

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL PROTECTION

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March 11, 2016

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B E F O R E: COSTA G. CONSTANTINIDES
Chairperson

COUNCIL MEMBERS: Stephen T. Levin
Rory I. Lancman
Donovan J. Richards
Eric A. Ulrich

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

Emily Lloyd, Commissioner
NYC Department of Environmental Protection

Steve Lawitts, Deputy Commissioner and Chief
Financial Officer
NYC Department of Environmental Protection

Eric Landau, Acting Deputy Commissioner
Public Affairs
NYC Department of Environmental Protection

Joseph Murin, Assistant Commissioner for Budget
NYC Department of Environmental Protection

Jim Roberts, Deputy Commissioner
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Angela Licata, Deputy Commissioner
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NYC Department of Environmental Protection

Vincent Sapienza, Deputy Commissioner
Engineering, Design and Construction
NYC Department of Environmental Protection

Paul Rush, Deputy Commissioner
Bureau of Water Supply
NYC Department of Environmental Protection

Murray Fisher, Executive Director
New York Harbor Foundation

2 [sound check, pause]

3 CHAIRPERSON CONSTANTINIDES: Okay.

4 [gavel]

5 SERGEANT-AT-ARMS: Quiet, please.

6 CHAIRPERSON CONSTANTINIDES: All right,
7 good afternoon, everyone. I am Council Member Costa
8 Constantinides, Chair of the Committee on
9 Environmental Protection. Today, this committee will
10 address the Mayor's Fiscal 2017 Preliminary Budget
11 for the Department of Environmental Protection. As
12 the entirely avoidable disaster unfolding in Flint,
13 Michigan has so--Flint, Michigan has so starkly
14 demonstrated a well maintained water supply ade--
15 adequate environmental controls are critical for a
16 city's health and wellbeing. We look forward to
17 hearing from the department on its expense and
18 capital budgets for Fiscal 2017, and agency
19 operations related to their missions in protecting
20 public health and the environment. The department's
21 proposed Fiscal 2017 expense budget totals \$1.23
22 billion, which is \$22.3 million less than 2017
23 Adopted Budget. The change reflects reductions in
24 the following areas:

25

2 Filtration Avoidance Determination
3 Program; Housing Recovery Operations, Build It Back
4 headcount; water for the future project, the Retrofit
5 Accelerator Program; and the wall washing community
6 investment payments. So I look forward to hearing
7 from the Administration about this year's Preliminary
8 Budget, and I want to recognize first my colleague
9 from Queens, Council Member Rory Lancman, who's here
10 this afternoon, and from there I'll have Samara
11 Swanston our--our attorney swear in the witnesses.

12 LEGAL COUNSEL SWANSTON: Can you please
13 raise your right hands. Do you swear or affirm to
14 tell the truth, the whole truth and nothing but the
15 truth today?

16 COMMISSIONER LLOYD: I do.

17 CHAIRPERSON CONSTANTINIDES:
18 Commissioner, thank you for being here today. Please
19 begin.

20 COMMISSIONER LLOYD: Thank you. Good
21 afternoon, Chair Constantinides, and members. I'm
22 Emily Lloyd, Commissioner of the New York City
23 Department of Environmental Protection. I'm joined
24 today by First Deputy Commissioner Steve Lawitts;
25 Acting Deputy Commissioner for Public Affairs, Eric

2 Landau; and Assistant Commissioner for Budget, Joseph
3 Murin at the table and other senior managers who will
4 help answer questions as we--as we go through the
5 hearing. Thank you for the opportunity to testify on
6 DEP's Fiscal Year 2017 Preliminary Budget. As you
7 very well know, DEP has overall responsibility for
8 the city's water supply and sewer system including
9 providing drinking water for all New Yorkers,
10 maintaining pressure to fire hydrants, managing
11 stormwater and collecting and treating wastewater.
12 In addition, DEP also regulates air quality,
13 hazardous waste, and critical quality of life issues
14 including NORCs. All of our water related expenses,
15 both operational and capital are paid for with the
16 money collected from the water and sewer and rate
17 charge bill to all New York City property owners, and
18 authorized annually by the New York City Water Board.
19 In May 2015, the New York City Water Board adopted a
20 2.97% increase, the lowest increase in 15 years. As
21 part of this year's rate, a number of progressive
22 changes to the rate structure were introduced all
23 aimed at providing significant benefits and
24 assistance including freezing the minimum charge of
25 \$1.27 per day for the second consecutive year, which

2 benefits more than 150--150,000 customers who use
3 fewer than 100 gallons of water per day. In
4 addition, this year's rate again included the Home
5 Water Assistance Program, first introduced in 2014
6 that provides \$116 credit annually to homeowners who
7 qualify for the Federal Home Energy Assistance
8 Program. This year, the program has expanded to also
9 include an additional 46,500 low-income senior and
10 disabled homeowners who received Department of
11 Finance property tax exemptions. Finally, this
12 year's water rate also included a 40% return of the
13 rental payment and a commitment from Mayor de Blasio
14 to return an additional 10% annually until the rental
15 payment is fully eliminated. The Water Board will be
16 holding public rate hearings for the Fiscal Year 17
17 water rate the week of April 18th, and I look forward
18 to working with the members of the Council to
19 publicize those hearings.

20 Before I get to the substance of my
21 testimony today, I want to briefly touch on the
22 quality of New York City's drinking water. As Flint,
23 Michigan struggles with its water quality crisis, as
24 you mentioned, I want all New Yorkers to know the DEP
25 staff are extremely diligent about the very issues

2 that were sad--sadly neglected in Flint. DEP spends
3 substantial time and resources testing the water
4 quality from 1,000 water quality testing locations
5 around the five boroughs as well as testing water
6 quality upstate in our reservoirs, lakes, and
7 tunnels. In total, DEP contucks--conducts about half
8 a million water quality tests every year. While New
9 York City's water is virtually lead free when it is
10 delivered from our reservoir system, water can absorb
11 lead from pipes, fixtures and solder, the material
12 sometimes used to join pipes, found in the plumbing
13 of some buildings or homes. DEP believes that a
14 moderate percentage of homes in New York City may
15 have lead plumbing, such as lead service line, which
16 connect the property to the city's water main, and
17 are the responsibility of the property owner, or lead
18 solder, which connects pipes together inside the
19 home. To help reduce the risk that lead can dissolve
20 from the homeowner's plumbing or service line into
21 the tap water, DEP carefully monitors PH levels of
22 the water, and adds phosphoric acid, which creates a
23 protective film, reducing the release of metals from
24 household plumbing. Property owners interested in
25 testing their water for lead can contact DEP for a

2 free lead kit by call 311. Upon receiving the water
3 sample, DEP will test the water and send the property
4 owner the results within 30 days. Should the results
5 show an elevated level, DEP shares the results with
6 the Department of Health and Mental Hygiene as well
7 as the property owner, and the city will inform the
8 property owner of some recommended next steps.

9 Finally, as you know, we spend on average
10 more than a billion dollars a year to maintain and
11 further improve and update our water supply system
12 including major capital projects such as the Cats--
13 Catskill Delaware Ultraviolet Disinfection facility,
14 the Croton Water--Water Filtration Plant and City
15 Water Tunnel 3. Let me start by providing some
16 context. Turning to our capital and expense budgets,
17 I believe it would be helpful to share some recent
18 accomplishments, an update on our initiatives as part
19 of OneNYC, a brief overview of a number of
20 performance metrics, and an update on key programs
21 and projects. This past year we activated the
22 Croter--Croton Water Filtration Plant in the Bronx;
23 completed a \$210 million rehabilitation and upgrade
24 of Avenue B Pump Station in Brooklyn; completed
25 excavation of a \$250 million water tunnel connecting

2 Brooklyn and Staten Island; completed construction
3 and activated a \$30 million interceptor sewer line to
4 improve the health of Flushing Bay; began
5 construction of Staten Islands first Mid-Island Blue
6 Belt, and oversaw the completion of all 5,300
7 registered buildings converting from No. 6 heating
8 oil.

9 Playing a major role in our activities is
10 Mayor de Blasio's OneNYC Plan released on April 2nd,
11 2014, and expanding on prior long-term sustainability
12 plans for New York City as well as on the work of the
13 de Blasio Administration to date. OneNYC includes
14 several initiatives that DEP is hard at work on
15 including protecting the city's water supply, and
16 maintaining the reliability and resiliency of the
17 water supply system; installing or repairing 500
18 water fountains and water bottle refilling stations
19 across the five boroughs; expanding green
20 infrastructure and diversifying techniques for
21 stormwater management in neighborhood across the
22 city; and reducing pollution from stormwater runoff.
23 To meet the city's water supply needs, New York City
24 has a robust water supply infrastructure investment
25 program including projects such as the new tunnel to

bring water from Kensico Reservoir to the Catskill-Delaware Ultraviolet Disinfection facility; significant upgrades to the Hillview Reservoir in Yonkers, and the optimization of Catskill Aqueduct.

In 2015, as the city prepared for discussions with State regulators renewing Filtration Avoidance Determination or FAD, which allows the city to continue to deliver safe, unfiltered drinking water to more than eight million residents. DEP completed a comprehensive assessment of the existing program, and of water quality trends. The summary confirmed that the programs and investments NYC has made over the past decade in watershed protection and infrastructure have maintained the high quality of our water supply. The city's next FAD is expected in 2017. In February 2016, DEP substantially completed construction of the first phase of a \$1 billion project to replace a leaking section of the Delaware Aqueduct. In coming months, the city will begin boring a 2.5 mile long bypass tunnel more than 600 feet under the Hudson River. As a result of this project, water from the Delaware system will be unavailable for approximately six months while the new bypass tunnel is connected to the existing

2 tunnel. DEP has developed a comprehensive program to
3 ensure reliable water delivery during the
4 construction period including an expansion of water
5 conservation retrofits to 189 schools and 330 parks
6 across all five boroughs in 2016. We anticipate that
7 the project will be completed in 2023. That's the
8 Delaware Bypass project.

9 A reliable water supply is only as good
10 as valuable as it is accessible and readily available
11 for all New Yorkers. In 2015, the city launched a
12 new program to install or repair 500 water fountains
13 and water bottle refilling stations citywide,
14 encouraging residents to reach for tap water as their
15 preferred beverage both at home and on the go. An
16 interagency taskforce selected three different models
17 of outdoor fountains that make--that will make it
18 convenient for New Yorkers to fill their water
19 bottles while in transit across the city. The task
20 force identified 30 schools and 42 parks as priority
21 sites for the first phase of installations, and has
22 developed a GIS map to identify existing drinking
23 fountains and potential placement options moving
24 forward. In 2016, DEP will oversee the installation
25 for replacement of fountains and bottle refillers in

1 all schools identified for phase one of the program
2 and move forward on additional drinking fountains and
3 bottle refillers at the first tranche of identified
4 park sites. While DEP continues to be vigilant about
5 protecting our water supply, we must also seek
6 creative ways to manage the water that falls under
7 our streets and enters our sewers, and wastewater
8 infrastructure. Since the 1990s, the city has
9 pursued a dual approach to alleviate flooding and
10 protecting our surrounding waters through an
11 expansive build-out of gray and green infrastructure.
12 In 2015, DEP advanced construction of green
13 infrastructure in priority combined sewer overflow to
14 the terrain (sic) areas, which represents 6%--60% of
15 the city where stormwater from streets is carried
16 away in the same sewers that drain sanitary waste.
17 In 2015, DEP allocated 804 terrain areas, which
18 represents 6%--60% of the city where stormwater from
19 streets is carried away in the same sewers that drain
20 sanitary waste.
21

22 In 2015, DEP allocated \$804.5 million the
23 Ten-Year Capital Budget to build green infrastructure
24 such as right-of-way bioswales and stormwater green
25 streets. DEP has constructed more than 1,000 right-

of-way green infrastructure assets installed citywide and over 1,500 are in construction managing one-tenth of runoff from over 300 impervious areas.

Alleviating flooding Southeast Queens is a major priority for New York City. In 2015, Mayor de Blasio and DEP announced a \$1.5 billion program to substantially accelerate relief in Southeast Queens by pairing traditional sewer construction with green infrastructure throughout the region. As part of this effort, DEP launched an in-depth engineering assessment to evaluate on-the-ground conditions within the 50 highest complaint areas within Southeast Queens. Armed with this data, DEP will identify near-term interventions that can provide relief to those property owners by the end of 2016.

In parallel, DEP works closely with the Department of Transportation, Parks and Recreation, Design and Construction and the Economic Development Corporation to design and construct green infrastructure in the public right-of-way. By the end of 2016, over 2,600 right-of-way GI practices will be either in construction or fully completed. DEP also works with the Department of Education and the School Construction Authority as well as Parks and

2 Recreation, and the New York City Housing Authority
3 to identify opportunities for green infrastructure
4 retrofits on publicly owned properties around the
5 city. To date, DEP has completed 10 projects with
6 these partners. Five are in construction, and nearly
7 200 more are under consideration.

8 While the City continues to make new
9 strides in reducing CSOs, we are also developing a
10 comprehensive plan to address water quality from
11 runoff in separately sewer areas. On July 31, 2015,
12 New York State issued a Municipal Separate Storm
13 Sewer System or MS4 Permit for New York City that
14 requires the City to develop a stormwater management
15 program over the course of three years. Building on
16 previous permit preparation and engagement efforts,
17 DEP recently hosted multiple interagency and
18 stakeholder working groups to evaluate best
19 practices, and develop plans to address issues such
20 as floatables, good housekeeping for municipal
21 facilities, and industrial and commercial stormwater
22 sources. DEP also worked with the Department of
23 Sanitation and Green NYC to develop a media outreach
24 campaign on litter, debris, and floatables, which was
25 submitted to the State in October 2015 and official

launched in February 2016. In 2016, DEP will submit the First Annual Progress Report on the development of the citywide MS4 Stormwater Management Program Plan, as well as an interim report on the development of the State Pollutant Discharge Elimination System.

Turning now to Water and Sewer

Operations. DEP is maintaining its focus on preventive maintenance techniques. While the aim of improving--with the aim of improving efficiency and the operations of our vast infrastructure network. For example, we are inspecting and maintaining key valves and pressure regulators in our water system in order to reduce the potential for water main breaks due to pressure changes. Additionally, our Sewer Operation and Analysis Program cleans, repairs and replaces sewer segments with recurring issues. While sewers can discharge during major storms that exceed the design capacity of the sewers, we deploy resources to ensure that the existing system consistently performs at the capacity for which it was designed. Additionally, working with the Office of Emergency Management and the Departments of Sanitation and Transportation, we pre-inspect historically flood prone areas in advance of major

rain events. Beginning this July and ramping up to Fiscal Year in accordance with recently passed and signed legislation, DEP will be inspecting all 148,000 catch basins annually. One key issue to highlight that the committee is well aware of is the significant impact on sewer back-ups that fat, oil and grease build-up causes. While we have seen the percentage slightly decrease this year, it is still the cause of approximately 66% of confirmed backups. Grease entry into sewers is preventable, and relies on choices made by individuals. Focusing on public education and outreach, we have worked closely with schools, community organizations, and elected officials to help reduce the occurrence of grease being poured down the drain. Additionally, using Southeast East Queens as pilot area, staff is distributing information door to door. By the end of the year, we project that we will have reached over 50,000 homes in these neighborhoods. Finally, our staff follows up directly with restaurants in areas where there is persistent grease build-up in the sewers to ensure proper use of grease traps. This focus on enhancing operational efficiency and targeting our resource deployments has effected a

2 positive trend in our metrics. Some key performance
3 statistics--[coughs] excuse me--showing changes from
4 Fiscal Year 11 to Fiscal Year 15 include:

5 Sewer back-up resolution a 31% decrease.
6 Catch basin resolution time a 38% decrease. Number
7 of catch basins with open work order 58% decrease
8 from 2011 to June 30th, 2015. Confirmed sewer back-
9 ups, a 47% decrease. Sewer segments with recurring
10 back-ups a 49% decrease. Sewer segments with
11 recurring back-ups in dry weather a 56% decrease.
12 Total--total sewer cleaning a 15% increase.

13 In the area of noise and air regulation.
14 Since the passage of the Updated Air Code last year,
15 the City has met with agencies and external
16 stakeholder to craft the necessary regulations to
17 implemented the updated Air Pollution Control Code,
18 and DEP will promulgate new rules by the code's
19 effective date of May 6, 2016. To enhance air
20 compliance and enforcement capacity, DEP added eight
21 new air and noise inspectors last year, allowing us
22 to deploy inspectors on weekends and evenings when
23 many air and noise complaints occur. These additions
24 will also increase the number of inspections across
25 the city, enabling DEP to send inspectors to more

2 events and projects to ensure compliance with the air
3 and noise codes.

4 In the area of customer services, as the
5 committee knows, DEP operates a customer service
6 office in each borough in addition to a call center
7 to collect water and sewer rate payments, enroll
8 customers in payment agreements, and answer
9 questions. Our call response time has slightly
10 increased this year from 46 to 54 seconds primarily
11 due to staff attrition early in the fiscal year.
12 However, we have recently increased the number of
13 staff from 21 last July to 33 as of January 2016, as
14 well as hiring additional staff on a quarterly basis.
15 In addition, we continue to use a Virtual Call
16 Center, which allows for staff from our borough
17 offices to support the call center during peak
18 periods. With this increase in staff in the Virtual
19 Call Center, we have begun to see a decrease in call
20 waiting time to 30 seconds in the second quarter of
21 Fiscal Year 16.

22 Expanding further on our Green
23 Infrastructure Program, DEP continues implementation
24 of the program, which incorporates different
25 techniques to reduce stormwater runoff into the

combined sewer system, and ultimately reduce CSOs, as an alternative to gray infrastructure, which is usually building massive tanks and tunnels. The GI Program reflects the City's goal to improve water quality, as outlined in the NYC Green Infrastructure Plan by reducing CSOs in the waterways by 40% by 2030. In Fiscal Year 2016 to 2019, \$554 million is planned for various GI projects on public property including in the public right-of-way as well as the Green Infrastructure Grant Program, which funds stormwater management projects for private property owners. Some of examples of GI projects include permeable paving and rain gardens at city schools, parks and public housing, and most notably bioswales and stormwater green streets within city streets and sidewalks. Bioswales look like enlarged and densely planted tree pits, but are designed with specific plants and soils and below grade engineering that can soak up rain water. Bioswales intercept stormwater coming down the curb preventing it from going into the sewer system. In addition, they provide other important environmental benefits including improved air quality and greening of streets and neighborhoods. DEP with the support of the Economic

2 Development Corporation and the Department of Design
3 and Construction is designing and constructing green
4 infrastructure in priority watershed areas of the
5 Bronx, Brooklyn and Queens including Hutchinson
6 River, Westchester Creek, and Bronx River in the
7 Bronx, Flushing Bay, Flushing Creek, parts of Newtown
8 Creek and Jamaica Bay areas of Queens, Gowanus Canal,
9 Newtown Creek and Jamaica Bay areas of Brooklyn.
10 Work in select areas of the East River and Open
11 Waters Watershed in all three boroughs and future
12 work is being planned for the Harlem River Watershed
13 that will include Western Bronx and areas of Northern
14 Manhattan.

