

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL PROTECTION

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April 15, 2015  
Start: 12:20 p.m.  
Recess: 01:00 p.m.

HELD AT: 250 Broadway- Committee Rm, 16<sup>th</sup> Fl.

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

COUNCIL MEMBERS:  
COSTA G. CONSTANTINIDES  
ERIC A. ULRICH  
RORY I. LANCMAN  
STEPHEN T. LEVIN

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

2 [gavel]

3 CHAIRPERSON RICHARDS: Alrighty this  
4 hearing now begins. Good morning, or afternoon. I  
5 am Council Member Donovan Richards, Chair of the  
6 Environmental Protection Committee. And today the  
7 committee will hear and vote on Intro 271A, the  
8 first major revision of the air code since 1970.  
9 Air pollution in New York City is a major health  
10 problem contributing to approximately six percent  
11 of all debts. Pollutants of concern include fine  
12 particulate matter, Nitrogen Oxides, elemental  
13 carbon and sulfur dioxide. New York City's air  
14 quality intermittently and routinely violates the  
15 EPA's national ambient air quality standards for  
16 criteria pollutants and the city is designated a  
17 nonattainment area for ozone pursuant to the clean  
18 air act. While New York City is designated an  
19 attainment, is designated in attainment for  
20 particulate matter the clean air act also requires  
21 EPA to periodically review the standards to ensure  
22 that they provide adequate health and environmental  
23 protection and to update those standards as  
24 necessary. The EPA has proposed revisions of both  
25 the ozone and particulate matter standards to make

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2 them more health protective. According to the New  
3 York City community air survey ozone and asthma  
4 hospitalizations among children under 18 have  
5 gotten worse in communities, districts that I  
6 represent and other environmental justice  
7 communities. We might, might not be an attainment  
8 of new revised standards so we will still have, we  
9 still have a lot more work to do. Other pollutants  
10 such as nitrous oxide, sulfur dioxides, and nickel  
11 remain at unsafe concentrations in our air. These  
12 pollutants are conclusively linked with a variety  
13 of health problems. Fine particulate matter is  
14 small enough to become embedded deep within the  
15 lungs and short term exposure can exasperate heart  
16 and respiratory problems such as asthma. Long term  
17 exposure to fine particulate matter has been linked  
18 to reduced lung function, chronic bronchitis,  
19 cardiovascular disease, and premature death. Sulfur  
20 dioxide which converts in the atmosphere to sulfate  
21 particles can cause difficulty in breathing,  
22 increased respiratory systems and aggravation of  
23 existing heart disease. Sulfur dioxide also  
24 contributes to lower visibility and acid deposition  
25 which has been of great concern in New York state

1 because it aids in formation of acid rains which in  
2 turn damages plant and animal life, buildings, and  
3 electrical equipment. In 1970 New York City passed  
4 the air pollution control code to help alleviate  
5 the impacts of these and other pollutants from the  
6 multifarious sources from which they are admitted.  
7 Although parts of the code have been amended over  
8 time and parts have been added the entire code has  
9 not received a thorough revision since the original  
10 passage more than 40 years ago. Intro umber 271A  
11 makes such a revision. Since we introduced the  
12 revised air code last year many changes have been  
13 made to improve the original document thanks to  
14 advocates in industry and all these good people  
15 who've been a part of this process. The changes  
16 include an advisory committee which will be added  
17 to advice DEP on future rule promulgations relating  
18 to emission control technologies. Other changes are  
19 certain engines are for, forbidden from being used  
20 on construction sites without first being  
21 registered with DEP and also passing smoke tests.  
22 Notices of petition for variances will be published  
23 by DEP on the internet going forward. Certain  
24 trucks used by the Department of Transportation and  
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2 air vacuums are exempted from having to obtain work  
3 permits before they are altered or installed. DEP's  
4 process for suspending, revoking, and renewing  
5 asbestos handling certificates is, is clarified.

6 Asbestos removal work that is stop by DEP due to a  
7 condition that is immediately curable may resume  
8 work as soon as the condition is corrected.

9 Abatement orders that are issued verbally by DEP  
10 due to airborne particulate matter issues on  
11 construction sites will be lifted immediately upon  
12 DEP's determination that the condition has been

13 corrected. So the big word is regulation with a  
14 capital R. Definitions of existing fire place and  
15 new fireplaces, new and existing char broilers and  
16 new and existing cook stoves have been amended. A  
17 fireplace will be deemed an existing fireplace if  
18 the application for its construction has been filed  
19 before this law is affected. So that was a big on.

