

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL
PROTECTION JOINTLY WITH
COMMITTEE ON RESILIENCY AND
WATERFRONTS AND COMMITTEE ON PARKS
AND RECREATION

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October 20, 2021
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HELD AT: Remote Hearing (Virtual Room 4)

B E F O R E: James Gennaro
CHAIRPERSON - ENVIRONEMTNAL PROTECTION

Justin Brannan
CHAIRPERSON - RESILIENCY & WATERFRONTS

Peter Koo
CHAIRPERSON - PARKS & RECREATION

COUNCIL MEMBERS:
Eric A. Ulrich
Stephen T. Levin
Darma V. Diaz
Carlos Menchaca
Ruben Diaz, Sr.
Deborah Rose
Carlina Rivera
Mark Levine
Eric Dinowitz
Kevin Riley

Mark Gjonaj
Fernando Cabrera
Francisco Moya
Jimmy Van Bramer
Robert F. Holden
Selvena N. Brooks-Powers
Joseph C. Borelli

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

Vincent Sapienza, Commissioner
Department of Environmental Protection (DEP)

Jainey Bavishi, Director
Mayor's Office of Climate Resiliency (MOCR)

Angela Licata, Deputy Commissioner
Department of Environmental Protection (DEP)

William Kavanaugh, First Deputy Commissioner
Department of Parks and Recreation

Jennifer Greenfeld, Assistant Commissioner for
Forestry, Horticulture, and Natural Resources
Department of Parks and Recreation

Merritt Larson, Chief of Natural Resources
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Donovan Finn, Assistant Professor of
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Tyler Taba, Fellow
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Carlos Castel Croke, Associate for New York City
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Michael Delong, Senior Attorney
Hudson River Keeper

Paul Mankiewicz, Chair
Soil and Water Conservation District

Joseph Charap, Director of Horticulture
Greenwood Cemetery

Joel Kupferman, New York City Resident

Sean Hirschhorn, Plumber
Goldner Plumbing

Ezra Schwartz, New York City Resident

Mark Schwartz, New Jersey Deputy Mayor

Herschel Weiss, Plumber
Ashokan Water

Linda Cohen, Member
Coalition for Wetlands and Forests

Gabriella Velardi Ward, Coordinator
Coalition for Wetlands and Forests

Amy Motzny, Watershed Senior Planner
Gowanus Canal Conservancy

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2 SERGEANT-AT-ARMS: We're live.

3 SERGEANT-AT-ARMS: Thank you and good
4 afternoon. Will sergeants please start their
5 recordings?

6 SERGEANT-AT-ARMS: PC recording done.

7 SERGEANT-AT-ARMS: Recording to the cloud
8 all set and good afternoon and welcome to today's
9 remote New York City Council hearing of the Committee
10 on Parks and Recreation jointly with the Committee on
11 Resiliency and Waterfronts and the Committee on
12 Environmental Protection. At this time, would all
13 Council members and Council staff please turn on
14 their video? To minimize disruption, please place
15 electronic devices on vibrate or silent mode. If you
16 wish to submit testimony, you may do so at
17 testimony@Council.NYC.gov. Once again, that is
18 testimony@Council.NYC.gov. Thank you for your
19 cooperation. We are ready to begin.

20 CHAIRPERSON GENNARO: Thank you,
21 Sergeant. Can I be heard? Am I coming through
22 okay?

23 SERGEANT-AT-ARMS: Yep. All good.

24 CHAIRPERSON GENNARO: Thank you very
25 much. Good afternoon. My name is Jim Gennaro, Chair

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4 of the Committee on Environmental Protection. Today,
5 we'll be holding an oversight hearing on green
6 infrastructure, urban flooding, and combined sewer
7 overflows. We also will hear seven bills that we
8 will consider. It is a pleasure to be joined by
9 Chair Brannan and Chair Koo. Also, it's always a
10 pleasure to be joined by the Public Advocate and all
11 the members of the respective committees and all
12 Council members that may be joining this hearing, at
13 the end of my statement, I will recognize the members
14 of my committee that are here. I'll let the
15 subsequent Chairs do that for their committees.

16 Okay. New York City faces a host of challenges to
17 public safety and infrastructure directly related to
18 the climate crisis. The National Oceanic and
19 Atmospheric Administration, or NOAA, has found that
20 the rates of sea level rise on the eastern gulf coast
21 of the US are among the fast seen anywhere in the
22 world. The Union of Concerned Scientists estimates
23 that by 2045, 42,000 New Yorkers living in 15,500
24 homes at an approximately 8.5 million dollars will be
25 at increased risk of chronic flooding. In the
future, global warming is thought to intensify storms
such that ones that might have occurred once in 20

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2 years may occur as frequently and every few years.

3 The most recent IPCC report-- that's the

4 International Panel of Climate Change-- report found

5 that the world is already two degrees Fahrenheit

6 warmer than in 1850 to 1900 and is still warming at

7 an unprecedented rate. The many influences on the

8 climate are, quote, making extreme weather and

9 climate events like heat waves, heavy rain, and

10 droughts more frequent and severe, putting more

11 people, property, and natural resources in harms way,

12 closed quote. IPCC report concluded that, until

13 global net zero emissions of greenhouse gases is

14 reached, it will be impossible to limit warming to

15 any temperature threshold. In the interim, severe

16 weather events are only continued to increase in

17 frequency-- it just means we have to get busy with

18 what we have to do to protect the city. Since

19 Superstorm Sandy of 2012, the city has learned

20 numerous difficult lessons. In many ways, the severe

21 weather can threaten the infrastructure that all New

22 Yorkers rely on. It will also [inaudible 00:03:54]

23 the limitations of overly targeted approaches to

24 resiliency intervention. Ida brough widespread

25 flooding [inaudible 00:04:01] of the city, however,

1 areas such as the Gowanus Canal of Brooklyn and
2 Hamilton Beach in Queens generally have a lot of
3 flooding from coastal events, did not flood.
4 Instead, flooding caused by intense rainfall occurred
5 throughout the city while [inaudible 00:04:16]
6 services that limit the natural infiltration of water
7 from the ground made a bad situation worse. The
8 barriers and coastal defenses built to protect
9 against costal storm surges, but will not protect
10 against the flooding by having rainfall events. It
11 is vital that our approach to resiliency
12 infrastructure acknowledges the city is a complex
13 system better served by a comprehensive plan than by
14 piece meal interventions. That said, I am one of
15 those that thinks that, you know, storm surge
16 barriers should get more of a thorough look than
17 they've gotten by certainly [inaudible 00:04:54] of a
18 comprehensive plan. I thank my colleague, Justin
19 Brannan, who passed his recent bill, you know, for
20 the production of such comprehensive resiliency
21 planning that we passed last stated meeting. New
22 York has more 6500 miles of sewage infrastructure and
23 chronic issue with poor maintenance and upkeep of the
24 catch basins across the city. While the New York
25

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4 City DEP has increased in proactive maintenance of
5 catch basins and sewage infrastructure, it operates a
6 system pursuant to the state DEC [inaudible 00:05:34]
7 permit which mandates that the system be properly
8 operated and maintained in accordance with the terms
9 of the permit. If the system is not properly
10 maintained, people are exposed to sewage backups in
11 basements, streets, and yards. The average age of
12 the sewage infrastructure in the city is 91 years old
13 and many parts of the sewage infrastructure are not
14 fully built out or even fully funded. We made a case
15 of this in the last hearing where there were parts of
16 southeast Queens that don't have any, you know, storm
17 sewer capacity at all. I know that, due to recent
18 budgets, we worked a lot with DEP to make sure that
19 we moved that forward, but, you know, we're having
20 [inaudible 00:06:15] a time when not all of the city
21 even has storm flooding. And that is a sad
22 statement. According to the EPA, the sewer system
23 was not properly maintained by the EPA did, finding
24 that New York City had an excessive number of sewage
25 backups. Between 2011 to 2015, more than 17,000 had
numerous instances of repeat backups in the same
locations due to capacity issues, in addition to

1 backups related to inadequate maintenance. You know,
2 that is what the EPA said. As a result, the EPA
3 issued an administrative compliance order pursuant to
4 the Clean Water Act making the allegation that the
5 DEO violated the Clean Water Act by having failed to
6 apply to operation and maintenance terms and
7 condition of the four P permits that it held. We're
8 sure that they will give us an update on where they
9 are on that front with compliance with the EPA order.
10 Now, surprisingly, it is often communities of color
11 that all too often bear the brunt of this neglect.
12 According to Eddie Bautista, executive director of
13 the New York City Environmental Justice Alliance, the
14 city's largest combined sewer overflow outlets are
15 located in communities of color. During Tropical
16 Storm Ida, 11 of 13 lives lost in New York City were
17 residents in basement apartments who drowned when
18 their homes flooded. These apartments are often the
19 most accessible option for new immigrants and low
20 income New Yorkers due to their lower cost and less
21 stringent tenant vetting procedures or when they are
22 in the neighborhoods with inadequate or improperly
23 maintained sewage infrastructure. The consequences,
24 as we've seen have been tragic. These recent events
25

4 are a stark reminder that such disasters are not,
5 quote, natural. According to one of our advocates,
6 they are a function of a system that fails to protect
7 everyone equally. You know, that is the assertion.
8 We will talk more about that today.

9 Today, we are hearing legislation-- so
10 that's kind of the oversight topic and now I'm going
11 to talk about the bills a little bit. Today, we are
12 hearing legislation that intends to expand on the
13 work the city has done to make sure the city is more
14 resilient, able to better monitor our infrastructure
15 and improve our city response to the coming climate
16 changes. I would like to thank the terrific
17 committee staff who have done such great work over
18 the years, counsel to the committee, Samara Swanson.
19 She goes back many years with me when I was chair
20 previously. Policy analyst, Nadia Johns, Ricky
21 Challa [sp?], and financial analyst, Johnathan
22 Seltzer. And, finally, my legislative director and
23 counsel, Nabi Kara [sp?] for all of their hard work.
24 Now, in terms of recognizing members on my committee,
25 I know I saw Council member Darma Diaz. Am I still
coming through okay? It says I'm not allowed to

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2 unmute myself. I'm still coming through, sergeant?

3 You can hear me? Okay.

4 SERGEANT-AT-ARMS: We can hear you.

5 CHAIRPERSON GENNARO: Okay. I saw
6 Council member Darma Diaz. I see Council member
7 Menchaca and let me just make reference to the other
8 members of the committee. I can't see if they are
9 here or not. But Council member Levin and Council
10 member Ulrich. And so, I'm going to recognize the
11 next chair, but just in the way the, you know,
12 hearing's going to go, overall, you know, the Chairs
13 will have the ability to pose their questions on the
14 oversight topic. Those that are the office of the
15 bills that are on today will be given some, you know,
16 latitude to ask questions longer than the five
17 minutes that is normally allowed for people to ask
18 questions. I think that's only fair. Also, I'm
19 going to try to do what I can to get the Public
20 Advocate in, you know, pretty early to ask question
21 on his bill that he has on the docket here out of
22 respect for his valuable time. If, you know, we can
23 go that-- I hope we can do that without any
24 objections. And with that said, I'd like to turn it

25

1
2 over to, you know, Chair Brannan, to make his opening
3 statement.

4 CHAIRPERSON BRANNAN: Thank you, Chair
5 Gennaro. Appreciate that. I will get moving on
6 this. I know we have a very busy agenda today. Good
7 afternoon. My name is Justin Brannan. I have the
8 privilege of Chairing the Committee on Resiliency and
9 Waterfronts. I join Chair Gennaro and Chair Koo in
10 welcoming you to today's joint hearing and I also
11 want to extend my thanks to them for holding this
12 hearing today. Flooding is not a new phenomenon and
13 it affects all New Yorkers, not just those that live
14 near the water. When Tropical Storm Elsa hit the
15 city in July, more than five inches of rain fell in
16 just a few hours, areas of Upper Manhattan and the
17 West Bronx experienced significant flooding. It
18 wasn't because of storm surge. It was because heavy
19 rains overwhelmed the city's sewers and drainage
20 systems. The water had nowhere to go and this
21 problem will continue to get worse. According to the
22 city's May 2021 Stormwater Resiliency Plan. The city
23 is expected to experience 25 percent more rainfall by
24 the end of this century. The city has aptly been
25 nicknamed "the concrete jungle". More than 70

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1 percent of the city is made up of hard surfaces like
2 concrete and asphalt-- surfaces that prevent water
3 from natural infiltration into the ground. With
4 extreme weather events becoming more frequent and
5 severe because of climate change, we need to act
6 faster to make our concrete jungle green again.