15 As the committee knows, DEP began
16 installing automated meter reading transmitters in
17 early 2009. AMR has played a vital role in ensuring
18 that all property owners are appropriately and
19 accurately billed for their actual water usage
20 leading to significantly fewer estimated bills. In
21 January 2009, 17.4% of bills were estimated while in
22 February 2016, only 3% of bills were estimated. As
23 of February 25th, 2016, automated meter reading
24 transmitters have been installed in over 819,000
25 meters representing over 97% of meters citywide based

1 on a citywide total of approximately 844,000 meter
2 registers. As the committee also knows, the water
3 and sewer service lines that connect homes to city
4 owned water and sewer mains are the responsibility of
5 the homeowner. Repairs to broken service lines can
6 cost between \$3,000 and \$15,000, and can be
7 financially devastating to the homeowner. Therefore,
8 in January 2013, we announced the availability of an
9 optional service line protection program. Under the
10 SLPP, American Water Resources will cover repairs to
11 an enrolled customer's leaking water service line or
12 a broken or clogged sewer service line. Homeowners
13 who choose to enroll in the program sign a contract
14 with AWR, and have the convenience of paying the
15 small monthly enrollment fees currently \$4.49 per
16 month for the water service line and \$8.47 for the
17 sewer service line to their water bills. In a little
18 over three years, over 205,000 customers have
19 enrolled in the plan with 90% of subscribers having
20 enrolled in both the water and sewer plans. These
21 enrolled customers generated nearly 4,500 claims in
22 the Fiscal Year 2015 with SLPP coverage saving them
23 more than \$16 million.
24
25

DEP is in the ninth year of the Ten-Year Filtration Avoidance Determination secured in 2007. Land acquisition continues to be an important part of our Source Water Protection Program, and DEP remains on track to meet the land solicitation goals established in with that. We continue to prioritize solicitation taking into account the high levels of protection we have attained in many parts of the watershed. Since 1997, DEP has acquired more than 145,500 acres of land in the watershed.

Turning now to our Preliminary Fiscal Year 2017 Expense and Capital Budget. The projected Expense Budget for the current fiscal year, Fiscal Year 16 is \$1.5 billion including approximately \$261 million in Community Development Block Grant Funds for the Build It Back Program for which DEP serves as the contracting entity for the city. For Fiscal Year 17 we expect DEP's expense budget to be \$1.2 billion. The Preliminary Fiscal Year 17 Expense Budget breaks down into the following large categories:

\$499 million or 41% in Personnel Services to pay the salaries for our nearly 6,000 funded positions.

2 \$732 million or approximately 59% for
3 other than Personnel Services, OTPS, which includes
4 taxes on Upstate watershed lands, which account for
5 \$167 million or nearly 14% of the Expense Budget. As
6 you know, the ownership of watershed lands represents
7 a critical investment in maintaining the high quality
8 of New York City's drinking water by protecting it at
9 the source and ensuring that it does not require more
10 expensive treatment such as filtration. I am pleased
11 to report that we have successfully negotiated
12 agreements with Upstate jurisdictions to make our tax
13 obligations more stable and predictable and in some
14 cases to even reduce them.

15 DEP's energy costs including heat, light
16 and power account for \$107 million or 9% of the
17 Fiscal Year 17 Expense Budget. DEP is the third
18 largest municipal consumer of electric power in New
19 York City after the Department of Education and the
20 Health and Hospitals Corporation, and our consumption
21 will grow as we bring online new treatment processes
22 for wastewater to control energy costs, and meet Mary
23 de Blasio's major commitment to reduce greenhouse gas
24 emissions, DEP is investing in projects to reduce
25 energy needs including a cogeneration plant at the

2 North River Wastewater Treatment facility. Chemicals
3 are estimated to cost \$55 million in Fiscal Year 17
4 or about 5% of our Expense Budget. For drinking
5 water DEP continues to add chlorine and fluoride to
6 captured (sic) water in order to meet federal, state
7 and city treatment requirements. Also for drinking
8 water the treatment processes at the New Croton Water
9 Filtration Plant require chemical additions. Our
10 wastewater plants rely on the addition of polymers
11 and other chemicals to remove--to improve removal
12 rates and continue to disinfect their effluent with
13 chlorine. Sludge management of the 1,200 tons per
14 day is projected to cost about \$45 million in Fiscal
15 Year 17 or about 4% of the Expense Budget. DEP's
16 Fiscal Year 17 Preliminary Four-Year Capital Budget
17 is approximately \$10 million for Fiscal year--\$10
18 billion for Fiscal Year 16 to 19 as presented by
19 Mayor de Blasio on January 21st, 2016. This is a
20 \$1.7 billion or a 21% increase over the Fiscal Year
21 16 September Capital Plan of \$8.3 billion. Major
22 changes in the plan for Fiscal Year 2016 to '19
23 include: Gowanus combined sewer overflow retention
24 tanks. To significantly reduce the combined sewer
25 overflow discharges into Gowanus Canal, \$510 million

2 was added in the plan to secure land, design two CSO
3 tanks and construct one of the two planned CSO tanks
4 adjacent to the Gowanus Canal.

5 Hunts Point Wastewater Treatment Plant
6 Digesters. A total of \$155 million, an addition of
7 \$55 million and an acceleration of \$100 million from
8 Fiscal Year '20, was added to replace the Hunts Point
9 Wastewater Treatment Plant Digesters. This includes
10 \$21 million for design; \$20 million for construction
11 management; and \$200 million for construction to
12 fully fund this project at \$241 million in the plan.

13 Ashokan Reservoir Olive Bridge Dam
14 dividing Weir Bridge. An additional \$97.7 million
15 was added in the plan to ensure continued compliance
16 with New York State Dam's Safety Regulations of the
17 Ashokan Reservoir's dams and dikes. The construction
18 will also ensure that selective withdrawals of water
19 from the Ashokan Reservoir to the Catskill Aqueduct--
20 Aqueduct, 40% of the daily supply continue
21 uninterrupted to New York City residents and the
22 continued safety of the public traveling over the
23 dividing narrow (sic) bridge. Additional highlights
24 was the Fiscal Year 17 Preliminary Four-Year Capital
25 Plan including wastewater treatment. The plan

1 projects a \$4.1 billion investment in wastewater
2 treatment projects. \$2.8 billion of this is for the
3 upgrade, reconstruction or replacement of components
4 of the wastewater treatment plants and pumping
5 stations. The remaining \$1.3 billion investment will
6 be used to mitigate combined sewer overflows with
7 700--I'm sorry--\$570 million for green infrastructure
8 such as green roofs and bioswales, and the remainder
9 for gray infrastructure such as tanks and tunnels to
10 store wastewater. The above funding also includes a
11 \$210 million budget--budgeted for the construction of
12 a new cogeneration plant at the North River
13 Wastewater Treatment Plant. The new co-gen plant
14 will use renewable digester gas produced by the
15 wastewater treatment process to both power equipment
16 and heat the facility. It would help to reduce our
17 energy use and help the city meet the Mayor's major
18 commitment to reduce greenhouse gas emissions at
19 reservoirs, dams, treatment facilities and water
20 mains. For Fiscal Year 16 to 19, the Administration
21 is proposing to invest an additional \$2.6 billion in
22 protecting the quality of our reservoirs and the
23 integrity of our dams, providing for treatment where
24 necessary and maintaining and repairing water main
25

1 systems conveying potable water to all New Yorkers.

2 We have budgeted a total of \$875 million for our

3 Upstate projects. Funding of \$148 million is

4 provided for additional closeout work for the Croton

5 Filtration Plant inclusive of parks projects, and an

6 additional \$727 million for projects Upstate

7 including the continuation of our current FAD

8 programs totaling \$140 million, of which \$85 million

9 is for land acquisition, and \$189 million for the

10 reconstruction of dams in our three watersheds.

11 There is \$1.7 billion available for the replacement

12 of in-city water mains, which includes \$1 billion in

13 specific water main work; \$277 million for the

14 accelerated replacement of underground water

15 distribution infrastructure; \$72 million for trunk

16 main work related to the sewer build-out in

17 Southeast--Southeast Queens; \$71 million for

18 emergency contracts for water distribution; \$66

19 million for DDC managed City Water Tunnel 3

20 Connections; \$65 million for state of good repair;

21 and the balance of \$158 million for ancillary water

22 main projects. The Round Out West Branch Tunnel and

23 water for the future. Although this project extends

24 even beyond the four-year Fiscal Year '16 to '19

2 period, the plan improves over 200--provides over
3 \$250 million for projects related to providing
4 supplemental sources of water during the Delaware
5 Aqueduct shutdown. This funding includes \$131
6 million to increase the capacity of the Upper
7 Catskill Aqueduct.

8 Long-Term Control Plans: There is \$635
9 million of funding to cover planned, consent and
10 other work related to the Long-Term Control Plan for
11 combined sewer overflows and stormwater control.
12 This is a portion of a larger committee--commitment
13 being negotiated with DEC to erect \$3 billion over 30
14 years to improve water quality in designated water
15 bodies. The most significant element of this
16 commitment is \$560 million in the Four-Year Plan for
17 improvements to reduce city assay discharges in the
18 Gowanus Canal. In addition, DEP will undertaken
19 projects such as disinfection in Alley Creek,
20 Hutchinson River and Flushing Creek and measures and
21 other water bodies yet to be agreed upon.

22 Sewers: The plan for Fiscal Year 16 to
23 19 projects \$2.5 billion of spending on sewers, which
24 includes the build-out for Southeast Queens for \$584
25 million. In addition, there are \$637 million for

2 replacement of sewers, storm, sanitary or combined
3 including the Mayor's Initiative of for Accelerated
4 Replacement. \$1.3 billion for new sewers of all
5 types, of which storm sewers is a category by itself,
6 either new or reconstructed and accounts for \$1.2
7 billion of projected spending of which \$240 million
8 is for high level storm sewers, and \$304 million of
9 the total is for both the conventional sewers and the
10 lands necessary to create build-out systems, which
11 are being extended beyond Staten Island with
12 Springfield Lake in Queens and Cortlandt Park, the
13 Bronx Botanic Garcen--Botanical Garden and other
14 locations.

15 On behalf of the almost 6,000 of the
16 department, I want to express our appreciation for
17 Chairman Constantinides' strong leadership and our
18 continued commitment to work closely with the members
19 of this committee and the Council as a whole. This
20 concludes my prepared statement. I thank you for the
21 opportunity to present testimony, and look forward to
22 answering your questions. Thank you.

23 CHAIRPERSON CONSTANTINIDES: Thank you,
24 Commissioner. So I--I have a number of questions,
25 and then I will turn it over to my colleagues to ask

2 theirs. We've been joined with council--from our
3 Council Member and from Queens, Eric Ulrich, as well
4 as Council Member Donovan Richards from Queens.
5 Thank you both for being here. Let's talk a little
6 bit about the catch basins. So I know the
7 Preliminary Plan should--includes \$3.9 million in
8 Fiscal 17 to fund 27 positions, and purchase vehicles
9 to maintain catch basins in accordance with Intro
10 240-A, which requires DEP inspect citywide catch
11 basins on a one-year cycle as opposed to a three-year
12 cycle. How will staffing for catch basin inspections
13 be distributed throughout the boroughs?

14 COMMISSIONER LLOYD: I'm going to ask
15 Deputy Commissioner Roberts to answer this question?
16 Is there a follow-up part to that question? I'm
17 sorry.

18 CHAIRPERSON CONSTANTINIDES: Related,
19 yes, it's--

20 COMMISSIONER LLOYD: Did I interrupt you?

21 CHAIRPERSON CONSTANTINIDES: And can you
22 explain the impact it would have on some of the
23 communities, and what--what is the fiscal budget head
24 count and the level of funding to inspect the 148,000
25 citywide catch basins?

2 DEPUTY COMMISSIONER ROBERTS: Chairman,
3 the--the first part of the question was the
4 distribution of--of the--the personnel.

5 CHAIRPERSON CONSTANTINIDES: Yes, uh-huh.

6 DEPUTY COMMISSIONER ROBERTS: And--and
7 that really as--as you may be aware, the distribution
8 of the catch basins is not--is not uniform throughout
9 the--

10 CHAIRPERSON CONSTANTINIDES:
11 [interposing] Uh-huh.

12 DEPUTY COMMISSIONER ROBERTS: --
13 throughout the city. So it will be proportionate to
14 the distribution of the basins across the--across the
15 city. You going to ask me the--?

16 CHAIRPERSON CONSTANTINIDES: All right,
17 and I need you to swear him in, but I'll ask you to
18 just state your name for the record. [laughs]

19 DEPUTY COMMISSIONER ROBERTS: So--so--
20 we'll--we'll distribute the--the personnel across
21 the--the five boroughs according to the proportions
22 of the basins that are in the five boroughs, but the
23 way we've structured the--the planning is to--is to
24 allow us to be able to shift those resources as the
25 need may arise to augment. You know, it's important

2 in any--in any other areas. We'll be able to move
3 them around if we have to.

4 CHAIRPERSON CONSTANTINIDES: I
5 understand. I mean, so what's--?

6 DEPUTY COMMISSIONER ROBERTS: I'm sorry.
7 My--my name is James Roberts. I'm the Deputy
8 Commissioner for Water and Sewer Operations.

9 CHAIRPERSON CONSTANTINIDES: Okay. I have
10 another question on--anyway. So relating to catch
11 basins, in the Preliminary MMR, catch basin
12 resolution times in Fiscal 15 were 3.1 days. The
13 four--the four-month in actual Fiscal 16 is 3.5. Why
14 has the average time been slightly slower?

15 DEPUTY COMMISSIONER ROBERTS: I believe
16 the one thing with our--our--our metrics is that
17 they're--they're--they're snapshots--

18 CHAIRPERSON CONSTANTINIDES:
19 [interposing] Uh-huh.

20 DEPUTY COMMISSIONER ROBERTS: --in time.

21 CHAIRPERSON CONSTANTINIDES:
22 [interposing] I absolutely understand.

23 DEPUTY COMMISSIONER ROBERTS: And--and--
24 and so, in the four-month actual from '15 to--in
25 Fiscal 15 it's--it's 4.6 versus Fiscal 16. It is--

2 it's--it's down to about 3.6 days. So--so those--
3 those averages will fluctuate a little bit depending
4 on exactly when you look at the--the snapshot in
5 time.

6 CHAIRPERSON CONSTANTINIDES: Okay. All
7 right. So moving forward on green infrastructure,
8 and the head count increased that is associated with
9 that. The Preliminary Plan includes \$8.5 million in
10 Fiscal 17 to maintain green infrastructure. This
11 includes funding for 62 green infrastructure. Will
12 an effort be made to hire from local communities
13 where the infrastructure is located?

14 [pause]

15 COMMISSIONER LLOYD: So the--the budget
16 includes \$8.5 million to maintain it, and that is
17 funding for 62 green infrastructure maintenance
18 positions. We've--precipitate--participated with
19 several local community job fairs to--to get people
20 interested in those job. We were at a Build It Back
21 green job fair in the Rockaways October 15, '14,
22 Built It Back Green Jobs Fair in Coney Island in
23 2015. Another one in Oct--later October '14, and
24 Council Member Daneek Miller had a Jamaica Job Expo
25 in 2015. We have filled 19 of those maintenance

2 positions to date. We're building up the staff as we
3 build out the bioswales, and we expect to hire three
4 more by end of this month. We still have positions
5 to hire, and we will continue to attend job fairs,
6 and we'd be happy to work with Council members at any
7 events that you're having.

8 CHAIRPERSON CONSTANTINIDES: That was my
9 next question is how do we go about publicizing these
10 open positions and, you know, how do we get--how do
11 you work with office--

12 COMMISSIONER LLOYD: [interposing] Right.

13 CHAIRPERSON CONSTANTINIDES: --to
14 publicize that?

15 COMMISSIONER LLOYD: So Eric will be
16 happy to work with you. We are planned out to
17 coordinate, and we will be happy to do a table or a
18 presentation at an event to tell people about the
19 event, tell people about the jobs and what they're
20 like and take resumes. Or, give people contact
21 information so they can submit resumes afterwards.

22 CHAIRPERSON CONSTANTINIDES: You know, is
23 there a training program to get these individuals up
24 to speed or what--

2 COMMISSIONER LLOYD: [interposing] No
3 there isn't.

4 CHAIRPERSON CONSTANTINIDES: --or if
5 we're hiring people?

6 COMMISSIONER LLOYD: Nope, there's no
7 formal education or experienced background that's
8 required for the jobs. So, we do the training after
9 people are hired. They don't have to have any
10 training to come into the job except for the senior
11 gardener positions, which are appointed off of Civil
12 Service lists because that's the nature of those
13 jobs, and we have to do it that way.

14 CHAIRPERSON CONSTANTINIDES: So once
15 they're hired, we're able to give them the training
16 that they need to get them up to speed, and get them
17 moving?

18 COMMISSIONER LLOYD: Yeah, they do--the
19 work they do--actually, they develop very good
20 skills. They assist in general maintenance work,
21 edging, seeding, snow removal, cultivating,
22 fertilizing, trimming, sweeping, removal of sediments
23 and raking of littler. And then they help us to
24 maintain the drainage structure, which over time

2 degrades has to be sort of renewed from time to time.
3 So that the bioswales really retain the water.

4 CHAIRPERSON CONSTANTINIDES: So these are
5 skills that they can take with them for their entire
6 career. Right, yeah. Those are good jobs.
7 Fantastic. Relating to the Department Energy Study,
8 the Preliminary Plan includes \$200,000 in Fiscal 17
9 and then \$600,000 in Fiscal 18 and 19 to conduct the
10 energy study. Who is going to conduct this study?

11 COMMISSIONER LLOYD: I'm going to ask
12 Deputy Commissioner Angela Licata to answer the
13 question.

14 CHAIRPERSON CONSTANTINIDES: Deputy
15 Commissioner, welcome. Please state your name before
16 you just start speaking just for the record.

17 DEPUTY COMMISSIONER LICATA: I'm Angela
18 Licata, Deputy Commissioner for Sustainability for
19 the Department of Environmental Protection.

20 CHAIRPERSON CONSTANTINIDES: Okay.

21 DEPUTY COMMISSIONER LICATA: With respect
22 to the Energy Study--

23 CHAIRPERSON CONSTANTINIDES:
24 [interposing] Uh-huh.

2 DEPUTY COMMISSIONER LICATA: --we are--we
3 are initiating the idea--the general idea there is to
4 give us a better set of analysis tools to be able to
5 evaluate the ideas that we're now generating in-house
6 with respect to reducing the department's energy use
7 and reducing our greenhouse gas profile. So if you
8 could imagine one of the strategies that we want to
9 look at is the potential for including more solar at
10 the wastewater treatment plants. We would like to be
11 able to better evaluate the potential for potentially
12 including solar on top of certain tanks, and this
13 will allow us to do a better cost benefit study of
14 that. We will also be utilizing this study for an
15 evaluation of our bio-solids program. The Bureau of
16 Wastewater Treatment is currently looking at the
17 Market Analysis for landfilling bio-solids as
18 compared with the potential for beneficially reusing
19 them. So we're constantly looking at the price
20 points on these scenarios, and this contract will
21 also allow us to complement the effort of that bureau
22 doing that business case analysis with a market
23 analysis. So when we have our bio-solids, if we
24 could beneficially re-use them in the future, where
25 would the markets be? And what markets are available

2 and at what quality do they want these bio-solids?

3 So this is the type of work that we would be doing

4 under this contract.

