

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON ENVIRONMENTAL PROTECTION

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April 22, 2009
Start: 12:44pm
Recess: 12:56pm

HELD AT: Council Chambers
City Hall

B E F O R E:
JAMES F. GENNARO
Chairperson

COUNCIL MEMBERS:
Council Member Bill de Blasio
Council Member Elizabeth Crowley
Council Member Mathieu Eugene
Council Member G. Oliver Koppell
Council Member Eric Ulrich
Council Member Peter F. Vallone, Jr.
Council Member Thomas White, Jr.

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

CHAIRPERSON GENNARO: Okay, so we're going to, we're going to get started. Good afternoon, I'm New York City Councilman Jim Gennaro, Chair of the Committee on Environmental Protection. And we're here to hold two votes to move forward, Proposed Intro 21-A. Let me identify the members that are here. Council Members Koppell, Council Member Eugene, Council Member Crowley, Council Member Ulrich, Council Member Vallone; we'll be joined hopefully by other members of the committee. Yesterday, we had a hearing on Intro 21-A, which would establish the City's own brownfields remediation and redevelopment program. Currently we would be subject to the State program for brownfields redevelopment. There are some deficiencies with the State program as to how New York City is treated. Part of the vision of PlaNYC is for the City to have their own program. This will help to bring redress to some of the issues that have confronted people that want to do brownfield development in New York City. Many of the, of the 7,000 plus acres of brownfields areas in New York City would not qualify for the State program, with

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2 regard to the fill that has been used there. This
3 would, that's a complicated subject matter, but
4 suffice it to say that this will, you know, open
5 doors for people that want to do brownfield
6 development in New York City. It also creates an
7 Office of Environmental Remediation. I see we
8 have Dan Walsh in the audience, he came and
9 testified yesterday, he's the head of that office.
10 So they're doing education, they're doing
11 outreach. And this is going to be a very, very
12 good program. I urge all of my colleagues to
13 strongly support this. In order to move this
14 forward, we have to vote on two matters. Of
15 course there is the bill itself. But before we do
16 that, there is a matter of voting a Resolution,
17 and this Resolution is basically a finding that
18 the, that when we enact proposed Intro 21-A, it
19 will not have a significant adverse impact on the
20 environment, and it is completely consistent with
21 the State Environmental Quality Review Act. So we
22 have to pass that Resolution first. Once that
23 Resolution is passed, that will pave the way for
24 the vote on the bill. The Chair recommends a yes
25 vote on both items; happy to take any comments

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2 from anyone who wants to make a comment at this
3 time. I recognize Council Member Koppell.

4 COUNCIL MEMBER KOPPELL: Mr.
5 Chairman, I expressed some concern at the hearing
6 yesterday, and several people who testified, I
7 understand, expressed a concern, too, that there
8 might be some ability to undermine or, or not
9 comply with State standards with respect to the
10 clean up of the Brownfield sites. And we were
11 assured by the administration that that was not
12 the intent. There is language in the bill that
13 says that the provisions, the regulations would be
14 consistent with State environmental law.

15 CHAIRPERSON GENNARO: Yes.

16 COUNCIL MEMBER KOPPELL: And I
17 asked whether consistent was essentially
18 synonymous with comply with, and was assured that
19 that was the intent. I've requested that Counsel
20 insert that intent in the Committee report. While
21 I might have preferred to change the language, I
22 think that inserting in the Committee report,
23 which would undoubtedly be looked at if this
24 becomes a contested matter, is a good substitute
25 for that. I also would like to just say that, or

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2 ask that you indicate that that's the intent of
3 you as sponsor and of the Committee, that, that
4 the regulations be, comply with, that the
5 standards comply with the State standards for
6 clean up of the brownfields.