7 Green infrastructure which includes rain gardens, bio
8 swells, green roofs, permeable pavement, urban tree
9 canopies, and green streets are proven techniques
10 that help absorb and filter runoff, flood waters, and
11 heavy rain. The city released a green infrastructure
12 plan in 2010. Since then, more than 11,000 curbside
13 rain gardens and over 70 blue belts have been
14 constructed. The city even partnered with
15 Copenhagen, Denmark to learn how the Danish deal with
16 flooding from cloudbursts. We need to continue to be
17 creative in designing green spaces and creating
18 sponge areas-- like turning playgrounds and parking
19 lots into huge sponges that can absorb, filter, and
20 hold water so that surrounding areas do not flood.
21 We look forward to hearing from the administration
22 today about which projects have been implemented,
23 what is planned, and what more can be done to manage
24 stormwater. Today, we will hear several pieces of
25

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2 legislation. Intro 67, sponsored by me, would make
3 the city liable to homeowners for claims filed
4 against the city if capacity-related sewer backup
5 cause water damage on loss to their homes. It would
6 also require the city to develop a sewer backup
7 mitigation plan, which is long, long overdue. A pre-
8 considered intro, sponsored by me and Chair Gennaro,
9 would help people install backwater valves which
10 prevent water or waste from backing up during rain
11 events and flooding homes or businesses. This bill
12 would require DEP to establish a program that
13 provides financial assistance to reduce the cost of
14 purchasing and installing backwater valves. Such a
15 program would make it easier for people to purchase
16 and install these devices to protect their homes.
17 After the severe flooding from Tropical Storms Henri
18 and Ida, such devices should be readily accessible
19 and affordable for property owners. We will also
20 hear my bill, Intro 2168, which would require the DEP
21 to create a water meter database. Anyone who
22 registers and pays a periodic subscription fee would
23 be able to access information about water meters.
24 Such a database would provide much needed
25 transparency and openness. As I've said, countless

1 times, the climate crisis is here. Parts of this
2 city regularly flood after rainstorms. We wade
3 through ponds in our streets and sidewalks because
4 there is too much concrete and hard surfaces and not
5 enough green scaping and infrastructure. Unless we
6 ensure that plants, green spaces, and pervious
7 surfaces are just as prevalent as hardscape surfaces,
8 the rain will continue to turn streets into rivers
9 and flood subways, homes, and businesses. I look
10 forward to hearing from the Mayors Office of Climate
11 Resiliency, DEP, and the Parks Department during
12 today's hearing. Before we move further, I want to
13 thank my committee staff. Of course, the amazing
14 committee counsel, Jessica Steinberg Alvin, policy
15 analyst, Patrick Muldahill [sp?], senior finance
16 analyst, Johnathan Seltzer, my chief of staff, Chris
17 McCrite, my senior advisor, Johnathan Yetta [sp?],
18 and, of course, my legislative director, Michael
19 Sheldon, as well as all the staff from the
20 Environmental and Parks Committees for all their hard
21 work in getting this important hearing together.
22 With that, I'll turn it back over to Chair Gennaro.

24 CHAIRPERSON GENNARO: Thank you, Chair
25 Brannan. [inaudible 00:15:49] we have on today and

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4 the one that we did together on the backflow devices
5 and I would like to bring on Council member Koo for
6 his opening statement. Council member Koo. Or Chair
7 Koo.

8 CHAIRPERSON KOO: Thank you. Good
9 afternoon. I'm Peter Koo, Chair of the Committee on
10 Parks and Recreation. I would like to thank my
11 fellow co-chairs, Council members Gennaro and
12 Brannan, for agreeing to hold this joint hearing.
13 The climate crisis is here and it's effects threaten
14 the wellbeing of all New Yorkers. One of the more
15 immediate effects, which has been particularly
16 damaging in the city this year is flooding. This
17 flooding events, including the Hurricane Ida
18 remnants, were rain events that laid bare the
19 inadequacy of city's infrastructure to handle massive
20 rain events. Areas of the city that have never seen
21 significant flooding before were suddenly underwater
22 leading to the loss of life and property. My fellow
23 co-chairs have already discussed the details
24 regarding how impactful excessive flooding will be
25 for our city. But the severity of this threat cannot
be overstated. We are clearly more prepared for what
the future will bring us when it comes to flooding

1 events. This is personal to me as I witnessed the
2 struggle of so many in my district who have lost
3 their lives and others, their lives turned upside
4 down. But our neighborhood, nestled in Cassena Park,
5 in my district was so severely flooded that three
6 people, sadly, lost their lives and 85 homes
7 [inaudible 00:18:11] led this to become the new
8 normal. Despite these tragedies, there is still time
9 to prepare and adapt our infrastructure to better
10 [inaudible 00:18:28] to come away in the future.
11 Expanding green infrastructure the way we can go
12 about doing this and upgrade our infrastructure in a
13 way that also improves the city's environment
14 overall. As Parks Committee Chair, it's [inaudible
15 00:18:57] green infrastructure throughout the city.
16 The city's parks, playgrounds, and other green space
17 can all be adapted to extend stormwater capturing
18 features such as through the use of extending the
19 Green Streets program, building more rain gardens,
20 especially in areas that are starved for green space,
21 [inaudible 00:19:31] features to their surrounding
22 neighborhoods through the Parks Without Borders
23 initiative, building more playgrounds with green
24 features, converting new or abandoned land into green
25

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4 space, and, of course, maintaining and expanding the
5 city's tree stocks. [inaudible 00:20:01] mentioned,
6 we will also consider numerous pieces of legislation
7 at today's hearing. But I want to call attention to
8 a bill I sponsored, Intro 1618, which will help us to
9 better understand the harmful nature of combined
10 sewer overflows and stormwater [inaudible 00:20:29].
11 Specifically, this bill will require DEP every year
12 to study and report on the presence of contaminants
13 from CSO's in the city's waterways, as well as DEP's
14 progress to work milestones noted in the sewer
15 overflow modern control plan. It will also require
16 DEO to develop an integrated watershed management
17 plan. For each waterway, there is the subject of
18 CSO's control plan and will require the commissioner
19 on receiving updates on the findings and analysis, as
20 well as to provide additional advice. Intro 1618
21 will also require DEP to publish a report identifying
22 opportunities to develop green infrastructure on the
23 public and private lens and structures [inaudible
24 00:21:40] that drain to each respective waterway.
25 The report will also evaluate the effectiveness of
DEP's [inaudible 00:21:52] for reducing the volume
and establish a method to be used by the Department

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4 to track CSO's and stormwater pollution reductions,
5 achieved from any new implemented standards. Lastly,
6 the DEP commissioner signed the reports and allows a
7 public comment period before finalizing any plans or
8 recommendations. I think this bill will establish a
9 way for the city to better understand and limit the
10 [inaudible 00:22:33] of CSO's for the long term and I
11 look forward to discussing it and all other bills
12 today. Thank you to all who have joined today to
13 participate in this hearing. We are also joined in
14 our committee by members of-- Council member
15 Brannan, [inaudible 00:22:56] Diaz, Dinowitz, Council
16 member Holden, Brooks-Powers, and Borelli. And also
17 we have Council member Levine and Council member
18 Cabrera, and Moya. And Council member-- and some of
19 our members maybe cross over to other committees.
20 Thank you.

21 CHAIRPERSON GENNARO: Thank you, Chair
22 Koo. I want to make sure I'm still coming in okay,
23 sergeants? You got me okay?

24 SERGEANT-AT-ARMS: Yep. We still got you.

25 CHAIRPERSON GENNARO: Okay. Thank you
very much. And thank you, Chair Koo. Before I, you
know, bring on the administration, I just want to

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4 make sure that everyone has been recognized. I am
5 not sure if Chair Koo got everybody, but we go
6 around, I see Council member Riley. I hope these are
7 not duplicative. I see Council member Brooks-Powers
8 and Council member Cabrera. Council member Dinowitz
9 who maybe was already called. Council member Rose.
10 Council member Salamanca. Council member Van Bramer.
11 I think that's everyone. Is there any Council member
12 on that has not been recognized? I see Council
13 member Darma Diaz. I think that's everybody. And I
14 think what I want to do in terms of process, it's
15 always very complicated when there's so many Chairs
16 and so many bill and outside bills and a big
17 oversight topic and a lot of members that want to ask
18 questions regarding their bill or the oversight topic
19 and, as this thing is rolling out, I'm just trying to
20 put together in my mind how you would do this. And I
21 think what we'll do and I'm sort of having this
22 conversation with Chair Brannan and Chair Koo. I
23 think what we will do is bring on the administration,
24 get their testimony and then I will ask some
25 questions. I'll keep them pretty brief. I will
probably just relegate my questions to the oversight
topic because I think I want to make sure that people

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4 who have bills and get to ask questions about their
5 bills without me going on and on about them and then
6 we will, you know, bring on, you know, Chair Brannan.
7 You will ask whatever he wants to as on in then we
8 will do the same with Council member Koo and then I
9 say I propose to Chair Brannan and to Chair Koo that
10 we just bring on Public Advocate Williams after the
11 three of us get to argue and do our thing. He can do
12 his thing Intro 845. I'm sure you will be economical
13 in his questions because he knows that other members
14 are waiting and then we will get into other members.
15 Does that sound like a strategy for you, Justin, and
16 for you, Peter? Is that good?

17 CHAIRPERSON KOO: That's good.

18 CHAIRPERSON BRANNAN: Let's do it.

19 CHAIRPERSON KOO: Okay.

20 CHAIRPERSON GENNARO: That sounds good?

21 Okay. Very good. And with that, we will-- Okay.
22 Thank you, Chair Koo. And with that, we will bring
23 on the administration in whatever order they wish to
24 testify. Somebody will swear them in. It says my
25 internet connection is unstable. I hope people can
still here me. Now it's not saying that, so maybe
I'm fine. So we will have whatever counsel is going

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4 to step up and swear in the administration and then
5 the administration in whatever order they wish to
6 proceed can give their testimony. Okay? So I will
7 call upon the committee counsel to get that going.

8 COMMITTEE COUNSEL: Thank you, Chair
9 Gennaro. I'll just run through a few of our routine
10 procedural items and, of course, you and the co-
11 Chairs are welcome to alter it as the hearing goes,
12 but I will just go through our typical procedures, as
13 the Chair mentioned. Good afternoon. Thank you,
14 Chair Gennaro. I'm Christ Sartori, senior counsel to
15 the Committee on Parks and Recreation and I'll be
16 moderating this hearing. Before we begin, I'd like
17 to remind everyone that you'll be on mute until you
18 are called on to testify, at which point you'll be
19 unmuted by the host. During the hearing, I'll be
20 calling on panelists to testify, so please listen for
21 your name to be called, as I'll periodically be
22 announcing who the next panelist will be. We will
23 first be hearing testimony from the administration
24 followed by testimony from members of the public.
25 During the hearing, if Council members would like to
ask a question of the administration or of a specific
panelist, please use the zoom raise hand function and

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4 I will call on you in order. We will be generally
5 limiting Council member questions to five minutes
6 which includes the time it takes to answer those
7 questions. For members of the public, we will be
8 limiting speaking time to three minutes in order to
9 accommodate all who wish to speak today. Once you
10 are called on to testify, please begin by sending
11 your name and the organization you represent, if any.

12 As Chair Gennaro mentioned, we will now call on
13 representatives of the administration to testify.

14 So, appearing today for the administration will be
15 Vincent Sapienza, Commissioner of the Department of
16 Environmental Protection, Janie Bavishi, Director of
17 the Mayor's Office of Climate Resiliency, Angela
18 Licata, Deputy Commissioner of the Department of
19 Environmental Protection, William Kavanaugh, First
20 Deputy Commissioner of the Department of Parks and
21 Recreation, Jennifer Greenfeld, Assistant
22 Commissioner for Forestry, Horticulture, and Natural
23 Resources of the Department of Parks and Recreation,
24 Merritt Larson, Chief of Natural Resources,
25 Department of Parks and Recreation. At this time,
I'll administer the affirmation to each
representative. I'll call on each of you

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2 individually for a response. At this time, please
3 raise your right hands. Thank you. Do you affirm to
4 tell the truth, the whole truth, and nothing but the
5 truth before these committees and to respond honestly
6 to Council member questions? Commissioner Sapienza?

7 COMMISSIONER SAPIENZA: I do.

8 COMMITTEE COUNSEL: Thank you.

9 Director Bavishi?

10 DIRECTOR BAVISHI: Yes. I do.

11 COMMITTEE COUNSEL: Thank you. Deputy

12 Commissioner Licata?

13 DEPUTY COMMISSIONER LICATA: I do.

14 COMMITTEE COUNSEL: Thank you. First

15 Deputy Commissioner Kavanaugh?

16 FIRST DEPUTY COMMISSIONER KAVANAUGH: Yes.

17 COMMITTEE COUNSEL: Thank you.

18 Assistant Commissioner Greenfeld?

19 ASSISTANT COMMISSIONER GREENFELD: I

20 do.

21 COMMITTEE COUNSEL: Thank you. And

22 Chief Larson?

23 CHIEF LARSON: I do.

24 COMMITTEE COUNSEL: Thank you. At this

25 time, I will now invite Director Bavishi and

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4 Commissioner Sapienza to present their testimony.

