

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ENVIRONMENTAL PROTECTION

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May 13, 2014

Start: 1:13 p.m.

Recess: 3:15 p.m.

HELD AT: Council Chambers
250 Broadway - Hearing Room,
16th Fl

B E F O R E: DONOVAN J. RICHARDS
Chairperson

COUNCIL MEMBERS:

Stephen T. Levin
Costa G. Constantinides
Rory I. Lancman
Eric A. Ulrich
Vincent J. Gentile
Margaret S. Chin

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

Angela Licata
Deputy Commissioner for Sustainability
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Thomas Matte
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Hygiene

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Gerry Kelpin
Director of Air and Noise Code Regulations
Regulations and Enforcement
New York City DEP

Annie Wilson
Environment One Justice Project

2 CHAIRPERSON RICHARDS: Good afternoon.

3 First, I want to acknowledge members of the committee
4 who have joined us, Council Member Costa
5 Costandinides. We also have Council Member Rory
6 Lancman, and we're honored to have Council Member
7 Margaret Chin who is a sponsor of one of the bills
8 today, and also Council Member Gentile. Thank you
9 guys for being here. Good afternoon. I am Chairman
10 Donovan Richards, Chair of the Environmental
11 Protection Committee, and today the Environmental
12 Protection Committee will hear Intros number 313,
13 312, 297, and 185. Four bills intended to help New
14 York City residents breathe more easily.

15 At this hearing, we expect to hear from
16 the Department of Environmental Protection and
17 various other stakeholders and advocates. Concern
18 about the poor air quality in New York City led the
19 Committee on February 28, 2014 to hold a hearing on
20 air quality impacts, measures, and mitigation in
21 environmental justice communities. Dozens of
22 environmental justice advocates from all over the
23 Northeast testified to a variety of air quality
24 concerns that either had not previously been given

25

1
2 serious consideration, or considered intractable
3 problems.

4 The difficulty in addressing a problem
5 that takes the lives of 2,200 New Yorkers annually
6 and the lack of an organizing focused response to air
7 quality threats and hot spots were the impetus for
8 Intro 313, which creates an Air Quality Task Force.
9 The Air Quality Task Force would include
10 representatives from community boards adjoining the
11 Queens Airport's community boards with very high
12 asthma rates, environmental justice advocates,
13 environmental advocate scientists, representatives of
14 governments or agencies, and the representative of
15 the Mayor's Office of Long-Term Planning and
16 Sustainability.

17 The Air Quality Task Force would be
18 charged with developing a report containing an
19 analysis of the sufficiency of the current laws to
20 address impaired air quality and recommendations for
21 state or local legislative or policy changes, or
22 mitigation measures that would help the city increase
23 accountability for impaired air quality and improve
24 air quality.

1
2 Intro Number 312 is intended to address
3 some of the worst health impacts resulting from
4 climate change in urban areas, high heat, and poor
5 air quality. These factors caused 24 deaths in New
6 York City in the summer of 2011, according to the New
7 York City Chief Medical Examiner. The Department of
8 Health and Mental Hygiene projects that due to
9 climate change the number of days per year with
10 temperatures in excess of 90 degrees in New York City
11 could increase from the eight to nine days we
12 currently experience to 40 to 89 days. I don't look
13 forward to that.

14 Recent studies show that heat-related
15 deaths in Manhattan are expected to rise by as much
16 as 20% by the 2020s, and as much as 90% by the 2080s.
17 According to the Department of Mental Health and
18 Mental Hygiene, the elderly are disproportionately
19 susceptible to health related mortality factors.
20 Heat related mortality, which will also
21 disproportionately affect other populations with
22 illnesses, such as heart disease, diabetes,
23 respiratory diseases, and psychiatric cognitive
24 disorders. In New York City people of color are
25 disproportionately represented in the high-risk

1 groups that are also more susceptible to the heat-
2 related mortality factors noted above.

3
4 The Federal Government, the Environmental
5 Protection Agency, the State Department of Health,
6 and the Department of Environmental Conservation have
7 created a voluntary program that alerts New York
8 State residents when ozone or particulate matter
9 concentrations for forecasted to be unhealthy.

10 Unfortunately, these Air Quality Alert Days, which
11 are posted at least eight times each summer on the
12 Air Now website, are mostly ignored. Studies on
13 population in Southern California have shown that
14 although some level of care is taken by children and
15 elderly on these Air Quality Alert Days, working
16 adults often do not, or cannot make efforts to alter
17 their daily routine when it means staying home and
18 not going to school or work.

19 Intro Number 312 creates an Air Quality
20 Alert Response Program, which would operate between
21 March 15th and September 15th. And would allow for
22 the creation of a notification registry that includes
23 an email Air Quality Alert with the language: If you
24 have been diagnosed with a breathing problem or a
25 lung disease, such as chronic obstructive pulmonary

1 disease or asthma, you may be entitled to a
2 reasonable accommodation from your employer. Such
3 as, where feasible, teleworking on days identified as
4 Air Quality Alert Days by this notification system.
5 Thirty-six states currently promote telework options
6 for environmental and health reasons. The Air
7 Quality Alert Response Program would also prohibit
8 city vehicles from refueling between 12:30 p.m. and
9 6:00 p.m. on Air Quality Alert Days. We would also
10 generally encourage a reduction in vehicles used by
11 private vehicles. Finally, the Air Quality Alert
12 Response Program would require measures to protect
13 the health of susceptible persons including, but not
14 limited, to the distribution of cooling systems from
15 susceptible populations.
16

17 Intro Number 2097 focuses on traffic
18 congestion, a longstanding problem and serious
19 problem in every urban area including New York City.
20 Sitting in traffic can be deadly. Researchers from
21 the Harvard School of Public Health researched
22 traffic congestion, and found that there is strong
23 evidence for a causative role for traffic-related air
24 pollution and premature death, particularly from
25 heart attacks and strokes. New Public Health studies

1
2 also suggest that traffic fumes can cause adverse
3 impacts on mental capacity, intelligence, and
4 emotional stability. Even prenatal exposure to
5 traffic can have devastating effects.

6 Intro Number 297 calls for air quality
7 monitoring of heavy use thoroughfares and
8 recreational areas. Where the results of the air
9 quality monitoring on adjoining heavy use
10 thoroughfares indicate that levels of any regulated
11 air contaminant constitute a violation of an existing
12 standard for that regulated air contaminant. Or
13 contribute to actual or potential danger to public
14 health or the environment, or present a health risk
15 to at-risk populations based upon the most recent
16 research available. The Local Law calls for the
17 Department of Environmental Protection along with the
18 Departments of Transportation and Education to
19 identify, develop, and require the implementation of
20 corrected mitigation measures that significantly
21 reduce or eliminate short-term and long-term exposure
22 risks.

23 Intro Number 185 will address monitoring
24 for portable generators that run building systems.
25 As noted earlier, the impacts of climate change

1
2 include sea level rise, changes to coastlines, and
3 coastal wetlands, human health impacts, environmental
4 justice impacts, and severe weather including
5 draughts and hurricanes that would damage our
6 infrastructure.

7 Super Storm Sandy is a classic example of
8 how the impacts of climate change in general, and
9 particularly storms can result in unattended --
10 unintended consequences, such as the use of large
11 portable generators powering building systems, which
12 were flooded during the storm. Although these
13 systems were used in an emergency, there is very
14 little reason to conclude that this will never happen
15 again. We should anticipate this reoccurrence and
16 prepare to regulate portable generators so that they
17 may be safely used in the future.

18 Intro Number 185 calls for air quality
19 monitoring where such portable generators are used
20 for 48 continuous hours or 96 hours in any 7-day
21 period, and used within 150 feet of a residential
22 building along with weekly reporting of the result of
23 this monitoring. We all make decisions that
24 contribute to greenhouse gas emissions and climate
25 change. With these four bills, the Council can begin

1
2 to take steps to reduce air pollution caused in part
3 by the use of fossil fuels, and the adverse impacts
4 of climate change.

5 Now, we will hear from some of the co-
6 sponsors of the bill. The first person we will hear
7 from, if you wish to make remarks, is Council Member
8 Margaret Chin, who is the sponsor of the Generator
9 Bill, and we've been joined by Council Member Ulrich.
10 Thank you.

11 COUNCIL MEMBER CHIN: Thank you. Good
12 afternoon. First, I'd like to thank Council Member,
13 the Chair of the Environmental Protecting Committee
14 for holding this important hearing on air quality in
15 our city. Today, the Committee will be hearing
16 testimony about four bills, one of which I
17 introduced, and all of which I support, that are
18 aimed at improving the air we breathe in the city.

19 Intro 185, the bill I am sponsoring, will
20 recreate a permitting and monitoring system for
21 portable generators. In my district, the use of
22 generators were a big issue post-Sandy. During the
23 recovery, many used generators of questionable
24 standards underneath residential building windows,
25 and we heard numerous complaints from residents about

1 emissions entering people's apartments. It's not
2 just a Sandy issue either. When streets or building
3 construction projects use generators for an extended
4 period of time, these generators can impact
5 residents' daily lives and health. What this bill
6 will do is ensure that generators have to meet
7 certain air quality standards if they are being used
8 for an extended period near residential buildings.
9 It's about making our city a greener, cleaner, and
10 healthier place to live, and I hope my colleagues
11 will join me in supporting this legislation.
12

13 I also wanted to briefly express my
14 support for the three other bills on the agenda
15 today. Intro 297 will require air quality monitoring
16 at designated heavy use thoroughfares. Well, that's
17 pretty much described a lot of my district of Lower
18 Manhattan with the Holland Tunnel, the Brooklyn
19 Battery Tunnel, and the Brooklyn-Manhattan and
20 Queensboro Bridge traffic. I need to see this bill
21 passed. Intro 312 and Intro 313 will likewise create
22 pre-awareness of our air quality in our city, and
23 will push for stronger and more comprehensive
24 strategies to ensure that the air we are breathing is
25

1 clean and safe. So I support this bill, and I look
2 forward to the hearing. Thank you.

3
4 CHAIRPERSON RICHARDS: Thank you, Council
5 Member Chin. We will now hear from Council Member
6 Gentile, who is the sponsor of Intro 297.

7 COUNCIL MEMBER GENTILE: Thank you, Mr.
8 Chairman, and thank you Council Member Chin for that
9 endorsement of 297. That was very nice, and Council
10 Member -- Mr. Chairman if you would excuse me. I may
11 not stay very long. There's another delegation, the
12 Brooklyn Delegation meeting going on at the same
13 time. So I may have to slip out, but as you heard in
14 the Chairman's opening remarks, air pollution is a
15 significant environmental threat. The New York City
16 Department of Environmental Protection's own website
17 cites a statistic that air pollution contributes to
18 an estimated 6% of deaths in the city each year.

19 Studies show that children are
20 particularly susceptible to exposure to air
21 pollution, which can lower IQ scores even before
22 birth, and increase the likelihood that they will
23 develop respiratory problems later in life. Parents
24 shouldn't have to fear that they are exposing their
25 children to dangerous conditions when they send them

1 to school, or take them to the playground or park.
2 My bill would require that air monitors be placed at
3 designated heavy use thoroughfares and outside of
4 parks, playgrounds, ball fields, and school
5 playgrounds that will join designated heavy use
6 thoroughfares, and require annual reports on the
7 results of this monitoring.
8

9 New Yorkers have a right to know when
10 they're exposed to dangerous airborne contaminants
11 that may be hazardous to their health. This bill
12 highlights thoroughfares that may be susceptible to
13 the poor levels of air quality, and locations close
14 to these thoroughfares where New Yorkers tend to
15 congregate. This common sense legislation will give
16 our constituents the knowledge they need to protect
17 themselves and their families, and will help the city
18 identify problem areas where steps need to be taken
19 to improve air quality. With that, I thank the
20 Chairman again for his time in considering this bill,
21 and I look forward to hearing the thoughts of my
22 council members who are here to testify -- and the
23 testimony of today's hearing.

24 CHAIRPERSON RICHARDS: Thank you Council
25 Member. Now, we will hear from the Administration.

2 [Pause]

3 LEGAL COUNSEL SWANSTON: Please raise
4 your right hand. Do you swear or affirm to tell the
5 truth, the whole truth, and nothing but the truth
6 today?

7 DEPUTY COMMISSIONER LICATA: I will.
8 Good afternoon, Chairman Richards, and council
9 members. I am Angela Licata, Deputy Commissioner for
10 Sustainability in the New York Department of
11 Environmental Protection. I am joined today by
12 Assistant Commissioner Thomas Matte of the Bureau of
13 Environmental Surveillance and Policy at the
14 Department of Health and Mental Hygiene. And by
15 Deputy Commissioner Keith Kerman of the Department of
16 Citywide Administrative Services, as well as staff
17 from our agencies.

