

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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December 17, 2024
Start: 10:17 a.m.
Recess: 12:47 p.m.

HELD AT: COMMITTEE ROOM - CITY HALL

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

COUNCIL MEMBERS:

Alexa Avilés
Justin L. Brannan
Robert F. Holden
Krista Marmorato
Sandy Nurse
Lincoln Restler
Rafael Salamanca, Jr.
Susan Zhuang

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

Beth Defalco
Deputy Commissioner for Public Affairs, DEP

Paul Rush
Deputy Commissioner for the Bureau of Water
Supply

Matt Drury
Parks

Julie Lubin
Deputy Commissioner Bureau of Environmental
Compliance, DEP

Kathryn Mallon
Chief Operating Officer, DEP

Sara Evans
Greenwood Historic Fund

Hayden Brockett
New York Clean Air Collective

Eric Eisenberg

Michelle Luebke
SWIM Coalition

Christopher Gawarecki
HUB Truck Rental Corporation

Hunter Severini

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS

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2 SERGEANT AT ARMS: This is a microphone check for
3 the Committee on Environmental Protection, Resiliency
4 and Waterfronts. Today's date is December 17, 2024,
5 located in the City Hall Committee Room. Recording
6 is done by Rocco Mesiti.

7 CHAIRPERSON GENNARO: Put on my distance glasses
8 so I can see you.

9 SERGEANT AT ARMS: Good morning and welcome to
10 today's New York City Council Hearing for the
11 Committee on Environmental Protection, Resiliency and
12 Waterfronts. At this time, we ask that you silence
13 all electronic devices and at no time is anyone to
14 approach the dais. If you would like to sign up for
15 in person testimony or have any other questions
16 throughout the hearing, please see one of the
17 Sergeant at Arms. Chair Gennaro, ready to begin.

18 CHAIRPERSON GENNARO: Thank you. [GAVEL]. Good
19 morning. I'm Council Member Jim Gennaro, Chair of
20 the Committee on Environmental Protection, Resiliency
21 and Waterfronts. Today, we will hold an oversight
22 hearing on the New York City Drought. Additionally,
23 we will be hearing two Preconsidered Intro.'s
24 sponsored by myself that would require DEP to develop
25 a comprehensive storm water plan and dashboard and

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS 5

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2 another that would require DEP to establish a program
3 that transfers liability from engine idling
4 violations to lessees of vehicles.

5 Additionally, we will hear a Resolution, also
6 sponsored by me, that calls upon New York State to
7 create a permanent, citywide voluntary buyout program
8 to mitigate flood risk. New York City's portable
9 water infrastructure delivers about one billion
10 gallons of water per day to millions of New York
11 residents as well as to some lucky residents in West
12 Chester Putnam, Orange and Ulster counties.

13 Our tap water is widely regarded as among the
14 finest in the world and it is derived from service
15 water to rivers and streams that are fed by the rain
16 and snow that falls in the Catskill Mountains. Now
17 some of you may be asking why are we have an
18 oversight hearing about the drought at all? It
19 rained last week. It rained yesterday and it's
20 forecasted to rain tomorrow. Well, it's true that
21 the city and our upstate watershed had a failing
22 normal November when it comes to rainfall and
23 December has been off to a pretty good start. The
24 unfortunate reality is that our reservoirs are still
25 far short of the water levels we normally have on

1
2 hand at this point in the year. I think we're about
3 20 points down Paul, something like that, 20
4 percentage points, something like that, right? I'm
5 sure you'll speak to that.

6 And we need sustained above average rainfall
7 levels to cancel out deficit caused by opacity of
8 rain in September and October. With climate change
9 comes not only longer summers that increase our local
10 water needs, but also more variable, less predictable
11 weather patterns that must be accounted for. It's
12 unfortunate that this year, the height of the drought
13 has coincided with the beginning of the city's tree
14 planting season. Trees are an integral part of the
15 city's climate and mitigation strategy. They absorb
16 Co2 from the atmosphere, reduce stormwater runoff,
17 and can significantly cool the street scape. They
18 can also cost up to \$3,500 per tree to plant. This
19 is according to my staff; I did not make up this
20 number. It seems like a lot.

21 Newly planted trees are among the most vulnerable
22 to dehydration. That's why I'm interested in hearing
23 from the Administration on newly planted street trees
24 can be protected from potential droughts. I'll just
25 make note that it was the Parks Department upon of

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS 7

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2 this hearing, that they wanted to participate and
3 give their thoughts and answer questions and we are
4 grateful to the Parks Department for keeping an eye
5 on our trees and paying attention to what this
6 Committee is doing. I'd also like - back to the
7 text. I'd also like more details on how the drought
8 wash and warning determinations have affected the
9 Delaware Aqueduct repairs and whether the leak from
10 the system is imperiling or drought related water
11 conservation efforts.

12 Now we'll discuss the legislation we'll be
13 hearing today. In 2008, a long time ago, I sponsored
14 Local Law 5, which required DEP to develop a
15 sustainable stormwater management plan to reduce the
16 volume of raw sewage in stormwater that enters our
17 city's waterways through what are known as combined
18 sewer overflows or CSO's. That was certainly a big
19 consideration back then.

20 Since that earlier comprehensive stormwater plan
21 was implemented, DEP has made tremendous progress
22 towards the goal of reducing CSO discharges. Since
23 2008, staff tells me the volume of CSO's has fallen
24 by nearly half. I thought it was more than that but
25 I'll take my states word for it. From approximately

1
2 30 billion gallons per year to 16 billion gallons in
3 2022. DEP should feel free to step in about that
4 number and make sure that's accurate. Our city must
5 continue to reduce the volume of CSO's. We must also
6 address the new stormwater challenges as they emerge.

7 One of the most pressing challenges in recent
8 years is street flooding caused by rainfall. That's
9 the whole- so the 2.0 is more about flooding than
10 CSO's. So, it's as time change we do different
11 things, so this is the focus of the new stormwater
12 management plan.

13 The one most pressing challenge in recent is
14 street flooding caused by rainfall. New York City
15 sewers were built to handle in much of the city, 1.75
16 inches per hour of rain that is stormwater or less
17 per hour. Some neighborhoods lack even the most
18 basic stormwater infrastructure. Parts of Southeast
19 Queens have no stormwater infrastructure whatsoever.
20 With the increasing frequency of very, very extreme
21 weather. New York City needs to consider pushing out
22 to 1.75 inches per hour of stormwater processing
23 capacity that it now has in most of the city.

24 One of the Preconsidered Intro.'s we're hearing
25 today would require DEP to determine a new capacity

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS 9

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2 for the city's stormwater infrastructure and publish
3 a comprehensive stormwater plan for how to achieve
4 that capacity. No small feat. We're talking about
5 6,000 miles of or thereabout of stormwater
6 infrastructure and it's going to be a long term you
7 know process and we have to pick a number. We have
8 to fund it. We have to build it. It's going to be a
9 lot. This bill's much needed update that the
10 sustainable stormwater plan that I drafted and passed
11 so many years ago.

12 The other Preconsidered Intro. would require DEP
13 to establish a program that would transfer liability
14 for idling violations from vehicle owners to the
15 lessees of rented vehicles. This bill will improve
16 DEP's enforcement with the city's anti-idling laws by
17 making sure that the party most able to prevent the
18 idling of rented buses and trucks is the one subject
19 to the penalties. I'd like to thank the Committee
20 Staff, Policy Analyst Ricky Chawla and Andrew Bourne,
21 Legislative Counsels Austin Malone, Natasha Bynum and
22 Sierra Townsend. So, we have three Committee
23 Counsels right now. I'd like to thank Austin to my
24 right; he's been filling in since Claire MacLachlan
25 left to go do something else and Austin wears a lot

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS 10

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2 of hats on the City Council legal staff and he's you
3 know very graciously you know stepped in to kind of
4 keep the seat warm and has served with great
5 distinctions. This will be his last hearing with us
6 as the reins are passed to Natasha with a big assist
7 from Sierra. So, we thank him for his good service
8 to the Committee.

9 I also want to thank Financial Analyst Tanveer
10 Singh. Did we talk about Ricky and Andrew? Did I
11 mention them already? I think I mentioned them for
12 the Counsels, yeah. As well as my Legislative
13 Director Josh Gachette. We also have my Chief of
14 Staff Henry Yam on hand today as well for all their
15 hard work. I'll now recognize the members who joined
16 us. We're joined by Council Member Zhuang,
17 Marmorato, Nurse and Holden. And so, with that, I'll
18 now turn it over to the Committee Counsel who will
19 give the affirmation to the witnesses.

20 COMMITTEE COUNSEL: Please raise your right hand.
21 Do you affirm to tell the truth, the whole truth, and
22 nothing but the truth and to answer all Council
23 Member questions honestly? Thank you, you may begin
24 when you're ready.

1 COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS 11

2 CHAIRPERSON GENNARO: Do I have copy of DEP's
3 testimony? I'd like to follow along with that.
4 Could you make the type any smaller? This is - okay
5 I'm going to kind of hold it like this but I mean
6 listening all the same, so I want to thank my
7 colleagues for being here. I want to thank you Paul
8 and your staff, who you can introduce during your
9 testimony and please commence with your good
10 testimony. Thanks for driving down to being here
11 with us today.

12 PAUL RUSH: Thank you and good morning Chairman
13 Gennaro and members of the Committee of Environmental
14 Protection, Resiliency, and Waterfronts. I am Deputy
15 Commissioner Paul Rush of our Bureau of Water Supply
16 at the Department of Environmental Protection. I'm
17 here today to discuss the ongoing drought. I am also
18 joined by Chief Operating Officer Kathryn Mallon, and
19 Deputy Commissioner Julie Lubin from our Bureau of
20 Environmental Compliance to discuss the pieces of
21 legislation on the agenda.

22 As was announced yesterday, we're happy to share
23 that the drought warning has been downgraded to a
24 drought watch. There has been significant rain and
25 melting snow pack in the last few weeks that have

1 significantly replenished our reservoirs. While
2 storages are still below normal for this time of
3 year, we're in a much better place than we were a few
4 weeks ago. The high pressure weather system that has
5 been stubbornly parked over our region has
6 finally shifted, allowing regular storm systems to
7 come through. We are now starting to see more
8 consistent precipitation patterns.
9

10 The drought we are coming out of is the first we
11 have experienced in 20 years. In part, this is due
12 to increases in precipitation due to climate change
13 and a 35 percent reduction in water demand through
14 conservation efforts. In 1979, we used 1.5 billion
15 gallons per day of water. Today, that's down to one
16 billion gallons per day. This reduction in demand is
17 also a result of the targeted investments by DEP, the
18 emergence of water efficiency standards, as well as
19 water conservation measures by good New Yorkers who
20 have steadily reduced the daily water demand. All of
21 which makes our system more resilient to droughts.

22 I should note when we talk about drought
23 conditions impacting the water supply, we are
24 referring to conditions upstate in the watershed, not
25 conditions here in the city. The watershed extends

1
2 more than 100 miles north of the city, so even if it
3 rains here in the five boroughs, that rain does not
4 help with our drinking water supply.

5 This year's drought has brought record low
6 precipitation to both areas and across the Northeast
7 region. We saw the lowest precipitation in recorded
8 history in October, despite forecasts of a wetter
9 than average October. In fact, the unprecedented
10 deficit in rainfall we experienced this fall, only
11 had a one percent probability of occurring.

12 Thankfully, New York City has among the most
13 resilient and robust water supply systems in the
14 world. The resiliency and sheer scale of the New
15 York City's water supply system provides us with
16 unparalleled flexibility. In a typical fall, the
17 system is filled to around 80 percent but it can
18 operate safely and effectively even below average
19 levels. Our team diligently monitors the conditions
20 across the system and have taken actions to ensure
21 that our water supply remained reliable throughout
22 the drought conditions.

23 Prior to deciding to move forward with the
24 Delaware Aqueduct shutdown this year, we have been
25 closely tracking the forecast. In September, we

1 announced our partnership with the Center for Western
2 Weather and Water Extremes CW3E to bring advanced
3 extreme weather and water forecasting capabilities to
4 DEP. CW3E is embedded at Scripps Institute of
5 Oceanography at the University of California San
6 Diego, which is one of the most important centers for
7 global and earth science research and education in
8 the world.
9

10 But forecasts are not guaranteed. The drought
11 came on suddenly and intensely. A high pressure
12 system camped out over the New York region and much
13 of the northeast, which made it difficult for normal
14 weather patterns to break through.

15 Regarding the Delaware Aqueduct Repair,
16 unfortunately the drought conditions led to our
17 difficult decision to pause the final phase of the \$2
18 billion repair work on the Delaware Aqueduct, which
19 would have fixed significant leaks to a portion of
20 the tunnel by connecting a 2.5 mile bypass tunnel
21 under the Hudson River near Newburgh.

22 In order to initiate the last phase of work, DEP
23 stopped the flow of water from the four reservoirs
24 that feed the Delaware Aqueduct and increase the
25 city's reliance on the other two water supply systems

1 or Aqueduct systems, the Croton and Catskill systems.

2 DEP has been actively preparing for this phase of the

3 repair for decades and we have invested hundreds of

4 millions of dollars in infrastructure upgrades to the

5 Catskill and Croton water supply systems to ensure

6 that they could effectively meet water supply demand

7 during the shutdown. Nearly \$200 million of

8 rehabilitation work was done to improve the flow of

9 water and repair leaks in the Catskill Aqueduct.

10 That work was completed at the end of 2021. Excuse

11 me for one second.