5 Thank you.

6 DIRECTOR BAVISHI: Good afternoon. I am
7 Jainey Bavishi, Director of the Mayor's Office of
8 Climate Resiliency. I would like to thank Chairs
9 Gennaro, Brannan, and Koo for the opportunity to
10 testify today. I would also like to acknowledge my
11 colleagues from the Department of Environmental
12 Protection in Parks and Recreation who will join me
13 in responding to your questions today. As you know,
14 the Mayors Office of Climate Resiliency is
15 responsible for ensuring that New York City used
16 prepared to understand emerged stronger from the
17 impacts of climate change. Our role is to lead the
18 city's strategic direction and planning to prepare
19 for extreme events and the chronic impacts of climate
20 change and coordinate with agencies to implement this
21 work. Within our citywide resiliency portfolio, the
22 city is preparing to adopt to variety of climate
23 hazards. Our climate adaptation strategy takes a
24 multilayered approach focusing on establishing
25 multiple lines of defense and different scales across
the city to risk bond to the multiple hazards.
Things to Chair Brannan and council's leadership on

1 Intro 1620 this month, we also look forward to
2 providing a climate adaptation plan in 2022 that
3 evaluates the impact of the various climate hazards
4 that New York City faces, incorporates the latest
5 findings and climate science, and articulates and
6 builds consensus around a climate adaptation
7 strategy. This owes a significant step forward that
8 will ensure continuous, strategic, and transparent
9 leadership that helps the city become even more
10 resilient to the threats caused by climate change.
11 In the immediate aftermath of hurricane Ida, the
12 Mayor launched the Extreme Weather Task force,
13 bringing together every Deputy Mayor and over a dozen
14 city agencies and mayors offices to outline immediate
15 and long-term actions that the city will take to
16 protect New Yorkers from future intense precipitation
17 events. The resulting report, The New Normal:
18 Combating Storm Related Extreme Weather in New York
19 City, lays out 2.1 billion dollars in new funding
20 that the Department of Environmental Protection for
21 Capital Projects and ad additional 238 million in
22 accelerated funding for crucial DEP projects.
23 Additionally, it outlines 400 million dollars in new
24 funding for other priority capital projects among key
25

1 agencies, including the Parks Department, Department
2 of Transportation, NYCHA, and the School Construction
3 Authority, as well as 25 million dollars in expense
4 funding for fiscal year 2022. These funds are
5 critical for mitigating stormwater flooding and
6 funding programs, science-based tools, and resilience
7 capacity. We are also actively advocating for
8 additional funds for the state and federal
9 governments to further strengthen this work. The new
10 normal includes a holistic set of resiliency
11 commitments to address extreme weather, spanning
12 multiple sectors including infrastructure, residents
13 and businesses, and science and data. The
14 infrastructure commitments is the new normal are
15 innovative and accelerate solutions that were
16 outlined in the city's Stormwater Resiliency Plan
17 that was released earlier this year. The commitments
18 also reflect a focus on both gray and green
19 solutions. The city is developing and will implement
20 where feasible and new drainage standard informed by
21 projected future rainfall data. We're also mincing
22 innovative cloudburst solutions. These are projects
23 which are designed for heavy downpours that transform
24 open space and streetscapes to absorb water where
25

possible and store excess water safely until the event passes to take pressure off the sewer system. The city has committed to developing a framework to transparently select priority neighborhoods for cloudburst projects, considering both indicators of physical risk, such as topography, subsurface conditions, land use, and recent, client and damages data and socioeconomic factors including income, demographics, and a size to existing green space. Four cloudburst projects will begin work next year while the city pursues state and federal funding to implement additional projects. In addition, we are implementing the East Harlem Cloudburst Resiliency Project, a project that was identified in the vision plan for Resilient East Harlem in 2020. We are also expanding NYCHA's green infrastructure program to seven new sites, adding new green infrastructure in parks for stormwater management, and developing 20 new stormwater management playground with the trust for public land. Finally, we are implementing three priority projects in the New York City wetlands management framework in the Bronx and Queens and daylighting Tibbetts Brook in the Bronx. For residents and businesses, the city is committed to

1 expanding Flood Help NY to inland areas and
2 restarting home resiliency audits and financial
3 counseling to one to four family buildings and
4 vulnerable multi-family buildings. These proven
5 services were previously only available to certain
6 Sandy affected areas. We will also be investigating
7 the impacts of extreme weather on the city's housing
8 stock and social infrastructure, reviewing electrical
9 plumbing and zoning codes for the opportunity to
10 address intense rain and costal flooding and
11 expanding the SBS small business preparedness and
12 resiliency program to over 1000 businesses.
13 Additionally, the city was recently awarded funds by
14 FEMA to conduct a backwater valve study to determine
15 exactly where backwater valves will be affective.
16 The results of this study, which we hope to complete
17 next summer, will inform the scale of the city's
18 installation program areas of prioritization, and
19 direct community outreach by clearly delineating what
20 types of buildings and location would most benefit
21 from backwater valves. The study will also indicate
22 where this city should immediately implement its new
23 backwater valve program based on current high risks
24 and needs and identify areas of lower risk where the
25

1 program should expand. For the science and Taino
2 collection commitments, the city will expand the
3 float sensor network citywide, improve existing flood
4 maps to account for combined flood risks, and develop
5 a coastal flood vulnerability index. The cities
6 float sensor network, which currently operates in the
7 pilot neighborhoods of Gowanus Brooklyn and Hamilton
8 Beach in Queens, captures real-time data on flooding.
9 Expanding the use flood sensors will improve the
10 cities real-time situational awareness alerts, future
11 forecasting, and long-term planning while also
12 facilitating community emergency preparedness and
13 response during the storm. Additionally, updating
14 and integrating flood maps will allow us to account
15 for multiple hazards such as storm water,
16 groundwater, and coastal flooding to help the city
17 design the most resilient interventions for these
18 compounding challenges. Finally, developing a
19 coastal flood vulnerability index that is similar to
20 the cities he vulnerability index will make former
21 ability to coastal flooding more transparent and help
22 policymakers determine how to allocate limited
23 resources equitably. Finally, there are many avenues
24 to improve public policies at all levels of
25

government and we are committed to advocating on behalf of all New Yorkers for a more resilient city.

At the city level, we believe that there is an opportunity for counsel to integrate sea level rise into building code. As soon as FEMA finishes revising their flood insurance rate maps, particularly in light of Hurricane Ida, we also see an opportunity to codify a permanent city-funded Office of Climate Resiliency, which will help to find clear, transparent leadership for an already significant portfolio of work and the new mandates outlined in Intro 1620. We also expect that the city's resiliency portfolio will grow tremendously over the next few years due to the proposed New York State Environmental Bond Act and funding bills that are currently being considered in Washington, only furthering the need for a resiliency focused office with a clear, transparent, and distinct charge. At the state level, there are also tremendous policy opportunities. We hope to advance a flood risk disclosure mandate for real estate transactions to increase market transparency and develop new financing tools such as Pace with Resiliency to support commercial building retrofits. At the

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2 federal level, we are continuing to advocate wildly
3 to increase affordability and transparency of the
4 National Flood Insurance program, in light of the
5 recently implemented Risk Grading 2.0 changes. We
6 are also advocating to inform existing programs
7 through which federal infrastructure dollars will
8 likely flow like FEMA's Building Resilient
9 Infrastructure in Communities Program, known as BRIC,
10 so that we can make the most of future federal
11 funding. In conclusion, I would like to thank the
12 Committee on Resiliency and Waterfronts,
13 Environmental Protection, and Parks and Recreation
14 for allowing me to testify today. I look forward to
15 answering your questions about the critical
16 commitments outlined in The New Normal Report.

17 CHAIRPERSON GENNARO: Thank you. Thank
18 you very much. Director Bavishi, we will hear from
19 the next person who is scheduled to testify from the
20 administration. Whoever that is. Whoever is next
21 scheduled from the administration--

22 COMMISSIONER SAPIENZA: Thank you, Chair.
23 I'm been unmuted. I'll start my testimony now.
24 Thank you. So, good afternoon, Chair Gennaro, Chair
25 Brannan, Chair Koo, members of the Committees on

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4 Environmental Protection, Resiliency and Waterfronts,
5 and Parks and Recreation. My name is Vincent
6 Sapienza. I'm the Commissioner of the New York City
7 Department of Environmental Protection, or DEP.

8 Thank you for the opportunity to speak today about
9 the topics of combined sewer overflows,
10 infrastructure, and urban flooding. These issues are
11 critical to the work of DEO and our mission to enrich
12 the environment and protect public health for
13 everyone who lives and works in New York City. As
14 many of you are aware, DEP delivers approximately 1
15 billion gallons of drinking water each day from a
16 watershed that extends more than 125 miles from the
17 city. In addition, we maintain over 7000 miles of
18 water mains, 7500 miles of sewer mains, 96 pump
19 stations, and 14 in city wastewater treatment plants.
20 While the water and wastewater systems were built as
21 a marvel of engineering creativity and determination,
22 this critical infrastructure was built for a vastly
23 different climate reality. Our team continues to
24 make systematic improvements, planning for a wetter
25 future while balancing several different goals. We
are simultaneously reducing combined sewer overflows
to improve harbor water quality, indicating flooding

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4 to reduce property damage and protect human life, and
5 maintaining a state of good repair to ensure
6 longevity of our infrastructure. I commend all of
7 our staff for what they have accomplished over the
8 years and recognize that we still have more to do.
9 There's a saying that climate change is water change.
10 Warmer climate impacts nearly every facet of the water
11 cycle which impacts nearly every facet of work. DEP
12 has always designed our systems with built-in
13 redundancy, flexibility, and design criteria for
14 extremes. For instance, we've known that an
15 uninterrupted, clean drinking water supply is
16 essential. Dating back over 100 years, planners and
17 engineers have considered the possibility of droughts
18 and heavy rain events. As much as possible, our
19 drainage systems are also sized for heavy rain and
20 while we know that there are limits to engineered
21 solutions for extreme evidence, we also recognize
22 that there is an opportunity for innovation and
23 progress. I will begin the discussion about harbor
24 water quality improvements and combined sewer
25 overflows, or CSO's. Much of our city's sewer
infrastructure is a combined sewer system, which
means that the sewer collects stormwater and sanitary

2 sewage in the same pipe. Many older municipalities
3 have a similar system. This combination of storm
4 water and wastewater is carried to one of our 14
5 wastewater resource recovery facilities, WRRF, where
6 those treated in clean water is released into the
7 harbor. The city has invested billions of dollars in
8 the design, construction, and upgrade of critical
9 wastewater infrastructure across all five boroughs.
10 The results are astonishing. We are proud to say
11 that, because of our investments, the water
12 surrounding New York City are cleaner and healthier
13 than they have been in 150 years since the Civil War.
14 The improvements are apparent every time a seal,
15 dolphin, or whale is cited off of our shores. Dry
16 weather day, our WRRFs receive about 1.3 billion
17 gallons of wastewater and they have the capacity to
18 treat up to 3.8 billion gallons a day. During some
19 storm evidence, the volume or intensity of the rain
20 can exceed the capacity of the local network. When
21 it happens, excess is diverted into a local open
22 waterway. That is known as a CSL. These releases
23 are authorized by US EPA and the New York state
24 Department of Environmental Conservation, or DEP
25 seed. The city has over 400 CSO outfalls throughout

2 the five boroughs and they function as critical
3 infrastructure, protecting the treatment process at
4 our WRRFs and ensuring that they continue to treat
5 sewage consistently after the rain ends. They also
6 help to providing stormwater and wastewater from
7 backing up into homes and neighborhoods. Each CSO
8 releases, however, can hamper the water quality
9 improvement goals, especially in constrained
10 tributaries like the Hutchinson River and Newtown
11 Creek. We were rooming dedicated to building off of
12 our successes and further reducing CSO to improve
13 water quality in these water bodies. In recent
14 years, we expect new yearly 3 billion dollars in
15 great infrastructure projects like the Allie Creek
16 CSO storage facility in the Gowanus Can flashing
17 Tunnel and pump station reconstruction. In 2012, we
18 kicked off the Long Term Control Plan, or LTCP
19 process with the New York State Department of
20 Environmental Conservation and stakeholders to
21 develop 11 long-term control plans for the water
22 bodies that are impacted by CSO's. The LTCP work is
23 consistent with federal CSO policy and no water
24 quality goals of the Clean Water Act. Through this
25 program, we have committed more than 6 billion

dollars in projects that will further reduce the volume and frequency of CSO's for those water bodies that do not achieve applicable water quality standards. Planning and design were already underway for many of those investment. I want to emphasize that the capital costs for CSO reduction are not linear. While billions have been spent so far, it will take tens of billions of dollars to eliminate CSO's. As a result, we have embraced a hybrid approach to CSO reduction, strategically incorporating great infrastructure which is very energy intensive and expensive to maintain and balancing it with green infrastructure which makes our city more permeable and absorbs rain right where it falls. We believe that this hybrid approach is a much more sustainable and effective path forward. So, it's a little bit about green infrastructure. One component of the CSO reduction program is green infrastructure, or GI, with the goal of reducing CSO's by 1.67 billion gallons a year. GI is engineered to absorb and hold stormwater on-site preventing that water from entering the traditional sewer system. Keeping stormwater volumes out of the sewer system reduces stress on the WRRFs and cut

CSO's into waterways. New York City has implemented the most aggressive green infrastructure program in the country. In the last decade, our GI program has constructed more than 11,000 assets, managed more than 1500 acres at more than 660,000 square feet of pervious surfaces to streets and sidewalks, and created more than 14,000 acres of blue belts across the city. Vetting for the project have been done in partnerships with other city agencies, including the Department of Transportation, Department of Parks and Recreation, NYCHA, and Schools. GI takes many forms. The suite of options allows us to use best options for each geography. GI includes large projects like [inaudible 00:44:35] daylighting and small distributive projects like rain gardens, infiltration basins, stormwater green streets, green roofs, blue roofs, permeable pavement, subsurface detention systems, and rain barrels and cisterns. Work is not confined to the combined sewer areas. We have built more than 70 blue belts across Staten Island are expanding the program into Queens and the Bronx. While all of these projects are engineered to make land and buildings more efficient at managing stormwater runoff, rain gardens on the sidewalks have

2 been our most widely used tool and, in addition to
3 carefully design vegetative pallets at the surface,
4 they involve specially engineered systems installed
5 below the surface. The subsurface structure is
6 designed to store and slowly percolate the captured
7 runoff into the ground. This subsurface feature is
8 the most critical part of the rain garden and what
9 distinguishes them from a standard tree pit. It also
10 makes them much more difficult to construct. Rain
11 gardens are not feasible in locations where bedrock
12 or high water tables are there or where utilities or
13 the street and sidewalk infrastructure prevent us
14 from using the space for stormwater management.
15 Where rain gardens are not feasible, DEP has been
16 working with New York City DLT and the installation
17 of permeable street pavement to absorb runoff. I
18 have noted in the Extreme Storms Management Report
19 that the Mayor released last month, we are now
20 significantly accelerating the use of permeable
21 pavement. In addition to the work that DEP does
22 directly, we encourage others to implement green
23 infrastructure through financial incentives. The
24 Green Infrastructure Program funds the design and
25 construction of green roofs on private property.