18 Thank you for the opportunity to testify
19 on these four introductions that address important
20 air quality issues. Despite marked progress in
21 recent years, air pollution in New York City still
22 has a significant impact on public health especially
23 among the most formidable groups. The Administration
24 supports continued action including laws, regulations
25 and other initiatives that improve air quality, and

1
2 promote public health. However, these laws must
3 balance efforts for data collection through air
4 monitoring with scientific research, policy
5 development, regulation, and enforcement. The City's
6 clean air efforts should be designed to advance
7 efficient, and effective emissions reduction, and
8 control strategies that complement existing local,
9 state, and federal measures. The Administration
10 looks forward to working with the Council to give
11 practical effect to this principle and these proposed
12 laws.

13 Intro 185. This bill proposes to require
14 that operators of portable generators obtain a
15 certificate of operation and that the generator be
16 continuously monitored when used for more than the
17 threshold time period. The administration recognizes
18 the value of their monitoring as part of an overall
19 air quality management regime. But there are
20 important limitations on whether ambient monitoring
21 can detect the emissions contribution of a particular
22 generator or source. In many New York City locations
23 the density of on-road vehicles and buildings, and
24 their contributions to ambient air pollution in the
25 vicinity of the monitor will far exceed the emissions

1 from a single portable generator, even if the
2 generator is malfunctioning. Also, the ability of a
3 monitor to detect the impact of a particular
4 generator will depend on wind speed and direction
5 relative to the generator. So a single stationary
6 monitor would not suffice even if emissions were
7 great enough to have a measurable impact against the
8 background of pollution from other sources.

9
10 Finally, continuous monitors that can
11 operate in all weather conditions and transmit data
12 for remote monitoring are costly, and require
13 electric utility connections. Requiring such
14 monitoring for each portable generator would,
15 therefore, be extremely expensive, logistically
16 complex, and ultimately infeasible.

17 DEP further recognizes the need to
18 clarify which requirements apply to the regulation of
19 generators as a whole, and to portable generators in
20 particular. A smoke test can be used to determine
21 whether a generator is functioning as designed
22 without costly air monitoring. In Intro 271, which
23 will revise and update the City's Air Pollution
24 Control Code, the Administration has proposed that
25 the registration of any generator, including portable

1 generators, include documentation that the generator
2 has passed a smoke test, performed in accordance with
3 the procedures set forth in U.S. Environmental
4 Protection Agency's Method 9: Visual Determination
5 of the Opacity of Omissions from Stationary Sources.
6 Alternatively, a professional engineer or registered
7 architect can certify that a Stack Test has been
8 performed. Although DEP has always required a smoke
9 test, DEP supports requiring that the methodology
10 used should be the Method 9 Opacity Test.
11

12 Regarding the requirements to file a
13 certificate of operation, rather than a registration
14 for a portable generator, we believe the simple
15 registration process is more appropriate for portable
16 generators falling within the size range of equipment
17 covered by the code. In both the existing and the
18 revised code, as proposed in Intro 271, all boilers
19 and process equipment including generators, are
20 required to obtain a registration or a certificate of
21 operation based on the size of the boiler. Obtaining
22 a certificate of operation is a more detailed and
23 time-intensive process than a registration.
24 Therefore, in the Revised Code, we raise the
25 threshold size for equipment that will require a

1 certificate in order to account for advances in
2 technology and cleaner fuels.

3
4 In the existing code, the lower size
5 range of boilers and generators that require a
6 certificate of operation was based on the fuel
7 choices and emission ratings of equipment for more
8 than 40 years ago. Given these factors, we believe
9 that the registration is more appropriate for the
10 portable generators covered by Intro Number 185. The
11 change from requiring a certificate of operation to a
12 registration will not involve a loss of data since
13 the registration application for portable generators
14 will be captured -- will capture all pertinent engine
15 information. The level of detail built into the
16 certificate of operation process focuses on
17 demonstrating how the piece of equipment will tie
18 into the building's emission system. A portable
19 generator is a piece of stand-alone equipment, and
20 focusing instead on the equipment characteristics
21 accomplishes the goal of identifying and better
22 understanding the emission profile of the generator.

23 Intro 297: This bill proposes to require
24 air monitoring on heavy use thoroughfares, which are
25 defined as any highway, roadway, or other traffic

1 corridor that has traffic volume greater than the
2 50th percentile of the average New York City roadway
3 corridors, or has traffic in excess of 100,000
4 vehicles on an annual basis. We assume that this is
5 intended to be consistent with EPA guidance for
6 determining what is a heavy use thoroughfare. And
7 which requires one near roadway nitrogen dioxide
8 monitor in all metropolitan areas with over 500,000
9 persons. And two monitors in metropolitan areas with
10 over 2.5 million persons, or one or more roadways
11 with over 250,000 vehicles on average per day.

12 Street level air monitors would be
13 required at a minimum of two major intersections on
14 every designated heavy use thoroughfare, and at every
15 recreational area by December 30, 2015. An annual
16 report of monitoring results would be submitted to
17 the Speaker and Mayor posted on the DOHMH's website
18 team. We are supportive of programs that reduce
19 exposures to traffic-related pollutants, and reduce
20 the public health burden of traffic pollution.

21 However, we have three concerns about how the bill as
22 written. First, it would be prohibitively extensive
23 to implement. Second, it would not take advantage of
24 existing air quality data to identify locations most
25

1 impacted by traffic, and other combustion pollution.

2 And third, we believe resources would be better spent
3 identifying feasible actions the city can take to
4 further reduce traffic pollution.
5

6 Concerning the cost of feasibility of
7 implementing the bill as written, we believe the
8 amounts of monitoring proposed by this bill is
9 problematic, and compliance with the bill as drafted
10 would require a tremendous amount of resources posing
11 an unfunded mandate for the City. We estimate that
12 one monitor could cost approximately \$150,000 to
13 \$250,000 a year to operate and maintain.

14 Extrapolated to the number of roadways to which the
15 monitoring requirement might apply, the monitoring of
16 cost alone would place an unsustainable burden on the
17 City.

18 Based on the New York Metropolitan
19 Transportation Council data, Intro 297 would require
20 97% of roadway links in New York City to have
21 monitors because they exceed 100,000 vehicles
22 annually. This amounts to approximately 54,000
23 monitored roadway links. If we look at an average
24 traffic by unique road means, averaging the daily
25 traffic across links on the same road, then 1,119

1 unique roadways exceed 100,000 vehicles annually.
2
3 Out of the 1,163 uniquely named roadways in New York
4 City in Mintix [sp?] Database. Even looking at
5 roadways that exceed the 50th percentile of roadways,
6 would include over 580 roadways that would require --
7 that would qualify as a heavy use thoroughfare.

8 An additional technical problem with the
9 bill as written is in the range of air pollutants for
10 which monitoring would be required. The bill defines
11 regulated air contaminant as oxides of nitrogen,
12 volatile organic compounds, sulfur dioxide,
13 particulate matter, carbon monoxide, carbon dioxide,
14 polycyclic aromatic hydrocarbons, and another air
15 contaminant for which a National Ambient Air Quality
16 Standard has been promulgated. Or, any air
17 contaminant that is regulated under Section 112 of
18 the Clean Air Act, as amended. This includes
19 pollutants that do not have a National Ambient Air
20 Quality Standard or NAAQS, such as carbon dioxide.

21 The only EPA standard that is relevant to
22 new road concentrations is the Nitrate Dioxide Short-
23 Term Standard, 100 parts per billion, PPB, a one-hour
24 maximum standard, or NO₂ for one hour. For the
25 remaining pollutants, in order to obtain ambient

1 concentrations to estimate human exposure, the NAAQS
2 refers to levels based on monitoring conducted away
3 from roadways such as on rooftops. Collecting
4 extensive near-road data would not be comparable to
5 standards for those pollutants with ambient air
6 quality concentrations. Examples: Sulfur dioxide
7 and carbon monoxide.
8

9 Other pollutants mentioned in the bill
10 such as VOCs and PAHs, do not have ambient air
11 quality standards with which monitoring results could
12 be compared. Another concern about the bill is that
13 monitoring proposed would not take advantage of data
14 already being collected to inform locations most
15 heavily affected by traffic and other combustion
16 pollutants. For the only relevant concentration for
17 which there is a Near Roadway Standard, NO2 one hour,
18 EPA Guidance for selecting locations where air
19 quality standards exceedances may occur, calls for
20 using combinations of traffic counts, truck counts,
21 and indicators of congestion.

22 EPA technical assistant documents
23 indicate the longer term monitoring, the same type of
24 monitoring that is currently used by New York City's
25 Community Air Survey or NYCCAS, can be used in a

1 comparative manner to identify these road segments
2 that have a relatively higher probability of
3 experiencing peak NO2 concentrations on a shorter
4 time scale. With NYCCAS, New York City already has
5 the most extensive local air monitoring program of
6 any U.S. city. EPA risk evaluation documents provide
7 the estimated conversion ratios to convert annual
8 average concentrations of NO2 like those monitored
9 and modeled by NYCCAS to short-term maximum relevant
10 -- maximums relevant for comparisons to the standard.

12 Using data collected by NYCCAS, over the
13 last five years, and collected on an ongoing basis,
14 the city can identify locations in the city that are
15 expected to exceed the NO2 Near-Road Standard.
16 Initial analysis shows that the exceedances are
17 expected to occur in Midtown, in Lower Manhattan, and
18 along major transportation corridors in Northern
19 Manhattan, Brooklyn, and Queens. Fortunately, some
20 progress has been made, and as you know, the city
21 fleet is the cleanest it has ever been. The
22 Administration and this Council worked together to
23 pass a series of laws that require increased fuel
24 economy for on-road city vehicles, the use of
25 biodiesel in all of the city's fleet, the phase-out

1
2 of older, dirtier vehicles, and the use of clean
3 vehicles by city construction contractors.

4 This combination of regulations has
5 dramatically reduced emissions from the city's fleet
6 as well as requiring all heavy duty waste trucks that
7 operate in the city to achieve EPA standards for 2007
8 model year engines by the Year 2020. The estimated
9 average particulate matter emissions percentage
10 reductions per vehicle in Fiscal Year 2011 through
11 Fiscal Year 2012 is approximately 49%. In addition,
12 the Department of Transportation has an extended
13 pilot project to reduce truck deliveries during the
14 day when traffic volumes are the highest and require
15 deliveries at night.

16 Finally, research on anti-idling
17 technologies will mean less oxides of nitrogen and a
18 discernible reduction in emissions. We believe that
19 more investments in these types of approaches that
20 have proven to make progress thus far, making use of
21 available data, strategic collection of additional
22 data, and an analysis of potential strategies for
23 pollutant reduction would be a better use of
24 resources than the monitoring proposed under the
25 bill.

1
2 Intro 312: The Administration agrees
3 that Air Quality Alerts and full disclosure of
4 significant public health risks are important issues.
5 This bill proposes to amend DOHMH's authority to
6 require the establishment of an air quality alert
7 response program to get in operation between March
8 15th and September 15th of each year. This program
9 would include the creation of a notification
10 registry. But allows city residents to sign up to
11 receive notification of Air Quality Alerts by
12 telephone, electronic mail or text message.

13 The alerts must contain certain
14 information in the language. We would first like to
15 note that the legislation and findings could be read
16 to imply that New York City has consistently been in
17 violation of the Clean Air Act, which is inaccurate.
18 We comply with the Clean Air Act, and while New York
19 City is not yet in full attainment of all National
20 Ambient Air Quality Standards, we are currently in
21 compliance for most of these standards.

22 The Administration believes that the
23 goals of Intro 312 are worthwhile, but that they can
24 be met in a more cost-effective way through better
25 promotion to city residents of existing notification,

1 and air quality alert systems managed by the State
2 and federal governments. Current levels and
3 forecasts are also available from the New York State
4 Department of Environmental Conservation or DEC. And
5 we have provided the email address and links for
6 EPA's Air Now Service or by calling the New York
7 State Air Quality Hotline.
8

9 Air Now also offers subscription services
10 that can provide daily air quality texts or email for
11 a specific area. Further, the Notify NYC Service
12 provides subscribers with public health emergency
13 messages, including air quality health advisories.
14 Based on the advisories issued by DEC, individuals
15 can either check the websites and social media feeds,
16 download Smart Phone apps, call a hotline or sign up
17 for a service that provides current levels and
18 forecasts by emails or by these texts. These
19 services are all free of charge.