5 CHAIRPERSON CONSTANTINIDES: What do we--

6 what do we see as the completion date for this

7 particular study or--

8 DEPUTY COMMISSIONER LICATA: This

9 contract is anticipated to take five years. So we

10 should be done by 2022, but keep in mind that there

11 will be interim deliverables and, of course,

12 important outcomes along the way.

13 CHAIRPERSON CONSTANTINIDES: And we'll be

14 able to continue to work with you, as we all look to--

15 --to meet our 80 by 50 thought processes. We've--

16 we've been--you know city-owned buildings and geo--

17 and geothermal solar. It's fantastic, and about--and

18 about digesting capacity? [laughs] I know I'm

19 saying that wrong, but how--how much energy is

20 currently being produced, the anaerobic digestion

21 process at Newtown Creek Wastewater Treatment Plant?

22 COMMISSIONER LLOYD: I'm going to hand it

23 to you. [background comments]

24 CHAIRPERSON CONSTANTINIDES: And--and

25 while you're getting that together, I'll recognize

2 that both Council Member Brad Lander and Inez Barron
3 from Brooklyn have joined us.

4 [background comments]

5 COMMISSIONER LLOYD: So the plant
6 produces between 500 million and 750 million cubic
7 feet of gas per year. And Deputy Commissioner Vinny
8 Sapienza is going to answer the rest of the questions
9 in more detail.

10 CHAIRPERSON CONSTANTINIDES: Okay.

11 [background noise]

12 DEPUTY COMMISSIONER SAPIENZA: Good
13 afternoon. Vincent Sapienza, Deputy Commissioner for
14 Engineering, Design and Construction at DEP. As the
15 Commissioner mentioned, the plant through it's
16 anaerobic digester process, produces about two
17 million cubic feet a day of digester gas, roughly
18 between 500 and 750 million cubic feet a year. Some
19 of the gases used to heat the--the plant campus, the
20 buildings on--on the site we--we use that digester
21 gas as a fuel in the boilers, but much of it is
22 flared. There's--there's no other use for it at the
23 current time, but--but think as the Council knows we
24 are--have been for a while now talking to National

2 Grid about purchasing that--that excess gas that--
3 that we're now flaring.

4 CHAIRPERSON CONSTANTINIDES: And do we
5 expect that just be an increase use of this
6 technology on future projects?

7 DEPUTY COMMISSIONER SAPIENZA: So going
8 forward, as we do rehabilitation work on digesters or
9 build new digesters as we're looking at, at Hunts
10 Point, one of the things that we want to consider is
11 making better use of that digester gas to be able to
12 either use it on site for--for energy to--for the
13 plant, or to sell it to a third part.

14 CHAIRPERSON CONSTANTINIDES: Okay, and
15 I'm--I'm going to go with a few more questions. Then
16 I'm going to turn it over to my colleagues. In
17 relation to clean heat, this has been a huge success.
18 In relation to the program, can you provide us a
19 breakdown of the number of burners citywide that are
20 still currently using No. 4?

21 COMMISSIONER LLOYD: Yep. No. 4 and No.
22 6.

23 DEPUTY COMMISSIONER SAPIENZA: No. 6.
24 I'll do 4 and 6.

25 COMMISSIONER LLOYD: You want the page?

2 [background comments]

3 COMMISSIONER LLOYD: Angela, do you want
4 me to do it? Yeah, go ahead.

5 [background comments]

6 DEPUTY COMMISSIONER LICATA: This--this
7 may take me a--a little while to read, but currently
8 the breakdown is as follows: Natural gas plus fuel
9 oil No. 2 estimate at 5,010 boilers. Fuel No. 2
10 only, an estimated 1,540. Natural Gas plus Fuel No.
11 4, 1,100 boilers. Fuel No. 4, 2,130 boilers.
12 Natural gas alone, 1,185, and natural gas plus Fuel
13 No. 6 blended, 11.

14 CHAIRPERSON CONSTANTINIDES: Eleven. So
15 we're--we're getting--we're getting pretty close
16 there on--on No. 6.

17 DEPUTY COMMISSIONER LICATA: There are no
18 No. 6 only boilers operating now as part of the
19 original that we were tracking. So we've
20 successfully completed that phase out of the No. 6
21 boilers.

22 CHAIRPERSON CONSTANTINIDES: And we've--
23 we've expressed an interest in--in phasing out No. 4
24 oil. When does it look that the city will be able to
25 phase that out?

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2 DEPUTY COMMISSIONER LICATA: Currently,
3 in accordance with the rules that we passed in 2012,
4 and in accordance with the revised air code, the
5 phase out of No. 4 would have to occur by 2030.

6 CHAIRPERSON CONSTANTINIDES:
7 [interposing] Uh-huh.

8 DEPUTY COMMISSIONER LICATA: But
9 certainly we--we share your desire to phase out No. 4
10 sooner, and we will be working with the Clean Heat
11 Program and with other folks at City Hall to
12 accelerate the phase out of the No. 4 fuel oil.

13 CHAIRPERSON CONSTANTINIDES: And even
14 though it's not under our direct jurisdiction, do we
15 keep track of which power plants are--

16 COMMISSIONER LLOYD: They're all here.

17 CHAIRPERSON CONSTANTINIDES: --burning 4
18 and 6 oil within the city limits.

19 DEPUTY COMMISSIONER LICATA: We do and we
20 have recently been corresponding with them, and with
21 the Department of Environmental Conservation--

22 CHAIRPERSON CONSTANTINIDES:
23 [interposing] Uh-huh.

24 DEPUTY COMMISSIONER LICATA: --who
25 oversees those big facilities as well, and we will

2 continue to encourage them to make fuel oil changes
3 as well.

4 CHAIRPERSON CONSTANTINIDES: Has the
5 State really given us any indication that they wanted
6 to work with us on this because I've heard from
7 several operators that they're not within the City
8 jurisdiction and, therefore, they will continue to
9 burn 4 and 6 as long as they please, which I find is
10 completely unacceptable.

11 DEPUTY COMMISSIONER LICATA: Right.

12 CHAIRPERSON CONSTANTINIDES: This not--
13 I'm--I'm not putting the onus on you, but again
14 we're--we're saying this is the state problem that we
15 need to resolve within our city limits.

16 DEPUTY COMMISSIONER LICATA: I think
17 there is a willingness on the part of the State to
18 work together with us. They were very helpful in
19 indicating to these facilities that they did, in
20 fact, need to have city permits and be in good
21 standing with city regulators. So that was a step in
22 the right direction.

23 CHAIRPERSON CONSTANTINIDES: Oh, I--I
24 wholeheartedly agree because I think when have, you
25 know, we are phasing our 4 and 6 everywhere else in

2 the city, and yet we have power plants that are
3 already putting large amounts of particulate matter
4 into our communities. To have them burn 4 and 6, is-
5 -is an affront to these communities that they are
6 [laughs]

7 COMMISSIONER LLOYD: [off mic] That's
8 right.

9 CHAIRPERSON CONSTANTINIDES: --that they
10 are placed in, and we have to hold them much more
11 accountable and, you know, I will look forward to
12 working with the DEP to do that because it's--it's
13 completely unacceptable that they can continue to do
14 that. As far as security checks, I've seen that
15 facility security checks have decreased from Fiscal
16 2014 from 298,759 to 276,439 in 2015 to a target to
17 this--to a target of Fiscal Year 16 and 17 to
18 263,000. You know, why has the number of checks
19 decreased, and why is DEP targeting a lower number of
20 security checks?

21 [background comments]

22 COMMISSIONER LLOYD: In Fiscal Year 15
23 DEP redeployed security staff to the new Catskill-
24 Delaware UV Plant, but we continued to surpass our
25 target of 263,000 security--263,000 security checks.

2 The target for security checks--security checks was
3 263,000 in Fiscal Year 15 and remained so for Fiscal
4 Year 16 and 17. [background comments]

5 DEPUTY COMMISSIONER RUSH: Hi, it's Paul
6 Rush, Deputy Commissioner for the Bureau of Water
7 Supply. One other factor in this was that we
8 actually consolidated facilities. Over the course of
9 the past fiscal year, we consolidated two
10 laboratories in one in the Hudson areas, but we also
11 reduced the number of facilities we had from the
12 security checks from the security checks.

13 CHAIRPERSON CONSTANTINIDES: So the
14 reason that we're targeting less checks is because
15 there are less facilities for us to check.

16 DEPUTY COMMISSIONER RUSH: That's part of
17 it, yes, sir.

18 CHAIRPERSON CONSTANTINIDES: What
19 accounts for the other shrinkages.

20 DEPUTY COMMISSIONER RUSH: I mean the
21 consolidation of staffing at the UV plant, the focus
22 on the high, high security facilities.

23 CHAIRPERSON CONSTANTINIDES: Okay, all
24 right and last I come--I'll probably come back for
25 another round, but I do want to speak very quickly

2 and talk a little bit about testing for lead, and
3 the--So what--how much outreach is done so homeowners
4 know of this option that they can have their tested?
5 You know, what are we doing? How can we best get out
6 there? That there this is this option and that we're
7 working hard to avoid something like this.

8 COMMISSIONER LLOYD: Right. Well, first
9 of all, our--as I said earlier in my testimony, we--
10 we think that the work that we do to control the PH
11 and to make sure that there's orthophosphate in the
12 water, it does as EPA directs us to do, keeps there
13 from being the propensity for the lead to dissolve
14 into the private home fixtures. We do a fair amount
15 of outreach. We have it on our website, and when we--
16 --whenever we--I'm sorry--Excuse me one sec.

17 [background comments, pause] So we--we do outreach
18 through the community boards and through elected
19 officials, and when we--whenever we speak with a
20 group out these issues, about water quality, we
21 always let them know that that's the case. I will
22 say that right now we are looking at thinking about
23 how we can do more outreach about this. We get about
24 2,000 requests a year plus we have a cohort of 400
25 homes that we test under the EPA Testing Protocol.

2 So we have a--compared to other cities we do a lot of
3 testing, and--and then we monitor the follow-up on
4 the tests. If a test comes back high, we follow with
5 the homeowner, and have them do a second test. If
6 that comes back high, we tell them they should
7 consult with a plumber. We also send that
8 information to the Department of Health, and if they
9 think it's appropriate, they follow up as well. So
10 we're--we're very vigorous about the follow up with
11 people. We have seen an increase in interest this
12 year. We've seen a real uptick in requests for the
13 kit, which is good.

14 CHAIRPERSON CONSTANTINIDES: Well, we
15 have Flint, Michigan. We saw this on TV and the
16 tragic consequence of what's been going on there.
17 It--it's raised people's awareness of their own
18 drinking water, and we have the best drinking water
19 here in New York City. We want to communicate that
20 on a consistent basis, and also to get it out to
21 those that can't be--that don't have access to the
22 Internet, to, you know, small homeowner's groups,
23 community boards. I'm glad to hear that you are
24 doing that kind of work, and I'd be happy to work
25 with you to ensure that that in every neighborhood

2 we're getting that voice out there that we have the
3 best drinking water, but if you feel that potentially
4 you do have lead in your water, you need to--this kit
5 is available. We can quickly get that out there to
6 you, and that they have that option, and it's not
7 just online. So, we--I--I definitely agree with you
8 on that.

9 COMMISSIONER LLOYD: Okay.

10 CHAIRPERSON CONSTANTINIDES: Last, when
11 it comes to Bowery Bay, I know that we had a--a--
12 glad--the good success there. We're still on track
13 for Memorial Day to be--?

14 CHAIRPERSON RODRIGUEZ: Yes, we are still
15 on track. As you know, it's been a--a process that--
16 in phasing where some--some of the work is already
17 done now, but we expect full completion around
18 Memorial Day, yes.

19 COMMISSIONER LLOYD:

20 CHAIRPERSON CONSTANTINIDES: And that's
21 going to relieve 90%--potentially 90% of these smell
22 being mitigated based on these caps?

23 DEPUTY COMMISSIONER ROBERTS: The smell
24 is coming from the plants, yes.

2 CHAIRPERSON CONSTANTINIDES: Yes, as--as
3 my son, who we all live in Northwest Queens, between
4 Flushing--Flushing Bay and--and the Bowery Bay
5 Wastewater Treatment Plant, he deems it Rotten Egg
6 River. [laughter] Because on a--on a bad day after
7 the rain the--the mix of the baseball fields and many
8 of the residents in Astoria feel this--this same
9 concern. So I definitely want to thank you on the
10 record for that, and we look forward to seeing your
11 Long-Term Control Plan for Flushing and Bowery Bay,
12 as you look to completely clean Rotten River over
13 there.

14 DEPUTY COMMISSIONER ROBERTS: And we
15 thank you for your support and leadership, and look
16 forward to work with you on those Control Plans.

17 CHAIRPERSON CONSTANTINIDES: All right so
18 I'm going to--at this juncture I'm going to turn it
19 over to some of my colleagues who have been waiting
20 patiently, and I might come back, but I will turn it
21 over first to Council Member Rory Lancman.

22 [background comments and noise, pause]

23 COUNCIL MEMBER LANCMAN: Thank you, Mr.
24 Chairman and good afternoon, Commissioner, and your
25 team. I want to ask you about the water rates, an

2 annual ritual that has not been resolved to my
3 satisfaction to the satisfaction of my constituents.
4 I understand that it's not your fault, but I want to
5 ask you just a couple of questions so I understand
6 where we are. [coughs] As we know, the relationship
7 between the City and the--the Water Authority there's
8 a--a rental agreement. The city has a couple of
9 options as to how much rent it can charge for the use
10 of--I'm just using the term the water infrastructure.
11 I know it's water and sewer infrastructure. Do you
12 know yet what the City is asking this coming year in
13 rent, and do you know how much the City will be
14 paying on the debt service to pay for that water
15 infrastructure built all those many years ago?

16 COMMISSIONER LLOYD: I'm going to turn it
17 over to First Deputy Commissioner Steve Lawitts to
18 answer your question.

19 COUNCIL MEMBER LANCMAN: Thank you.

20 DEPUTY COMMISSIONER LAWITTS: Good
21 afternoon, Council Member Lancman.

22 COUNCIL MEMBER LANCMAN: Thank you.

23 DEPUTY COMMISSIONER LAWITTS: So in
24 Fiscal Year 2016, this current fiscal year, the
25 budgeted rental payment would have been \$226 million,

2 but because the Mayor is returning 40% of last year's
3 rental payment, that's an \$82 million refund. So,
4 the net rental payment would be \$144 million. We
5 are--we are planning for the coming fiscal years, the
6 Mayor announced last year that there'll a 50% return
7 of the rental payment.

8 COUNCIL MEMBER LANCMAN: So you expect
9 that the rental payment will--will stay at \$226
10 million, but instead of getting 40--instead of
11 getting 40% back, you'll get 50% back?

12 DEPUTY COMMISSIONER LAWITTS: Fifty
13 percent back in 2017--

14 COUNCIL MEMBER LANCMAN: [interposing]
15 Okay..

16 DEPUTY COMMISSIONER LAWITTS: --and 40%
17 back this year, and we expect that percentage to
18 increase by 10 percentage points in the--

19 COUNCIL MEMBER LANCMAN: [interposing] Do
20 you--

21 DEPUTY COMMISSIONER LAWITTS: --
22 subsequent years as well.

23 COUNCIL MEMBER LANCMAN: Right, do you
24 expect the--the base rental payment to--to--to stay
25

2 the same, \$226 million and just--just the rebate will
3 keep going up? And so that rebate is, you know, 100%.

4 DEPUTY COMMISSIONER LAWITTS: Well, I
5 think as--as--as we've testified in the past, and in
6 accordance with the reason the financing agreement
7 that the base rental payment is determined as 15% of
8 water finance authority debt service, and that
9 resulted in a projection this year of a base rental
10 payment of \$226 million. As we build more capital
11 projects and issue more bonds, and add to our debt
12 service, the base rental payment is expected to
13 increase in each of the next several years. But the
14 net rental payment is expected to decrease over each
15 of the next several years.

16 COUNCIL MEMBER LANCMAN: Right, and so do
17 you know what this year's number is for the--for the
18 base rent?

19 DEPUTY COMMISSIONER LAWITTS: This
20 coming year for--for Fiscal Year 2017?

21 COUNCIL MEMBER LANCMAN: Yeah.

22 DEPUTY COMMISSIONER LAWITTS: Yes, so
23 again based on our current estimate of next year's
24 debt service, it would be approximately \$244 million.
25 That's the base rental payment. Since--and with a

2 50% return of this year's rental payment, which will
3 be about \$113 million the net would be expected to be
4 \$130 million. So a reduction of \$14 million over
5 this year's net rental payment or under this year's
6 net rental payment. To summarize, reducing from--

7 COUNCIL MEMBER LANCMAN: [interposing]

8 Right, next--next year is going to be 244 base.

9 DEPUTY COMMISSIONER LAWITTS: 244,
10 correct.

11 COUNCIL MEMBER LANCMAN: And half back.

12 DEPUTY COMMISSIONER LAWITTS: And we're
13 going to get back \$113 million resulting in a net of
14 \$130 million.

15 COUNCIL MEMBER LANCMAN: I'm not
16 complaining, but that's more than half back. I mean
17 I'm assuming--I am complaining. That's less than
18 half back.

19 DEPUTY COMMISSIONER LAWITTS: It's--
20 it's

21 COUNCIL MEMBER LANCMAN: I am
22 complaining.

23 COUNCIL MEMBER RICHARDS: [off mic] We
24 are complaining. Yes.

2 COUNCIL MEMBER LANCMAN: That's less than
3 half back.

4 DEPUTY COMMISSIONER LAWITTS: Yes.

5 COUNCIL MEMBER LANCMAN: Like half of--1
6 and 244 is 122.

7 DEPUTY COMMISSIONER LAWITTS: So, we
8 get back in each fiscal year--in this fiscal year
9 we're getting back 40% of last year's basic--

10 COUNCIL MEMBER LANCMAN: [interposing] So
11 there's a little bit of a lag?

12 DEPUTY COMMISSIONER LAWITTS: There's a
13 one-year lag.

14 COUNCIL MEMBER LANCMAN: A one year lag.
15 Okay. That's--that's fine. So, the next the--the--
16 the second question is [coughs] because the City is
17 setting the rent at 15%, but they also have the
18 option to set the rent at whatever the City is paying
19 in--in debt service, which is what many of us think
20 is--

21 DEPUTY COMMISSIONER LAWITTS: Well, no
22 that's not entirely correct. It--it--the Finance
23 Agreement says that the rental payment shall be
24 either the old general obligation debt service--

2 COUNCIL MEMBER LANCMAN: [interposing]

3 Uh-huh.

4 DEPUTY COMMISSIONER LAWITTS: --or to

5 the extent it's greater, 15% of Water Finance

6 Authority Debt Service, and that crossover year from

7 the general obligation debt to the Water Finance

8 Authority debt, occurred in 2005, and--and it's been

9 that 15% Finance Water Finance Authority debt service

10 ever since.

11 COUNCIL MEMBER LANCMAN: Yeah, but that's

12 an election that the City makes. The City has two

13 options. The Finance Agreement as you just described

14 it is they--the City could collect in rent just what

15 the City has to pay out and make--as you put it--the

16 old general obligation debt.

