

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON HOUSING AND BUILDINGS

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December 8, 2011
Start: 11:00 a.m.
Recess: 11:15 a.m.

HELD AT: Council Chambers
City Hall

B E F O R E:
ERIC MARTIN DILAN
Chairperson

COUNCIL MEMBERS:

Council Member Leroy G. Comrie, Jr.
Council Member Elizabeth S. Crowley
Council Member Lewis A. Fidler
Council Member James F. Gennaro
Council Member Robert Jackson
Council Member Leticia James
Council Member Brad S. Lander
Council Member Melissa Mark-Viverito
Council Member Rosie Mendez
Council Member James S. Oddo
Council Member Joel Rivera
Council Member Jumaane D. Williams

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

N/A

[background noise, gavel]

CHAIRPERSON DILAN: Good morning and--good morning everybody, my name is Erik Martin Dilan and I'm the Chair of the City Council's Housing and Buildings Committee. And today, the Committee will conduct a hearing for the purposes of a vote on Proposed Intro 576-A, which is a Local Law to amend the New York City Building Code, in relation to the regulation of concrete washout water. The second item will be Intro 578-A, a Local Law to amend the Administrative Code of the City and the Building Code, in relation to the reclamation of asphalt pavement. And the last item on the agenda will be Intro 592-A, a Local Law to amend the Mechanical Code in relation to filtering soot from income air in our buildings. All three bills on the agenda have been amended from their original versions, which the Committee initially heard on June 21st of this year, and for a list of the amendments please see the Committee report. Proposed Intro 56--576-A prohibits concrete washout water produced at construction sites from entering any New York City sewer, catch basin, drain or body of

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2 water, or from leaking into the ground, and
3 requires that all concrete washout water be
4 collected and contained either in or on the
5 concrete mixer truck, or in a pre-manufactured
6 watertight containers designed and fabricated for
7 the purpose of collecting and containing concrete
8 washout water onsite. Furthermore, rinsing
9 operations and concrete washout water must either
10 be transported offsite for treatment and disposal
11 or contained onsite until completely evaporated.
12 Small jobs, equivalent to 1.5 cubic yards of
13 concrete, are exempt from the requirements of this
14 bill. Proposed Intro 578-A would require that all
15 non-heavy duty asphalt used in the City of New
16 York contain a minimum of 30 percent recycled
17 asphalt as measured by weight, beginning January 1
18 of 2015. All approved heavy duty asphalt would be
19 required to contain a minimum of ten percent
20 recycled asphalt as measured by weight. And that
21 also will begin effect January 1 of 2015. In
22 issuing specifications for work on City streets,
23 the City must make best efforts to encourage the
24 greatest use of recycled asphalt as possible. The
25 Commissioner of Department of Buildings and the

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2 Commissioner of the Department of Transportation,
3 after consulting with each other and local asphalt
4 plants, have the right to waive compliance with
5 the recycled asphalt requirement, if they find
6 that a sufficient supply of reclaimed asphalt is
7 not available. These requirements would not apply
8 to projects where asphalt content is governed by
9 federal or New York State law or regulation.

10 Lastly, proposed Intro 592-A requires new heating,
11 ventilation and air conditioning systems, or HVAC
12 systems, installed after January 1 of 2013 to have
13 a filtration system with a minimum efficiency
14 reporting value of 11, which will filter 65 to 80
15 percent of particles between one and three microns
16 in size, and 85 percent of all partic--wow, this
17 is extremely technical, guys. [laughter]

18 However, alterations or repairs of mechanical
19 ventilation systems that were installed prior to
20 January 1 of '13, do not need to meet the
21 requirements of proposed, of 578-A unless the
22 replacement or addition of air handling unit
23 occurs. Air handling units with a design capacity
24 of less than 5,000 cubic feet are exempted from
25 the bill, as well as the replacement of air

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2 handling systems which cannot be made to comply
3 with power limitations of the New York City Energy
4 Conservation Code, as determined by the Department
5 of Buildings. At this time--[background comment]
6 Abso--[laughter] Absolutely not. [background
7 comments] Well, we have good staff, I'll tell you
8 that, guys. At this time, I'd like to call on
9 Council Member Jim Gennaro who is the sponsor of
10 Intro 576-A to make a brief statement.

11 COUNCIL MEMBER GENNARO: Thank you,
12 Mr. Chairman, I'm grateful for your leadership for
13 bringing these bills forward and working with me,
14 working with the Green Coast Taskforce, working
15 with the industry, working with all stakeholders,
16 you know, to make sure that we had a good outcome,
17 both on 576, regarding concrete washout water and
18 recycled asphalt. You've covered most of the main
19 points of the bill, so I'll speak very briefly
20 about some of the points on 576 and 578, if that's
21 okay, just, I'll just get it out of the way, if
22 that's okay, Mr. Chairman.

23 CHAIRPERSON DILAN: Sure.

24 COUNCIL MEMBER GENNARO: And with
25 regard to the concrete washout water, this is

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2 something that's already regulated by a DEP rule,
3 but it's not very effective. And as a result, you
4 know, there is concrete washout water which does
5 get into the sewer system, which does hurt--god
6 bless, and that's on the record, I said god bl--
7 I'm blessing someone on the record, I've never
8 done that before, so it feels good in the holiday
9 season to do that. And so as a result, you get
10 the concrete washout water, which is bad for
11 marine life, it's bad for the sewer system, you
12 know, bad for the sewage, for the sewage treatment
13 plants, when the, you have this very, very caustic
14 type of material, it's on a level of like a Drano
15 kind of substance. This is not good for many
16 reasons, and as you stated, Mr. Chairman, this
17 will be something that the, that the Buildings
18 Department can now enforce, they'll have to have
19 the containers, the containers can't be too, you
20 know, close to sewer drains, and it's, it--it was
21 a good bill when it started, and made better by
22 your leadership and by you working with
23 stakeholders. So, I'm grateful for that. And
24 with regard to the asphalt bill, Intro 578, this,
25 you know, really moves the City forward. Right