20 Last year, New York City had 11 days for
21 which air quality was designated unhealthy for
22 sensitive groups, which means that the Air Quality
23 Index exceeded 100 and an Air Quality Advisory was
24 issued. Over the last ten years, there has been an
25 average of 27 such days a year, most often for high

1 ozone levels in the summer season. Sensitive groups
2 include those with lung disease, older adults and
3 children who are at greater risk from exposure to
4 ozone and fine particles, the two most significant
5 air pollutants impacting health in New York City.
6

7 DOHMH data from the Community Health
8 Survey shows that only about one-quarter of New York
9 City adults are aware of these advisories. We
10 believe that in partnership with the Council we can
11 do more to promote these existing services. However,
12 we do not believe that there is a need to invest
13 additional resources to create a redundant system,
14 especially since the trigger for these alerts comes
15 from DEC data rather than data under the control of
16 New York City. In fact, given the inevitable delays
17 in receipt and recreation of the alerts in any given
18 day, New Yorkers would hear much sooner if they
19 subscribed directly to DEC's hotlines and text
20 services.

21 Regarding the teleworking requirement,
22 without additional details on possible arrangements
23 under the proposed legislation, the operational
24 impact is difficult to project. There is currently
25 no citywide telework program for city employees.

1 While citywide personnel time and leave policy during
2 emergency authorizes alternative work sites and/or
3 schedules to ensure continuity of operations,
4 telework policies would be subject to collective
5 bargaining for represented employees. This bill
6 would cover all employees, but we comment only on the
7 potential effect on City employees.
8

9 Federal law and the City's Human Rights
10 Law requires that employees make reasonable
11 accommodations for people with disabilities, which
12 may include individuals suffering from conditions
13 that cause breathing difficulties. A reasonable
14 accommodation includes working offsite. It is
15 important to note, however, that some individuals may
16 actually prefer to come to work on days with Air
17 Quality Advisories depending on whether he or she has
18 air conditioning at home, relevant pollutant levels
19 of the home, and work environment and other factors.

20 With regard to the restrictions that
21 would be placed on refueling of city's fleet vehicle,
22 New York City operates one of the cleanest, most
23 sustainable fleets in the nation. The fleet has over
24 6,000 hybrids, plug-in electric vehicles, and
25 operates all of its diesel equipment using biodiesel

1 blends. Following the City Council's lead, we are
2 also replacing or retrofitting all of our diesel
3 equipment so it uses diesel particulate filters to
4 contain harmful exhaust. We support efforts and
5 ideas to continue our leading fleet's sustainability
6 ability.

7
8 However, a ban on refueling during these
9 times could cause significant disruption to afternoon
10 and night operations. It was mandated in 2000 that
11 all passenger vehicles would be equipped with on-
12 board vapor recovery systems but -- systems for
13 gasoline fumes. In 2006, they're light and medium
14 duty trucks. In addition, city fueling stations are
15 equipped with the same technology as our most private
16 stations. Given these controls, the air emissions
17 from the fueling are minimal. The bill also raises
18 practical questions about city operations, how city
19 operations, I'm sorry, would be affected by the
20 proposed vehicle and fueling restrictions.

21 First, it is uncertain whether City
22 agencies will be allowed to accept both fuel
23 deliveries during Air Quality Advisory Days, which
24 could compromise city agency functions especially
25 during periods of consecutive Air Quality Advisory

1 Days. Furthermore, state vehicle and traffic laws
2 specifically defines emergency services vehicles.
3 However, thousands of other City fleet units from
4 agencies such as the Department of Transportation,
5 Parks, and DEP are used to perform critical functions
6 during emergency periods including heat alerts. The
7 ability of agencies to perform essential functions
8 could be seriously affected because it does not fall
9 under the State's definition of emergency service
10 vehicles.
11

12 We are, therefore, convinced that the
13 potential operational impacts of barring refueling,
14 or restricting fleet operations during heat alert
15 days outweigh any environmental benefits.
16 Restricting our ability to refuel and operate
17 thousands of city vehicles, would affect a wide
18 variety of essential city services or require costly
19 overtime to compensate. Topping off all trucks, all
20 tanks -- sorry -- for internal fueling sites, and for
21 essential fleet services is one of our emergency
22 preparedness steps for potential blackouts including
23 during periods of high energy use.

24 Intro 313: It is important to note from
25 the outset that New York State has redesignated the

1 City of New York as being an attainment for
2 Particulate Matter 2.5 microns. This achievement is
3 attributable in part to recent air quality regulatory
4 programs including amendments to mobile source and
5 boiler regulations. However, we and DOHMH agree that
6 more work is needed to further reduce PM 2.5
7 pollution in New York City, which continues to cause
8 significant harm to public health even at levels
9 below the National Ambient Air Quality Standard.

11 Working groups serve an important
12 function in fostering discussion of important air
13 policies. DEP has a very successful working group on
14 noise rules, and seeks to import a similar group into
15 the Revised Air Code. In this proposed bill, there
16 are a limited number of community groups represented,
17 and those that are included are not necessarily from
18 community boards with the worst air quality or asthma
19 rates in New York City. In addition, we note that
20 the policies in many other sectors such as
21 transportation, land use, housing, energy efficiency
22 have implications for air quality.

23 Whatever advisory group is created to
24 make recommendations for clean our policy, should
25 represent a broad range of neighborhoods, including

1
2 the neighborhoods with the worst air quality and
3 asthma rates, and stakeholders with all relevant
4 sectors. A group like the Sustainability Advisory
5 Board convened to provide input on PlaNYC, but
6 including a broader range of community stakeholders,
7 or a similar body might be a more effective and
8 suitable approach.

9 This group could propose various
10 strategies to the City that the City might employ to
11 address complex air pollution sources such as
12 traffic. In addition, the group could evaluate
13 control technologies, and focus on small area source
14 permits with a particular focus on environmental
15 justice communities. The function may help us focus
16 on more specific and attainable goals that may help
17 realize the intent of this legislation.

18 Finally, as a practical matter, this
19 suite of proposed bills requires DEP and DOHMH to
20 promulgate rules within an unreasonably short time
21 frame that does not adequately account for the
22 rulemaking process. The time frames provided do not
23 account for the City Administrative Procedure Act,
24 which at a minimum takes 60 days after the Law
25

1
2 Department and Mayor's Office of Operations review
3 and approve the publication of the rule.

4 Moreover, time needs to be provided to
5 respond to comments on the proposed rule to ensure
6 that the public is able to meaningfully participate
7 in the rulemaking process. Therefore, we strongly
8 recommend an effective date of at least six months
9 after passage. Going forward, we hope to work with
10 this Committee to address these concerns, and craft
11 bills that will ensure that we make steady progress
12 towards improving air quality for all New Yorkers.
13 Thank you for the opportunity to testify.

14 CHAIRPERSON RICHARDS: Thank you.

15 [Pause]

16 CHAIRPERSON RICHARDS: Okay.

17 ASSISTANT COMMISSIONER MATTE: I don't
18 have prepared testimony, but I'm happy to be sworn in
19 if you want me to. I'm here to help answer questions
20 with Deputy Commissioner Licata.

21 CHAIRPERSON RICHARDS: All right, so we
22 will hear -- I will yield to Council Member Gentile,
23 who has to be a Brooklyn Delegation meeting, for
24 questions first.

1
2 COUNCIL MEMBER GENTILE: Thank you, Mr.
3 Chair, and thank you Commissioner Licata for a very
4 extensive and well prepared testimony, very
5 substantive. It's probably about as dense of a
6 testimony as I've seen in a while. But it certainly
7 covered a lot of bases, and maybe beyond some of the
8 technical knowledge that we have here. But let me
9 just focus on Intro 297, and my colleagues can talk
10 about some of the other bills. When you say in Intro
11 297 you talk extensively about the several
12 deficiencies you see in it. But the fact is I think
13 we all understand that a problem exists in these
14 heavy use thoroughfares. So with that problem, it
15 seems to me that just to say that it's prohibitively
16 expensive to try to address that problem, isn't good
17 enough when we have -- Yes, we do have extensive --
18 we have extensive roadways that might qualify, but
19 just to say we can't do it because it's prohibitively
20 expensive, doesn't seem good enough.

21 DEPUTY COMMISSIONER LICATA: I think what
22 we're trying to say in essence is that we believe we
23 have sufficient data to point us to locations with
24 the greatest problems. And that we might be able to
25 jump to the next step of making recommendations to

1 address the issues on those specific roadways, and in
2 those areas. But I would like to turn that over to
3 Tom Matte, who is very instrumental in the -- New
4 York City's Community Air Survey, and so has
5 extensive knowledge of the data.
6

7 ASSISTANT COMMISSIONER MATTE: Thank you
8 Deputy Commissioner, and thank Council Member and Mr.
9 Chairman. We are very enthusiastic about the idea of
10 the City taking a more assertive role in trying to
11 reduce traffic pollution. I completely agree with
12 all the points made about what the science says. And
13 really, our belief is that with data that we've
14 collected, and we've shared with the public about
15 where the City has these pollution hot spots. They
16 involve to great extent traffic. They also occur
17 where traffic coincides with a density of building --
18 of emissions from stationary sources like buildings.

19 That's a difference from New York City --
20 New York City from many other parts of the country
21 that EPA had in mind when it crafted the regulation.
22 But we believe that we know enough about where
23 roadways are that are likely to be in violation of
24 the new Near Roadway NO2 Standard, roadways that --
25 and locations that are most heavily impacted by

1 traffic pollution. We think we can always do more to
2 raise public awareness of that. We advise people
3 currently that they can reduce their exposure already
4 by avoiding heavy physical activity on days when
5 there's poor air quality, or in locations where
6 there's a concentration of emissions like busy
7 roadways.

9 I think really the challenge that we're
10 facing is traffic pollution reducing it really
11 requires doing one of two things or some combination
12 of them. It requires reducing vehicle miles traveled
13 on the roads. So that could include getting people
14 to shift from driving to public transit or other
15 sustainable means of transportation or cleaning up
16 the fleets, reducing the emissions per vehicle mile
17 traveled. And doing some combination of those things
18 particularly addressing the problem of traffic
19 congestion would not only be benefitting the City in
20 terms of cleaner air, but it has many other potential
21 benefits. I know that's not the topic of this
22 hearing, but creating more space for pedestrian and
23 bicycle infrastructure. Addressing traffic safety by
24 reducing traffic congestion, reducing noise and so
25 forth.

1 So we're very supportive of doing more on
2 traffic pollution. Our monitoring network, which we
3 established in 2008 is really unique. It isn't --
4 they're not real time monitors like DEC uses to
5 monitor compliance with the Engineer Quality
6 Standard. And the reason for that is that we could
7 not afford to monitor even at the 100 or so locations
8 that we're monitoring at presently with that
9 technology. But it's a scientifically valid way of
10 determining where the hot spots are, and what those
11 hot spots are associated with. So that's really more
12 the -- our objection to the legislation as written.
13 We completely are in accord with your concern about
14 traffic pollution. In recent years we were able to
15 tackle -- I don't want to call it low hanging fruit,
16 because it took a lot of work. But to address the
17 problem with heavily polluting heating oils in New
18 York City. Traffic pollution is a really difficult
19 problem, and what the city can do has some limits
20 because of jurisdictional issues. But we think that
21 there is more that can be done and we're be anxious -

22 -

23
24 COUNCIL MEMBER GENTILE: [interposing]

25 Let me --

1
2
3 ASSISTANT COMMISSIONER MATTE: -- to work
4 with you.

5 COUNCIL MEMBER GENTILE: Let me take up
6 the issue that you're saying there's current data
7 available, but you will also say in -- I guess you
8 said in your testimony that there's certain
9 pollutants like the Volatile Organic Compounds, and
10 Polycyclic Aromatic Hydrocarbons that at least I
11 think what you're saying is that you don't know what
12 levels of those pollutants that are mentioned in this
13 bill. You know don't know what levels are unhealthy
14 or dangerous, and so you said the data is not there.
15 You don't know what levels are unhealthy or
16 dangerous. So that's a concern. Wouldn't that be a
17 concern to you?

18 ASSISTANT COMMISSIONER MATTE: I would
19 characterize the statement a little bit differently.
20 Polycyclic Aromatic Hydrocarbons, which are a bi-
21 product of all sorts of fuel combustion as well as
22 tobacco smoke, wood burning, fuel combustion in
23 vehicles, fuel combustion in buildings. Polycyclic
24 Aromatic Hydrocarbons many of them are carcinogens.
25 We know that the levels are going to be higher in

1
2 areas where there's higher levels of particulate
3 matter, which we do monitor. And we don't -- we
4 think that because these are carcinogens probable or
5 actual carcinogens, that whatever can be done to
6 reduce the exposures, which are going to be higher in
7 these combustion hot spots, we should do. The point
8 about PAH is there isn't a National Ambient Air
9 Quality Standard like there is for PM 2.5 that
10 basically says the City -- these monitors that are
11 rooftops have to maintain certain levels for the city
12 to do what is considered to be an attainment. So PHs
13 are an air pollutant. That's important. The way to
14 reduce exposure to PH is the way to reduce people's
15 exposure to fine particles that will -- The two will
16 tend to vary to the other to a great extent.