17 DEPUTY COMMISSIONER LAWITTS: That's--

18 that's--that's right as we--

19 COUNCIL MEMBER LANCMAN: [interposing]

20 Right.

21 DEPUTY COMMISSIONER LAWITTS: --testified

22 before it's the Mayor's option--

23 COUNCIL MEMBER LANCMAN: [interposing]

24 Correct.

25

2 DEPUTY COMMISSIONER LAWITTS: --to ask
3 for the rental payment.

4 COUNCIL MEMBER LANCMAN: And so--so many
5 of us think and have thought for--for years, and once
6 the crossover happened, the City was really dipping
7 into the pocket of the rate payers because the City
8 was taking more in rent from--from the--the Water
9 Authority than it had to pay to meet those general
10 obligation bonds.

11 DEPUTY COMMISSIONER LAWITTS: That's
12 correct.

13 COUNCIL MEMBER LANCMAN: So what--do you
14 know the answer to how much is the city paying in
15 this coming fiscal year on those old general
16 obligation bonds? And--and for me, that's the
17 difference in what the City is--is picking our pocket
18 on.

19 DEPUTY COMMISSIONER LAWITTS: Right. So
20 I--I don't know precisely what this year's general
21 obligation debt service payment would be, but it has
22 been on the order of \$35 to \$40 million.

23 COUNCIL MEMBER LANCMAN: Right. So if
24 I'm getting my math roughly correct, controlling for
25 lags and other things that are a little more

2 complicated, if the city next year--if--if--if the
3 city next year is looking at collecting approximately
4 \$120 million when all is said and done in rent, after
5 rebates, et cetera, and the--the debt payments that
6 the city has to make is approximately \$30 millionish
7 dollars, you know, that's anywhere between let's say
8 \$80 and \$100 million that the city is collecting in
9 water rate fees than the city needs to--to pay off
10 the debt that it incurred to--to build out our water
11 and sewer infrastructure. So I don't know if these
12 are choices that are made by--by you, but, you know,
13 you are the--the Commissioner and you're the one that
14 they--they send out. And I just have to continue to
15 express my extreme disappointment that the Mayor is
16 not--is not only not treating water user or payers
17 fairly, but he is reneging on a position that he held
18 when he was a public advocate, and on a campaign
19 promise that he made when he ran for Mayor. And so,
20 it makes it difficult to speak enthusiastically about
21 all the other terrific things that the department is
22 doing in communities that I represent when feel that
23 they're--they're getting their pockets picked. But I
24 recognize that these aren't choices that you make.

2 COMMISSIONER LLOYD: And I will also say
3 that this is at the risk of--of dating myself, which
4 probably is not a risk because there's nobody there.
5 This the fourth mayor I've worked for, and the first
6 mayor who wouldn't even entertain this conversation,
7 and has in a very structured way with the First
8 Deputy Mayor and the Budget Director sat down and
9 instructed them to find a way to get us away from
10 paying the rental payments. So, I totally understand
11 and hear what you're saying. From where I sit, this
12 is tremendous progress.

13 COUNCIL MEMBER LANCMAN: Okay, thanks
14 very much.

15 CHAIRPERSON CONSTANTINIDES: Thank you.
16 Council Member Richards.

17 COUNCIL MEMBER RICHARDS: Thank you, Mr.
18 Chairman, and it's great to see you again. As of
19 yesterday we were together. So it's good to be back
20 together again. I wanted to speak on my favorite
21 subject of Southeast Queens. So can you just go
22 through, and I certainly want my constituents to hear
23 who are watching. That's why I think it's important
24 to make sure we speak of some of the progress on the
25 record. So can you just go through, you know,

2 obviously how much money is in the budget? And also
3 how much--what do we anticipate to do this fiscal
4 year to bring relief to Southeast Queens residents?

5 COMMISSIONER LLOYD: And I'm not going to
6 be able to rattle off numbers as I did when we met
7 the last time when I had numbers right in front of
8 me, but I know that Joe Murin can help me. But, you
9 know, there's \$1.5 billion in the budget, you know.
10 I think you and I are in agreement as is the Mayor
11 that is--it's a first down payment on a--a commitment
12 to build out the storm sewer system in Southeast
13 Queens. And it includes making a complete plan for
14 that build-out, which we're working on now, and--and
15 you've seen the first results of that. We have in
16 the budget over the 10 years \$1.5 billion. The
17 lion's share of that is for work that is already
18 scoped or will be shortly and will be in front of EDC
19 to be--to have the design completed and to be bid
20 out. And many of those projects, as you know, are--
21 are already under design, and some of them are
22 already bid out and there's--people are starting to
23 see the work on the street. The other piece of it
24 that I think is very important is that a portion of
25 that money is being used to look at the 50 smaller

2 areas within Southeast Queens where there's the
3 greatest density of complaints, and those 50 zones
4 that we've looked at, we are going in and looking at
5 them in great detail during wet weather to analyze
6 exactly what the problem is that's causing people the
7 problems that they're having whether it's ponding in
8 the street or water in their basement. And then
9 through Deputy Commissioner Jim Roberts really come
10 up with short-term solutions that can bring relief to
11 those areas much more quickly than the time it will
12 take to build out the full sewer system. And those
13 include green infrastructure, sewer extensions that
14 allow us to make use of some--some existing sewer
15 infrastructure that is inadequate in the long run,
16 but can give us some relief in the short run. And a
17 variety of other measures. There's also the ability
18 working with DOT. They have put some money in their
19 budget to help with some of those projects. So we
20 feel that we're making very real progress in this,
21 and if--if you want numbers, I'll ask Joe to provide
22 numbers, Joe Murin who is sitting to my left.

23 ASSISTANT COMMISSIONER MURIN: Thank you,
24 Commissioner. Joe Murin, Assistant Commissioner for
25 Budget. Council Member Richards, we have and Chair--

2 Mr. Chair and other members, for the Four-Year Plan
3 the agency has in it's Capital Budget 638--I'm sorry--
4 -\$658 million for construction work in Southeast
5 Queens related to these four build-outs. That breaks
6 down to \$63 million for 2016, \$237 million for 2017,
7 \$139 billion (sic)for 2018--2018, and \$220 million
8 for 2017. I'm sorry, 2019. The one element that
9 that doesn't incorporate in there is that there was
10 also funding provided by OMB to DOT as the
11 Commissioner noted for work that they are going to be
12 doing in conjunction with us as we start those build-
13 outs in Southeast Queens. We have a list that's
14 about four pages long, but we could share that with
15 the--the members if they want to see more details as
16 to where those specific projects have already been
17 scoped out or where they're planning to go from
18 there.

19 COUNCIL MEMBER RICHARDS: And I'm
20 assuming that's the list I saw yesterday as well.
21 Okay. I just wanted to know--and you said something
22 important, DOT and interagency cooperation. So are
23 we confident on all the HW projects, the highway
24 projects that DOT has supplemented us with the proper
25 funding to ensure that there is no hold up in

2 projects? And if not, do we know how much short we
3 are so that we can go to, you know, to the Mayor once
4 again to ensure that there's no hold up on these
5 projects as we move forward?

6 ASSISTANT COMMISSIONER MURIN: We--we are
7 continuing to have a dialogue. I was actually at a
8 meeting with, you know, Jim Roberts and Engineering
9 staff with DOT and with EDC at EDC's headquarters a
10 week or so ago where we were talking about the
11 coordination of those efforts speaking both to the
12 capital work, as well as the DOT work, and the--you
13 know, the meeting measures that the Commissioner was
14 speaking of. At this juncture, there is sufficient
15 funds for us to be moving forward with the four years
16 that we have here. We'll probably have to be
17 reassessing this come the next January plan in terms
18 of what there may be needed for DOT in the out years.
19 But we don't feel at this point it's going to be
20 something that will be able to slow us down in the
21 immediate term, and what has to happen out in the--
22 the neighborhoods that have been both the--the--by
23 the Bay as well in the up land zones that we have to
24 be doing work there.

2 COUNCIL MEMBER RICHARDS: Thank you for
3 that. That is--this is very good news because we
4 know that that's been a major and faction and reason
5 why a lot of these projects have been held up at this
6 point.

7 COMMISSIONER LLOYD: Yeah, I really want
8 to thank Commissioner Polly Trottenberg, as well,
9 who's really been a partner in this, and willing to
10 go back to and be with us. And as for these projects
11 as opposed to more money for some of the things that
12 got left off of her list. So I think it's--it's been
13 a good collaboration.

14 COUNCIL MEMBER RICHARDS: I'm going to
15 just bring up a subject that is a sore point,
16 obviously. It was brought up yesterday as well as
17 groundwater. So are you prepared to work and have
18 conversations with DEC on the groundwater issue as
19 well that plagues, you know, part of, and I
20 understand groundwater is not, you know, obviously
21 the only issue that we have to work towards to solve
22 the flooding issue. But it's a major one and in
23 particular for York College, and I'm sure Council
24 Member Miller, who will attest or bring it up as
25 well. So are we going to start conversations with

2 DEC? I know New York Rising definitely got some
3 money to do a student, in which, you know, we spoke
4 about yesterday, and we will be following up on that.
5 But where are we? Do you anticipate we'll start
6 conversations with DEC, and we're willing to be a
7 partner with our State officials I'm sure on that
8 conversation as well.

9 COMMISSIONER LLOYD: And we have not
10 taken them a package of properties that are a problem
11 at this point. Part of the work that you saw some of
12 yesterday both the door-to-door interviews that
13 Eric's staff did with students from York College, of
14 people who had complained about flooding that they
15 thought was groundwater. And in addition, the work
16 that we've been doing about in the 50 grids where
17 we've had the largest number of complaints. With
18 both of those we've been trying to sort out what the
19 source of the problem is, and it's a wide variety of
20 things. As--as we mentioned yesterday, it can be the
21 grading of the street. It can be the configuration
22 of the property. It can be--in some cases we think
23 it is groundwater, but we really wanted to try as
24 well as we could to identify and understand where
25 those properties were? Then we think we can, having

2 identified the problem more crisply and separated out
3 from all the other problems, we'll be looking for
4 partners. Looking for the right agencies who might
5 be able to help those homeowners. And as I said
6 yesterday, it's--it's not inconceivable it could be a
7 City agency, but it's also not inconceivable it could
8 be a State agency. Clearly, DEC regulates the--what
9 goes into the groundwater in the way of pollution.
10 They regulate what you're allowed to take out of the
11 groundwater in terms of permits to use the
12 groundwater. They're enormously involved in all the
13 groundwater issues on Long Island. So we're hoping
14 that they will be one of the partners in looking at
15 this and seeing whether there's some assistance we
16 can get.

17 COUNCIL MEMBER RICHARDS: Thank you, and
18 I'm very grateful to hear. I think this is like the
19 first year on the record in the budget like we're
20 really having an honest conversation about this, and
21 I want to thank you for your leadership and openness
22 definitely on that. I'm not passing the buck and
23 saying that there's, you know--it could be city or it
24 could be State, but at least we're getting scientific
25 data to ensure we know what the issues are. And I

2 think that's been certainly something that's been
3 missing over the years. So I want to thank you for
4 that.

5 COMMISSIONER LLOYD: [interposing] Well,
6 we--I think we all feel a tremendous obligation to
7 address those problems that have gone on for a long
8 time, and thank you very much for working with us on
9 it.

10 COUNCIL MEMBER RICHARDS: I want to get
11 into catch basins a little bit, and I know the
12 Chairman certainly brought this up. so are we
13 confident based on Bill No. 24-A, which I'm the
14 sponsor of as well as with Council Member Williams
15 that we're going to be able to ramp up to really
16 clean out every catch basin all 148,000 in New York
17 City, and I have and I do want to put on the record
18 that I've seen enormous DEP staff out in the
19 district, actually Queens. A matter of fact, even on
20 my mother-in-law's block she lives on a dead end, and
21 I had nothing to do with it. I just want to make
22 sure that's on the record. But like it's--in 20
23 years they've never cleaned out her catch basin, and
24 I was happy to know that, you know, I came to pick my
25 son up one day, she was like, "They cleaned the catch

2 basin out. In 20 years I've never seen them on the
3 block." And it was done. So I can attest that it's
4 happening, I'm just more interested in it happening
5 even more citywide now.

6 COMMISSIONER LLOYD: Yes. OMB has funded
7 additional staff, and--

8 COUNCIL MEMBER RICHARDS: [interposing]
9 How much? Do you know?

10 COMMISSIONER LLOYD: --we have--

11 COUNCIL MEMBER RICHARDS: That's 27. I
12 see. That's 27 vehicles. Do we know how much staff,
13 additional staff?

14 COMMISSIONER LLOYD: I was--I was--I was
15 hoping to not have to ask Deputy Commissioner Roberts
16 to come up again--

17 COUNCIL MEMBER RICHARDS: [interposing]
18 Oh, oh, when I see Jim Roberts, I--I star getting
19 nervous.

20 COMMISSIONER LLOYD: --but he's going to
21 have to. Yeah, he's going to start talking details.
22 Here we go.

23 COUNCIL MEMBER RICHARDS: All right, go
24 ahead. You're not going to tell me two staff
25 members, right.

2 COMMISSIONER LLOYD: [interposing] [off
3 mic] He's going to sit here.

4 COUNCIL MEMBER RICHARDS: [laughs]

5 DEPUTY COMMISSIONER ROBERTS: Thank you,
6 Council Member Richards. The--the--the staffing is--
7 is projected to be I think 20--29 positions. We have
8 postings out actively--

9 COUNCIL MEMBER RICHARDS: 29 additional
10 positions or 29?

11 DEPUTY COMMISSIONER ROBERTS: Right, 299-
12 -

13 COUNCIL MEMBER RICHARDS: So what's the
14 total positions we have now? Do we know?

15 DEPUTY COMMISSIONER ROBERTS: [off mic]
16 I don't but I could run it by you. Okay.

17 COUNCIL MEMBER RICHARDS: An additional
18 27. Okay.

19 DEPUTY COMMISSIONER ROBERTS: And--and
20 those--those postings are--are currently out where--
21 where we--between--we're getting resumes in, and--and
22 we hope to have those people on board for--for the
23 fiscal years as--as it hits the ground.

24

25

2 COUNCIL MEMBER RICHARDS: So it's 27 and
3 what's the staffing levels currently? Or there's a
4 new 27 and those there crew?

5 DEPUTY COMMISSIONER ROBERTS: So--so--
6 the--the--the--the strategy that we're looking to
7 employ with regard to--to the--to the new bill is
8 really to be able to do the inspection the hundred.
9 On the whole population.

10 COUNCIL MEMBER RICHARDS: Which is both a
11 claim out as well.

12 DEPUTY COMMISSIONER ROBERTS: As needed.

13 COUNCIL MEMBER RICHARDS: Okay.

14 DEPUTY COMMISSIONER ROBERTS: And--and--

15 COUNCIL MEMBER RICHARDS: [interposing]

16 So you trust these 27 people--

17 DEPUTY COMMISSIONER ROBERTS:

18 [interposing] for that

19 COUNCIL MEMBER RICHARDS: --if I'm--if my
20 eyes are --are not wrong here, would be able to touch
21 al 148,000 catch basins?

22 DEPUTY COMMISSIONER ROBERTS: That's--
23 that's--that's going to be their task, and that's
24 going to be our task to make sure that they do.

2 COUNCIL MEMBER RICHARDS: Are you giving
3 them an impossible task?

4 DEPUTY COMMISSIONER ROBERTS: I don't
5 believe so.

6 COUNCIL MEMBER RICHARDS: You don't.
7 Okay. Okay, I guess we'll see next fiscal year how
8 those numbers look, how close we got to 148, and
9 we're confident once again with 27 we can get to 148.

10 DEPUTY COMMISSIONER ROBERTS: That's
11 good. That's--that's--that's the plan. We think
12 it's--we think it's well thought out and--and again,
13 I mean these--these are augmented resources. We--we
14 have--we have, you know, the existing resources that--
15 --that do catch basin cleaning and--and on a--on a
16 routine basis---

17 COUNCIL MEMBER RICHARDS: [interposing]
18 Uh-huh.

19 DEPUTY COMMISSIONER ROBERTS: --and, of
20 course, we will always respond to 311 complaints,
21 and--and--and the like, you know, so--so it does get
22 touched from a few different directions in addition
23 to this--this specific.

2 COUNCIL MEMBER RICHARDS: Okay,
3 allrighty, we--we shall see. You know it's a
4 reporting requirement with that bill.

5 DEPUTY COMMISSIONER ROBERTS: Yes, sir.

6 COUNCIL MEMBER RICHARDS: Okay. I'm just
7 making sure you remember. I just wanted to go into
8 street cave-ins. So I've noticed a lot more street
9 cave-ins in my district in particular, and wanted to
10 know what is the strategy around ensuring it. And
11 it's certainly been an uptick each year. It looks
12 like at least 5 or 700 or so. From FY13 to 15 we
13 certainly saw an increase, but I've certainly seen a
14 little bit more cave-ins. So what is our strategy?

15 COMMISSIONER LLOYD: So part of the
16 question is what--what ha caused the increase, and we
17 actually think that while there have been some very
18 high visible--high visibility sink holes, we think
19 that the primary cause in the increase is private
20 service lines. That's what our numbers show. You
21 know, service lines just like water mains have a--a
22 useful life that can be very, very long, but when
23 they go they go by and large. And so we--we have
24 seen an increase in those, and I think that the other
25 thing that we're doing that you'll be pleased with is

2 that one of the problems that has really annoyed
3 residents and elected officials over the years is the
4 back and forth between DOT and DEP as to who problem
5 it is. So we have been again working closely with
6 DOT and with OMB and DDC and trying to sort out how
7 we can address these more quickly without having to
8 be a lot of back and forth about whose budget should
9 it come out of. We don't have a--we don't have a
10 final solution yet, but I think we're really making
11 progress. So we hope that we're going to get that
12 resolved.

13 COUNCIL MEMBER RICHARDS: And I have seen
14 some long--it looks like longer term projects
15 happening around where we see the cave-ins. So I'm
16 sure we're moving in the right direction. Just
17 lastly on water mains, so water main breaks certainly
18 seem to be a reoccurring issue, and increase once
19 again based on OMB's reporting. So where are we at?
20 How do--or do we feel we're moving in the right
21 direction in terms or repairing and replacing water
22 mains? Not just necessarily putting a band-aid over
23 them, but replacing them and I do want to credit you
24 once again. I have even a water main break--water
25 pouring onto my block, and I just want to put on the

2 record once again it wasn't because I'm the former
3 chair that I allow these for my block. Trust me, I
4 would appreciate to be able to park on my block and
5 use water when I want to, but that is not a, you
6 know, an option right now. So where are we at there?

