



**Testimony of**  
**Vincent Sapienza**  
**Commissioner**  
**New York City Department of Environmental Protection**  
**before the**  
**New York City Council**  
**Committee on Environmental Protection**  
**March 4, 2020**

Good Morning, Chair Constantinides and Members of the Committee on Environmental Protection. Thank you for the opportunity to testify today. I am Vincent Sapienza, the Commissioner of the NYC Department of Environmental Protection (DEP). I am here to speak about the FY21 preliminary budget and FY20 Preliminary Mayor's Management Report or PMMR.

DEP is dedicated to protecting public health and improving the environment. We provide clean drinking water, collect and treat wastewater, and work to reduce air, noise, and hazardous materials pollution. We provide water to more than half of the population of New York State, while caring for our watershed lands, ensuring that the highest standards of quality are met, and thoroughly maintaining a distribution system that is more than 7,000 miles long. Our wastewater collection system incorporates expansive Bluebelts and Rain Gardens to reduce urban flooding and improve harbor water quality, which is the cleanest it's been since the mid 1800s. Our fourteen in-City Wastewater Resource Recovery Facilities (WRRFs) comprise the largest municipal treatment network in the United States. In addition, we handle hazardous materials emergencies and toxic site remediation, oversee asbestos monitoring and removal, and enforce the City's air and noise codes.

**In-City Water and Sewer Main Investments**

New York City's water and wastewater systems are among most reliable in the country. The thirty largest U.S. cities average 25 breaks per year for every 100 miles of water main, significantly above the industry best-practice goal of 15. Our system averages 6 breaks, which is second only to Boston.

Still, when breaks do occur, city residents and commuters can be significantly impacted, as demonstrated during three breaks this past winter on the Upper West Side of Manhattan. Be assured that DEP does not rest on its record of reliability, as we continue to make major investments in water infrastructure. We also have ample resources at the ready in all five boroughs to respond to breaks, so that water service is restored to effected customers in an average of less than five hours.

To continue progress and try to beat Boston, we intend to increase our pro-active maintenance initiatives, including electronic leak detection and valve upgrades, and accelerate main replacements.

I'd like to also address the devastating sewage backup that occurred in late 2019 in South Ozone Park, Queens. As I discussed at a hearing before this committee this past December, the blockage was caused when a section of reinforced concrete sewer that was constructed by New York State only 32 years earlier catastrophically collapsed under a highway bridge abutment that was concurrently built.



Given the major impact to the community, DEP staff has since worked diligently, first to pump more than ten million gallons a day of the neighborhood's sewage past the blockage, while concurrently building 1,200 linear feet of new sewer to replace the 1987 pipe. This new sewer was completed a few weeks ago, and the bypass pumping system was removed.

### **Watershed Infrastructure Investments**

While we continue to devote resources on maintaining our in-city infrastructure, we have not wavered from our focus on maintaining the reservoirs, dams, aqueducts and tunnels that deliver water from our upstate watersheds. We have recently reached a milestone in the \$158 million project to rehabilitate more than 74 miles of Catskill Aqueduct, which delivers about 40 percent of New York City's drinking water each day.

The aqueduct, perhaps one of the most complex water conveyance structures in the world, was shut down for ten weeks during November, December, and January. The shutdown allowed more than 200 staff members to clean the inside of the structure, repair leaks, and replace valves. The shutdown was completed without affecting the reliability of the city's water supply. The work will improve the aqueduct's function and allow more than 40 million additional gallons of water to flow through the aqueduct every day, which will be needed when the Delaware Aqueduct is shut down for major repairs in October 2022. The combined work ensures that New Yorkers will have reliable delivery of water for generations to come.

In addition to upgrading this infrastructure, DEP also diligently protects our watershed lands to ensure that our water is of the highest quality. DEP now owns more than 155,000 acres of protected land surrounding the reservoirs. From mountaintop to tap, we analyze New York City's drinking water nearly 2,000 times each day, and it fully complies with all federal and state water quality standards, as well as our own expectation of excellence. We recently released the 2019 NYC Drinking Water Quality report, which is posted on DEP's website.

