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**The New York City Council**

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**Committee Report of the Infrastructure Division**

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**Committee on Environmental Protection**

Hon. Costa Constantinides, Chair

**February 11, 2021**

**Proposed Int. No. 1592-A:** By Council Members Constantinides, Rosenthal, Brannan, Koslowitz, Kallos, Ayala, Levin, Lander, Chin, Menchaca, Cumbo, Van Bramer, Levine, Reynoso, Rivera, Rodriguez, Powers, Treyger, Adams, Cornegy, Perkins, Koo, Maisel, Cabrera, Rose, Ampry-Samuel, D. Diaz and Dromm

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to the transfer of land, buildings and facilities of Rikers Island to the department of citywide administrative services

**Administrative Code:** Amended by adding a new section 4-215

**Proposed Int. No. 1593-A:** By Council Members Constantinides, Rosenthal, Brannan, Koslowitz, Kallos, Ayala, Levin, Reynoso, Lander, Chin, Menchaca, Koo, Rivera, Powers, Cabrera, Rodriguez, Dromm, Holden, Vallone, Levine, Van Bramer, Yeger, Gjonaj, Perkins, Grodenchik, Treyger, Gibson, Cornegy, Eugene, Barron, Maisel, Cumbo, Rose, Adams, Ampry-Samuel, Moya and Ulrich

**Title:** A Local Law to direct the mayor’s office of long-term planning and sustainability to study the feasibility of different types of renewable energy sources combined with battery storage on Rikers Island.

**Administrative Code:** Amends subdivision d of section 3-126

**Proposed Int. No. 1966-A:** By Council Members Constantinides, Powers, Kallos, Yeger, D. Diaz and Ayala

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to creating a pilot program to test sewage for SARS-CoV-2

**Administrative Code:** Amended by adding a new section 24-531

1. **Introduction**

On February 11, 2021, the Committee on Environmental Protection, chaired by Council Member Costa Constantinides, will hold a hearing on Proposed Int. No. 1592-A, in relation to the transfer of land, buildings and facilities of Rikers Island; Proposed Int. No. 1593-A, in relation to a feasibility study of renewable energy and battery storage on Rikers Island; and Proposed Int. No. 1966-A, in relation to a pilot program to test sewage for SARS-CoV-2.

The Committee previously held a hearing on Proposed Int. No. 1592-A and Proposed Int. No. 1593-A on January 29, 2020 and received testimony from the New York City Mayor’s Office of Sustainability, Mayor’s Office of Resiliency, Department of Environmental Protection, utility companies, decarceration advocates, environmental and climate justice experts and interested members of the public. The Committee previously held a hearing on Proposed Int. No. 1966-A on October 26, 2020 and received testimony from the Department of Environmental Protection and wastewater infrastructure experts. More information about this legislation is available with the materials for these hearings, which can be accessed online at <https://on.nyc.gov/3tC2UhD> and <https://on.nyc.gov/3p3eaA1>.

1. **Proposed Int. No. 1592-A**

Proposed Int. No. 1592-A would establish a process for the transferring of the land, buildings and facilities of Rikers Island from the Department of Correction to the Department of Citywide Administrative Services. In biannual evaluations, any portion not in active use for the housing of persons, or providing of services for such persons, would be so transferred, with the entirety being transferred no later than August 31, 2027. The bill provides examples of some such active uses, which may also have and require attendant operational and management functions that are necessary to safely provide housing for incarcerated persons, and direct services to such persons, on Rikers Island. Additionally, the legislation establishes a Rikers Island Advisory Committee, consisting of relevant commissioners, persons impacted by Rikers, and experts in environmental justice and sustainability, which would evaluate and provide recommendations on potential uses of the island for sustainability and resiliency purposes. Such recommendations may be made at any date after its initial meeting. Additionally, as there is no current specific plan for the future use of Rikers Island and in order to encourage informed deliberation on future possible uses, the bill would require that within three years the advisory committee submit recommendations that include at least three options for prospective uses of Rikers Island that the advisory committee recommends be considered for further study or possible implementation. This local law would take effect immediately.