7 COMMISSIONER LLOYD: So I'm going to give
8 this one a try, and then when I falter I'll hand it
9 over to--to Jim Roberts. I think that the water
10 main--with water mains one of the things that we have
11 always known is that severe weather really affects
12 the old water mains, and they--and they tend to break
13 in--in severe weather. What we've been seeing this
14 year, which is very interesting, Jim'[s operation
15 always looks very closely when there's a shift in the
16 numbers to see what they think it is. And there's
17 almost a perfect correlation with the breaks within.
18 The temperature was being crazy and going up and down
19 above and below freezing. So we think that may be a
20 very sort of difficult moment for old water mains
21 when the temperature goes up and down very quickly
22 particularly when it passes--when it's a freeze/thaw
23 that happens very quickly. So we're--we're looking
24 at that. There's not much we can do about that, but
25 we think that may be a cause. A few years ago we'd

2 gotten a real improvement because Jim's staff had
3 figured out that if you--there were things they could
4 do about the water pressure in different areas as the
5 need rose and diminished in that area to reduce wear
6 and tear. And for several years that seemed to
7 reduce the number of water main breaks. I think now
8 we've--we've sort of absorbed that improvement. Now
9 we have a new challenge in figuring out what to do
10 about this. But I think the most important thing is
11 that we have a robust budget to keep replacing the
12 old water mains. We know they're all vulnerable, and
13 that in particular we have a \$100 million a year that
14 the Mayor had give us last year to do water mains
15 that we think may be the most vulnerable, and to try
16 to coordinate with the utilities at the same time.
17 Because where we had very old water mains we didn't
18 have very old gas lines. So we're trying to work
19 closely so that we can do that work at the same time.
20 We can't always arrange it, but where we can, we're
21 trying to do that. So, Jim frequently can spot an
22 area that looks like it's starting to be troubled.
23 There may be some leaks in the area over a couple
24 years, and he's trying to focus in on those areas,

2 and get them replaced before they become a major
3 water main break.

4 COUNCIL MEMBER RICHARDS: I want to thank
5 you. Thank you, Mr. Chairman, for being so patient
6 with me for all of the work that you've done. I
7 think the work that we've seen is based on what I saw
8 yesterday, and then the amount of work you've done in
9 a year shows that you've really made Southeast Queens
10 a priority and our hats off to you and your staff.
11 And we look forward to continuing to work with you.
12 We still have ways to go. We will always hold your
13 feet to the fire as much as we can, but we know that
14 we truly do have a partners in this area now. And I
15 want to thank the Mayor on the record for also making
16 this a priority. So I look forward to continuing to
17 work with you. Thank you Mr. Chairman. Thank you
18 Samara and Bill.

19 COMMISSIONER LLOYD: Thank you.

20 CHAIRPERSON CONSTANTINIDES: Thank you
21 Council Member Richards. Council Member Barron

22 COUNCIL MEMBER RICHARDS: [interposing]
23 And John. Sorry.

24 COUNCIL MEMBER BARRON: Thank you, Mr.
25 Chair and I thank the panel for coming and sharing

2 their information. I represent the 42nd Councilmanic
3 District, which includes Starex City, Spring Creek
4 Towers, and last summer there was a huge water main
5 break, and water literally gushed up out of
6 Pennsylvania Avenue for a height of about maybe 50
7 feet gushing into the--I don't--I took it off my
8 phones so I can't share it with you. And after a
9 period of time, the department did come and turn the
10 water off. Then they had to locate the main point,
11 and it seems as if it did not have immediate access
12 to know what was the closet shut-off point for that.
13 So how is that determination made? Where are the
14 plans? How accessible are those plans so that we can
15 have more immediate response to turning off the
16 water?

17 COMMISSIONER LLOYD: [off mic] Let me ask
18 Deputy Commissioner Roberts because he's experienced
19 it a lot. (sic)

20 DEPUTY COMMISSIONER ROBERTS: And Council
21 Member Barron that--I--I--I recall that specific
22 incident and so a couple things. One, most--most
23 directly to your question. Our--our staff has
24 immediate access to the--well, what--what used to be
25 called maps, but now--now it's more electronic data,

2 GIS representation of where all our assets are--are
3 available both to the people in the street. The
4 supervisors have notebooks in--in their--in their
5 trucks and vehicles. We have staff that they can
6 call, you know, with a phone call that--that--that's
7 on a computer to do that. As I--as I recollect with
8 that specific incident it--it was actually the valve
9 that was problem. The--the--the bonnet of the valve
10 or the top of the valve had actually come off, and
11 that--that becomes a little bit tricky to--to repair
12 and--and--and because a valve is impacted, they have
13 to find the other one. So I think it was more not--
14 not the inability but the--the--sort of the
15 coordination and making sure as--as you shut the main
16 down that you don't cause any additional damage in--
17 in doing that. And I think that sometimes isn't as
18 clearly understood. It's--it's not--it's not the
19 same as turning off a--a valve in the house. You
20 have a big system and--and that, but the--the--the
21 staff at--at every level has the appropriate
22 documentation that--that--that goes with that.

23 COUNCIL MEMBER BARRON: Okay, what is the-
24 -what is the involvement of DEP in preparing the
25 Environmental Impact Statements? As you know, the

2 FEIS was just submitted for the East New York
3 rezoning issue. So what is your involvement? Do
4 you actually prepare the entire document or how is
5 that done?

6 COMMISSIONER LLOYD: [laughs] I will ask
7 Deputy Commissioner Angela Licata--

8 COUNCIL MEMBER BARRON: [interposing]
9 Thank you.

10 COMMISSIONER LLOYD: --to answer that.
11 When I put the put the microphone. So I'll pull that
12 over to here. (sic)

13 DEPUTY COMMISSIONER LICATA: Hi. So, we
14 at DEP have various areas of expertise, and what we
15 will do is we will support the lead agency. In this
16 case it would be the Department of City Planning and
17 the Economic Development Corporation. I believe they
18 are working jointly on the project, but they will
19 come to us for input with respect to various
20 disciplines that DEP has this expertise. So for
21 instance, it would be the infrastructure, the water,
22 the sewer and wastewater treatment plants
23 infrastructure. It would be air and noise resources
24 as well.

2 COUNCIL MEMBER BARRON: So, it would be
3 your department that would say the--would make the
4 determination that these, in fact, are adverse
5 conditions. Who makes the determination? You give
6 them the raw data, and who makes the determination?

7 DEPUTY COMMISSIONER LICATA: It's the
8 lead agency--

9 COUNCIL MEMBER BARRON: [interposing] So

10 DEPUTY COMMISSIONER LICATA: --that has
11 to make that determination.

12 COUNCIL MEMBER BARRON: How--what is the
13 criteria? What's the threshold that says yes this is
14 adverse and no it's not?

15 DEPUTY COMMISSIONER LICATA: On some of
16 the impact categories for instance noise, it's really
17 straightforward. You know, we say if it's three
18 decibels above the ambient air quality that
19 constitutes a significant impact. When it comes to
20 infrastructure, potential infrastructure impacts,
21 that's a much a harder analysis, and there is no
22 bright line. What we are assessing in that case is
23 what is the potential growth within that area, but
24 we're looking at that growth over a long period of
25 time. So, as you know, City Planning comes up with

2 the reasonable worst case development scenarios. So
3 ultimately we want our infrastructure to be ready and
4 able to accommodate that increased growth over a long
5 period of time. And then what we may do with City
6 Planning is look at one or two development sites that
7 might really be red hot. So we know that those are
8 going to be. So they have to make certain estimate
9 for what they project to be the growth over a long
10 period of time. So, as you know, City Planning comes
11 up with a reasonable worst case development scenario.
12 So ultimately, we want our infrastructure to be ready
13 and able to accommodate that increased growth over a
14 long period of time. And then what we may do with
15 City Planning is look at one or two development sites
16 that might really be red hot. So we know that those
17 are going to be. So they have to make certain
18 estimates for what they project to be the growth over
19 time.

20 COUNCIL MEMBER BARRON: So what happens
21 with there's a declaration oh, this is fine, but five
22 years later, we understand or the results or the
23 reality shows that there was a negative impact, which
24 contradicts what may have been the reporting by DCP?
25 What kind ore reconciliation goes in? What kinds of

2 adjustments are made going forward to know that, wait
3 a minute, we missed the data here, and didn't get it
4 right? What kind of adjustments are made? What kind
5 of adaptations are made going forward?

6 COMMISSIONER LLOYD: Yeah. [pause] I
7 think when a preliminary EIS or a final one is done,
8 it is based on the modeling, and using the--the
9 standards that are used to assess the amount of
10 traffic, the effect on air quality, the effect on
11 noise. In our case, our best projections of what
12 demand on the infrastructure is going to be, and how
13 the increase will that affect that, the increase of
14 development. So I think that the--the--the working
15 sort of rule is that you try to use--you're
16 transparent about the methodology that you're using.
17 You make the best effort you can to be accurate, but
18 you can't--you can't absolutely predict what's going
19 to happen. And I don't know of any--I can't remember
20 any situation where an EIS was off track. I don't
21 know of one where it's been wildly off track. S o I--
22 so I--so I--I can't think of an example, but if it
23 were off track, I don't know. You know, the--the Law
24 Department would have to tell you if there would be

2 grounds for trying to hold the lead agency to test
3 for that. Angela has an additional thought.

4 DEPUTY COMMISSIONER LICATA: Okay. Yeah,
5 I--I--I was just going to add to that that, you know,
6 the system does have checks and balances built into
7 it. So while the EIS is a very predictive tool, and
8 it's not always easy to ascertain with certainty
9 where the development will occur in any particular
10 block and lot. The check and balances would include
11 things like the hook-up permit. So before anybody
12 could hook up to a sewer, they would need to come to
13 the department to determine that the fronting
14 infrastructure has the allowable flow and capacity.

15 COUNCIL MEMBER BARRON: And can that be
16 done by self-certification?

17 DEPUTY COMMISSIONER LICATA: It can be
18 done by self-certification.

19 COUNCIL MEMBER BARRON: That often times
20 presents a problem. There's a community in my
21 district where the developer is self-certified, and
22 they to this day are having problems over--over
23 something that happened about 15 years. I have some
24 other questions. What--do you have any relationship
25

2 with the pipeline, the Buckeye Pipeline, that
3 transports fuel from New Jersey to JFK?

4 DEPUTY COMMISSIONER ROBERTS: So, I'm
5 sure, Council Member, you're asking about yesterday's
6 leak.

7 COUNCIL MEMBER BARRON: My committee.

8 DEPUTY COMMISSIONER ROBERTS: And so the
9 only involvement that--that our agency had in that
10 was we did deploy our HazMat team to the site
11 yesterday afternoon or early evening, the leak on
12 Linden Boulevard. The Fire Department, of course,
13 being the lead agency in the leak itself, and our
14 HazMat was there. By the time--when they got there,
15 though, there was no--no fire and their--all their
16 readings were at normal levels. And so at that
17 point, Fire continues on as the lead agency.

18 COUNCIL MEMBER BARRON: So you don't have
19 any interaction with the maintenance or oversight of
20 how that--the conditions of the pipe is because it
21 transports, as you know, very hazardous materials.
22 And it appears that one of our agencies had a
23 contractor there who punctured the pipeline, which
24 caused the material to spew into the air, and fall
25 below because it was on an elevated track--onto the

2 street and the Fire Department came and responded in
3 that regard. So do you have any involvement then?
4 Is there any coordination with that clean up between
5 your agency and the other city agencies because it
6 was disastrous in terms of traffic. And this is an
7 incident that happened 24 hours earlier, but yet--and
8 still the response was totally inadequate.

9 DEPUTY COMMISSIONER ROBERTS: So--so
10 Council Member, the best I--I--I can tell you in--to
11 your questions, we don't have any oversight or--or
12 regulatory authority with regard to the pipeline.
13 That's a--that's an interstate transmission line that
14 I--I believe is under federal auspices. As you it
15 relates to response as--as--as Eric said, you know,
16 all HazMat folks who will respond will coordinate
17 with--with the Fire Department, which is generally
18 the incident command, in---in an event like that.
19 Our field operational people will be involved.
20 Should it get into the sewer system or anything that
21 we'll--we'll--we'll respond. With regard to the
22 question and I'm not--I haven't see it--the details
23 of--of how the accident exactly happened yesterday.
24 You--you referenced that it was hit by a contractor.
25 I don't know who--who they were working for, but all

2 of the underground utility work that's done in the
3 City is--is subjected to the State regulations for
4 marking out. And so--my presumption would have been
5 that--that that contractor should have been aware
6 that those--those facilities are there. The--The
7 Buckeye Pipelines are generally pretty obvious in--in
8 their mark out. They have--you'll white and orange--

9 COUNCIL MEMBER BARRON: [interposing]

10 Yes.

11 DEPUTY COMMISSIONER ROBERTS: --sort of
12 poles that are out there so--

13 COUNCIL MEMBER BARRON: Okay, so I
14 believe the contractor is required under New York
15 City One Call to make the call before they do
16 excavation for any underground facilities. So who
17 would be the agency that they would contact to say,
18 this is we plan to excavate, and get a response to
19 let them know what's in that immediate area that they
20 need to be mindful of, cautious of or avoid?

21 DEPUTY COMMISSIONER ROBERTS: Right so--
22 so that's--that's a state--that's a state
23 requirement. The--the--the

24 COUNCIL MEMBER BARRON: [interposing]

25 Right.

2 DEPUTY COMMISSIONER ROBERTS: --phone
3 call is a State requirement. I'm not entirely clear
4 specifically which--which arm of the state manages
5 that, but they--that requirement is incumbent upon
6 them via the State.

7 COUNCIL MEMBER BARRON: Right by New York
8 City as I--is specifically identified in the bill--
9 it's 7640, which says proper precautions are taken to
10 avoid accidents, and New York City specifically has a
11 one call requirement. So who would be the agency to
12 make sure that that was done?

13 DEPUTY COMMISSIONER ROBERTS: I'm--
14 Council Member I'm not--I'm not clear on that. I--
15 it's not--it's not--

16 COUNCIL MEMBER BARRON: [interposing]
17 Okay.

18 DEPUTY COMMISSIONER ROBERTS: -- our
19 agency.

20 COUNCIL MEMBER BARRON: Okay, it's not
21 your agency. Okay, good. And then just a few more
22 questions. The Chair referenced making sure that
23 communities that are exposed to the particulate
24 matter from the fuel that's being burnt, is not
25 overburdened and is protected. And there is a bill

2 that I've introduced, which had a hearing before this
3 committee, which ways that we want to ensure that
4 there's equitable distribution of the benefits that
5 come whether through loans or grants that it's
6 disbursed equitably, and that there is a coordination
7 between the agencies and--and play--in terms of
8 developing a plan. And making sure that there's
9 community representation on these boards going
10 forward. So have you looked at that bill, and what
11 is your response?

12 COMMISSIONER LLOYD: Can you handle that,
13 bill?

14 DEPUTY COMMISSIONER LAWITTS: Council
15 member we--we would like to take more--a closer look
16 at the bill with you, and with--with our colleagues
17 and other agencies as well.

18 COUNCIL MEMBER BARRON: Great. Thank
19 you very much. I appreciate it. Thank you, Mr.
20 Chair.

21 CHAIRPERSON CONSTANTINIDES: Thank you,
22 Council Member Barron. Council Member Levin.

23 COUNCIL MEMBER LEVIN: Thank you very
24 much, Mr. Chairman. Thank you, Commissioner.

25 [coughs] Following up on--on Council Member Richards'

2 questions and Council Member Barron's questions,
3 related to actually the overall coordination, it
4 seems that some agencies or utilities know where
5 their infrastructure is, maybe not where other
6 people's infrastructure is. Does DEP have an
7 interest in exploring having a--a kind of--one main
8 infrastructure GIS mapping system for everybody? So
9 that Con Ed knows where--where there may be water
10 main leaks, where DEP might know where, you know, or
11 whether a contractor might--for an agency might know,
12 you know, that the Buckeye Pipeline is nearby, or
13 any--or any of that stuff. My understanding is that,
14 you know, DEP has its GIS system. Con Ed might not
15 have that or National Grid and so on and so forth.

16 COMMISSIONER LLOYD: I'll let Jim Roberts
17 answer about how we exchange information about--you
18 know, we don't hit other people's infrastructure very
19 often. So we do check before we go in, but we have
20 and this is based on the advice from our security
21 people. We have a lot of concern about making--where
22 all of our all infrastructure is universally
23 available.

24 COUNCIL MEMBER LEVIN: [interposing] Uh-
25 huh.

2 COMMISSIONER LLOYD: It is--what we've
3 been advised is if somebody wants to spend a lot of
4 time on it, they can probably figure out sort of
5 where things are. But some of them were sensitive
6 parts of our water distribution system--

7 COUNCIL MEMBER LEVIN: [interposing]
8 Right.

9 COMMISSIONER LLOYD: --for example are
10 not very readily discernible, and we think that's a
11 really good things. You probably read in the paper
12 yesterday about the dam upstate that had been--that
13 had been hacked. And so the advice we've always
14 gotten from our security people is not to make our
15 information universal. To make it available on an
16 as-needed basis. Now, we understand that that's
17 going to some degree get around, and we understand
18 that some people can just walk in the streets, and
19 figure out where some of it is because there are
20 manhole covers here and there. But we generally do
21 not make it readily visible on the street where some
22 of the more significant parts of our infrastructure
23 are. And I think we would want to be very cautious
24 about going forward in that direction, and not
25 without consultation with our security folks.

2 COUNCIL MEMBER LEVIN: Of course, yeah.
3 I want to follow up on your remarks earlier around
4 drinking water and the dangers posed by lead
5 exposure. I--is it your assessment at this point in
6 time that there is no risk of lead exposure from DEP
7 pipes. So, it--it--I know that you--you said you
8 conducted--you conduct is it 400 home tests every--
9 every--twice a year or---

10 COMMISSIONER LLOYD: No, it's more than
11 that. We test the water for lead every place from
12 the reservoir down to those civil boxes you see on
13 the street--

14 COUNCIL MEMBER LEVIN: [interposing] Uh-
15 huh.

16 COMMISSIONER LLOYD: --and that's right
17 before it goes into people's home, and our level is--
18 -averages at no detect, less than one part per
19 billion. So there is--we're not allowed to have lead
20 in the public infrastructure, and that has been true
21 for 50 years, for a very long time.

22 COUNCIL MEMBER LEVIN: Well, what about
23 infrastructure that's older than 50 years old? Is
24 there--?

2 COMMISSIONER LLOYD: It's--it's been--I
3 believe it has all been [pause]--

4 COUNCIL MEMBER LEVIN: [interposing]
5 Well, the reason I ask obviously it's not just the
6 Flint situation

7 COMMISSIONER LLOYD: [interposing] Yeah.

8 COUNCIL MEMBER LEVIN: --but also what's
9 happening in Newark where the--that's happening in
10 the public school system.

11 COMMISSIONER LLOYD: When we--when--when--
12 -about--several years ago, we went through and looked
13 at all of the--worked with all of the agencies to
14 identify if they had lead service lines, and they--if
15 they need public buildings that were used for public
16 purpose had lead service lines, we replaced them.
17 And we're now updating that inventory to see if there
18 are new--any new buildings that have come on line. So
19 we feel that on an ongoing basis--

20 COUNCIL MEMBER LEVIN: [interposing] Uh-
21 huh.

22 COMMISSIONER LLOYD: --we do update that,
23 and we'll watch that very carefully obviously. I--

24 COUNCIL MEMBER LEVIN: [interposing]
25 Yeah.

2 COMMISSIONER LLOYD: Hold on one second.

3 Let me just ask. [pause]

4 COUNCIL MEMBER LEVIN: It--one of the
5 things--I mean I--all right--on my way over here this
6 afternoon, I heard--I was listening to the radio.
7 They were talking--somebody the RDC was on--on the
8 radio talking about this is a kind of issue, and the--
9 -the potential cost of replacing all infrastructure
10 that maybe, you know, is---is lead based is--is--is
11 staggering. You know, they said it could be
12 somewhere around a trillion dollars nationwide. As--
13 as the infrastructure ages, you know, my fear is that
14 any lead-based pipes will start to, you know, we
15 might find that if--if--if, you know, anything
16 that was before 1960 here in--in New York City might
17 start to get toward the end of its useful life and
18 become more of a risk.