17 COUNCIL MEMBER GENTILE: Then you go on
18 to say that the other pollutants that are in this
19 bill are really monitored based on air quality away
20 from roadways. And you monitored -- the levels,
21 acceptable levels are levels that are taken, for
22 example, on a rooftop. But if you were to monitor in
23 a roadway, and those levels exceeded what you have at
24 a rooftop, wouldn't you just --

2 ASSISTANT COMMISSIONER MATTE:

3 [interposing] Yes.

4 COUNCIL MEMBER GENTILE: -- then presume
5 that that is a dangerous level that you're monitoring
6 it at the roadway?

7 ASSISTANT COMMISSIONER MATTE: So let me
8 just clarify that point, and I also want to
9 acknowledge that the testimony was very dense. We
10 were collaborating on this testimony over a pretty
11 short period of time, and sometimes it takes longer
12 to make something more concise. So I want to
13 acknowledge there was a lot to digest. The
14 monitoring that is done by the State Department of
15 Environmental Conservation to determine compliance
16 with what we call the NAAQS, the National Ambient Air
17 Quality Standard.

18 That monitoring is and always has been
19 done on these monitors that have to be sited away
20 from busy roadways. Because of that, when we
21 launched the New York City Community Air Survey, we
22 wanted to study street level air pollution. And
23 that's what we monitor with our portable, with what
24 we call Integrated Sampling Units. We monitor the
25 major pollutants, including NO2 Fine Particles, SA2.

1 We monitor them at street level on the light pole
2 monitors because we realized that the existing
3 monitoring network first of all didn't have enough
4 monitors to identify hot spots. And it didn't have
5 monitors at street level where the pedestrians are.
6 And so we know that the levels of these pollutants
7 that we measure near street level, and that includes
8 PM 2.5, are higher than they are at the regulatory
9 monitors. And further, we know -- not just that we
10 know, but the scientific research shows that levels
11 of PM 2.5, which is the most important pollutant for
12 public health in New York City. Even at the levels
13 below attainment of the Ambient Air Quality Standard
14 are harmful to health. So, our view is that the
15 City, you know, there are benefits to going into
16 attainment of the National Ambient Air Quality
17 Standard. Transportation funding is otherwise
18 impacted. But we don't think that that should be the
19 benchmark for where the city stops. We should be
20 working to reduce exposure to fine particles because
21 as was mentioned in the testimony, and the opening
22 remarks by the Chairman, at the current levels, which
23 are in attainment of the current standard in effect,
24 we estimate that there are more than 2,000 premature
25

1 deaths in New York City caused by particle pollution.
2
3 And the story is the same for ozone. It's not as big
4 a cause of death, but the health effects of ozone as
5 far as we know, do not stop with attainment of the
6 Ambient Air Quality Standard.

7 COUNCIL MEMBER GENTILE: Let me just say,
8 though, your testimony indicates here that you
9 believe the only relevant standard to any near-road
10 concentration would NO2 levels.

11 ASSISTANT COMMISSIONER MATTE: Right. So
12 if --

13 COUNCIL MEMBER GENTILE: [interposing]
14 You're saying that's sufficient? If we knew the NO2
15 levels, that would be sufficient?

16 ASSISTANT COMMISSIONER MATTE: No, we
17 monitor for multiple pollutants near a roadway --
18 near the roadway, and we think that the measurements
19 we take is relevant to health. That even when we're
20 in attainment of the Ambient Air Quality Standard
21 there are health effects. The comment in the
22 testimony was really responding. The way we read the
23 bill there appeared to be a connection between the
24 requirement for monitoring, and the benchmark that
25 would be used to compare the monitoring results to

1 would be the National Ambient Air Quality Standard.
2
3 And the point is if all one cares about is are we
4 complying with EPA Regulations, then measuring near
5 roadways for any pollutant other than NO2, it
6 wouldn't tell us whether we're complying with the
7 Ambient Air Quality Standard.

8 But in way, we feel we should go beyond
9 that as a goal That compliance with the Ambient Air
10 Quality Standard for a city like ours, which is
11 densely populated, has a lot of vulnerable people,
12 should not be where we day we've done enough. The
13 city doesn't need to do more. But really the
14 question is how can more monitoring help us? And we
15 believe that the monitoring that we've done is
16 helpful. We'd be interested in engaging in a
17 discussion about what type of additional monitoring
18 would be helping in pointing the direction to
19 solutions to the traffic pollution problem. And we
20 believe, as the Deputy Commissioner said that we can
21 start that conversation now about what else to do.

22 COUNCIL MEMBER GENTILE: [interposing]

23 Let me just finish up with this last question because
24 I know you have a lot of bills to talk about. But
25 certainly the documentation and data that you get are

1 annual average concentrations, and you're saying you
2 can convert the annual average concentrations to
3 short-term data relevant for comparison standards.
4 So you want to convert the annual average to short-
5 term data. But to me it doesn't sound like it would
6 be that accurate.
7

8 ASSISTANT COMMISSIONER MATTE: Right.

9 So, what we're talking about is getting an estimate o
10 which locations are most likely to have these high
11 one-hour maximum concentrations. We've done that in
12 a preliminary analysis using the methodology that the
13 EPA recommends in their Standard. It's based on a
14 lot of data that shows that in general, the places
15 where the average concentration is higher tend to be
16 the same places where the one-hour maximum
17 concentration is higher. And that there's an average
18 ratio between those two numbers.

19 So would we get somewhat different
20 numbers if we did this very extensive monitoring and
21 documented one-hour maximum concentrations? Sure.
22 It wouldn't be exactly the same. But would it
23 fundamentally change the kinds of roadways. And, in
24 fact, the actual roadways where the pollution burden
25 of people who live near those roadways is greater, I

1 don't believe it would substantially change that. I
2 mean I would never say we wouldn't learn something
3 new, but it's more a question of is there -- Is the
4 juice worth the squeeze? Is all of that additional
5 monitoring going to tell us enough more to justify
6 the investment that we believe it would require?
7

8 COUNCIL MEMBER GENTILE: I think you for
9 that input, and Mr. Chairman. I think what we have
10 here is the City struggling with the data that they
11 have available now based on EPA Standards and
12 National Standards. And not really reflecting the
13 circumstances in reality in the City of New York, and
14 I think that's what they're struggling with in terms
15 of trying to convert that into something that's
16 relevant to us. And I think this bill seeks to do
17 that in reality of what the circumstances are in the
18 City of New York.

19 CHAIRPERSON RICHARDS: Thank you --

20 COUNCIL MEMBER GENTILE: [interposing]
21 Thank you.

22 CHAIRPERSON RICHARDS: -- Council Member,
23 and I certainly agree with you. We will now have --
24 I just want to raise a few -- Well, you know what, I
25 will have you go ahead, and I will have you go ahead,

1
2 and then I will -- Well, I'll be here. I can be all
3 day I guess. So I will have Council Member Chin
4 raise her questions.

5 COUNCIL MEMBER CHIN: Thank you, Chair.
6 Thank you for your testimony. So does the City have
7 any programs right now, existing program that monitor
8 generators?

9 DEPUTY COMMISSIONER LICATA: We don't use
10 the power of the building. We don't have a
11 monitoring program for generators, but there are
12 tests that are required, and I'd like to call up an
13 expert witness. She's the Director of the Air and
14 Noise Code Regulations and Enforcement from the New
15 York City DEP, Gerry Kelpin.

16 COUNCIL MEMBER CHIN: Okay.

17 [background comments]

18 GERRY KELPIN: So that's debatable.

19 COUNCIL MEMBER CHIN: That's great. I
20 mean one of the reasons for this legislation is --

21 CHAIRPERSON RICHARDS: [interposing] I'll
22 move this. I'm sorry.

23 COUNCIL MEMBER CHIN: -- what we
24 confronted during -- right after Sandy, and what we
25 had in number. I think we had about I think 105

1 generators within a very small area. I mean most of
2 the area that was impacted by Sandy was really South
3 Ferry and Water Street, South Street Seaport. And I
4 live down there, and we were just surrounded by
5 generators. And some of them were like puffing out
6 black smoke. And I remember back then it was like --
7 When we were asking for monitoring and a certificate
8 of registration and a certificate of operation, a lot
9 of those generators weren't even registered. Because
10 it was an emergency. They just came from all over,
11 and there was absolutely no checking on them whether
12 they were functioning correctly or whatever. They
13 were just -- everybody was plugging in and getting
14 generators wherever they could get them to try to run
15 the building so they could clear out the building.
16 And the problem is that all the emissions, especially
17 because we have a lot of people living down there.
18 So I mean, God forbid, we don't want that to happen
19 ever again, but if it does happen, then how can the
20 city monitor and make sure that the air quality is
21 safe?
22

23 GERRY KELPIN: What a production. In
24 relationship to the number of generators that were in
25 Lower Manhattan --

2 CHAIRPERSON RICHARDS: Sorry to cut you
3 off. She just asked where you are.

4 LEGAL COUNSEL SWANSTON: Can you please
5 raise your right hand? Do you swear or affirm to
6 tell the truth, the whole truth, and nothing but the
7 truth today?

8 GERRY KELPIN: I'll try. Yes.

9 LEGAL COUNSEL SWANSTON: Okay.

10 CHAIRPERSON RICHARDS: Don't try. You
11 have to. [laughter]

12 GERRY KELPIN: It was a lot of the issues
13 were that the population of generators that we
14 generally having coming into the New York City area
15 from the surrounding companies that provide them, and
16 local ones, far exceeded the demand that happened as
17 a result of the storm. So you're right. Many
18 generators were brought in from other states. What
19 DEP did do, we checked -- we visited every site where
20 there were generators. We got them into compliance
21 with the regulation as soon as we could. So they did
22 all register, which was submitting the information
23 about the generator itself. We also because we were
24 there, we did observe their emissions. We did some
25 that were problematic, and the companies came in and

1 did maintenance so that the smoke did clear up. We
2 agree that unless the equipment -- When the
3 equipment malfunctions, there definitely is a visible
4 emission from it. And our goal is to try to keep
5 them operating according to their engine
6 certification numbers, which is more for us a visible
7 observation of their emissions. I understand your
8 issue with wanting to know what their contribution
9 is, but there's -- One of the things that does
10 happen their emission gets mixed with all the other
11 sources that are producing. So it's very, very --
12 Producing emissions. Sorry. So it's very, very
13 difficult to isolate their contribution at any one
14 point. I understand even in -- even in our
15 discussions with the State about trying to keep an
16 eye on it, where they didn't have a portable
17 particulate one running for a while --

19 COUNCIL MEMBER CHIN: [interposing] They
20 had it on Brown Street, they had it --

21 GERRY KELPIN: [interposing] It was there
22 for --

23 COUNCIL MEMBER CHIN: They had two of
24 them for a while.

1
2 GERRY KELPIN: Right, and they actually
3 were -- they were not picking up a huge contribution
4 from the generators. Part of it is that that area
5 actually has a lot of air circulation. So there's a
6 lot of mixing of pollutants. So it's a balance.
7 What we feel is more practical for portable
8 generators is to be focusing on how they are
9 operating, and monitoring the generators themselves.
10 Not so much necessarily with equipment, although
11 we've talked about some possibilities of a way to
12 make sure that they're operating -- that they're
13 maintained and operating the way that they should be
14 in terms of their emission standards for their
15 engine. I know I'm kind of rambling, and I
16 apologize. So our mission is --

17 COUNCIL MEMBER CHIN: [interposing] But
18 the thing that I got --

19 GERRY KELPIN: -- more to see what the
20 emissions itself is because we're not going to be
21 able turn these off. We want to make sure that while
22 they have to be there, they're operating as clean as
23 possible, and to accumulate -- to capture the data
24 for the area, it doesn't -- it would be very hard to
25 say that that the generators were really

1 significantly contributing to a change in air quality
2 in the area. And that's even based on what we saw as
3 a result of monitoring DEC data after Sandy.
4

5 COUNCIL MEMBER CHIN: Well the thing with
6 DEC I mean they were giving us some of the data, but
7 the issue was that where the generators were
8 concentrated, they're monitoring away from there. So
9 they weren't even within the concentration area. So
10 I mean that might have some effect on it. But if you
11 know that there's going to be generators in a certain
12 area, then you have a monitor that's closer to it
13 that can do a better job of monitoring

14 GERRY KELPIN: I guess my question maybe
15 with that is because I think of monitoring in a
16 different way. So I sort of made clarification in
17 terms of what the goal is in terms of capturing that
18 data. Is it to say that the generators contributed
19 to an increase in emissions, or let's keep the
20 generators producing an emission that is as clean as
21 possible for that piece of equipment?

