

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON ENVIRONMENTAL
PROTECTION

----- X

August 14, 2020
Start: 10:14 a.m.
Recess: 12:54 p.m.

HELD AT: REMOTE HEARING - VIRTUAL ROOM 1

B E F O R E: Costa Constantinides
Chairperson

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

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

Vincent Sapienza
Commissioner
New York City Department of Environmental
Protection

Melanie La Rocca
Commissioner
New York City Department of Buildings

Ka Wei
Assistant Deputy Director for Energy
Mayor's Office of Sustainability and the
Mayor's Office of Resiliency

Maureen Linosky
Science Advisor

Chrissy Remine

Julie Welsh

Andrea Parker

Lisa Bloodgood

Edrick Wong

Kim Krazak

John Rath

Bob Weinman

Scott Frank

Dana Schneider

Jeffrey Sanoff

Anthony Malkin

Jeffrey (no last name)

Kim Smith

Somal Jessel

Cecil Corban Mark

Shannon Clear

Steve Chesler

Francois Olivas

Margo Spindelman

Seth Silverman

1
2 UNIDENTIFIED: Sergeants, you may begin
3 your recording. We're ready to go. Mr. Leonardo,
4 you can take the opening. Thank you.

5 SERGEANT LEONARDO: Good morning and
6 welcome to the remote hearing on the Committee on
7 Environmental Protection. At this time we ask that
8 all council members and council staff turn on their
9 video for verification purposes. Please place all
10 cell phones and electronic devices to silent or
11 vibrate. You can submit your testimony via email by
12 sending it to testimony@council.nyc.gov. Once again,
13 that is testimony@council.nyc.gov. We thank you for
14 your cooperation and we will begin shortly.

15 COUNCIL MEMBER LEVIN: [gavel] Good
16 morning, everybody, and thank you for joining our
17 virtual hearing today. First, I'd like to
18 acknowledge the council members that have joined us.
19 I think we're at the moment joined by Council Member
20 Kalman Yeger. My name is Steve Levin. Um, I am a
21 member of the committee and filling in for Chair
22 Constantinides this morning. He may be joining in a
23 little bit, but I'm filling in to start, um, start
24 the hearing. Um, I'm going to now turn it over to
25

1
2 our moderate, Committee Counsel Samara Swanston, to
3 go over some procedural items.

4 COMMITTEE COUNSEL: Hi, I'm Samara
5 Swanston. I'm counsel to the committee on
6 Environmental Protection for the New York City
7 Council. Before we begin, I would like to remind
8 everyone that you will be on mute until you are
9 called on to testify, when you will be unmuted by the
10 host. I will be calling panelists to testify.
11 Please list, please listen for your name to be
12 called, and I will be periodically announcing who the
13 next panelist will be. We will begin with testimony
14 from the administration, specifically DEP
15 Commissioner Vincent Sapienza, who is going to offer
16 testimony on Intro, um, 1851, as well as Intro, ah,
17 142 and 143, and then we will also hearing testimony
18 from Commissioner Melanie La Rocca on Intro 1946, and
19 we will hear testimony from the Mayor's Office of
20 Sustainability, Deputy Director [inaudible] on Intro
21 1982. Now I will call you when it's your time, when
22 it's your turn to speak. During the member, during
23 the hearing if council members would like to ask a
24 question please use the Zoom raise hand function and
25 I will call on you in order. We will be limiting

1 council member questions to five minutes. That
2 includes the answers. Thank you very much.

3
4 COUNCIL MEMBER LEVIN: Thank you very
5 much, Counsel Samara Swanston. Um, I, ah, bear with
6 me. Um, good morning, everybody. Um, as I said, I'm
7 Council Member Steve Levin, filling in for Chair
8 Costa Constantinides. Um, welcome to this hearing on
9 Introductions 1851, 1982, 1946, which are sponsored
10 by Chair Constantinides, and Introductions 142 and
11 143 that I, Council Member Steve Levin, am
12 sponsoring. Thank you to the chair for working on
13 this important piece of, pieces of package of
14 legislation. As I said, we're joined by Council
15 Member Kalman Yeger this morning, um, and I will
16 acknowledge, ah, other council members as they join
17 us. The outbreak of COVID-19 in our city has been
18 financially devastating. However, the improvements
19 proposed by the legislation today will not impose
20 financial burdens on the city. The department, the
21 department had previously determined to strengthen
22 its enforcement authority and upgrade its wastewater
23 disposal requirements as it pertained to construction
24 sites and storm water disposal. These improves were
25 intended to address contraventions of the Clean Water

1 Act in New York City. This legislation will move us
2 towards compliance with the Clean Water Act in local
3 waters. Despite the pandemic, the department remains
4 committed to these wastewater infrastructure
5 improvements. Um, I am now going to read a few
6 remarks regarding the legislation that, ah, I,
7 Council Member Levin, am sponsoring. Sorry, having
8 some technical difficulties. I apologize. So we
9 have a lot of work to do to right the environmental
10 wrongs of our past and move forward to a more
11 environmentally just future. The district that I
12 represent, in north Brooklyn and Gowanus
13 particularly, knows this history all too well. A
14 critical step in addressing the toxins in our air and
15 soil and improving accountability, a critical step is
16 addressing the toxins in our air and soil and
17 improving accountability of our environmental
18 malfeasance. Change in accountability start with
19 being fully informed of what is in our air, soil, and
20 water, and making sure businesses and agencies are
21 doing everything needed to protect New Yorkers'
22 health and well-being. This requires that we
23 implement strict measures for adherence to health and
24 safety practices. Certain types of dust, like
25

1 Styrofoam pellets, get into our air and waterways,
2 polluting our environment and adding to our
3 environmental hazards that, adding to the
4 environmental hazards our communities have faced for
5 a long time. My office receives reports regularly
6 about construction dust and Styrofoam flying off
7 construction sites, which can get into people's
8 respiratory symptoms and our waterways, harming
9 wildlife. Construction companies have a
10 responsibility to safeguard their construction sites.
11 Intro 142 prohibits construction dust from becoming
12 airborne and requires the owner or company to
13 establish a construction dust mitigation plan
14 specifically how they will prevent potential health
15 [inaudible]. I look forward to hearing from the
16 administration and advocates on this issue today and
17 discuss solutions that our city can take to improve
18 government accountability and protection against
19 airborne contaminants. I also want to acknowledge
20 that the community members who are testifying today,
21 who have been long-standing environmental leaders in
22 north Brooklyn, ah, and who have been instrumental in
23 advancing this legislation and I just really want to
24 acknowledge, um, in the environmental community in
25

1 north Brooklyn, and Greenpoint in particular is, um,
2 second to none in the City of New York and, um, ah,
3 they have for generations now, ah, held elected
4 officials and city officials accountable of the
5 environmental health, um, of our communities, ah, far
6 beyond, um, just the neighborhood of Greenpoint. So
7 I want to thank them for their ongoing work on this.
8 I'll turn it back over to the committee counsel.

10 COMMITTEE COUNSEL: Hi. Ah, I'm now
11 going to deliver the oath to the administration and I
12 will call on you each individually to recall your
13 answers, to be followed by your testimony. Do you
14 affirm to tell the truth, the whole truth, and
15 nothing but the truth before this committee and to
16 respond honestly to the council member questions?
17 These are, this is for Deputy Commissioner Sapienza,
18 um, DOB Commissioner Melanie La Rocca, ah, and the
19 Mayor's Office of Sustainability Deputy Director, um,
20 [inaudible]. Um, you can raise your hands and
21 affirm, please.

22 COMMISSIONER SAPIENZA: I do.

23 COMMITTEE COUNSEL: Thank you. Ah, you
24 may begin when ready.

1
2 COMMISSIONER SAPIENZA: Thank you. So,
3 good morning to the chair and members of the
4 committee. I'm Vincent Sapienza, commissioner of the
5 New York City Department of Environmental Protection.
6 Several of my colleagues are joining on the call
7 today, including Angela Licata, DEP's deputy
8 commissioner for sustainability. So I'm here to
9 speak about three bills. The first is Intro 1851,
10 which would amend the city's administrative code,
11 building code, and plumbing code to create a uniform,
12 citywide storm water management requirement. The
13 other two bills, Intros 142 and 143, both relate to
14 air quality. Intro 142 would expand the current law
15 to prevent certain types of construction dust from
16 becoming airborne. Intro 143 would create an
17 emergency ambient air quality monitoring program. I
18 will address Intro 1851 first. The bill is critical
19 to the city meeting state standards to manage storm
20 water and will provide several benefits to city
21 residents, including reduced flooding, improved
22 harbor water quality, and a simple site connection,
23 house connection permit application process. New
24 York City has two main types of sewers - the
25 municipal separate storm sewer system and the

1 combined sewer system. In the MS4 system storm water
2 and waste water are conveyed through separate sewers.
3 So all sanitary waste goes to a wastewater resource
4 recovery facility, or WRRF, while all storm water
5 discharges directly to nearest waterway. In the
6 combined sewer system storm water and wastewater flow
7 through the same pipe system to be treated at a WRRF.
8 During periods of intense rain there is a risk that
9 additional storm water volume can exceed the combined
10 sewer system's capacity. During such periods the
11 combined storm water and waste water may be diverted
12 from the WRRF in order to protect the treatment
13 processes at the WRRF and discharge directly into
14 area waterways. These diversions are known as
15 combined sewer overflows, or CSOs. DEP has invested
16 billions of dollars to reduce CSO frequency and
17 volume in order to improve water quality in local
18 waterways. A key strategy is to reduce the volume of
19 storm water that enters the system by managing storm
20 water on site where it falls. Most of New York
21 City's land area consists of impervious surfaces
22 which impede the ground's absorption of storm water.
23 When storm water cannot be absorbed by the ground it
24 has to be conveyed by DEP infrastructure to either a
25

1 WRRF or into the harbor water around the city. Green
2 infrastructure practices, such as green roofs, rain
3 gardens, and permeable pavements, allow sites to
4 capture storm water where it falls, treating it as a
5 resource rather than a waste. Improving storm water
6 management by requiring more on site storm water
7 control increases sewer capacity and improves water
8 quality. It also reduces urban flooding, lowers the
9 burden on public infrastructure, and reduces energy
10 demands. In 2012 the New York State Department of
11 Environmental Conservation, DEC, issued the city a
12 CSO consent order that includes the requirement that
13 New York City build and facilitate green
14 infrastructure to manage storm water. Specifically,
15 it requires the city to build enough green
16 infrastructure to reduce CSOs by 1.67 billion gals
17 per year by 2030. Since 2010 DEP has committed 1.6
18 billion dollars to fund green infrastructure projects
19 on city-owned property, such as a public right-of-
20 way, schools, parks, and housing. Through
21 partnerships with the Department of Transportation,
22 Parks and Recreation, and Design and Construction, as
23 well as with the Economic Development Corporation and
24 the New York City Housing Authority, DEP has over
25

1
2 10,000 green infrastructure assets constructed or in
3 design. We have successfully greened over 1200 acres
4 across the city. Intro 1851 will allow DEP to build
5 on these success while ensuring storm water
6 management is unified citywide. The bill will
7 require new construction to manage more storm water
8 runoff on site using techniques like green
9 infrastructure. Our scientific modeling shows that
10 its implementation will provide CSO reductions an
11 additional 362 million gallons per year, CSO volume
12 reduction by 2030 to further improve water quality
13 per CSO order regulations. Additionally, it will
14 increase green space and align with the goals of the
15 2019 Climate Mobilization Act. In 2017 the council
16 passed Intro 1346, which authorized DEP to set rules
17 regarding storm water management in areas of the city
18 that are served by the MS4. This authority was
19 necessary because DEC had issued the city an MS4
20 permit which required the city to reduce the volume
21 of pollutants that drained through the MS4 into the
22 city's waterways. The bill being considered today,
23 Intro 1851, expands DEP's rule-making authority to
24 cover the entire city, not just the MS4 area.
25 Passage of this bill would allow the city to meet DEC

1 requirements and to continue to improve the health of
2 our waterways. Ah, just a little bit on, on the
3 benefits to permit applicants. Ah, our primary goal
4 for this bill is to improve storm water management
5 around the city, but the bill also streamlines
6 existing requirements, ah, by applying them uniformly
7 across the city and clarify who must apply for
8 permits. Since the 2012 storm water rule was
9 promulgated different areas of the city have
10 different storm water management requirements. A new
11 unified storm water rule would benefit new
12 developments by creating simpler and more streamlined
13 site connection and house connection permit
14 applications, ah, providing new formulas that are
15 easier to use, establishing consistency across sewer
16 areas, making it easier for applicants to plan,
17 allowing more flexibility in design options than
18 those previously permitted, providing clear credit
19 for infiltration practices and new use systems, and
20 establishing a new storm water design manual. Upon
21 passage of the bill DEP will promulgate rules
22 pursuant to the City Administrative Procedures Act,
23 which provides notice and ample opportunity for
24 comment to all who would be affected by the new
25

1 rules. DEP has kicked out off outreach to a large
2 number of stakeholders, including development
3 community and their technical advisors, who have been
4 active in the development of the green infrastructure
5 program and the MS4 program. We've held multiple
6 meetings and workshops with sister agencies as well
7 as the Economic Development Corporation and we will
8 continue to conduct outreach to council staff,
9 community boards, environmental organizations,
10 engineers, architects, and developers. Because of
11 the work the city has done our waters are now cleaner
12 than they have been in over 150 years. We look
13 forward to continuing our collaboration with the
14 council as we continue to work on this. Now on Intro
15 142, ah, it would amend the existing law regarding
16 construction dust by adding additional materials that
17 are prohibited from becoming airborne. DEP supports
18 clarifying the materials whose use can result in the
19 release of dust. The air code is currently broad
20 enough to include any dust that becomes airborne and
21 DEP has rules in place to regulate the measures that
22 shall be taken to prevent such air pollution from
23 becoming airborne. Ah, our air code inspectors will
24 be able to incorporate these changes from Intro 142
25

1 into our procedures. Ah, on Intro 143, it would
2 create an emergency ambient air quality monitoring
3 program within DEP for response after certain large
4 fires. We have consulted with our partners at FDNY
5 and DOHMH and we do not believe that it is necessary
6 to conduct air quality monitoring after typical
7 fires. The chemicals released are often very
8 similar, so testing is not necessary to inform the
9 actions needed to avoid smoke exposure. Therefore,
10 the best approach to ensure safety is to keep the
11 public away from the impacted area and to perform a
12 thorough and proper cleanup of affected areas
13 immediately after the fire incident. Any air quality
14 monitoring that is conducted would not change the
15 recommended response for mitigating exposure to
16 contaminants. Furthermore, the city maintains a
17 database of onsite chemical storage through the Right
18 to Know program. If a fire occurs the database
19 allows FDNY and DEP to immediately determine if there
20 are chemicals of concern inside without having to
21 wait hours or days for lab results from the air
22 sample. We all share the same goal. We and our
23 partner agencies are happy to continue working with
24 the council to ensure that all best practices are
25

1 followed to protect public health and the environment
2 following a large fire. Thank you for this
3 opportunity to testify, and my colleagues and I will
4 be glad to answer any questions you have.
5

6 COMMITTEE COUNSEL: Hi. Ah, this is the
7 committee counsel, Samara Swanston. We need to make
8 sure that all of the administration members that are
9 going to answer questions have been sworn in. So I
10 was given a list of additional people, Maureen Little
11 and, ah, Gina Borka and, um, everyone who was on the
12 list and is here to testify or answer questions you
13 need to be sworn in before you proceed. Is there
14 someone else like Gina Borka or, um, Angela Licata or
15 anyone else who was not sworn? Maureen Little,
16 anyone who was not sworn, can you please, um, raise
17 your hand now. OK. Do you, um, swear or affirm to
18 tell the truth, the whole truth, and nothing but the
19 truth before this committee and to respond honestly
20 to the council member questions?

21 UNIDENTIFIED: I do.

22 UNIDENTIFIED: I do.

23 UNIDENTIFIED: Yes.
24
25

1 COMMITTEE ON ENVIRONMENTAL PROTECTION 19
2 COMMITTEE COUNSEL: Thank you, thank you.
3 OK. Um, and now we can proceed with the
4 administration's testimony.