7 CHAIRPERSON GENNARO: Certainly,
8 I'd be more than, more than happy to do that. I,
9 I remember your comments yesterday and your issue.
10 I asked Counsel's staff what was done with regard
11 to that, and they indicated to me the issue, the
12 matter of putting it in the, in the report, which
13 is, I'm glad that you brought that up, I'm glad
14 that that's in the report, and as the prime
15 sponsor of the bill, happy to say, on the record,
16 that it is my intent as the sponsor of this bill,
17 to make sure that everything we do is, you know,
18 completely consistent and upholds the, all of the,
19 all of the State standards. During the, during
20 the Committee hearing yesterday, the Counsel to
21 the Office of Environmental Remediation, Mr.
22 McIntyre [phonetic], made the point that that, you
23 know, particular language was in there to make
24 sure that, that as, as State standards change or,
25 you know, perhaps get better, that we would sort

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2 of move with that and that was the purpose of that
3 language. But, in no way is that language meant
4 to give anyone kind of a, a loophole that to do
5 anything less than what the State calls for, happy
6 to make that clarification on the record, and so
7 with that said, perhaps it's time to move forward.

8 COUNCIL MEMBER KOPPELL: Thank you,
9 Chair.

10 CHAIRPERSON GENNARO: Sure. Thank
11 you, Council Member Koppell. Council Member
12 Crowley.

13 COUNCIL MEMBER CROWLEY: Thank you,
14 Chairman Gennaro. I just want to say that I agree
15 with the intentions of this law, and the Office.
16 I would like to, for the Office to revisit labor
17 standards in the future, as soon as possible,
18 because I do believe that we need to invite this
19 type of remediation and I fear that in the future
20 there will be no standard for prevailing wages or
21 a trained, qualified workforce to do this type of
22 work. And I think that we have to get on that as
23 fast as possible, especially for those
24 neighborhoods that could benefit from the projects
25 by increased employment opportunities.

CHAIRPERSON GENNARO: Certainly.

And certainly. And I was happy that you made that point yesterday at the hearing. With regard to the City funds that'll be allocated for these types of projects, these'd be sums in the amount of, you know, \$30,000-40,000, something like that, that wouldn't actually be used for people doing the physical work, it's more for like the site study and title searches and outreach and organizing of the community. Kind of like, it would be kind of like, the money we'd be paying for brainwaves basically, and not hard labor. Fortunately, most of the really big remediations that take place in the City are done by companies that, that employ union labor and pay prevailing wages. But this will open the door to, you know, much smaller, you know, smaller scale projects in the outer borough and, and your comments are duly noted. They're greatly appreciated, and I think this is part of the ongoing oversight that we have to see, as this plays out, because once we, you know, do something, we don't just go fishing, we, we see, make sure how it works, and if there are refinements that have to be made, we will

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2 certainly be in a position to make them. It is my
3 hope that you'll be part of this Council and part
4 of this Committee for a long time, and so we will,
5 we will have the ability to, you know, visit that
6 issue and make sure that we, you know, do the
7 needful, if it's appropriate. And so, thank you.
8 Thank you, Council Member Crowley. Anyone else
9 wishing to make a comment or statement at this
10 time? And so, with that said, I'll call for a
11 vote on the, on the, on the proposed Resolution.
12 I had it in front of me. So, this is a
13 preconsidered Resolution number that doesn't
14 actually have a number, but it is a Resolution
15 that finds, "That the enactment of proposed Intro
16 21-A does not have a significant adverse impact on
17 the environment and is consistent with the State
18 Environmental Quality Review Act. So, I would
19 call for a vote on this preconsidered Resolution.
20 And then, after that vote, we'll have a vote on
21 Intro 21-A, the Chair recommends a yes vote. And
22 with that I ask the clerk to call the role.

23 COMMITTEE CLERK: William Martin,
24 Committee Clerk. Roll call on the Committee on
25 Environmental Protection. Preconsidered

Resolution. Council Member Gennaro.

CHAIRPERSON GENNARO: Yes.

COMMITTEE CLERK: Koppell.

COUNCIL MEMBER KOPPELL: Yes.

COMMITTEE CLERK: Eugene.

COUNCIL MEMBER EUGENE: Yes.

COMMITTEE CLERK: Crowley.

COUNCIL MEMBER CROWLEY: Yes.

COMMITTEE CLERK: Ulrich.

COUNCIL MEMBER ULRICH: Yes.

CHAIRPERSON GENNARO: Yeah, we
were--Oh, here he is. Okay.

COMMITTEE CLERK: Vallone.

COUNCIL MEMBER VALLONE: Aye.

CHAIRPERSON GENNARO: Aye, okay,
I'm, I was going to say that Peter voted aye.
Okay.

