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COMMITTEE ON ENVIRONMENTAL PROTECTION

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL
PROTECTION

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August 27, 2020
Start: 12:17 p.m.
Recess: 12:29 p.m.

HELD AT: REMOTE HEARING

B E F O R E: Costa G. Constantinides,
Chairperson

COUNCIL MEMBERS:
Stephen T. Levin
Carlos Menchaca
Eric A. Ulrich
Kalman Yeger

1 COMMITTEE ON ENVIRONMENTAL PROTECTION 2

2 SERGEANT AT ARMS: Recording to PC all set.

3 SERGEANT AT ARMS: Cloud is good as well.

4 SERGEANT AT ARMS: And Sergeant Hannah, you may
5 begin with your opening thank you.

6 SERGEANT DAUTAJ: Good afternoon and welcome to
7 today's remote New York City Council hearing of the
8 Committee on Environmental Protection. At this time,
9 would everyone please put their cameras on, their
10 videos. To minimize destruction, please place
11 electronic devices on vibrate or silent mode.

12 Thank you for your cooperation and we are ready
13 to begin.

14 CHAIRPERSON CONSTANTINIDES: Just give me one
15 moment. I'm having technical difficulties with my
16 opening statement, give me a second.

17 Alright, good afternoon, my name is Costa
18 Constantinides, I am Chair of the Committee on
19 Environmental Protection. Today, we will hold a
20 hearing and vote on legislation to improve water and
21 air quality.

22 Stormwater from construction and airborne
23 pollutants have long been routinely discharged into
24 sewers and emptied directly into the waters of the
25 state. That discharge has long contributed to our

2 water standards being depleted and so that our waters
3 are no longer fishable or nor swimmable, particularly
4 when our sewage treatment plants exceeded capacity.

5 The enactment of this local law will help improve
6 water quality throughout the region, more importantly
7 for MS4 projects. This local law will ensure that
8 the rules for such projects are not less stringent
9 than the New York City MS4 permit dictates. And that
10 is for Intro. 1851.

11 Intro. 1946-A would require that the Building
12 Department annually provide information regarding
13 energy efficiency improvements to owners of buildings
14 of all sizes including buildings connected to gas
15 lines.

16 The information will include fossil fuel
17 alternatives. The benefits of energy efficiency
18 improvements, compliant with the New York City Energy
19 Conservation Code. And other laws designed including
20 Local Law 97 to reduce building energy use and carbon
21 emissions.

22 Unless building owners are provided with
23 information about alternatives to fossil fuels and to
24 reduce our greenhouse gases, they are unlikely to
25 make the major changes we need to get to the future.

2 Intro. 1982-A requires that natural gas power
3 fuel cell emissions be prepared to the electricity
4 grid marginal emissions instead of the average
5 emissions.

6 However, the law provides an exemption for these
7 fuel cells before January of 2023 or by rules made by
8 the Commissioner that would have happened as part of
9 Local Law 97.

10 It further requires that when developing these
11 energy consumptions, the building commissioner can
12 consider NYSERDA and state energy plan forecast for
13 Zone J. Each bill will help us become a more
14 sustainable city, especially 1946, as if we don't
15 give these building owners the alternatives, we will
16 not have a – you know, we will have a lot of
17 buildings at the end of 2024 looking to get the
18 homework due. We need to start doing that now.

19 Before I begin – before I end, I don't know why
20 it says begin here. Before I end, I want to thank
21 the Committee Staff Committee Counsel Samara
22 Swanston, Policy Analyst Nadia Johnson and Ricky
23 Chawla, Finance Analyst Jonathan Seltzer, my
24 Legislative Counsel Nicholas Widzowski for their hard
25 work.

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2 And with that, I will turn it over to the Clerk
3 to call the roll.

4 COMMITTEE CLERK: Good afternoon. William Martin
5 Committee Clerk roll call vote, Committee on
6 Environmental Protection. All items are coupled.
7 Chair Constantinides?

8 CHAIRPERSON CONSTANTINIDES: Aye. Oh, wait, aye,
9 sorry.

10 COMMITTEE CLERK: Thank you. Levin?

11 COUNCIL MEMBER LEVIN: Permission to explain my
12 vote? Sorry, I have the baby here.

13 So, I just wanted to take a moment to speak on
14 Intro. 1982. I will be voting in favor of this bill
15 and all bills on the agenda today but I know that
16 people have raised concerns about this piece of
17 legislation and so, I would like to just take a
18 moment to speak on my vote.