5 COMMISSIONER LA ROCCA: Good morning, ah,
6 Chair and council members, ah, of the Committee on
7 Environmental Protection. I'm Melanie La Rocca. I'm
8 commissioner of the New York City Department of
9 Buildings. I'm joined by my colleague, Gina Bocra ,
10 chief sustainability officer at the department. We're
11 pleased to be here today to offer testimony on Intro
12 1946 regarding outreach to building owners around
13 making their buildings more sustainable. Engaging
14 those who do business with us is critical to the work
15 the department does. This includes building owners,
16 contractors, design professionals, and construction
17 workers. Education is a key component of this
18 engagement. Educating the public can help us keep
19 our construction sites and buildings safe, and now
20 through our implementation of the Climate
21 Mobilization Act make our buildings more sustainable.
22 The department is committed to increasing the
23 sustainability of buildings. This goal can only be
24 accomplished if building owners do their part to
25 reduce greenhouse gas emissions coming from their

1 buildings, which are largest source of greenhouse gas
2 emissions in New York City. The department has
3 already taken steps to educate owners of their
4 obligations under Local Law 97 of 2019, which
5 regulations greenhouse gas emissions from buildings
6 exceeding 25,000 gross square feet and will continue
7 to work to educate owners leading up to 2024, the
8 date by which we must first emissions limits
9 established by the law and beyond. To date the
10 department has updated its website to provide
11 information to owners about the requirements of Local
12 Law 97 and establish a dedicated email address to
13 field inquiries from owners. We're using the
14 inquiries we received to develop additional resources
15 we can use to educate owners. We are also informing
16 new building applicants of their obligations under
17 this law when they submit plans to the department so
18 that they can start planning to reduce greenhouse gas
19 emissions from the very beginning of their
20 construction projects. This fall we will be
21 conducting outreach directly to owners of the worst-
22 performing buildings so they know where they stand
23 early on. We will then focus on conducting outreach
24 to all owners of buildings subject to Local Law 97.
25

1
2 Intro 1946 requires that owners receive information
3 regarding making their buildings more sustainable at
4 the conclusion of an inspection of their gas piping
5 system. This is not the best time to share
6 information with owners about making their buildings
7 more sustainable, or about Local Law 97, as these
8 inspections of gas piping systems that occur every
9 four years, which are not conducted by the
10 department. Additionally, the universe of buildings
11 subject to these inspections of gas piping systems is
12 much broader than the universe of buildings subject
13 to Local Law 97. The department supports the intent
14 of the this bill and would like to work with this
15 committee to identify better opportunities to connect
16 with owners about making their buildings more
17 sustainable. For example, the department plans to
18 conduct direct outreach to owners of buildings
19 subject to Local Law 97 by sending them letters,
20 emails, or by leveraging existing resources to
21 connect with them, like including information on
22 their property tax bills. Thank you for the
23 opportunity to testify, and I would welcome any
24 questions you may have.

2 COUNCIL MEMBER LEVIN: OK. Are there any
3 other, um, ah, members of the administration that
4 wish to testify? OK, I don't believe so. Um, if so
5 please use the raise hand function, I think, on the,
6 on Zoom.

7 DEPUTY DIRECTOR WEI: Would you like me to
8 testify on Introduction 1982?

9 COUNCIL MEMBER LEVIN: Um, sorry, who
10 said that?

11 DEPUTY DIRECTOR WEI: My name is Ka Wei.
12 I'm supposed to testify.

13 COUNCIL MEMBER LEVIN: Oh, yes. Yes,
14 yes, oh, please do, yes. Hi, thank you.

15 DEPUTY DIRECTOR WEI: OK. Ah, good
16 morning, Council Member Levin and members of the
17 Committee on Environmental Protection. My name is Ka
18 Wei and I'm the assistant deputy director for energy
19 at the Mayor's Office Sustainability and the Mayor's
20 Office of Resiliency. I will be discussing
21 Introduction 1982 with Chair Constantinides. Let me
22 begin by thanking once again the chair and the
23 council for their work on the historic legislation we
24 achieved together last year, now known as Local Law
25 97. Local Law 97 is the centerpiece of last year's

1 Climate Mobilization Act. The first of its kind
2 piece of legislation requires all buildings larger
3 than 25,000 square feet to meet bold carbon reduction
4 targets starting in 2024. The legislation affirmed
5 New York City's position as a leading city in the
6 fight against climate change and its level of
7 ambition is commensurate with the scale of the
8 climate crisis we are facing. As you may recall, one
9 of the central aspects of Local Law 97 was the
10 creation of its advisory board that will provide
11 guidance to the Department of Buildings as it
12 implements Local Law 97. One of the many
13 responsibilities of this diverse group, which counts
14 architects, tenant advocates, engineers,
15 environmental justice representatives, building
16 owners, and other experts appointed by the council
17 and by the administration among its members is to
18 identify the appropriate carbon emissions factors
19 against which distributed energy resources from solar
20 to storage to heat pumps will be credited. This
21 process is currently under way. Now, let me turn to
22 Intro 1982. This bill specifies a source for the
23 factors that would be used to calculate the marginal
24 greenhouse gas emissions from natural gas fuel cells.
25

1 We believe that all technologies under consideration
2 in Local Law 97 should be treated consistently.

3 Identifying the most appropriate emissions factor
4 against which resources are compared and credited

5 should be done by the industry experts convened in
6 the advisory board and working groups as stated in

7 Local Law 97. Identifying these factors takes

8 intensive study and the work is already under way to

9 choose the factors in advance of the January 1, 2023,

10 deadline. Natural gas fuel cells are already

11 receiving special treatment by being credited against

12 a marginal carbon emissions factor. Intro 1982 now

13 further establishes the specific factor that applies

14 only to natural gas-fired fuel cells. If this

15 approach is ultimately successful the work of the

16 advisory board will be undermined and the result will

17 be that this fossil fuel-based technology will be

18 given preferential treatment. Finally, the value

19 that Intro 1982 locks in as the potential marginal

20 emissions factor has not been vetted or approved by

21 the LL97 advisory board. The factor does not appear

22 to be specific to electricity consumed in New York

23 City and the factor is not dynamic. Marginal

24 emissions rates can vary significantly on an hourly,
25

1
2 daily, and seasonal basis, depending on how much
3 electricity we are using and what generation and
4 transmission resources are available. Local Law 97
5 is a once in a lifetime proposal that moves New York
6 City significantly down the path to carbon neutrality
7 by 20250. For these reasons we urge the council to
8 let the process established by Local Law 97 play out
9 and give the advisory board and the Department of
10 Buildings the time needed to establish the emissions
11 factors for all technologies being considered. We
12 look forward to further discussions with Council, but
13 urge you to reconsider Introduction 1982.

14 COUNCIL MEMBER LEVIN: OK, thank you very
15 much.

16 COMMITTEE COUNSEL: At this point I would
17 like to remind Council Member, ah, administration
18 members to unmute themselves so they can, ah, be
19 available for testimony, ah, to, to answer questions,
20 ah, posed by the, posed by the, by the council
21 members. Sorry. So, thank you for unmuting
22 yourself.

23 COUNCIL MEMBER LEVIN: Thank you very
24 much, Committee Counsel. Um, I just want to, um,
25 sorry, once more acknowledge the bills that we're

1 hearing today are 142, 143, 1851, 1946, and 1982.

2 Um, and I also want to acknowledge Council Member

3 Eric Ulrich has joined us as well, and I will proceed

4 on, ah, questions. Council members, if you have

5 questions please use the raise hand function. And

6 I'm going to apologize ahead of time if you hear

7 chatter in the background. That's my two children,

8 as you can probably see I'm in the craft room right

9 now, so I apologize in advance. Ah, so this could,

10 ah, this could be for, um, for any of the members of

11 the administration. Um, what are the biggest

12 environmental threats that, that EJ communities face,

13 ah, respecting air pollution at this time?

14
15 COMMISSIONER SAPIENZA: Ah, I'll, I'll

16 start. Ah, this is Commissioner Sapienza at DEP and,

17 ah, my, my staff can chime in. Um, you know, given

18 urban settings, um, there's, there's emissions from,

19 from boilers and buildings. There's emissions from

20 heavy traffic on streets. Ah, those, those are the

21 two primary, um, sources of, of air pollution in, in

22 dense communities and EJ communities. Ah, Angela

23 Licata, our deputy commissioner for sustainability,

24 if you'd like to jump in.

25

1
2 DEPUTY COMMISSIONER LICATA: Sure. Um,
3 in the 30-plus years that I've been working for the
4 City of New York we have, um, really enjoyed
5 tremendous benefits in the reductions in a lot of
6 the, um, national critical pollutants, ah, and so
7 we're at a point in time, frankly, where the most
8 concern is now related to the particulate matter and
9 to, um, some NO2 issues. But for the most part we
10 are actually below all of the federal, ah,
11 requirements, um, and so we have really targeted
12 limited sources at this point. We have undergone
13 revisions, thank you to the City Council for
14 approving those changes to our air code recently
15 where we are looking at some of the cooking issues,
16 ah, that generate particulate matter, particularly
17 from cook stoves and various meat charbroiling and,
18 and that sort of thing. But at this point in time,
19 um, we are really targeting, ah, very discrete
20 sources and obviously, you know, tailpipe emissions
21 are still a concern, but even that has really
22 lessened over time. I would just add maybe that the
23 biggest concerns now are really looking at various
24 communities where there are heavily trafficked
25 corridors, so as a result of the proximity to those,

1
2 um, corridors we do see elevated, um, incidents of
3 asthma and those types of health, um, incidents. But
4 we, um, generally across the city enjoy very good air
5 quality.

6 COUNCIL MEMBER LEVIN: Thank you very
7 much, Deputy Commissioner. Um, there is evidence,
8 um, from a survey that was carried out, ah, in the US
9 by the Harvard School of Public Health, um, that
10 identified, um, that there's a strong association
11 between increases in particulate matter
12 concentrating, concentration and mortality rates in,
13 in communities due to COVID-19. Um, does the city see
14 this as a concern? You know, are there any, um, ah,
15 plans that have been put into place to monitor and
16 mitigate particulate matter emissions, um,
17 particularly in communities where, ah, there seems to
18 be an increased incidence of COVID-19 and, and the
19 mortality rate?

20 DEPUTY COMMISSIONER LICATA: I'd want to
21 know if there anybody from the Health Department that
22 wanted an opportunity to participate and if not I'll
23 just, I'll speak to that. But is anybody from DOHMH?

24 MAUREEN LINOSKY: Ah, I'm um, ah, Maureen
25 Linosky of Science Advisor for the environmental

1 [inaudible] prevention. Um, we do monitor
2 [inaudible] across neighborhoods. Um, I would have
3 to come back to you on whether we have that set up,
4 particularly looking at the COVID-19 neighborhoods.
5 Um, those are, you have as part of the New York City
6 air, community air study we monitor [inaudible] as
7 well as other air pollutants across neighborhoods and
8 make comparisons, um, across [inaudible]. Of course,
9 that is also a concern for other things, such as
10 asthma, heart disease, other cardiovascular events.
11 But perhaps DEP could also mention other factors that
12 are going on with that, at least [inaudible].

14 COUNCIL MEMBER LEVIN: Um, that would be
15 great to see if we could, um, particularly in
16 neighborhoods that have been most affected by COVID,
17 um, see if there is associations at all between, ah,
18 higher levels of, of particulate contaminants and,
19 um, whether there's any, any type of association
20 whatsoever. Um, do we see that COVID has exacerbated
21 air pollution risks in communities of color? Is
22 that, um, a question you can answer?

23 MAUREEN LINOSKY: Um, it's not a question
24 that I am very familiar with at this time. However,
25 air pollution for a while is going down with

1 decreased traffic. Whether those levels have gone
2 up, I, I wouldn't be able to answer [inaudible].
3 However, that, the air pollution would only be one
4 factor and it's still up in the air [inaudible]
5 COVID-19.
6

7 COUNCIL MEMBER LEVIN: Um, the next
8 question could be for, um, ah, DEP or, or, um, DOB.
9 Um, looking at the current levels of civil penalty,
10 what are the current levels for civil penalty for
11 failing to prevent construction dust, particulate
12 matter, from becoming airborne? And how is that
13 monitored? We, we get a lot of, I mean, anecdotally
14 in my district, um, I get a lot of complaints because
15 of all the construction going on, um, that, ah,
16 community members will call through on one, um, and
17 there's, the follow-up is so far behind, in other
18 words like 311, um, won't, um, you know, DEP won't be
19 able to go out for a few days and, um, during that
20 time, um, the situation may have changed. The dust,
21 the, the particulate matter might, might be not
22 there, there might not be a work day. Um, how, how
23 do we approach enforcement and are we, is that a, a,
24 um, is that subject to review, that policy, on an
25 ongoing basis?

1
2 COMMISSIONER SAPIENZA: Well, I'll start
3 and then, um, Deputy Commissioner Licata can chime
4 in. So our staff who, who enforce the air code,
5 they'll do both proactive inspections of construction
6 sites, ah, but they'll also respond when there are
7 complaints to 311. The, the challenge, as, as you
8 mentioned, Council Member, is just timing. You know,
9 there can be a, a dust, ah, concern or, ah, you know
10 dust coming off a site for minutes or maybe an hour
11 before our crews can, can get there to respond. Um,
12 I think Deputy Commissioner Licata and her team, um,
13 have done a good job in, in tracking locations and
14 hot spot monitoring on 311, ah, to get out there more
15 quickly, but I'll let her, ah, continue.

16 DEPUTY COMMISSIONER LICATA: Thank you,
17 Commissioner. Yeah, at this point, you know, we
18 have, um, fairly rapid response to a lot of these
19 issues. Um, we have now developed another shift to
20 the air noise inspectors, um, so that they're
21 covering more of, of the time in which construction
22 is allowed, including sometimes when it is necessary
23 to do after-hours construction. So we like to, um,
24 get as many of those addresses as possible that show
25 up on our dashboard that we could actually have staff

1 that are positioned in the field, um, respond as, as
2 quickly as possible to these events. If you are
3 experiencing, and I, and I hate to promote, ah, a
4 sort of one-off approach because we do rely very
5 heavily on the 311 complaint system, but if your
6 constituents are experiencing dust related to, um,
7 specific sites or they are recurring at specific
8 sites please let us know and we will definitely, um,
9 be able to, ah, do investigations of those particular
10 locations. And as the Commissioner mentioned, you
11 know, dust is problematic in the sense that it can be
12 fleeting, um, with respect to certain activities of
13 the site. But we are pretty aggressive with respect
14 to, um, dust mitigation, so the first thing that we
15 will do if we observe it is to ask, um, for the
16 wetting and for appropriate mitigation measures to be
17 employed. Um, we don't always, um, issue an NOV as
18 the first level of defense. We often seek to cure
19 the activity and then oftentimes we have follow-up
20 visits. So I am troubled if your constituents are
21 experiencing, um, dust from sites that are plaguing
22 certain locations and I would appreciate receiving
23 those locations from you.

1
2 COUNCIL MEMBER LEVIN: Um, are there any
3 proactive, ah, steps that DEP takes, um, in kind of
4 known hot spots, so if there are areas where, um, for
5 instance, ah, DOB building permits, um, are, you
6 know, at a high frequency or there are, you know,
7 housing starts that you can get from, ah, um, City
8 Planning, are there proactive steps that we take so
9 that we're addressing these issues before they become
10 problems in the community?

11 DEPUTY COMMISSIONER LICATA: Well, we
12 don't necessarily have, ah, staff that is sufficient
13 to do sort of the regular drive-bys. Um, we are, um,
14 in more of a response mode to concerns that are, um,
15 brought to our attention. Ah, having said that,
16 though, I often receive comments from other deputy
17 commissioners and other, um, constituents that are
18 very sensitive to these types of concerns and that
19 will alert us to issues as they are arising.

20 COUNCIL MEMBER LEVIN: Um, is there a, a
21 watch list of particular construction companies that,
22 um, that have continued to have, you know, a, series
23 of violations or frequency of violations?

24 DEPUTY COMMISSIONER LICATA: So that is
25 definitely, um, something that we try to employ.

1
2 There's been a NOV or, in fact, if we have made
3 recommendations for, um, dust that is exacerbated by
4 certain activities we will try if the, um, staff
5 resources are available to do those follow-ups. And
6 in most cases we don't have a lot of, um, you know,
7 repeat offenders. Every once in a while we will get
8 a situation like that and that will obviously have to
9 be adjudicated. Um, but for the most part we find
10 that a lot of the contractors do, um, tend to take
11 the issue seriously when our inspectors, ah, show up.
12 Every once in a while we've had to issue a temporary
13 stop work order. In other words, it's not a stop
14 work order for the entire site, but for that
15 particular activity we'll ask them to cease and
16 desist if their methods are not, um, addressing the,
17 the issue associated with the dust.

18 COUNCIL MEMBER LEVIN: I'm sorry, can you
19 define NOV?

20 DEPUTY COMMISSIONER LICATA: Oh, I
21 apologize. That's a Notice of Violation.

22 COUNCIL MEMBER LEVIN: Oh, NOV, November,
23 V as in Victor.

24 DEPUTY COMMISSIONER LICATA: Yes.
25

1
2 COUNCIL MEMBER LEVIN: Got it, OK. Um,
3 OK, thank you. Um, bear with me if you don't mind.
4 What other mitigation strategies do we use other
5 than, than, ah, wetting? Um, for instance, I, I
6 mean, I can just speak to when they next door to my
7 building were doing, um, insulation and the amount
8 of, um, their, ah, I think they were cutting some of
9 the Styrofoam associated with insulation. There were
10 just Styrofoam particles everywhere, um, blowing up
11 and down, down the block. Is that, um, wetting
12 doesn't necessarily address that or catch that. Um,
13 what, what other mitigation strategies are there
14 available on construction sites?