12 The Croton Falls and Cross River Pump Stations

13 were also upgraded to increase their size and

14 capacity, allowing us to take more water from the

15 Croton System. We also completed a connection

16 between the Croton System and City Tunnel #2 in the

17 Bronx, so that water from the Croton Systems could be

18 provided to more areas of the city, in fact, all

19 areas of the city.

20 All of these precursor projects allowed us to

21 push more water through the Catskill and Croton

22 systems while the Delaware system was offline,

23 ensuring that we would be able to meet demand. The

24 final phase of the repair work, which would stem the

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2 loss of over 35 million gallons a day started on
3 October 1st. The work was scheduled over the winter
4 because that's when water consumption is typically
5 the lowest and inflows from precipitation are the
6 highest. But the drought was too severe to safely
7 continue, so the project was paused.

8 The Delaware Aqueduct is now back online and
9 supplying water to New Yorkers. We are optimistic
10 that we will be able to resume the repair work next
11 fall. In the meantime, DEP continues to work
12 proactively to reduce water demand and ensure that
13 the system is fully prepared to complete the repairs.

14 Regarding water conservation, the increased
15 precipitation over the last few weeks, particularly
16 last week, has significantly increased the volume of
17 water in our reservoirs. The precipitation allowed
18 us to end the drought warning and the opening of the
19 Delaware Aqueduct means that, if dry conditions
20 return, we will ideally be situated to face them. In or
21 out of drought, no one should waste water. While we
22 have been strengthening our water supply, we are also
23 working to reduce demand. DEP has been working to
24 identify the highest use customers and has been
25 diligently monitoring water usage records to look for

1
2 any possible leaks. We have been doing outreach and
3 engagement to alert these customers to check for
4 leaks or to advise on potential strategies to reduce
5 consumption for big users.

6 Since the drought watch was declared, DEP to
7 inspect nearly 1.8 million linear feet of water mains
8 to prevent leaks, shut over 1,700 open or leaking
9 hydrants across the city, and resolved more than 700
10 leaks.

11 New Yorkers are encouraged to identify and fix
12 leaks in their homes and be mindful of wasting water.
13 That will save them money on water bills too. In our
14 changing climate, we need to use our natural
15 resources wisely. Small changes in daily routines
16 can always help, and we've got a website with simple
17 things folks can do to save water in their daily
18 routine. That website is at nyc.gov/savewater.

19 Now onto the legislation. There are two
20 preconsidered pieces of legislation being heard
21 today. The first bill would establish a program that
22 transfers liability for certain engine idling
23 violations for lessees of vehicles. We have
24 significant concerns about this bill. We are
25 concerned that relieving truck owners of financial

1
2 responsibility for idling violations could undermine
3 the strength of the program, particularly the
4 efficacy of the cure provisions that we have been
5 working together to develop and hope to enact in the
6 near future. The cure opportunity relies on the
7 idling penalty to incentivize vehicle owners to
8 install anti-idling technology or invest in electric
9 vehicles. If owners are not responsible for paying
10 the fine, there is no financial benefit to them to
11 make these anti-idling investments.

12 Transferring liability could make sense in case
13 when an owner has installed anti-idling technology
14 and the driver has disabled it, but we do not think
15 transferring liability is a good policy generally.
16 We have been working closely with the Council and
17 advocates to develop the cure policy. We do not want
18 to undermine that policy before it is even passed.
19 In addition, we are not sure how such a program would
20 work. So, we'd like to understand better what the
21 Council is envisioning. The Law Department is also
22 reviewing the bill and they have additional concerns.

23 The second bill being heard today would require
24 DEP to create a comprehensive stormwater plan and a
25 stormwater dashboard. These requirements compliment

1
2 some existing planning requirements and new
3 stormwater map requirements set forth in the City of
4 Yes legislation and Intro. 815, which were passed
5 earlier this month. This bill also reflects
6 commitments we made in the 2024 stormwater analysis
7 that we released earlier this year.

8 As the Council is aware, DEP has been taking a
9 holistic approach to managing stormwater, which has
10 been increasingly challenging as climate change has
11 brought more frequent intense storms. We plan to
12 develop a comprehensive stormwater plan, so we fully
13 support the goals of this bill but we cannot commit
14 to the details or the timelines in the bill until we
15 know how this work relates to the stormwater mapping
16 work and until we can ensure that we have available
17 funding. We are happy to work with the Chair on the
18 details of the legislation. Thank you.

19 CHAIRPERSON GENNARO: Thank you Commissioner
20 Rush, appreciate that and thank you. I'm going to be
21 very brief in my questioning. It's normally my habit
22 to let the good members of my Committee who have to
23 be many places to get their questions in so they can
24 get on with their day. I'm going to be here for the
25 whole time anyway but I'm just going to and I have

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS 20

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2 you know my own prepared questions. I'm just going
3 to walk through your statement a little bit and just
4 go over a couple of items and then I'll turn it over
5 and I see we already have down for questions. We
6 have Council Member Marmorato and Council Member
7 Holden already signed up and anyone - any members who
8 want to ask questions should signal to Austin and he
9 will put you down for questions.

10 Starting from the end and working backwards.
11 Regarding the two bills, you know we certainly
12 appreciate your position on this. With the one about
13 the transfer of liability, I'm not insensitive to the
14 fact that that could you know have impacts on the
15 cure provision. I knew that from the get go but I
16 also think there's a basic unfairness when the person
17 who gets the idling violation doesn't have to pay the
18 fine but then leaves it to the owner to chase down
19 the person that got the fine. This and the other
20 bills that deal with noise and with idling, they're
21 very complicated and I think I'm known to be like
22 very deliberate so I look forward to working with the
23 DEP team, the Commissioner and the Law Department to
24 work out something that we can all get behind. But
25

1
2 now we have your testimony on the record and I do
3 appreciate that.

4 Regarding the second piece of legislation, the
5 stormwater, I you know we've been working on this a
6 long time and I'm not going to - there's the mapping
7 bill and what that does but I think that uhm, let me
8 just ask you a little bit how the mapping aspect of
9 the you know proposed Intro. is a challenge to DEP in
10 coming up with a stormwater management plan. Anybody
11 who wants to speak to that is fine, you just have to
12 identify yourself for the record.

13 KATHRYN MALLON: Are you talking about the inland
14 flood mapping?

15 CHAIRPERSON GENNARO: Yeah, I'm just reading from
16 the testimony here. I don't really have reading
17 glasses anymore because they don't work and so,
18 there's kind of nothing they can do about my
19 nearsightedness until I have my cataracts removed.
20 When I find the time to do that, I'll be able to like
21 - I'll be able to spot drones everywhere once I have
22 my cataracts taking out. I just have to - there's
23 some challenges I have to overcome first before I can
24 have that surgery.

1
2 But, so I'm reading here, but we cannot comment
3 on details of the bill until we know how this work;
4 meaning that the creation of the stormwater
5 management plan relates to the stormwater mapping
6 work. And so, that's what I'm trying to understand,
7 that sentence in there. Any light you can shed on
8 that?

9 KATHRYN MALLON: Yeah, so the requirement to do
10 the inland flood mapping and then the overlay of this
11 stormwater master plan, it's just going to require a
12 significant amount of coordination between those two
13 pieces of work. They intersect each other. I think
14 there's a pretty tight timeline on this current bill
15 to finish the master plan and I think with the
16 complications of having two models that need to make
17 sure that they're fully coordinated, I think a little
18 lesser time is warranted.

19 CHAIRPERSON GENNARO: But the mapping is going to
20 take a long time. Is it DEP's position? Do you want
21 to wait until a mapping exercise is complete before
22 they can do this? I don't think that's the position
23 is it or what is it?

24 KATHRYN MALLON: No, we've committed to finishing
25 the inland stormwater mapping, I think it was in two

1
2 and a half years from promulgation. I can't remember
3 off the top of my head but uhm.

4 CHAIRPERSON GENNARO: Whatever it is yeah.

5 KATHRYN MALLON: But the stormwater master
6 planning for the whole system will take a longer
7 period of time.

8 CHAIRPERSON GENNARO: Yeah and I think we have a
9 date in the bill that's quite far out.

10 KATHRYN MALLON: 2028.

11 CHAIRPERSON GENNARO: Yeah, 2028, so.

12 KATHRYN MALLON: I think a little bit of relief
13 on that time period might be helpful on the
14 stormwater master plan.

15 CHAIRPERSON GENNARO: Yeah, we thought that the
16 interval made sense between like the you know
17 completion of the mapping and the completion of the
18 stormwater plan. So, you know there's nothing really
19 inconsistent here right. I think we sort of built
20 that in. So, yeah so we look forward to having that
21 conversation. Like I said, I'm very, very deliberate
22 in what I do to make sure that we you know do it once
23 and do it right.

24 KATHRYN MALLON: No, getting it right is really
25 important.

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS 24

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CHAIRPERSON GENNARO: Yeah.

KATHRYN MALLON: It's a complex system.

CHAIRPERSON GENNARO: You bet and I do appreciate that. Let me just make some other quick. I'm going to come back for my second round of course. Paul, you don't mind if I call you Paul? We've known each other so many years. You can call me Jim. I don't stand at ceremony.

With regard to the reservoir level where it normally is in late December versus where we are now. Like what are those percentages? Like, you know like right now?

PAUL RUSH: So, normally the 30 year average this time of year, the entire system would be at 82.7 percent capacity. We're at 67.7 percent capacity now.

CHAIRPERSON GENNARO: Okay.

PAUL RUSH: So, we've improved quite a bit.

CHAIRPERSON GENNARO: Yes, that we've been catching up. I'd like to recognize Council Member Alexa Avilés, who has joined us. Always a pleasure to be with her. Thank you for joining us and if you have any questions Alexa, like now is the time to sign up because I'm just going to do a brief little

1
2 thing and then throw it over to the members and then
3 come back.

4 And with regard to the Delaware Aqueduct, I mean
5 obviously it's something that had to be done. Let's
6 just talk a little bit about the Delaware Aqueduct.
7 In terms of the - so we got the Croton system, which
8 in the planning for the Delaware fix, we're going to
9 push that system to the maximum. Push the Catskill
10 to the maximum. Do repairs, make sure everything was
11 in good shape but on an ordinary day to the extent
12 there is such a thing as an ordinary day, the
13 percentage of water that's applied to the city
14 through the Delaware Aqueduct is a very big number,
15 right? Isn't it, it's well over 50 percent? We
16 normally - of the water we get from the city you know
17 to the city, it's from the Delaware Aqueduct. So,
18 how much of the water they receive right now in the
19 newly opened Delaware Aqueduct is furnishing the
20 water with city- uh furnishing the city with water?

21 PAUL RUSH: So, normal percentages for the city
22 for this system, long term averages, we have 50
23 percent of our supply from the Delaware system out of
24 Round Out Reservoir, 40 percent out of the Catskill

1
2 system leaving a show can and about 10 percent out of
3 the Croton system. That's the long term averages.

4 CHAIRPERSON GENNARO: Right.

5 PAUL RUSH: Today, we're moving - so the city
6 demand is just under one billion gallons right now.
7 Today, we're moving 815 million gallons a day out of
8 Round Out Reservoir from the Delaware system. So,
9 815 out of almost one billion gallons a day is coming
10 out of the Delaware system. So, we hadn't used that,
11 the reservoirs in the Delaware for quite a while.

12 CHAIRPERSON GENNARO: Right.

13 PAUL RUSH: So, we have more water in the
14 Delaware system. So, we're favoring Delaware.

15 CHAIRPERSON GENNARO: Yup.

16 PAUL RUSH: The Croton system right now, about 75
17 million gallons a day are going to the system from
18 the Croton system and out of the Catskill system,
19 we're pulling 300. So, that's more than what the
20 city uses every day. That's because we have storage
21 volume that we're refilling east of Hudson in West
22 Chester and Putnam Counties with that excess water.
23 So, we're in the process of rebalancing the system
24 right now. And most of - we're back into what we

1
2 would say is a normal configuration the way we
3 distribute water into the city.

4 CHAIRPERSON GENNARO: Let's just play out the
5 whole drought scenario a little bit. I know I'm kind
6 of breaking my promise to be very brief but as things
7 pop into my head, I just want to get them out before
8 I forget. The city as you know most people know is
9 part of the Delaware River Basin Commission and we
10 have obligations to kind of spill water into the
11 Delaware River to serve Philadelphia and other
12 cities. If push came to shove and we're really
13 jammed up in a drought situation, how much leeway or
14 flexibility does the city have to hold back on how
15 much we spill onto the Delaware River for downstream
16 communities.

17 I mean, like how hard and fast is that? I mean,
18 because we have our commitment, whatever it is and
19 then maybe if we got the water, we're like a little
20 more generous, I don't really know how it works, so I
21 think sometimes we can be like a little more generous
22 if we have the water, but do we have the ability
23 under the DRBC compact to be a little more stingy?
24 And you know about that and I don't and so, how does
25

1
2 that work? I'm thinking about that as a potential
3 contingency if we really got jammed up in a drought.

4 How much leeway do we have when it comes to - and
5 also how much water do we spill you know into the
6 Delaware, Philadelphia and other cities? If you just
7 take us through that, I'd appreciate it.