19 DEPUTY COMMISSIONER ROBERTS: All right,
20 so Council Member I--I think the--the answer is in
21 part sort of the--the--the separation between the--
22 the service line and--and--and the city
23 infrastructure and--and so the vast majority of the
24 concern and the 1960 regulations were--were targeted
25 at service lines, and the inspection service lines.

2 As it relates to the City's water pipe system, the
3 networks and assets, there have been a couple of
4 iterations of--of regulations over the last decade or
5 more that have gone from lead--low lead to no lead--

6 COUNCIL MEMBER LEVIN: [interposing] Uh-
7 huh.

8 DEPUTY COMMISSIONER ROBERTS: So--so the
9 amount of lead that's allowed to be used and for
10 example--

11 COUNCIL MEMBER LEVIN: [interposing] It's
12 harder. (sic)

13 DEPUTY COMMISSIONER ROBERTS: --the
14 manufacture of valves or--or other pieces of the
15 infrastructure that we have that might come in
16 contact with the water has been regulated out. The
17 extent to which existing infrastructure--

18 COUNCIL MEMBER LEVIN: [interposing]
19 Service lines, right?

20 DEPUTY COMMISSIONER ROBERTS: Service--
21 service lines not--are--are--are really on--on--on a
22 separate track.

23 COMMISSIONER LLOYD: [off mic] They're
24 the prevailing thing. (sic)

2 DEPUTY COMMISSIONER ROBERTS: Yeah,
3 absolutely.

4 COUNCIL MEMBER LEVIN: They're obviously
5 they're not your responsibility, but they're, you
6 know, a concern to everybody.

7 CLERK: Well, they are a concern to
8 everybody and I think that--I think raising the
9 awareness of people who have lead service lines that
10 they do have lead service lines--

11 COUNCIL MEMBER LEVIN: [interposing] Uh-
12 huh.

13 COMMISSIONER LLOYD: --and that in the
14 long run they probably want to get rid of them is a
15 good way to go. I mean by and large, they're, we
16 think although we are updating. We're always
17 updating our inventory, which goes back to the 19th
18 Century, but we think it's probably somewhere between
19 6 and 10% of the private properties in New York City,
20 and we think largely it's small--small properties
21 because larger lines tended not to be made out of
22 lead, right so it's the very small lines. And we
23 think that the--the reg--the EPA regulations. You
24 understand what happened in Flint was that there was
25 a flagrant disregard for the EPA regulations both in

2 terms of the PH of the water they used when they
3 switched to the river, and they stopped using--adding
4 the Orthophosphate. They did--they stopped doing the
5 two things that make lead pipes not a tremendous
6 risk. And so that was, you know, just for the--
7 every--everyone just shakes the head--

8 COUNCIL MEMBER LEVIN: [interposing]

9 Right.

10 COMMISSIONER LLOYD: --on that. I think
11 on individual lead lines, what we find is the way EPA
12 monitors it is we have a group of 400 homes, and that
13 they're used at--they're distributed around the city
14 and--

15 COUNCIL MEMBER LEVIN: [interposing] A
16 great plan.

17 COMMISSIONER LLOYD: --they're used as a
18 representative sample to see if keeping the--the PH
19 balance and the Orthophosphate are working--

20 COUNCIL MEMBER LEVIN: [interposing]

21 Right.

22 COMMISSIONER LLOYD: --and we find that
23 it is working overall. We get--we get people sending
24 in and asking to have their lead tested, and we do
25 that, and we've had 11,000 I think of those tests, it

2 is over the past five or six years, and a very, very
3 low number have shown an elevated level. And
4 typically there's--there is not central research, but
5 there are lots of little bits of data from around the
6 country, and typically that seems to be because the
7 pipe has gotten disturbed. It could be you're
8 renovating your house. It could be--

9 COUNCIL MEMBER LEVIN: [interposing]
10 Right.

11 COMMISSIONER LLOYD: --street work, and
12 that tends to subside after--after a short period of
13 time.

14 COUNCIL MEMBER LEVIN: And all of these
15 homes would have been built before 1960, right?

16 COMMISSIONER LLOYD: Yes.

17 COUNCIL MEMBER LEVIN: Was there
18 anything--there was nothing--no lead pipes used at--
19 in New York City after--after '60?

20 COMMISSIONER LLOYD: Not--no--

21 DEPUTY COMMISSIONER ROBERTS: [off mic]
22 Not legally.

23 COMMISSIONER LLOYD: Not legally.

24 COUNCIL MEMBER LEVIN: Not legally.

2 COMMISSIONER LLOYD: Not legally, but
3 people--over the years, people have used lead solder
4 to join pipes within the house, and I don't think
5 there's a really good sense of how much of that there
6 is. It also should be protected in the same way by
7 the Orthophosphate coating, but again if it gets to
8 be--

9 COUNCIL MEMBER LEVIN: [interposing]
10 Right.

11 COMMISSIONER LLOYD: --disturbed, it
12 could be a source.

13 COUNCIL MEMBER LEVIN: And my--a
14 recommendation that I would have is just making sure
15 that your--your DOH has been doing outreach on lead
16 or they have an operation on the DOH for many years,
17 and they have a very good public communications
18 strategy. And so, you know, obviously pairing up
19 with them on any future public awareness efforts is--
20 it would very--I think very fruitful.

21 COMMISSIONER LLOYD: Yeah, we work with
22 them very, very closely all the time, and all their
23 quality issue there. The--the--they have primacy for
24 us in terms of water quality, drinking water quality.
25 And so we do work with them very closely.

2 COUNCIL MEMBER LEVIN: Well, even under--
3 I mean they have a specific--I--I used to work with
4 them on mostly paint related issue, but Deborah Nagen
5 (sp?) and Child and Lead Paint and Poison Prevention
6 Programs.

7 COMMISSIONER LLOYD: Yeah, and--and--and
8 their--their--their feeling is that lead is not a
9 significant water borne--

10 COUNCIL MEMBER LEVIN: [interposing]
11 Water borne, that is right.

12 COMMISSIONER LLOYD: It's not
13 significant, it's overwhelmingly paint--

14 COUNCIL MEMBER LEVIN: [interposing]
15 Right.

16 COMMISSIONER LLOYD: --from their
17 families with children who have high--

18 COUNCIL MEMBER LEVIN: [interposing]
19 Poison paint.

20 COMMISSIONER LLOYD: --lead levels.

21 COUNCIL MEMBER LEVIN: And then lastly,
22 how is the Nature Walk? How is everything going in
23 Greenpoint on the Nature Walk?

24 DEPUTY COMMISSIONER SAPIENZA: Thank you,
25 Councilman. So as you know, phase 2 and 3 of the

2 Nature Walk that Design has been approved by the
3 Public Design Commission, and the project is moving
4 through the regular construction cycle. We're
5 expecting construction to begin in 2017 with expected
6 completion in 2018, which is on schedule, and I
7 believe we have a new Town Creek monitor and
8 committee meeting scheduled for the 30th of this
9 month where we'll be talking about that in more
10 detail.

11 COUNCIL MEMBER LEVIN: Fabulous and it's
12 all budgeted for this--

13 DEPUTY COMMISSIONER SAPIENZA: Yes.

14 COUNCIL MEMBER LEVIN: Okay, wonderful.
15 I'll see you guys on the 30th, then.

16 DEPUTY COMMISSIONER SAPIENZA: Thank you.

17 COUNCIL MEMBER LEVIN: Thank you, Chair.

18 CHAIRPERSON CONSTANTINIDES: Thank you,
19 Council Member Levin. Council Member Miller.

20 COUNCIL MEMBER MILLER: Thank you, Mr.
21 Chair and Commissioner, you and your team. Thank you
22 for being there, and to my brilliant colleagues that
23 left me probably nothing to ask. That's what
24 happened. [laughter] So that's what happens when--

2 COUNCIL MEMBER RICHARDS: No, just re--
3 say everything I said again.

4 COUNCIL MEMBER MILLER: When--when--when
5 the--when the past chair is your neighboring
6 district, [laughter] and--and other communities have--
7 -have--have very like concerns, this is what often
8 happens. So I'm going to take a crack at it
9 nonetheless, and--and I want to talk a little bit
10 about some of the budget, and I know that we said
11 that this is-- My--my first concern is at least the--
12 -the--the four-year cap. Is that fully funded
13 through what point, and I--I noticed that there was
14 some money moved to 2017 from 2017 to 2020 and some
15 other moneys that may have been disallowed that we
16 may or may or may not de--depending on would that
17 have an impact on the projects--some of the projects
18 that we are looking to see in particular in Southeast
19 Queens.

20 COMMISSIONER LLOYD: I'm going to ask Joe
21 Murin to respond.

22 ASSISTANT COMMISSIONER MURIN: Thank you,
23 Councilman. Most of everything is fully funded,
24 particularly for the Southeast Queens in terms of,
25 you know, the entirety of the Ten-Year Plan that

2 we're looking at. You know, remember this is a four-
3 year cycle that we're looking at. So you may have
4 some movement of, you know, funds between those
5 years, And usually most of that would be driven by,
6 you know, scheduling where, you know, our colleagues
7 working with DDC and with DOT--

8 COUNCIL MEMBER MILLER: [interposing] Uh-
9 huh.

10 ASSISTANT COMMISSIONER MURIN: May be
11 saying that this may not be going as fast or that may
12 not be going. This may be accelerating and likewise
13 also with the procurement cycle as well in terms of
14 having, you know, some sort of issues that may be
15 holding something up. So without, you know, knowing
16 what the specific projects, which we could get to if
17 you have those. You know, we could follow up on
18 those. There probably was a rationale or a reason
19 why something was either moved or accelerated within
20 the--the frame. But at this juncture we believe that
21 we have fully funded--every plan is a new one, and we
22 would always go back and re-looking and seeing where
23 there are things that we need to revisit, and where
24 there may be things that we need to enhance or
25 accelerate of, you know, add new projects from that.

2 But, you know, we're very conscious especially of the
3 Southeast Queens with that or, you know, sticking to
4 that \$1.5 billion.

5 COUNCIL MEMBER MILLER: Well, that is
6 great to hear. That is great to hear, which is what
7 is really disheartening is that I don't have those
8 projects in front of me, and that there's a number of
9 briefings that have gone on with those community
10 boards, colleagues, civics or whatever, and--and my
11 office has not had that briefing and--and--and quite
12 frankly I'm--I'm often--the--the basis for that
13 question is that I have to field all those questions,
14 and I don't have that information in front of me. So
15 I need to be able to track the progress.

16 COMMISSIONER LLOYD: Let us--let us

17 COUNCIL MEMBER MILLER: [interposing] And--
18 --and know that there--

19 COMMISSIONER LLOYD: --get that briefing
20 for you.

21 COUNCIL MEMBER MILLER: --is a real
22 partnership here. So, we need to do--and--and I
23 understand that there has to be flexibility, but need
24 a--a--a pretty definitive time schedule of what--

2 COMMISSIONER LLOYD: [interposing] Uh-
3 huh.

4 COUNCIL MEMBER MILLER: --at least you
5 have planned there. And then Council Member Barron I
6 think talked about this, but--spoke of her concerns
7 of--of the--the development that is happening in
8 particular communities. Obviously, I would be
9 concerned with the development of Downtown Jamaica
10 and some of the--that we have seen projects there
11 that did not have adequate infrastructure and it was
12 kind of a little back and forth between agencies,
13 developers and so forth. But as we move forward,
14 have we taken into account--have we planned out and
15 looked at the infrastructure, and what is the
16 mechanism to address fully whether or not we have
17 adequate infrastructure for the development that
18 we're seeing in these developing communities
19 throughout the city?

20 COMMISSIONER LLOYD: [off mic] If you
21 want this one.

22 DEPUTY COMMISSIONER SAPIENZA: I--I--I
23 think I can, and Council Member Miller specifically
24 about Jamaica. So--so two things and--and Deputy
25 Commission Licata touched a little bit on it earlier

2 is--is that the agency is still a gateway through
3 which any of the development has to come even--even
4 after, you know, the--the zoning and--and--and all
5 the rest. So they have to come to us for
6 connections, and our--our engineering staff works
7 very closely, and Jamaica was actually carved out as
8 something that all--to Council Member Barron's point
9 none--none of those are allowed to be self-certified
10 applications that they--they--they get scrutinized.
11 And what happens is where it's identified that
12 perhaps they don't have enough capacity. The--the
13 developer will have to either retain more storm water
14 on site or they'll have to make--they'll have to go
15 to other measures. The--the only other thing I would
16 add to that is that we are--and I believe it's in
17 Fiscal 17--we are in the process of a project to
18 build out a--a sanitary pump station and force line,
19 a force main to increase the sanitary capacity to
20 support the Downtown Jamaica development. And--and
21 to allow for--for--for more of that development to
22 flourish. In--in, you know, short of the--the entire
23 build-out of the system as--as the Commissioner has
24 said. So it's sort of an interim step, and that--
25 that's scheduled I believe for '17.

2 COUNCIL MEMBER MILLER: And--and--and
3 will that development if--if you don't it, what would
4 be the impact on surrounding communities?

5 DEPUTY COMMISSIONER SAPIENZA: I'm sorry,
6 so--I--I apologize.

7 COUNCIL MEMBER MILLER: So the
8 surrounding community if that is not done, what would
9 be the impact on the surrounding communities. Would
10 it--would it just impact the new development, or
11 would it have an impact on existing infrastructure?

12 DEPUTY COMMISSIONER SAPIENZA: Yeah, so--
13 so what we--what we look at is we don't--we don't
14 look just look at the tip of the--tip of the pencil
15 and--and the block lights. We--we--we're very
16 concerned about making sure that nothing happens
17 above--at the top of the system impacts the--the--the
18 members of, you know, the community below. That's--
19 that's our primary concern.

20 COUNCIL MEMBER MILLER: And I'm also glad
21 that you brought up when we talked about self-
22 certification. I know then--some of our recent tours
23 we--we've seen communities that--or whether it was
24 self-inspected or not, just had no infrastructure at
25 all, and--and we have pretty regular flooding in

2 those areas there, and--and the things that we've--
3 there are some areas in Jamaica that we've identified
4 there, and--and I hope that that was alert--a lesson
5 that was truly learned that we can't allow that to
6 happen. And while we encourage development, we want
7 to encourage responsible development as well. In--in
8 this--in--in this Preliminary DEP Budget, I see that
9 you have \$154 or \$55 million in--in--in outside
10 contracts. Could--could we talk about the MWBE
11 participation in those contracts.

12 DEPUTY COMMISSIONER LAWITTS: Yes.

13 COMMISSIONER LLOYD: I think I'll have
14 Deputy Commissioner Steve Lawitts to respond.

15 COUNCIL MEMBER MILLER: Uh-huh.

16 DEPUTY COMMISSIONER LAWITTS: So, Council
17 Member Miller, in--in Fiscal Year 16 so far, we have
18 approved 200 subcontracts to MWBE, Minority and
19 Women-Owned Businesses worth approximately \$48
20 million, and that's about 44% of our total
21 subcontractor approvals. [pause]

22 COUNCIL MEMBER MILLER: Any general
23 contractors involve here?

24 DEPUTY COMMISSIONER LAWITTS: And for the
25 prime contractors that's more difficult for us

2 because our prime contracts because of the size of
3 our infrastructure tend to be very big, and tend to
4 be bigger than most MWBE firms have capacity to
5 provide. So, so far this year, we've awarded four
6 prime contracts with \$9 million, and so they're
7 relatively small prime contracts.

8 COUNCIL MEMBER MILLER: On the--

9 DEPUTY COMMISSIONER LAWITTS:

10 [interposing] That's--that's about two percent of our
11 total prime contract awards.

12 COUNCIL MEMBER MILLER: Okay, so--

13 DEPUTY COMMISSIONER LAWITTS: And--and
14 for Fiscal Year 15 we had similar percentages, 3% of
15 our prime contracts when to MWBEs, but those--those
16 were worth about \$56 million, and about 37% of our
17 subcontracts went to MWBE for about \$59 million.

18 COUNCIL MEMBER MILLER: And what were
19 your projections? Would--did that meet the
20 projections of anticipated MWBE contracts? Don't you
21 have a number--don't you have a target number going
22 in?

23 DEPUTY COMMISSIONER LAWITTS: Oh, for the
24 remainder of this year?

25

2 COUNCIL MEMBER MILLER: Just annually,
3 don't--did you have a target number that you would
4 like to reach--

5 DEPUTY COMMISSIONER LAWITTS:
6 [interposing] Well, we--we--

7 COUNCIL MEMBER MILLER: --in terms of
8 MWBE participation?

9 DEPUTY COMMISSIONER LAWITTS: We--our--
10 our target is--is just as high as we can possibly get
11 it, and Local Law 1 requires at least 30% of our
12 subcontractor dollars going to MWBEs. So far this
13 year we're--we're almost 50% above that target being
14 at 44%.

15 COUNCIL MEMBER MILLER: Good to hear.
16 Good to see you so aware, Jim. [laughter] All the
17 technical stuff, I--like all the time I like to speed
18 dial and move out of it, in my opinion is--is
19 knowledgeable. But I have seen with--with the street
20 cave-ins, these craters exist. Just you see them
21 slowing and then more rapidly diminishing, and then
22 they just cave in. And then some got repaired and
23 hit--and the process is starting all over again. Did
24 we not--have we missed something in design or--or
25 somewhere that you can go in and--and do pretty--

2 which appeared to be pretty thorough work and--and
3 within three or four months they're starting to cave
4 again.

5 DEPUTY COMMISSIONER ROBERTS: I'm--I'm--
6 I'm glad--I'm glad I stayed around, too, because
7 that's--that's--that's a challenging question. I--I--
8 -I think that, you know, the Commissioner touched on
9 some of it earlier. Our--our numbers, the numbers--so
10 as you know, DOT is the--is the lead in sort of first
11 response to street defects, and they--they---they
12 will call us out if they sense that it has anything
13 to do with--with infrastructure right. So--so--so
14 they're the lead. They'll--they'll--they'll pass it
15 to us and--and ask us to investigate it, and we--and
16 we do that, you know, thousands of times a year.
17 Where it is identified as being something that
18 belongs to the agency, it's, you know, a--a broken
19 catch basin shoe or--or something like that.
20 Obviously, we'll--we'll take--we'll take ownership of
21 that site and we'll manage that through--through the
22 end. [coughs] Similarly, DOT works with the other
23 utility companies, right, the private utilities, and
24 we've had an enormous amount of improvement and
25 coordination. Even--even thought every--every

2 instance is--is--is, you know, troubling to--to any
3 of us, the improvement in the coordination has--has
4 been significant. And most--most recently one thing
5 that we've--we've talked about and--and DO--DOT would
6 have to speak to the statistics. I don't have their
7 statistic on--on my fingertips, but they--we--we have
8 working with the big utilities, Con Edison, National
9 Grid, and our--ourselves identified that for the most
10 part, there's--there's generally a small population
11 of--of locations that we would call orphans. That
12 somebody--somebody doesn't have direct ownership for,
13 and--and so what we've done with DOT is we--we've
14 sort of developed a--a--an MOU to say that we'll--
15 we'll backfill--we'll--we'll backfill the holes
16 during this period of time, and--and DOT will pave
17 it, and the utility companies and to try take some--
18 some--some more authoritative, you know,
19 comprehensive ownership of that. And--and I think
20 that that's a responsible place to be. I think that--
21 --that helps everybody in the long run, and--and as--
22 as--as--as simple as it sounds, you know, the
23 Commissioner was talking about the accelerated water
24 main replacements, and--and being able to get our
25 older 8-inch and 12-inch cast iron water mains out of

2 the street, and get the older gas mains out of the
3 street.