15 DEPUTY COMMISSIONER LICATA: Yeah, I'm
16 not really very familiar with the Styrofoam, um,
17 particle issues. I haven't heard, um, of how we
18 would mitigate that. I would suspect, though, if
19 wetting is not appropriate then we would want some
20 type of containment, um, some type of netting or
21 some type of, ah, locking that material from becoming
22 airborne and from emanating onto the street or public
23 spaces. We would expect that material to remain on
24 the premises. Um, in a situation like we might even
25 work with DOB in terms of, ah, what types of measures

1
2 could be installed and/or utilized to address that
3 issue. Um, that's an interesting one, though, it
4 sounds like a bit of a one-off. So, ah, is that
5 activity still occurring at that site?

6 COUNCIL MEMBER LEVIN: It happens, it
7 happens throughout Greenpoint [inaudible] I think, I
8 see Greenpoint residents right now on the Zoom call,
9 um, ah, kind of laughing 'cause it is, it is, it is
10 so pervasive, um, in this community because we have
11 so much construction. It's, you know, we have the
12 waterfront construction, but we have a lot of upland
13 construction. There are older, ah, ah, buildings
14 that are, you know, were dilapidated that have, that
15 have come down. I mean, we have at any given time
16 there's probably, got to be scores of, of
17 construction sites just in this neighborhood, and,
18 um, we see it all over the place. I mean it's, that
19 is, that is actually the, the impetus for this
20 legislation came from discussions around that
21 particular issue.

22 DEPUTY COMMISSIONER LICATA: So I, you
23 know what I would love to do is I would love to take
24 a walk out and see some of those sites with you and
25 your constituents, if we could arrange for something

1
2 next week. Um, I, I understand that sometimes these
3 activities are hard to catch, but I'd be willing to
4 make, um, you know, return visits as well. So if we
5 could a list of sites together and you can, um, tell
6 me when you can be available, or I will go out with
7 my inspectors and take a look ourselves and then we
8 can get back to you with what types of strategies we
9 think might be effective against this type of
10 airborne pollutant.

11 COUNCIL MEMBER LEVIN: Fantastic, that
12 would be great. We can crowd source the sites, I
13 think, pretty, pretty effectively in the
14 neighborhood. Um, OK, I'm gonna, ah, Chair
15 Constantinides is, has, has, ah, has joined us. So
16 I'm going to turn it over to him.

17 CHAIRPERSON CONSTANTINIDES: Hi, good
18 morning everyone. Ah, I want to thank, ah, Council
19 Member Steve Levin, ah, for being an amazing council
20 member, an environmental advocate, and, and, and a
21 great friend as well. Thank you, Steve, for, um,
22 standing in for me this morning as I had some family
23 health issues. So thank you, Steve, and I hope your
24 family is well as well, and everyone as well.

2 COUNCIL MEMBER LEVIN: Thank you, Chair,
3 thank you.

4 CHAIRPERSON CONSTANTINIDES: Um, just so
5 I know that we, ah, I'm just gonna jump right in. I
6 hope everyone's doing OK. Ah, Commissioner, good to
7 see you.

8 COMMISSIONER SAPIENZA: It's better,
9 better to see you [laughs].

10 CHAIRPERSON CONSTANTINIDES: [laughs]
11 It's good to be seen, it is good to be seen. Ah, so
12 I have questions, um, let's jump right in. I think,
13 ah, I think, 1946 and 1982. Ah, what programs and
14 educational services are available to inform building
15 owners, ah, that want to replace existing gas
16 infrastructure and want to do it in a more renewable
17 way?

18 COMMISSIONER LA ROCCA: I assume that's
19 to me, Council Member. Ah, thank you very much.

20 CHAIRPERSON CONSTANTINIDES: [inaudible]
21 La Rocca that is for you.

22 COMMISSIONER LA ROCCA: It's a pleasure
23 to see you as well. Um, we're happy to support any
24 effort, ah, by the council or others to ensure that
25 owners are aware of their obligations, one, with the

1 existing law certainly, and two, um, with
2 opportunities to do work, ah, in the future in a more
3 sustainable way. With respect to 19, Introduction
4 1946, um, and its connection to Local Law 97, the
5 department does believe very strongly we must engage
6 owners on their obligations around Local Law 97 and
7 ensure that they're aware of the upcoming deadlines
8 and aware that, ah, moving forward that we'll have
9 heightened expectations for their building's
10 performance. We have begun that outreach, um, and
11 we'll continue to do so, um, particularly starting
12 this fall we'll be targeting the, um, ah, worst-
13 performing buildings, um, and directly outreaching to
14 that group of property owners, as well as once that
15 is done the full set of owners around Local Law 97.
16 So we look forward to doing that and, more
17 importantly, look forward to working with the council
18 and other stakeholders on exactly how best to do
19 that. As it relates to gas piping, we don't believe
20 that connection is appropriate giving that the
21 inspections are done on a four-year cycle and also
22 done by, um, representatives who do not work for the
23 Department of Buildings. So, ah, we believe in the
24 purpose, look forward to working with you.
25

1
2 CHAIRPERSON CONSTANTINIDES: Great, um, I
3 think that we need, you know, we need to get building
4 owners to understand that they have to move away from
5 traditional fossil fuels, right? I think that's the
6 goal is to make sure that they understand their
7 options and that this bill is not going away, right?
8 So I think there are some building owners who believe
9 that, well, we'll wait out, you know, we'll wait out
10 certain timelines and that, you know, these things
11 will disappear. Um, so I think we just need to let
12 them know that this is real.

13 COMMISSIONER LA ROCCA: Yep.

14 CHAIRPERSON CONSTANTINIDES: And it's
15 best to start thinking about this now rather than,
16 you know, when the homework is due in a couple of
17 years, right?

18 COMMISSIONER LA ROCCA: Absolute. So
19 you'll see, ah, for new applicants who have submitted
20 new building, ah, proposals to the department, we
21 started, ah, ah, when Local Law 97 went into effect,
22 ah, putting on every single application information
23 about Local Law 97. Ah, very early with respect to
24 when things actually go into effect, but to that
25 point we need to make sure that everybody understands

1
2 at the Department of Buildings we are in fact moving
3 forward with the implementation of Local Law 97.
4 We've moved forward with starting the advisory board.
5 We've had three meetings. Our working groups are in
6 place and working to produce product. So on our end
7 we continue to work to advance it. Um, and you're
8 right, we need to make sure everybody is very clear
9 that is what we are doing. We have no expectations
10 of not doing that, and we'll continue to move
11 forward.

12 CHAIRPERSON CONSTANTINIDES: How do we
13 support building owners', ah, transition away from,
14 ah, gas infrastructure, right? If they come to DOB
15 and say, or even if they're doing a major
16 construction project, um, are we, are we talking to
17 them about, ah, other options? Are we, are we giving
18 them options? Are we saying, hey, look, while you're
19 doing X you can also sort of, you know, here's an
20 opportunity to do Y because your building is going to
21 be up soon. What's our sort of thought process
22 around that?

23 COMMISSIONER LA ROCCA: I mean, I think
24 that in part was the thought process of making sure
25 that for applications for new buildings we make sure

1
2 people understand that it is not just good enough to
3 meet current energy code, right? And you have to
4 plan for 2025 when the bill may come due. And so
5 we've started the conversation. I want to figure out
6 a way to do more of that while also ensuring that the
7 Department of Buildings does not take on the role of
8 architect or engineer for individuals. I think we
9 can absolute strike that balance to make sure we are
10 in fact telling people there are multiple pathways.
11 I think you've seen that done with our most recent
12 energy code that again tries to disincentivize
13 existing biases in the system. So let's keep working
14 on it. But I think you're right, Council Member,
15 that's a good point and we should figure out how this
16 department can play a more aggressive role.

17 CHAIRPERSON CONSTANTINIDES: How, how
18 does the retrofit accelerator fit into that, um,
19 conversation, right? I mean, I know that you don't
20 want to become architect and sort of running their
21 projects. Ah, but the Retrofit Accelerator, that's
22 kind of their gig. Um, so what, where, where do they
23 fit in that sort of scheme of things with DOB to make
24 that happen?

1
2 COMMISSIONER LA ROCCA: Agree that there
3 is definitely a hand-off. Ah, my colleagues from MOS
4 are on so I'm gonna defer to them to answer. But we
5 definitely believe there is very much of an ecosystem
6 of making sure the department is pushing and that
7 there are resources and, of course, MOS there to
8 support. So I'm, I have to defer to my colleagues on
9 that.

10 DEPUTY DIRECTOR WEI: So, as you know,
11 ah, Chair Constantinides, as part of the, ah, OneNYC
12 announcement last year we, ah, committed to
13 [inaudible], sorry, tripling the budget of the
14 Retrofit Accelerator, which is now actually, um,
15 renamed New York City Accelerator, and it's very much
16 within the mission and objective of that program to
17 provide technical assistance to building owners, to
18 look at options that get them off fossil fuel
19 dependency. And we've added new pillars, including a
20 focus on new construction as well as retrofits to
21 facilitate those efforts. Ah, happy to provide
22 additional details around how that program is
23 coordinating with DOB. Once I check back in with my
24 colleagues happy to report back.

1
2 CHAIRPERSON CONSTANTINIDES: Right now I
3 just want to make sure that if someone is coming to
4 DOB and they're having these conversations with them
5 that there's a seamless transition, right? That
6 they're, the Retrofit Accelerator, DOB, that may not
7 be their job but it is the job of the Retrofit
8 Accelerator to provide that sort of technical support
9 and help, um, so I want to make sure that we're all
10 sort of like plugged in the right way, right? That
11 nothing falls through the cracks. And if a building
12 owner can go early, right, if they want to go
13 tomorrow, then let's, let's encourage that rather
14 than seeing a slew of people in 2025 who are all
15 gonna be like oh my God I have to do this, what do I
16 do? It's just gonna overwhelm the system.

17 DEPUTY DIRECTOR WEI: Absolutely. We'll
18 be working closely with DOB to make sure that we're
19 providing proactive guidance to building owners, so,
20 it's a great point.

21 CHAIRPERSON CONSTANTINIDES: Great. Um,
22 so I think, I'm not sure where, ah, Steve asked some
23 of these questions, so if, if, if Council Member
24 Levin, um, asked some of these questions already I
25 apologize and please let me know that that happened.

1
2 Um, so in the era of COVID, um, you know, respiratory
3 health impacts to be compounded, ah, what kind of
4 health planning is there around significant
5 construction in New York City based on, you know, the
6 dust and, and, you know, we've seen that communities
7 of color in particular have been very hard hit by
8 COVID. Um, those are the same communities that are
9 over-polluted. Ah, those are the same communities
10 where we seen environmental challenges. Ah, what,
11 you know, COVID has only sort of exasperated what we
12 already knew, is that these communities are, ah, ah,
13 the environmental justice communities are at risk.
14 Ah, how, what is our thought process around, ah,
15 making sure that we're, you know, dealing with those
16 health impacts?

17 UNIDENTIFIED: So, Chair, Councilman Levin
18 did ask that question previously and I know...

19 CHAIRPERSON CONSTANTINIDES: Oh, OK.

20 UNIDENTIFIED: ...we gave a, we gave a
21 little bit of an answer, but I think we needed ah, a
22 couple more of our experts to have a more
23 collaborative answer. So we'll circle back. We are,
24 you know, doing, ah, learning more about it every day
25 and obviously there's many other factors that go

1 into, ah, the pandemic and who gets it and how, but
2 we will circle back specific to the, the air, ah,
3 monitoring and circle back.
4

5 CHAIRPERSON CONSTANTINIDES: OK, Greg.
6 Fantastic. I have to make sure I acknowledge, I know
7 Council Member Menchaca is on the, the Zoom call as
8 well, the Zoom hearing. Ah, I want to make sure that
9 happens. Ah, we talked about the, we talked about
10 MS4 I'm assuming.

11 UNIDENTIFIED: No, we haven't gotten to
12 MS4 yet.

13 UNIDENTIFIED: No.

14 CHAIRPERSON CONSTANTINIDES: Oh, OK, so
15 let's dive right in, let's have a little fun. Um,
16 how much pollution do industrial construction
17 commercial sites currently discharge into the city's
18 MS4 and natural waterways?

19 COMMISSIONER SAPIENZA: Yeah, so Mr.
20 Chair we have a, a permitting process for, ah, for
21 that and, ah, industrial commercial facilities are,
22 are regulated. Um, one of the things we're looking
23 to do with Intro 1851 is just create a unified set
24 of, of rules, ah, for both the MS4 and CSO, ah, areas
25 so that, ah, you know, everybody's, everybody's

1 following the same, ah, uniform code and, and, ah,
2 you know, that's, that's why we're pushing forward on
3 this one.
4

5 CHAIRPERSON CONSTANTINIDES: OK, and what
6 measures, if any, does the city undertake to mitigate
7 the, the flushing of, ah, street [inaudible], you
8 know, street litter exit into the local waterways and
9 to MS4 as well?

10 COMMISSIONER SAPIENZA: Yeah, so, um, you
11 know, we, the Department of Sanitation has their
12 sweet, street sweeping, ah, program that they do, um,
13 and they monitor various streets for how often that
14 they, they feel and they have cleanliness scores.
15 But, um, DEP also has a very aggressive and we've, we
16 bolstered it, um, you know, in the last few years
17 under your leadership, is cleaning catch basins. So
18 we're, we're removing, um, far more material doing
19 many more inspections than we've ever done in the
20 past and, and that's certainly, ah, helped to keep
21 that material that otherwise might have, you know,
22 been flushed through the sewage system into local
23 waterways, ah, out.

24 CHAIRPERSON CONSTANTINIDES: Is the
25 reduction, do we see with the reduction of the

1
2 alternate side parking based on COVID, do we see
3 additional street litter getting our waterways?

4 COMMISSIONER SAPIENZA: We haven't yet
5 and, you know, we're, we, we monitor our waterways
6 all the time. We have, you know, vessels out
7 periodically and, and, and we actually report to the
8 state. We have a score of, ah, of litter getting
9 into the waterways. We, we haven't noticed anything
10 yet. But it may be, just be too early.

11 CHAIRPERSON CONSTANTINIDES: OK. Ah,
12 what sort of, give me an example of, you know,
13 private and public entities that will be subject to
14 new permits under 1851?

15 COMMISSIONER SAPIENZA: So under 1851,
16 Mr. Chair, um, we're, we're looking to unify the, the
17 storm water rule and basically, ah, DEC a few years
18 ago came out with regulations for the municipal
19 separate storm sewer system. Those are areas of the
20 city where there's, ah, two pipes in the street, one
21 for sanitary sewage and one for storm flow, um, and,
22 and so those regulations went into effect. But that
23 the other areas of the city served by the combined
24 sewer system, ah, did not have those rules, and so
25 basically, um, you know, having two sets of regs

1 created a disparity in, you know, how New Yorkers are
2 treated based upon where they live. So, um, you
3 know, what we're trying to do with 1851 is unify the
4 rules so that, um, developers, contractors, all live
5 by one set of standards.
6

7 CHAIRPERSON CONSTANTINIDES: That makes
8 sense. Um, how much pollution does industrial
9 [inaudible], ah, construction commercial sites
10 currently [inaudible], I think I asked that question
11 already. Ah, can you quantify the benefits this bill
12 will have?

13 COMMISSIONER SAPIENZA: Yeah, so, so if
14 you, you know, we certainly think by having, um,
15 developers, contractors, ah, in the combined sewer
16 areas now abide by these statewide MS4 rules, um,
17 and, and after 1851, ah, becomes a local law we will
18 go through the, the rule-making process. But, ah, we
19 think by, by having, ah, developers meet the
20 standards, um, that were otherwise being met of the
21 MS4 area it'll, it'll help, ah, improve harbor water
22 quality for sure, ah, but also local flooding. We
23 think by having less storm water coming off of those
24 developed sites onto the street, um, will certainly
25 reduce flooding during heavy storms.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRPERSON CONSTANTINIDES: And, you know, are we gonna be using DEP staff to implement and coordinate compliance? Is there going to be other agencies involved? Do we have the resources to make sure that we are ensuring compliance? It's always great to pass a bill, but unless we're making sure that if there's compliance, you know, it's just, it's on paper, right? It's a nice theory. But how do we make sure that we're actually educating owners about what's going on at construction sites and making sure this is actually happening? Who's gonna [inaudible]?

COMMISSIONER SAPIENZA: So the thought is that during the rule-making we'll pass some permitting fees that will help offset the cost for DEP staff to do this.

CHAIRPERSON CONSTANTINIDES: OK. All right. Thank you very much, Commissioner. Um, I am done with questions. Are there any, I guess I'll pass it back to Samara to see if there are any of my colleagues who have questions.

COMMITTEE COUNSEL: Has anyone raised their hand, or does anyone wish to ask a question on

1 the bills being heard today? Council Member Levin
2 raised his hand, Costa. He has a question.

3
4 CHAIRPERSON CONSTANTINIDES: I will then
5 pass it back to, ah, Council Member Levin. Thank
6 you, Council Member Levin.