I want to briefly mention work that DEP is doing to address potential long-term climate impacts on our award-winning water supply. DEP research scientists are conducting one of the most complex and in-depth studies of climate change of any water utility in the world, to help us understand the effects of warmer temperatures, more extreme storms, and long-duration droughts. This study will help to inform necessary operational modifications and necessary investments in the coming decades.

### **Continued Successes**

Every year, we challenge ourselves to exceed our past performances. So far in FY2020, we are excelling in several areas.

- We have responding to both air quality control complaints and noise complaints by about 20% faster than last year.
- We have improved our time to resolve sewer backups from 4.1 hours to 3.5 hours.
- There have been 19% fewer complaints about catch basin clogs, and we have responded 15% more quickly.





- There have been 14% fewer complaints of water leaks, and we have resolved leaks 39% faster.
- Effective wastewater treatment and stormwater management has improved our water quality so that it is the best it has been in more than 100 years – bringing waters back to New York waterways.

### **Looking Forward**

DEP plans to build on these trends and expand our efforts in FY21.

We are expanding our Green Infrastructure programs, to further improve harbor water quality and improve stormwater management. A critical component of this expansion is Intro. 1851, which expands our MS4 stormwater control requirements to the combined sewer areas of the City. We thank the Chair for his sponsorship of this important bill.

We are also redoubling our efforts to reduce idling that is increasing air pollution around the city. We have recently launched a \$1 million anti-idling campaign with the support of the Mayor's office. We hope that this behavior-change campaign will be as successful as last year's 'Trash It, Don't Trust It' campaign.

Thank you again to the Chair and the Council Committee for your continued support of DEP's work. I and my staff are happy to answer any questions that you have.



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**Testimony of Melissa Iachan at  
Preliminary Budget Hearing Before  
City Council Committee on Environmental Protection  
March 4, 2020**

Good afternoon, my name is Melissa Iachan, and I am a Senior Staff Attorney in the Environmental Justice Program at New York Lawyers for the Public Interest (“NYLPI”). NYLPI’s environmental justice program works with communities who have shouldered the disproportionate burden of pollution in our City for decades. I am pleased to be here today to highlight the opportunity our City has to immediately invest in environmental and green jobs resources through increasing funding for these opportunities in the budget, but also through the long-overdue work of divesting from overfunded discriminatory systems of law enforcement and corrections.

New York City has prided itself on uplifting the values of equality, fairness and respect for its 8 million residents, all while pushing a vision of a more sustainable future. We are grateful to Chair Constantinides and this Committee for their courage and leadership in continuing to push the City towards a greener future. But for a future with true environmental justice as a part of the vision, we need to think about restorative justice for our EJ communities as well as those who have been impacted by law enforcement and the criminal justice system. The current proposed budget reveals the City’s misalignment of its priorities and continued failure to put its money where its mouth is.

Each budget cycle, New Yorkers passionately and articulately make the case for desperately-needed funding for supportive services, education investments, after-school programming, housing, healthcare, youth programs, green spaces and more. And yet, in every budget cycle, most advocates and city agencies walk away with only a fraction of what is needed. Every time that happens, gaping holes widen in our social safety net, income and opportunity gaps continue to widen, and law enforcement agencies are once again relied upon to respond to challenges they will never be equipped to address—challenges of public health, poverty, and inequality.

Every budget cycle, you, our elected officials, have the opportunity to change this pattern. Today, we look at our public health struggles through the environmental



lens, and we ask you to take a holistic approach to the budget process, and push the Mayor and the Council as a whole to stop funding reactive law enforcement agencies to address social and public health problems, and instead fund reparative solutions that invest in those communities who have been overpoliced, overincarcerated, and suffer the highest rates of asthma and respiratory illness due to the concentration of polluting facilities in their neighborhoods. Only by making this shift can New York City truly end the tale of two cities.

We all want to live in healthy and safe neighborhoods, and our communities have long had the solutions, but not the support. The #buildCOMMUNITIES platform, launched in January 2019 and updated just last month, draws on the collective wisdom of over 40 organizations and more than 200 residents of communities most impacted by mass incarceration...which happen to also be the communities with the most polluting infrastructure and highest incidence of asthma. This platform highlights areas of need, as well as many programs that are already working, but in need of greater investment. I'm pleased to share a copy of that platform with you today.