8 PAUL RUSH: Sure, so the Delaware River system in
9 New York City, taking water out of the Delaware is
10 pretty complicated. There are two different
11 governing entities. So, the city takes water out of
12 the Delaware pursuant to a supreme court decree. The
13 first case was decided in 1931, US Supreme Court.
14 Then in 1954 there was a mended decree that allowed
15 the city to construct Cannonsville Reservoir. The
16 last major reservoir that was constructed in our
17 system, completed in 1964, went into official
18 operations in -

19 CHAIRPERSON GENNARO: 1969.

20 PAUL RUSH: 19- yes. So Cannonsville, that's our
21 Delaware system. So, the decree dictates water and
22 how much water the city can take and the city is a
23 party to the decree. There are five parties, the
24 four basin states plus New York City. Later under
25 the Kennedy Administration, the Delaware River Basin

1 compact was signed and the Delaware River Basin
2 compact consists of the federal government, plus the
3 four basin states. In that New York City is not a
4 member of the Commission but we are an official
5 advisor to New York State.
6

7 The drought of the 1960's, the record drought for
8 the New York City system was worse than what the
9 allocations were made upon. The supreme court
10 predicated allocations upon 1954. The drought that
11 was the drought of record then was the drought of the
12 1930's. The drought of the 1960's was much, much
13 worse and the allocations did not support the needs.
14 The flow targets downstream, the diversions to New
15 York City. After that occurred, there was a series
16 of negotiations and discussions that culminate in the
17 good faith agreements in the 1980's that set up rules
18 to cut back flows to New York City to the river and
19 to New Jersey based on different stages of drought.

20 And drought was defined in the Delaware River
21 Basin Commission on the storage in the three New York
22 City Reservoirs on the Delaware, ever since the
23 impact in Cannonsville. That determines drought
24 criteria in the Delaware Basin. Since that time,
25 there have been a series of negotiations by the

1
2 decree parties to set up a new program called the
3 flexible flow management program, which we
4 proactively release water from our systems when it's
5 available downstream to provide benefits.

6 Environmental benefits, fisheries benefits and
7 protecting the water supply when we have water. But
8 when conditions are dry, there's a flow target we
9 have to meet at Monique New Jersey and this fall, it
10 has runoff or has influenced our reservoirs approach
11 levels that we had not seen to the 1960's, we were
12 meeting the normal flow target at Monique which was
13 1,750 cubic feet per second. Plus since our
14 reservoirs were in normal condition, under the good
15 faith agreements, we can be directed by DRBC to
16 release additional water for a flow target trend New
17 Jersey that's managed by DRBC.

18 So, we were this fall meeting flow targets at
19 Monique, plus Trenton and we were releasing at times
20 one billion gallons a day into the Delaware River
21 which was as much a demand on our system as was for
22 the rest of the system. And our - as storage
23 conditions decrease, drought conditions get worse.
24 There are cutbacks on how much water we can take and
25

1
2 how much water we can release and how much water New
3 Jersey can divert out of there.

4 So, this is a constant negotiation. We have
5 little wiggle room when it comes to that but through
6 the negotiating process and monitoring - better
7 forecasting and monitoring, the system works and that
8 because we have the Delaware system offline, we had
9 to hire the normal amount of water in that Delaware
10 system during that time and now we're rebalancing it.

11 CHAIRPERSON GENNARO: Yeah, but it seems that
12 we're a little you know, I don't want to put words in
13 your mouth but it seems like we're a little locked in
14 on our basic commitments that we have to come through
15 like no matter what. Is that a fair assessment?

16 PAUL RUSH: We are locked in in the commitments
17 through the decree, through the flexible flow
18 management. Yes, we are and we're in the process of
19 doing studies to look on how to - how the
20 requirements could be adjusted in the future to
21 better protect the City of New York and the entire
22 basin.

23 CHAIRPERSON GENNARO: Yeah, but it seems to me
24 and I don't know if this is uhm, you know kind of a
25 bridge too far. If the downstream communities,

1 Trenton, Philadelphia whatever, like you know them
2 better than I do. Is there any possibility that they
3 could build more robust holding capacity in the form
4 of like other reservoirs or whatever, so that they
5 can be satisfied when you know that they can hold
6 water you know just in case we have to hold back. It
7 seems like that. Would that be something that could
8 be considered and talked about in these good faith
9 negotiations to have our partners downstream saying
10 look, like we're willing to give you the water when
11 we have it but you have a little bit of an obligation
12 here you know to build you know a holding reservoir
13 capacity so that if times get lean, you'll have the
14 water ahead of time and then you use it as we
15 struggle with our own drought situation. Is that the
16 kind of thing that New York City can put on the
17 table?
18

19 PAUL RUSH: Well, it's something that's actually
20 in the flexible flow management agreement right now
21 that we have with the decree parties where there's a
22 requirement to study additional storage possibilities
23 within the basin and for the New York City system,
24 the biggest point of concern on us is when conditions
25 get into a drought emergency and our flow target in

1
2 Montague New Jersey right now is based in drought
3 watch, drought warnings to fix target. It drops down
4 100 CFS but when you go into an emergency, that flow
5 target flexes on the position of the salt front in
6 the lower Delaware River. So, in the South Fronts
7 higher up closer to Philadelphia, we have to meet, we
8 have to release more water. What we're working on
9 are ways to replace that in opportunities and one of
10 the things we've done over the course of years as
11 demand in the city has dropped, participation has
12 increased. We've changed the way we operate our
13 reservoirs to proactively release water downstream
14 when we know we're in a wet cycle. So, we push that
15 water downstream otherwise it would spill and we do
16 it in a way that provides more benefits to the
17 environment and others downstream.

18 So, this is essentially what would be called
19 today forecast informed reservoir operations we
20 started to do. There are other big opportunities to
21 do that with other storage that exists in the basin
22 primarily operated by the United States Army Corp of
23 Engineers at FE Walter Reservoir on the Lehigh River
24 in Pennsylvania where we're part of a - we're
25 copartners in a study with the Delaware River Basin

1
2 Commission in New York City and the Corp of Engineers
3 looking at alternate ways to use that flood
4 reservoir, primary flood protection reservoir in
5 Pennsylvania to use that during a drought. To
6 possibly use that water -

7 CHAIRPERSON GENNARO: So, this reservoir is
8 there. We could put water in it. It could hold it
9 for all and uh, I think I heard you mention something
10 about there being a salt issue with one of the -

11 PAUL RUSH: That's right. The concern in a
12 drought of emergency, a requirement, especially as we
13 know sea level is going to rise, so there's a higher
14 risk long term. Is pushing that salt back in an
15 efficient way.

16 CHAIRPERSON GENNARO: Right.

17 PAUL RUSH: Right now New York City Reservoirs
18 are on the hook for that but the New York City
19 Reservoirs are located hundreds of miles away from
20 the mouth of the Delaware. That work, or that
21 pushing back of the salt could be done a lot more
22 efficiently with less water by reservoirs closer to
23 the estuary such as the Corp of Engineers Reservoir
24 but it would require changing the operations. And
25 the study we're doing right now with the Corp of

1
2 Engineers or the Corp of Engineers is leading and
3 we're helping to support it, is looking at the
4 feasibility of using - taking advantage of existing
5 infrastructure and using it in a different way to
6 help more efficiently push back water on the salt
7 front that preserves, improves New York City's water
8 systems resilience but also as has an impact to
9 improve flows that would come down stream from our
10 reservoir for a longer period of time in a severe
11 drought so it also protects the environment. And you
12 know we were very blessed this past fall or this fall
13 by the Commissioner who was there with the Assistant
14 Secretary of Army at the DOB quarters who announced
15 an extension of that agreement and our additional
16 investments to help get that study done.

17 CHAIRPERSON GENNARO: Thank you. So, it looks
18 like what I'm talking about is already underway and
19 that the you know Army Corp you know realizes the
20 realities of all various forms of you know climate
21 change adaptation that has to take place and just a
22 note to staff whatever, is Josh here? Josh? Okay,
23 yeah, why don't we make an arrangement with you know
24 DEP to get like a formal briefing on everything gone
25 on with the DRBC and this whole new you know Army

1
2 Corp analysis. I think it's good for the Council to
3 be updated. I'm not going to have a hearing on it
4 and like drag the whole Committee in front of it but
5 at least you know the staff team here and our office
6 should be you know aware of what's going on. It's
7 very important and we appreciate that and I have many
8 more questions but I have members that have questions
9 and let me throw it open to them.

10 I joyfully recognize Council Member Marmorato for
11 questions.

12 COUNCIL MEMBER MARMORATO: Thank you Chair. So,
13 I don't know if your agency was responsible for it
14 but during when they issued the drought warnings,
15 there was a commercial from the 1980's that started
16 circulating again and it was about kids trying to do
17 their part. I thought it was absolutely genius and
18 if you guys could put that on your social media or
19 get permission to use that, I think it's like a home
20 run for you guys. You know even if it's just
21 stopping the water while you're brushing your teeth.
22 It's like little things for kids to understand. Now,
23 do you have any kind of education or outreach to the
24 schools about stuff like this? Is there anything
25 that you guys do?

1
2 PAUL RUSH: As part of our drought planning
3 efforts, I mean it's DEP. I mean we're the lead with
4 the water supply but it's really an all agency, all
5 city operation where the Department of Education of
6 Schools have had a very big part of that in terms of
7 pushing curriculum to save water to the students.
8 And you know even in DOE, with the janitors, the
9 custodians doing different things to save water
10 around that. Yes, is the simple answer.

11 COUNCIL MEMBER MARMORATO: Okay, okay, good thank
12 you. So, I just wanted to talk about the Legislation
13 for a second about the stormwater plan. Would the
14 implementation of the proposed stormwater plan
15 require DEP to commit a greater portion of its budget
16 towards infrastructure projects? And if so, how
17 would this impact water and sewer costs for rate
18 payers?

19 KATHRYN MALLON: So yeah, implementing the plan
20 is going to require additional capital funding. I
21 think in the stormwater report we sent out, it's
22 about \$30 billion worth of infrastructure costs just
23 for the highest priority flood areas. So, yeah, and
24 at the same time we can't divert water away from the
25 other aspects of our capital program around keeping

1
2 our assets in a state of good repair and meeting all
3 our regulatory mandates.

4 COUNCIL MEMBER MARMORATO: Okay, so how are we
5 going to get that funding? Is this going to effect
6 their rates?

7 KATHRYN MALLON: That's one of the reasons why
8 we're looking at other types of funding streams and
9 you know rate charges to help support all of the
10 needs of the system but yeah, it's a significant
11 amount of investment.

12 COUNCIL MEMBER MARMORATO: Yeah, okay and as far
13 as Reso. 84 is concerned, uhm, has the Administration
14 identified specific areas within the city that are at
15 risk of repeat flooding and would it be eligible?
16 Like, how are we going to propose the voluntary buy
17 out program? Are you guys going to be able to uhm,
18 identify these areas or is it something that we have
19 to as homeowners and members of the community, are we
20 going to have to kind of address this with you?

21 KATHRYN MALLON: Yeah, I can't comment on the buy
22 out program but we will be required to do inland
23 flood maps as part of the City of Yes Resolution for
24 Inland flooding.

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS 39

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2 COUNCIL MEMBER MARMORATO: Okay, alright thank
3 you. Thank you Chair.

4 CHAIRPERSON GENNARO: Thank you Council Member.
5 It is my pleasure to recognize Council Member Holden
6 for questions.

7 COUNCIL MEMBER HOLDEN: Thank you Chair. Deputy
8 Commissioner, thank you for your testimony. A couple
9 of things. We had a water main break, a huge one. I
10 believe it was in the Bronx and what caused that? I
11 mean I guess we have certain times of year, maybe now
12 is when we start to see when it freezes and we got
13 cold weather and then warmer. Do the water mains
14 kind of - are they more susceptible now to breaks?
15 Because we lost a lot of water. I don't know how
16 much. I don't know what caused it but if you could
17 elaborate on that.

18 PAUL RUSH: So, that's outside my area of
19 responsibility.

20 COUNCIL MEMBER HOLDEN: Alright well somebody.

21 KATHRYN MALLON: Yeah, I was out there till about
22 3:00 last night. It's too early to tell what caused
23 that main break but as soon as we're able to excavate
24 the area and take a look at it, we can - we'll have
25 better answers.

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS 40

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2 COUNCIL MEMBER HOLDEN: Now, I used to hear years
3 ago more water main breaks than we're hearing now.

4 It that my imagine or are we doing better?

5 KATHRYN MALLON: No, we're doing much better than
6 we have been historically. Some of it is around the
7 pressure regulators throughout the system to make
8 sure that we're controlling that very steadily, that
9 we don't see surges in the system. So, there's been
10 a lot of attention on the regulators and the pressure
11 in the system and there's also been a lot of effort
12 on leak detection. So, finding leaks before they
13 turn into main breaks. And we're also using some AI
14 tools right now to see if we can't take historical
15 breaks and turn that into a predictive tool. So,
16 there's a lot of effort going on within the Bureau of
17 Water Supply operations that Deputy Commissioner
18 Georgelis, Deputy Commissioner to keep main breaks to
19 as low a level as possible.

20 COUNCIL MEMBER HOLDEN: And I guess there's a
21 regular replacement of water mains because of their
22 age? Some are over 100 years old or more? So, we're
23 on a program and we're keeping up with that?

24
25

1 COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS 41

2 KATHRYN MALLON: We do have a program to
3 routinely look at our water mains and replace those
4 that we believe are most vulnerable.

5 COUNCIL MEMBER HOLDEN: Alright and one of the
6 you know in my district and in probably many
7 districts around the city, a resident will call in to
8 311 a leak at a hydrant or in the street. And many
9 times at least when I first started as a Council
10 Member, there was a priority list where the leak
11 would go on for weeks sometimes because it wasn't
12 that great. Are we still doing that because it just
13 seemed that we didn't have enough crews at that time,
14 maybe 70 years ago? And so, has it changed?

15 KATHRYN MALLON: Oh definitely. I mean, I think
16 if you look at the MMR report and you look at the
17 response times, it's pretty prompt. I don't know the
18 numbers off the top of my head but I can get that to
19 you.