1 Most recently, the Brooklyn Navy Yard did more than
2 23,000 square feet of green roof with funding from
3 the grant program. To date, we have provided more
4 than 13 million dollars to 33 private owners for
5 green infrastructure. We also kicked off 53 million
6 dollars contract to retrofit privately impervious
7 properties with green infrastructure. We're also
8 developing the unified stormwater rule which will
9 require more on site stormwater management for newer
10 and redeveloped properties that connected the city's
11 sewer system. The unified rule also required green
12 infrastructure implementation on redeveloped lots of
13 more than 20,000 square feet or larger or create
14 5,000 square feet of new impervious area leading to
15 more pervious and resilient properties across the
16 city. While the primary goal of the GI program is to
17 reduce CSO's in a cost-effective way, the projects
18 also provide community environmental benefits. These
19 coalbed of include increased urban greening, urban
20 heat island reduction, and more habitat for birds in
21 pollinators. A bit and flooding now. While the
22 total amount of rainfall in the city has not changed
23 in the past two decades, it is apparent that climate
24 change is causing more significant, brief downpours,
25

2 or cloud bursts. Our sewers were designed to handle
3 lots of runoff, but not all at once. Intensity is
4 what causes flooding. Simply replacing existing
5 combined sewers with bigger, deeper ones is
6 imprudent. We must take a holistic approach to
7 reduce flooding. Our current four year capital plan
8 includes 2.3 billion dollars for 278 projects to
9 improve drainage that includes new tools like
10 nonnetwork high-level storm sewers and expanding our
11 GI programs. As director Bavishi mentioned, we are
12 collaborating with the Mayors Office in our agency
13 colleagues and innovative solutions and cloudburst
14 flooding. We already have three cloudburst projects
15 in Queens that are in the design phase. One with
16 nature in the South Jamaica Houses and two in Saint
17 Albans. We are supporting the efforts to identify
18 cloudburst neighborhoods by performing a physical
19 social vulnerability assessment which will be
20 followed by an engineering feasibility study for the
21 cloudburst neighborhood opportunities. We look
22 forward to working with you all and external
23 stakeholders across the city as the program develops.
24 Finally, I want to speak about the bills being heard
25 today. We appreciate the importance of the issues

2 raised by these pieces of legislation and look
3 forward to working with the Council to address
4 critical needs across the city.

5 I will go through each of the bills just
6 quickly. Intro 1618 would require DEP to report on
7 the progress of reducing pollution in city waterways
8 that's caused by combined sewer overflows in
9 stormwater runoff. We would like to work with the
10 Counsel to ensure that the bill aligns with current
11 DEP reporting requirements. For example, DEP
12 provides quarterly updates on LTCP implementation,
13 reports and CSO discharges each year through an
14 annual CSO BMP report, and submits a yearly progress
15 updates on water quality improvement strategies in
16 the green infrastructure annual report and the
17 Stormwater Management Program annual report. All of
18 these reports are submitted to the New York State
19 Department of Environmental Conservation and are
20 available to the public on the DEP website. Water
21 quality data from our harbor survey monitoring
22 program is also available on NYC open data.

23 Intro 383 would require DEP to submit an
24 annual report on drainage infrastructure. As a 1618,
25 we would work with the Counsel to ensure that the

1 bill does not conflict with existing state or federal
2 reporting. For example, DEP already complies with
3 the state pollution discharge elimination system, or
4 SPEDS permits, and applicable law by reporting to the
5 state and the public. Discharges of an untreated or
6 partially treated sewage using the state's approved
7 electronic notification system NY Alert.
8

9 Intro 67 would place liability on the
10 city for sewage [inaudible 00:50:01] and require the
11 city to develop a plan to mitigate and prevent sewer
12 backups. DEP has done extensive work to reduce sewer
13 backups in SBUs. SBUs are down 70 percent in the
14 last decade. We regularly report to EPA on our
15 progress and also release an annual State of the
16 Sewage report which is available on the DEP website.
17 We have initial concerns about the fiscal and legal
18 ramifications of shifting liability of sewer service
19 lines to the city and we are still reviewing that
20 with the law department and OMB.

21 The unnumbered pre-considered Intro would
22 require DEP to establish a program to provide
23 financial assistance for the purchase and
24 installation of backwater valves. We agree with
25 Council that backwater valves are an important tool

2 kit for homeowners needing to reduce flooding on
3 their property. While DEP does have experience
4 providing financial assistance for home upgrades to
5 our toilet rebate program and rain barrel giveaway
6 programs, providing assistance for backwater valves
7 is of a different nature. We need to consider this
8 proposal with the law department and the Office of
9 Management and Budget before committing to a citywide
10 backwater valve program. We look forward to engaging
11 with the Council and sharing the results of MOCR's
12 backwater valve study which will become available
13 next year. The study will review where backwater
14 valves will be most efficient and consider equity and
15 costs as it relates to priorities implementation.

16 Intro 2168 will require DEP to create a
17 searchable database that would allow members of the
18 public access to private customer information.

19 Implementation of this bill would make customer data
20 available to third parties without consent. This
21 would result in a serious breach of customer privacy
22 and does not align with industry best practices.

23 Ensuring customer privacy is an important safety
24 measure, particularly for vulnerable homeowners who
25 presence at home could be tracked by these third

1 party entities. We are also concerned that customers
2 with large debts could be targeted by predatory
3 actors who could access their account information.
4 Protecting customer water and sewer data is a
5 critical guiding principle in the development of our
6 new billing system which was launched last month.
7 The system is not designed to be searchable by the
8 public, however, customers can designate a third
9 party delegate to access their billing information.
10 We will gladly set with the Council to discuss our
11 concerns about this bill in more detail once the law
12 department has thoroughly reviewed it.
13

14 Lastly, I recognize that Intro 24, 25,
15 and Intro 1845-A were both recently added to today's
16 agenda. These bills would require DEP to create a
17 borough commissioner position in two inspector catch
18 basins annually. We look forward to reviewing the
19 language more closely and I will follow-up with you.
20 Thank you, again, for the opportunity to testify
21 today. Before I close, you do so important to remind
22 everyone that the city's drainage infrastructure is
23 funded directly from water and sewer bills that all
24 New Yorkers paid, whether directly or indirectly.
25 Each spring, DEP consults with the city Council on

1 our expense and capital needs for the coming fiscal
2 year and each year we hear public testimony about the
3 impact of rising water rates on finances, families,
4 and small businesses. We must continue to make
5 strategic investments while maintaining affordable
6 rates, minimizing payment delinquencies and
7 supporting low income New Yorkers, especially as we
8 all continue to recover from the economic challenges
9 of the pandemic. Without federal and state fundings,
10 we must prioritize and balance our long term planning
11 with public affordability. Again, we appreciate the
12 Council's commitment to working with us on these
13 complex issues. My colleagues and I are happy to
14 answer questions that you may have.

16 COMMITTEE COUNSEL: Thank you,
17 Commissioner. And at this point, I'll turn it back
18 to Chair Gennaro and the other Chairs for statements
19 and questions.

20 CHAIRPERSON GENNARO: Thank you. Thank
21 you, Commissioner. I certainly appreciate that. So,
22 I guess there's nobody else in the administration
23 that has prepared a statement. Is that right? No
24 one else from the administration is seeking to be
25 heard with a prepared statement? Okay. Good. So

1
2 I'll continue and what I wish to do is be-- you
3 know, with so many members on and so many bills to
4 talk about, you know, I feel compelled to reduce my
5 own questioning because I get the opportunity to
6 access all these commissioners and I always like to
7 encourage the cooperation of members and I look
8 forward to their input. So I will be sparse with my
9 questioning in order to give time to the other two
10 Chairs and to the sponsors of the bills that are
11 before today. Just going through-- I made notes in
12 the statements and I have prepared questions, but
13 I've gone through the statements of both, you know,
14 witnesses and so this would be a question for
15 Director Bavishi. You're online, right? Okay.
16 Going through your statement, you indicated-- I'll
17 quote from your statement. Quote, we also see an
18 opportunity to codify a permanent city-funded Office
19 of Climate Resiliency which will help to define
20 clear, transparent leadership, so on and so forth.
21 We did that already. Back when I took the Office of
22 Long Term Planning and Sustainability and created it
23 as a permanent part of the mayoralty because they
24 didn't want that to end with Mayor Bloomberg and we
25 wanted that to be a department apart of the

2 mayoralty. Of course, that office will mostly see
3 sustainability, but when I created that bill, when it
4 created that office into law, I also, you know,
5 mandated that a city Office of Resiliency also be
6 part of the permanent part of the mayoralty. So
7 being that the Council has already mandated by law
8 that an Office of Resiliency be part of the
9 mayoralty, I'm not sure what you're getting at in
10 terms of a city Office of Climate Resiliency. It is
11 my contention that now that the mayoralty is mandated
12 to this office-- this Office of Resiliency is
13 mandated to speak to the city's, you know, resiliency
14 concerns, I don't know why you're calling for us to
15 create what has already been created. Because once
16 you have created the Office of Resiliency, it should
17 do whatever resiliency-- you know, it should follow
18 resiliency wherever it needs to go. And so, why the
19 request for us to create an office that already
20 exists?

21 DIRECTOR BAVISHI: Thank you for the
22 question, Chair Gennaro. And let me just clarify.
23 So, currently, there is no authorized or chartered
24 office, I should say, that specifically focused on
25 resiliency. Your leadership--

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4 CHAIRPERSON GENNARO: Yes. There is. We
5 did that. it's just like when I wrote the law and I
6 created a permanent, you know, Office of
7 Sustainability, it also created a permanent Office of
8 Resiliency. So I know what I'm talking about here
9 and I don't get it. So I reject your statement that
10 this is not already in place. And if it's not
11 already in place. How could it not be when it was
12 already mandated by law 10 years ago?

13 DIRECTOR BAVISHI: Well, I certainly don't
14 mean to say that you don't know what you're talking
15 about. I've also--

16 CHAIRPERSON GENNARO: Please don't do
17 that. Please don't do that. Yeah.

18 DIRECTOR BAVISHI: I don't intend to. You
19 know, I've also studied the charter on this and my
20 understanding-- and I'm happy to follow up with your
21 office on this-- is that the charter currently has
22 an Office of Long Term Planning and Sustainability
23 which includes both responsibilities related to
24 sustainability and resiliency. And if you could just
25 accept that premise for a second--

CHAIRPERSON GENNARO: Sure.

2 DIRECTOR BAVISHI: I can just explain why
3 we're asking for this. You know, the resiliency
4 responsibilities of OLTS have grown. They range from
5 publishing a stormwater resiliency plan, coordinating
6 with the New York City Panel on Climate Change,
7 developing a resiliency scoring system for the
8 climate resiliency design guidelines, and then, most
9 recently, developing a climate adaptation plan, as
10 was established through Intro 1620 just recently.
11 And so, as additional responsibility and scope is
12 added to this office, particularly in light of
13 Hurricane Ida, we think there's an opportunity to
14 create clear, transparent, and consistently funded
15 leadership that's exclusively focused on resiliency.
16 Additionally, you know, while our office's goals can
17 sometimes overlap with those of the Mayor's Office of
18 Climate and Sustainability, our work is fundamentally
19 different and the design of our office partners and
20 projects and scopes should be understood that way.
21 It sounds like we're quite aligned on this given that
22 you believe that this has already been done. So,
23 like I said, I'm happy to follow up with your office
24 about this.

2 CHAIRPERSON GENNARO: Okay. Yeah.

3 Because once this became law, it was incumbent upon
4 the Bloomberg administration and, to a point, the
5 Director of Resiliency, that worked hand in glove
6 with the sustainability Director. And so, again, I,
7 you know, hear the words you say and we'll, you know,
8 continue to, you know, have the conversation, but,
9 you know, I don't know that calling for more
10 bureaucracy is really in order here, you know, now
11 that the Mayor's Office has, you know, direct
12 responsibility over resiliency issues to fund
13 whatever it needs to fund in order to do that. and
14 so, let me just sort of move on. This is also in
15 your statement on the first page of your statement
16 also quoting from The New Normal combatting, you
17 know, the report. The New Normal [inaudible
18 01:00:44] weather in New York City lays out 2.1
19 billion in new funding for DEP and so on and I'm
20 wondering if any of that 2.1 billion will be, you
21 know, directed to people of Southeast Queens that, at
22 this moment, you know, still have no sewer-- that
23 have no storm sewer infrastructure at all. You know,
24 to me, as I stated in my opening statement, that s
25 one of the biggest gaps that we had and one of the

1 biggest, you know-- I mean, when people, you know,
2 try to make the point that there is like a racial,
3 you know, element to climate justice and whatever and
4 to environmental justice, it would seem to me that
5 there are parts of, you know, Southeast Queens-- not
6 in my district, but-- you know, in Southeast Queens
7 in my home borough that don't have any storm
8 infrastructure whatsoever. It seems to me that that
9 would be, you know, exhibit A on how this and other
10 administrations have, you know, neglected the
11 Southeast Queens community that here we are in
12 October of 2021 and there are, you know, large swaths
13 of Southeast Queens that have no storm sewer
14 infrastructure whatsoever. Is any of the 2.1 billion
15 going there?
16

17 COMMISSIONER SAPIENZA: And I'll answer
18 that question, Mr. Chair. So, no. this is actually
19 a separate pot of money that the Mayor authorized
20 going back to 2015 and has subsequently added that.
21 there's a separate 2 million dollars that is
22 allocated. Work has been already underway for
23 several years. Several projects are finished. More
24 to come for Southeast Queens, but, yeah. I mean, I
25

2 would certainly agree with you that it has been a
3 long underserved community.

