

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON WATERFRONTS

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September 7, 2011

Start: 1:20 pm

Recess: 1:30 pm

HELD AT: Council Chambers  
City Hall

B E F O R E: MICHAEL C. NELSON  
Chairperson

COUNCIL MEMBERS:  
Gale A. Brewer  
Peter F. Vallone, Jr.  
Brad S. Lander  
Eric A. Ulrich

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2 CHAIRPERSON NELSON: Good afternoon  
3 and welcome to today's hearing the Committee on  
4 Waterfronts. My name is Mike Nelson. I chair  
5 this Committee. For most of its history, New York  
6 City's waterfront has been an industrial hub and  
7 served as a home to marine cargo facilities,  
8 cruise ships, factories, waste transfer stations,  
9 electric generating facilities and more. During  
10 much of this period, the waterways served as  
11 flowing garbage disposals for the bone boilers  
12 [phonetics], iron workers, printers, potters and  
13 other industrial users that lined the banks of New  
14 York's waterways. While the quality of our water  
15 and waterfronts has made dramatic improvements  
16 over the last 30 years, illegal dumping still  
17 remains a problem. Dumping is a broad violation  
18 that can encompass a wide range of illegal  
19 activities from abandoned vehicles into waterways  
20 to depositing construction debris in waterways.  
21 While the impact of a single incident of illegal  
22 dumping is less likely detrimental to water  
23 quality than the catastrophic event such as an oil  
24 spill or the persistent discharges from combined  
25 sewer overflows, the aggregate results of illegal

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dumping activity can be quite severe.

The Committee on Waterfronts is voting on proposed Intro 53-A. This bill adds a new section, which is 3-121, to the Administrative Code of the City of New York. This section would require the director of long term planning and sustainability along with the commissioners of small business services, environmental protection and sanitation to devise and prepare a plan to combat illegal dumping on the waterfront. Such plan shall include number one, a determination if new rules are necessary for the implementation of this plan; two, creation of a centralized source of information on laws, rules and regulations related to the plan; three, a protocol to coordinate with other governmental entities that have jurisdiction over the port of New York; four, coordinate an interagency enforcement plan, including a waterfront survey to identify dumping sites, periodic inspections of waterfront properties and the posting of signs to discourage dumping and the abandoning of property; and five, a public education and outreach program. This bill requires a director of long term planning and

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2 sustainability to submit the plan to the mayor and  
3 to the council and to make it available on the  
4 city's website. It also requires the director to  
5 submit reports on the effectiveness of the plan  
6 every two years beginning in 2014. Finally, three  
7 months prior to the submission of the plan or the  
8 reports, the director must make a draft of the  
9 plan or report available to the public for 60-day  
10 comment period, and all of the comments that are  
11 received must be published with the plan or report  
12 as an appendix.

13 Now for the record, the following  
14 changes were made to proposed Intro 53-A from the  
15 original bill-

16 JEFFREY BAKER: This is Jeffrey  
17 Baker. I'm the counsel to the Waterfront  
18 Committee, and I'll be reading the changes to the  
19 bill from the original.

20 Technical changes were made  
21 throughout the bill for the purposes of clarity,  
22 to correct references and to revise the  
23 organization of the text. Such changes include  
24 changes to the title of the bill, creating a new  
25 section 3-121 of title 3, rather than creating a

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2 new section entitled 22, the renumbering of  
3 sections and the merging and renumbering of  
4 paragraphs. Definitions for New York City  
5 waterways and commissioner were removed. The  
6 definitions for director and office were added,  
7 and the definition for illegal dumping was changed  
8 to waterfront dumping, and now specifically is  
9 defined as, "violations of Section 16-119 that  
10 occur on the waterfront" and "violations of  
11 Section 22-112."

12           The director of long term planning  
13 and sustainability, where necessary and  
14 practicable the police commissioner were added to  
15 the list of commissioners responsible for devising  
16 the waterfront plan. The director of long term  
17 planning and sustainability is now responsible for  
18 creating and submitting the plan, instead of the  
19 commissioner of small business services as  
20 originally proposed.