7 COUNCIL MEMBER LEVIN: Thank you, Chair.
8 Um, so I just, I did want to just ask a few more, um,
9 a few more questions about, um, ah, the, just some of
10 the aspects of, um, excuse me, sorry, um, ah, how DEP
11 and DOB work together around, ah, air quality
12 management on, um, construction sites. And so is
13 there, is there a, um, just, ah, institutionally how
14 do the agencies engage and are there, are there ways
15 to improve that engagement? That's a question for
16 both agencies.

17 COMMISSIONER SAPIENZA: Melanie, do you
18 want to start, or do you want me to start?

19 COMMISSIONER LA ROCCA: I'll, I'll you
20 start, Vinny, thank you.

21 CHAIRPERSON CONSTANTINIDES: OK. So, I
22 mean, we, we, we have regular conversations and we're
23 both plugged into each other's, ah, you know,
24 permitting and approval processes. Um, you know, we
25 had brief conversations in the last, you know,

1
2 several months, ah, about coordinating boiler, ah,
3 approvals. But we, we regularly communicate with
4 each other. I mean, of course, you know, we can
5 always, ah, improve our processes, you know, but I
6 think as far as construction noise is concerned, ah,
7 you know, DEP is aware of where there are major
8 projects going on, um, and, and, you know, if there
9 are changes, ah, we're, we're plugged in. Um, where
10 contractors have to submit a construction noise
11 mitigation plan to DEP, ah, DOB is, um, looped into
12 that as well, so.

13 COMMISSIONER LA ROCCA: Yeah, I agree
14 with the, with Vinny, obviously. I would just add,
15 ah, you know, every day we are, ah, ah, handling
16 matters that in some cases overlap, in some cases run
17 parallel. So, you know, it's noise, it's asbestos.
18 DEP is certainly a member of our [inaudible]
19 committee, ah, ah, and part of our [inaudible]
20 process, which obviously does impact other parts of
21 construction. It certainly impacts their work and
22 generally speaking impacts our ability moving forward
23 as a [inaudible]. So we are, ah, very often, ah,
24 engaged together.

25

1
2 COUNCIL MEMBER LEVIN: Does DEP consider
3 the cumulative impact, um, that, ah, issuing numerous
4 permits can have on a given community? So if the,
5 is, is there a way to, to, does DEP kind of assess a
6 neighborhood impact, ah, in terms of air quality when
7 it relates to construction?

8 COMMISSIONER SAPIENZA: Um, I, I would
9 say no, but, Angela Licata, if you've got anything to
10 add.

11 DEPUTY COMMISSIONER LICATA: Sure, yeah.
12 You know, that is probably something that our code
13 doesn't address and we have in the past, particularly
14 at Greenpoint, we looked at an aggregate load
15 analysis. Um, we were looking at, you know, what
16 does it mean when you have significant air quality
17 issues and then you couple that with noise and then
18 you add to that, you know, something else, um, maybe
19 storm water loadings. So it was very, very
20 difficult, um, to really have that turn into some
21 type of mathematical formula than that, you know,
22 gave you a satisfactory result. Um, that is
23 something that is typically more of a city planning
24 function when they look at a rezoning per se and look
25 at the potential for the impacts, um, as part of the

1
2 environmental review process. So that is then more
3 of a predictive tool than an actual, you know, let's
4 follow what's happening on the ground. But what we
5 do instead is if, if, if I may, just, um, place more
6 emphasis on it's a site by site analysis. So if we
7 find that each site is complying with the codes, air,
8 noise, asbestos, and the like, then, you know, we
9 presume that there isn't this sort of aggregate
10 impact on the community. Um, and if, if we need to
11 look at that, um, more closely we can, but that's the
12 approach that we've been taking through the codes.

13 COUNCIL MEMBER LEVIN: OK, and it's
14 certainly something that we should probably, um, ah,
15 work on together, and, you know, we have a limited
16 amount of time left. I have little, limited time
17 left on the council, but it's certainly something
18 that, um, we would love to work on with, with DEP and
19 City Planning and any other agency. Um, involving
20 the, the community, which leads me to some of the
21 legislation that we're also considering that's not
22 being heard today, um, has to do with how, ah, the
23 community can be involved in, um, in this
24 enforcement, um, and, you know, beyond just calling
25 311, which, which, um, you know, it's, it's, ah, it's

1
2 hard for communities to feel like that's an
3 effective, ah, way to be engaged when they, you know,
4 when it's, it's, um, you know, when they repeatedly
5 don't see, um, the type of action that, ah, is
6 acquired and so, um, you know, we would love to work,
7 I think, as a community with the city agencies to,
8 um, first off, you know, hopefully through the
9 legislation, but also on a, on a broader level of how
10 we can have the public involved in, um, in the
11 monitoring itself. The public is the ones that are,
12 you know, the people are, are seeing it themselves,
13 that they're expressing concerns, you know, all the
14 time about it.

15 COMMISSIONER SAPIENZA: Happy, happy to
16 work with the committee on that one, certainly.

17 COUNCIL MEMBER LEVIN: OK. Um, and then
18 just last question, um, and this is for the
19 Department of Health as well. Are there, um,
20 particular impacts that children that we've
21 identified with different particulate matter, other
22 than just their, I mean, we know that there's, um,
23 ah, you know, as, increased asthma where there's, you
24 know, along major roadways and, and, and things like
25 that. But are there other, what are the other health

1 impacts, particularly with children, that we've
2 identified?

3
4 UNIDENTIFIED: Well, it would depend on
5 the, the [inaudible] of construction. Ah, certainly
6 particulated in the air, ah, from not just, ah, a
7 fuel such as [inaudible] but also wood dust could be.
8 Any kind of dust can be a trigger for resiliency
9 issues, um, depending on whether there are other
10 chemicals present [inaudible] going on and it kind of
11 defeats it, so anything like that, that could also be
12 an issue having [inaudible] air bubbles. Um, it's,
13 it's hard to say simply because some obstruction
14 sites are a little different. Ah, we don't like to
15 see dust in the streets, that's not our [inaudible]
16 but we certainly do indoors, um, indoor destruction
17 is [inaudible] we focus on and the impacts with dust,
18 which could include lead, asbestos, um, and other,
19 ah, [inaudible] for volatile [inaudible] inside after
20 [inaudible].

21 COUNCIL MEMBER LEVIN: [inaudible] Costas
22 [inaudible]?

23 CHAIRPERSON CONSTANTINIDES: Steven, I'm
24 here.

25 COUNCIL MEMBER LEVIN: OK.

2 CHAIRPERSON CONSTANTINIDES: Hi, Steve. I
3 just want to [inaudible] question. [inaudible]

4 COUNCIL MEMBER LEVIN: That's all the
5 questions. Thank you very much, Chair, thank you.

6 CHAIRPERSON CONSTANTINIDES: Sorry,
7 Council Member Levin, it's, still getting adjusted
8 to, ah, the new, the new normal of these hearings.
9 Sorry. OK, are there any other, Samara, are there
10 any other council members who wish to ask questions
11 at this time?

12 COMMITTEE COUNSEL: I'm not seeing, I'm
13 not seeing anyone else raise their hand.

14 CHAIRPERSON CONSTANTINIDES: All right.

15 COMMITTEE COUNSEL: So I don't believe
16 anyone else is asking questions.

17 CHAIRPERSON CONSTANTINIDES: OK, so I
18 guess then we'll, I'll thank the administration for
19 their testimony and, um, we look forward to working
20 with you as we can to, ah, move these bills forward,
21 and we'll, guess we'll call the next panel.

22 COMMITTEE COUNSEL: OK.

23 UNIDENTIFIED: Thank you.

24

25

1 COMMITTEE ON ENVIRONMENTAL PROTECTION 58
2 CHAIRPERSON CONSTANTINIDES: Thank you,
3 Commissioners, and stay well, stay safe, please, all
4 of you.

5 UNIDENTIFIED: Thank you, you too, Council
6 Member.

7 COMMITTEE COUNSEL: We'll now turn to the
8 public testimony. I would like to remind everyone
9 that unlike our typical council hearings we will be
10 calling individuals one by one to testify. Council
11 members who have questions for particular panelists
12 should use the raise hand function in Zoom and I will
13 call you after three panelists have completed their
14 testimony. Now, for panelists, once your name is
15 called a member of our staff will unmute you and the
16 Sergeant of Arms will give you the go-ahead to begin
17 upon setting the timer. There is a four-minute limit
18 on testimony. Please wait for the sergeant to
19 announce that you may begin before delivering your
20 testimony. I would now like to ask Chrissy Remine
21 from Riverkeeper to testify and her testimony will be
22 followed by Julie Welsh from Swim, who will be
23 followed by Andrea Parker from the Gowanus Canal
24 Conservancy.

25 CHAIRPERSON CONSTANTINIDES: OK.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHRISSEY REMINE: OK?

SERGEANT AT ARMS: Starting time.

CHRISSEY REMINE: I'm happy to go first.

What a privilege. Um, hi, I'm Chrissy Remine. I'm Riverkeeper's senior project coordinator. I'd like to thank the committee for the opportunity to testify here today. Ah, it's great to see other Hudson River water advocates out today. It's also great to see faces of folks from DEP. So thank you. Um, so folks know, Riverkeeper is a member-supported watchdog organization. We work to protect and restore the Hudson River. Ah, we do that with a big old toolkit of tricks, ah, whether it be our storm, our, ah, patrol boat and our water quality team or the increasing advocacy work that we do around sustainable development, or the watchdog work that we do and collaboration we do with DEP around storm water management programs. Ah, I want to be very clear first and foremost we fully support the passage of Intro 1851. I know there are a number of bills going around today. We're hear to testify on behalf of 1851. Um, and we're gonna agree with the recommendations of, ah, folks from Swim, but today we want to focus our testimony on, um, some crucial

1
2 improvements, um, to improve this bill and make it
3 more impactful, and that improvement is to reduce the
4 threshold of square footage for construction and post
5 construction to 10,000 square feet. Um, I'm gonna
6 come back to that recommendation, but real quick I
7 want to draw our focus to what we see as the impact
8 and benefits of this bill. Um, this bill requires
9 new development to implement storm water management
10 practices according to New York City storm water, the
11 New York City storm water design manual. This is
12 already required, has been mentioned by the
13 commissioner, ah, for the MS4 sewer area, sewage
14 area. Um, this bill expands that to the CSS area,
15 the combined sewage system area, which actually
16 represents over 60% of the city. It really, these
17 practices, these management practices, really work to
18 move the city towards a more sustainable and just
19 future. It really, these, these practices, these
20 management practices really work to move the city
21 towards a more sustainable and just future. So for
22 that I do want to thank DEP for creating the
23 opportunity for Intro 1851. Um, the way it moves the
24 city towards a more sustainable and just future
25 through these storm water practices is through

1 retaining and detaining storm water on private
2 property and reducing storm water to CSO, um, sorry,
3 combined sewer overflows. Um, it also incentivizes
4 green infrastructure. Ah, this green infrastructure
5 is critical to reducing flooding at local levels and
6 has not been mentioned yet. Um, incentivizing green
7 infrastructure is critical because DEP is behind on
8 their green infrastructure goals under the state's
9 consent decree, under this consent decree that they
10 have with the state. So just really quick to review
11 the benefits that we see coming from this are a
12 reduction of combined sewer overflow, um,
13 incentivizes green infrastructure, and also reducing
14 localized flooding. So the impacts and the potential
15 for this are huge. Ah, so we just want to say the
16 biggest thing here today is that we need to pass this
17 as soon as possible. Every building built outside of
18 this bill is a lost opportunity. It's a lost
19 opportunity for New York City. Um, it's a lost
20 opportunity for areas that are potentially undergoing
21 rezonings, like Gowanus, Inwood, and it's an, lost
22 opportunity for the city to meet resilience goals.
23 So we fully support this goal. Back to our
24 recommendation, we do want to say that the city
25

1
2 should reduce the threshold for new development to
3 10,000 square feet. Ah, the current threshold is at
4 an acre, which is about 43,000 square feet. Um, and,
5 ah, that, that acreage, really under the MS4 program
6 only caught about 18 projects. So we believe that
7 10,000 square feet is both meaningful, um, and also a
8 manageable work load. DEP themselves have said that
9 15,000 square feet is a manageable work load. And
10 there is this caveat in that the city has the ability
11 to later, um, decrease that threshold through rule-
12 making, but we're gonna go ahead and ask the
13 council...

14 SERGEANT AT ARMS: Time's expired.

15 CHRISSY REMINE: OK, thank you. The
16 council to reduce that threshold, ah, for them today.
17 Ah, and, yeah, we, we just really feel that that
18 10,000 square feet threshold is both a work hold, ah,
19 excuse me, is a work load and a threshold, ah, that
20 will have the kind of impact that is both deserving
21 of New York City and rises to meet the challenge that
22 is climate change, and rises to meet the challenge
23 that is our current sewage crisis. So, again, I want
24 to thank the council for allowing me the opportunity
25 to speak today and let you know that, um, we will

1
2 work with you to implement this bill and, and
3 support. So, ah, again, my name is Chrissy Remine
4 and you have my full testimony and contact
5 information. If you have any questions don't
6 hesitate to reach out.

7 CHAIRPERSON CONSTANTINIDES: Thank you
8 very much.

9 COMMITTEE COUNSEL: Um, and now we will
10 hear from Julie Welsh and then Andrea Parker. Julie
11 Welsh.

12 SERGEANT AT ARMS: Starting time.

13 JULIE WELSH: Thank you. Good morning,
14 I'm Julie Welsh, the program manager for Storm Water
15 and Destruction Matters Coalition. Thank you to the
16 City Council Committee for Environmental Protection
17 for the opportunity to submit this testimony in
18 support of Intro 1851. We appreciate the work also
19 of DEP staff to create the opportunity for 1851 and
20 the many impacts, positive impacts, that will
21 catalyze. The Swim Coalition represents 70
22 organizations who are dedicated to ensuring fishable,
23 swimmable waters around New York City. Our members
24 include youth and community development groups,
25 environmental education and preservation

1 organizations, recreational water users, science
2 institutions, architectural and engineering firms, as
3 well as citywide, regional, and national
4 environmental organizations. The Newtown Creek
5 Alliance, Gowanus Canal Conservancy, Bronx River
6 Alliance, Guardians of Flushing Bay, and Riverkeeper
7 are all Swim coalition members, most of whom are
8 providing oral testimony today. Some are submitting
9 written, and we support all of their testimony. We
10 again reiterate what was presented by Chrissy Remine
11 from Riverkeeper that, ah, we support certainly this
12 critical step of passing Intro 1851 and we also
13 recommend that the bill include language that calls
14 on DEP to reduce the soil disturbance threshold on
15 construction sites to 10,000 square feet. We
16 understand and acknowledge the work and evaluation
17 and considerations that DEP has already conducted to
18 make their decision on reducing the threshold from an
19 acre to 20,000 square feet, but we believe that a
20 reduction to 10,000 square feet will have a far more
21 impactful result in the [inaudible] waters.
22 Additionally, it would be useful for DEP to evaluate
23 and integrate a density-based threshold into the
24 unified storm water [inaudible] consideration for
25

1 that rule. We also seek to ensure that variables
2 beyond lot size will be considered in the development
3 of the unified [inaudible] elements such as high
4 ground, water table, limitations from bed rock
5 clearance, ah, both of which we know have already
6 presented challenges for the [inaudible] program, ah,
7 should be considered and adapted variances as allowed
8 to address these matters. Ah, also we believe that
9 the, there should be considerations for a site's
10 proximity to Superfund sites, water bodies with LTCP
11 CSO long-term control plans as well as impaired water
12 values with [inaudible] of concerns. Um,
13 additionally, if a site is deemed infeasible for
14 certain practices it does not mean that the, ah,
15 developer couldn't also make, ah, not reparations,
16 but could work in another part of the watershed to
17 reduce, um, CSO. Ah, lastly, following the enactment
18 of 1851 we urge DEP to conduct a robust collaborative
19 and transparent public process for the 2021 unified
20 soil monitoring rule. It is vital that the public be
21 made aware of the rule and how they can play a role
22 in both informing it and of monitoring it on the
23 ground on the sites that are working to comply with
24 the rule. While it might be a tendency just to reach
25

1
2 out to developers and builders and those who have
3 been immediately impacted, ah, waterfront communities
4 and even [inaudible] communities have a large role to
5 play and can provide very important input on the
6 rule. Swim would be happy to help facilitate the
7 public dialogue in any way we can to support
8 [inaudible] public outreach. Once again, we support
9 1851...

10 SERGEANT AT ARMS: Time's expired.

11 JULIE WELSH: ...with the recommendations
12 that we listed above and look forward to its passage.
13 Thank you.

14 CHAIRPERSON CONSTANTINIDES: Thank you
15 very much. It's always good to see you. Um, Samara,
16 if you can call the, the next witness.