4 CHAIRPERSON GENNARO: Right. And, you
5 know, one of the things I deal with on like a very
6 frequent basis is, you know, new members of the
7 Council and, you know, they are from, you know,
8 Southeast Queens-- you know, I Chaired the committee
9 a long time ago and you know that I'm Chairing now
10 and they say that, you know, like large swaths of the
11 district that I'm going to represent, you know, come
12 January, you know, don't have storm sewers, you know,
13 and they ask me, you know, when the buildout date is
14 going to be. I mean, I don't want you to like pull a
15 number out of the air, but, you know, when is the
16 buildout going to be done so, at least, everybody in
17 New York City has some measure of storm sewer
18 capacity. You know, some storm sewer service in
19 their neighborhood? If you could venture a guess.
20 Are we talking five years? Are we talking 10 years?
21 Like what are we talking about?

22 DIRECTOR SAPIENZA: Yeah. We're
23 talking about more than 10 years. And the reason,
24 Mr. Chair, as you said, there was no storm sewer
25 system there at all and the sewer system is

2 configured the way-- like a tree. It has small
3 branch sewers on local streets that feed into large
4 limb sewers on avenues and then into bigger trunk
5 sewers. You've got to build the trunk sewers first
6 which is the first part of the-- you know, what the
7 Mayor has authorized us to do and so those trunk
8 sewer projects are underway. There's four of them
9 and then, eventually, we will build out the limbs and
10 the branches. We've done some work on some local
11 streets that really were impacted significantly by
12 flooding and worked with the Department of Design and
13 Construction to-- we call the 50 hotspots and try to
14 address those ahead of the full sewer buildouts, so
15 we've addressed some of those. But it's going to
16 take more than 10 years to finish.

17 CHAIRPERSON GENARO: Okay. But I'll
18 just say just to say that we're talking about like
19 new and innovative stuff we're doing for the rest of
20 the city in terms of high level sewers, in terms of
21 the cloudburst kinds of initiatives, and, you know,
22 these people still don't have anything. And so, you
23 know, other areas of the city are being upgraded
24 while these other areas like don't have anything and
25 that's a very hard thing for me to be able to sell

1 new members or for me to sell to anyone, but I
2 certainly appreciate your statement on that. I'm
3 still on Director Bavishi's statement. I'll try to
4 be-- Where are we? The second page of Director
5 Bavishi's statement. The city is developing and
6 [inaudible 01:05:18] more feasible a new drainage
7 standard informed by the projected future rainfall
8 data. Now, many who are turned into this hearing
9 know that the, you know, drainage standard-- and I
10 think what we're getting at is that, you know, a lot
11 of city's-- you know, 1.75 inches per hour. Other
12 parts of the city are 1.5 inches per hour and other
13 parts of the city are still at one inch per hour in
14 terms of the water that can be assimilated into the
15 sewer system. Now, in terms of new drainage
16 standards, are you talking about something that will
17 go beyond the 1.75, you know, drainage amount that
18 the city has and, well, that's been the standard for
19 the last 50 something years. But is that what you're
20 getting at here? That when you talk about a new
21 drainage standard, you mean, you know, capacity of
22 water that can be assimilated into the sewer per
23 hour? I've got a funny feeling that Vinny is going
24 to jump into this answer, but my question to you
25

1 being that it is to you because it is in your
2 statement.

3
4 DIRECTOR BAVISHI: I'm happy to start and
5 then I will pass it off to Commissioner Sapienza.
6 Let me start with the science. What we have now is a
7 sense of what areas of the city are vulnerable to
8 intense precipitation, but what's lacking is better
9 projections of intensity of rain and so, the first
10 step years to develop those projections and we will
11 be developing those. That was actually one of the
12 commitments and extreme Weather Task force Report.
13 So, we are working with DEP and that, as well as
14 those science community. I am going to defer to
15 Vinnie and exactly how we will use those.

16 CHAIRPERSON GENNARO: Yeah. But really
17 quick, if I may, in your statement you talking about
18 the development of a new drainage standard and that
19 neither is sort of, you know, increased, you know,
20 capacity in terms of the amount of rain that can be
21 assimilated per hour or it isn't and it is hard to do
22 that in just various places. We build out a bunch of
23 big sewers that can take more than one and three
24 quarter inches per hour and is soon as that gets to
25 the next part of the city, it's going to get a little

1 jammed up. So, right now, I am unclear with this new
2 drainage standard that I suspect that you're not very
3 clear on it. So, I'll ask many that. So, like what
4 does that mean in drainage standard?
5

6 COMMISSIONER SAPIENZA: Yeah, Mr. Chair.

7 So, you're right. I mean, this goes back to the
8 early 1970s when we said, what was the typical five
9 years storm in the city, the 1.75 inches per hour,
10 and we've been building sewers to that size ever
11 since, but, you know, we certainly believe going
12 forward with climate change and more significant
13 cloudburst that that is probably not the five years
14 storm anymore. So, we want to do that assessment.
15 But, you are right. Building out sewers should take
16 more than that is going to be very challenging. You
17 talk about Southeast Queens. There's great visuals
18 that I think everyone should go look at of the
19 installation of these new sewers that are going in
20 there. These storm sewers, their circular sewers
21 anymore. They are what we call box sewers. They are
22 rectangles that, basically, take up the whole street
23 from curb to curb that are being dropped in.
24 Massive. And that's to handle current flows or
25 current projections.

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2 CHAIRPERSON GENNARO: 1.75, you mean.

3 COMMISSIONER SAPIENZA: Yeah.

4 CHAIRPERSON GENNARO: So, what are you
5 putting in-- so, again, my question is what is this
6 new drainage standard? Like what does that even
7 mean?

8 COMMISSIONER SAPIENZA: Yeah. So, if we do
9 determine that we've got to go beyond that, it may go
10 beyond the traditional sewers because you just can't
11 fit any bigger than we are putting in now and go to I
12 am approaches. [inaudible 01:09:06]

13 CHAIRPERSON GENNARO: Okay. All right.

14 COMMISSIONER SAPIENZA: The permeable green
15 infrastructure.

16 CHAIRPERSON GENNARO: Fair enough. Fair
17 enough. I don't want to belabor it. Let me--
18 Director Bavishi, you talked about the money you got
19 from FEMA to study the backwater valve study and you
20 talk about like where these, you know, like where
21 these would best, you know, fit in. the place where
22 they best fit in is places like my district where
23 every house, including mine, had like a sewer backup.
24 And so like the paradigm-- and I don't want to
25 necessarily speak for Council member Brannan because,

1 you know, he's the first name on the bill, but I
2 think just like city saw that it was an imperative--
3 this is like 25 years ago-- you know, to reduce, you
4 know, water consumption, so the city, for its own
5 purposes, put toilets at its own expense in people's
6 home so that-- a city-funded fixture was going in a
7 home and this is kind of like the same paradigm and
8 this would save people those backups and it would
9 save, you know, the city from having to pay all the
10 claims that people file when they get-- you know,
11 when their sewers all get-- when their basements
12 like fill with sewers. So, I mean, you know, from my
13 perspective, I think we need a citywide approach on
14 this and, although it's great to see where, you know,
15 they might be the best good or, you know, whatever--
16 this was all over the city. This was your big
17 [inaudible 01:10:55] and I think this has to be like
18 a blanket, you know, kind of approach rather than
19 sort of like a here and there. We just have to kind
20 of figure it out. And because this is-- so, I mean,
21 I don't think we need to wait for the next item in
22 the Ida after that in the Ida after that. You know,
23 when the people who have had flooded basements, and
24 they're storming the best deal. I think we need it
25

1 now. I'll just leave that as my comment and I
2 think-- Yeah. I think that Chair Brannan is going
3 to back me up on that. Moving to your statement,
4 Commissioner Sapienza, let me see what notes that I
5 made here. It talked about how the, you know, if the
6 storm is big enough, when you have combined sewers,
7 you know, it is going to, you know, create a
8 situation where the [inaudible 01:11:54] is bypassed
9 and then, you know, you get into CSO situation. My
10 understand is that right now is a storm of one tenth
11 of one inch per hour would cause, you know, a
12 diversion to CSO which is not really kind of that
13 much rain. And so, this is a very-- I hope I'm
14 quoting the right statistic there and so this is, you
15 know, a very common phenomenon and the city has
16 always had a big CSO problem and everybody knows
17 that. So let me finally get to my question. Now,
18 you know, the city is regulated, you know, pursuant
19 to CSO's, as per your statement, you know, regarding
20 the, you know, many SPED's permits that you have and
21 so-- and the noncompliance on CSO has, no doubt,
22 resulted in, you know, consent decrees, you know,
23 with the DEC. There are probably one or more or how
24 many, but, you know, how is DEP doing with
25

1 compliance with regard to the CSO-- with regard to
2 the consent orders that is under for noncompliance
3 with CSO. And so, you know, how many consent orders
4 are there and sort of how are we doing with
5 compliance?
6

7 COMMISSIONER SAPIENZA: I'll start with
8 that. So, we've been working with the New York State
9 Department of Environmental Conservation since 2012
10 developing these long term control plans. Everyone
11 understands with thousands of miles of combined
12 sewers, 400 outfalls, limitations on our wastewater
13 treatment plants, it's going to take a long time to
14 get where we need to be. But, you know, I just bring
15 up this statistic. You know, when I started here at
16 DEP in the 1980's, we were discharging 100 billion
17 gallons a year of untreated wastewater from CSO's.
18 We're down to 18 billion now. So, we've made
19 significant progress, but, certainly, 18 billion is
20 still a big number. A long way to go. So we've got
21 that. I want to address the point one inches per
22 hour because I think a lot of people use that. So we
23 have these 400 CSO outfalls. Some of them-- and by
24 the way, they each have their discreet drainage areas
25 that they regulate. Some of them, yes, at point one

2 inches per hour, they do tip. Some of them can take
3 much more than point on inches.

4 CHAIRPERSON GENNARO: Oh, fun. Okay.

5 COMMISSIONER SAPIENZA: Almost half of them
6 now no longer discharge CSO's. So, as the program
7 moves along, we're doing better and better, but, you
8 know, certainly there is still a lot to do.

9 CHAIRPERSON GENNARO: Okay. But it would
10 seem that, based on, you know, a block of you saying
11 that you're in compliance with all the consent orders
12 means that DEO is out of compliance with consent
13 orders that were negotiated that, you know, DEP
14 signed and how we-- so, are we an A? Are we a B?
15 Are we a C? Like, you know, if I was to go to D-- I
16 know people at DEC. I was a Deputy Commissioner
17 there for six years and so, how are we doing with
18 compliance in terms of the consent orders?

19 COMMISSIONER SAPIENZA: You know, we have
20 certainly had our challenges over the years. You
21 know, there are many milestones and a lot of
22 construction work that needs to be done. Right now
23 we're in good shape. You know, we have come to
24 agreements with TEC and where we need to be on most
25 projects. There are couple of big projects that we

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2 are going to need to do for Flashing Bay in Fort
3 Newtown Creek that are probably going to be 1 billion
4 dollars apiece and we're still trying to figure out,
5 you know, how quickly we can get those done.

6 CHAIRPERSON GENNARO: Okay. With that
7 said, I too, you know, turn it over now to-- let me
8 see what I am going to do. I'm going to turn it over
9 know to Chair Brannan and then to Chair Koo and so
10 they will ask their questions on the oversight topic
11 on any of the bills and I want to, you know, thank
12 you, Commissioner, for testifying on all the bills,
13 but I think we do Chair Brannan and then we do Chair
14 Koo. And then, as I said, at the outset, maybe we
15 get the Public Advocate to, you know, ask some
16 questions on his bill, 1845, and then we get the
17 other members. I apologize for, you know, making the
18 members wait a little bit, but I will be sure that
19 the Public Advocated will be very economical in his
20 questioning because we are allowing him to kind of
21 jumped online a little bit out of respectful his
22 schedule. And, with that, I recognize Chair Brannan.

23 COMMITTEE COUNSEL: Pardon me, Chairs.
24 I believe Public Advocate Williams had an opening
25 statement you would like to make, as well, if that's

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2 okay with the Chairs, would you be able to jump in
3 for additional questions?

4 CHAIRPERSON GENNARO: I'm not really
5 comfortable putting him before the other Chairs. I
6 say that have, you know, Chair Brannan ask his
7 questions or-- is it just a statement? He just
8 wants to make a statement?

9 COMMITTEE COUNSEL: I believe so,
10 Chair. Like the other bill sponsors that made a
11 statement on their--

12 CHAIRPERSON GENNARO: Okay. So, I'm
13 going to ask Chair Brannan and Chair Koo if it's okay
14 if we defer to the Public Advocate to make a
15 statement.