20 COUNCIL MEMBER HOLDEN: Yeah, because I don't get
21 as many complaints where it's lasting for weeks on
22 end. So, that's good to hear. Thank you Chair.

23 CHAIRPERSON GENNARO: Thank you Council Member
24 Holden. The next person on the list for questions is
25 Council Member Nurse. I'm going to recognize Council

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS 42

1
2 Member Nurse for questions but first, I'm going to
3 recognize that we've been joined by Council Member
4 Salamanca and so, thank you for being with us Council
5 Member Salamanca. And with that, I recognize Council
6 Member Nurse for questions.

7 COUNCIL MEMBER NURSE: I only just have one
8 question. I was just curious what the response has
9 been to the drought warnings from New Yorkers. Like,
10 have we seen consumption? Like, was it working, the
11 messaging that was going out? I feel like you know
12 we saw it because we're in the know and we amplified
13 it but I'm actually very curious to see like did
14 consumption rates go down or is there more thinking
15 that needs to go into those kinds of messages?

16 PAUL RUSH: That's a really good question. We
17 saw a decrease in demand after we issued drought
18 watch and drought warning. Obviously we've also been
19 putting out messages encouraging the public to reduce
20 consumption. Also, city agencies have been doing
21 their best to reduce consumption but it's very
22 difficult to piece out what is the actual savings as
23 a result of that message and what's the course of
24 just seasonal patterns increased precipitation?

1
2 What we are doing is we're taking a look at
3 records, customer records and billing to see if we
4 can pick up on those trends, so we can understand
5 that better. So we can also plan and react and
6 understand where you know where the reductions are.

7 This time of the year when we're reducing
8 consumption, when you have compared to the spring and
9 summer where you have a lot of outdoor use going on,
10 that's where you can really reduce a lot and you can
11 it feasibly and monitor it easily. This time of the
12 year, that's more difficult. It's a good question
13 but we're looking to try to decipher that to
14 understand that actually happened.

15 COUNCIL MEMBER NURSE: I would be really
16 interested in just understanding if those messages
17 were working at some point. Is there any other
18 period and time where you have had to issue
19 something? And I know you've been talking about this
20 for a little bit but where there is any other point
21 where you could have measured those kinds of
22 messaging in the past?

23 PAUL RUSH: Yes, I mean it's tough. I mean, back
24 when I first started working for the city in the
25 90's, we were literally having droughts every other

1
2 year, so we had a more frequent opportunity to see
3 how the message was working or how it worked back
4 then. And the last drought we had was 2001 through
5 2003. So, since that time, we haven't had that
6 opportunity but consumption in the city right now
7 even though we have more than one million and a half
8 more people, at this point, it's much lower than it
9 was during the low point during the drought of record
10 in the 1960's, which is tremendous. I mean we have
11 that; we've done that and it's been the combination
12 of factors I mentioned. It's you know investments
13 the city has made you know the AMR system to get
14 feedback. Customers can get feedback on their water
15 uses and if there's a high use, we can notify the
16 customer directly. The investments we have made in
17 terms of encouraging people to move to low flow
18 devices and also the change in standards to you know
19 national plumbing standards have become much, much
20 efficient and one of the biggest savings we see right
21 now is this transition from the top loading washing
22 machines to those front loading. I mean that reduces
23 a lot and we've seen - every day New Yorkers are more
24 conscious of this and you know the benefits are to
25 the system. It also saves a tremendous amount of

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS 45

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2 energy in our treatment. I mean our treatment costs
3 in pumping at Croton but also on the waste water
4 side, where any water that comes through, you're
5 pumping that and that requires a lot of energy. The
6 benefits of that but testing the message. Going that
7 far back in time, that's more difficult.

8 COUNCIL MEMBER NURSE: Thank you. Thank you for
9 that. Thank you Chair.

10 CHAIRPERSON GENNARO: Thank you Council Member
11 Nurse. I recognize my good friend Council Member
12 Salamanca for questions.

13 COUNCIL MEMBER SALAMANCA: Thank you. Thank you
14 Mr. Chair and good morning. I just have a few
15 questions. So, the Borough of the Bronx, I think is
16 the borough that has the most green space out of all
17 five boroughs and I know that Council Member Kristy
18 Marmorato has the biggest green spaces and then
19 followed by you know Council Member uh Van Cortlandt
20 Park. You have Van Cortlandt Park then Crotona Park.

21 I know that during the drought there were some
22 bush fires in the Bronx. Does DEP have any plans or
23 future plans on having conversations with the Parks
24 Department on creating some type of water irrigation
25 system in certain areas that are prone to you know

1
2 have a bush fire based on what we just experienced
3 now?

4 PAUL RUSH: So, the question is on the Parks, the
5 trees?

6 COUNCIL MEMBER SALAMANCA: Well, I mean in terms
7 of - the Parks Department can't do that alone without
8 the Department of Environmental Protection. Are
9 there any conversations? And the answer may be no
10 but are there any potential conversations moving
11 forward with what we just experienced now knowing
12 that this can happen again next summer or there could
13 be a drought and there are areas that are prone.
14 Obviously we know that there are areas that are prone
15 for bush fires. What is your agency doing to work
16 with your sister agency to address those issues so
17 that we can avoid that from happening?

18 PAUL RUSH: So, we've been coordinating through
19 OEM or at NYCEM with the other city agencies and I
20 have a colleague here from Parks who could answer the
21 question.

22 CHAIRPERSON GENNARO: But before that happens,
23 the witness would have to be sworn.

24 PAUL RUSH: Sure.
25

1 COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS 47

2 CHAIRPERSON GENNARO: So, the Council will do
3 that. It's not going to come off of your time. Take
4 as long as you want. So, we're going to swear the
5 witness and then when you give your answer, just
6 state your name for the record.

7 MATT DRURY: Sure, my name is Matt Drury, I'm the
8 Chief of Citywide Legislative Affairs for New York
9 City Parks Department.

10 CHAIRPERSON GENNARO: Okay, you got to do the
11 affirmation.

12 COMMITTEE COUNSEL: Please raise your right hand.
13 Do you affirm to tell the truth, the whole truth and
14 nothing but the truth and to answer all Council
15 Member questions honestly?

16 MATT DRURY: I do.

17 COMMITTEE COUNSEL: Thank you.

18 MATT DRURY: So, it's a good question. There
19 were several incidents of brush fires in the first
20 couple weeks of November during the drought
21 conditions. One or two notable ones in the Bronx in
22 addition to Brooklyn and Queens as well. And there
23 is definitely a natural, our natural areas are you
24 know tens of thousands of acres throughout New York
25 City and brush fires, such as they are, are sort of

1
2 part of the conditions that we're always going to
3 monitor for. So, I'm not aware that there's a plan
4 for irrigation per say or sort of you know, since
5 these are natural areas. Forests, you know marshes,
6 areas like this. I think it's just from practicality
7 standpoint, I think it's kind of difficult to think
8 of systems that could be installed. But staff
9 observation, careful monitoring, really close work
10 with FDNY to make sure that if and when there is a
11 response, that is extremely quick and that these
12 situations are - that the damages is limited and
13 mitigated as much as possible. But I wouldn't say
14 that there's like a larger infrastructural solution
15 that I understand is being contemplated.

16 COUNCIL MEMBER SALAMANCA: Alright, thank you for
17 that. Then my last line of questioning has to do
18 with the public service announcements. They're in a
19 drought. You know what I observed was I saw the
20 Mayor speaking on you know asking New Yorkers to
21 limit their water usage. You know if you're going to
22 shave, while you're shaving, if you can turn off your
23 faucet. You know, if you're going to shower, you
24 know turn on the water when you're going to get in
25

1
2 the shower, not just turn on the shower and wait
3 around.

4 But as Council Member Nurse stated, New Yorkers
5 were not really paying attention because we work more
6 in government. So, I'm just curious to know about
7 moving forward, if you're going to have a public
8 service announcement ready for New Yorkers but also,
9 what I observed in my district during these
10 announcements, I saw my car washes fully functioning.
11 I saw my Supers cleaning their sidewalks with the
12 water houses. Does DEP moving forward have any how
13 can I say, regulations that they will put in place to
14 hold these individuals accountable that are I would
15 called wasting water when there is a drought in the
16 city?

17 COMMITTEE COUNSEL: Sorry, please raise your
18 right hand. Do you affirm to tell the truth, the
19 whole truth and nothing but the truth and to answer
20 all Council Member questions honestly?

21 BETH DEFALCO: I do.

22 CHAIRPERSON GENNARO: And when you answer, please
23 state your name for the record.
24
25

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS 50

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2 BETH DEFALCO: Sure, I'm Beth Defalco, Deputy
3 Commissioner for Public Affairs and I apologize for
4 being late, I was up in the Bronx.

5 UNIDENTIFIED: I saw you in the Bronx.

6 BETH DEFALCO: Yeah. This morning as mud on my
7 shoes shows. Yes, one of the things that I think was
8 the biggest lesson from a public affairs standpoint
9 and communication standpoint is just that New Yorkers
10 are not used to having to conserve water every single
11 day because it's not a thing that we've unlike other
12 places in California you know out west that we've had
13 to do. So, we realize that just because we are not
14 in a drought warning anymore doesn't mean that we are
15 going to slow down our messaging and communication
16 about what people need to do to conserve water.

17 Specifically everything from PSA's, also to our leak
18 detection program, I think one of the biggest things
19 that we can do is make sure that New Yorkers sign up
20 for leak detection, so that if you do have a leaky
21 toilet, which you might not know otherwise, we can
22 notify you once it hits a certain point. So that you
23 both can say that you're conserving water and saving
24 money, which is what we all want to do but yeah,
25 we're making a considered effort that just because we

1
2 are out of this particular drought warning doesn't
3 mean that we are going to slow up on that messaging.
4 We've got a terrific education department that is out
5 in classrooms every day and working with our
6 education department to make sure that that's
7 something that we are doing continually and
8 increasingly to get the message out.

9 COUNCIL MEMBER SALAMANCA: I appreciate that but
10 my question is more geared to there's a drought.
11 There were car washes and there were individuals out
12 there, there Supers right with their water hoses
13 cleaning the sidewalks.

14 Does DEP - are there any regulations that you
15 could hold these businesses accountable when there's
16 a drought?

17 PAUL RUSH: There are regulations and we were
18 first in a drought watch, drought warning, now we're
19 back in a drought watch, which is encouraging the
20 public to conserve water. When you go the next step,
21 a drought emergency, then there are regulations that
22 impact where spraying down the sidewalk, car washes,
23 things like that become regulated and the
24 restrictions become mandatory on the public. In this
25 phase, in a drought watch and drought emergency, the

1
2 city does not have - I'm sorry, a drought watch or a
3 drought warning, the city does not have mandatory
4 requirements for the general public.

5 COUNCIL MEMBER SALAMANCA: Okay, alright, thank
6 you. Thank you Mr. Chair.

7 CHAIRPERSON GENNARO: Thank you. Thank you
8 Council Member Salamanca. We're joined by Council
9 Member Restler. Josh, Adam is trying to call me and
10 tell him no I'm at the hearing. He should know that
11 but don't people look at my schedule? Oh, I picked
12 up? Oh boy. I'm in trouble now. Josh, just find
13 out what Adam wants okay and then once you find out
14 don't tell me, okay.

15 Before I do - I just want to jump in on that last
16 line of questioning. You know the Council Member is
17 talking about - he was talking about car washes and
18 talking about people hosing down sidewalks, and I
19 know we have the Parks Department here right and we
20 talked earlier in my opening statement about this
21 being a particularly fragile time in like the life
22 cycle of like a new planted tree or shrub or whatever
23 and now they're at great risk for dehydration at this
24 point of their gestation or whatever you want to call
25 it. And so, how does DEP - how does the Parks

1
2 Department work with DEP to get dispensation on how
3 much water they can use to support the investment of
4 the new plantings. You know visa-vee went to EPS and
5 due to cut back on. So how does that colicky work?

6 MATT DRURY: Sure, great question and you're
7 right that newly planted trees do require you know
8 sort of a targeted and focused watering to ensure
9 their you know their viability moving forward and I'm
10 pleased to confirm that in this planting season that
11 just wrapped up, we were able to water trees in
12 accordance with our normal planting policy.

13 So, there was no impact and I think some of that
14 is timing right. Like the planting system had
15 essentially been kind of starting to kind of dial
16 down as the drought conditions had kind of emerged.
17 So, not that there's ever a good time for a drought
18 but you know the timing that regard was fairly
19 fortuitus.

20 CHAIRPERSON GENNARO: Good yeah because I'm - I
21 always fund a lot of plantings and uhm, I'm going to
22 give myself a little latitude and go like a little
23 off topic, is one of like the benefits of being
24 Chair, you kind of, you get away with that in like
25 little doses. I'm putting a bill in that it's in

1
2 bill drafting now and it has to do with making sure
3 that tree contractors or residents don't take down
4 street trees that are within the city's right of way.
5 You're familiar with this. And so, you know my
6 street has like a 60 foot right of way in which the
7 city you know controls the vegetation and can do it
8 like a host of things within that 60 foot right of
9 way. The street itself is only 28 feet wide and so,
10 from the curb, it goes 16 feet in on both sides and I
11 see tree contractors taking down trees on the
12 property side of the sidewalk but within the right of
13 way.

14 And so, you know this is a phenomenon which I
15 sometimes complain to the Parks Department about it.
16 The Queens office is very good about it. They get
17 out there and they you know if I see the people
18 sitting up and I think this thing is a street tree,
19 then I come out and have the Parks Department;
20 they'll measure and tell the contractor, get your
21 hands off the street, like you can't touch it. And
22 uhm, so it's something I'm going to be - and so, now
23 this is coming now in the Parks Department where
24 there's a so called right of way. And so, and it is
25 true that you can't take down a tree within the

1
2 city's right of way. Even if it's on the property
3 side of the sidewalk. I'm like correct in that
4 assertion, right?