One particular opportunity included in this platform which I want to highlight today is Renewable Rikers. This Committee recently heard the three bills (Intros 1591, 1592, and 1593) collectively known as the Renewable Rikers Act. The Renewable Rikers Act is the first step to turn the Renewable Rikers vision into a reality. The Renewable Rikers vision is a key part of the #buildCOMMUNITIES platform, Community members and organizations came together and agreed that the most just solution for future use of the Island would be to build sustainable and renewable infrastructure that would shift burdens out of environmental justice communities, while moving our City to a cleaner and greener future.

Underlying this agreement is the basic premise that any future use of Rikers must benefit the communities most impacted by Rikers Island and our City's unjust system of overincarceration. New sustainable and green infrastructure on Rikers Island can replace polluting facilities in these same communities. That would open up space within these communities that residents can use as they see fit, whether for green space, community services, or affordable housing. All of this is more than just a pipedream. Yes, we can and should pass the Renewable Rikers Act in the immediate future. But we can do more.



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This year's budget allocates more than \$14 billion dollars annually to the NYPD, the DOC, as well as to the NYC Department of Probation and to District Attorneys. If even a portion of this were to be invested in the first steps necessary for DEP to begin remediation on the Island so as to set it up for beneficial and renewable uses, we could begin the first steps of righting so many of the wrongs the City has continued to repeat for decades.

We need you, the Council Members who understand the importance of funding truly meaningful priorities, to urge the Mayor to make the boldest step he can towards a truly more sustainable, more equitable, fairer, and more progressive City.

Thank you.

community playgrounds for a growing city by renovating schoolyards owned and operated by the Department of Education. As part of our agreement with the city, these community playgrounds are then kept open for the general public after school hours and on weekends. Under this public-private partnership, The Trust for Public Land assembles the capital costs for such projects from a variety of sources (e.g., City Councilmembers, Borough Presidents, the State, corporations, and private funders), provides designs that are approved by the Schools Construction Authority, oversees the bidding process from construction firms that are on a pre-approved list and that pay prevailing wage, and provides construction oversight. To date, we have helped create 210 playgrounds across all five boroughs.

The Trust for Public Land has worked hand-in-hand with the City to incorporate green infrastructure elements like trees, permeable pavers, rain-absorbing gardens, and turf fields that retain stormwater into our playgrounds, which become multi-purpose infrastructure that delivers recreational, health, stormwater, and urban heat island mitigation services. The incremental cost of adding green infrastructure to another infrastructure project is a cost-effective way to mitigate potential storm water damage by collecting millions of gallons of runoff that would otherwise flood streets, overwhelm sewers and pollute local waterways.

Moreover, through our participatory design process we work with students, community members, teachers, principals, and custodians on the playground layout and features. In that design process, we educate the public on the need for stormwater management and our finished playgrounds include informational signs about how the green infrastructure elements are helping to make the city more resilient.

The green infrastructure playground partnership with The Trust for Public Land allows DEP to extend the reach of the NYC Green Infrastructure Plan to public schools, just as DEP's relationship with the Parks Department through the Community Parks Initiative extends green infrastructure to city-operated parks. While all of our playgrounds built over the past 20 years seek to maximize permeable features such as gardens and tree pits, since 2013 we have worked with DEP's green infrastructure program to design our playgrounds to pitch runoff to storage areas under turf fields and on other features that have significantly increased retention. Since then, The Trust for Public Land has created 36 new green infrastructure playgrounds, with another currently under construction. Of the 24 new playgrounds that the DEP has helped fund, several have the capacity to divert over one million gallons of stormwater annually and in total, the TPL-DEP sites collect 18,737,000 gallons of stormwater every year. With sites in four of the five boroughs, these playgrounds help improve the water quality for all New Yorkers, while bringing the benefits of nature and public spaces to many.