16 CHAIRPERSON BRANNAN: Yeah. Fine by me.

17 CHAIRPERSON GENNARO: And a statement
18 only. Okay?

19 CHAIRPERSON KOO: Yeah. I'm okay.

20 CHAIRPERSON GENNARO: Is that all right?
21 Okay. With that, I recognize the Public Advocate.

22 PUBLIC ADVOCATE WILLIAMS: Can everybody
23 here me?

24 CHAIRPERSON GENNARO: Yes. We got you.
25

4 PUBLIC ADVOCATE WILLIAMS: Thank you for
5 that. I appreciate it, Chair Gennaro. As I said
6 earlier, it's good to be back in here with you.
7 Thank you, Chair Brannan and Chair Koo and, of
8 course, the administration for their testimony and
9 Commissioner Sapienza. I know I just missed you a
10 couple of minutes. Thank you for joining us at our
11 event in Queens earlier today. Last month serves as
12 a reminder the city is still not prepared for climate
13 change. At least 13 people died as a result of
14 intense and sudden floods from Hurricane Ida. As so
15 many died lived in basement apartments highlights
16 that there are multiple intersecting issues from
17 housing to environmental justice that require city
18 action. As I previously said, what we used to call
19 extreme outlier events are now just storms that are
20 our new normal. Preparation is key and I welcome
21 this hearing to begin that work. That work can start
22 with many of the bills that are here today, including
23 mine, bill Intro number 1845 which would simply renew
24 local law 48 of 2015. That law required the New York
25 City Department of Environment Protection to submit
semiannual reports on the status of its catch basins.
Catch basins act as a drain for water to flow through

our block and any large debris. There are thousands of catch basins around the city, sometimes clogged with trash. DEP is required to clean up these basins, but that requires New Yorkers to help notify the agency of catch basins that need to be cleaned and repaired. DEP was previously to report on its inspections catch basins, including those identified as nonfunctioning and requiring repair. DEP was also required to note the number of catch basins that need to be repaired within nine days of inspection or receipt of complaint. These reports were helpful and the last report found 4300 catch basins were nonfunctioning from July 8th, 2018 to June 2019. Unfortunately, DEP is no longer required to publish these reports. This bill would ensure the agency submits quarterly reports and fixes catch basins with five, not nine days of inspection or receipt of the complaint. These basins are essential in the event of flash floods, for example, and we just can't take a risk with the nonfunctioning basins. We need to pass legislation to make sure DEP makes public data around the cities catch basins an effort. We need to make sure before the session in. Additionally, I appreciate the Council's focus on green

4 infrastructure which consists of providing green jobs
5 and ensuring neighborhoods are resilient against the
6 worst of climate change. I am going to pause here.
7 There is more I wanted to say, but I'm just thankful
8 that I was allowed the time to give the opening
9 statement and I'll give it back to the Chair. But we
10 are going to submit our full testimony-- sorry.
11 Full opening statement for the record. I know that
12 they may not have a response for our bill because
13 they haven't read all of it, yet, but I much
14 appreciate the time today and I hope we can get all
15 these bills passed. Thank you.

16 CHAIRPERSON GENNARO: Thank you very
17 much, Mr. Public Advocate. What we're going to do is
18 going to call upon the administration. I guess it
19 will probably be DEP Commissioner Sapienza, but
20 anyone else from the administration, you know, once
21 you are fully steeped in the Public Advocates bill,
22 to reply and your comments on his bill and also to
23 your applied to others staff of the committee's
24 letter on the call today. Is that okay, Vinnie? You
25 good with that?

COMMISSIONER SAPIENZA: Yes. Thanks.

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2 CHAIRPERSON GENNARO: Okay. Very good.
3 Thank you, Mr. Public Advocate. Always a pleasure to
4 be with you. And with that, I recognize Council
5 member Brannan.

6 COMMITTEE COUNSEL: Pardon me, Chair.

7 CHAIRPERSON GENNARO: Oh, sure.

8 COMMITTEE COUNSEL: Council member
9 Salamanca is also one of the sponsors of the bill
10 would like to make a brief statement, as well, on his
11 bill before we proceed to other--

12 CHAIRPERSON GENNARO: Yeah. I mean, I
13 tell you what. Now, I'm speaking the Chair Brannan
14 and Chair Koo, do we want to let all of the sponsors
15 of the various bills just make a little statement on
16 their bill? Does that work for you, Justin and
17 Peter?

18 CHAIRPERSON BRANNAN: That sounds good.
19 Let's do it.

20 CHAIRPERSON GENNARO: All right?

21 COMMITTEE COUNSEL: And just so you
22 know, Council member Salamanca is the last--

23 CHAIRPERSON GENNARO: Okay. So--

24 COMMITTEE COUNSEL: member to speak.

25

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4 CHAIRPERSON GENNARO: Okay. With that
5 said, I recognize Council member Salamanca.

6 COUNCIL MEMBER SALAMANCA: Thank you, Mr.
7 Chair. Can you hear me?

8 CHAIRPERSON GENNARO: Sure. We got you.

9 COUNCIL MEMBER SALAMANCA: All right. I
10 appreciate the opportunity to give my brief
11 statement. You know, as we know, climate change is
12 real. Here in New York City, we have seen firsthand
13 the devastating effects of the rising sea levels,
14 warmer air, and sea temperatures, and an increase in
15 our storms. We saw what hurricane Ida and super
16 storm Sandy did. It showed us how vulnerable we are
17 to storms that are not only capable of causing
18 billions of dollars in damages in a matter of
19 minutes, but can also cost a loss of life. As these
20 intense weather systems become exceedingly prevalent
21 in the Northeast, it is even more critical than ever
22 that we have comprehensive planning in place that
23 delivers much needed resources and personnel to our
24 communities. That is why I introduced Intro 2425,
25 which would require DEP to create assign the position
of Borough commissioners within each borough.
Borough commissioners for the Department of

2 Transportation, Department of Parks, and the
3 Department of Buildings and personnel facilities
4 within the Borough, they are in charge of overseeing
5 agency operations. Working hand in glove with local
6 stakeholders, the Borough commissioners would be
7 decision-makers and serve as the voice of the
8 community with agency leaders at DEP central office
9 and City Hall. Ahead of major storms, DEP Borough
10 commissioners would be able to proactively direct
11 personnel to known trouble areas to carry out
12 preemptive work. Similarly, the Borough
13 commissioners will serve as a local point of contact
14 for elected officials and community boards in post-
15 storm recovery and relief. Unfortunately, storms
16 hitting New York has become the new normal, as
17 hurricane seasons last longer and has grown in
18 intensity. While we work to institute long-term
19 solutions that will protect our city, we must also
20 ensure we are providing our communities with the
21 localized resources that they need in the short term.
22 Creating DEP Borough commissioners will do exactly
23 that. Thank you, Mr. Chair, for the opportunity to
24 give out my statement.

2 CHAIRPERSON GENNARO: Thank you, Council
3 member Salamanca, and thank you for putting this bill
4 forward. I appreciate that. Is there any other
5 sponsor of the bill on the docket that is present
6 that wishes to make a statement on his or her bill?
7 I mean, I know that, you know, Chair Brannan and
8 Chair Koo have bills and they are going to speak on
9 them, but, you know, other than Chair Brannan and
10 Chair Koo, is anyone present here today who has a
11 bill that wishes to make a statement? An opening
12 statement?

13 COMMITTEE COUNSEL: No, Chair. There
14 are no other sponsors. I believe we can move on to
15 the other co-chairs for their--

16 CHAIRPERSON GENNARO: Okay. Okay. Thank
17 you, committee counsel. So, with that, once again,
18 for many, many times, I recognized him a bunch of
19 times, but things, you know, that jam that we went
20 and we got sidetracked, right now I am recognizing
21 Council member Brannan for real. This is it. He's
22 on.

23 CHAIRPERSON BRANNAN: Thank you, Chair.
24
25

4 CHAIRPERSON GENNARO: That's supposed to
5 be funny. That's supposed to be like levity. You
6 know? Okay.

7 CHAIRPERSON BRANNAN: I appreciate that.
8 I appreciate that. Okay. Thank you, Chair Gennaro.
9 We have a lot to get into. So, what should talk
10 about Chair Gennaro and my bill for-- to establish a
11 program to provide financial assistance for the
12 purchase and installation of backwater valves. To
13 Commissioner Sapienza, backwater valves are used to
14 prevent overflow as a result of backwater from the
15 public sewer system and what we saw during Tropical
16 Storm Ida. Many basements were flooded from
17 backwater from sewage pipes. How much does backwater
18 valve installation costs? Do you have an idea?

19 COMMISSIONER SAPIENZA: We have a sense of
20 how much the devices are which are a few hundred
21 dollars, but then, you know, it depends upon what the
22 plumber finds when they get in the basement in the
23 configuration which, you know, could add several
24 hundred to several thousand dollars.

25 CHAIRPERSON BRANNAN: Is there a standard
lifespan of one of these backwater valves?

2 COMMISSIONER SAPIENZA: Not sure. They
3 require regular maintenance. Obviously, they are a
4 mechanical device that they have to be cleaned and
5 serviced, but I don't know how long they last.

6 CHAIRPERSON BRANNAN: Okay. And does the
7 city believe that all buildings should have backwater
8 valves?

9 COMMISSIONER SAPIENZA: I think that is
10 the study that MOCR is due to see where they make
11 sense and where they might not be practical. You
12 know, we have certainly heard stories over the year
13 where my tenant on the second floor flush the toilet
14 not knowing that the valve was closed and it came out
15 through the tenants toilet in the basement. So, I
16 think that is part of the study, but Director
17 Bavishi, if you want to talk a little bit more about
18 it.

19 CHAIRPERSON BRANNAN: Yeah. I loved
20 anomaly buildings are part of that study.

21 DIRECTOR BAVISHI: So, the study is going
22 to focus on building types and we want to look at
23 building types and where neighborhoods are located in
24 terms of where they are in the sewer system. We know
25 that certain building types are too large for

1 backwater valves and others that are located in parts
2 of the sewer system where there actually could be
3 some unintended consequences if these backwater
4 valves are installed. So, our goal is to take a
5 citywide look and understand where we should be
6 prioritizing backwater valves and where they will be
7 most effective so that we can tailor a program to
8 households that would benefit the most ensure that
9 residents who need them the most will receive them.
10

11 CHAIRPERSON BRANNAN: So, do you
12 collectively feel that the installation of backwater
13 valves should be the responsibility of the city?

14 COMMISSIONER SAPIENZA: I mean, I will
15 answer that. You know, we, as Chair Gennaro
16 mentioned, we did what we call blue toilet rebate
17 program where it was a benefit to the city to reduce
18 the amount of water being used to help fund that.
19 You know, we may do a similar thing where there is a
20 grant program for homeowners to install these. I
21 think we would just want to, again, go through the
22 study to make sure where they, you know, may be most
23 beneficial or where not. So, we would like to get
24 some more information first.

25

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4 CHAIRPERSON BRANNAN: Okay. Moving on to
5 the creation of a water meter database, Intro 2168,
6 does DEP currently track water meter billing data and
7 balances and, you know, consumption and usage and all
8 of that technical information about the meter?

9 COMMISSIONER SAPIENZA: Yes, Mr. Chair.
10 So, we have that them with the new automated meters,
11 we can see stuff in real time at properties, so we
12 know where the consumption is. We have billing data,
13 obviously, for 840,000 payers-- paying accounts.

14 CHAIRPERSON BRANNAN: Does DEP think that
15 what we are proposing, a searchable database, would
16 be useful to taxpayers?

17 COMMISSIONER SAPIENZA: So, I guess the
18 issue that we have, Mr. Chair is that property owners
19 can see their own records and they can actually
20 delegate to, you know, of third-party, you know,
21 management company to look at that. Our concern is
22 just having records-- you know, all records
23 available to anyone who wants to look. So, you know,
24 you can see, you know, when the Sapienza household
25 does their washing when they're not home. And so,
that is the issue that we have. We have to have some

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4 controls on it and that is what we want to, you know,
5 work with you on that legislation.

6 CHAIRPERSON BRANNAN: Okay. I don't know
7 if Chair Gennaro asked about the-- in 2015, the city
8 partnered with Copenhagen to learn about techniques
9 dealing with flooding from cloudburst in extreme rain
10 events. Can you discuss a little bit about what we
11 learned during this partnership? I know there was a
12 pilot program in southeast Queens. Could you talk a
13 little bit about that?

14 COMMISSIONER SAPIENZA: Jainey, do you want
15 to start and then Deputy Commissioner Licata is on,
16 as well, and she can talk about the actual projects.

17 DIRECTOR BAVISHI: Sure.

18 CHAIRPERSON BRANNAN: And just for the
19 public, you can just explain what it is really
20 quickly. I mean, I know what it is, but, you know,
21 so everyone else does.

22 DIRECTOR BAVISHI: Absolutely. So, we have
23 been in a partnership with Copenhagen since 2015.
24 The partnership started because, the time, you know,
25 Copenhagen had experienced an intense rainfall event
in 2011. It was a 1000 year reign event and we had
experienced Hurricane Sandy and so the goal was to

1 exchange lessons learned, respectively, about intense
2 precipitation and strategies to mitigate that kind of
3 flooding from the lessons that Copenhagen had
4 learned, as well as what we had learned on mitigating
5 coastal flooding. In particular, they shared about
6 their cloudburst strategies and so, cloudbursts are
7 heavy downpours like what we saw during the storm
8 last month with the remnants of Hurricane Ida where
9 we see intense precipitation in a short amount of
10 time. And, essentially, the strategies that we can
11 use to mitigate the use cloudburst events involve
12 using open spaces, streetscapes, recreational spaces,
13 and chance forming them into areas that can store
14 excess stormwater intake pressure of the sewer system
15 or absorb stormwater if it is, in fact, a greenspace.
16 And so, we have been piloting those strategies, as
17 Commissioner Sapienza mentioned in his testimony, in
18 Queens. And what we did in the extreme weather task
19 force report, the New Normal Report, is made a
20 commitment to expanding those strategies being used
21 on those pilots and just the urgency of the work.
22 The first step is going to be creating a framework
23 that transparently communicates the factors that we
24 are going to consider in the neighborhood selection
25

process and those factors will include physical indicators of risk. Things like complaint and damages, data, density, land use, but also social indicators of risks. You know, demographic data, income data and things like that. so, I will pass it off to my colleague, Angela Licata, in case she has anything to add.

CHAIRPERSON BRANNAN: Yeah. I'd love to know more specifically about Southeast Queens, the South Jamaica Houses, you know the second pilot project in St. Albans?

DEPUTY COMMISSIONER LICATA: Hello, everyone. Thank you for the opportunity to testify. We are working very specifically. South Jamaica Houses has been one of our prototype locations learning from the Danish. In fact, I was on a trip there to Copenhagen to visually inspect to their demonstration projects and we were very quickly able to take some of those examples that we learned from them into apply them here. So, I'm happy this say that the project at South Jamaica Houses is designed, it's funded, it's really ready to go. It's going to be a concept whereby we take a basketball court, so a playing surface and an adjacent grassy area, and

1 there will be a combination of reliance on
2 infiltration and also storage. So, that is really
3 where the cloudburst concept comes in. We're going
4 to be come by mean our green infrastructure
5 techniques, which is to allow the water to infiltrate
6 into the surface, but also to have excess capacity on
7 the surface itself if that capacity is exceeded by an
8 extraordinary store movement whereby the playing
9 surface will have double duty as a storage facility.