5 MATT DRURY: Yeah, my understanding is that trees
6 within the right of way as it's defined are under the
7 jurisdiction are considered city property and under
8 the jurisdiction.

9 CHAIRPERSON GENNARO: Right.

10 MATT DRURY: And there are penalties attached
11 with an unauthorized removal in that regard. It does
12 happen, it's not super common thankfully but it does
13 happen where you know, a tree may just by all other
14 appearance seem to be on someone's property and there
15 are sometimes some conflicts that arise from that and
16 as you described, our forestry team would get out
17 there and try to clarify where the right of way truly
18 falls.

19 CHAIRPERSON GENNARO: Okay, well you should tell
20 the Department that this bill is coming. And so,
21 it's going to be and you know an education program
22 and an enforcement program you know against
23 contractors who either don't know of the existence of
24 the right of way. I think most tree contractors as
25 long as it's on the property side of the sidewalk,

1
2 they're taking the tree down and they're going to
3 collect their \$5,000 and they're going to grind down
4 the stump and that tree was never there.

5 And so, uhm, so just tell your colleagues that
6 this is coming. We're doing everything to try to you
7 know increase the tree canopy and here we are like
8 losing trees every day to contractors who willingly
9 don't know what the rules are.

10 And so, yes, that's coming. Thanks for that.

11 MATT DRURY: Tree protection is a big priority
12 for the agency. It would be helpful to connect you
13 or your staff with our forestry team. They going to
14 have to hear about our current practices to that
15 scenario. Even if it's not a common place, that
16 would help formulate or hear any thoughts as the bill
17 is coming together, we'd be happy to do that.

18 CHAIRPERSON GENNARO: Sure, that would be great.
19 So, you know please make a note Natasha about that.
20 That we should get this, you know, we should you know
21 understand more about what's going on on the Parks
22 Department. That bill isn't drafting now and so, I
23 want this to be - I want the bill to be bullet proof
24 and workable. So, thank you for that.

1
2 And we have Council Member Restler, rolled up
3 sleeves and all and he never doesn't have his sleeves
4 rolled up because he's always like working.

5 COUNCIL MEMBER RESTLER: I just want to give the
6 impression that I'm working.

7 CHAIRPERSON GENNARO: What's that?

8 COUNCIL MEMBER RESTLER: I want to just give the
9 impression that I'm working.

10 CHAIRPERSON GENNARO: No, the way that you give
11 the impression that you're working is that you always
12 look annoyed because you look busy. Everyone does.
13 If I'm sitting up there going, that guy looks busy.
14 You know and so, that's the way to do it. It's not
15 the sleeves, it's the look, okay and this is all on
16 the record.

17 COUNCIL MEMBER RESTLER: It's all part of the -
18 we can't all look good in a three piece suit.

19 CHAIRPERSON GENNARO: This is all on the record
20 that people can look at 50 years from now. And so,
21 of what goes on in my hearings. I recognize Council
22 Member Restler for some good time questions.

23 COUNCIL MEMBER RESTLER: Chair, as always,
24 greatly appreciate your leadership and deep, deep,
25

1
2 deep expertise as the lead of our Environmental
3 Protection Committee.

4 CHAIRPERSON GENNARO: Thank you.

5 COUNCIL MEMBER RESTLER: Truly. I thank the
6 panel for being here with us today. You know echoing
7 some of the sentiments from my colleagues I think the
8 challenge that we face in these new extreme weather
9 events is that New Yorkers are just not accustomed to
10 dealing with drought or dealing with wild fires. And
11 you know what gives me great concern, is that when
12 we're experiencing a drought, it undermines our
13 resiliency. It makes us much more prone to wildfires
14 as we experience in Prospect Park and in Inwood and
15 other parts of New York City and New Jersey. So, I'm
16 just really interested in understanding both from a
17 DEP and a Park standpoint, when we're in - when we've
18 been in this drought condition, what can we do to
19 further strengthen resiliency efforts and what can we
20 do to prevent wildfires? Above and beyond I think
21 from you know telling people not to barbeque in the
22 park. Are there greater measures that we should be
23 working to implement? And do we need to consider new
24 resources for public awareness campaigns in these
25 types of emergencies that can effectively break

1 through with working New Yorkers who are
2
3 overwhelmingly busy to make sure that they're doing
4 everything they can to you know reduce use of water
5 but also perhaps contribute in other ways to
6 strengthen our resiliency and preventing wildfires?

7 MATT DRURY: I can certainly talk a little bit
8 from the Parks perspective because in large part, it
9 kind of falls within the confines of our what I would
10 call our sort of natural area management sort of
11 strategy. So, for example, the agency routinely
12 executes what you might call a reenforce station or
13 other sort of managed projects to kind of clear away
14 invasive species.

15 COUNCIL MEMBER RESTLER: I feel like I have to
16 ask, what's the current staffing level of your
17 natural resources division.

18 MATT DRURY: You know, I'd have to get back to
19 you with that number. I don't have that off hand.

20 COUNCIL MEMBER RESTLER: Could it be under where
21 we've been in previous years?

22 MATT DRURY: In terms of headcount, I don't know
23 that I would say it's severely under.

24 COUNCIL MEMBER RESTLER: It's been report in
25 Hellgate and other places, the headcount in natural

1
2 resources division is way down in the Parks
3 Department just like it is across the agency but
4 particularly notable within that division.

5 MATT DRURY: You know like any other agency
6 dealing with finite resources, you know I think this
7 is a question of how they're deployed and being you
8 know smart about that. There's no denying that
9 obviously PEGs in the last couple cycles you know are
10 sort of playing out and as you know we look forward
11 to kind of this new budget cycle to kind of retain
12 and restore that. That's you know it's a project
13 that we're in ongoing conversations about with OMB
14 and others.

15 COUNCIL MEMBER RESTLER: Do you think that the
16 reduction in headcount that you've suffered within
17 that division has undermined or limited your ability
18 to respond to these extreme weather events?

19 MATT DRURY: No, I don't believe that's the case.
20 I mean, I think obviously what we were looking at
21 most recently here is obviously a significant drought
22 conditions that has noted hadn't been seen in the
23 city for over two decades. So, I mean I don't know
24 that I would connect those two in terms of causation.

1
2 COUNCIL MEMBER RESTLER: No, but okay so you
3 don't think that the lack of staffing would have
4 prevented some of the wildfires that we saw in Parks
5 in New York City this year?

6 MATT DRURY: You know I think it's you know
7 FDNY's response times. The weather, but there's so
8 many other sort of like variables that come into play
9 in terms of how a wildfire happens and what happens
10 after it happens that it's you know drawing too
11 direct aligned to any individual factor.

12 COUNCIL MEMBER RESTLER: Sure.

13 MATT DRURY: It is you know probably not exactly.

14 COUNCIL MEMBER RESTLER: I think that's fair,
15 although I think the Parks Department to share with
16 our Parks Committee and with Council, with Council
17 finance, what we could do with more staffing and how
18 we could do a better job with preparing and
19 preventing our parks from being as vulnerable to
20 wildfires considering these new realities that we
21 have to deal with. We can't wish them away. Can ask
22 the DEP team about the increased risks of flooding
23 that occur when we're in a drought condition and what
24 we can do to try to ensure that our resiliency is
25

1
2 maintained or strengthened during these vulnerable
3 periods?

4 PAUL RUSH: So, in terms of being resilient for a
5 drought and things that we need to do, in DEPs
6 perspective we need to be able to deliver water to
7 the city every day no matter what. And the work we
8 are doing on the Delaware Aqueduct to repair a
9 largely 35 million gallons a day, completing that is
10 important. As I mentioned earlier -

11 COUNCIL MEMBER RESTLER: Is that project paused
12 as a result of the drought?

13 PAUL RUSH: What's that?

14 COUNCIL MEMBER RESTLER: Is that project paused
15 as a result of the drought? Now that the drought
16 warning is lifted, is it restarting now that the
17 drought warning has been lifted?

18 CHAIRPERSON GENNARO: Please continue Lincoln,
19 don't worry about the clock.

20 COUNCIL MEMBER RESTLER: I'll go fast, I'm sorry.

21 PAUL RUSH: The plan when we can restart, we're
22 preparing to restart it again next fall. We can only
23 begin that in the start of the low demand period.

24 COUNCIL MEMBER RESTLER: We lost a full year of
25 work.

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS 63

1
2 PAUL RUSH: Well, we lost, we're going to have to
3 push it back until next year.

4 COUNCIL MEMBER RESTLER: Yeah, we lost a full
5 year of work, yes, accurate.

6 PAUL RUSH: So, repairing that leak is important.
7 On the Catskill Aqueduct, we have leaks in the
8 pressure tunnel that goes on, the round out pressure
9 tunnel, we have a plan in place or we're working on a
10 repair for that. We need to make those investments
11 and also, throughout the distribution system, making
12 sure that we're making investments in water mains to
13 make sure we reduce and make a more resilient system.
14 I mean that's key to resiliency and also investment
15 in technology and personnel and research to take like
16 Katheryn had mentioned AI to use as a tool to improve
17 our knowledge - predict of where we may have -

18 COUNCIL MEMBER RESTLER: I appreciate all of
19 those answers and certainly the first responsibility
20 of DEP as an agency is to make sure that we all have
21 access to clean drinking water. That is you know
22 foundational. Totally appreciate that response. I
23 was getting it something a little bit different,
24 which is when we're in a drought warning, we are at
25 risk of flooding in a more heightened way, which may

1 sound contradictory to say that loud but it's not.
2
3 And so, I just am asking from a resiliency
4 standpoint, if we do have extreme weather events
5 while there's a drought going on, which may help
6 alleviate the drought conditions over time. It does
7 put us at greater risk for flooding. Is there
8 anything we can do? And we were experiencing a
9 drought during a time period of our hurricane season,
10 right? So, could you elaborate? Is there anything
11 that we could or should be doing as an agency to
12 prepare for those types of extreme weather events
13 during drought conditions? As this is unfortunately
14 a potential reality that we'll see more frequently in
15 the future.

16 CHAIRPERSON GENNARO: I'll tell you what, before
17 you reply, I don't fully understand the question.
18 There's kind of like an echo in the room, so we have
19 you know a drought going on, then we have a severe
20 weather event and it's raining and the premise of the
21 question is?

22 COUNCIL MEMBER RESTLER: The premise of the
23 question is that our dried out green areas are less
24 able to absorb stormwater and reduce stormwater from
25 entering into our system. And therefore, we're less

1
2 equipped to be able to handle and withstand an
3 extreme weather event because of the drought
4 conditions that effect our green areas. That would
5 be the premise.

6 CHAIRPERSON GENNARO: Okay, alright now I got it.

7 COUNCIL MEMBER RESTLER: You can tell me I'm a
8 crazy person. You all are a lot more knowledgeable
9 than me.

10 CHAIRPERSON GENNARO: I just wanted to understand
11 the question.

12 COUNCIL MEMBER RESTLER: That was what I was
13 getting at but you can tell me that it's not a
14 concern or that you don't think that it's a thing
15 that we need to worry about and I'm happy to do it.
16 Happy to listen to you but that was my premise.

17 KATHRYN MALLON: I'd say intuitively I don't
18 think it's something to worry about but it's also not
19 something that we've looked at in preparation for a
20 storm. I don't think our preparation for a storm
21 would be any different in a drought or a non-drought
22 but you know would we get more runoff during a
23 drought? I mean potentially but it would be
24 relatively insignificant compared to the amount of
25 impervious area throughout the whole city.

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS 66

1
2 COUNCIL MEMBER RESTLER: I appreciate that it may
3 not be -

4 KATHRYN MALLON: We'll take a look at that.

5 COUNCIL MEMBER RESTLER: But I appreciate you
6 taking a look at it and I think that how we consider
7 strengthening resiliency and flood prevention during
8 drought conditions is something that I think we need
9 to consider and ensure that it's not an enhanced risk
10 for the city moving forward.

11 Thank you very much Chair and thank you panel.

12 CHAIRPERSON GENNARO: Thank you Council Member
13 Restler as always and before we get to the prepared
14 questions I remember in your statement uhm, you
15 talked about how DEP wisely checks in with its bigger
16 you know water users to make sure that they're being
17 efficient. They don't have leaks or whatever and
18 following that from the macro level down to the micro
19 level. Is there any way that DEP could make an
20 assessment of smaller users? I'm not talking about
21 like single family homes but like apartment buildings
22 that are using water at a rate that's above what they
23 normally use suggesting that there's some significant
24 leak?

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS 67

1
2 It don't have to be something big, so you've got
3 a certain building, a high rise or whatever that's
4 using 50 percent more water or whatever. Is that the
5 kind of thing that in an emergency you know DEP might
6 have the ability to monitor and track and knock on
7 the door over there and say, "what's going on with
8 your usage?" "This is like, this is a pretty big
9 number compared to what you ordinarily use. I think
10 you have a leak." Is that, is that a thing?

11 BETH DEFALCO: Yeah Chair, I can take that
12 question. One of the things that uhm, we in trying
13 to reduce consumption looks at, our Bureau of
14 Customer Service looked at was water consumption,
15 especially among one and three family homes and homes
16 that were using more than one million gallons per
17 day, which likely indicated a leak. So, using our
18 new metering system we're able to identify hundreds
19 of homes that we think are using more than one
20 million gallons a day and we are starting a program
21 now to do direct outreach to those homeowners.