17 COMMITTEE COUNSEL: Can we have Andrea
18 Parker?

19 ANDREA PARKER: Yes, hi.

20 SERGEANT AT ARMS: Starting time.

21 ANDREA PARKER: Ah, thank you all for
22 providing the opportunity to give public testimony
23 today on Intro 1851. Um, I'm Andrea Parker,
24 executive director of Gowanus Canal Conservancy. We
25 advocate and care for ecologically sustainable parks

1
2 and public spaces in the Gowanus lowlands while
3 empowering a community of stewards. And I'm gonna
4 join Chrissy and Julie in urgency, Council, to pass
5 Intro 1851. We see tremendous potential for the
6 uniformed storm water rule to mitigate the sewer
7 impacts of future development in the Gowanus
8 neighborhood in particular. Um, as many of you know
9 we are going through a very large [inaudible]
10 rezoning right now, um, and we are concerned that
11 without this rule there will be additional combined
12 sewer overflow into the canal caused by new
13 development. Um, so we commend DEP and the council's
14 effort thus far and do not seek thwart this critical
15 step in the process today, but offer the following
16 recommendations to ensure that both the Intro 1851
17 and the future legislation enacted through the
18 capital process effectively mitigates CSO. So our
19 recommendation, number one, again, similar to Chrissy
20 and Julie, is, um, consider a further reduction of
21 the soil disturbance threshold. Um, so to give a
22 little more context in Gowanus, um, we know DEP is
23 currently thinking about a potential 20,000 square
24 feet threshold. That would in Gowanus mainly apply
25 to larger low-lying waterfront sites where

1 infiltration is likely to be infeasible. A 10,000
2 square feet threshold would address denser new
3 development on smaller upland lots, um, where this
4 infiltration could happen. Um, and which are also
5 often denser and will actually have more on the sewer
6 impact. So, um, I, we definitely recommend either
7 the 10,000 square feet threshold or alternatively
8 evaluating the impacts by a density-based threshold,
9 as Julie discussed. Um, we also recommend that DEP
10 engage local stakeholders through the capital rule-
11 making process, again, not just the development
12 community but local environmental groups and local
13 stewardship who know the, you know, the area on the
14 ground and understand the underlying conditions. Um,
15 so, again, this collaboration, local knowledge, is
16 gonna be crucial to implementing site-appropriate
17 green infrastructure that actually works. In Gowanus
18 we have observed numerous challenges in siting
19 infiltration-based green infrastructure, particularly
20 due to our bedrock and high ground water table. So
21 the 2010 green infrastructure plan requires DEP to
22 build roughly 166 acres of green infrastructure in
23 the Gowanus watershed, but today only 13 acres have
24 been built, mainly because of these constraints. So
25

1 we, you know, are very excited to work with DEP and,
2 and, um, really support the development of a modified
3 and expanded Swim water design manual, um, that
4 provides these adaptive variances to address local
5 conditions, specifically low-lying areas with a high
6 ground water table, limitations with regard to
7 bedrock clearance, Superfund-designated areas, and
8 combined sewer overflow LCCP areas. But I know that
9 there are many other local concerns and other water
10 bodies that should be, um, taken into consideration
11 when developing the Swim water manual. Um, so thank
12 you for the opportunity to testify today. Thank you,
13 DEP, for your leadership on this bill and, um, thank
14 you all, Council, for letting me speak.

16 CHAIRPERSON CONSTANTINIDES: Thank you
17 very much for your testimony. I appreciate that.
18 Thank you. Samara?

19 COMMITTEE COUNSEL: Ah, if there were any
20 questions you can raise your hand now. Otherwise
21 we'll go on to the next panel, which include Lisa
22 Bloodgood of the Newtown Creek Alliance and Edrick
23 Wong from North Brooklyn Neighbors.

24 SERGEANT AT ARMS: Time starts now.
25

1 COMMITTEE ON ENVIRONMENTAL PROTECTION 70
2 LISA BLOODGOOD: Ah, am I, can you hear
3 me?

4 COMMITTEE COUNSEL: Yes.

5 LISA BLOODGOOD: Great. So um, so, yeah,
6 I am Lisa Bloodgood. I am director of advocacy and
7 education with Newtown Creek Alliance. Um, I'm gonna
8 testify at the moment on 1851 and, ah, reserve my
9 testimony on 142 and 143 for a little later. Um, so
10 Newtown Creek Alliance is a community-based
11 organization that works to restore, reveal, and
12 revitalize Newtown Creek. We engage communities
13 surrounding the waterway in environmental education
14 and experiential opportunities. We advocate for
15 community health and restored ecosystems in and
16 around its waters. We also support the productive
17 future of industrial manufacturing businesses along
18 its shores. Um, and I'm going to not read my full
19 testimony. Um, you have it submitted. I just want
20 to reiterate what my colleagues with Riverkeeper, the
21 Swim Coalition, and Gowanus Canal Conservancy have
22 said. Um, their testimonies are fantastic and I'm
23 sure that you have a lot to, to read, um, with, with
24 everything that we're all saying. I do want to say,
25 however, that, um, this reduction in the, ah, soil

1
2 disturbance threshold is extremely important. I
3 think we're, we're taking a little bit further and
4 asking that you consider all lot sizes, um, and we'd
5 be happy to talk more about that in the future. But,
6 um, each individual lot has their own unique
7 characteristics and in addition to, you know, size,
8 density, impacts, ah, on Superfund, um, so many of
9 the other things that were already mentioned, those
10 unique characteristics, ah, must be taken into
11 consideration, and, um, I also think that, or we
12 think, the, ah, the CAPA process, that public
13 engagement process, is also really very critical in
14 this, um, in this permitting process, so that, the,
15 the folks on the ground that know these areas and
16 know the situation best are, are able to contribute
17 to that process, because then I think we really,
18 we're able to get somewhere. So that's all I wanted
19 to say. Thank you so much. We support this
20 legislation. We are grateful that being heard today,
21 um, and we're looking forward to the uniformed storm
22 water rules and, um, yeah, helping out our waterways.
23 So thank you all very much.

24 CHAIRPERSON CONSTANTINIDES: Thank you.

1 COMMITTEE ON ENVIRONMENTAL PROTECTION 72
2 COMMITTEE COUNSEL: Thank you, Lisa. If
3 anyone has any questions for any of the panelists you
4 can ask the questions now, or if not we will move on
5 to the next panel. Um, so the next panel, I would
6 like to welcome Kim Krazak of Sane Energy and John
7 Rath of New York Geo.

8 UNIDENTIFIED: Ah, Samara, I think the
9 next one is Edrick Wong.

10 SERGEANT AT ARMS: Time starts now.

11 COMMITTEE COUNSEL: Ah, OK. Um, let's
12 have Edrick Wong.

13 SERGEANT AT ARMS: Time starts now.

14 EDRICK WONG: Hi, good morning, thank you
15 for the [inaudible]. Ah, so my name is Edrick Wong
16 and I am the community engagement fellow at North
17 Brooklyn Neighbors. We're a grassroots environmental
18 advocacy and community planning nonprofit that has
19 worked in Greenpoint and Williamsburg for more than a
20 quarter century. And today I'm testifying in support
21 of Intro numbers 142 and 143. So first thank you
22 again to the Chair and committee members and
23 committee counsel for convening this hearing in
24 support of these important bills that aim to protect
25 the health of everyday New Yorkers from these human-

1 caused hazards [inaudible]. In North Brooklyn
2 specifically [inaudible] air quality concerns date
3 back to over a century, with the emergence of
4 [inaudible] communities and it persists today. North
5 Brooklyn Neighbors has worked on air quality issues
6 since our founding and we want to share our strong
7 support for Intros number 142 and 143 as initial
8 steps on mitigating what we see as a localized air
9 quality crisis. In recent years the proliferation of
10 high-rise residential construction has added to
11 concerns by local air, as has been mentioned earlier.
12 Greenpoint and Williamsburg makeup Brooklyn's
13 Community Board 1 and for several years we've been
14 home to the most active construction sites in the
15 borough. Dust clouds and other small debris
16 particles originating from those sites are
17 exceedingly common. Many residents, especially young
18 children and seniors, are unable to avoid inhaling
19 these airborne particles, which can cause lung damage
20 and trigger respiratory ailments. New Yorkers
21 deserve better and breathing should not require a
22 risk assessment. Intro 142 is a first step to
23 ensuring that construction corporations can take
24 responsibility for the impacts of their work
25

1 [inaudible]. When people walking the streets are in
2 danger of inhaling a life-altering particulate,
3 imagine what the workers inhale. Intro 142 provides
4 the necessary framework for accountability and an
5 expectation they must prevent particles from becoming
6 airborne. Though the proposed penalty is far too
7 modest, we still encourage the committee and full
8 council to enact this bill and in future legislation
9 develop a more robust penalty program. Meanwhile,
10 Intro 143 ensures that public health impacts are
11 prioritized during major fire emergencies, as we in
12 North Brooklyn experienced in January 2015. A seven-
13 alarm burned for days at the City Storage facility
14 on the Williamsburg waterfront, resulting in a toxic
15 soup that hung over the neighborhood. Our community
16 rallied to get city agencies to take measures to
17 protect public health and air monitoring [inaudible].
18 Intro 143 will not only significant broaden air
19 monitoring and reporting during emergencies, but will
20 also require a website offering public access to that
21 data. We believe enshrining these practices into law
22 will further strengthen the city's public health
23 efforts. Once again, thank you for the opportunity
24
25

1
2 to testify and we look forward to working with
3 council to enhance these goals. Thank you.

4 CHAIRPERSON CONSTANTINIDES: Thank you.

5 COMMITTEE COUNSEL: Thank you, Edrick. I
6 am sorry I didn't, ah, have your name before. Again,
7 now we're going to be hearing from Kim Krazak of Sane
8 Energy, to be followed by John Rath of New York Geo.
9 I believe they're testifying on Intro 1946.

10 SERGEANT AT ARMS: Time starts now.

11 KIM KRAZAK: Thank you so much for, ah,
12 letting us speak at this hearing. Um, my name, um,
13 I'm gonna be supporting, um, 1946, um, 142, and 143.
14 Um, my name is Kim Krazak. I'm the director of Sane
15 Energy Project. We represent, ah, 12,000 New Yorkers
16 working for the past decade towards halting fossil
17 fuels and moving our economy to 100% community owned
18 and led renewables and holistic efficiency. Um, it's
19 a pleasure to work with such a forward-thinking City
20 Council and I thank you for your valiant efforts to
21 address climate change as a crisis that is in our
22 beloved waterfront city. Um, Sane Energy Project
23 supports Intro 1946. Since the inception of our
24 organization that fought the unjust spectre of
25 pipeline in the West Village 10 years ago with the

1
2 New York City Council support, Sane Energy did
3 everything we could to engage with New York City and
4 New York State to push for renewable and sustainable
5 alternatives to fracked coming into our city. The
6 push to cash in on the fracking boom happened in
7 neighboring Pennsylvania, where many, um, Sane Energy
8 Project members [inaudible] and, um, that happened
9 really fast and fierce under Michael Bloomberg's
10 leadership, who we perceived as most interested in
11 squashing any alternatives to gas so that Wall
12 Street, um, Michael Bloomberg's playground, could
13 flourish from the extraction poison and corporate
14 billing of our friends and family in Pennsylvania.
15 We knew that we faced serious barriers to having
16 access to renewable alternative ways of regulating
17 temperature in our homes and cooking our food and we
18 advocated for biodiesel inside the New York City
19 Clean Heat Program to prevent expensive boiler
20 conversions where costs inevitably passed on to
21 renters in an already growing economically
22 inaccessible city. Ah, we saw biofuels, the city's
23 spent cooking oil, as a holistic approach to
24 preventing waste and supplying fuel. Unfortunately,
25 fracked gas won and we've been seeing major

1
2 expansions ever since then, most currently two blocks
3 from my home in north Brooklyn, ah, with a new
4 National Grid transmission pipeline that is
5 unnecessarily, unnecessary, costly, dirty, and
6 dangerous that we urge you to stand with us against a
7 halt. Today Sane Energy Project is involved with
8 several campaigns to halt the use of fracked gas in
9 our city and we've identified even more barriers as
10 time goes on. The education and information about
11 alternatives is, is not readily available on purpose.
12 That is why we are 100% supporting Intro 1946 and
13 thank you for this work. Other barriers we have
14 identified in our advocacy work, especially as
15 parties in the corporate rate cases is that the
16 corporate utility model has a number one interest
17 making profit for shareholders, not supporting our
18 community needs, public health and safety, and
19 climate action first. Additional barriers we have,
20 ah, we want to put on the council radar, um, I list a
21 number of them in my testimony, which I've emailed,
22 um, that are slanted towards, um, pushing for, ah, a
23 gas future, um, lobbying financial incentives, the
24 100 foot rule that mandates that people get subsidies
25 for hooking up gas. We would love to see a fracked

1
2 gas city, fracked gas-free city in New York City and
3 pass legislation that makes it illegal for any new
4 development to install gas. Thank you for the
5 movement towards this common goal. We look forward
6 to continuing to work with you to ensure the mayor
7 calls a halt to all fossil fuel infrastructure in the
8 State of the City address, um, to take place on the
9 ground and not just in media from the announcements,
10 as we see National Grid's north Brooklyn MRI fracked
11 gas pipeline and LNG expansion proposals continues
12 despite this announcement. Ah, regarding 142 and
13 143, our, because of this pipeline, ah, construction
14 our, our neighborhoods from Brownsville...

15 SERGEANT AT ARMS: Time's expired.

16 KIM KRAZAK: OK, thank you.

17 CHAIRPERSON CONSTANTINIDES: Kim, thank
18 you, and, ah, I, I agree with you. We're at a moment
19 where, ah, we have to recognize that we have to move
20 quicker, right? I mean, we have to implement and tie
21 these processes together, right? If we don't strike
22 now to bring more renewable energy into New York
23 City, right, and to start turning away, you know, to
24 start changing our infrastructure, you know, we're
25 not gonna have that opportunity later, right? Like

1 every day we waste is a, is an opportunity missed.

2 So I, I, I appreciate the work that you guys are

3 doing and I definitely look forward to partnering

4 with you as we definitely evaluate, you know, in the,

5 I think, what, today is August, you know, 14th, so I

6 think I have just about 16-1/2 months left as a

7 Council Member. In those 16 months I think we need

8 to make sure that we are implementing and, ah, you

9 know, sort of making these processes more streamlined

10 to have, ah, you know, fossil, you know, fossil fuel

11 infrastructure not be the primary, or the easiest

12 thing to do. I, I've said this more, I've said this

13 so many times in hearings, I'll say it one more time.

14 If we can make it as easy to go green as it is to be

15 traditional then people could make choices based on

16 their values. But if it's difficult and if the

17 fossil fuel, you know, infrastructure has a leg up

18 then people are gonna chose the easier technology.

19 Maybe not even the best cost-effective one, but

20 they'll pick the one that's not gonna take them years

21 to implement. Um, so I think we definitely need to

22 make sure that we are leveling the playing field over

23 the next seven, 16-1/2 months, so, thank you.

1 COMMITTEE ON ENVIRONMENTAL PROTECTION 80
2 COMMITTEE COUNSEL: Thank you. And now
3 we'll hear from John Rath, please.

4 SERGEANT AT ARMS: Time starts now.

5 JOHN RATH: Good, good morning Samara and
6 good morning Chair Constantinides. I'm director of
7 operations for New York Geothermal Association. Ah,
8 we represent drillers, manufacturers, and installers
9 of, of heat pumps, geothermal heat pumps, across the
10 state. And I have to say in my year now being with
11 New York Geo one of the most commonly brought up
12 things is awareness of fossil fuel alternatives by,
13 by building owners, um, by building managers,
14 homeowners for sure, and even elected officials. So,
15 ah, we also hear that across the country from our
16 allied geothermal organizations and it is, it is one
17 of the key things that I think, ah, number 1946 will
18 do, which is continue the awareness and the education
19 process. As long as it's accurate information, and
20 that's really important for us, 'cause there can be a
21 lot of miss and misinformation that can be picked up.
22 Ah, I'll say that our New York Geo members are
23 anxious and willing to help the Department of
24 Buildings spread the word, ah, about efficiency and
25 renewable energy, ah, whenever you need us. So

1 thanks again for the opportunity. I can comment, I'd
2 like to, on number 1982, but if this isn't the time
3 I'll wait.

4
5 CHAIRPERSON CONSTANTINIDES: It's most
6 certainly the time.

7 JOHN RATH: OK.

8 CHAIRPERSON CONSTANTINIDES: If you have
9 more, if you have more, you have 2 minutes and 20
10 seconds, if you had a moment this is it, my friend.

11 JOHN RATH: OK, I'll, I'll take
12 advantage. Um, my understand, ah, with this issue of
13 marginal emissions, um, and I want to respectfully
14 disagree with what I read number 1982 to be, um, and
15 for a couple reasons. I guess the first one is that
16 in my research in reality gas-powered fuel cells are
17 really not intermittent, they're continuously
18 operating. So that's something I think that's really
19 important. And as a result of that, ah, I would like
20 to recommend looking at not marginal emission status
21 but, um, average emissions. I, I think there's a
22 great possibility that really clean stuff like wind
23 and solar could, um, get de-emphasized with, if
24 marginal emissions are used for fuel cells, and at
25 the same time I'm a little bit scared that it opens

1
2 the door to other fossil fuel electricity generation,
3 perhaps diesel and other things that we really don't
4 need and don't want at this time in our, in our
5 state's, ah, desire to get cleaner, ah, air. So, um,
6 I appreciate the time to talk with you and I'll
7 concede the rest of my time.