11 CHAIRPERSON BRANNAN: Thank you. Can
12 someone tell me, to date, what the city has spent on
13 green infrastructure?

14 DEPUTY COMMISSIONER LICATA: Yeah. We have
15 committed over dollars 1 billion to our green
16 infrastructure program and we had begun that program
17 in the combined sewer area as a water quality
18 technique, but quickly learned that we were draining
19 a lot of areas and able, through really good soil
20 locations, to infiltrate that stormwater and to have
21 that provide added capacity for the drainage systems.
22 So, we stopped looking at our drainage as sewers
23 alone. We started to look at them as a drainage
24 system and to combine the green infrastructure
25 practices with the typical and standard drainage

2 sewers. So, we really look at this not as a gray
3 versus green opportunity, but really is an integrated
4 plan.

5 CHAIRPERSON BRANNAN: Okay. And the Cool
6 Neighborhoods Initiative, is that fully funded?

7 DIRECTOR BAVISHI: Cool Neighborhoods? Our
8 resiliency strategy? Yes. It is.

9 CHAIRPERSON BRANNAN: Okay. I think
10 there is like 200 or 198 proposed green
11 infrastructure projects that are either in design or
12 the early planning stages. Are any of those projects
13 located in communities of color?

14 DEPUTY COMMISSIONER LICATA: So, although
15 the rain gardens, which are about 90 percent of our
16 green infrastructure program right now, is on the
17 right-of-way just because that was the area that we
18 could quickly access and about 90 percent of that 90
19 percent are in environmental justice neighborhoods.
20 And as we go forward, as Director Bavishi mentioned,
21 that lens and looking at the social justice lens is
22 going to be one of the criteria for the desktop
23 analysis before we even get into the field to
24 determine what are the opportunities and what are the
25 drainage necessities.

2 CHAIRPERSON BRANNAN: Okay. I just have
3 one or two more because I know there are a lot of
4 folks who want to ask questions. Coastal flood
5 protection measures, I know they don't always protect
6 against stormwater flooding and flooding from rain
7 events. So, what is the city doing to ensure that
8 such measures protected against both coastal flooding
9 and flooding from heavy rain? Is there anything new
10 being done to protect the functionality of CSO and
11 the MS4 outflow pipes from sea level rise?

12 COMMISSIONER SAPIENZA: Jainey, do you want
13 to start?

14 DIRECTOR BAVISHI: Well, I'll just say, on
15 coastal protection measures, every time we build a
16 coastal protection measure, we also make sure to
17 analyze the drainage system that would be behind
18 though coastal protection measure and make any
19 drainage improvements that are necessary so that we
20 don't make any kind of ponding or stormwater flooding
21 worse because we are building the coastal protection.
22 So, essentially, we don't want to create a bathtub.
23 So, that is always part of the analysis and, you
24 know, we are making investments as part of the
25 coastal protection measures that we are building to

1 make those improvements. I will pass that off to
2 Vinny on the more specific questions. But nothing to
3 add.
4

5 COMMISSIONER SAPIENZA: Yeah. I think you
6 answered it, Jainey. And like on the East Side
7 Coastal Resiliency Project, the Staten Island
8 Barrier, the Rockaway Barriers, you know, we've been
9 working with the Army Corps and DEC and others to
10 make sure that drainage is addressed.

11 CHAIRPERSON BRANNAN: Regarding local law
12 48 of 2015, it required DEP to conduct annual catch
13 basins inspection. I know that law sunsetted in
14 2019, so how often are the catch basins inspected by
15 DEP now? And I know at a previous hearing we had, we
16 spoke a little bit about how the clogged catch basins
17 are certainly a problem, but I think, you know, not
18 sort of the smoking gun that the average-- me
19 included-- that the average sort of constituent
20 might think. I mean, has DEP worked with sanitation
21 to assess how reduced alternate side parking and
22 related street sweeping has impacted the amount of
23 materials in the catch basins? I'm just trying to
24 get an idea of how often these are-- I mean, as far
25 as I'm concerned, you know, I speak to Mario Bruno

2 more than I speak to my wife some weeks, so you guys
3 are fantastic, but it's a lot of be reactive. Right?
4 A constituent calls lien says, there is a catch basin
5 for trash. I'll call you. We will get it cleaned
6 out. That is not a problem. But what is being done
7 proactively to clean out the use catch basins? And,
8 I guess, and the last thing is why is that-- even
9 though I know it's an issue, but can you reiterate
10 why you are sort of saying that it is not why we saw
11 what we saw during Ida and Henri?

12 COMMISSIONER SAPIENZA: Sure. I will start
13 with that. So, during, you know, those extreme
14 storms, the sewer pipes themselves reached capacity.
15 So, no more water could get into catch basins anyway
16 because the pipes were for and water just read
17 Overland and, unfortunately, downhill into these low-
18 lying neighborhoods and was fairly catastrophic
19 results. But during that three year period where the
20 legislation was in place, we were required to inspect
21 all 148,000 catch basins once per year. That was
22 helpful in some ways, but not in others and the
23 reason wasn't helpful, in some respects, is because
24 there were catch basins, tens of thousands of them in
25 really residential neighborhoods that over and over

2 again we would go inspect them and they would be
3 cleaned. There was no need for any work, or kind of
4 tied up resources. What we would like to do going
5 forward-- and this is in the Mayor's new report is
6 get out to the commercial area catch basins more
7 frequently. You know, where there is a lot of
8 stores, a lot of foot traffic, though trash that gets
9 on the street. We think that that probably is a
10 better use of resources. But, again, happy to work
11 with the Council in the Public Advocate to craft
12 legislation.

13 CHAIRPERSON BRANNAN: Okay. All right.
14 I am going to give it back to Chair Gennaro so that
15 Chair Koo can I have some questions. I appreciate
16 it, guys. Thank you.

17 CHAIRPERSON GENNARO: Okay. Thank you,
18 Chair Brannan, and with that, recognize Chair Koo for
19 questions. And also a statement on his bill, as
20 well, because he is got a very big bill in here, too.
21 So, Chair Koo, you're on.

22 CHAIRPERSON KOO: Thank you. Thank you,
23 Chair Gennaro. Can you hear me?

24 CHAIRPERSON GENNARO: Yes.
25

2 CHAIRPERSON KOO: Oh, okay. Thank you,
3 Chair Gennaro. Yeah. So, I have some questions
4 online Intro 1618 I wanted to as the Commissioner of
5 DEP. This bill will require DEP to produce a
6 [inaudible 01:42:26] of reports, plans, and studies
7 related to sewage and stormwater contaminants in the
8 city's waterways. So, I want to know the DEP
9 thoughts following reporting requirements in my
10 legislation such as the annual study and report on
11 the presence of contaminants from combined sewage
12 overflows in New York City's waterways and DEP
13 progress to work [inaudible 01:43:01] noted in the
14 sewage overflow long-term control plan. And the
15 second is an integrated watershed management plan for
16 each waterway that is the subject of a combined
17 sewage overflow long-term control plan. The third
18 thing is a report identifying all technically
19 feasible opportunities to develop green
20 infrastructure on public and private lands and
21 structures within the sewer tracks training into each
22 prospective waterway. And another item is a study
23 you are evaluating the effectiveness of current
24 regulations for reducing the volume and way of
25 stormwater discharge from developed land and

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4 establishing a method to be used by the department to
5 spread the combined sewage overflow and stormwater
6 pollution reductions achieved by implementing such
7 standards. And lastly, a study on combination
8 treatments for raw sewage. I know there's a bunch
9 more questions. Can you give us an idea of what is
10 your thought on those?

11 COMMISSIONER SAPIENZA: Thank you, Chair
12 Koo. A lot of important information that you
13 described and we want so, you know, make sure that
14 the public has that information in as real time as
15 possible and transparently. Some of the information
16 that you spoke about is already available in some
17 reports that we do for the Department of
18 Environmental Conservation. Some quarterly reports
19 and annual reports. Those are on our website. But
20 wherever there are shortcomings, if, you know, you
21 feel that there is more that's needed, and he
22 mentioned some of it, happy to work with you on the
23 legislation to fill those gaps.

24 CHAIRPERSON KOO: Okay. So, we're aware
25 of you. Yeah. This bill also will [inaudible
01:45:10] the DEP to conduct an extensive public
engagement process before finalizing the plans and--

2 Does DEP support the public engagement process as
3 outlined in the bill?

4 COMMISSIONER SAPIENZA: Again, Chair Code,
5 we do think we have had, you know, some good public
6 meetings over time. I am going to give this one to
7 Deputy Commissioner Licata because she is been
8 involved in the work with the communities and public
9 hearings over the past-- and public meetings over
10 the past several years. Angela?

11 DEPUTY COMMISSIONER LICATA: Sure. Yeah.
12 We very much like to hear from the public. We very
13 much welcome to their input. We reach out quite
14 often. During the long-term control plans
15 themselves, we would reach out to kickoff a
16 watershed. We would then reach back out to talk
17 about alternatives and then we even added at the end,
18 you know, a final meeting to talk about the selected
19 alternative that would be sent to the state GEC for
20 approval. We were also doing citywide annual
21 meetings and, quite often, we will reach out to our
22 stakeholders OR green infrastructure program, so we
23 are very proactive to let them know about changes and
24 modifications that may be required. Of course, we
25 would always do better and we would be happy to hear

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4 your suggestions and, frankly, I would love it if we
5 could expand the stakeholder groups that we are
6 meeting with on a regular basis so that we could
7 expand the concerns that we are hearing from our
8 constituency. As were talking about today, you know,
9 the climate pressures in the response to resiliency
10 sometimes competes with the water quality
11 improvements and then hearing from those that are
12 concerned about affordable rates. So, trying to get
13 everybody in a room in two men in checks to into
14 recognize each other's challenges, I think, would be
15 a wonderful idea.

16 CHAIRPERSON KOO: Thank you. He appeared
17 were very happy to work with you with this
18 legislation. So, thank you for your good work and
19 thank you, Commissioner. Next few questions would be
20 directed to the Parks Department. Parks Without
21 Borders Initiative. What is the current funding
22 level, Commissioner?

23 DEPUTY COMMISSIONER KAVANAUGH: Good
24 afternoon, Chair Koo. Nice to see you again. Parks
25 Without Borders was an initiative developed under
26 Commissioner Silver should create more welcome,
27 accessible openings to parks, entrances to parks that

1 connected better with the community. There was 50
2 million dollars allocated to the program initially.
3 40 million dollars went into eight specific projects
4 in the boroughs that were chosen as a result of a
5 nomination process that the public participated in
6 any significant way. 10 million dollars has been
7 allocated term or general Park design projects--
8 Parks design and construction projects to add those
9 elements of openness, accessibility, in community
10 connections to this projects, as well. So while it
11 was not specifically a green infrastructure driven
12 program, it did capture resiliency as we do in all of
13 our designs by addressing stormwater capture within
14 the part and creating more permeable surfaces
15 wherever we can.

17 CHAIRPERSON KOO: So, what are the most
18 projects the green infrastructure project will
19 install?

20 DEPUTY COMMISSIONER KAVANAUGH: So,
21 Council member, we have been working on green
22 infrastructure for over 10 years now. We have a very
23 fruitful partnership with the Department of
24 Environmental Protection. In 2014, at the start of
25 the de Blasio administration, DEP approached us about

investing specifically for green infrastructure in the community park initiative program. They allocated 36 million dollars to the first phase of green CPI sites that were built, you know, at the start of the administration, including the playground at Bound Playground which is in your district and is one of the first phase projects that was built. We incorporated green infrastructure that removes stormwater from the surrounding streets and were processed in the park using three basic elements: rain gardens, permeable pavement, and underground storage systems. Since that initial investment, DEP has provided an additional 105 billion dollars for green infrastructure in parks that is being developed both by DEP directly and by Parks. In fact, we have about 35 million dollars' worth of projects that will be going into construction starting now and, over the next 13 and 14 months, they will provide green infrastructure at 61 different parks inventory boroughs and will eventually help us capture approximately 902,000 cubic feet of rainwater for storm event of 1.2 inches and greater.

CHAIRPERSON KOO: Okay. Thank you. So,
are any of the Parks Without Borders projects located
in communities of color?

DEPUTY COMMISSIONER KAVANAUGH: Yes.
They are. Specifically Virginia Playground in the
Bronx is definitely in a community of color. I'm
trying to remember some of the other ones off the top
of my head. Many of them were large regional parks
that served multiple communities. For example, the
Prospect Park entrance on Flatbush Avenue serves both
the east and-- I'm sorry. The south and north sides
of the park which hosts some very diverse
communities. Flushing Meadow Corona Park, of course,
the entrance that was built there services a very
diverse community, as well. But, yes. That was
definitely part of the thinking behind the Parks
Without Borders Initiative.

CHAIRPERSON KOO: Thank you. As you just
mentioned, I am finding a pilot program for permeable
[inaudible 01:52:15] along [inaudible 01:52:18]
Street in my district, however, this is only part of
the solution. Does the city currently installed
permeable pavement? If so, does the city have a map

2 of locations where it has installed permeable
3 pavement?