20 Fireplaces and wood burning heaters may be used as  
21 a primary source of heat in emergency situations  
22 only. The soonest dates on which DEP may promulgate  
23 rules relating to certain existing char broilers  
24 and new char broilers have been moved to a later  
25 time. A method was added to calculate the amount of

1  
2 meat cooked by a facility using a char broiler so  
3 that there will be more reporting around that. The  
4 effective date for a certificate of operation for  
5 first time registration of stationary engines was  
6 moved from one year after the law was enacted to  
7 January 1<sup>st</sup>, 2018. Starting January 1<sup>st</sup>, 2025 the  
8 certificates of operation for stationary generators  
9 that must meet certain admission standards will  
10 only be renewed if their owner or operator  
11 demonstrates that they meet specified emission  
12 standards except in cases of hard, undue hardship.  
13 Small businesses we're helping there. An exemption  
14 to the requirements for stationary engines was  
15 added for emergency stationary reciprocating  
16 internal combustion engines. Another change that  
17 the city does not have to purchase zero partial  
18 zero emission vehicles when DEP determines it would  
19 be impractical to do so provided that the next  
20 highest rating category available for such vehicles  
21 is selected. And one of my favorite parts, a phase  
22 out of schedule for school busses that do, do not  
23 utilize a closed crank case ventilation system was  
24 added phasing out such school busses by 2020. The  
25 waiver of fees for mobile vending units equipped

2 with an auxiliary engine meeting tier 4 emission  
3 standards is also limited to engines installed  
4 within 18 months of the effective dates of the law.  
5 The commissioner may also recommend no civil  
6 penalty on a first violation of the sections on air  
7 contaminate detectors and recorders and air  
8 combustion shut off provided that respondents  
9 admits, provided that the respondent admits  
10 liability, files a certification that violation has  
11 been corrected, and the commissioner accepts such  
12 certification. Such violations may be used to  
13 impose penalties for subsequent violations of the  
14 same type. Based upon the changes that have been  
15 made on this particular bill. I am voting in favor  
16 of the bill as a, as revised and I do recommend a  
17 yes vote by the committee. With that being said we  
18 will call the vote.

19 COMMITTEE CLERK DESTEFANO: Matthew  
20 Destefano Committee Clerk roll call vote Committee  
21 on Environmental Protection, Intro number 271A.  
22 Council Member Richards.

23 CHAIRPERSON RICHARDS: I vote aye.

24 COMMITTEE CLERK DESTEFANO:  
25 Constantinides.

2 COUNCIL MEMBER CONSTANTINIDES: Aye.

3 COMMITTEE CLERK DESTEFANO: Lancman.

4 COUNCIL MEMBER LANCMAN: Aye.

5 COMMITTEE CLERK DESTAFANO: By a vote of  
6 three in the affirmative, zero in the negative, and  
7 no abstentions this item has been adopted. Thank  
8 you.

9 CHAIRPERSON RICHARDS: Thank you. Before  
10 we get out of here I just would like to say thank  
11 you to some individuals who this day would not be  
12 possible without. I want to highlight first  
13 obviously the speaker for her hard work and, and  
14 support on this bill, Mayor de Blasio, Samara  
15 Swanson, Jeff Baker, who did I miss, Laura Popa,  
16 did I say Reggie Thomas, Reggie Thomas oh Reggie  
17 Thomas and I apologize to him in advance for all  
18 those late night calls to talk of this bill and I  
19 hope he accepts that even though he's not in this  
20 room, and my staff Jerrell Burnie, Mercedes  
21 Buchanan, and my colleagues who signed on very  
22 early Costa Constantinides from Queens, Rory  
23 Lancman, Eric Ulrich, and Steve Levin. Thank you.  
24 With that being said we will hold this hearing for  
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other members to arrive to vote, for we'll say a half an hour? A half an hour. Thank you.

COMMITTEE CLERK DESTEFANO: A

continuation of roll call vote; Committee on Environmental Protection. Council Member Levin.

COUNCIL MEMBER LEVIN: Aye on all.

COMMITTEE CLERK DESTEFANO: Okay the vote stands four in the affirmative, zero in the negative, no abstentions.

COUNCIL MEMBER LEVIN: The hearing on Environmental Protection is adjourned.

[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 \_\_\_\_\_ April 27, 2015\_\_\_\_\_