4 COUNCIL MEMBER MILLER: [off mic] --might
5 cause such a problem that you drill one and you do
6 the major repair and I'm tell--I'm talking six-foot
7 holes, 4 feet wide or 5 feet wide in--

8 DEPUTY COMMISSIONER ROBERTS:
9 [interposing] So--

10 COUNCIL MEMBER MILLER: --in the middle
11 of the street, and--and you kind of see it coming--

12 DEPUTY COMMISSIONER ROBERTS:
13 [interposing] Most--most--most--

14 COUNCIL MEMBER MILLER:[interposing] --
15 and--and then they come right back.

16 DEPUTY COMMISSIONER ROBERTS: Yeah, most
17 of--most of--most of the--the problems that--that we
18 know about are--are defects. There's--there's a
19 break in something. You know, the manhole is broken
20 or there's a pipe that's broken, or there's a utility
21 that that's up-bank (sic) that's got a--a fracture in
22 it, and the material gets washed away. As--as--as
23 much as it's hard to believe in the urban environment
24 that we live in, there are places in the city where
25 there--there are significant underground streams and-

2 and--and pathways. And so there are a population of
3 places where you get these, you know, underground
4 streams and you can settlement that--that nobody can--
5 -nobody can really put a finger on what the answer
6 is, and--and--and that does happen.

7 COUNCIL MEMBER MILLER: And--and then
8 finally, of the nearly 700 asbestos complaints that
9 we had throughout the city, how many were in schools?
10 Do you know? If any?

11 [background comments, pause]

12 ASSISTANT COMMISSIONER MURIN: Just--just
13 a second, Councilman. [coughs] [pause] Me--so
14 that's not the impression that we have right in front
15 of us at this point. I'm--we'll have to check our--
16 check back with the office on this.

17 COUNCIL MEMBER MILLER: So that would be
18 within your purview, and not necessarily with DOE,
19 right?

20 ASSISTANT COMMISSIONER MURIN: Yes, yes,
21 asbestos, absolutely.

22 COUNCIL MEMBER MILLER: And could we, you
23 know, put that on our list of questions?

24 ASSISTANT COMMISSIONER MURIN:
25 Absolutely, absolutely.

2 COUNCIL MEMBER MILLER: Thank you so much
3 Mr. Chair.

4 ASSISTANT COMMISSIONER MURIN: We'll
5 absolutely follow up on that.

6 COUNCIL MEMBER MILLER: Thank you.

7 CHAIRPERSON CONSTANTINIDES: Thank you,
8 Council Member Miller.

9 COUNCIL MEMBER MILLER: Thank you so
10 much.

11 CHAIRPERSON CONSTANTINIDES: I have
12 Council Member Barron for a follow-up question, and
13 then I'll come back for a few final follow-us as
14 well.

15 COUNCIL MEMBER BARRON: Thank you, Mr.
16 Chair. You've mentioned underground streams. There
17 are I don't know how many, but there are several of
18 them in the East New York community, and DOT will
19 come and as my colleagues have said, they'll do the
20 surface--the resurfacing of the road. But, over time
21 we get the valleys again. Is there any timeline?
22 I've been told that it requires deep structural work-
23 -underground work and reconstruction, and major work
24 that's underground in order to make this permanent, a
25 cure that's permanent. So, is there a plan, is there

2 a time table, and where is East New York in this time
3 table? [pause]

4 DEPUTY COMMISSIONER ROBERTS: So council
5 member, I--I--I think what--what you're referring to
6 is--is--is a topic that sort of generally gets
7 discussed about the sunken--the sunken trenches
8 around the--around the city. And so one--one of the
9 things that we have--again with Commissioner Murin
10 and the folks at OMB and with our counterparts at
11 DOT, we've--we've had some pretty significant
12 conversations about how--how to execute that work.
13 One of the challenges there is--is it's not really
14 the--the pipes in the--in the ground, right. So
15 we'll go out for any of those locations, and we'll
16 put television cameras through--through the--the--the
17 sewer pipes. We'll check to make sure the water
18 mains aren't leaking, et cetera, et cetera, but it--
19 but it's more a result of--of the construction that
20 was done 50, 60 years ago, and--and so on and so
21 forth. So, I--I think we've made some progress, and
22 Joe, maybe you want to--to--to touch on where we are
23 with OMB, but I--I--I think that DOT has--ahs gotten
24 some support with the ability to--to try and have

2 funding for--for that. And you know--you know better
3 than I do on the dollars, Joe.

4 ASSISTANT COMMISSIONER MURIN: I'll have
5 to be honest and say it's probably going to be
6 deferred to the Executive Budget. I think there is a
7 solution that's being considered, but it's still in
8 the formula--the formative stage, but something is
9 being, you know, worked on with DOT, and with OMB,
10 but I think that's something we have to address in
11 the next, when we see the Executive Budget come out.
12 But it is being very seriously taken under
13 consideration. I think they're looking to find a
14 solution to this long-term problem, which is what you
15 sort of identified there to getting us to-- You know,
16 Commissioner Roberts said making sure that there's a
17 permanent fix and these don't come back, you know,
18 again and again.

19 COUNCIL MEMBER BARRON: So, does it have
20 a title? Is it called trench replacement or how--

21 ASSISTANT COMMISSIONER MURIN:
22 [interposing] Right.

23 COUNCIL MEMBER BARRON:--would I be able
24 to identify it?

2 ASSISTANT COMMISSIONER MURIN:

3 [interposing] It's trench restoration.

4 COUNCIL MEMBER BARRON: Say again.

5 ASSISTANT COMMISSIONER MURIN: Trench
6 restoration.

7 COUNCIL MEMBER BARRON: Oh, trench
8 restoration. Okay, good. Now, I know exactly what
9 this is.

10 COMMISSIONER LLOYD: [off mic] That is a
11 long plan--

12 COUNCIL MEMBER BARRON: [interposing]
13 Okay,

14 COMMISSIONER LLOYD: --but there's a back
15 to the septic system, and I think it includes what he
16 has described.

17 COUNCIL MEMBER BARRON: Okay, thank you.
18 Thank you, Mr. Chair. [pause]

19 COMMISSIONER LLOYD: [off mic] That's why
20 if it filters in, you can figure it all, and put it
21 together, and then, you know, fund to do that kind of
22 work.

23 CHAIRPERSON CONSTANTINIDES: Thank you
24 Council Member Barron. So I have a few follow-up
25 questions, and then we'll let you go. I have a--

2 we've seen that some of the Filtration Avoidance
3 Determination program is not baselined. Do you
4 expect the rest of this--a restoration in the
5 Executive Budget coming up?

6 [pause]

7 ASSISTANT COMMISSIONER MURIN: Yes, but
8 we--we--we, you know, as we I think go through each
9 of our plans, there's, you know, what's in the
10 Preliminary Plan and then there's going to be what
11 will be in the Executive Budget as well. So, we are
12 in the process of working with OMB right now in terms
13 of looking at what those funds were, not just for the
14 Filtration Avoidance Determination, but other
15 programs that may have either been one time for a
16 year or for only--not baselined in the budget. And
17 looking and seeing which have to be restored or have
18 to be reassessed. The FAD was put in for--through
19 Fiscal Year 16 knowing that the FAD is expiring for
20 Fiscal Year 17. So to have that opportunity to look
21 at afresh and see what are some of the things that
22 we're envisioning to come forward on that. So it's
23 not so much I think a budget question. There are
24 many of those aspects to those programs that probably
25 will or-- And again, I can't speak because it still

2 is, you know, under consideration for the Executive
3 Budget. But I think that's one of the things that
4 either the Commissioner or, you know, Commissioner
5 Rush would want to talk about in terms of where we're
6 at with in terms of the FAD conversation going
7 forward.

8 COMMISSIONER LLOYD: So we will be having
9 that conversation with the State Department of
10 Health, and the other organizations, EPA, the
11 Department of Environmental Conservation gets
12 involved, some environmental groups who have all been
13 parties in this agreement from decade to decade. And
14 we're starting those conversations now. I think I
15 mentioned in my testimony that we've just completed
16 the evaluation report on how the last five years
17 went, and we will be submitting that. And then we
18 start the conversation, which we hope we will wrap up
19 by December 2017. So OMB sort of says to us let us
20 know when you know what you're going to recommend to
21 have in the budget because from time to time we don't
22 know. It shifts from program to acquisition of land.
23 There are some core things that will probably stay
24 in, but it will probably move around a little bit,
25 too.

2 CHAIRPERSON CONSTANTINIDES: Now, and it-
3 -it looks like we're on target for that. As far as
4 land acquisitions I know you mentioned that in your
5 testimony. We're expecting more--additional land
6 acquisition the year or--?

7 COMMISSIONER LLOYD: I think we're
8 always--the way--the way the land acquisition and--
9 and I--I--I think you do know just the way it works
10 is it's willing--the selling willing buyer. So we
11 don't--it's not eminent domain. We make a series of
12 offers to people, and we have target areas that we
13 think are particularly sensitive in terms of water
14 running through them that goes into the reservoirs
15 fairly directly. So we're always trying to acquire
16 land in those areas, and we try not to spend the
17 money on less critical land--

18 CHAIRPERSON CONSTANTINIDES:
19 [interposing] Right.

20 COMMISSIONER LLOYD: --to sort of keep a
21 pool for that more critical land should the owner
22 decide they want to sell. So we are always moving
23 forward. We always have offers out there. We can't
24 exactly predict the pace, but we will continue to
25 acquire.

2 CHAIRPERSON CONSTANTINIDES: So we have
3 sufficient funds to continue those strong offers and
4 move forward then?

5 COMMISSIONER LLOYD: I believe so. Yes,
6 we do.

7 CHAIRPERSON CONSTANTINIDES: Fantastic.

8 COMMISSIONER LLOYD: New York City
9 Waterfront. You know, as we're seeing redevelopment
10 throughout I'm in an area that has redevelopment
11 coming to our waterfront over 4,000 apartments--unit-
12 -rental units are coming online in the next ten
13 years. You know, it's really transforming our
14 waterfront, and it's seeing a real resurgence in, you
15 know, leisure activities and recreational activities.
16 You outlined something, and you talked a little bit
17 about it in your testimony. Can you expand further
18 on some of the investments that we're making to
19 ensure that New York Harbor is--is clean?

20 CHAIRPERSON CONSTANTINIDES: Well, of
21 course, we've made--we've made enormous investments
22 in the harbor and I wish I had my favorite slide with
23 me, which shows which parts of the harbor were
24 swimmable 50 years ago and what's swimmable now.
25 There's been a tremendous upgrade in water quality

2 throughout the harbor. The areas that are more--
3 proving more difficult to clear up are the areas, the
4 small tributaries in particular, creeks and basins.
5 Some of the manmade, some of the not manmade, but all
6 of them have been fairly polluted over many, many
7 years. Some by industrial uses, and sometimes just
8 because there wasn't good water management and
9 treatment in the area. And so cleaning those up
10 particularly if they don't really flush is very, very
11 difficult. And so we've been in a long negotiation,
12 a long conversation with the Department of
13 Environmental Conservation, which regulates this
14 trying to find the right balance of how much we clean
15 up and how much we spend. Right now the guideline
16 for--from EPA for how much a household should spend
17 on their storm water, wastewater their participation
18 in that is either two--is two percent. And over a
19 quarter of the households in New York City are now
20 spending more than that on their share that through
21 paying their water and sewer bill. So we're
22 watching--we're watching very closely trying to keep
23 up what we do affordable for the people who pay for
24 it throughout the City. We are very, very committed
25 to cleaning up the tributaries and the parts of the

2 waterfront like Flushing Bay that are used for
3 recreation. We think that's a--the Bronx River is
4 another part. We think that is incredibly important,
5 and so we're very focused on that, and we've been in
6 a conversation with DEC on how we can on the one hand
7 protect the affordability, but on the other hand make
8 a commitment going forward to do a really effective
9 clean up of the areas that either have an intense
10 residential use or recreational use in place or
11 coming to those areas. And that's a conversation
12 that we hope to conclude soon. Coming along also
13 right behind that is the MS4 because what we're
14 finding is that storm water also can be quite
15 polluting because it runs off the streets. It picks
16 up animal waste. It picks up trash. It picks up
17 petroleum products as it comes along, and so now we
18 are just starting with this new three-year permit to
19 really identify the places that we're getting a lot
20 of runoff, and to start to--to think about how we can
21 also protect the surrounding waters from that kind of
22 runoff. So we have a--a big piece of work ahead of
23 us thinking about that, but--but the commitment to
24 make those waterways accessible and--and useful for
25 recreation and pleasant to be next to particularly

2 ones that are going to be densely used is very strong
3 in the department.

4 CHAIRPERSON CONSTANTINIDES: Just I have
5 a couple of--so unpack that a little bit. [laughs]
6 As we see the return of the rental payment year after
7 year, what--how will that bring down the percentage
8 of homeowners that are paying--have more than 2%?

9 COMMISSIONER LLOYD: Well, the rental
10 payment won't have a direct effect on that. The
11 rental payment helps us to keep the water rate as low
12 as possible. It goes back. We--we retain it or we
13 get it back, and it goes overall--

14 CHAIRPERSON CONSTANTINIDES:
15 [interposing] Right.

16 COMMISSIONER LLOYD: --into our budget.
17 The--the things that drive the water rate and I--are
18 the things--the exact same things I discussed.
19 They're the big capital investments. Obviously,
20 we're a big capital agency, and a big part of what we
21 spend money on is driven by--by two things,
22 regulation and aging infrastructure, and then coming
23 along in that is climate change, and the new demands
24 that that's placing on us both in terms of water
25 upstate and in terms of the additional storm water we

2 have to manage. So it's--it's been very helpful and
3 will continue to be helpful in keeping water rate
4 increases as low as possible, but it's not dedicated
5 to any one thing. And I misspoke. Steve tells me I'm
6 correcting what I just said.

7 CHAIRPERSON CONSTANTINIDES: Glad to hear
8 that. [laughs] Secondly, in relation to, you know,
9 some of these long-term control plans and we're
10 trying to keep the--the water bodies clean, we've
11 seen a ten-year increase in precipitation every year,
12 and with climate change, we're expecting to see even
13 further rain events, and be more serious rain events.
14 Has that been taken to account when we're sort of
15 developing this--this target?

16 COMMISSIONER LLOYD: We have models that
17 are based on--one of the things we've done for
18 example is Gowanus. We've been using the model that
19 uses only a--a set of recent years because we know
20 that the historic 100-year numbers that we have
21 traditionally used are not really very predictive any
22 more. So we're using modeling off a decade that this
23 had some very intense rain years in it. We can't
24 really accurately predict the future, but we're
25 trying to roll that into our predications as well.

2 This is one of the places where green infrastructure
3 really comes in because we know that along with more
4 rainfall is going to be more uneven rainfall. We're
5 seeing that even when we had significant rain it
6 tends to be lighter in some areas, and very heavy in
7 storm cells. We can't--we can't build
8 infrastructure. We can't fit enough for
9 infrastructure under street to take care of those
10 peaks. And so, what we're trying to do with green
11 infrastructure is both in areas that are combined
12 where we're worried about CSOs and areas that do not
13 have combined sewers where we're worried about just
14 storm water is add in more green infrastructure so
15 that we can capture it as it comes out of the sky,
16 and retain it in that green infrastructure. One of
17 the things I didn't talk a lot about in my testimony,
18 but is a really important part of that is not only
19 the bioswales the in-street infrastructure. Those
20 were sort of the low-hanging fruit, but also we're
21 working very closely with the Parks Department and--
22 and increasingly with NYCHA, which is more
23 complicated to work with for many reasons on both
24 sides, but where we're building a relationships. And
25 with the School Construction Authority and the

2 Department of Education to use that open space also
3 for storm water detention both in terms of what's
4 planted there, and in terms of what's underground.
5 If you put together all the public space in the city
6 including the streets, that's half the surface of the
7 city. So that is an--those are areas where we can do
8 a lot to increase our capacity to absorb the increase
9 in rainfall that's coming down. We also have grant
10 programs to try to do innovative things with private
11 property. We can't--we can't regularly--we can't
12 really spend money on private property, but one of
13 the things we've done over the years is we now have a
14 provision like when a new development is done above a
15 certain size, they have to do storm water retention
16 on site--on site. And increasingly, we are looking
17 at and reaching and Angela Licata has been
18 responsible for this, trying to try more innovative
19 things as a pilot with private property owners. So
20 that we can start to build a toolkit that will help
21 us do more on private land as well.

22 CHAIRPERSON CONSTANTINIDES: And as--and
23 as far as that green infrastructure relation to NYCHA
24 to school, how are those conversations coming thus
25 far. I know that during you were doing Super Storm

2 Sandy and areas in that. I mean in--in my district,
3 the NYCHA campus was the one place that was most
4 flooded. So how are those conversations being
5 prioritized and moved forward?

6 COMMISSIONER LLOYD: Well, we--we don't
7 really take on what I call water in--storm waters
8 coming in, storm surge, or sea level rise. That is
9 legally not our responsibility, and we can't spend
10 water money on that, water rate money on that.
11 That's--that's the office of Recovery and Resilience
12 is responsible for the--the barriers and the
13 strategies and the dunes to try to protect properties
14 from that. Our responsibility is to try to figure
15 out how to manage the storm, this rainwater coming
16 down that's in--that's increasing, and I'll ask
17 Angela, who's responsible for our partnerships with
18 other agencies to talk a little bit more about
19 schools and NYCHA an parks.

20 DEPUTY COMMISSIONER LICATA: Yeah, thank
21 you Commissioner. You know, that--that was exactly
22 right. Just to give you a little bit more in terms
23 of specifics with respect to NYCHA, currently we have
24 built in partnership with them three sites, and we
25 have one additional site that's about to begin

2 construction. It's Edenwald Houses in the Bronx, and
3 we have been working in close cooperation with them
4 for potentially another seven sites over the next few
5 years. So I would say that things are going really
6 well them. I think they wanted to--an opportunity to
7 see how the infrastructure performed before they
8 fully embraced it at a full scale, but I think things
9 are--are moving nicely with them, and then the other
10 partner is, of course, the Department of Education
11 and the schools. And we have been working with them
12 on three fronts, one with the Trust for Public Land,
13 and doing a partnership on playgrounds that way.
14 We're also working directly with the Department of
15 Education on their school construction side, and then
16 also directly with the School Construction Agency.

17 CHAIRPERSON CONSTANTINIDES: So as the
18 SCA is planning, and they have their Five-Year
19 Capital Plan to build out certain schools, we're
20 coordinating with them to on relation to green
21 infrastructure to--to put that in their portfolio as
22 well?

