

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL PROTECTION

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February 25, 2019
Start: 11:00 a.m.
Recess: 11:09 a.m.

HELD AT: 250 Broadway - Committee Rm.
16th Fl.

B E F O R E: COSTA CONSTANTINIDES
Chairperson

COUNCIL MEMBERS: Rafael Espinal, Jr.
Stephen T. Levin
Carlos Menchaca
Donovan J. Richards
Eric A. Ulrich
Kalman Yeger

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

Catherine McVay Hughes, Financial
District Neighborhood Association

2 [sound check] [pause]

3 CHAIRPERSON CONSTANTINIDES: Okay.

4 Alright, [gavel] Okay. I'm going to skip all of this
5 stuff. I am Council Member Costa Constantinides
6 still and I am still Chair of the Environment
7 Protection Committee. Today, the Committee will vote
8 on three bills addressing sewer system maintenance
9 and a resolution addressing sea level rise and
10 climate change. In August of 2016, the U.S. EPA
11 found that DEP experienced an excessive number of
12 sewage backups between 2011 and 2015 more than
13 17,000. There were also numerous instances of repeat
14 backups in the same location due to capacity issues,
15 and infrastructure maintenance. Sewage contain a
16 number of biological hazards including bacteria,
17 fungi, parasites, viruses, blood-borne viruses.
18 Exposure to sewage backups can result in a variety of
19 adverse human health effects including E. Coli,
20 Shigellosis, Typhoid Fever, Salmonella, Giardia
21 lamblia, Hepatitis A and B among other diseases. On
22 August 31, 2016 due to a significant number of
23 confirmed and unconfirmed sewage backups, the EPA
24 issued an administrative compliance order based on
25 its conclusion that DEP treatment system violated the

2 Clean Water Act. The EPA order the DEP to prepare an
3 operation and maintenance plan for its collection
4 system that is an approvable-upon approval
5 immediately commence implementation of the approved-
6 approved O&M plan. Today's legislation is intended
7 to address that problem. Proposed Intro 424-A will
8 require the DEP commissioner to ensure that where a
9 sewer segment that caused the confirmed back-backup
10 is identified, that segment is inspected and cleaned
11 as necessary within 10 calendar days of the
12 confirmation. This Local Law would take effect
13 immediately. Proposed Intro 425-A would require DEP
14 prepare a plan to prevent sewer backups to reduce
15 sewer backup and to target the current backups. The
16 proposed Local Law also requires DEP to review the
17 root control strategies of other municipalities, and
18 following the review, consider recommending root
19 control strategies for private property owners. This
20 Local Law will take effect 90 days after enactment.
21 Proposed Intro 268-A will require the DEP to submit
22 an annual report to the Mayor and the Council on the
23 number of backflows devices needed, installed,
24 tested. The number of violations issued for failure
25 to install a backflow device. The new provision

2 would require the DEP to annually report to the
3 Council on (1) the number of facilities and hazardous
4 facilities estimated to require the installation of
5 backflow prevention devices. (2) The number of such
6 facilities in which backflow prevention devices have
7 already been installed in the preceding calendar
8 year. (3) The number of annual backflow prevention
9 device test reports filed with DEP in the preceding
10 calendar year, and (4) The number of violations
11 issued for the failure to install a backflow
12 prevention device and for the failure to file an
13 annual backflow prevention device test report with
14 DEP. This Local Law will take effect immediately.
15 Finally, Resolution 509 calls on the United States
16 Army Corps of Engineers to reconsider propels made in
17 New York, New Jersey Harbor and Tributaries Coastal
18 Storm Risk Management Feasibility Study to consider
19 sea level rise in addition to storm surge. Four out
20 of six of the proposals in the study include in-water
21 barriers throughout New York Harbor. In-water
22 barriers are intended to protect against storm surge.
23 The temporary sea level rise created by a coastal
24 storm wherever storm surge barriers include
25 restriction of tidal flow, contaminant and sediment

2 transport and the migration of fish. The restricted
3 tidal flow would prevent sewage and other
4 contaminants from flushing into the ocean creating my
5 frequent algae blooms, and lower dissolved oxygen as
6 it is essential for aquatic life. We want aquatic
7 life to survive and flourish as we heard in our last
8 part of our hearing. In order for this to happen, we
9 need to limit the discharge of sewage into homes and
10 businesses, rivers and streams from hazardous
11 facilities and other contaminants and sediment
12 transport. To improve the future we need to make
13 changes. I recommend that we vote for the changes
14 that improve this future. I recommend yes vote on
15 all. I know we have—Catherine is going to make a
16 statement here, and Ms. McVay Hughes, I don't have
17 your card in front of you, but I know you pretty
18 well. So, I'll give the floor to you and then we'll
19 have the vote.