21           The promulgation of rules for the  
22 safe handling of materials on the waterfront was  
23 revised to allow a determination as to whether  
24 such rules are necessary, and if it is determined  
25 that rules are necessary, they will be promulgated

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2 according to the City Administrative Procedure  
3 Act. The role of the waterfront taskforce to aid  
4 in devising rules was eliminated. The bill no  
5 longer requires a centralized contact for  
6 reporting dumping on the waterfront. The director  
7 of long term planning and sustainability where  
8 necessary and where necessary and practicable the  
9 police commission and any agencies that the mayor  
10 designates were added to the list of agencies that  
11 are included in a protocol to coordinate  
12 enforcement of rules on the waterfront. The plan  
13 must now be submitted to the mayor and the  
14 Council. Such submission must occur on January  
15 1<sup>st</sup>, 2013, which is one year later than originally  
16 proposed to allow relevant agencies adequate time  
17 to devise the plan. The date for submission of  
18 the required reports was moved back one year to  
19 April 1<sup>st</sup>, 2014 because the date of the submission  
20 of the plan had been revised. Required reports  
21 will now include information on fines imposed by  
22 the Environmental Control Board only due to the  
23 difficulty of obtaining such information from non-  
24 city entities. Required reports must now also  
25 include any changes made to the plan, a summary of

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2 any rules promulgated to implement the plan and  
3 any recommendations for appropriate legislation.  
4 The proposed legislation now requires the report  
5 due on April 1<sup>st</sup>, 2018 by the director of long term  
6 planning and sustainability to include a  
7 recommendation as to whether future reports are  
8 required, and finally, the bill was amended to  
9 provide that three months prior to the submission  
10 of the plan or of any report, the director of long  
11 term planning and sustainability shall make a  
12 draft of the plan available to the public for a  
13 60-day comment period, and all comments received  
14 by the direct shall be included as an appendix of  
15 such plan or report.

16 CHAIRPERSON NELSON: I feel that  
17 this is an important bill in that for years people  
18 just see all this dumping going on constantly--and  
19 such an eyesore and embarrassment to the city, and  
20 it's certainly detrimental to the eyes - - our  
21 environment, and by coordinating this effort--  
22 which I hope it comes to fruition--it will be taken  
23 more seriously. We welcome Council Member Lander.  
24 There will be more eyes and ears in a coordinated  
25 effort and perhaps--we'll never eliminate it--but if

1  
2 we cut it down a great percentage, it will be  
3 better for all of us in the long run. Thank you  
4 for all being here. We have Council Member  
5 Vallone, Council Member Ulrich, Council Member  
6 Lander and Council Member Brewer all together  
7 here, and we can commence with the vote please.

8 COMMITTEE CLERK: William Martin,  
9 committee clerk, roll call vote in the Committee  
10 on Waterfronts Introduction 53-A. Council Member  
11 Nelson?

12 CHAIRPERSON NELSON: Aye.

13 COMMITTEE CLERK: Brewer?

14 COUNCIL MEMBER BREWER: I vote aye  
15 and obviously thank the Chair, but particularly  
16 thank Jeff Baker, who put a lot of time into this  
17 and helped us understand why in the world business  
18 services was involved. I guess it was the  
19 rendition from Ports and Terminals, and that's why  
20 they have it, but the fact of the matter is this  
21 is the first time that I think this issue has been  
22 addressed, so congratulations.

23 COMMITTEE CLERK: Vallone?

24 COUNCIL MEMBER VALLONE: Aye.

25 COMMITTEE CLERK: Lander?



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COUNCIL MEMBER LANDER: Aye.

COMMITTEE CLERK: Ulrich?

COUNCIL MEMBER ULRICH: Aye.

COMMITTEE CLERK: By vote of five  
in the affirmative, zero in the negative and no  
abstentions, item is adopted. Members, please  
sign the Committee report. Thank you.

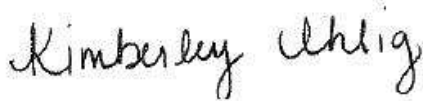
CHAIRPERSON NELSON: This meeting  
is over. Thank you.

[gavel]

C E R T I F I C A T E

I, Kimberley Uhlig certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature \_\_\_\_\_

Date September 18, 2011