22 COUNCIL MEMBER CHIN: But I think it's
23 important for -- I think for us to know what is --
24 how much polluting or if they are contributing to the
25 area.

1
2 GERRY KELPIN: Well, what if we can't
3 parse it out from the total?

4 COUNCIL MEMBER CHIN: You can measure it
5 in terms of your regular without the generator. I
6 mean the generators that are put in there.

7 GERRY KELPIN: [interposing] That would
8 mean that they would be there all the time. Is that
9 what you're suggesting?

10 COUNCIL MEMBER CHIN: There for a certain
11 length of time. Like right after Sandy they were
12 there for months. I mean if your --

13 GERRY KELPIN: [interposing] Well,
14 actually the generator -- most of the generators were
15 gone within a couple of weeks. There were some that
16 stayed for a longer time yes.

17 DEPUTY COMMISSIONER LICATA: I guess what
18 we're trying to emphasize is, and believe me, we're
19 prone to do air monitoring in instances where we
20 think it does collect beneficial data, and/or we've
21 made projections using modeling. And we want to
22 prove that projections with actual data for
23 communities that they can understand they can
24 understand that the projections were accurate.

1
2 But in this case, the way we would apply
3 monitoring to emergency situations just seems a
4 little difficult. Because again, I think what Gerry
5 was trying to say is how do you develop that baseline
6 so that you can actually measure the change once you
7 have all these generators congregate in an area. So
8 that's a little challenging in our minds, and it
9 seems like you might need an array of monitors. If
10 the goal is really to look at the general change in
11 the air quality in an area, you'd almost have to have
12 a pre-existing condition.

13 And then you would have to have an array
14 of monitors that show the change of some boundary
15 condition. Whereas, the bill sort of focuses on an
16 individual monitor per piece of equipment, which we
17 think would be extremely challenging. And some of
18 the concerns that we had in Sandy, and I give Gerry
19 Kelpin here a lot of credit and her inspectors. They
20 walked the streets, and they wrote down all the model
21 numbers. They went back on the computer and looked
22 up the model numbers. Did research on the years of
23 those, you know, the years in which they were
24 manufactured.

1
2 So they really tried really hard to
3 create an inventory, and see really what the issue
4 was with respect to those generators. Were they just
5 in poor performance or was there an issue associated
6 with the age with the piece of equipment? So we have
7 some information about that. But what we experienced
8 post-Sandy with monitoring that was done by DEC, some
9 monitoring that we supported with EPA when we were
10 doing some burn and flood in the field, was that the
11 meteorological conditions of the wind changes on
12 those days when we had those thermal inversions or a
13 low cloud cover, we were experiencing very different
14 results. And you had to do so much post-processing.
15 Sometimes we saw monitors spike, and we thought that
16 that might be related to the activity that we were
17 concerned about.

18 But then it would turn out that there was
19 a delivery truck or a truck parked at a specific
20 location that might have been contributing to a one-
21 hour concentration that spiked. So just
22 understanding the data, and getting that back, and
23 trying to post-process it, is really, really
24 complicated. And almost occurs, too, sort of after
25 the fact. Whereas, having inspectors on the ground,

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and having them do the proper enforcement can correct the problem immediately. Whereas, the post-processing of the data is almost 48 hours behind. So that was another concern that we had, and I hope you appreciate.

COUNCIL MEMBER CHIN: Yeah, definitely.

I mean so you're thinking -- so you're saying that the agency can provide an inspector on a timely basis to inspect, you know, if there's all the generators are out there, to be able to make assessment if that generator is operating or not. Because I mean right after Sandy it was out there for quite a long time before we finally were able to get the inspector out, and I mean to get them registered. Because most of them weren't even registered, those generators, and they're not little ones. They're huge. So when you're talking about like the certificate of operation, because in your testimony you were indicating that if the equipment has been around for a long time, then you do the certificate of operation. I mean these are huge equipment. I'm not saying that they're all portable generators. How do you distinguish in terms of which one needs to have a

1
2 more extensive review rather than just a simple
3 registration?

4 GERRY KELPIN: Well, part of the
5 difference in our thinking is that the information
6 that we want to capture on generators, we think is
7 about the equipment itself. So that is the type of
8 information that we feel is relevant for collection.
9 The difference in the current Air Code is that the
10 certificate of operation requires an engineer to file
11 plans of the installation. Now, the portable
12 generators are installed any place. They come in a
13 trailer.

14 They're moved or they're offloaded and
15 positioned on the street. They don't generally
16 attach to a building. When they do that then it
17 becomes a different situation. What we're most
18 interested in is the detail of that piece of
19 equipment regardless of its size. Now, we do have a
20 small thing like the generators that run the food
21 carts that are on a food cart, those are really
22 small. We wouldn't register them necessarily, but
23 we're still looking. A generator still has the same
24 basic components regardless of its size when it's the
25 portables, these temporary that are on the trailers.

1
2 So you have an engine of various size,
3 and so you want to collect the information about that
4 piece of equipment. And we think that that can be
5 done in what we call a registration, sort of a
6 simplified form, but it captures everything that we
7 need to know about that piece of equipment. And
8 going along with that, we're asking that on its
9 initial registration and on renewal, which is every
10 three years that a smoke test is also performed to
11 make sure that they're maintaining it.

12 Because really the key to the clean
13 emissions is maintenance. If you leave them sit for
14 three years, and you go and you turn it on, it is
15 going to smoke. No doubt about it, which is why
16 there are so many programs. The generators that are
17 in buildings, they have a certain schedule where they
18 have be exercised, or they have to be turned on, and
19 checked to make sure that one, they'll fire when
20 they're supposed to, and they're burning clean. So
21 we're transferring that also to these portable pieces
22 of equipment.

23 COUNCIL MEMBER CHIN: So we do require a
24 smoke test in the beginning? What is the -- I mean -

25 -

1 GERRY KELPIN: [interposing] Initially --

2 COUNCIL MEMBER CHIN: -- I mean and we
3 know the registration so at least we would have a
4 smoke test before --

5 GERRY KELPIN: [interposing] Initially
6 and on renewals so that -- You know, because they're
7 not going to always be in the -- in a location. So
8 that would be part of sort of this -- the
9 registration process, and we're trying to -- we were
10 taken a little aback. I think everybody was. We had
11 to put our resources different places. So yeah, we
12 probably got down to the generators a little bit
13 later than we should have. But in that kind of
14 situation we're much more groomed to it now. And
15 that would be one of the things that we would want to
16 make sure that everything that is out on the street
17 is operating the way that it's supposed to, and if
18 they had to bring them in from out of state, that
19 they get into our system right away.

20 COUNCIL MEMBER CHIN: Okay, so you say
21 going forward, you said that the department will have
22 the capacity if there are generators coming in. That
23 first when they register, you do the registration,
24 you could do the smoke test. You could that
25

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2 inspection on site before they are allowed to
3 operate.

4 GERRY KELPIN: As part of the
5 registration, they would do a smoke test, and then if
6 they were -- if we knew that they were -- If it was
7 in response to an emergency, we would have an idea
8 where they were coming into it, and we would make
9 sure that we had staff to check out that they were
10 operating, you know, properly. I don't think we
11 could stop a generator from being connected to, you
12 know, providing power in an emergency. We would have
13 to do some of this after the fact. So if it came in
14 and it didn't have a registration, and there was no
15 other way to get power to that building, we would
16 allow them to register it. Obviously, they'd be
17 there, and we would do the -- they would come into
18 compliance slightly after the fact.

19 COUNCIL MEMBER CHIN: But if you were --

20 GERRY KELPIN: [interposing] But a lot of
21 our stuff is already -- a lot of the generators that
22 are used as portable in the city are already
23 registered. So there are several companies in New
24 Jersey here in the City that have registrations for
25 all of their generators now.

1
2 COUNCIL MEMBER CHIN: So you would have
3 data on which generators is operating now and where,
4 that's registered?

5 GERRY KELPIN: We would have the
6 registrations for the equipment. They can locate
7 wherever they're needed as a result of being
8 registered to be used in the city. We don't have the
9 exact location of where they are going to be.

10 COUNCIL MEMBER CHIN: So you can't
11 provide any monitoring unless somebody files a
12 complaint? Like if somebody is operating a
13 generator, how would you know that they are doing
14 that and go and monitor and check on it? Oh, you
15 don't do that at the DEP?

16 GERRY KELPIN: For the most part it is
17 complaint driven, but if we're talking -- Let's
18 start over. If we're talking about an emergency
19 situation, which this bill is trying to describe,
20 then those areas that were impacted, we would
21 certainly know that there would be generators in
22 there, and that's where we would go. We know of a
23 number of events in the city where portable
24 generators are used routinely each year. We actually
25 go to those sites during those events to make sure

1
2 that their equipment is operating properly. So we do
3 have sort of a history of locations where they're
4 used. If one is just brought in because there's a
5 malfunction in the building, I wouldn't know that
6 generator was -- that a temporary generator was there
7 necessarily.

8 COUNCIL MEMBER CHIN: So they don't have
9 to apply for any kind of permits or anything to start
10 operating?

11 GERRY KELPIN: No. Not with DEP, no.

12 COUNCIL MEMBER CHIN: Not with DEP.
13 Would any other City -- with any other City agency
14 that they would have to get a permit?

15 GERRY KELPIN: I don't think so. There
16 are some unique situations where they would have to
17 go to DOB, but I just think routinely on the street
18 no. Well, if they're going to park on the street,
19 they need a permit from DOT.

20 COUNCIL MEMBER CHIN: Oh, okay. Yeah,
21 because I remember post-Sandy DOT also was the one
22 that was going out to see if they were registered.

23 GERRY KELPIN: Well, they have permits to
24 do that.

1
2 COUNCIL MEMBER CHIN: Oh, okay. Thank
3 you, Chair.

4 CHAIRPERSON RICHARDS: Next we will have
5 a question by Council Member Steve Levin. Thank you
6 for doing this.

7 COUNCIL MEMBER LEVIN: Thank you very
8 much, Mr. Chair. Actually, I just have very quick
9 questions, and they're kind of parochial questions
10 but they involve air quality. As you know, I
11 represent Greenpoint, which is Community Board 1, and
12 it has some of the highest level of waste transfer
13 stations. It has the highest level of waste transfer
14 stations in the city. And I was wondering in the
15 previous Council we had come close to passing an
16 update of the SWMP Plan, which is actually is really
17 out of the Sanitation Committee and not out of the
18 Environmental Protection Committee. But I'm
19 wondering, in the new administration as we move
20 forward and we look at what's -- how we're going to
21 address the form of implementation with SWMP and we
22 look at the relationship between a high level of
23 truck traffic and air quality. How that's going to
24 be addressed, and if DEP is going to be part of the
25 conversation. I mean in either district that has 40%

1
2 of city's waste transfer stations. And so that has
3 the accompanying truck traffic. Is there
4 coordination between DEP and the Department of
5 Sanitation as it relates to air quality in that
6 conversation?

7 DEPUTY COMMISSIONER LICATA: There
8 certainly will be. The good news is my dear
9 colleague, Kathryn Garcia is the Commissioner at the
10 Department of Sanitation. So I'm sure that she will
11 reach out for our expertise. But routinely, the
12 Department -- DEP has the air quality expertise, and
13 participates in the Environmental Review process. So
14 I don't know to what extent. When you talk about the
15 SWMP, and that's the part I'm not really certain
16 about. Is this going to be a -- are you suggesting a
17 revision to this on this obvious management plan?

18 COUNCIL MEMBER LEVIN: We had a bill last
19 term that we tabled actually at the Council in
20 November. It had a majority support, but not a veto-
21 proof majority support. And the previous
22 administration there promised to veto it, so it ended
23 up not passing the bill. But it actually reduced
24 capacity in certain districts that are basically, the
25 four districts that have about 80% of those transfer

1 stations in the city. And it actually reduced
2 throughput by up to 18% over a number of years in
3 those districts. And in my community obviously it
4 there's the effect of adverse health impacts as it
5 relates to the truck traffic. And so, I just want to
6 make sure that as the discussion moves forward.
7 Because there is going to have to be follow-up to
8 Solid Waste Management on issues, on the
9 implementation of the SWMP Plan which was passed in
10 2006. That the DEP be part of the conversation as it
11 relates to air quality for these communities that
12 have the extreme disproportionate number of waste
13 transfer stations.