20 CATHERINE MC VAY HUGHES: Great. Thank
21 you so much, Chair Constantinides and other
22 distinguished members of the committee. I want to
23 thank you for addressing, you know, in your
24 Resolution No. 509, which I was here last fall
25 testifying on about sea level rise, which continues

2 to be a major issue. As you know, I testified
3 earlier representing the Financial District
4 Neighborhood Association, and I just wanted to bring
5 before the report that was issues by the U.S. Army
6 Corps last week for the February 2019 Report the New
7 York, New Jersey Harbor and Tributary's Coastal Storm
8 Risk Management, and it does include multiple
9 sections on sea level rise. So, I just wanted to let
10 you know the good news because there is, you know, a
11 section here on relative sea level rise change.

12 CHAIRPERSON CONSTANTINIDES: They—they
13 listened to us, which was great. [laughter]

14 CATHERINE MC VAY HUGHES: And multi
15 dynafit solutions with natural and nature based
16 features are preferred in their Summary Report on
17 page 11. One of the top two technical topics in
18 which uncertainty should be addressed was the
19 uncertainty related to the appropriately defining the
20 design condition, and thus, the selection and
21 incorporation of sea level rise scenario. And then
22 also in the summary was funding time legislation
23 bureaucracy hindered the progress of coastal
24 resiliency in many communities within the study area,
25 but there's an urgency to identify CSRM measures

2 prior to another storm or a change in sea level rise
3 condition and it goes on. So, I really want to thank
4 this committee for looking at sea level rise and, by
5 the way, backup sewage was a major issue in Lower
6 Manhattan during Super Storm Sandy, and as you know,
7 I was Chair during Super Storm Sandy and we're still
8 recovering. So, I want to thank you for your support
9 and just for the record, I am also submitting the
10 latest copy of the Storm Surge Watch Newsletter that
11 came out after the last hearing, and as you know, the
12 FEMA has only been down in Washington, D.C. extending
13 through May 30th and June 1 is the first day for the
14 2019 Atlantic Hurricane season. So, I just want you
15 to be—to be mindful of that, but thank you so much
16 for your great work, Chair Constantinides.

17 CHAIRPERSON CONSTANTINIDES: Well, thank
18 you very much for always being here, always
19 testifying, always giving your—your good advocacy
20 and—and—and facts. I appreciate that.

21 CATHERINE MC VAY HUGHES: Thank you.

22 CHAIRPERSON CONSTANTINIDES: Thank you.
23 So, with that, I'll as the Clerk to call the roll
24 recommending a yes vote on all legislation.

1 COMMITTEE ON ENVIRONMENTAL PROTECTION

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2 CLERK: William Martin, Committee Clerk.

3 Roll call vote Committee on Environmental Protection.

4 All items are coupled. Chair Constantinides.

5 CHAIRPERSON CONSTANTINIDES: I vote aye.

6 CLERK: Levin.

7 COUNCIL MEMBER LEVIN: [off mic] I vote

8 aye.

9 CLERK: Menchaca.

10 COUNCIL MEMBER MENCHACA: I vote aye.

11 CLERK: Yeger.

12 COUNCIL MEMBER YEGER: Aye.

13 CLERK: By a vote of 4 in the

14 affirmative, 0 in the negative and no abstentions,

15 all items have been adopted by the committee.

16 CHAIRPERSON CONSTANTINIDES: Due to the

17 time constraints of the hearing, I am not able to

18 leave the vote open. So, at this time I'll gavel

19 this vote closed and re-open. We'll be reopening our

20 hearing in a minute. [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 March 27, 2019