Going forward, we are working with DEP to retrofit some of our older playgrounds that were built 10 or more years ago. While these sites have mature trees and gardens that can absorb a lot of rainfall, generally they have first-generation turf fields that do not absorb stormwater. During renovations we will be working with DEP to remove those turf fields, add a gravel storage area underneath, and top it with modern turf, and will also be adding other green infrastructure features where possible. Over the next five years, The Trust for Public Land will be working with DEP to retrofit 50 community playgrounds.



In summary, we urge the Council to support the DEP's budgetary allocation for green infrastructure partnerships with community partners such as The Trust for Public Land and with other city agencies, which increases the scope and speed of these important public services.

Thank you for the opportunity to testify on this important issue.



Wednesday, March 4<sup>th</sup>, 2019

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**Oral Testimony**

Before New York City Council  
Committee on Environmental Protection

**Preliminary Budget Hearing**

Sonal Jessel

*Policy & Advocacy Coordinator*

*WE ACT for Environmental Justice*

Good afternoon Chair Constantinides and the Committee on Environmental Protection. Thank you for holding the hearing today and for the opportunity to testify regarding the preliminary budget.

I am Sonal Jessel, and I'm a Policy and Advocacy Coordinator at WE ACT for Environmental Justice. Over the past 31 years, WE ACT has been combating environmental racism in Northern Manhattan. I am here as a member of the Climate Works 4 All Coalition and I am testifying today to demand more funding for action to address our climate emergency. As we all know, climate change is an issue that has and will affect all New Yorkers. And it's important to always act with a climate justice framework - that climate change impacts low-income communities and communities of color first and worst. For example, the frequency, severity, and duration of extremely hot days has risen significantly in New York City. Low income and neighborhoods of color are the most impacted by the health effects of extreme heat due to a number of reasons such as lack of access to adequate cooling, higher rates of chronic conditions that increase vulnerability, and higher sidewalk temperatures due to lower prevalence of trees and vegetation.

WE ACT joins the Climate Works 4 All Coalition and stands with NYC community members, labor groups, and environmental justice communities to demand to Fund our Future by funding equitable climate action for all New Yorkers. Last year we passed local law 97, which will move us towards meeting our climate goals. This year we are asking to allocate 1 billion dollars annually to retrofit buildings that were left out of the law to ensure that we fight climate change as aggressively as possible, and as equitably as possible. This billion-dollar budget allocation will have an immediate impact on job creation, community revitalization as well as the climate.

With this exemplary budget allocation, New York City will be a leader in the fight for climate action not only in the United States but around the world.

WE ACT is enthusiastic to see the successful implementation of Local Law 97. We believe we must expand retrofitting to affordable housing left out of Local Law 97 and FUND IT, as people living in affordable housing also deserve to have energy efficient homes that will benefit their health and wellbeing. It is an important





action that will promote equity in our city's fight to slow climate change and improve people's health.

All in all, New York City must be aggressive in action to slow climate change. Local Law 97 is an important and significant step, but we know it is just the beginning and there is so much more work to be done by our city government and its agencies.

Therefore, I join other advocates, experts, and community members to urge the City to allocate 1 billion dollars annually to fund climate action and be leaders in slowing this climate emergency equitably.

Thank you for your time.

Sincerely,

**Sonal Jessel**

*Policy & Advocacy Coordinator*

WE ACT for Environmental Justice

1854 Amsterdam Avenue, 2nd Floor

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**City Council Committee on Environmental Protection- Preliminary Budget Hearing**

**March 4th, 2020**

Thank you for the opportunity to testify. My name is Phoebe Flaherty, I'm an Organizer at ALIGN: The Alliance for a Greater New York. ALIGN is a community-labor coalition dedicated to creating good jobs, vibrant communities, and an accountable democracy for all New Yorkers.

We co-coordinate the Climate Works for All coalition, a coalition of environmental justice groups, labor, and community organizations all working towards reducing emissions to fight climate change through the lens of a just transition. We recently worked with Council Member Costa Constantinides and other members of the City Council to pass the dirty buildings bill, Local Law 97.

We are in the midst of a climate crisis, and we only have a few years left to take aggressive action to slow and try to stop the effects of climate change. According to the Intergovernmental Panel on Climate Change's 2018 report, we could arrive at irreversible climate change as soon as 2030. We have no time to waste.