1. **Proposed Int. No. 1593-A**

 Proposed Int. No. 1593-A would require that a feasibility study be conducted as an appendix to the long-term energy plan, to ascertain whether different types of renewable energy sources, combined with battery storage, are feasible on Rikers Island. The long-term energy plan, as amended by Local Law 99 of the year 2019, was to be completed by December 31, 2021, but this legislation would extend that date to June 30, 2020, in order to incorporate the feasibility study required by this legislation as an appendix to the initial long-term energy plan. This local law would take effect immediately.

1. **Proposed Int. No. 1966-A**

 Proposed Int. No. 1966-A would require the Commissioner of Environmental Protection, in consultation with the Commissioner of Health and Mental Hygiene, to create a pilot program to test the city’s wastewater treatment plants for the presence of SARS-CoV-2, the strain of coronavirus that causes COVID-19, and submit a report with the results of the program. This local law would take effect immediately.

Proposed Int. No. 1592-A

By Council Members Constantinides, Rosenthal, Brannan, Koslowitz, Kallos Ayala, Levin, Lander, Chin, Menchaca, Cumbo, Van Bramer, Levine, Reynoso, Rivera, Rodriguez, Powers, Treyger, Adams, Cornegy, Perkins, Koo, Maisel, Cabrera, Rose, Ampry-Samuel, D. Diaz and Dromm

A LOCAL LAW

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To amend the administrative code of the city of New York, in relation to the transfer of land, buildings and facilities of Rikers Island to the department of citywide administrative services

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Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 4 of the administrative code of the city of New York is amended by adding a new section 4-215 to read as follows:

§ 4-215 Transfer of Rikers Island to the commissioner of citywide administrative services. a. With respect to the location that is known as Rikers Island:

1. By no later than July 1, 2021, and every six months thereafter until charge and control over the entirety of Rikers Island has been transferred pursuant to this section, the mayor shall transfer charge over every portion of Rikers Island that the mayor determines is not in active use for the housing of incarcerated persons, or in active use for the providing of direct services to such persons, such as medical care, training, storage, employment training and services, re-entry services, educational services, visitation, legal services, or administrative hearings, to the charge of the commissioner of citywide administrative services. For the purposes of this paragraph, the use of each building, facility, and structure, as well as the use of every piece of unimproved land greater than 20,000 square feet, shall be evaluated. By no later than August 31, 2027, all portions of Rikers Island shall be fully transferred and under the charge and control of the commissioner of citywide administrative services and shall no longer be used by the department of correction for the housing of incarcerated persons;

2. Upon the transfer of any portion of Rikers Island pursuant to this section, the commissioner of citywide administrative services shall have charge over the portion of land transferred, including all buildings, structures, facilities, and property located thereon, with all of the powers and duties, with respect to such real property, buildings, structures, facilities, and property, as described in chapter 35 of the charter. The commissioner of citywide administrative services shall notify the Rikers Island advisory committee, established pursuant to subdivision b of this section, of each such transfer within 30 days of such transfer;

3. Until the entirety of Rikers Island is transferred to, and under the charge and control of, the commissioner of citywide administrative services, maintenance and operation of any portion of Rikers Island transferred to the charge of the commissioner of citywide administrative services shall be subject to guidelines agreed upon by the departments of correction and citywide administrative services, provided that such guidelines shall not be established or exercised so as to prohibit the commissioner of citywide administrative services’ access to, or the productive use of, portions of Rikers Island under the charge of the commissioner of citywide administrative services;

4. The commissioner of citywide administrative services shall, in communication with the Rikers Island advisory committee, have the authority to plan and coordinate the actions of city agencies with respect to prospective uses of Rikers Island for sustainability and resiliency purposes, including but not limited to renewable energy generation and storage, wastewater treatment, and organic waste processing, provided that such planning shall include consideration of whether the use of existing structures would best contribute to environmental or sustainability goals; and

5. Prior to August 31, 2027 or the date by which Rikers Island is fully transferred pursuant to paragraph 1 of this subdivision, whichever comes first, any portions of Rikers Island still in active use by the department of correction, as described in paragraph 1 of this subdivision, shall remain under the jurisdiction of the commissioner of correction pursuant to section 624 of the charter, and the care, custody and control of persons therein shall remain under the care and management of such commissioner pursuant to section 623 of the charter.

b. Rikers Island advisory committee.