15 DEPUTY COMMISSIONER LICATA: Okay, and we
16 would also just like to remind you of the Business
17 Improvement Commission -- Business Integrity
18 Commission, sorry. That legislation that did pass in
19 the last session, which required that the Trade Waste
20 would reduce and control the fleet's emissions much
21 to the effect as the City is controlling its own
22 fleet.

23 COUNCIL MEMBER LEVIN: Sure.

24

25

1
2 DEPUTY COMMISSIONER LICATA: So that was
3 a tremendous improvement. But I do hear you on the -
4 -

5 COUNCIL MEMBER LEVIN: [interposing] It's
6 just a question of volume.

7 DEPUTY COMMISSIONER LICATA: --other
8 aspects. Right.

9 COUNCIL MEMBER LEVIN: And then one other
10 question as it relates to volume, and this is
11 actually a kind of DEP in two different ways here.
12 So I represent the Waster Water Treatment Facility in
13 Greenpoint. There is this pilot project that with
14 National Grid that's taking organic waste and
15 creating methane, and recycling it back into the
16 system. The program has the ability to ramp up
17 significantly from I think it's just a handful of
18 truckloads right now to upwards of like 200
19 truckloads a day. And since it's being developed at
20 Newtown Creek and potentially Newtown Creek, the
21 facility itself could have the capacity that number
22 of truckloads or that number -- that level of tonnage
23 per day.

24 That would add additional -- I mean if
25 we're talking 200 truck trips in an already

1 overburdened neighborhood, I have pretty serious
2 concerns about what kind of impact that would have in
3 my neighborhood because we couldn't -- I mean it
4 would be a noticeable -- In fact, even though we have
5 more truck trips than we could ever count per day,
6 already so it's status quo. And this would be adding
7 200 per day. It's just that it would be
8 overwhelming. So is that something that DEP is
9 considering as it look towards what the end, you
10 know, after the pilot phase what like an actual full
11 implementation phase looks like?

12 DEPUTY COMMISSIONER LICATA: Yes, so
13 unfortunately I'm really not certain what the future
14 of that pilot program looks like, but we will
15 certainly get back to you with that information. And
16 I certainly understand your concern related to the
17 additional truck traffic, and then the air quality
18 degradation associated with it. So I just don't have
19 those facts.

20 COUNCIL MEMBER LEVIN: Okay, if we
21 continue to have that dialogue and especially air
22 quality is part. It's something that -- I mean I
23 think it was brought up with Commissioner Lloyd when
24 she came out a couple weeks ago to Newtown Creek.
25

1
2 But it's just something that is very much on all of
3 our minds in the community. So that has to be part
4 of the conversation is that in the context of like
5 we're an already way overburdened neighborhood with
6 regard to truck traffic. Thanks. Thank you, Mr.
7 Chair.

8 CHAIRPERSON RICHARDS: Thank you, Council
9 Member Levin. All right. So that's going to -- I
10 guess that was a segue for me to hop into Intro 313,
11 the Creation of the Air Quality Task Force. And I
12 think Council Member Levin certainly basically laid
13 the foundation of what I wanted to speak of, and then
14 why we believe this is important because there needs
15 to be a lot of conversation. There's a lot of
16 communities are obviously affected by poor air
17 quality, his being one.

18 And he's looking at your testimony and
19 sort of trying to digest in one sense in which
20 direction you guys were coming in -- coming from. So
21 I'll start with the first question I had was so in
22 your testimony you spoke of DEP has a very successful
23 working group on noise rules, and seeks to import a
24 similar group into their Revised Air Code. I want
25 you to speak more to that when you say, "To import a

1
2 similar group into the Revised Air Code." Can you
3 speak to that?

4 So DEP has a very successful working
5 group on noise rules, and noise is obviously the
6 number one 311 complaint, and I don't think noise is
7 obviously being addressed the way that it should at
8 this point in the City. And so, I'm just interested
9 in knowing how will the Noise Rule Group be different
10 from the -- Obviously, if you're looking to do
11 anything in terms of air quality. Because we're
12 failing totally already in noise, I don't think that
13 we want a comparison to how we're dealing with noise
14 in the city and certainly the air. So you speak a
15 little more to that?

16 DEPUTY COMMISSIONER LICATA: Yeah, noise
17 has always been a top runner in the quality of life
18 concerns of New York City, and the number of noise
19 complaints we've tracked over a period of time. So
20 we can share those statistics on the number of noise
21 complaints received, and it's very cyclical and
22 obviously seasonal. I think the analogy we were
23 trying to draw there is that we could imagine a task
24 force that had representation from the appropriate
25

1 industry representatives that had, and could lend a
2 variety of technical expertise.

3
4 CHAIRPERSON RICHARDS: Okay.

5 DEPUTY COMMISSIONER LICATA: So that the
6 makeup of the task force would benefit from having a
7 diverse membership in that they would lend various
8 levels of expertise to make certain that we had all
9 of the best proposals. I think that was something
10 that we wanted to emphasize also I guess with respect
11 to the noise task force. There were areas where they
12 could make recommendations based on technology that
13 was available that was available, but I'd ask Gerry
14 Kelpin to maybe expand on that if you would like.

15 CHAIRPERSON RICHARDS: [interposing] So
16 you're just saying you would try to do similar for
17 the Air Quality Task Force. So you're just saying
18 looking at those particular industries. Can you
19 speak specifically to what other industries would you
20 want to see involved with the task force, with the
21 Air Quality Task Force. You said that, you know,
22 obviously you did it with noise, and obviously it
23 would be better for us to include other folk in the
24 conversation of air. So I'm just trying to figure
25 which other. I mean you don't have to give them all,

1
2 but if you had to throw out a few right now, what
3 other organizations or industries would you involve.

4 DEPUTY COMMISSIONER LICATA: You know, I
5 really appreciate that question, and we would really
6 love to provide a very thoughtful response. So would
7 it be possible for us to send you a list of
8 organizations --

9 CHAIRPERSON RICHARDS: [interposing]
10 Sure.

11 DEPUTY COMMISSIONER LICATA: -- that we
12 think would be appropriate because I really think
13 that will go to the success of this initiative.

14 CHAIRPERSON RICHARDS: [interposing]
15 Sure.

16 DEPUTY COMMISSIONER LICATA: So thank you
17 so much for inviting that kind of feedback.

18 CHAIRPERSON RICHARDS: Yeah, and I want
19 to be very clear we see ourselves as partners with
20 you, too, and certainly strengthening and ensuring
21 that we have the cleanest air in the nation. And
22 obviously we, you know, we're still struggling in EJ
23 communities here. In your testimony, you also spoke
24 of the particular community boards that shouldn't be
25 included. Can you say which ones, and can you also

1 tell me what other boards shouldn't be included that
2 you believe were left out of this particular bill?

3
4 ASSISTANT COMMISSIONER MATTE: Yes, Mr.
5 Chairman, I think the principle that we tried to
6 articulate is to make sure that the communities most
7 impacted by poor air quality, and we feel like we
8 have pretty good data on that. I don't have the
9 specific list to give you, but we can develop that
10 from publicly available data that we have,
11 communities with the worst air quality. And the
12 communities with the most significant health impacts
13 from air quality. And we've estimated both of those
14 things for every neighborhood in the city both air
15 pollution levels, and health impacts. So that's one
16 principle, and the other is to try to represent a
17 broad range of neighborhoods. Because the solutions,
18 if we're now getting to what the solutions are
19 sometimes they're going to require a buy-in from
20 neighborhoods that maybe might see a problem
21 differently but need to kind of be together to
22 support it. Because using the precedent of -- I
23 don't want to talk about congestion charging
24 specifically. But congestion charging as an approach
25 to reducing traffic congestion, traffic solutions.

1 CHAIRPERSON RICHARDS: [interposing]
2
3 That's another slate for another day.

4 ASSISTANT COMMISSIONER MATTE: Yeah, but
5 if it's a case where different neighborhoods viewed
6 it very differently. But ultimately the sources of
7 pollution in the city a lot of them have to be
8 addressed in a way that we can't just draw a bubble
9 around one neighborhood. So that's really the idea
10 is to represent a broad range of communities, and
11 make sure that those that are most impacted, as
12 measured by air quality, and measured by health
13 vulnerability are represented.

14 CHAIRPERSON RICHARDS: So another
15 question. So, what steps have you guys taken to in
16 particular address air pollution near airports,
17 communities that are impacted by the airports? So
18 airport traffic in particular. What steps have the
19 administration taken to address that air pollution in
20 those particular communities?

21 ASSISTANT COMMISSIONER MATTE: I would
22 have to say other than identifying it as a problem,
23 we haven't taken specific steps to addressing traffic
24 pollution near the airports. But we've identified
25 that last year, traffic pollution was one of the

1
2 major remaining challenges, and we recognized we need
3 to work with the Council. We need to work with other
4 agencies in the city, and with important
5 stakeholders. Fleet operators of important fleets
6 that operate in those areas, the public
7 transportation systems. So at the Health Department
8 our role, and I know sometimes this puts us in an
9 awkward position where we assess problems. We
10 identify the health impacts, and then we look to work
11 with other agencies, and other stakeholders that have
12 some levers to pull to help reduce the problem.

13 CHAIRPERSON RICHARDS: So basically you
14 just said you guys are not monitoring or looking to
15 address -- So far, you have not looked at air
16 traffic -- I'm sorry -- traffic issues around
17 airports?

18 ASSISTANT COMMISSIONER MATTE: We looked
19 at air pollution I think at an early -- a hearing
20 earlier this year. We testified that we have
21 monitoring in the vicinity of both airports. We've
22 looked at air pollution. We estimate air pollution
23 in the vicinity of the airports. So we have an idea
24 of what the air quality problem is in those
25 communities. We have also information on traffic.

1
2 Other agencies have information on traffic. There
3 was an effort to reduce emissions from the taxi
4 fleet, which was preempted by a lawsuit and by
5 federal authority. But I think that's an example of
6 the kind of thing that could be done to address
7 pollution near the airports.

8 CHAIRPERSON RICHARDS: That takes me into
9 the -- into Council Member Gentile's bill. Now, in
10 your testimony you spoke about a pilot project that
11 DOT was doing to reduce truck deliveries during the
12 day. And you guys spoke of how obviously -- there a
13 struggle with obviously taking -- from not fueling
14 the fleet in particular around alert days, and in
15 particular as well. So my other question is so are
16 you -- where is this pilot project taking place?
17 Where did it take place? And why aren't we piloting
18 this particular program around, which would seem
19 natural, around communities that are near the
20 airport?

21 ASSISTANT COMMISSIONER MATTE: The pilot
22 program to do night time deliveries?

23 CHAIRPERSON RICHARDS: Right, but
24 obviously we get a lot of deliveries. That's the
25

1 majority of traffic when you get onto Van Wyck
2 everyday is truck traffic.

3 ASSISTANT COMMISSIONER MATTE: Yep.

4 CHAIRPERSON RICHARDS: As a driver
5 unfortunately I have to take that parkway some days.
6 I can tell you that the majority of the traffic there
7 is truck traffic. So my question is are you guys
8 looking to pilot programs such as this as the one you
9 were doing or the one that DOT was doing near
10 airports?
11

12 ASSISTANT COMMISSIONER MATTE: We would
13 be -- I would say we on behalf of the Administration
14 would be interested in working with DOT, working with
15 Council on looking at the success of that program
16 where it's been piloted, how else it could be
17 accomplished.

18 CHAIRPERSON RICHARDS: You know, we're
19 going to hold you to that, you know.

20 ASSISTANT COMMISSIONER MATTE: Pardon?

21 CHAIRPERSON RICHARDS: We're going to
22 hold you to that?

23 ASSISTANT COMMISSIONER MATTE: Well,
24 we're -- You know, I will say, and I mean this in all
25 sincerity, we look forward to the opportunity to

1
2 engage with other agencies and with you on how to
3 solve the problem, and I think you're approaching it
4 the right way. You're looking at what the sources
5 re. And then we have to think about what other ways
6 that we can keep commerce going that reduce those
7 sources.

8 CHAIRPERSON RICHARDS: You also spoke of
9 in your testimony, Commissioner, on the research on
10 anti-idling technologies, which would mean less
11 oxides of nitrogen, and a reduction in emissions.
12 Can you speak to those technologies?

13 [background discussion]

14 CHAIRPERSON RICHARDS: And this is around
15 the pilot program. I know DOT is not here, but if
16 someone could speak to that.