19 I am confident after speaking it through with the
20 Chair and others on regarding this legislation that
21 this bill will not create a new right for fuel cells
22 or any other type of natural gas powered energy
23 source. It merely allows for fuel cells to be
24 prescribed a coefficient number by NYSERDA during the

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2 interim period until the city prescribes it a number
3 by January 1st of 2023 as per Local Law 97.

4 So, in other words, this is addressing a gap that
5 was in Local Law 97. Now, it's true that fuel cells
6 are powered by natural gas but this does not change
7 the requirements under the bill for any building or
8 development using fuel cells to meet its objectives
9 under Local Law 97 of 50 percent by 2030 and 80
10 percent by 2050.

11 So, it does not, in terms of carbon impact, it
12 does not actually affect those buildings overall
13 output and lastly, it is - this will be very narrow
14 in application. For a building to do this, it would
15 essentially have to be in process already. I know
16 that we've heard concerns from hospitals that want to
17 utilize this technology. Hospitals are in a unique
18 position when it comes to their requirements for
19 energy. They have a lot of life saving equipment
20 that has to be running 24/7. That has to have a
21 backup ability that those needs can't be met today
22 and in the next two years with alternative energy
23 means, so solar and wind.

24 And so, I don't believe that this is kind of an
25 opening for any developer in the city to use natural

2 gas or fuel cells in the long term, because its
3 application is really only, this bills only
4 application is really only two years or two years and
5 three months because by the time we get to January 1,
6 2023, it will be superseded by the actions of the
7 city under Local Law 97.

8 And so, it's a very narrow, I understand the
9 concerns and considerations that people have raised.
10 I think that it is so narrow in application that I
11 think it's appropriate to vote in favor of this
12 legislation.

13 So, thank you very much for your time.

14 COMMITTEE COUNSEL: Menchaca?

15 COUNCIL MEMBER MENCHACA: Permission to explain
16 my vote?

17 CHAIRPERSON CONSTANTINIDES: Granted.

18 COUNCIL MEMBER MENCHACA: Thank you Chair and
19 thank you to Council Member Levin for explaining his
20 vote. I am going to be voting no on Intro. 1982 and
21 yes on the rest and with Local Law 97, it already has
22 emission factors for natural gas and there is no need
23 for there to be a separate factor for fuel cells.

24 So, there is no need to give special exemptions
25 to developers or corporations selling this specific

1
2 technology. And so, what I believe is that Intro.
3 1982 actually undermines our city's efforts to
4 transition to renewable energy and mitigate the
5 potentially devastating affects of climate change
6 here in the city.

7 By creating a separate emissions factor for
8 natural gas fuel cells, Intro. 1982 actually
9 circumvents experts of the Advisory Board that have
10 been called recently in making these decisions.

11 So, this process is integral to the fair and
12 equitable implementation of this law 97. Natural gas
13 is a dirty and harmful energy source that our city
14 should be moving away from wherever possible, not
15 facilitating its use and distribution. Experts have
16 shown that the level of emissions produced by fuel
17 cells would be tent amount to burning an equal amount
18 of natural gas in the combustion process.

19 So, gas production, including the process of
20 fracking, creates massive amounts of methane and
21 that's a greenhouse gas that is 82 times more potent
22 than the carbon that stays in the atmosphere for 12
23 years. Just that amount of time in which we must
24 transition to renewable energies in order to mitigate
25

2 this climate catastrophe that we're all talking
3 about.

4 So, for those reasons and others and I'm hoping
5 other members talk about this, I'm voting no on 1982
6 and yes on 142, yes on 143, yes on 1851, yes on 1946.

7 Thank you for the time.

8 COMMITTEE COUNSEL: Thank you. Yeger?

9 COUNCIL MEMBER YEGER: Tech issues, sorry. I
10 vote aye.

11 COMMITTEE COUNSEL: Ulrich?

12 COUNCIL MEMBER ULRICH: I'm voting no on 1982 and
13 aye on all others.

14 COMMITTEE COUNSEL: Committee on Environmental
15 Protection Introductions 1851 and 1946-A are adopted
16 by the Committee with five in the affirmative, zero
17 in the negative and no abstentions.

18 With Introduction 1982 also being adopted by the
19 Committee with a vote of three in the affirmative,
20 two in the negative and no abstentions. Thank you.

21 CHAIRPERSON CONSTANTINIDES: Sorry about that.
22 so, I guess with that vote completed. I will gave
23 this Committee hearing of the Environmental
24 Protection Committee closed.

25 Thank you very much.

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 AUGUST 28 , 2020