8 CHAIRPERSON CONSTANTINIDES: Thank you
9 very much.

10 COMMITTEE COUNSEL: Next, well, let's do,
11 ah, additional questions. Um, thank you, John, and
12 thank you, Kim, very much. Um, we will next call Bob
13 Weinman and, um, Scott Frank of ACEC, who will
14 testify on Intro 1982.

15 SERGEANT AT ARMS: Time starts now.

16 BOB WEINMAN: Ah, good afternoon. My
17 name is Bob Weinman. I'm a resident of the Upper
18 West Side. I'd like to say that it is a mystery to
19 me that the New York City Council is getting serious
20 Intro 1982. It's a bill that will increase gas
21 consumption and guts both the spirit and usefulness
22 of Local Law 97 2019. Gas use in New York City's
23 buildings today already produces close to 150% of the
24 total greenhouse gas emissions that will be permitted
25 from all sources in 2050. Thus, the primary focus of

1 the City Council should be on reducing gas use, not
2 increasing it. We cannot achieve our emission
3 reduction goals without a dramatic reduction in gas
4 use. It's time to start now. Local Law 97
5 established limits on emissions and penalties for
6 buildings that do not reduce their greenhouse gas
7 emissions. The passage of this bill will make a
8 mockery, a joke, of both those requirements and the
9 penalties. If passed, this bill will credit any
10 building which installs a gas-powered fuel cell,
11 which is hundreds of pounds of emissions reductions
12 for every megawatt hour of electricity. Thus, we
13 should anticipate that many dirty buildings will
14 choose to avoid penalties by simply installing gas-
15 powered generators instead of actually improving
16 their efficiency or selecting non-emitting energy
17 sources. Intro 1982 will create a windfall bounty
18 for the fuel cell industry, but it will be very bad
19 for New York and for the climate. An always-on non-
20 dispatchable gas-powered generator is not a marginal
21 producer. If anything, it should be considered part
22 of the base load production. One might provide some
23 credit to these things if fuel cells were much more
24 efficient than gas-powered base-load generators, but
25

1
2 even Bloom Energy, a major manufacturer of fuel
3 cells, acknowledges that its fuel cells normally
4 operate at about 50% efficiency. Thus, they are less
5 efficient than a moderate combined cycle gas plant
6 and much less efficient than either [inaudible]
7 systems. And if New York City adopts the CO2
8 equivalents also required by the CLCPA we will soon
9 find that fuel cells produce more greenhouse gas
10 emissions than generators powered by ultra-low
11 sulphur diesel. Number two, if reducing emissions is
12 our goal we should actually prefer the installation
13 of oil-powered generators rather than gas-powered
14 systems. That, of course, doesn't sound like it
15 makes sense. Whatever Intro 1982 says, we don't have
16 official vetted marginal emissions data or forecasts
17 for Zone J. The best data we do have shows, ah,
18 which is discussion-only data issued by [inaudible]
19 in 2018, shows that in Zone J marginal emissions are
20 highest from 10:00 a.m. in the morning to about 9:00
21 p.m. in the evening. Also, marginal emissions are
22 highest in February, July, and August. Of course,
23 daytime in July and August are precisely the periods
24 during which solar power is at peak production. And
25 at night and during the winter is when wind energy

1 production peaks. Thus, if we really want to reduce
2 marginal emissions we should be encouraging zero
3 emissions production from solar and wind during peak
4 periods, not more highly emitting gas-powered
5 production. Instead of rewarding a technology that
6 even Bloom Energy says will produce about 789 pounds
7 of emissions per megawatt hour produced, why not
8 encourage zero emission technologies during period of
9 peak marginal, ah, emissions? Encouraging gas-
10 powered generators will not only result in higher
11 emissions than if we encourage solar, wind, or even
12 oil-powered generators, it will also make it harder
13 for us to avoid accumulating [inaudible] assets in
14 our gas network. I could go on, but time is limited.
15 Ah, at this point let me repeat that there, ah, that
16 we have no regularly maintained source of marginal
17 emissions strategies for either New York State as a
18 whole or for Zone J. Thus, even if Intro 1982 were a
19 good idea, the data needed to implement it is simply
20 not available. Fuel cells used in New York City, um,
21 where, where we enjoy some of the cleanest
22 electricity in our country, won't reduce emissions.
23 The reality is that Intro 1982 modifies the provision
24 that was buried deep in Local Law 147 2019 as a way
25

2 to effectively neutralize the effect of Local Law 97.
3 That loophole should be struck.

4 SERGEANT AT ARMS: Time has expired.

5 BOB WEINMAN: That loophole should be
6 struck or repealed, not modified. This is bad law
7 based on bad or nonexistent science. It will benefit
8 no one other than equipment manufacturers. It is not
9 the right thigh for the New York City Council to do
10 at this time. Um, I'd also like to say, if I could,
11 that I support, ah, ah, 1942 concerning [inaudible]
12 information to, um, ah, people at the time of the
13 inspections. Any, any opportunity we have to inform
14 people of our communities to, to, ah, do cleaner
15 things is a good thing. Thank you.

16 CHAIRPERSON CONSTANTINIDES: Thank you
17 for your testimony.

18 COMMITTEE COUNSEL: And now we'll hear
19 from Scott Frank. Scott, would you please...

20 SERGEANT AT ARMS: Time starts now.

21 COMMITTEE COUNSEL: ...give your testimony
22 now?

23 SCOTT FRANK: Thank you Chair and council
24 members. Ah, I'm Scott Frank. I'm a licensed
25 professional engineer, a managing partner with the

1
2 engineering firm Jarrel, Spom, and Bolls. I'm also
3 the energy committee chair for the American Council
4 of Engineering Companies, an organization
5 representing more than 300 engineering firms
6 throughout New York State, with a concentration in
7 New York City. I'm also the board chair of Urban
8 Green Council, a substantial nonprofit whose mission
9 is to transform New York City buildings for a
10 sustainable future. And I'm also an appointee, ah,
11 to the Local Law 97 advisory board. Today I'm
12 testify in opposition to Intro 1982. I want to first
13 say that I agree fully with the testimony you just
14 heard from Mr. Weinman, so thank you for that
15 testimony. I want to take a few minutes, a few
16 seconds of my time to eliminate what I wonder might
17 be some misperception, ah, by our policy makers about
18 what fuel cells really are and are not. On the face
19 of it, fuel cells are a virtuous technology. They
20 combine hydrogen and oxygen, two safe and abundant
21 elements on our planet, to create electricity, with
22 the only byproduct being water. You could literally
23 drink from the tail pipe of a fuel cell. The
24 challenge, however, in the commercialization of fuel
25 cells is the source of hydrogen. Hydrogen is not

1 just readily available, ah, as a supply to, to be
2 injected into, into fuel cells. The industry in the
3 United States and abroad is standardized on the
4 fossil fuel natural gas as the source of hydrogen for
5 these products. The inconvenient truth about this
6 economic enterprise reality is that in separating
7 hydrogen from methane, the molecule in natural gas,
8 carbon is released. Carbon is combined with oxygen
9 to create CO2. In this way fuel cells generate
10 carbon emissions at essentially the same rate as all
11 other conventional cogeneration or onsite generation
12 systems. There is no free lunch here. There is no
13 virtuous aspect of the commercialization of these
14 products in New York City and in New York City
15 buildings. So there is no advantage from a carbon
16 emissions standpoint for deploying fuel cells in lieu
17 of any other conventional distributed generation or
18 cogeneration system. Cogeneration is already readily
19 accommodated within Local Law 97 and within the rule-
20 making process that is now under way. Intro 1982 is
21 a continuation of the inappropriate preferential
22 treatment already given to the fuel cell sector from
23 Local Law 147 of 19, ah, 2019, as already mentioned
24 several times. It does this by misapplying analysis,
25

1 reporting that is provided by NYSERDA in an effort to
2 remove medium-term business risk from the fuel cell
3 enterprise activity. In this way it sends an
4 inappropriate signal to the market that New York City
5 is open for business for this carb-emitting, carbon-
6 emitting form of cogeneration that will increase
7 demand for natural gas within the five boroughs, very
8 opposite of the direction we need to take. Further,
9 Intro 1982 undermines the role of the Local Law 97
10 advisory board, and the New York City Department of
11 Buildings, and the comprehensive rule-making process
12 that is now under way as prescribed in the law by
13 signaling that special interests can further their
14 agendas by checking, chipping away at the integrity
15 of Local Law 97 through the lobbying process. This
16 Intro should be withdrawn and, consistent with the
17 previous speaker, because of preferential
18 treatment...

19
20 SERGEANT AT ARMS: Time has expired.

21 SCOTT FRANK: ...Local Law 147 should be
22 removed. Thank you very much.

23 CHAIRPERSON CONSTANTINIDES: Thank you.
24
25

1 COMMITTEE ON ENVIRONMENTAL PROTECTION 90
2 COMMITTEE COUNSEL: Thank you. Next we
3 will hear from Dana Schneider of the Empire State
4 Realty Trust, who will be followed by Jeffrey Sanoff.

5 SERGEANT AT ARMS: Time starts now.

6 UNIDENTIFIED: You're muted.

7 DANA SCHNEIDER: Hello. This is Dana
8 Schneider. I'd like to give my position to Tony
9 Malkin, who is on the call. Please if you could
10 unmute Tony. He is called out as Anthony E. Malkin.
11 Thank you.

12 ANTHONY MALKIN: Thank you very much, ah,
13 and I appreciate the opportunity to speak today. Ah,
14 I'm Anthony Malkin, the chairman, CEO, and president
15 of Empire State Realty Trust, a publicly traded real
16 estate investment trust that owns offices and retail
17 in New York City and the greater New York
18 metropolitan area, a leader in sustainability and
19 energy efficiency. According to a study by Morgan
20 Stanley, we have the lowest carbon output per square
21 feet of any publicly traded New York City-based real
22 estate investment trust. I also chair the
23 sustainability policy advisory committee of the Real
24 Estate Round Table and our work at the Empire State
25 Building is the most famous, ah, example of energy

1 retrofits in the world. Ah, I'm the sole real
2 estate, commercial real estate owner on the advisory
3 board for the implementation of Local Law 97. I
4 appear today to speak against the proposed 1982, ah,
5 legislation. Local Law 97 is the most severe,
6 stringent, broad-reaching, and poorly researched
7 climate bill in the United States, if not the world.
8 Crafted without adequate consultation with experts,
9 it is a broad-based expression of policy without
10 roots in practice. There is no more comprehensive
11 goal set by any city in the United States, by the
12 way. There is one critical aspect to Local Law 97,
13 upon which the success or failure of the entire bill
14 rests - the creation of an advisory board for the
15 implementation of Local Law 97. This stakeholder and
16 advisory board process has been charged with the hard
17 technical work required to address the implementation
18 of all aspects of the law. Included in the law is
19 work to be done to set the greenhouse gas equivalent
20 factor for all distributed generation. Distributed
21 generation includes all types of technology that
22 generates heat and electricity in and for buildings,
23 and that includes fuel cell technology. The
24 proposed, ah, 1982 is an attempt to undermine the
25

1 entire process of the determination of greenhouse gas
2 equivalent factors required under the bill. Local
3 Law 97 is not complete until the technical and
4 engineering work required by [inaudible] the advisory
5 board and the report of the advisory board is
6 delivered to the Department of Buildings and the
7 Department of Buildings processes that report,
8 performs its rule-making, as required by the bill,
9 from that report. That said, specifically exceptions
10 and CO2 [inaudible] determinations are specifically
11 listed as responsibilities of the advisory board.
12 Separate from this, ah, the flaw in this process and
13 the defeat of objectives set forth by Local Law 97, I
14 will focus on this simple fact - marginal emission
15 factors set by NYSERDA may or may not make sense for
16 this purpose. Based on the known facts NYSERDA's
17 marginal energy emissions are an average statewide
18 value, not a Zone J measurement. That said, marginal
19 emission factors are dynamic, change hourly, daily,
20 and seasonally. And to be clear, we should to our
21 work, not take short cuts. There are established
22 Local Law 97 working groups tasked with the
23 determination of protocol, process, and technical
24 advice for carbon, ah, efficiencies, coefficients, 2029

1 and beyond. It asks the question why did the
2 sponsors of Local Law 97 suggest special treatment
3 for natural gas fuel cells over other types of
4 distributed energy resources. Why did the sponsors
5 of Local Law 97 wish to send a market signal that the
6 process they set forth can be corrupted? And why
7 should that process of corruption come from them?
8 And what special interest is served by this
9 legislation? Or is this just a bad idea that our
10 informed testimony can stop? It has been noted by me
11 before and covered in the press by others that New
12 York City has an opportunity to prove how
13 decarbonization works, or that it does not work. It
14 is critical to implement a public process driven by
15 research and technical calculation, and that is for
16 what Local Law 97 provides. Let the implementation
17 advisory board do its work. At the end of that
18 process there will certainly be a comprehensive view
19 that may suggest amendments to be made at that time.
20 That said, the end around move suggested by 1982 is
21 wrong, fraud, and should not be allowed.

22
23 SERGEANT AT ARMS: Time has expired.

24 CHAIRPERSON CONSTANTINIDES: Thank you.
25

2 COMMITTEE COUNSEL: If there are no
3 questions of the, of the two panelists, or the one
4 panelist, um, then we'll move on and we now will call
5 Kim Smith, who will be followed by Tama Jessie and
6 then Cecil Corban Mark, all of We Act to testify.

7 SERGEANT AT ARMS: Time starts now.

8 UNIDENTIFIED: Hello? Hello?

9 KIM SMITH: Can you hear me?

10 SERGEANT AT ARMS: Yes sir, we hear you.

11 KIM SMITH: Can you hear me? Oh, sorry.

12 UNIDENTIFIED: All right.

13 UNIDENTIFIED: Which one is it? Jeffrey
14 was next, I think.

15 KIM SMITH: Um, can, you can't hear Kim
16 Smith?

17 UNIDENTIFIED: I think I was the next
18 speaker.

19 UNIDENTIFIED: Yes, ah, Jeffrey, please,
20 ah, go. Kim, you're, you're following Jeffrey.

21 KIM SMITH: OK, no worries.

22 UNIDENTIFIED: Thank you.

23 TAMA JESSIE: OK. First of all, I'd like
24 to thank the committee for allowing me to testify
25 today on behalf of Community Board 13, which in

1 southern Brooklyn, Coney Island, Gravesend, Brighton
2 Beach, and Seagate. Ah, I would like to testify on
3 the Intro 142 and 143, which I agree with and which
4 the community board agrees with. I would also like
5 to expand that Intro so that the ambient air quality
6 report should be sent to the community board 'cause
7 we have no knowledge of what's going on in our
8 community. For an example, the wind shelter was
9 built on top of toxic material which was a dye
10 factory. We also had to have an asbestos abatement
11 program over there. None of this was, none of this
12 was talked about by the community board. There is a,
13 ah, a junior high school, Mark Twain High School,
14 which was about 200 yards away from the wind shelter,
15 and we have no idea of what the abatement program was
16 involved with. We did call for an independent study
17 or audit on the project, but we never got any
18 answers. We also called for an independent study for
19 the air quality in Coney Island. Mr. Levin spoke
20 about the EJ in north Brooklyn. I think Coney Island
21 and its area around it is also an EJ area. We've had
22 various excavations from sewer lines by DDC and I had
23 asked at various agency meetings about the ambient
24 air quality that was being dug up. I never got any
25

1 report from them. It's like we're not there, we're
2 stepchildren. Ah, I think that the certification of
3 these air quality reports are being [inaudible]
4 certified. And like President Reagan said at one
5 time, trust but verify, and I think that we should be
6 able to verify what the DEP is reporting as far as
7 the ambient air quality. Secondly, I'd like to know
8 how many inspectors does DEP have been, the
9 resources, and what type of equipment they bring to
10 the site to report on the data on the particulates
11 that are in the air? Since Superstorm Sandy the
12 residents of Coney Island and, and relating areas
13 have called what we call the Coney cough. People,
14 children, and even animals are suffering because of
15 the noncompliance, as I believe, of these developers.
16 They don't live in the area. They build their
17 projects, and then they leave. We're the ones who
18 suffer. If you remember this tragic, the tragedy of
19 9/11, people are suffering now after almost 20 years,
20 and we don't know what's going to be taking place in
21 the future for our children, adults, and even our
22 animals. Thank you very much.

24 CHAIRPERSON CONSTANTINIDES: Thank you.

1 COMMITTEE ON ENVIRONMENTAL PROTECTION 97
2 COMMITTEE COUNSEL: Thank you Jeffrey and
3 Anthony for your insightful testimony. And now we
4 will move on to the We Act panel that I previously
5 announced. Kim Smith, Somal Jessel, and then Cecil
6 Corban Mark.

