FAD
20 from 2017 to 2027?

21 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:
22 Yes.

23 CHAIRPERSON GENNARO: So you just finished
24 the first five years of it so that would've led you
25 into what we call like a mid-course review?

2 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:

3 Correct.

4 CHAIRPERSON GENNARO: Did that happen?

5 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:

6 It did, and we sent (INAUDIBLE) report to the State
7 and EPA on the progress that we've made on the FAD
8 and the work that we would be continuing to do over
9 the next five years.

10 CHAIRPERSON GENNARO: Okay. It's my
11 understanding, again I haven't delved too deeply into
12 this, I meant to but it didn't happen, there were
13 other topics, that when it comes to the land
14 acquisition component of the FAD, there were targets
15 or milestones regarding land acquisition in the first
16 five years of this 10-year FAD that were not
17 realized. Is that the case?

18 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:

19 I'm sorry. I don't have that information at my
20 fingertips.

21 CHAIRPERSON GENNARO: Okay. I mean if you
22 have it, you have it. You weren't expecting to talk
23 about this now, but if somebody has something on
24 that, because I'm (INAUDIBLE) a big booster of the
25 land acquisition program which has been phenomenally

2 successful notwithstanding it's willing buyer/willing
3 seller and not like it was back in the old days of
4 eminent domain way, way, way back, but if we could
5 get data sent to the Committee on status of the land
6 acquisition program because if the State DOH which
7 kind of like has the keys to the FAD so to speak so
8 if they mandated and then we kind of don't do it,
9 they can either like let it go or talk to you folks
10 about it or indicate that in the second half of the
11 FAD they want to see that move at pace or whatever,
12 but whatever you can give us in terms of information
13 on the land acquisition component of the 2017 to 2027
14 FAD, we'd be interested. I'm kind of invested in this
15 because I think I'm the only person still around that
16 goes back to the 1997 MOA and all of that and all the
17 yelling and screaming that kind of like led up to
18 that. It was before everyone time's here, but there
19 was a lot of yelling and screaming to try to get that
20 and just to get us the filtration avoidance
21 determination. It was very hard to get done so I go
22 back with this a long time. That was back when
23 Appleton or something was Commissioner, god knows, so
24 anything that you could furnish the Committee
25 regarding the status of the land acquisition, also

2 you issued some report, whatever it is, right, so if
3 you could send that Samara Swanston. This will be a
4 focus of mine going forward and this will give me
5 like a little bit of a jumpstart on that.

6 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:
7 Absolutely. Be happy to share.

8 CHAIRPERSON GENNARO: Thank you. This has
9 been a delightful panel. What do you think, Samara?
10 Haven't they been good? All right, okay.

11 We don't have any cookies or any treats
12 or any tea or anything, but do you have at least a
13 pitcher of water there or you had to bring your own?

14 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:
15 We do. We have a nice pitcher (INAUDIBLE)

16 CHAIRPERSON GENNARO: Good. The champagne
17 of drinking water.

18 DEPUTY CHIEF OPERATING OFFICER CIPRIANO:
19 Catskills.

20 CHAIRPERSON GENNARO: Thank you very much
21 for your testimony. We appreciate it. I'm going to
22 take a two-minute recess and then we'll commence with
23 the public testimony. I assume that we have public
24 testimony to hear.

25 UNIDENTIFIED: Nobody showed up.

2 CHAIRPERSON GENNARO: So we have no public
3 testimony? Like that's it? Like we're done? Okay. I
4 was ready for a whole thing. Let's see if my tea, my
5 tea is done, forget about it.

6 Thank you all very much for participating
7 in this good hearing. We appreciate the benefit of
8 your views and look forward to working cooperatively
9 with you to see what we can do about the bills that
10 were brought forth today and have a great weekend.
11 This hearing is hereby adjourned. [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 February 27, 2023