23 DEPUTY COMMISSIONER LICATA: Well,
24 frankly that has been the most challenging
25 partnership thus far, but I think we're going to--

1 well I know that we're going to spend more time and
2 energy on that one. I think what has gone really
3 well is the Trust for Public Land partnership with
4 the Department of Education where they are bringing
5 in private money for playground equipment and other
6 ancillary benefits. And the Department--DEP is
7 bringing in the money for the storm water management
8 infrastructure as well as the Department of Education
9 is working really well with us whenever they have an
10 opportunity to do a playground upgrade, or whenever
11 they are taking out temporary classrooms. For
12 instance, they are working really well with us to be
13 able to incorporate green infrastructure in those
14 circumstances.
15

16 CHAIRPERSON CONSTANTINIDES: Great. I--I
17 definitely want to have a longer conversation about
18 that, but in the interest of time we'll--we'll move
19 on from that topic. But noise complaints. I mean
20 we've seen noise complaints increase from 36,130 in
21 FY13 to 45,584 in FY14 to 53,863 in FY15. What are
22 the sources of this increase of noise complaints?

23 DEPUTY COMMISSIONER LICATA: So what we
24 saw is we--we compared one quarter in FY15 over FY16,
25 and we specifically saw in that circumstance that

2 there was an increase in noise complaints mostly
3 related to construction noise. Probably a result of
4 the warmer weather this year, and construction
5 activity lingering longer into the winter months.
6 So, there's definitely an uptick in noise complaints,
7 and we see the majority of that related to after
8 hour activity as that includes buildings as well as
9 street work after hours.

10 CHAIRPERSON CONSTANTINIDES: And does DOB
11 coordinate with you and that--those after hour
12 permits to sort of limit that or--

13 DEPUTY COMMISSIONER LICATA: So it's
14 perfect timing because just this week the Commission
15 of the Department of Buildings did announce his
16 commitment to an interagency task force, which we
17 will gladly be working with them to address the after
18 hour variances and the uptick in the noise complaints
19 related to those.

20 CHAIRPERSON CONSTANTINIDES: Right and--
21 and how do we evaluate those noise complaints. Is it
22 for the unreasonable noise standard or is it through
23 a handheld device that measures noise? How are we--
24 how are we measuring the noise at these particular
25 sites?

2 DEPUTY COMMISSIONER LICATA: So one
3 things, you know, just to give a little bit of
4 history, we revised the Noise Code in 2005.
5 Actually, that was under Commissioner Lloyd's first
6 term.

7 CHAIRPERSON CONSTANTINIDES:
8 [interposing] Uh-huh.

9 DEPUTY COMMISSIONER LICATA: She's been
10 efficient (sic) and wonderfully supportive of--

11 CHAIRPERSON CONSTANTINIDES: My former
12 boss Jim Gennaro was the Council Member that worked
13 with you on that. I--he and I spoke about it very,
14 very of actually. [laughs]

15 DEPUTY COMMISSIONER LICATA: And then
16 there were a bunch of rules that were written in
17 about 2007 related to the revised code, and we think
18 the industry has really come a long way because you
19 may recall that what was required as a result of
20 those revisions is that a contractor doing work on
21 site would have to have a noise mitigation plan
22 available for inspection by the department. So
23 that's one of the first lines of defense. If we get
24 a complaint, arrive at a site, the first thing we ask
25 is where's your noise mitigation plan? And then we

2 will work with the contractor to tweak the noise
3 mitigation plan. If for some reason an activity is
4 still causing a problem and we see the ways in which
5 the mitigation or attenuation could be improved, we
6 would work with the contractor. And we think that
7 the culture has shifted, and that these contractors
8 are becoming more conscious of the noise levels.
9 However, sometimes there are problems, and the
10 receptors or the complainant would have to allow the
11 inspectors to come on site, make an appointment and
12 come into the apartment. And then we would judge the
13 level of activity that is greater than 8 decibels
14 about the background to be considered where they have
15 a noise violation.

16 CHAIRPERSON CONSTANTINIDES: We'll be
17 doing an objective. We would have a measurement tool
18 there to--Okay, and, you know, as we're seeing, you
19 know, there's Intro 420 that was heard back in June
20 in relation to construction noise around schools.
21 What is the status of working with the Council? I
22 know it's Council Member Levine's bill. Has there
23 been an evolution in your thinking on--on how this
24 should move forward?

2 ASSISTANT COMMISSIONER MURIN: So
3 certainly the Administration and not just us, but the
4 other agencies that are sort of part of this bill
5 have been having ongoing conversations about the
6 bill, in fact quite recently, and the Administration
7 has also been in touch with the Council regarding
8 some of that feedback, and obviously we look forward
9 to continuing to work with the Council and the other
10 agencies on the specific language.

11 CHAIRPERSON CONSTANTINIDES: I definitely
12 want to come to a good resolution there. So I--I
13 look forward to being part of those conversations
14 where--where it's useful and--and working with you
15 to get that done. When it comes to asbestos, I think
16 that--I have two questions left, one relating to
17 asbestos. The average days to close asbestos
18 complaints rose slightly from Fiscal 14 to 15. What
19 could--what accounts for that increase?

20 DEPUTY COMMISSIONER LICATA: Again, we
21 think that's directly related to the increase in the
22 construction activity. So there has been an increase
23 in filings for asbestos removal. We think that's
24 directly related to the increasingly hot construction
25 market.

2 CHAIRPERSON CONSTANTINIDES: And how many
3 inspectors do we have?

4 DEPUTY COMMISSIONER LICATA: So that's
5 really good news. Well, I was going to answer. The
6 asbestos inspectors directly I can't recall exactly.

7 ASSISTANT COMMISSIONER MURIN: Eleven.

8 DEPUTY COMMISSIONER LICATA: Eleven.

9 CHAIRPERSON CONSTANTINIDES: Is that
10 enough?

11 DEPUTY COMMISSIONER LICATA: I think it
12 is enough. What we do is we have an auditing
13 program. So we have been able to increase the level
14 of audits that we've been doing with respect to the
15 number of asbestos permits that are filed, and we
16 seem to have a good balance I think. We also have
17 the mechanism of working very efficiently. So if you
18 have a contractor that has been violated once, that
19 contractor is going to be called to task again. He's
20 going to be somebody that is going to be on the
21 radar, and we're going to go back out if he has
22 another job.

23 CHAIRPERSON CONSTANTINIDES: And how
24 often doe that happen or-- I know that once that you
25 make the determination that they're a bad actor--

2 DEPUTY COMMISSIONER LICATA: There are
3 repeat--there are repeat offenders, and then we could
4 yank a license.

5 CHAIRPERSON CONSTANTINIDES: You can yank
6 a license. Okay, definitely because I--I have some
7 concerns in my district as new development pops up,
8 issues with asbestos abatement that's not being done
9 correctly, and just want to drill down to see if that
10 is--is enough citywide. But, please, you know,
11 we'll make the announcement--

12 DEPUTY COMMISSIONER LAWITTS: Councilman
13 if there's--obviously some situations within your
14 district that you're concerned about please let us
15 know, and we can look at that.

16 CHAIRPERSON CONSTANTINIDES: I will
17 happily talk about that with you off line, and last,
18 but certainly not least, and--and this is an oldie by
19 a goodie, the City Tunnel No. 3 that's been--that
20 started construction in 1970, I--I wasn't there for
21 the beginning of that. [laughter] But, you know,
22 what is the estimated completion date of Tunnel 3,
23 Stage 2?

24 COMMISSIONER LLOYD: So Tunnel 3, Stage 2
25 we have design work for the last two shafts in the

2 budget, and so we will be starting work on that.

3 That will stretch out over several years, but it will
4 be in sight once we get the design done.

5 CHAIRPERSON CONSTANTINIDES: Any date for
6 it.

7 COMMISSIONER LLOYD: My guess is that
8 we're talking--I--I should look at--

9 ASSISTANT COMMISSIONER MURIN: [off mic]
10 The mid 20s.

11 COMMISSIONER LLOYD: Mid 20s.

12 CHAIRPERSON CONSTANTINIDES: All right.

13 COMMISSIONER LLOYD: Mid 20s.

14 CHAIRPERSON CONSTANTINIDES: All right,
15 so we're getting there. [laughter]

16 COMMISSIONER LLOYD: In the--in the life
17 of the water tunnel yes.

18 CHAIRPERSON CONSTANTINIDES: Yes, we're--
19 we're getting there. Okay, and then do you plan to--
20 to test the tunnel prior to bringing it online.

21 COMMISSIONER LLOYD: So when the tunnel
22 is completed and before it comes online, there's a
23 very specific activation process. The entire system
24 gets cleaned. It gets disinfected, and then it gets
25 pressurized. The pressurization allows us to see to

2 make sure there are no leaks, and then after that we
3 can put the water in it.

4 CHAIRPERSON CONSTANTINIDES: All right so
5 we have some time for that. There might be another
6 Councilman sitting here. [laughter] If it's mid
7 20s, you know, based on the current law there will be
8 another EP chair here to talk about that, but I
9 definitely look forward to hearing more updates as we
10 go forward so--

11 COMMISSIONER LLOYD: Yeah, it's always
12 really exciting to see this work go forward.

13 CHAIRPERSON CONSTANTINIDES: Thank you,
14 Commissioner, for your testimony today, and I look
15 forward to following up on many issues that we
16 brought. Thank you all.

17 COMMISSIONER LLOYD: All right, thank you
18 Council Member, and thanks to all my staff who
19 answered all the hard questions.

20 CHAIRPERSON CONSTANTINIDES: Yeah, you
21 guys did a great job. Thank you. All right, we have
22 one member of the public that is here--that has filed
23 to testify, Murray Fisher, Harbor Foundation. Does
24 anybody else wish to testify today? All right,
25 seeing none, Marie, if you would step forward when

2 everyone is ready. [pause] And Samara, if you'll
3 swear the witness in. There you go.

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? [background comments, pause]

8 MURRAY FISHER: I do.

9 CHAIRPERSON CONSTANTINIDES: All right.

10 MURRAY FISHER: Thank you so much. It's
11 a beautiful Friday afternoon. So I'll try and be
12 quick. My name is Murray Fisher. I'm the Executive
13 Director of the New York Harbor Foundation, a marine
14 restoration and education organization that supports
15 the New York Harbor School on Governor's Island and
16 runs the Billion Oyster Project also known as BOP.
17 I'd like to thank the Chair of the Environmental
18 Protection Committee, Council Member Constantinides
19 and the entire committee for giving me this
20 opportunity. Harbor Foundation has requested
21 \$100,000 from the City Council's Environmental
22 Initiative for Fiscal Year 17, and we would like to
23 support the Environmental Committee to help bring the
24 Billion Oyster Project to 40 more middle schools
25 citywide. We live and work in a city of islands,

1 that surround the third most active port in the
2 country, and yet most New Yorkers do not identify as
3 living on the water. The Port of New York employs
4 300,000 people, but fewer than 12% of them went to
5 public schools in New York City. So the maritime in
6 the Bronx has near 100% job placement for graduates
7 who earn an average starting salary of over \$70,000.
8 Eighty-five percent of senior maritime students are
9 white and 85% come from outside the five boroughs.
10 Meanwhile, our natural ecosystem is massively
11 degraded. Though, as Commissioner Lloyd said, things
12 have improved a lot. It's nowhere near as clean or
13 abundant or beautiful as it was 400 years ago for
14 example or even 200 years ago. New York was once one
15 of the most biologically productive places on earth.
16 The engines of that productivity were the oyster
17 reefs. Long--long since gone as the result of
18 overharvesting and pollution, oys--oysters filter the
19 water and provide food and habitat for thousands of
20 species of fish and their vertebrates, stabilize the
21 harbor floor, and protect our shorelines during
22 extreme weather. We have a generation of young
23 people who have been denied knowledge about an access
24 to real well paying careers in the marine industry, a
25

1 school system on the hunt for exciting inquiry led
2 STEM learning opportunities, and a massively degraded
3 natural ecosystem in need of their help. With the
4 Billion Oyster Project, the Harbor Foundation has
5 developed a system for addressing these needs by
6 engaging students directly in the challenging work of
7 restoring New York Harbor. Our primary educational
8 partners are New York Harbor School on Governor's
9 Island. Harbor School students are integral to the
10 work of oyster restoration through their six career
11 and technical education programs. These students are
12 engaged with city and state agencies, dozens of non-
13 profit and commercial firms on a number of large
14 scale restoration and research project. They're also
15 joined by over 55 other schools, 30 of which are
16 public schools throughout the five boroughs that
17 represent 25 City Council districts. Each year over
18 6,000 new middle and high school students are engaged
19 through a robust educational program that is scalable
20 and inexpensive funded in large part by the National
21 Science Foundation. At each school students
22 participate in hands-on inquire led science and math
23 lessons through a curriculum that aligns with the New
24 York City Scope and Sequence and leverages the
25

2 performance expectations and the Next Generation
3 Science Standards. Teachers are given a restoration
4 station, which is filled with live oysters at a
5 waterfront site near their school, and water quality
6 testing equipment. Students and teachers work both
7 in the field at their restoration stations and in the
8 classroom. Authentic research data gathered on these
9 missions are shared through a Cloud based digital
10 platform that connects all 50 schools. This
11 committee's support in prioritizing \$100,000 to the
12 Environmental Initiative during this year's budget
13 will help us make Harbor literacy a reality for
14 thousands of middle school students. Thank you very
15 much. I have one little amendment that I'd like to
16 give if I may in addition to my written testimony.
17 Is that okay?

18 CHAIRPERSON CONSTANTINIDES: Just go
19 ahead.

20 MURRAY FISHER: We've been saying
21 essentially for seven years--since 2008 we've been
22 saying that New York needs to rebuild its oyster
23 reefs, that these were the most important natural
24 infrastructure filtered water created habitat, and
25 protected New York City from storm surges. We've

2 been saying that for seven years. An article just
3 came out in the Washington Post based on the study
4 that came out from three--three of the five
5 institutions. It is agreeing with that. So I'm
6 going to just read from this for a second if I may.

7 CHAIRPERSON CONSTANTINIDES: Okay.

8 MURRAY FISHER: This comes from
9 University of Massachusetts at Amherst Woods Hole
10 Oceanographic Institute and Stevens Institute of
11 Technology, and this is--these scientists set out to
12 examine sand deposits that Super Storm Sandy left
13 behind in various coastal pools on Staten Island.
14 And what they found is that something that early
15 comers (sic) did seem to increase storm induced
16 overwash at the study sites. Which means that
17 something changed for more and more sediment from the
18 ocean's bottom was found up on the land at the study
19 sites, said Woodruff, and I'm quoting there. Said
20 Woodruff, and Associate Professor and Geoscientist at
21 the University of Massachusetts Amherst. Quote, "The
22 million dollar question was what--what changed?"
23 They scratched their heads, and their search for
24 answers hit dead ends. Then, quote "We considered
25 one of the largest impacts European settlers had on

2 New York Harbors, the decimation of its natural
3 oyster beds." New York's Living natural barrier to
4 storms went into the stomachs of the people who built
5 the place, and also in their farm fields where it was
6 used as lime, and in the boating construction was
7 used as mortar. The reefs they decimated over four
8 centuries could have stopped a significant portion of
9 the flooding that caused the city more than \$40
10 billion in repairs. So we've been advocating for
11 something that's an education program, that's a
12 marine restoration program, but that's also a natural
13 infrastructure model. And so we're very grateful
14 that especially Council Member Constantinides is
15 showing a lot of excitement about this project, and
16 we're really hopeful that we can get the City
17 Council's support to really get this integrating into
18 more and more schools citywide. Thank you.

19 CHAIRPERSON CONSTANTINIDES: Well,
20 Murray, you know my strong commitment to--and I
21 believe in the work that you're doing. I really know
22 it's--it's going to be transformative. So as we see
23 more and more parts of our waterfront reopen, you
24 know, I--I know in--in my neck of the woods we are--
25 with a new ferry coming on line, the new eco dock

2 that we're working with the Administration to build.
3 We're turning and changing our waterfront, and--and
4 making sure that the kids that look out their windows
5 and wonder what is that water all about, and they
6 have no connection to it. But they have that
7 connection. So looking--

8 MURRAY FISHER: [interposing] Exactly.

9 CHAIRPERSON CONSTANTINIDES: --forward to
10 partnering with you on that.

11 MURRAY FISHER: Great.

12 CHAIRPERSON CONSTANTINIDES: And you know
13 it's the Greener NYC Initiative that you're speaking
14 to?

15 MURRAY FISHER: Correct.

16 CHAIRPERSON CONSTANTINIDES: Jamaica Bay
17 I know that the--they're--they're planting oysters
18 there now. You--is there a coordination with your
19 project and--and--and that initiative?

20 MURRAY FISHER: We're actually--the
21 Harbor Foundation and the Billion Oyster Project is
22 the lead on a large scale restoration project in
23 Jamaica Bay with the Department of Environmental
24 Protection. And so this is with--working with city
25 agencies, and we're going to do two things. We're

2 going to build a reef on the bottom with oyster
3 shells, and we're going to build a donor nursery with
4 adult oysters to see how many of those largely from
5 the adult oysters land on the--on the reef. And so
6 the point of that is Jamaica Bay is a really great
7 place on a smaller and more contained scale to study
8 the things that we've been talking about and
9 proposing for years.

10 CHAIRPERSON CONSTANTINIDES: And--and
11 with them--what they're doing in Gowanus are you part
12 of that as well, or that's not something that you're-
13 -?

14 MURRAY FISHER: We're not doing any large
15 scale restoration Gowanus Canal. We've been--we've
16 had restoration stations, small scale in Gowanus, but
17 because of the Super Fund designation, they've
18 actually had to be removed.

19 CHAIRPERSON CONSTANTINIDES: Okay, and
20 the last question the 100,000, how many more students
21 would you probably--how many more students would you
22 be able to serve with those dollars?

23 MURRAY FISHER: Well, so the cost for a
24 school to produce bait, these are--this is all for
25 Title 1 middle schools. Those are our goals, 7th and

2 8th grade math and science teacher from Title 1
3 middle schools, that's our target. The cost is about
4 \$5,000 per school, but we're asking for City Council
5 to only pay for half of that, then we have a private
6 foundation that is interested in matching that. So
7 it depends on the size of the school, but essentially
8 we say that one teacher is about 100 to 125 students.
9 And--and that's for one teacher to participate for
10 two years, but they get trained and they get credit
11 and they get all the equipment so that they can stay
12 engaged.

13 CHAIRPERSON CONSTANTINIDES: And you know
14 I believe in the great work that you guys are doing.
15 I'm looking forward to working with you as you get
16 even larger and--and move this project forward. So
17 thank you.

18 MURRAY FISHER: Okay, great. Thanks so
19 much, council member. Thank you, Council.

20 CHAIRPERSON CONSTANTINIDES: All right so
21 I want to--I want to thank everyone that testified
22 today. I want to make sure that we thank our
23 committee staff for helping to put this together.
24 Jonathan Seltzer, our Finance--our Finance Analyst,
25 thank you Jonathan. Our--our Committee Counsel as

2 always Samara Swanston that does a great job, and our
3 Policy Analyst Bill Murray who--we have a--we have a
4 great team here in the Environmental Protection
5 Committee. Thank you all for your efforts today, and
6 my own Legislative Director Nick Lozowski (sp?) at
7 front at the table looking very concerned right now.
8 [laughter] You know, thank you, Nick, and also my--
9 my Legislative Intern Jonathan Benjamin, I want to
10 acknowledge him again. With that, this will bring
11 this hearing on the Preliminary Budget and
12 Environmental Protection Committee to a close. Thank
13 you. [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date April 3, 2016