22 CHAIRPERSON GENNARO: What is it like a phone
23 call or like what's the outreach?

24 BETH DEFALCO: Four knocks as well.

25 CHAIRPERSON GENNARO: Pardon?

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS 68

1 BETH DEFALCO: Knocking on the door as well.

2 CHAIRPERSON GENNARO: Wow.

3 BETH DEFALCO: If need be. Whatever we need to
4 do for two reasons. One because there's plenty of
5 savings in terms of consumption that could be had
6 there but also there's you know monetary savings for
7 that property owner. So, uhm, that's something that
8 we're starting to do and I think probably a positive
9 thing that we were able to find as a result of the uh
10 -
11

12 CHAIRPERSON GENNARO: I'm kind of surprised that
13 it goes right down to most micro level, which would
14 be the single family house and so that is good to
15 know that that's part of the you know paradigm that
16 the EP uses when things get really uh dry. I
17 actually think the single family house, although in
18 terms of the percentage of the population of the city
19 that actually lives in a single family house is a
20 relatively low number but I think it's the most
21 commonly occurring building structure. I think there
22 are more single family houses than there are
23 apartment buildings or I think that's how it works.

24 So, yes, there are a lot of them and if we catch
25 leaks, it adds up. Okay now let me the - now, most

1
2 of my colleagues have asked the questions that I had
3 indicated and wanted to ask, so the method of my
4 madness of letting my members go first is that they
5 save me work right? I get the questions asked and I
6 don't have to do it. So, let's see what's left here.
7 I think Council Member Salamanca touched on this.
8 It's a question the staff prepared. What work is DEP
9 doing to ensure the safety and fire resistance of the
10 New York City's Parks? That's what Salamanca was
11 getting into. If you can just reenforce that answer
12 for me, I'd appreciate it.

13 MATT DRURY: Yeah for sure. You know we have
14 been working in close coordination with DEP and other
15 agencies regarding and certainly FDNY most pressingly
16 in the event of an emergency of that nature but our
17 broader strategy for our natural areas involves
18 efforts like you know reforestation or those sort of
19 management mechanisms which you know the removal of
20 invasive species that can you know [INAUDIBLE
21 01:24:16] you know things that sort of wooded weedy
22 plants that can you know lead to greater threats of
23 wildfires that sort of management strategy is a sort
24 of core component.

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS 70

1
2 CHAIRPERSON GENNARO: On that point, you know
3 back in my first tenure in the Council, in 2002 to
4 2013, I was banging my head against the wall to try
5 to get an invasive species law passed in New York
6 City and were surrounded by jurisdictions that have
7 an invasive species ban. Meaning that you can't go
8 to the local garden center and purchase them and
9 plant them and you can't contract with your
10 landscaper, even if the landscaper is located outside
11 of New York City, so, Nassau County, Suffolk County,
12 West Chester, New Jersey, they all have them. But we
13 didn't have that and we were told that the state was
14 going to act whatever and that was going to you know
15 create like the legal framework. Did that ever
16 happen regarding invasive species? Right now, can I
17 go to the local you know gardening center and buy a
18 plant? And of course the list has to be updated from
19 time to time. I know that Nature Conservancy and
20 other organizations help with that. There's like a
21 panel that comes together and figures out like the
22 new list of invasive species because more and more
23 are constantly showing up. Do we have that in New
24 York City now or do I have to like try to do that
25 again?

1
2 MATT DRURY: It's a good question. I have to
3 admit, I'm not familiar with the regulatory landscape
4 regarding like commercial or home use of access to
5 species of that nature.

6 CHAIRPERSON GENNARO: Well, I mean but my point
7 is and always of the jurisdictions around us have
8 wised up to the point where they say, look if we're
9 breaking our back, you know having DEC send in goats
10 to go, you know to go eat invasive species, that's
11 not a joke. It happens. Like, they send goats and
12 they eat them.

13 I think we can do better than goats. Like, you
14 shouldn't be able to go down the corner you know
15 garden center and buy something that is invasive and
16 so, that's another topic for Natasha, I think, to see
17 where we are on that. On like the legal landscape.
18 I have to reup my efforts to try to because back in
19 the day, the Parks Department just told me no, like
20 we're not doing it. I couldn't get the Council back
21 in those days just to do it over the Parks
22 Departments objection.

23 And so, but we will look into that. We'll come
24 back more - but to look at invasive species but I
25 interrupted you, so please continue.

1
2 MATT DRURY: No, no, but the broader point in
3 terms of managing the property that is under our
4 jurisdiction, these natural areas you know working
5 closely with a lot of other agencies and in terms of
6 the monitoring that happens during drought
7 conditions, you know watch or warning.

8 You know obviously, you know the agency you know
9 implementing a variety of strategies to make sure
10 that we are monitoring and protecting our natural
11 areas as best as possible.

12 CHAIRPERSON GENNARO: Yeah and if you wanted to
13 take out a bunch of phragmites you know it's just
14 like this stuff is everywhere and so, how did that
15 even happen? Like whom comes out and does it?

16 MATT DRURY: Yeah, so our natural - so we have a
17 natural resource group that plans and executes sort
18 of what you might call either reforestation or
19 management efforts of that sort in natural areas
20 throughout our system.

21 CHAIRPERSON GENNARO: Right. Question on New
22 York City street trees. I think we already did that.
23 Uh okay, I know that as part of if the drought goes
24 to an emergency, I remember when I was reading the
25 very excellent briefing paper that was prepared for

1
2 me, uhm, that DEP can request the Water Board to
3 raise water rates because of a water shortage
4 emergency to deter people from you know using water
5 wastefully.

6 So, question, has DEP ever requested the Water
7 Board to raise water rates because of a shortage
8 emergency? And sub question a. if an increase was
9 implemented, how much were rates increased by? And
10 the next part, any rate increase implemented during a
11 water shortage emergency - oh, are the rate increases
12 permanent or are they only in effect during the
13 duration of the emergency?

14 This is really you know when we're at like a very
15 desperate stage but has that ever happened? That
16 still, according to my staff, is on the table as one
17 of the tools in the toolbox to short of cutback on
18 water usage by increasing the cost of water. I'm not
19 criticizing it; I just want to know what's going on.
20 I stumped you didn't I? No?

21 BETH DEFALCO: Paul can talk about what we've
22 done historically but it's only in that very last
23 stage of an emergency that that becomes an option.
24 Obviously, it would be an option of last resort but
25

1
2 it is something that is available to us to discourage
3 water use.

4 CHAIRPERSON GENNARO: Okay, yeah, Paul, anything
5 to add on it?

6 PAUL RUSH: I mean, there was a rate increase in
7 1989 in that drought emergency that was in the 80's,
8 back when we had droughts very frequent. The drought
9 in 1985 and 1989 were particularly severe. It was
10 looked at, considered in the last route but that did
11 not happen in the last route, those are the ability
12 to do that.

13 CHAIRPERSON GENNARO: That is good to know. I
14 remember doing the drought during the 80's. Probably
15 none of you were in government at the time but I was
16 and Mayor Koch went up to whether it was Ashokan or
17 whatever it was. Was that where it was?

18 PAUL RUSH: It was Ashokan, where they had that -

19 CHAIRPERSON GENNARO: Right, I mean his hand were
20 up and it was like a picture of him like you know,
21 submitting the rain. He was standing in what was
22 presumably like a dry bottom of the now near empty
23 reservoir. And so, you were in government at the
24 time when that happened or you just remember it?

1 COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS 75

2 PAUL RUSH: I was in Westpoint when that happened
3 in 1985. In 1989, I was overseas but I remember. I
4 grew up in the Catskills, I remember seeing the
5 photo, yes but I wasn't working for the city. I've
6 only been with the city since 1992.

7 CHAIRPERSON GENNARO: Okay and yeah many people -
8 well at least I know that you went through Westpoint
9 and I thank you for your service, and the code that
10 you carry to this day, and so. Oh uh, now uhm, let
11 it to the be the case that water rates were
12 increased. If it were a situation, what water rates
13 were increased because of an emergency, would the
14 rate be permanent or would it increment down once the
15 drought was over? How does that work or is that up
16 to the Water Board?

17 PAUL RUSH: That's a decision of the Water Board.
18 They can make that decision.

19 CHAIRPERSON GENNARO: Okay. The Water Board are
20 my friends these days because they have you know
21 called out you know the Mayor's use of the rental
22 payment. I'm not asking anyone here on this panel to
23 comment on it. You know the rental payment was in
24 existence. There was a good reason for it to be in
25 existence. That reason when away. The use of the

1 rental payment you know the Mayor requesting the
2 rental payment. Don't worry, you're not going to get
3 a question on this now, I'm just pontificating for
4 the record. And so, and so, with the Mayor declaring
5 that he was going to ask for \$1.4 billion in rental
6 payments over a total of four budget years, uhm,
7 that's uh - well, it was \$440 million this year,
8 which was the rental payment for FY- yeah we're in
9 FY25 now right. FY25 and then so we took the whole
10 rental payment for FY25. He reached back to get half
11 a rental payment from FY24 for a total of \$440
12 million and then he has indicated he is going to ask
13 for full rental payments in the next three budget
14 years totaling \$1.4 billion, which is audacious and
15 really impacts DEP's ability to you know to borrow
16 money and pay for the needed improvements and
17 stormwater infrastructure that we need because we
18 have hundreds of millions of dollars in water and
19 sewer fees that are going to the general fund and the
20 Water Board came on board with I guess a resolution
21 declaring that it did not like to see this practice
22 and it condemned that action by the Mayor, so I don't
23 have the ability to stop him from doing it but people
24
25

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS 77

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2 in the state legislature do and we're trying to get
3 that done.

4 And so, yeah, no way I would ever ask you to
5 comment on that. Okay, with regard to one of the
6 bills about the comprehensive stormwater management
7 plan is a good question developed by staff. DEP has
8 stated that the intensity of the five year storm for
9 the New York City region will likely be redefined as
10 one that produces 2.1 inches of rain per hour, rather
11 than the current definition or the current standard,
12 which is 1.75 inches of rain per hour in order to be
13 simulated into the system.

14 The DEP Commissioner himself has testified before
15 this Committee that it looks like 2.1 inches is the
16 number. Does DEP expect that it would select 2.1
17 inches as its new level of service pursuant to the
18 comprehensive stormwater plan bill? Because one of
19 the things it calls for in the bill is what is the
20 new target going to be in the ability of the DEP
21 stormwater system to accommodate? Now, of course you
22 can't you know there's only so much room under the
23 street. You can't wave a magic wand and have this
24 all done at once. Have it financed. Have it built
25 and there will be of course, you know methods to try

1
2 to use you know green infrastructure to bring that
3 you know capacity to assimilate stormwater up to 2.1
4 inches per hour. But really, the question is - is
5 2.1 inches the number? Is it looking like that or
6 what do they have to say about that?

7 KATHRYN MALLON: Well, one of the early tasks of
8 the Stormwater Management Plan you know subject to
9 appropriation will be to do a detailed study on the
10 appropriate level of service to get to a new five
11 year storm. So, more recent data has suggested that
12 the five year storm is closer to 2.1 and the 1.75
13 design criteria that we have but there's new data out
14 there. There's a variety of studies and we need to
15 look at the confidence interval that we want to
16 achieve with those numbers. So, that will be a
17 really important first step of the plan.

18 CHAIRPERSON GENNARO: Yeah, and I think the
19 Commissioner himself well, you know I better watch
20 it. I'm not sure if I heard this publicly or
21 privately, so how do I proceed now? I don't want to
22 betray any confidence. Let's just say, it seems to
23 me that DEP is going to embark upon an approach as to
24 the capacity that it ultimately builds out is going
25 to be you know like a very big coefficient in that

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS 79

1
2 equation is going to be what it can afford. I think
3 this is a consideration no matter whatever anybody is
4 doing in city government. And so, you know so rather
5 than necessarily getting you know everything we might
6 otherwise need, it's going to come down to what we
7 can afford. You got to go to the bond markets. You
8 got to borrow money, you know you got to pay that
9 debt service and I guess my comment on that like,
10 wouldn't that be nice if the Mayor wasn't stealing
11 between \$300 million to \$400 million a year, legal
12 stealing because he's allowed to do it but it used to
13 be in the olden days that the rental payment would go
14 to pay back pre-1985 you know DEP capital GO debt and
15 that number is now zero. And it was never intended
16 for the rental payment to go into the general fund
17 but now the Mayor at his sweet well can ask for a
18 rental payment of up to 15 percent of the debt
19 service of the Water Finance Authority, which he
20 follows directly into the general fund. And it's
21 kind of like a you know secret regressive tax. I'm
22 not even sure he's so much aware. I think this is
23 more like a budget director thing. I used to work
24 for OMB in the capital division and budget directors
25 are well known to grab whatever money they can grab.

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS 80

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2 That's part of the job description but you know this
3 intersectionality of DEP trying to plan how many you
4 know inches of stormwater capacity it can process and
5 the money it's going to take to do that and to borrow
6 to do that and to pay it back is you know severely
7 inhibited by the Mayor going in and taking money,
8 directing it to the general fund when that money
9 could be going to debt service for you know bonds
10 that the city has to flow it in order to you know
11 through the water finance authority to do this. So,
12 I'm grateful to the you know Water Board for being
13 onboard with the end of the rental payment. Very
14 difficult for the City Council once the Mayor puts a
15 number in the budget of \$440 million of us to get
16 that number out of the budget. Because then we have
17 to come up with \$440 million worth of cuts or in the
18 next budget year being that you can only - he is
19 limited by 50 percent of the Water Finance Authority
20 debt service in any given year. So, in the upcoming
21 budget year, it will be you know somewhere like in
22 the mid \$300 million, and that money could be going
23 toward debt service, so it's a real shame and I'm
24 going to continue to sort of bang that drum but you
25 don't have to say it.