7 SERGEANT AT ARMS: Time starts now.

8 UNIDENTIFIED: Ms. Smith, it's on mute.

9 KIM SMITH: Good day. I would like to
10 thank the Committee on Environmental Protection and
11 the sponsors of Intro number 142, and I would like to
12 thank We Act for inviting me to testify in support of
13 Intro number 142. My name is Kim Smith, chair of the
14 Ennis Francis Houses Extermination and Construction
15 committees. The committee was formed in October of
16 2016 in anticipation of a very large construction
17 project in central Harlem that faces directly in
18 front of our complex that has a total of 220 units.
19 Many of the Ennis Francis residents suffer from
20 asthma, bronchitis, and other respiratory illnesses.
21 Um, grave concerns about the potential health risks
22 related to construction airborne containments of
23 asbestos, mold, and dust prompted us to organize
24 early and meet regularly with the developer and
25 several community stakeholders. In April of 2019 the

1 interior demo of 10 low-rise buildings on the
2 construction site, built in 1984, was under way. The
3 construction workers tossed mold-contaminated sheet
4 rock and other construction debris out of the
5 windows. Dust literally covered residents' windows,
6 window sills, and furniture. You can all imagine
7 just how concerned and outraged we were. We had no
8 idea what was in the dust. We wondered is there
9 asbestos or other cancer-causing, um, particulates in
10 the dust. We contacted Councilman Bill Perkins, We
11 Act, and other local elected officials for their
12 help. Fast forward one year later, on April 6, 2020,
13 in the midst of the COVID quarantine where all
14 nonessential construction was prohibited, the
15 developer demolished nine of the low-rise buildings.
16 The buildings were not wet prior. The buildings were
17 simply bulldozed and as a result residents scurried
18 to close their windows as dust clouds filled the
19 community. We immediately contacted We Act,
20 Manhattan borough president, Gail Brewer, who
21 subsequently contacted the Department of Buildings,
22 who shut the construction site down for illegally
23 demolishing the buildings. The construction dust
24 atrocities that occurred directly in front of our
25

1 occupied complex underscores the importance of Intro
2 number 142. It is crucial that the bill has, um, a
3 detailed dust mitigation plan with language that is
4 easy for lay people of the community to understand.
5 Additionally, there should be a very strong
6 enforcement component, in my opinion, in the bill,
7 because despite our tireless advocacy efforts as
8 residents to prevent environmental injustices, the
9 developer had no fear of retribution for illegally
10 demolishing nine buildings in the midst of the
11 coronavirus quarantine in the Harlem community, where
12 residents historically suffer disproportionately with
13 respiratory illnesses. I'm hopeful that Intro number
14 142 can be used as an effective tool to combat some
15 of the unfortunate construction practices associated
16 with gentrification in poor communities throughout
17 New York City. Thank you so much. Again, my name is
18 Kim Smith, and thank you for the opportunity.

19
20 COMMITTEE COUNSEL: Can we hear from
21 Somal Jessel?

22 SERGEANT AT ARMS: Time starts now.

23 SOMAL JESSEL: Hi everyone. Um, good
24 afternoon Chair Constantinides, members of the
25 committee. Thanks for the opportunity to testify

1
2 regarding these bills, ah, being heard today. My
3 name is Somal Jessel. I'm the policy and advocacy
4 coordinator at We Act for Environmental Justice.
5 Over the past 32 years We Act has been combating
6 environmental racism in lower Manhattan. I myself
7 have received my master in public health from
8 Columbia University. I'm here as an advocate
9 concerned about the community served in northern
10 Manhattan, which is heavily black African American,
11 and Latinx, low-income, hard hit by COVID-19
12 pandemic, and I'm testify in support really of what,
13 ah, we heard from Ms. Smith just now and the
14 increasing efforts of the city to properly monitor
15 air quality and ultimately reduce air pollution in
16 our neighborhoods. Um, air pollution has been a
17 major issue in New York City for a long time,
18 especially with We Act. One of the most notable
19 campaigns was to address poor air quality from diesel
20 exhaust in Harlem that was leading to astronomically
21 high rate, asthma rates in black African American
22 children particularly. At that time in the '90s an
23 EPA study of northern Manhattan found it had more
24 than 200% higher [inaudible] 2.5 than the standard at
25 the time. And in early 2000 about one in four

1 children in Harlem had asthma. So it was a really
2 big issue. And due to the hard work of activists,
3 advocates, um, here in New York City air quality has
4 dramatically improved for all these neighborhoods.
5 However, it's still not the same, ah, across
6 neighborhoods and there's low-income communities of
7 color, who are still dealing with the brunt of poor
8 air quality, um, leading to negative health impacts
9 such as asthma, cardiovascular disease. East Harlem,
10 for example, has twice the rate of childhood
11 hospitalization for asthma compared to the New York
12 City average. It's, it's important to continue to
13 address air pollution as a major public health issue.
14 Particular the urgency has increased, as many
15 research studies around the world have found that
16 people exposed to poor air quality over the lifespan
17 and people with respiratory illness tend to have more
18 severe cases of COVID-19, particularly that is people
19 living in low-income communities of color. New York
20 deals with a diverse soup of air pollution and all
21 efforts to monitor the sources and mitigate its
22 dispersal is vital to the health of our communities,
23 um, such as what you heard from Ms. Smith's
24 testimony. So We Act is here not in support just of
25

1
2 142, but also 143, a local law to amend the
3 administrative code of New York City to the creation
4 of emergency ambient air quality monitoring programs,
5 especially after fires. Um, it's vital to mention
6 the level of air pollution that are hazardous to
7 human health and it makes the information publicly
8 available, so that people like organizations like us
9 and the public and other relevant organizations,
10 community members can understand who's being most
11 impacted and its many sources, and we can better
12 target, um, how to improve air quality for people.
13 So it's important to act fast to address our common
14 environmental crisis, both for the immediate health
15 of our communities that have chronically dealt with
16 poor air quality and high asthma rates and for the
17 future of our city that's already seeing the impacts
18 of climate change with extreme heat event,
19 [inaudible] hurricanes, so monitoring our source of
20 air pollution is extremely important and that's why
21 I'm testifying in support of Introduction 143. So
22 thank you for your time.

23 CHAIRPERSON CONSTANTINIDES: Thank you.

24 COMMITTEE COUNSEL: Thank you. And now
25 we'll hear from Cecil Corban Mark, please.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SERGEANT AT ARMS: Time starts now.

CHAIRPERSON CONSTANTINIDES: Cecil, are you there?

CECIL CORBAN MARK: [inaudible] now, I couldn't unmute myself. Thank you very much. Ah, my name is Cecil Corban Mark. I'm the deputy director of We Act for Environmental Justice, and I'm really proud of our member, Kim Smith, and my colleague, Somal Jessel, for their testimonies. We are a membership organization in northern Manhattan with a little, just about a thousand members, primarily the residents, ah, living in the community boards that make up northern Manhattan. I'll start out by saying if our society is going to solve the climate crisis one of the things we must do is stop burning gas in our buildings. Um, today's bill, Intro 1946, is intended to make sure that the city is providing assistance to building owners that makes them aware of the options available to them to get off gas proactively. We Act supports the idea of making sure that, of making sure that building owners know more about energy efficiency. Um, but it also seeks to ensure that building owners have information about alternatives to gas usage in their buildings for

1 cooking, hot water, and heating. In particular, We
2 Act believes that owners should get information about
3 changing gas arrangements for electric induction
4 stoves, installing solar hot water heating systems
5 instead of using gas to provide hot water, and
6 installing air source heat pumps for heating and
7 cooling. I'd like to focus on the use of gas for
8 cooking in the home and the health challenges that
9 are associated with, ah, the pollutants that are
10 often thrown off by gas stoves. The use of gas
11 stoves, ah, in our buildings, especially residential
12 buildings, in New York City are not only causing harm
13 to the climate, it is also harming the health of tens
14 of thousands of New York City residents. For more
15 than a decade a growing body of scientific evidence
16 has shown that gas stoves throw off pollutants like
17 nitrogen dioxide and carbon monoxide. When people
18 cook those invisible pollutants can easily reach
19 levels that would be illegal outdoors, but the Clean
20 Air Act does not regulate indoor air quality.
21 Scientists link gas stoves to asthma attacks and
22 hospitalizations. In 2008 Johns Hopkins...
23
24
25

1
2 CHAIRPERSON CONSTANTINIDES: Cecil, we
3 lost you. We can't hear you, brother, can't hear
4 you.

5 CECIL CORBAN MARK: Now?

6 CHAIRPERSON CONSTANTINIDES: I can hear
7 you.

8 CECIL CORBAN MARK: Hello?

9 CHAIRPERSON CONSTANTINIDES: Yes, I hear
10 you now.

11 CECIL CORBAN MARK: Oh, OK. Um, so I was
12 saying [inaudible] link gas stoves to asthma attacks
13 and hospitalizations. In 2008 Johns Hopkins
14 scientists urged doctors to advise parents of
15 asthmatic children to get rid of their gas stoves, or
16 at least install powerful exhaust hoods. Asthma is a
17 rampant discriminatory disease, hitting children in
18 communities of color around the city the hardest.
19 And the current COVID-19 pandemic has made
20 [inaudible] these health disparities. Nitrogen, ah,
21 dioxide is one of the main culprits and, ah, in the
22 absence of a vaccine for the COVID-19 crisis, ah,
23 sorry, coronavirus 19, our primary public health tool
24 is to require that people stay at home where
25 possible. In the battery of studies that have

1
2 emerged in more than the last decade we know that gas
3 stoves in the home are exasperating respiratory
4 illnesses, especially in young children. Given the
5 high rates of respiratory illnesses in communities of
6 color and EJ communities, and in light of the absence
7 of regulations on the quality of indoor air, getting
8 gas stoves out of multifamily affordable residential
9 buildings is an imperative, not only for the climate,
10 but also for the health of residents. We Act urges
11 the council to consider amending Intro 1946 to
12 require that the city provide information to building
13 owners about eliminating gas stove ranges for
14 electric induction stoves. Similarly, we urge the
15 council to require information about solar hot water
16 heating and the air source heat pumps be provided.
17 Um, we also believe that, ah, ah, solar hot water
18 heating and air source heat pumps be provided to
19 building owners. Our city now has Local Law 97 and
20 our state now has the climate Leadership and
21 Community Protection...

22 SERGEANT AT ARMS: Time has expired.

23 COMMITTEE COUNSEL: Does anyone have any
24 questions for Cecil or Somal or Kim? Seeing no
25 questions, we can move on to the next panel.

2 CHAIRPERSON CONSTANTINIDES: [inaudible]

3 COMMITTEE COUNSEL: Is there a question?

4 CHAIRPERSON CONSTANTINIDES: No, no, just
5 thanking them for their testimony, like I did with
6 the other panels.

7 COMMITTEE COUNSEL: OK, let's go to the
8 other panels then. We have, um, six more witnesses,
9 um, Malahica Israel, Shannon Clear, and Rebecca Pryor
10 would like to testify. Um, can we have those parties
11 testify now?

12 UNIDENTIFIED: Um, we only have Shannon
13 Clear so we'll start with them.

14 SHANNON CLEAR: Hi, thank you for...

15 SERGEANT AT ARMS: Starting time.

16 SHANNON CLEAR: Thank you for giving me
17 this opportunity to speak, and thank you all for your
18 community, for your service with your community. I'm
19 here to speak in favor of Intro number 142. I live
20 in North Greenpoint, where the Bell Slip buildings,
21 among others, have been and are being built. There
22 are also numerous smaller homes and businesses being
23 demolished to make way for larger apartment
24 buildings. The dust and debris mitigation at these
25 sites is woefully insufficient. Contractors are

1
2 increasingly using Styrofoam insulation at these
3 smaller sites. However, the Styrofoam is rarely the
4 right size for the job, so they cut it and carve it
5 outdoors, creating snowstorms of toxic material
6 through the entire neighborhood. In one instance at
7 the construction site on Manhattan Avenue between
8 Freeman and Eagle a contractor brought insulation,
9 bought insulation that was too thick. Rather than
10 exchange it for the right size, workers with no masks
11 sanded the insulation, contaminating the entire
12 neighborhood for blocks on end. This went on all
13 day. An actual snowstorm of toxic Styrofoam was
14 allowed to fall on the main street of Greenpoint and
15 nothing was done. The construction site at 1122
16 Manhattan Avenue, which is next door to my apartment,
17 used Styrofoam insulation off and on for months as
18 well. They were sawing it on sidewalks and
19 scaffoldings with no mitigation. Our entire building
20 was contaminated. I spent hours cleaning Styrofoam
21 from the building hallway, stairway, and throughout
22 my entire home over and over again for months on end.
23 Our air conditioner was ruined and the owners claimed
24 they would come and clean the roof, but never did,
25 although they did splatter it with concrete sealants

1 and enough construction dust to contaminate our
2 entire garden. Whenever they were reported to the
3 DEP they knew immediately and would have someone come
4 and start vacuuming the largest piles of debris
5 around the building, or simply shut down until after
6 the DEP inspector came. Regardless of what the DEP
7 said or did, it was not enough to get the site to
8 stop contaminating the air with Styrofoam insulation
9 for month after month after month. These examples of
10 contamination from smaller-scale construction sites
11 are being replicated throughout the neighborhood of
12 Greenpoint, but it is the larger construction sites
13 that have been the most, that have the most egregious
14 lack of proper dust and debris containment. These
15 sites include, but are not limited to, the Bell Slip
16 buildings and their neighboring sites and the
17 Greenpoint building neighborhood the India Street
18 ferry dock. The dust from the Greenpoint building
19 created dust storms when the wind came off the river.
20 It was funneled down India Street and would actually
21 blind you when you were in it. I caught, got caught
22 in a large storm one day and ended up on a steroid
23 inhaler for two weeks after that. Far worse than
24 that was the pile of soil several stories high that
25

1 was remediated where the baseball field on Commercial
2 Street now stands. The site is across the street
3 from the Greenpoint playground and bordered by the
4 confluence of Newtown Creek and the East River.

5 There was asbestos in the soil being abated,
6 according to the sign in front of the pile. It was
7 covered only by a large tarp with sandbags
8 intermittently placed around the bottom of the tarp.

9 Every time there were strong winds coming off the
10 water, which is often, the tarp lifted at the edges
11 and the contaminated dust was blown straight onto the
12 playground. Despite exposing the children, parents,
13 waterways, and greenery of Greenpoint with harmful
14 construction dust there were minimal, if any, fines
15 levied against these construction companies for their
16 contamination of our neighborhood and homes. These
17 construction companies fail to properly mitigate
18 their debris and the entire neighborhood is paying
19 for it instead of them. There are many construction
20 projects that are just beginning in our community. I
21 ask that you please use your legislative power to
22 pass Introduction 142 that this, so that this
23 egregious contamination of our community does not
24 continue moving forward.

2 SERGEANT AT ARMS: Time expired.

3 SHANNON CLEAR: Thank you for your time.

4 COMMITTEE COUNSEL: Ah, it looks like
5 there are only two witnesses left. Does anyone have
6 any questions of the preceding witnesses. Um, if you
7 do not, we have two witnesses left to be called.
8 Steve Chester or Chesler, and Francois Olivas. Steve
9 Chesler?