17 GERRY KELPIN: Some of the idling
18 technologies to reduce -- I'm sorry, are auxiliary
19 power engines. So your main engine is able to be
20 turned off, and you have a smaller cleaner engine
21 that is a lot of times are battery assisted, and just
22 has to be recharged. So like with Prius get charged
23 off the engine at a certain pointed. There are some
24 other technologies for refrigeration trucks that are
25 things like cold plates. There are actually some

1 solar designs, and then there's certainly other fuels
2 than diesel that are being used as less emitting.

3 CHAIRPERSON RICHARDS: Okay.

4 GERRY KELPIN: Of course, there's always
5 driver education.

6 CHAIRPERSON RICHARDS: So do they plan to
7 expand that, or it's just -- what do we anticipate?

8 GERRY KELPIN: We're actually always
9 looking to move that along. A lot of times it's more
10 of a collaborative educational effort with the
11 different groups that can benefit from it. We can't
12 always mandate it, but sometimes we can certainly
13 encourage it in different ways. Sometimes with grant
14 funding, and then as I said, educational outreach.

15 CHAIRPERSON RICHARDS: What measures are
16 in place to like monitor and assessing and
17 anticipating increases in respiratory diseases as a
18 result of poor air quality?

19 ASSISTANT COMMISSIONER MATTE: I'm not
20 sure I understand the question.

21 CHAIRPERSON RICHARDS: Are there any
22 measures being -- I'm sorry, I guess that is the
23 wrong question. What measures are in place that
24 allow you to monitor and assess anticipated increases
25

1
2 in respiratory diseases as a result of poor air
3 quality.

4 ASSISTANT COMMISSIONER MATTE: So the way
5 we approach that problem, we at the Health Department
6 and others have conducted research over a period of
7 years where we look at how air quality varies day to
8 day; how the rate of emissions from asthma, heart
9 disease or deaths from heart disease increase on poor
10 air quality days. So we use that evidence
11 establishing that relationship from studies in New
12 York City and elsewhere is really what established
13 the Air Quality Index threshold that's used to issue
14 air quality health advisories.

15 So it's not -- for each day when there's
16 poor air quality, I know just from looking at the
17 data we don't necessarily see each individual day
18 that there's poor air quality, an actual increase
19 that we can observe on that day. And that's because
20 there are many factors that influence fluctuations in
21 asthma, heart disease, admissions to the hospitals,
22 and air pollution is one. But we've studied that
23 relationship, as many researchers have for many years
24 across the country.

1
2 So we know that over time on average say
3 when the ozone levels are high, on average there's a
4 greater number of asthma emissions. That
5 relationship is used to establish the National
6 Ambient Air Quality Standard, the Maximum Ozone
7 Short-Term Standard, and that standard in turn is
8 used to say, What's an air quality index of 100 for
9 ozone? And, therefore, one should issue those
10 advisories. So that's really the way we approach it.
11 It's not that we're -- the only time I would say we
12 look to see if we're seeing anything unusual or
13 unexpected that would be detectable with a short
14 period data is if there's some kind of an unusual
15 like an emergency like after Sandy where we would
16 look at our Syndromic Surveillance Data.

17 We look at in relation to the spring
18 pollen season. We've looked at data to determine
19 when do we expect asthma visits to increase during
20 the spring pollen season. And we recently issued a
21 health advisory related to that. So, the short
22 answer is we used evidence from many, many years of
23 studying air pollution to know what levels of air
24 pollution are high enough that we expect it to
25 trigger exacerbation of asthma and cardiovascular

1 disease. And those are the days that the State and
2 EPA issues their alerts and advisories.

3
4 CHAIRPERSON RICHARDS: Okay. That's me
5 hopping into -- So the program that you guys spoke of
6 that DEC I believe -- I'm just looking for it. I
7 wrote it down. DEC, Air Now. So how is that being
8 promoted because obviously given a chairmanship you
9 learn a lot of new things. And I've heard of Air Now
10 --

11 ASSISTANT COMMISSIONER MATTE: Yeah.

12 CHAIRPERSON RICHARDS: --prior to me
13 having to obviously hold a hearing on this issue. I
14 know we obviously have a relationship with DEC, but
15 I'm wondering how close is the city working with DEC
16 to ensure that a program such as Air Now is promoted
17 to the public? And I don't necessarily trust the
18 State to -- How can I use my words wisely? To get
19 information to New York City residents in a timely
20 fashion, or in the fashion I would entrust the City
21 to do it. So I know you guys said you don't want to
22 replicate what the State is doing, but what the State
23 is doing is failing then it is incumbent upon us to
24 obviously act. So I'm just wondering what better
25 working relationship you guys are going to have with

1
2 the State obviously to promote this program? Since
3 you're saying that you don't want redundancy, what
4 are we going to do different this time around?

5 ASSISTANT COMMISSIONER MATTE: Well, I
6 first want to acknowledge I agree there's more we
7 need to do in the city that we have been focused on
8 our local Air Monitoring Program. We've used the
9 City's Notify NYC as one that information gets out to
10 people. At our website we have provided the public
11 with information about how they can stay informed,
12 and about Air Now. But I agree there's more that we
13 should do as a city. I think we can -- some of that
14 we can do in collaboration with DEC. Some of it we
15 can do just to make people more aware. The way the
16 system is set up, if people are aware they can
17 register and receive the alerts themselves without --
18 DEC doesn't really need to do anything differently.
19 We just need to do a better job of making people
20 aware of those alerts, how they can get them, and
21 what they can do when there is an Air Quality Health
22 Advisory.

23 CHAIRPERSON RICHARDS: So is the Health
24 Department going to have -- put money in a budget to
25 promote this better, or are you guys -- How are you

1 going to hear the good -- The words are great, but
2
3 how are we going to enact it now?

4 ASSISTANT COMMISSIONER MATTE: In all
5 honesty I have to say we need to get back to with
6 what our plan is going to be.

7 CHAIRPERSON RICHARDS: Okay.

8 ASSISTANT COMMISSIONER MATTE: This
9 legislation interested us because it's something that
10 we've just sort of been taking a look at. And we
11 need to be thinking about what more we can do, but
12 we'll have to get back to you about what we can do,
13 what resources it would take to do better to promote
14 it.

15 CHAIRPERSON RICHARDS: And I know there
16 are other programs obviously. I forget the name of
17 some of these programs, you know, the particular apps
18 that come straight to your phone. So we just need to
19 do a better job of doing that. And we're going to
20 look to that obviously as especially heat becomes a
21 major issue over the next 20 years, we need to do all
22 we can.

23 ASSISTANT COMMISSIONER MATTE: For heat I
24 will if I could, Chairman, just say a couple of words
25 about what we've been doing about heat. So since

1 we've been studying the impacts of heat waves on the
2 public health in New York City for several years now,
3 a few years ago we noticed that the National Weather
4 Service, which is how most people get warnings about
5 heat wave either directly or indirectly from the
6 National Weather Service. Either because they check
7 with the National Weather Service, or the
8 meteorologists on TV is using that information.

9
10 And we noticed that the -- what they were
11 warning people about was not addressing the public
12 health threat as we understood us. So they would
13 talk about people outdoors staying in the shade, the
14 OSHA standard and all that, which is all important.
15 But not mentioning vulnerable people, seniors, and
16 the need for air conditioning. So we did work with
17 the National Weather Service, the Upton Office, which
18 covers New York City Metro, and go them to change the
19 language they use in their heat advisories and heat
20 warnings to reflect this public health information.

21 Now that reaches a much bigger audience
22 than our own Health Department and OEM Advisories
23 that we put out. Because anyone who watches the
24 weather on TV, who has a Smart Phone App to check the
25 weather, that's what they're going to read. So I

1
2 would say we've done more in the area of heat health
3 warnings to improve awareness. And our own data
4 shows. We've done a survey, and we've published a
5 study on this to show that more like three-quarters
6 of adult New Yorkers are aware -- it could be 100%
7 but three-quarters is pretty good for awareness of
8 heat health warnings in New York City. We know it's
9 much lower for Air Quality Health Alerts.

10 CHAIRPERSON RICHARDS: I note that the --
11 I'm just going to flip around a little bit -- But
12 the Federal Government and the City has rules
13 regarding reasonable accommodations on particular
14 days obviously where air quality and heat is going to
15 be an issue. What is the City doing to make sure
16 that everyday New Yorkers are made aware of this, and
17 especially employers? So, I'm wondering what are we
18 doing to promote that as well.

19 ASSISTANT COMMISSIONER MATTE: I will --
20 I mean I'll have to say we -- that has not been part
21 of our messaging around air quality or heat
22 advisories.

23 CHAIRPERSON RICHARDS: Why not?
24
25

2 ASSISTANT COMMISSIONER MATTE: It hasn't
3 been suggested us. It hasn't been something that
4 we've thought about, but I'll agree that it's --

5 CHAIRPERSON RICHARDS: [interposing]
6 Well, what I'm getting at is --

7 ASSISTANT COMMISSIONER MATTE: -- well
8 worth thinking about.

9 CHAIRPERSON RICHARDS: -- you know, there
10 are people with disabilities who --

11 ASSISTANT COMMISSIONER MATTE:
12 [interposing] Yes.

13 CHAIRPERSON RICHARDS: -- on those
14 particular days should not leave their home or, you
15 know, if it's a day where there's obviously poor air
16 quality. So this not a beat-up session.

17 ASSISTANT COMMISSIONER MATTE:
18 [interposing] Oh, yeah, I understand you.

19 CHAIRPERSON RICHARDS: It's more of we
20 need to start thinking of these things, how to --
21 Three thousand people a year are dying due to poor
22 air quality, and we're heading -- It's a crisis when
23 3,000 people are dying in New York City over poor air
24 quality. So we have to do more and do better. So,
25 you know, is this something that you guys are going

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to look at, or it something that you guys can look at?

ASSISTANT COMMISSIONER MATTE: I think we can look at strengthening the message about what options people have to -- And we do include in our messages what people can do to protect themselves, should do to protect themselves during heat waves, and air quality -- poor air quality days. But the fact that this benefit is available to people, and that with their employer is something that we haven't -- I would say has not been something we've been promoting in conjunction with these advisories or alerts.

CHAIRPERSON RICHARDS: And I'll probably say because we're about to do like a huge paid sick leave campaign, and then obviously more employers and their workers are obviously aware that these particular things -- That this may be something that we can mesh in that message, you know, or I'm not sure how we would do it. But we need to ensure that workers know that, you know, if it's 200 degrees outside, God forbid, you don't have to come to work. You know, as long as there is a reasonable accommodation can be made to you on these particular

1
2 days. So, you know, we need to make sure we're doing
3 a better job if more than that.

4 Let's me see. Do you have any questions,
5 Rory? No? Okay. All right, I want to go back to
6 Council Member Chin's bill on the generators. So
7 what are you doing in particular? I know we tipped
8 in since the date DEC is doing air monitoring in all
9 of these particular things. [sic] What are we doing
10 to really work with the State in terms of these air
11 monitors? Like do you guys have regular
12 conversations with them? Do you guys coordinate with
13 them?

14 ASSISTANT COMMISSIONER MATTE: So I would
15 say there's some important ways we coordinate with
16 them, and other ways in which we operate
17 independently. So our air monitoring network, New
18 York City Community Air Survey, we depend
19 significantly on DEC in that some of our monitors,
20 the way we have confidence that we're measuring what
21 we think we're measuring is that we co-locate some of
22 our monitors with DEC's monitors that you -- Their
23 monitors use what's called the Federal Reference
24 Method that EPA requires. So we work with them on
25 co-locating our monitors, and sharing data.

1 We have, I will say, when the new NO2
2 Standard was introduced, we had conversations with
3 DEC about what our data was showing in terms of where
4 the NO2 hot spots are in New York City. That we
5 believe, and that we believe they're not necessarily
6 that the EPA Standard as written doesn't necessarily
7 direct monitoring to the right locations. So we've
8 had those conversations with DEC. DEC, as we
9 understand it, has -- plans to have a monitor one, on
10 the Long Island Expressway. One on the New Jersey
11 side of the George Washington Bridge in response to
12 the new requirements for the NO2 Near Roadway
13 Monitoring.

15 There are logistical complications of
16 placing monitors in other places, but we think it
17 could be done. So, we've had those conversations
18 with DEC. We've collaborated with them on air
19 pollution monitoring -- I'm sorry -- modeling studies
20 that we're in the process of completing. We've
21 worked with them to understand better how they issue
22 their Air Quality Health Advisories. And the other
23 time when we, I think, when had -- we needed to work
24 to get the different agencies together was after
25 Hurricane Sandy when we felt there was a need for

1
2 more publicly available data on air quality
3 especially in the flooded neighborhoods.

4 So we've worked with DEC on both
5 coordinating with them and EPA and where monitors
6 should be placed, and making sure that the data from
7 that monitoring was accessible publicly in an
8 understandable way. So I'd say we have a good
9 relationship. I think there's always things that we
10 could better.