The city has made a laudable commitment to lower emissions, and has taken aggressive steps to meet those emissions goals through the passage of local law 97, which mandates that most buildings over 25,000 square feet meet emissions reductions goals by different compliance periods leading up to 2050.

However, meeting our broader citywide commitments will require continued effort. We must invest in the implementation of Local Law 97 and go beyond its reach if we are to meet our emissions reductions goals. The Climate Works for All coalition is asking the city council to allocate 1 billion dollars annually to retrofit affordable housing and public housing. Buildings with rent regulated and affordable units were exempted to protect tenants who would face increased costs from displacement. But those buildings make up 50% of residential housing stock, and therefore represent a large percentage of citywide GHG emissions- we cannot allow these buildings to continue to emit emissions at their current rates and still meet our emissions goals. We must also ensure that the benefits of retrofits, from more comfortable homes to decreased localized pollution that leads to asthma and other health issues, occurs equitably across New York City. Tenants of affordable and public housing in New York City deserve clean air and comfortable homes as much as all other tenants.

Without additional funding we are in danger of not meeting our emissions reductions goals, and meeting those goals is crucial to the future of our city and our world. We are asking the City Council and the Mayor to fund retrofits in public and affordable housing in New York City. Fighting climate change must be our top priority now and for the coming years, before it is too late. Thank you.



City Council EP Committee Budget Hearing  
March 4th, 2020

Thank you for the opportunity to testify. My name is Eliza Klein and I am here on behalf of UHAB, the Urban Homesteading Assistance Board. For 45 years, UHAB has been creating, preserving, and supporting resident controlled housing. We work with low and moderate income residents in housing cooperatives, known as HDFCs, as well as tenant associations to build democratic participation, leadership, and community through cooperation.

UHAB is part of the Climate Works for All campaign because HDFC communities are on the front lines of the climate crisis. Most HDFC residents are disproportionately impacted by the legacies of redlining, disinvestment, and aging building conditions. Furthermore, many HDFC buildings are in the areas of the city most vulnerable to rising sea levels and increasingly powerful storms like Superstorm Sandy.

We are calling for the City to allocate 1 billion dollars annually to retrofit buildings that were left out of Local Law 97 because we cannot fight climate change without the affordable housing community. The City has already made some strides to fund energy efficiency and retrofit programs for affordable housing, but this is nowhere near enough to match the City's own ambitious climate goals and the reality of the impending climate crisis.

Through our Co-ops Go solar campaign, in which we help HDFCs install solar on the roofs of their buildings, we've seen the impact access to renewable energy can have low-income homeowners. We've seen them use cooperative decision making to choose solar, and share strategies to keep their homes healthy and affordable. We have seen them invest in not only their futures, but the future of the next generation.

Residents of affordable housing, low income communities, and communities of color should not be forced to foot the bill of a crisis they played little role in creating. In this moment, we have an opportunity to begin to undo the legacy of environmental racism and in New York City. Instead of continuing the status quo, perpetuating inequities, and leaving frontline communities behind, we can create a just transition to renewable energy that focuses on protecting affordable housing, workers, families, and those most impacted by climate change.

We believe that these retrofits must occur equitably across NYC, in affordable housing and beyond. Local Law 97 is a good start, but we must be as aggressive as possible in efforts to slow climate change. The prescriptive measures outlined in this law that are imposed on affordable housing do not go far enough to significantly reduce emissions. These measures cannot happen without financial support—support which will help close the gap between maintaining affordability and increasing energy efficiency. We are not only asking for the money we need to fight climate change, but for programs that will make it easy for owners of affordable housing and residents alike to make these changes and retrofit their buildings.

Residents and owners of affordable housing cannot be left behind in this fight: they are the ones on the frontlines of climate change, and they need to be at the table to guide us through a just transition to a more sustainable New York City. Thank you.



NEW YORK STATE ASSOCIATION FOR AFFORDABLE HOUSING

**NYSAFAH Testimony to the New York City Council Environmental Protection  
Committee on the FY 21 Preliminary Budget  
March 4, 2020**

Thank you, Chairman Constantinides and members of the Environmental Protection Committee for the opportunity to testify today on the Mayor's Preliminary Budget.