COMMITTEE CLERK: By a vote of six
in the affirmative, zero negative, no abstentions,
preconsidered Resolution is adopted. Proposed
Introduction 21-A, Council Member Gennaro.

CHAIRPERSON GENNARO: This is now
the vote on the main bill itself. I vote yes.

COMMITTEE CLERK: Koppell.

2 COUNCIL MEMBER KOPPELL: Yes.

3 COMMITTEE CLERK: Vallone.

4 COUNCIL MEMBER VALLONE: Aye.

5 COMMITTEE CLERK: Eugene.

6 [background noise off mic]

7 CHAIRPERSON GENNARO: Oh.

8 COMMITTEE CLERK: Crowley.

9 COUNCIL MEMBER CROWLEY: Yes.

10 COMMITTEE CLERK: Ulrich.

11 COUNCIL MEMBER ULRICH: Aye.

12 COMMITTEE CLERK: Eugene.

13 COUNCIL MEMBER EUGENE: Aye.

14 COMMITTEE CLERK: By a vote of six
15 in the affirmative, zero in the negative, no
16 abstentions, Introduction is adopted. Council
17 Members, please sign the Committee reports. Thank
18 you.

19 CHAIRPERSON GENNARO: And I'll take
20 this opportunity to thank the members, thank the
21 sponsors, thank the staff that worked so hard on
22 this bill for, god, years. Samara Swanston,
23 Siobhan Watson, Jeff Haberman, and my own
24 legislative director, Costa, Constantinidis, and,
25 oh, and I want to recognize all the great work of

2 the Bloomberg Administration that worked long and
3 hard to make this a much better bill than even
4 that which I first put forward. So this is a much
5 better brownfields bill than the one that I first
6 put forward as Intro 21 some, some time back. We
7 worked together, we got a great bill, and I'm very
8 proud of what we're doing today. With that said,
9 this hearing is adjourned. [gavel] And we have
10 members that are coming here to cast their votes,
11 and so the record shall be left open for as long
12 as we're allowed to leave it open to make, to let
13 the people, to let the members vote. Okay. Thank
14 you.

15 COMMITTEE CLERK: Preconsidered
16 Resolution, Council Member de Blasio.

17 COUNCIL MEMBER DE BLASIO: I vote
18 aye.

19 COMMITTEE CLERK: Vote on the
20 Resolution is now seven in the affirmative, zero
21 in the negative, and no abstentions. The proposed
22 Introduction 21-A, Council Member de Blasio.

23 COUNCIL MEMBER DE BLASIO: I vote
24 aye.

25 COMMITTEE CLERK: Final vote on

2 proposed Introduction 21-A is now seven in the
3 affirmative, zero in the negative, and no
4 abstentions. Thank you.

5 COMMITTEE CLERK: Preconsidered
6 Resolution, Environmental Protection, Council
7 Member White.

8 COUNCIL MEMBER WHITE: Aye.

9 COMMITTEE CLERK: The vote on the
10 Resolution is now eight in the affirmative, zero
11 in the negative, and no abstentions. Proposed
12 Introduction 21-A, Council Member White.

13 COUNCIL MEMBER WHITE: Aye.

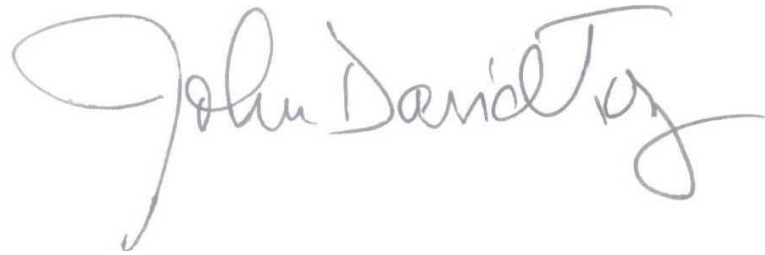
14 COMMITTEE CLERK: Vote is now eight
15 in the affirmative, zero in the negative, and no
16 abstentions. Thank you.

17 [background noise]

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C E R T I F I C A T E

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

A handwritten signature in cursive script that reads "John David Tong". The signature is written in a dark ink and is positioned above the printed label "Signature".

Signature

Date April 28, 2009