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2 now, we're, we're kind of the capital of, of
3 millings from asphalt, most of that goes to
4 landfills or it goes out of town. Now, you know,
5 we'll take the, a large amount of the one million
6 tons of asphalt that are removed every year and
7 put that back into productive use. This is going
8 to triple right away the amount of recycled
9 asphalt that the City uses while having healthy
10 respect for those heavy duty applications where
11 you might not want to use as much of the recycled
12 asphalt. And regarding the supply of asphalt, we
13 don't think that that's ever going to be a problem
14 because we have over one million tons that are
15 basically harvested every year, and will be put to
16 good use. So, like you, Mr. Chairman, I'm happy
17 to have been able to bring these bills forward,
18 and I urge a yes vote of all our colleagues on
19 these bills. Thank you.

20 CHAIRPERSON DILAN: And I'd like to
21 recognize Council Member Chin on the air quality
22 bill, Intro 592-A.

23 COUNCIL MEMBER CHIN: Thank you,
24 Chair. First of all I wanted to thank you for
25 your leadership and your support on this bill.

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2 This is a very exciting bill, because it will mean
3 that New Yorkers, especially residents and workers
4 in my district in Lower Manhattan, which we have
5 construction going on on a regular basis, that we
6 will be able to build better quality air. And
7 this legislation I especially wanted to thank Jeff
8 Baker, and all the Committee staff, for really
9 working on all the fine details and all the,
10 getting all the expertise on this, and educating
11 us on what all the MURF [phonetic], you know,
12 requirements are. But asking the, to increase up
13 to MURF 11 means that we can filter out some of
14 the most small particles that can cause, you know,
15 respiratory disease, like asthma. And I think for
16 young children and for senior, this will be an
17 added benefit, and I really urge all of my
18 colleagues here to support this bill, so that we
19 can finally have better air quality. And it's
20 been estimated individual spends about 90 percent
21 of their time indoors, whether it's at home or at
22 work. So, if we can improve the air quality, we
23 can improve our health. Thank you very much.

24 CHAIRPERSON DILAN: Thank you very
25 much. At this time I'd like to ask the Clerk to

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2 couple all three bills on today's agenda, and ask
3 to, ask my colleagues to vote in favor of the
4 measures before us today.

5 CLERK: Kevin Pin, Committee Clerk,
6 roll call on the Committee on Housing and
7 Buildings, Intros 576-A, 578-A and 592-A. Council
8 Member Dilan.

9 CHAIRPERSON DILAN: I vote aye.

10 CLERK: Council Member Rivera.

11 COUNCIL MEMBER RIVERA: I vote aye.

12 CLERK: Comrie.

13 COUNCIL MEMBER COMRIE: [off mic] I
14 vote aye on the - - congratulations, Council
15 Member Gennaro, especially on the, the bill
16 regarding concrete. We had problems with concrete
17 manufacturers in my district and this will
18 hopefully - - to make sure that they keep all
19 their containment onsite. We had a very expensive
20 sewer project that just got completed in my
21 district, because of the - - concrete - - concrete
22 - - I look forward to this bill being enacted.

23 CLERK: Fidler.

24 COUNCIL MEMBER FIDLER: Aye.

25 CLERK: Gennaro.

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COUNCIL MEMBER GENNARO: Yes.

CLERK: Jackson.

COUNCIL MEMBER JACKSON: Aye on
all.

CLERK: Mark-Viverito.

COUNCIL MEMBER MARK-VIVERITO: Aye
on all.

CLERK: Mendez.

COUNCIL MEMBER MENDEZ: Aye on all.

CLERK: Crowley.

COUNCIL MEMBER CROWLEY: Aye on
all.

CLERK: Lander.

COUNCIL MEMBER LANDER: Aye.

CLERK: Williams.

COUNCIL MEMBER WILLIAMS: Aye, and
congratulations Council Members Chin and Gennaro.

CLERK: Oddo.

COUNCIL MEMBER ODDO: I'll vote no
on 578-A and yes on the others.

[pause]

CLERK: All items have been adopted
by a vote of 12 in the affirmative, zero negative,
no abstentions, except for Item 592-A, which is

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2 being adopted by a vote of eleven in the
3 affirmative--I'm sorry, 578-A, has been adopted by
4 a vote of eleven in the affirmative and one in the
5 negative. Members, please sign the Committee
6 report.

7 CHAIRPERSON DILAN: I hope Members
8 are signing the Committee report before they
9 leave, and what we will do is we will leave the
10 vote open for along as the rules allow, or as long
11 as practically possible to allow for some Members
12 who are in transit to cast their vote on today's
13 agenda. And at that time, the Committee will be
14 adjourned.

15 [pause, background noise]

16 CLERK: James.

17 COUNCIL MEMBER JAMES: I vote aye.

18 CLERK: Final vote on the Committee
19 on Housing and Buildings 13 affirmative, zero in
20 the negative, no abstentions, except for Item 578-
21 A, which was adopted by a vote of twelve in the
22 affirmative, one in the negative and no
23 abstentions.

24 COUNCIL MEMBER JAMES: [off mic]

25 Thanks, guys.

[pause]

C E R T I F I C A T E

I, JOHN DAVID TONG 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

A handwritten signature in cursive script that reads "John David Tong". The signature is written in black ink and is positioned to the right of the printed word "Signature".

Date January 10, 2012