1 COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS 81

2 We have a lot of questions that my - oh, okay,
3 there is a Resolution in the package calling upon the
4 state to create a permanent citywide voluntary buyout
5 program and you know I know that the Administration
6 doesn't testify on Resolutions but there's like a
7 question buried in there that gets the Play NYC,
8 which is relevant and so, here it is.

9 In the 2023 Play NYC, the Administration stated
10 that it would propose a voluntary land acquisition
11 program to assist residents who live in areas at
12 severe risk of repeat flooding. What progress, if
13 any has the Administration made towards this Play NYC
14 initiative? Is there anybody that could speak to
15 that?

16 BETH DEFALCO: I think that we'd have to probably
17 get back to you in talking with MOCJ on that
18 Resolution and get you specific numbers.

19 CHAIRPERSON GENNARO: Pardon?

20 BETH DEFALCO: We'd have to speak to MOCJ on that
21 program to get you more specific numbers on where
22 things are with it.

23 CHAIRPERSON GENNARO: Okay, yeah we look forward
24 to that. I'm going to ask Natasha to sort of follow
25 up on that because remember after this, Austin goes

1
2 on to bigger and better things or the many things he
3 was doing before he got stuck with me, you know? So,
4 it's going to be a very happy New Year for Austin,
5 you know?

6 And with that said, you know that completes all
7 the questions that I had. I want to thank my good
8 friend Paul and everyone from DEP and the Parks
9 Department. A special shoutout to the Parks Chair,
10 Chair Krishnan who was more than happy you know,
11 wasn't territorial about us asking a bunch of Parks
12 questions and stuff like that. I'm much more
13 territorial than he is and so, good for him. I
14 appreciate his you know willingness to just have this
15 Committee go for it and talk to Parks and I really
16 appreciate the Administration being here. Always a
17 pleasure to work with DEP. This is a relationship
18 between me and DEP that's been going on since 1990
19 and it still continues and I really appreciate the
20 good work that you do on behalf of the people of New
21 York City and those people north of us who get our
22 water. I'm going to let it go. I'm going to let it
23 go but very pleasure - it's a real pleasure to have
24 you with us. Happy holidays to all. I'm going to
25 come and say hi. We're going to take like a five

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS 83

1
2 minute recess. In the meantime, Council will line up
3 the you know witnesses that we have. I know we have
4 some in person. We have some online. Let me just
5 you know say goodbye to the panel and then we'll
6 resume.

7 RECESS [01:45:30]- [02:01:23]

8 [GAVEL] Okay, we're going to resume now. I have
9 a script. Oh, here it is on the TV over here. I now
10 open the hearing for public testimony. I remind
11 members of the public that this is a formal
12 government proceeding. I can't see very well. And
13 that decorum shall be observed at all times. As
14 such, members of the public shall remain silent at
15 all times. The witness table is reserved for people
16 that wish to testify. No video recording or
17 photographs is allowed from the witness table.
18 Further, members of the public may not present audio
19 or video recordings as testimony but may submit
20 transcripts of such recordings to the Sergeant at
21 Arms for inclusion in the hearing record.

22 If you wish to speak at today's hearing, please
23 fill out an appearance card with the Sergeant at Arms
24 and wait to be recognized. When recognized, you will
25 have two minutes to speak on today's hearing topic of

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS 84

1
2 the New York City drought preconsidered Introductions
3 - uhm, is that a T?

4 COMMITTEE COUNSEL: Yeah.

5 CHAIRPERSON GENNARO: A T2024-2829 and T2024-2810
6 and Resolution 84. If you have a written statement
7 or additional testimony you wish to submit for the
8 record, please provide a copy of that testimony to
9 the Sergeant at Arms. How was that?

10 COMMITTEE COUNSEL: One more.

11 CHAIRPERSON GENNARO: One more, okay. You may
12 also email written testimony to
13 testimony@council.nyc.gov within 72 hours of this
14 hearing. Audio and video recordings will not be
15 accepted. And it's my pleasure to call the first
16 panel. Sara Evans of Greenwood Historic Fund and
17 Hayden Brockett of the New York Clean Air Collective.
18 Pleasure to have both of you with us today.

19 We're going to go from my right to my left. So,
20 Sara, we're going to open with you. Sure, you got to
21 turn your microphone on and make sure that the little
22 microphone is right by your uh, you know you speak
23 right into it.

24 SARA EVANS: How do I sound?

25 CHAIRPERSON GENNARO: Yup.

1
2 SARA EVANS: Alright, good morning members of the
3 Committee. My name is Sara Evans and I serve as
4 Director of the Living Collections at Greenwood
5 Cemetery. A national historic landmark and
6 accredited [INAUDIBLE 02:04:19] and my testimony is
7 actually touching on something that Council Member
8 Restler was getting at. So, this historic drought
9 coupled with intense storm events underscores the
10 importance of green infrastructure, like trees and
11 stormwater management systems.

12 Unlike storms or earthquakes, we're seeing that
13 droughts are slow, onset disasters. The effects of
14 which are not seen immediately. The EPA actually
15 advises that the best way to prepare for drought is
16 to develop infrastructure that captures and harvests
17 rainwater so that we reduce the strain on our water
18 systems, promote infiltration into the soil and
19 recharge the ground water whenever it rains.

20 Trees play a vital role in this process,
21 improving water quality, reducing runoff and cooling
22 our urban environment. However, the benefits of
23 trees are obviously diminished when their health is
24 compromised. This year, at Greenwood, we've seen an
25 alarming rate of decline in the health of our mature

1 oak and beach trees specifically. They are
2 succumbing to a range of pathogens due to the
3 prolonged drought and unseasonably warm temperatures.
4 This is a reality check that even our oldest and most
5 established trees in New York are vulnerable to the
6 changing climate and it highlights the need for
7 proactive care to ensure the longevity of our urban
8 forest. What we've done with almost \$600,000 awarded
9 by the New York State DEC, we are set to plant 1500
10 trees over the next year and we are prioritizing tree
11 species that are more tolerant and adapted to warmer
12 and dryer conditions.

14 Additionally, we have just completed a two
15 million comprehensive stormwater infrastructure
16 project that was funded in part by the DEP. Oh no.

17 CHAIRPERSON GENNARO: Please continue. Please
18 continue.

19 SARA EVANS: Okay and the New York State Green
20 Innovation Grant program, which this infrastructure
21 now manages over 51 million gallons of stormwater
22 annually. We are positioned in Sunset Park primarily
23 and so, this is really critical for Sunset Park,
24 which is the designated EJ, Environmental Justice
25

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2 area where our efforts to combat the challenges posed
3 by climate change are occurring.

4 I've included more detail about the Green
5 Infrastructure projects in this testimony that I will
6 submit online, and the measures we have taken to
7 address the issues posed by drought this year and
8 also storm events. And I invite you all of this
9 Committee to visit Greenwood and see the forward
10 looking work we're doing to benefit our community as
11 we adapt responsibly to our changing climate. Thank
12 you.

13 CHAIRPERSON GENNARO: Thank you very much. I've
14 always been a big admirer of Greenwood. It's a great
15 place to visit and you know my daughter and I like to
16 go there and the work that you do is certainly worthy
17 of the attention of you know DEC and DEP and other
18 people who could fund your good efforts and it seems
19 like now you're making a shift towards more drought
20 resistant types of flora. Is that fair to say?

21 SARA EVANS: Yeah, that's right and I was
22 speaking to trees specifically but we're also doing a
23 lot of work in converting our lawn to like prairie
24 and wildflower meadows, all utilizing plants that are
25

1
2 all drought resistant you know. They evolved in
3 dryer conditions with less frequent rain.

4 CHAIRPERSON GENNARO: Well, I thank you and all
5 the good folks at Greenwood for all that you do. You
6 know, don't be a stranger to this Committee and if
7 ever you know we could be of assistance, you want to
8 meet with us or whatever, I'm very fond of everything
9 that you do there. It's a great institution and
10 environmental you know beacon and plus, it's just a
11 great place. I'm like, that guy is buried here. Oh
12 my God you know, and so, and thank you very much for
13 being here and weighing in on this topic and we
14 appreciate your full testimony and you indicated you
15 were going to - you said you were going to send in
16 something?

17 SARA EVANS: Yeah, it's a longer version.

18 CHAIRPERSON GENNARO: Okay.

19 SARA EVANS: Online, yeah.

20 CHAIRPERSON GENNARO: Oh, we look forward to
21 that. Thank you very much for your testimony here
22 today.

23 SARA EVANS: Thank you.

24 CHAIRPERSON GENNARO: And Hayden, give it to us
25 Hayden.

1 COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS 89

2 HAYDEN BROCKETT: Alright, thank you Chair.

3 Thank you Committee Staff. As we were talking about
4 water, I'm here to talk about the air and thank you
5 so much for all that you do on behalf of our
6 environment and our clean air and clean water.

7 My name, as you know is Hayden Brockett. I'm a
8 Founding Member of the New York Clean Air Collective.
9 I'm a father and a husband, I live on the Upper West
10 Side of Manhattan and participate in the Citizens Air
11 Complaint Program, the CACP. I took time off from
12 work today to testify in support of that program,
13 which is the most successful citizen environmental
14 program in the world, and which of course impacted by
15 Intro. 2810.

16 Today, I agree with the DEP's concerns about
17 Intro. 2810. I just note that current program is
18 working. The citizens of New York and DEP. I know
19 you like to call it civilian enforcement Chair
20 Gennaro.

21 CHAIRPERSON GENNARO: Yeah.

22 HAYDEN BROCKETT: But we're inclusive; anyone who
23 lives in New York or doesn't live in New York can
24 participate in the program and together with the DEP,
25 we are working together to get big companies and

1
2 include rider budget and enterprise to stop polluting
3 our city.

4 We need to keep the pressure on these companies
5 to electrify and idling fines are doing exactly what
6 they're supposed to do. That is hold big companies
7 accountable.

8 So, my concerns are that to my knowledge, there's
9 been no environmental review of Intro. 2810. As
10 Deputy Commissioner Rush correctly raised in his
11 testimony, Intro. 2810 will clearly effect the
12 environment and by disincentivizing rental companies
13 like rider from addressing air pollution. As we all
14 know, the state Environmental Quality Review Act
15 requires an environmental impact statement for all
16 government activities and at minimum, the Council
17 must conduct such a review and we would request to
18 hold a hearing to consider what that review shows
19 before passage of the bill.

20 Furthermore, I'm not aware of any study of Intro.
21 2810 effects on the city's budget. As the DEP
22 correctly noted, passing the fines on to lessees will
23 cause leasing companies to lose their incentive to
24 electrify or install anti-idling technology. Thank
25 you.

1 COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS 91

2 CHAIRPERSON GENNARO: Please continue. Please
3 continue.

4 HAYDEN BROCKETT: Thank you sir. That will
5 increase pollution, which will definitely effect the
6 city's budget by increasing healthcare costs, asthma
7 attacks and deaths and so we believe there must be a
8 thorough review of Intro. 2810's budget effects. And
9 Chair, just to address your concern about fairness,
10 obviously the Avis Enterprise Budget and Rider are
11 companies and they deserve a fair hearing. The
12 reality is that these companies however own the
13 trucks that are polluting our city, then they rent
14 them for profit. They have a responsibility for
15 putting that pollution into our city and they need to
16 modify their behavior and their equipment by
17 electrifying their fleets and ensuring that their
18 trucks cannot illegally idle in the city. They own
19 that equipment. They are more than capable of
20 recouping their fees from their lessees.

21 And so, my question thinking about this bill, I
22 understand sort of common sense but why would we put
23 the burden on the city agencies to track down
24 payments from those lessees? The companies own the
25 trucks. They can do that work or better yet, they

1
2 can modify their behavior and not get any idling
3 fines at all.

4 So, while I am concerned about Intro. 2810's
5 effects on the CACP, I am grateful today for your
6 work Chairman Gennaro on behalf of our air and water.
7 You and your staff are dedicated I know to fixing the
8 poor air quality that we suffer from in New York,
9 which obviously was hurt by the wildfires, but even
10 without the wildfires, poor air quality kills 3000
11 New Yorkers a year.

12 And I just want to put in a plug that I'm really
13 grateful for the DEP's staff, the frontline reviewers
14 who administer the program. They do hard jobs and
15 they need to be fairly compensated. And just one
16 final thing about 2810, we're already at a place with
17 the program that it's so successful but if you submit
18 a complaint today, it's not going to get a hearing
19 for another 18 months, up to maybe - we're
20 approaching two years.

21 CHAIRPERSON GENNARO: What's that now? Sorry,
22 could you say that again?

23 HAYDEN BROCKETT: So, we're at this point right
24 now that if a citizen goes out in the street and
25 observes a truck idling and records it and submits to

1
2 DEP today, DEP because of its resource constraints,
3 will not be able to review that complaint. It can
4 take up to six months to review the complaint and
5 then they'll set the hearing date out another 18
6 months.

7 So, as a result, it's not fair to companies.
8 They deserve their day in court and it's not fair to
9 the citizens who won't you know obviously get their -
10 won't see the impact of their work for about two
11 years. And the reason I'm bringing that up Chair, is
12 that 2810 is going to bring an additional
13 administrative burden to the DEP because it requires
14 them to set up a new rule and then it requires the
15 DEP to take the information that comes from the
16 companies and then go track down - well, hey Joe Blow
17 or maybe you know someone from out of state or out of
18 the country rented our truck. Now the DEP has to go
19 or the Department of Finance has to go chase those
20 and OATH has to go track those down.