10 SERGEANT AT ARMS: Starting time.

11 STEVE CHESLER: Hello, Mr. Chair and
12 council members. My name is Steve Chesler. I'm a
13 19-year resident of Greenpoint, Brooklyn, a member of
14 the Brooklyn Community Board, and I'm cochair of its
15 environmental protection committee and a part of the
16 leadership of Friends of Bushwick Park and Friends of
17 Transmitter Park. Thank you for holding this hearing
18 today and pushing through the challenges of the
19 corona pandemic to keep our government functioning
20 and our city moving forward, and for the opportunity
21 to testify. Today I'm testifying in favor of
22 amending law number, ah, 142, related to helping
23 control airborne construction dust, spurred on by the
24 2005 Greenpoint [inaudible] rezoning resolution.
25 Greenpoint has been and continues to be a hyper-

1 development epicenter in the city, where at least 15
2 residential mega towers, um, have been built or in
3 progress along its waterfront, and countless projects
4 built or in progress upland. This, of course, a part
5 of the continuing development trend in many areas
6 throughout the city. With this massive wave of
7 construction has come a wave of related hazards, with
8 construction dust being the significant one. The
9 release of styrene particles in the air has been one
10 of the main culprits, and the large influx of new
11 residents to these neighborhoods, like ours, which
12 include many young children, and this is a dangerous
13 threat, especially if a child were to inhale these
14 particles into their development, developing lungs,
15 which contain suspected carcinogenic substances. I
16 have witnessed these particles in the air and on
17 surfaces and see many images taken in our community
18 of the same and of construction workers covered with
19 them. Therefore, it's crucial this bill be amended
20 to hold developers and construction workers
21 accountable to protect our children, adults, both
22 residents and construction workers. It is a must do.
23 In relation to the bill's text related to punishment,
24 I worry that the starting and maximum financial
25

1 penalties for corporations, including the proposed
2 revisions, are too low and will not incentivize
3 compliance with this law, especially for mega tower
4 developers with incredibly deep pockets. An issuance
5 of a stop-work order should be included as a penalty
6 option, and as well as much larger fines for
7 corporations, even scaling fines up based on the size
8 of the project, to better instill fear and help
9 promote compliance to stopping destructive practices
10 with releasing these hazardous, ah, substances into
11 our air and streets. Additionally, I want to express
12 my support of bill number 143 in relationship to the
13 creation of an emergency ambient air quality monitor
14 program. I live about a mile from where the seven-
15 alarm City Storage Records warehouse fire occurred
16 over five years ago. It was incredibly disconcerting
17 the inadequate amount of air monitoring and
18 communication regarding the state of air quality
19 during that massive fire, which effectively acted as
20 an impromptu trash incinerator and produced an
21 immense plume for weeks. Incinerators are known to
22 emit an incredible array of toxins in the air,
23 including dioxins. But the true make-up of the
24 fire's toxicity at the time was not made known. This
25

1 information needs to be captured and provided in a
2 moment, ah, of, of large-scale industrial-type fires
3 as they occur so government and residents can make
4 better informed decisions. The people are entitled
5 to the truth. This is an important, ah, piece of
6 legislation. And finally I also support, ah,
7 strongly support passage of law 1946, encouraging the
8 conversion away from fossil fuel usage, the creation
9 of carbon zero replacements, and alternatives to
10 fossil fuel energy. We as a city and nation,
11 globally need to be reducing our greenhouse gas
12 emissions now to meet IPCC goals for stabilizing the
13 global surface temperature. We are so late and
14 therefore are failing our children and future
15 generations. The initiatives laid out in this bill
16 help us get there. However, if energy infrastructure
17 alternatives are not robustly communicated,
18 developers and the revisions in Local Law 97 are not
19 enforced, this bill will just be an empty piece of
20 paper. Thank you, Council Member Levin and Chair
21 Constantinides, for sponsoring these, ah, this
22 legitimate, and thanks again, Chair and council
23 members, for holding this hearing.

25 CHAIRPERSON CONSTANTINIDES: Thank you.

1 COMMITTEE ON ENVIRONMENTAL PROTECTION 115
2 COMMITTEE COUNSEL: And thank you. We
3 have three more witnesses left. If there are no
4 questions for the previous witnesses, let's hear from
5 Francois Olivas, ah, and Margo Spindelman.

6 SERGEANT AT ARMS: Starting time.

7 FRANCOIS OLIVAS: Hi, my name is Francois
8 Olivas. Um, I've lived in Greenpoint for 17 years
9 and New York City for 28 years. I am a part of
10 Friends of Transmitter Park, as well as the West
11 Street, um, Community Block Association. I've been
12 an environmental advocate and sustainability designer
13 for a very long time and I'm here to speak on 142. I
14 want to Council Member Levin and his staff for taking
15 the, taking the cries of a mother and a community in
16 writing a law that begins to address, and I state
17 again, it only is the beginning of what needs to be
18 done to the current health threat, environmental
19 injustices, that are caused by construction sites. I
20 also wanted to thank Victoria Cabronas and Jenna
21 Clare for getting into good trouble with me in
22 standing up to construction sites that clearly are
23 doing harm to our health and environment. I became
24 overly aware of construction snow as a new mom. I
25 found a moment of quiet and shade by the one Bell

1 Slip construction on a hot summer day. I watched the
2 tiny white particles float down from the building,
3 reminding me of the opening scene in *American Beauty*
4 where the plastic bag floats into the air. I quickly
5 left, thinking about what it could possibly do to my
6 daughter. Fast forward to four months and doctors'
7 visits, ambulance rides to ER, second opinions, and
8 specialists who wanted to do a bronchial scopy to a
9 child under the age of one, and finally to a
10 pediatric pulmonologist who asked point blank about
11 the amount of construction that we live nearby and if
12 our daughter had been exposed to that. My maternal
13 instincts went to overdrive and I started about those
14 tiny white pellets that I see all over our
15 neighborhood weekly. After much research, I found
16 out that these pellets are from insulation.
17 Depending on what type of insulation is being used,
18 the foam when cut releases formaldehyde into the air.
19 The construction snow not only enters our streets and
20 air, it enters our waterways and takes a thousand
21 years to disintegrate. Please let that sink in. A
22 thousand years. If you believe in climate change,
23 and I hope you all do, these environmental injustices
24 need to be recognized. Our family has the privilege
25

1
2 of good health insurance and we can see incredible
3 doctors. I know this is not the case for everyone in
4 our city. The children in our community already
5 suffer from high asthma rates and the lack of
6 transparent air monitoring puts everyone at risk. We
7 are currently the first wave of a global pandemic
8 that attacks the lungs and our city considers
9 construction to be essential. The least we can do is
10 hold the construction companies accountable. In
11 north Brooklyn all of our playgrounds and schools are
12 surrounded by construction sites. Some days the
13 parents get headaches from the air being dusty or a
14 peculiar smell. If our air is making the adults ill,
15 what is doing to our children and our seniors? What
16 are the long terms effects and how can this be
17 measured? We need real-time air monitoring that is
18 transparent to the citizens and is actual capable of
19 reading what is in the air. To be frank, I don't
20 think this law is strong enough. When I look at the
21 fines I see the [inaudible] price tag to my
22 daughter's life to human life. My daughter's life is
23 priceless. All human lives are priceless. I ask the
24 committee to not only pass the law, but increase the
25 fines on multimillion-dollar developers or create a

1 three strikes you're out fine. In my opinion, this
2 is only, this is the only way the developers will
3 take this seriously. New York City can do better and
4 we must be building for a sustainable future. Thank
5 you.

6
7 CHAIRPERSON CONSTANTINIDES: Thank you.

8 COMMITTEE COUNSEL: Finally, we have one
9 witness left, Margo Spindelman. Margo, can you give
10 your testimony now?

11 SERGEANT AT ARMS: Starting time.

12 MARGO SPINDELMAN: Um, hi, thank you for
13 giving me the chance to speak today. My name is
14 Margo Spindelman. I'm a Greenpoint homeowner,
15 [inaudible], and member of the No North Brooklyn
16 Pipeline Coalition. The No North Brooklyn Pipeline
17 Coalition comprises nearly 20 groups from
18 Brownsville, Bed-Sty, Bushwick, Williamsburg, and
19 Greenpoint, as well as several elected officials who
20 have publicly condemned the pipeline construction and
21 LNG proposals. It is one of the fastest-growing
22 coalitions I've seen to date. I'm grateful to the
23 city's council for fighting with us and we are in
24 full support of Intro 1946. When our community first
25 found out about the pipeline construction we were

1 shocked that no outreach had been done here looking
2 for our consent to build this fracked gas pipeline.
3 We reached out to our local elected officials and
4 they also mentioned that National Grid did not fully
5 explain the breadth of the project. National Grid
6 claimed that the project was just a system upgrade to
7 ensure reliability. However, it wasn't until we
8 became active that we found the pipeline had a larger
9 goal - to lead to a liquified fracked gas, um,
10 facility in Greenpoint. Greenpoint residents are no
11 strangers to [inaudible] destruction. Greenpoint is
12 the site of the largest [inaudible] oil spill in
13 North America, where it is estimated that between 17
14 and 30 million gallons of oil have accumulated
15 underneath us. We are continuing to recover from
16 this extractive poisonous spill on the Newtown Creek,
17 which was declared a Superfund site. We were shocked
18 that they were proposing to expand more fossil fuels
19 on an already-compromised community that has a long
20 history of environmental injustice. Many members in
21 the No North Brooklyn Pipeline Coalition have been
22 asking questions about why we wouldn't need renewable
23 sources for heating and cooling our buildings and
24 cooking our food, considering we all work so hard to
25

1
2 have the landmark CLCPA climate legislation passed in
3 New York City and New York State. Our investigations
4 and research let us to see one of the barriers moving
5 our economy to a renewable and regenerative economy
6 is that the companies that are building the fracked
7 gas pipeline and more [inaudible] are, are
8 incentivized to put their shareholders first, rather
9 than what New Yorkers want to see for their energy
10 future. It is only by getting contracts to build new
11 infrastructure that they are able to reward their
12 shareholders. And I say they, when it is really we
13 who are paying out those rewards. It is in their
14 financial interest to not give customers information
15 about alternatives to gas, but it is essential to our
16 best interest. That's why we are 100% supporting
17 Intro 1946. Thank you for this work. Just yesterday
18 I ran into my neighbor, Luis, on the sidewalk in
19 front of his house. He was waiting for the fire
20 department to come check his gas [inaudible] as they
21 do every other year. He told me needs to convert his
22 oil boiler to gas. I started to talk to him about
23 CLCPA, the climate goals and the promises, and how if
24 he buys a boiler he might end up paying for something
25 that was no longer viable in 10 years, meaning he

1 would be investing in [inaudible] asset. He said to
2 me that's \$20,000. Then we started to talk about his
3 pump. My conversation with Luis yesterday is exactly
4 the kind of conversation that this law would provide.
5 Homeowners in Brooklyn wouldn't have to rely on
6 running into a neighbor accidentally who plans for
7 the future for both their own households and the
8 planet. The time is now to act with great urgency.
9 These conversations should never have to happen going
10 forward in new construction, given the impending
11 emissions regulations mandated in Local Law 97, along
12 with the mandate specified by the CLCPA, but we need
13 to act now to legislate all new development in New
14 York City be constructed using only renewable energy.
15 I hope that this is the next legislation that the No
16 North Brooklyn Pipeline Coalition will be here to
17 support. Lastly, we support both Intro 142 and Intro
18 143. North Brooklyn has one of the highest asthma
19 rates in the city and currently is being subjected to
20 massive amounts of dust from a plethora of
21 [inaudible] construction projects and we appreciate
22 any amount of oversight and specificity imposed upon
23 these construction sites to limit their impact
24 respecting our health and safety. The need for Intro
25

1
2 143 is unquestioned, given the density of our
3 population and the risks we face from a fire breaking
4 out in any one of the many potentially contaminated
5 sites in Greenpoint. Thank you for giving me the
6 opportunity to speak today.

7 CHAIRPERSON CONSTANTINIDES: Thank you
8 very much.

9 COMMITTEE COUNSEL: Thank you. It seems
10 that we have one more witness, Seth Silverman. Is
11 Seth Silverman available to testify?

12 SETH SILVERMAN: Yes, I am, can you hear
13 me?

14 COMMITTEE COUNSEL: Yes, OK.

15 SERGEANT AT ARMS: Starting time.

16 SETH SILVERMAN: So I'm, I'm testifying
17 in support of 1946 as well, um, and, ah, obviously,
18 ah, interested in the convergence of, of two issues.
19 One, the start, the implementation last year of Local
20 Law 152, which went into effect and requires city
21 buildings, ah, to be inspected for gas leaks once
22 every five years, and the other, um, the advancement
23 of the Climate Mobilization Act with a slew of key
24 priorities for, um, moving, ah, New York City forward
25 in climate responsibility. Um, the, the City Council

1
2 needs to make sure that these converging events, the
3 city's critically important responses to the climate
4 emergency and the gas line inspection and repair
5 requirements don't operate in conflict or in
6 conflicting purposes with one another and do not
7 result in costly missed opportunities. And as a
8 climate and environment professional myself, I came
9 to be aware of this issue when the gas line to my own
10 buildings was switched off in the middle of July of
11 last year. I still don't have, ah, cooking gas in my
12 apartment as the building works through, ah,
13 restoring the gas service. Um, apparently dozens of
14 other buildings in New York City have already had
15 their gas shut off and are facing this issue. My
16 building has 630 units and the building management is
17 under a huge amount of pressure to restore energy
18 services. This is a major capital investment, um,
19 and it will cost buildings across the city millions
20 of dollars and lock them into restoring greenhouse
21 gas emitting energy for cooking and heating, just as
22 the capacity to deliver natural gas into New York
23 City becomes constrained by appropriate limitations
24 on new pipelines. Um, rather than defaulting to
25 regassifying and locking in a climate-polluting

1 future at substantial capital expense, following a
2 Local Law 152 event the city, through the Office of
3 Energy and Emissions Performance, should provide
4 technical assistance, policy supports and
5 incentivizes, and pace financing to help buildings
6 and their owners, managements, and boards transition
7 to cleaner and safer alternatives, and technical
8 assistance must be provided to buildings to ensure
9 that whatever they do following a Local Law 152
10 event, they do it safely and with a better
11 understanding of the hazards of natural gas than most
12 buildings will have. As such, I wholeheartedly
13 support 1946, while encouraging the council to
14 develop it further and include all of these elements,
15 um, that I've just mentioned. At the moment it seems
16 a useful placeholder, but too vague and too limited
17 in scope, um, for the work at hand. Um, support
18 resources to buildings should follow immediately
19 behind [inaudible] event, a city-backed climate
20 improvement SWAT team that takes the challenge and
21 complexity of exploring climate-friendly
22 alternatives, often overburdened and relatively
23 unsophisticated, at least in these matters, building
24 owners, management, and boards, um, should be
25

1 provided. Information must be provided directly to
2 tenants as well, um, or share holds alongside
3 building owners, managers, and boards, and the
4 legislation should require the city through OE to
5 mail every resident in a building, um, affected by a
6 gas shut off a comprehensive description of options
7 that the building manager can consider within seven
8 days of the gas service being shut off. Um,
9 representatives OE should also be made available to
10 the building residents, owners, and management. Um,
11 I also think the City Council should mandate that the
12 Office of Energy and Emissions Performance within the
13 DOB perform a feasibility study of electrification of
14 different classes of buildings to help describe
15 pathways to safer, cleaner energy for buildings
16 whenever gas leak issues are uncovered under Local
17 Law 152. This mandate would mirror local law, ah,
18 2019 099, um, requirement for a feasibility study for
19 replacing natural gas generators in the city with
20 renewable energy and battery storage once every four
21 years. Finally, ah, Local Law 97 currently
22 penalizes, ah, a shift from natural gas for cooking
23 and heating to electricity by charging electricity a
24 higher, ah, tons of carbon dioxide-equivalent per
25

1 kilowatt hour. And, um, the City Council should
2 consider revising, ah, that, um, multiplier as well,
3 particularly given that electricity can be made clean
4 and natural gas cannot. So thanks for addressing
5 this important and emergent issue, and reiterate my
6 support for 1946, and I encourage you to build on it,
7 ah, to advance a more comprehensive and effective
8 response to these convergent concerns. Thank you.

10 COMMITTEE COUNSEL: Thank you so much,
11 Seth Silverman. Ah, Councilman Constantinides, is
12 there anyone else who would like to offer testimony
13 at this time? Ah, and if no one else is, then Costa
14 Constantinides, um, this is on you, closing remarks.

15 CHAIRPERSON CONSTANTINIDES: I want to
16 thank everyone who testified today. Um, I definitely
17 appreciate all of you taking the time, ah, to
18 participate in this hearing, to have your voices
19 heard, and be part of the, so many of these important
20 issues. I want to our staff. Ah, I'll begin with
21 our counsel and our moderator today, ah, the amazing
22 Samara Swanston. Thank you, Samara.

23 COMMITTEE COUNSEL: You're welcome.

24 CHAIRPERSON CONSTANTINIDES: Great work.
25 Ah, I always appreciate you, Samara, thank you.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMITTEE COUNSEL: Thank you.

CHAIRPERSON CONSTANTINIDES: Um, Nadia Johnson and Ricky Charla, our policy analysts. Thank you both for all that you do and all of your great work. Um, you've been silent today, but you're always loud and working hard for us, so thank you. Um, Jonathan Seltzer, our finance analyst, thank you, Jonathan, ah, for your work. Ah, Kirsa Nasir and Megan Chen as well, ah, for helping us get the hearing ready yesterday and today and making sure running smoothly. Of course I want to thank our Sergeant at Arms, ah, for all of your work. I know this is very difficult, ah, via, ah, sort of online. And you guys have done it well today, so thank you. Um, and lastly to our speaker and to all council staff, ah, thank you for your leadership. Um, with that, oh, one person I have to really thank, thank you Council Member Steve Levin, ah, for chairing this hearing and for being a great environmental leader in your right. I appreciate your filling in for me earlier today and it's, it's really good to be part of this hearing. Everyone knows, for those of you who don't know, my, my sort of journey as a long hauler post COVID, um, this is definitely, ah, it's

1
2 good to be back, it's good to be as part of this
3 hearing, ah, and I look forward to continuing the
4 work of this committee. Ah, [inaudible] opportunity,
5 ah, to continue our journey to decarbonize New York
6 City and to continue to fight for renewable energy
7 and for a cleaner, greener city, and never were that
8 was more important than now. So, I definitely look
9 forward to continuing this work and working with
10 everyone who's testified today and with the staff
11 here, and to the administration as well. Ah, thank
12 you for your, ah, partnership. And, ah, with that, I
13 don't have a gavel, but with that I will gavel this
14 committee hearing of the, of the Committee on
15 Environmental Protection closed. [gavel]

16
17
18
19
20
21
22
23
24
25

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 30, 2020