1. There shall be established a Rikers Island advisory committee, which shall consist of 15 members, as follows: the commissioner of citywide administrative services or such commissioner’s designee, the commissioner of environmental protection or such commissioner’s designee, the commissioner of parks and recreation or such commissioner’s designee, the commissioner of sanitation or such commissioner’s designee, the commissioner of buildings or such commissioner’s designee, the director of long-term planning and sustainability or such director’s designee, two members appointed by the mayor, and seven members appointed by the speaker of the council. No less than four of the nine members appointed by the mayor and the speaker of the council shall be persons who have been impacted directly by incarceration on Rikers Island, provided that not less than two of such four members shall be persons who were in custody at a facility on Rikers Island and the remainder of whom may be persons whose immediate family members were in custody at a facility on Rikers Island. No less than three of the nine members appointed by the mayor and the speaker of the council shall be persons with an expertise in environmental justice or sustainability. The nine members appointed by the mayor and speaker of the council should represent the geographic diversity of communities impacted by incarceration on Rikers Island or environmental justice communities. The commissioner of citywide administrative services shall serve as chairperson of the committee. The commissioner of correction, or such commissioner’s designee, may participate as a non-voting member in the meetings of the advisory committee, for the purpose of providing operational information, up to and until August 31, 2027, or the date by which Rikers Island is fully transferred, whichever comes first. Members shall serve without compensation.

2. No later than 180 days after the effective date of this subdivision, the Rikers Island advisory committee shall hold its initial meeting, and thereafter shall meet at least quarterly, to evaluate and make recommendations regarding prospective uses of Rikers Island, both with regard to those portions of Rikers Island transferred to the commissioner of citywide administrative services pursuant to paragraph 1 of subdivision a of this section and with regard to the entirety of Rikers Island, for sustainability and resiliency purposes, including but not limited to renewable energy, wastewater treatment, organics removal, organic waste processing, and other purposes conforming to section 24-803 of this code. Such evaluations shall consider the potentially beneficial uses of existing buildings, structures, and facilities.

3. The advisory committee may make recommendations on prospective uses to the mayor and the speaker of the council at any time after the date of its initial meeting. Additionally, no later than three years after the date of its initial meeting, the advisory committee shall submit recommendations to the mayor and the speaker of the council regarding prospective uses of Rikers Island that shall include no less than three options that the committee recommends be considered for further study or possible implementation.

§ 2. This local law takes effect immediately.

SS/NKA

LS # 10154

2/3/21

Proposed ..Title

Int. No. 1593-A

By Council Members Constantinides, Rosenthal, Brannan, Koslowitz, Kallos, Ayala, Levin, Reynoso, Lander, Chin, Menchaca, Koo, Rivera, Powers, Cabrera, Rodriguez, Dromm, Holden, Vallone, Levine, Van Bramer, Yeger, Gjonaj, Perkins, Grodenchik, Treyger, Gibson, Cornegy, Eugene, Barron, Maisel, Cumbo, Rose, Adams, Ampry-Samuel, Moya and Ulrich

A Local Law to direct the mayor’s office of long-term planning and sustainability to study the feasibility of different types of renewable energy sources combined with battery storage on Rikers Island.

Be it enacted by the Council as follows:

Section 1. The opening paragraph of subdivision d of section 3-126 of the administrative code of the city of New York, as amended by local law number 99 for the year 2019, is amended to read as follows:

d. The administering agency shall submit to the mayor and the speaker of the council, and make publicly available online, a long-term energy plan, in conjunction with the plan developed in accordance with subdivision e of section 20 of the New York city charter. Such plan must be completed by [December 31, 2021] June 30, 2022, and shall be updated every four years thereafter. The advisory subcommittee established by this section shall provide, as needed, advice and recommendations with respect to the development of such plan, which shall include, but not be limited to:

§ 2. Subdivision g of section 3-126 of the administrative code of the city of New York, as added by local law number 99 for the year 2019, is amended to read as follows:

g. The long-term energy plan developed in accordance with subdivision d of this section shall include the following:

1. An assessment of the feasibility of replacing in-city gas-fired power plants associated with the bulk power system with battery storage powered by renewable energy sources in a manner that is consistent with the New York state public service commission energy storage deployment policy developed pursuant to section 74 of the public service law;

2. An assessment of when such replacement, if feasible, can take place; [and]

3. A review of potential technologies for battery storage of energy. This local law takes effect immediately upon enactment and expires and is deemed repealed after the submission of the report due; and

4. In an appendix included only in the initial plan required to be completed by June 30, 2022, an assessment of the feasibility of constructing renewable energy sources combined with battery storage facilities on Rikers Island, including an evaluation of economic costs, value, rate of return, sustainability, and any additional considerations relevant to such assessment. The Rikers Island advisory committee established pursuant to subdivision b of section 4-215 of this code may submit recommendations regarding such assessment to the administering agency.

§ 3. This local law takes effect immediately.

SS

LS # 10,848

2/3/2021

9:27pm

Proposed Int. No. 1966-A

By Council Members Constantinides, Powers, Kallos, Yeger, D. Diaz and Ayala

A Local Law to amend the administrative code of the city of New York, in relation to creating a pilot program to test sewage for SARS-CoV-2

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-531 to read as follows:

§ 24-531 Wastewater testing program. a. Definitions. For the purposes of this section, the following terms have the following meanings:

PCR using N1 Primer. The term “PCR using N1 Primer” means the measurement of the copies of the targeted viral RNA segment in a wastewater sample using a polymerase chain reaction based method.

SARS-CoV-2. The term “SARS-CoV-2” means severe acute respiratory syndrome coronavirus 2, which is the strain of coronavirus that causes the disease COVID-19.

Wastewater-based epidemiology. The term “wastewater-based epidemiology” means the chemical analysis of pollutants, viruses and biomarkers in raw wastewater to obtain qualitative and quantitative data on disease activity among inhabitants within a given wastewater catchment.

b. The commissioner, in consultation with the commissioner of health and mental hygiene, shall establish a pilot sampling program to quantify the levels of SARS-CoV-2 RNA in sewage at each city wastewater treatment plant in accordance with this section. Such sampling program shall occur on a frequency of no less than twice per week and shall include, but not be limited to, the measurement of the number of copies of SARS-CoV-2 RNA through the PCR using N1 Primer testing method or another testing method that reflects industry best practices.

c. The duration of such pilot sampling program shall be no less than six months and the commissioner, in consultation with the commissioner of health and mental hygiene, shall collect sewage samples in an amount necessary to measure the copies of SARS-CoV-2 RNA.

d. No later than January 31, 2022, the commissioner shall submit to the mayor and speaker of the council a report, which shall include, but not be limited to the following:

1. Results of sampling, disaggregated by the site where the sample was collected, date sample was collected, and date sample was tested, in order to monitor the leading indicators of increases or decreases in COVID-19 presence in each drainage area throughout the study;

2. The total cost of such pilot program;

3. Analysis of the effectiveness of the pilot program in testing for SARS-CoV-2;

4. Recommendations to expand the pilot program to include sampling at manhole sites and pumping stations if wastewater-based epidemiology detects SARS-CoV-2 in an amount, as determined by the commissioner of health and mental hygiene, that indicates a localized concentration of COVID-19;

5. Recommendations to extend the pilot program for up to an additional six months if more testing is necessary, as determined by the commissioner, in consultation with the commissioner of health and mental hygiene;

6. A plan for weekly testing at each city wastewater treatment plant if the commissioner of health and mental hygiene or state commissioner of health declares that the incidence of SARS-CoV-2 is appropriate for such action or if the centers for disease control and prevention issues a SARS-CoV-2 pandemic declaration;

7. Recommendations to use a sequencing testing method other than PCR using N1 Primer to test samples, if the commissioner determines that such additional testing method is beneficial; and

8. Recommendations for making the pilot program permanent.

e. The information required by paragraph 1 of subdivision d of this section shall be maintained on the website of the city.

§ 2. This local law takes effect immediately.

JSA/SS/NKA

LS #14610

2/3/2021 9:32pm