21 And so, that extra step, while I understand it
22 makes commonsense, when you think about it from the
23 impact on our limited resources at the DEP, it's
24 going to mean that there's going to be more work for
25 the people. And I only bring that up because the

1
2 folks who do the review are not paid a lot of money
3 and they need to be paid more. They need to be
4 fairly compensated and you and I have talked about
5 this. That the city brings in \$50 million as a
6 result of this program but none of that goes to DEP.

7 And I know that's not something that you control
8 or that Commissioner Aggarwala controls, but that
9 reality is, I just would hesitate to want to put more
10 administrative burden on the folks who are already
11 working really hard to make this program work.

12 So, thank you so much for your time Chair Gennaro
13 and for holding this hearing.

14 CHAIRPERSON GENNARO: Yeah, Hayden, it's always
15 good to talk to you and get your commonsense
16 perspective. You know you make a lot of sense and
17 this is why we have hearings and uh, uh, have you
18 talked to Eric Goldstein lately? He's looking for
19 you.

20 HAYDEN BROCKETT: I have not yet. I'm happy to
21 talk to him. Thank you for the heads up.

22 CHAIRPERSON GENNARO: You know what, uhm, why
23 don't you come by and why don't you take a piece of
24 paper and just write your email address and give it

1
2 to the Sergeant and the Sergeant can give it to me
3 because I know he's trying to get in touch with you.

4 HAYDEN BROCKETT: Yeah, that would be great.

5 CHAIRPERSON GENNARO: Yeah and so-

6 HAYDEN BROCKETT: I got a pen and I'll get the
7 piece of paper.

8 CHAIRPERSON GENNARO: Yeah, I want to make sure
9 you just give it to the Sergeant and he'll give it to
10 us and then uhm, Josh, you know just make sure that
11 we get you know Eric Goldstein and Hayden to talk
12 because we got old business to work through. Well,
13 it's current business but it's not today's business
14 yeah, so just write that down and if you're
15 comfortable giving me a cellphone number, whatever.
16 Like, whatever you're comfortable with you know Eric
17 Goldstein having, that would be -

18 HAYDEN BROCKETT: Not a problem. I'm happy to
19 talk with Eric.

20 CHAIRPERSON GENNARO: I think this panel did a
21 great job. What do you think? Good.

22 Okay, thank you very much. Just give that to
23 Josh Sergeant and then we're good, so thank you very
24 much for being here. You both provided you know very
25 valuable testimony. I appreciate you taking time off

1
2 work you know coming from Brooklyn. You know to be
3 here with us today and to be patient and so, we
4 appreciate that. Happy Holidays. We'll see you
5 soon. Take care, bye-bye.

6 We will now turn to remote testimony. Once your
7 name is called, a member of our staff will unmute you
8 and the Sergeant at Arms will give you the go ahead
9 to begin. Please wait, I repeat, please wait for the
10 Sergeant at Arms to announce that you may begin
11 before delivering your testimony. And - and the
12 first witness, Eric Eisenberg.

13 SERGEANT AT ARMS: Starting time.

14 ERIC EISENBERG: Hello, I'm Eric Eisenberg. I'm
15 here to speak about the Jim Gennaro's Bill to
16 transfer liability for idling offenses. I agree with
17 a lot of what Mr. Brockett said, so I'll try to keep
18 this brief but I am a little disappointed there
19 doesn't seem to have been any reach out to the
20 members of the New York community who report idling
21 to inform them of this hearing. So that might affect
22 the number of people speaking today.

23 Initially, I applaud the general idea of making
24 sure summonses go the person or entity most
25 responsible for air pollution but believe that in

1 view of potential economic and environmental
2 unintended consequences, the bill needs additional
3 economic and environmental review prior to any vote.
4

5 It would of course be beneficial for lessees to
6 understand their obligations with respect to the
7 idling law and to comply with it but simply properly
8 funding the DEP to be able to issue tickets and hold
9 hearings on those tickets promptly may accomplish
10 this goal just as well or better than the bill.

11 Rental companies are already well positioned to
12 deal with idling tickets and to avoid idling. There
13 are repeat players, often with large fleets and
14 understand these idling tickets and how to appear at
15 OATH hearings. They can opt for electric vehicles
16 that will not receive idling tickets. They can
17 install true, non-overridable auto shutoffs and
18 likewise for tickets.

19 One company CC rental went so far as to provide a
20 prominent anti-idling educational campaign to each of
21 their renters. By shifting the legal consequences of
22 trucks air pollution away from the rental companies,
23 the rental companies lose their incentive to engage
24 in the beneficial practices and air pollution in New
25 York City may well increase.

1
2 Moreover, rental companies already regularly
3 agree with lessees in the rental contract that the
4 lessees will be responsible for any idling tickets,
5 even without this bill. These contracts put the
6 lessees on notice that they must not pollute
7 unnecessarily. The problem though is that DEP is so
8 slow in issuing summonses and scheduling hearings,
9 often years out, that the lessees may come hearing
10 time, unreachable and unbillable.

11 SERGEANT AT ARMS: Your time is expired. Thank
12 you.

13 CHAIRPERSON GENNARO: You know what, Mr.
14 Eisenberg, I'm going to cut you a little slack.
15 Please continue.

16 ERIC EISENBERG: Having the city write tickets to
17 a no longer reachable renter based on outdated
18 contact information is not the solution to this
19 problem. The solution to this problem is giving the
20 badly underfunded DEP Air Enforcement Division
21 appropriate resources to promptly issue tickets with
22 prompt hearing dates. The funding would more than
23 pay for itself not only in fine revenue but also
24 environmental benefit. This funding solution has
25 been repeatedly recommended that prior environmental

1
2 hearings, including budget hearings by many
3 individuals and by the DEP itself, but for some
4 reason the city's budget never seem to adequately
5 fund this self-idling program. Unfortunately
6 requiring the DEP to create and run a transfer
7 liability program, they will further burden its too
8 limited resources and further delay summons issuance
9 and hearing dates, creating lasting environmental
10 damage.

11 In sum, while this bill is well intentioned and
12 much better overall than Intro. 941, I recommend that
13 the city closely review it from a financial and
14 secret mandated environmental perspective,
15 considering alongside the bill, the alternative
16 solution of appropriately funding the DEP's Anti-
17 Idling program. Thank you.

18 CHAIRPERSON GENNARO: Thank you Eric. If only
19 all the witnesses that came before the Committee were
20 able to put forward a cogent and you know very
21 directed - see, I can't even do it. It was - that's
22 why I wanted to give you a little more slack here.
23 You indicated that like not a lot of people knew
24 about the hearing. You know we had you know Hayden
25 here but I think you spoke most eloquently on the

1 COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS 100

2 part of the folks that are you know are a valued part
3 of this program. You made excellent points and they
4 will be given all due consideration. We appreciate
5 your appearance before the Committee today. Thank
6 you very much and Happy Holidays.

7 And the next witness, Michelle Luebke from the
8 SWIM Coalition. Michelle Luebke from the SWIM
9 Coalition, wait for the Sergeant.

10 SERGEANT AT ARMS: Starting time.

11 MICHELLE LUEBKE: Thank you to the Committee for
12 providing the opportunity to deliver public testimony
13 on behalf of the SWIM Coalition asking for the
14 consideration of key issues while deliberating the
15 need for City Council oversight of urban stormwater
16 flooding, combined sewer overflows, and green
17 infrastructure in New York City through a
18 comprehensive stormwater plan.

19 Stormwater infrastructure matters. SWIM
20 Coalition is a group of 70 organizations dedicated to
21 ensuring the mandate to the Clean Water Act.
22 Swimmable and fishable waters in New York City
23 through sustainable stormwater management practices,
24 including both green and gray infrastructure. SWIM
25 Coalition member organizations endorse a truly

1
2 sustainable view of watershed management. One that
3 restores ecological systems, creates local economic
4 opportunities and equitably distributes the numerous
5 benefits of green infrastructure.

6 The next step, it is critical in terms of how we
7 address our stormwater and climate change related
8 challenges in New York City. From storms that cause
9 catastrophic flooding to current unprecedented and
10 historic drought conditions, New York City's water
11 infrastructure has become more burdened than ever.
12 The time to adapt is now.

13 SWIM Coalition supports a comprehensive citywide
14 stormwater plan that prioritizes natural and nature
15 based solutions and prioritizes rectifying historic
16 injustices by allocating resources to historically
17 disadvantaged communities. Unless the proposed
18 comprehensive stormwater management plan supersedes
19 all other plans with additional directives and
20 updated projections using climate change informed
21 future rainfall levels, what is needed is to expedite
22 the CSL long term control plans, stormwater
23 management plans, and green infrastructure plan.
24 These existing plans are slated to be completed by
25 2030 to 2042, using rainfall projections from 2008.

1 COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS 102

2 Additionally, we continue to strongly advocate for a
3 stormwater rate restructure to fund stormwater
4 related projects, which will appropriate value the
5 cost of stormwater to the city. We are submitting a
6 more extensive written testimony with key concerns
7 and requests for clarifications on Intro. 2849.
8 Thank you for your time.

9 CHAIRPERSON GENNARO: Thank you very much. We're
10 always happy to partner with the SWIM Coalition. You
11 folks make a great contribution to the debate on this
12 really important issue and it's always great to deal
13 with people who are you know dedicated, who are
14 informed, and outspoken. So, you need all three
15 elements in order to be effective and that is the
16 SWIM Coalition. Thank you very much for your
17 appearance before us today and please give my best
18 wishes to all the members of the SWIM Coalition on
19 behalf of this Committee and the Council. Thank you.

20 And the next witness, appearing to be the last
21 witness, Christopher Gawarecki of HUB Truck Rental
22 Corporation. I hope I pronounced the last name
23 right. Please wait for the signal from the Sergeant
24 before you commence your testimony.

25 SERGEANT AT ARMS: Starting time.

1 COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS 103

2 CHRISTOPHER GAWARECKI: Good afternoon. Nice to
3 see the Committee. Thanks for letting me testify.
4 My name's Christopher Gawarecki with HUB Truck Rental
5 Corporation. We have approximately 627 lease
6 customers that operate in the New York metro area.
7 We strongly support the preconsidered legislation
8 here regarding the transfer of liability. Every
9 other department has it. The New York City
10 Department of Finance has it for parking tickets.
11 Easy Pass has it. Most Law Enforcement agencies have
12 it. We're not talking about short-term rentals,
13 transient customers that have a truck for a day, two
14 days, a week, we're talking about lease customers
15 with a certified lease that had these trucks from
16 approximately six to seven years and the trucks are
17 clearly marked with the lessees information,
18 including the name, the address, and the DOT.

19 I've attended a lot of these hearings since they
20 are written to HUB because we do own the trucks but
21 it's quite frustrating when you see a violation that
22 is written to the lease customer with the lease
23 customers information and then it's resulted in HUB
24 receiving the violation.
25

1 COMMITTEE ON ENVIRONMENTAL PROTECTION,
2 RESILIENCY AND WATERFRONTS 104

3 So, basically HUB Truck Rental is the middle man.
4 We do not charge our lease customers outright. We
5 send a violation to them to see how they want to
6 handle it. If they do not handle the violation, then
7 we'll pay the fine, invoice them back, or attend the
8 hearing.

9 So, this has been a huge administrative burden on
10 the leasing industry and again, we're not talking
11 about rental trucks. Rental trucks have HUB's
12 lettering on it, that I can see HUB receiving. If
13 long-term lease customers that are getting these
14 idling violations, they're not getting them - some of
15 them are getting them directly and then others are
16 sent to HUB, which then we have to send to the lease
17 customer.

18 So, administratively, every other law enforcement
19 agency, red light camera tickets, school bus camera
20 tickets, there's always a transfer of liability
21 option, that's why there is a certificate of lease.

22 CHAIRPERSON GENNARO: Thank you Christopher for
23 your good testimony. I'm trying to do something
24 fair. I'm trying to do something right. There's a
25 lot of you know balancing that needs to go on but
your testimony was you know most compelling and

COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS 105

1 probably appropriate that we close the hearing, I
2 think. I'm going to be seeing if there's anyone else
3 that wishes to be heard but I'm glad that we got your
4 testimony on the record and as I indicated it was you
5 know most compelling. And thank you for your
6 appearance before us today. We appreciate you
7 advocating on behalf of the industry and on behalf of
8 myself and the Committee. We wish you and your
9 company Happy Holidays. Thank you.
10

11 If we inadvertently missed anyone who registered
12 to testify today and has yet to be called, please use
13 the Zoom raise hand function. If you are testifying
14 remotely, then you will be called in the order that
15 your hand has been raised. If you are testifying in
16 person, please come to the dais. I mean, you know
17 contact the Sergeant.

18 Anyone? Going once, going twice and isn't there
19 a close out statement I'm supposed to make? Seeing
20 none, I will now close the hearing. Thank you to the
21 members of the Administration and the members of the
22 public who have joined us today. And before I say
23 the hearing is adjourned, let me say once again, it's
24 been great to be served by our great Council Austin
25 Malone who was you know working at a title so to

1 speak with everything else he has to do at the
2 Council.
3

4 One of the you know drawbacks of being really
5 good is that everybody wants you and they know that
6 they can pile more on your plate and it will get
7 done. So, we thank Austin in a very grateful way and
8 we you know look forward to Natasha and Sierra you
9 know carrying on the Council duties or duties as
10 Counsel for the Committee and we you know look
11 forward to the year ahead.

12 Before we do that, we have holidays that we have
13 to do the right thing by and we wish everyone within
14 the sound of the voice in this Committee a happy and
15 healthy holiday season and blessed and prosperous New
16 York.

17 With that, this hearing is 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 January 2, 2025