NYSAFAH is the trade association for New York's affordable housing industry statewide. Its 375 members include for-profit and non-profit developers, lenders, investors, attorneys, architects and others active in the financing, construction, and operation of affordable housing. Together, NYSAFAH's members are responsible for most of the housing built in New York State with federal, state and local subsidies and incentives.

Across the country, policymakers are considering ways to protect housing and other critical infrastructure from our changing climate that threatens to disrupt how and where we live. In 2019, Chairman Constantinides' bill (Int. 1253-2018) that was passed by the Council and became law (Local Law 97) aims at achieving an 80 percent reduction in emissions by 2050. This landmark legislation will transform our local economy and present new opportunities for development in the city. In his most recent State of the City address, Mayor Bill de Blasio outlined goals that include stopping the use of fossil fuels in large buildings and a moratorium on fossil fuel infrastructure.

It is important to consider the impact of a changing climate on the built environment. At our Annual Upstate Housing Conference last September, NYSAFAH highlighted what the industry is already doing and what needs to be done going forward to create affordable housing stock that achieves high standards of efficiency and resilience.

The affordable housing industry in New York City appreciates a good challenge. Many of our members' projects are already leading the way. For example, Beach Green Dunes Phase II in Far Rockaway, which just opened a few weeks ago, is an example of progress in this area. It is a 127 unit, 100% affordable building that incorporates Passive House standards. In addition, the site's subterranean conditions provide the opportunity to use geothermal technologies to heat and cool the building. The building will also include photovoltaic panels on the roof and on a steel trellis covering the surface parking area.

Similar projects and initiatives are underway. Our industry stands ready to replicate these efforts and improve upon them by working with policymakers and other key stakeholders to make New York and this city a national leader in combatting climate change and providing safe and affordable homes to hardworking families.



This collaborative spirit will help deliver the affordable housing outcomes that New Yorkers need and deserve.

As New York City moves in the direction of green energy and clean electric, our existing electric grid will need to handle the increased demand if more buildings convert to electric for heat, hot water and appliances. This past July, major blackouts in Manhattan and Brooklyn left tens of thousands of people without power. A 2017 New York Times article titled *How New York City Gets Its Electricity* highlighted that “Despite enhancements, the transmission grid is aging. More than 80 percent of the lines went active before 1980, and NYISO estimates that almost 5,000 miles of high-voltage transmission lines will have to be replaced in the next 30 years at a cost of about \$25 billion.” As NYSAFAH and the affordable housing industry stand ready to lead the way to reduce our dependence on fossil fuels, we need all areas of city government to echo the need for a modern and reliable electric grid in order to achieve our shared goals.

Thank you again for the opportunity to testify today and for your consideration. I welcome any questions or comments you may have.

**Contact: Chris Widelo, Director of External Affairs, at [christopher@nysafah.org](mailto:christopher@nysafah.org) and (646) 473-1206.**

**THE COUNCIL  
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Name: Vincent Sapienza

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Name: PHIL VOS

Address: 488 7th St., Brooklyn 11215

I represent: ENERGY VISION

Address: 138 E. 13th St., NYC 10003

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I represent: THE TRUST FOR PUBLIC

Address: LAND

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Date: 3/4/2020

(PLEASE PRINT)

Name: Sonal Jesel

Address: 1854 Amsterdam Ave, NY, NY 10031

I represent: WE ACT for Environmental Justice

Address: 1

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Name: Phoebe Flaherty

Address: 303 Dean St BK

I represent: Align

Address: 50 Broadway

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(PLEASE PRINT)

Name: Aliza Klein

Address: 530 W 157th St NY, NY 10032

I represent: Urban Homesteading Assistance Board

Address: 120 Wall St.

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Name: Melissa Lachan

Address: \_\_\_\_\_

I represent: NYLPI

Address: \_\_\_\_\_

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Name: Joseph Murin

Address: Chief Financial Officer, DEP

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

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**(PLEASE PRINT)**

Name: Michael Deloach

Address: Deputy Commissioner Public

I represent: Affairs and Communication

Address: DEP

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