11 CHAIRPERSON RICHARDS: How does smoke
12 tests stack up against your monitors? So I know with
13 the generators you were saying people take smoke, and
14 you would do a smoke test for them. Are they just as
15 accurate as doing real monitoring?

16 ASSISTANT COMMISSIONER MATTE: Maybe I'll
17 give my perspective and then let --

18 CHAIRPERSON RICHARDS: [interposing]
19 That'll do. That would be okay. [sic]

20 ASSISTANT COMMISSIONER MATTE: -- EPA add
21 to that. This was something with the discussion with
22 Council Member Chin, the question of attribution
23 versus characterizing the ambient air quality. And
24 just to give you an example of where -- how the two
25 can be different. We were asked a few years ago to

1 do some short-term air monitoring near locations
2 where these intercity buses are discharging
3 passengers, and there have been complaints about
4 idling and so forth. And really, what we found was
5 we couldn't -- I mean unless you get right up to the
6 tailpipe. But if you're just on the sidewalk where
7 pedestrians typically are, it's very difficult to see
8 any difference on the street segments where these
9 intercity buses were compared to the parallel streets
10 with similar traffic.
11

12 And that doesn't mean that there's not
13 emissions coming out of these buses. It doesn't mean
14 maybe that they're violating some of the idling laws
15 on occasion. But it means is when you're monitoring
16 in a location where there's a -- in the surround area
17 there are a lot of emissions from buildings, from
18 other traffic. The fine particles that we measure
19 just by putting an air monitor on a light pole are
20 for the -- Routinely they're not distinguishable.
21 There are some chemical tests that can be done, which
22 are very sophisticated and expensive that can
23 separate. For example, emissions from residual
24 heating oil, has a lot of nickel in it.
25

1
2 But that's just -- that's a very
3 sophisticated test. It has to be sent to the
4 laboratory. It's very expensive. It wouldn't be
5 practical on a street where there's a generator to
6 say, Okay, I'm taking this PM 2.5 measurement. And I
7 can tell you that 5% of it is coming from this
8 generator, and the rest of it's from the general area
9 traffic. The smoke test is really something that's
10 assessing the adequacy of the tuning and emission
11 controls from that particular source. So it's
12 getting more directly at is that piece of equipment
13 being operated optimally or appropriately? So that's
14 how the two are different. They serve different
15 purposes. It's not that one is better than the
16 other. It's just -- it depends on what the question
17 is that you're asking.

18 CHAIRPERSON RICHARDS: Just hopping back
19 to air quality again. So other municipalities reduce
20 or eliminate mass transit fees during the - - during
21 days when we have obviously the poorest air quality.
22 Is the City looking to work with the State in
23 particular on something similar to get cars and
24 vehicles off the road or on these particular days?
25 This is for the commissioner.

[Pause]

ASSISTANT COMMISSIONER MATTE: Yeah, I'm not aware of anything that's in the works presently, but I would say that we at the Health -- Speaking for the Health Department, we would be favorably disposed to working on something like that, that would -- Not just on poor air quality days, but certainly in anticipation of them that would provide incentives for people to not drive. Just anecdotally, and I used to commute from New Jersey when I worked in the city several years ago. And I would see the signs as I approached the George Washington Bridge Toll Plaza that was say it was an Ozone Action Day. "Please use public transit." And I would see that as I was approaching the bridge front. [laughter]

So, you know, it's the kind of thing I think really that we're -- I appreciate that kind of idea because I think that's the kind of thinking that we need to go -- start to tackle the traffic pollution problem. Is to really be looking at what are the incentives that we give people to drive versus take public transit? Are we doing as much as we can to make it easy and affordable and convenient for people to take public transit? And I would also

1 say that that is an important issue for environmental
2 justice in terms of affordability of public transit.
3 So, I think looking at like the root causes of
4 driving versus using more sustainable types of
5 transportation for our crowded city I think are
6 exactly the right approach. I'll be honest. I'm not
7 aware of anything that's currently afoot, but I think
8 it's what we need to be thinking about.

10 CHAIRPERSON RICHARDS: Thank you. So
11 should I become a transit president? [laughter]

12 ASSISTANT COMMISSIONER MATTE: I'm sorry?

13 CHAIRPERSON RICHARDS: Should I become a
14 transit president? As you said it was a great idea.
15 Just trying to lighten the room up. It's so dull.
16 Okay, I think the -- Just lastly, I know I've
17 questioned you guys to death. So, Commissioner, can
18 you run through each of the bills and say what
19 revisions would you make or do you think would make
20 these bills work for the Administration?

21 [Pause]

22 ANGELA LICATA: Yeah. I think maybe it
23 would be productive if we were to you a short list of
24 each of the revisions, or potentially even more mark
25 up the bills.

1 CHAIRPERSON RICHARDS: That would be
2 fine. I just want to say we see ourselves as
3 partners with you guys, and certainly improving air
4 quality. And I think each one of these bills at the
5 very least gets us thinking in a better direction.
6 And certainly improving air quality in communities,
7 especially our EJ communities. But let's even think
8 outside of our EJ communities. Everybody has a right
9 to breathe clean air. It should not matter where you
10 come from, what your socio-economic status is. In
11 particular when it comes to breathing clean air, it's
12 a God -- it should be a God-given right.

14 It is a God-given right. And based on
15 the testimony today, I want to say that I wasn't too
16 happy to see that the Administration wasn't
17 particularly in support of these bills, which I think
18 would obviously strengthen and move our city to
19 reducing the number of deaths that are associated
20 with poor air quality in New York City. And I think
21 that as many of the council members, Council Member
22 Chin's Bill or every bill in this package was put
23 forth for a particular reason. And they all would
24 contribute once again to a better New York City, and
25 I'm looking forward to hearing from the

1 Administration on how we're going to work together to
2 really seriously start to address poor air quality,
3 and in particular in EJ communities in Harlem.

4
5 And I know you guys referenced your
6 boiler program, but East Harlem we know that there's
7 still over 400 buildings that are still burning No. 6
8 oil. And we have not seen -- and this a new
9 administration. So, of course, we want to be
10 generous in certainly working with you because I
11 believe in treating people the way we would want to
12 be treated. But I'm hoping with this new
13 administration that we really are going to really
14 start to address these issues, which are associated
15 obviously with high asthma rates, and even down to
16 mental stability and education and learning.

17 And many of our children in these
18 communities deserve to live in a climate where they
19 are breathing clean air and not having to worry about
20 death. And many are born with a disadvantage in the
21 first place, economically, but now we're adding
22 health to that. So I'm hoping that we're seriously
23 going to look at these recommendations, and really
24 work together with the Council to make change in New
25 York City, real change in terms of air quality. So

1
2 we look forward to hearing back from you. Thank you
3 for coming and testifying.

4 ANGELA LICATA: Thank you very much.

5 [Pause]

6 CHAIRPERSON RICHARDS: That being said,
7 this hearing is adjourned being that there is no
8 testimony -- no people -- no one testifying. Oh, no,
9 hold on. One person. I'll the Administration to
10 wait and just hear from this one person as well. And
11 you'll come up.

12 [Pause]

13 CHAIRPERSON RICHARDS: If you could just
14 state your name, and Ms. Samara is going to swear you
15 in, and which organization you're with.

16 ANNIE WILSON: Okay, first sign in? No?
17 Wait? Okay.

18 LEGAL COUNSEL SWANSTON: Would you please
19 raise your right hand. Do you swear or affirm to
20 tell the truth, the whole truth, and nothing but the
21 truth today?

22 ANNIE WILSON: Yes, I do. Thank you for
23 this opportunity to speak on a quick review of the
24 various bills that we discussed today. And so, I'm
25 Annie Wilson, and I work with the Environment One

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Justice Project. And I'd like to speak on a few thoughts as I had with you, the members today. With regard to the first permitting and monitoring of portable generators, that the Intro Number 185, I'd like to address the permits, and the application for the permits for their installation. And would it be possible to have this information posted online?

[Pause]

ANNIE WILSON: And as for what would be the emergency use of these portable generators within the context of more than 48 hours continuously or for more than 96 hours in a seven-day period. The continuous monitoring by the owner or operator I'd like to know what that is. What is monitoring by the owner of this generator? What are the requirements for that? Does it mean that they have to report that they're using it, that it's a past work, that it's something? It needs to be defined, I think, here as to what is that continuous monitoring. Further on in that section refers to the air quality monitoring, which shall continue for the duration. Well, again, what is that air quality monitoring in this context? So that's my brief comment on that bill.

1 As for the Intro Number 297 and looking
2 at what are going to be the NOx rates with EPA.
3 Well, it's a very excellent idea to include the
4 parks, playgrounds, and ball fields in addition to
5 the heavy use thoroughfares. And requiring annual
6 reports, which are to be posted on the Department's
7 website annually. So again, would it be possible to
8 post as in real time monitoring what the onsite air
9 monitors are picking up on at the parks, playgrounds,
10 and the heavy use thoroughfares?
11

12 Well, I see there is a requirement for
13 the annual reporting of the report, but not for the
14 real time monitoring. So people could follow
15 actually what's going on the playgrounds adjacent to
16 them. So thank you for looking at a more appropriate
17 concern for the NOx and the EPA, and I don't know how
18 you're going to challenge the EPA when they come out
19 with their regs, but are we going to supersede the
20 regs? No? Okay. All right. So those are my
21 thoughts on that bill.

22 On the Intro Number 313, which is the Air
23 Quality Task Force, again a very good idea, and I was
24 wondering if there would be a budget given that there
25 is a requirement for the annual report by this task

1
2 force. And it's a volunteer based task force with no
3 compensation.

4 CHAIRPERSON RICHARDS: We could look at
5 that again.

6 ANNIE WILSON: Given that it is -- the
7 members of the task force will not be receiving any
8 compensation for their involvement. And given that
9 there is a requirement for a report within a year of
10 the creation of the task force, and that that report
11 would involve certainly the need for some assistance
12 or possibly beyond a secretary's work with actually
13 needing a researcher, needing some staff support, and
14 some coordinator activities that are maybe beyond the
15 scope of what a volunteer could offer within the
16 capacity as a non-compensated volunteer. If there
17 could be a budget that would support. I don't know.
18 One or two staffers or the option to, depending on
19 the requirements of the needs of the committee for
20 that report. I think that it would help.

21 CHAIRPERSON RICHARDS: That's brilliant.
22 That's brilliant. [sic]

23 ANNIE WILSON: Okay.

24 CHAIRPERSON RICHARDS: That's a very good
25 idea.

1
2 ANNIE WILSON: Okay, and next thoughts on
3 the Intro 312 with the comprehensive program to
4 respond to air quality work days. Well, a very good
5 idea on the teleworking options or having those that
6 are being diagnosed with chronic pulmonary diseases.
7 The recognition of what's taking place in those types
8 of climate change and our temperature increases is
9 being addressed here. Personally, I am an asthmatic.
10 So there, and I appreciate the intent of and the
11 recognition of these issues. Around the subway
12 systems, I want to address the air quality in the
13 subways, and we want to support more public
14 transportation. I got to tell you, with that heat
15 down there that is the reason why I won't take the
16 public transportation because of the air quality
17 issues down in the subway. There are some of these
18 passages where I almost keel over. From the L train
19 to the A train going up those stairs, forget about
20 it. I know what's like. You need some oxygen in
21 that corridor or something, or some areas of the
22 tunnels and some platforms, I've noted they're a
23 little worse than others. But maybe you might want
24 to look into them as a future initiative to look at
25 the issues of air quality in our public

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transportation. So, I would say that that is the general comments I had. I think it's a good step towards recognizing air issues in New York.

CHAIRPERSON RICHARDS: Well, thank you for coming out, and testifying, and we certainly will -- Certainly I agree with you on the subway. When it's hot especially it's very hard to stand down there, and especially dressed like this. So I can only imagine a person who has asthma or chronic illness having to stand on those platforms. So certainly, we -- it's something certainly we will explore and look at as we move into the future, and have conversations with the MTA on. And we appreciate your testimony, and certainly recommendations. So thank you for coming out.

ANNIE WILSON: Thank you.

CHAIRPERSON RICHARDS: And with that being said, I want to thank our Council to the Committee, Samara Swanston for all of her hard work, [applause] in putting all of this together, and with that -- and my staff, of course, Janelle Edwards, and Garelle Birney [sp?] and Margaret Chin for sticking in here the whole time. You're not even on the committee. You get -- she gets a gold star. Thank

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COMMITTEE ON ENVIRONMENTAL PROTECTION

you all for coming out today. So it will be the
conclusion of our hearing. Thank you. [gavel]

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 May 20, 2014