4 DEPUTY COMMISSIONER KAVANAUGH: Yes,
5 Chair Koo. We do install permeable pavements. It's
6 one of the elements that way incorporate in park
7 designs whenever it is feasible. It is not feasible
8 in every instance. You need a certain, you know,
9 depth between either bedrock for the water table or
10 other factors in order for it to work successfully,
11 but it is an element that we use pretty consistently
12 in parks both to manage stormwater within the park
13 which is a requirement that Commissioner Sapienza
14 referenced with the uniform stormwater for that is in
15 draft form right now and also to manage stormwater
16 for the Green Infrastructure program and that is when
17 we bring water from the street into the park to be
18 managed in the park and kept out of the sewer system.
19 I don't know that we have a map, but we can certainly
20 develop a list of places where we have installed
21 green infrastructure and I want to thank you for that
22 pilot project on Union Street. It's really important
23 that we give trees the best opportunity to survive in
24 busy commercial streets the foot traffic can really
25 limit the amount of space where trees can access

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4 water. So, having the permeable pavement in an area
5 like that could be really beneficial to our program
6 in providing trees and those types of areas.

7 CHAIRPERSON KOO: Thank you. So, after
8 the flooding from Tropical Storm either, many of the
9 homeowners who saw it located in an area completely
10 surrounded by Cassena Park. These homeowners have
11 asked for the city to purchase their homes and return
12 the space to park land. Is this something the city
13 is considering?

14 COMMISSIONER SAPIENZA: Council member Koo,
15 I know the Mayor was out there himself meeting with
16 the homeowners. I know there is a pocket of homes
17 that, you know, was built in what was once a wetland
18 area. We are looking to see if there are drainage
19 solutions for about location and working our best to
20 do that. I know we've been approached by those
21 homeowners and others in another section of Queens
22 and some in East Elmhurst about buyouts. I don't
23 think we've, you know, gotten too far into that
24 assessment yet, but, again, just trying to see if
25 there's any drainage improvements that we can make in
the near term.

4 CHAIRPERSON KOO: Yeah. Because many
5 homeowners, they said they have experiences every few
6 years. So, it doesn't make sense, you know, for them
7 to repair again and again [inaudible 01:55:31]. They
8 don't know how else FEMA or [inaudible 01:55:43] to
9 considering--

10 COMMISSIONER SAPIENZA: You broke up a
11 little bit, but I think I got the gist. Yeah. I
12 know that there are some pockets of homes and, you
13 know, many of them at the lowest point, you know,
14 sort of the bottom of the drainage bowl of the sea
15 flooding not only in storms like Ida and Henri, but
16 on a more regular basis and, you know, wanted to go
17 good hard look at those unjustly what are the best
18 solutions.

19 DIRECTOR BAVISHI: And I might also add
20 that, in parallel with the analysis that Commissioner
21 Sapienza mentioned, we are also advocating for
22 funding for voluntary buyouts from Congress. After
23 Sandy, there were a number of buyout programs that
24 were implemented by the city, state, and federal
25 government and they were all federally funded. So,
similarly, we are advocating for funding to be able

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4 to offer a voluntary buyout program if, in fact, it
5 is needed.

6 CHAIRPERSON KOO: Thank you. So, it seems
7 like my Internet is not the best today. So, is there
8 [inaudible 01:57:00]-- I don't know. The green
9 infrastructure in more parks. We had complaints in
10 our community by Cassena Park and also heard
11 complaints from Northeast Queens, especially
12 surrounding Golden Lake. As you know, my community
13 saw three deaths as a result of flooding due to
14 Tropical Storm Ida in the neighborhood surrounded by
15 all four sides by Cassena Park. Other residents with
16 homes adjacent [inaudible 01:57:47] also saw damage
17 and [inaudible 01:57:55].

18 COMMISSIONER SAPIENZA: Chair Koo, you
19 broke up at the end there. I don't think we heard
20 the question.

21 CHAIRPERSON KOO: Oh, okay. So my
22 question is what is the Parks-- actually, it's for
23 Parks. What is the Parks' plan to incorporate green
24 infrastructure in more parks? Because of these
25 severe damages suffered by homes surrounded by parks,
so we have to do something in the parks to absorb all
the water.

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4 DEPUTY COMMISSIONER KAVANAUGH: Yes,
5 Council member Koo. As I mentioned earlier, we have
6 almost 100 million dollars worth of green
7 infrastructure projects funded by DEP. Many of them
8 will be implemented by DEP. In parks, 61 parks will
9 be in construction over the next 12 to 14 months. We
10 do have four green infrastructure projects for
11 Cassena Park included in that, however, want to be
12 clear that they weren't designed to handle sort of
13 normal rain events in the typical flooding you see,
14 not the extreme rainfall that we saw as part of
15 Tropical Storm Ida-- the remnants of the storm. I
16 believe that DEP may be thinking about other possible
17 solutions for places like Cassena and I would ask
18 Commissioner Licata to perhaps speak a little bit
19 about that.

20 CHAIRPERSON KOO: Thank you. Yeah.

21 DEPUTY COMMISSIONER LICATA: Surely. So,
22 the Commissioner asked us to put together a
23 disciplinary team to really look closely at the
24 Cassena problem since you are so correct about the
25 amount of devastating flooding that occurred there.
26 So, we are planning to work with our drainage group.
27 We have already had the lake that is within the

1 Cassena corridor. We have had some conversations
2 with some of the professors from Queens College and
3 we are going to creating a list of potential
4 strategies that we can use in that area and we will
5 be working together to bring the both green and gray
6 opportunities that exist there.
7

8 CHAIRPERSON KOO: Yeah. Thank you. So,
9 [inaudible 02:00:34] over there the last time they
10 did major [inaudible 02:00:38] was a long, long time
11 ago, no? so, the property and other upgrades on the
12 drainage systems in that area.

13 COMMISSIONER SAPIENZA: And as Deputy
14 Commissioner Licata mentioned, we will have that as
15 part of the assessment. Chair Koo, normal, you know,
16 hard pipe drainage improvements can help or if other
17 things are needed and we will report back on that.

18 CHAIRPERSON KOO: Yeah. Thank you. My
19 next question is sort of to the Parks. The
20 [inaudible 02:01:23] campaign secure funding in
21 fiscal year 2022 to invest in nature resiliency use.
22 How is the Parks planning on using this [inaudible
23 02:01:40] park properties more resilient?

24 DEPUTY COMMISSIONER KAVANAUGH: Thank you
25 for your question, Chair Koo. I want to thank you in

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2 the Council for providing that funding through the
3 Play Fair Initiative for the forest management
4 framework. We have a plan to maintain and improve
5 natural areas in 26 of our parks around the city. It
6 is quite extensive. The goal is to keep those
7 natural areas as healthy as possible, restore
8 features that may have become degraded over time,
9 provide better access for trail maintenance entry all
10 restoration and building new trails, and introducing
11 more volunteers into our natural areas program. We
12 have over 11,000 acres of natural areas. They
13 contribute enormously to the environmental health of
14 the city. Managing stormwater, course, is one of
15 their key features. By maintaining them better, by
16 expanding the natural features, and by introducing
17 more people do them, we know that those values are
18 only going to increase over time. So, it's a really
19 important investment in one that we are really
20 thrilled that the Council saw fit to provide.

21 CHAIRPERSON KOO: Thank you, Commissioner.
22 What is the status of Green Streets Program? How
23 many have been built in recent years?

24 DEPUTY COMMISSIONER KAVANAUGH: Well,
25 Council member, the Green Streets program started

1 almost 25 years ago under then Commissioner Stern who
2 was the driving force behind it. We officially ended
3 the Green Streets program in 2010 and began
4 transitioning towards a Green Infrastructure approach
5 to both managing parkland and managing environmental
6 impacts on parks. So, we don't have a program to
7 build new cream streets as a regular basis. We do,
8 however-- we can, however, and do build new green
9 strengths when funding is provided for us. So, you
10 know, for example, we received a grant after
11 Hurricane Sandy to build a series of connected green
12 streets on Gaiter Avenue and Brighton Beach in
13 Brooklyn. They just finished not too long ago.
14 Similarly, we had funding to install some green
15 streets in the wake field section of the Bronx at
16 Nerida Avenue in Richardson Avenue. So, when there
17 are opportunities in terms of a site that is suitable
18 to become a Green Street-- because we did create
19 2214 green streets citywide. So, we took advantage
20 of the most obvious properties already. But if there
21 are sites and either a funding source or a grant or
22 foundation or elected official, we can certainly add
23 more green streets, but we don't do it in the normal
24
25

2 course of business as we were when the program was
3 most active.

4 CHAIRPERSON KOO: So, what is the process
5 for installing green streets? Can community members
6 request one being stored in a particular location?

7 DEPUTY COMMISSIONER KAVANAUGH: They can
8 certainly suggest a location and we will evaluate see
9 if it is suitable. If it meets the criteria of the
10 program and it's a feasible project, but then we
11 would ask that the sponsor help find the resources
12 needed to build the Green Street. We don't have an
13 allocation within our capital budget to build new
14 green streets.

15 CHAIRPERSON KOO: Okay. Thank you. Thank
16 you, Commissioner, and thank you, Commissioner of the
17 DEP. Both agencies have been doing good work for our
18 city. Yeah. Thank you. So, Chair Gennaro, I have
19 finished my questions. Thank you.

20 CHAIRPERSON GENNARO: All right. Thank
21 you very much, Chair Koo, for your questions and for
22 the bills that you have on the docket today and I
23 will defer to the committee counsel. If you can let
24 me know the next person in turn who has asked to be
25 recognized for questioning.

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2 COMMITTEE COUNSEL: Sure, Chair

3 Gennaro. I believe there are other Council members
4 who have questions. I will just quickly say, members
5 of questions for the panelists, please use the zoom
6 raise hand function and please raise your hand now--

7 CHAIRPERSON GENNARO: Yeah. [inaudible
8 02:06:18] I know that Council member Brooks-Powers
9 and Council member Holden--

10 COMMITTEE COUNSEL: Yes.

11 CHAIRPERSON GENNARO: both have their
12 hands raised. I don't know which one came first.

13 COMMITTEE COUNSEL: Yeah. Council
14 member Holden had first raised his question followed
15 by Council member Brooks-Powers. And, again, there
16 will be a five minute time limit for Council members
17 and, again, Council member Holden is the first.

18 CHAIRPERSON GENNARO: Thank you. Thank
19 you I recognize Council member Holden.

20 COUNCIL MEMBER HOLDEN: Thank you, Chairs.
21 Thank you to all the Chairs. Very important
22 information. I just want to welcome Commissioner
23 Sapienza. Thank you, again, for your testimony. I
24 just have one real question regarding Intro 627. In
25 relation to placing liability on the city for

1 overtaxed sewer lines and requiring the city to
2 develop a plan to mitigate in prevent sewer backups.
3 The bill mentioned, among other things-you mentioned
4 it before. Backwater valves or I call them check
5 valves where the homeowners certainly have a backup
6 caused by an insufficient New York City's sewer
7 system that backs up and sometimes, you know, could
8 be raw sewage several times and other home. And I
9 know that I have had that once happened to me. It
10 was really not the city's fault use ago. It was like
11 you have to obviously maintain year sewer line any
12 should get maintenance on it every year, I guess.
13 Clean it out and make sure it is working
14 sufficiently. But there's nothing worse than raw
15 sewage backing up into your home. I guess he would
16 agree, Commissioner.

18 COMMISSIONER SAPIENZA: It's happened to
19 me, as well.

20 COUNCIL MEMBER HOLDEN: So, if you can
21 think about-- and I think DEP can sort of address
22 this because, if it is not the homeowners fault and
23 because they just happen to live in an area where the
24 city didn't really think about, you know, upgrading
25 because of maybe overdevelopment. There's a lot of

1 reasons why we kind of drill have a sufficient sewer
2 system for that particular area. Will you think
3 about-- and I know you said you are going to look at
4 this bill, but you think about either rebates or
5 credit off their water and sewer taxes or, you know,
6 help them install a check valve-- but, by the way,
7 do you know what it would cost to install a typical
8 check valve on a-- let's say a single-family home?

10 COMMISSIONER SAPIENZA: Yes. We will start
11 with that, Council member Holden. The device
12 themselves, the check valves are only a few hundred
13 dollars, but then whatever the plumber finds as the
14 configuration in the basement, it's going to add
15 labor into that, but that is where that is. But, I
16 guess, you know, with the legislation, one of the
17 things that we just have some trouble with is, as you
18 heard earlier, that the sewers are designed for a
19 five year rainstorm. So, if a six-year rainstorm
20 comes in the system backs up into our basement, you
21 know, that's just the way that the system was
22 designed. It doesn't mean that there was anything
23 functionally wrong with the sewers, that it was dirty
24 or anything else. So, you know, we agree that sewer
25 backups are an issue. I think we have done a good

2 job. Again, the testimony we mentioned a 70 percent
3 reduction in the last decade. That's still a lot to
4 do, but, you know, we certainly would like to craft
5 legislation that, you know, protects homeowners, but
6 also people who pay water bills who would ultimately
7 be liable if there are damages. So, we want to
8 strike the right balance.

9 COUNCIL MEMBER HOLDEN: But if it has
10 happened a number of times two individuals-- like I
11 just-- you know, one in five years, I don't know if
12 the city, you know, will determine whether that could
13 be feasible, but if it is happening regularly in
14 certain areas of the city, then I think, obviously,
15 the city should look at upgrading those sources
16 system long-term. I we know how long that can take,
17 but, certainly, to Council the homeowners, work with
18 them, for sampling and for possible rebate of the
19 check valve because there are a few different check
20 valves, I understand. There is one that you can, you
21 know, manually close the gate, right, that will--
22 you can't use your, obviously, your toilets or your
23 sinks, but you could, at least, prevent the back up
24 in the height of the storm or some other reason why
25 it's backing up. But I think if people just happen

1 to live in a very prone area for backups, then I
2 think we have to help them and I think you would
3 agree with that because if-- I'm not saying, again,
4 the one in five year thing. I'm talking about where
5 they have regularly, yearly backups from the city
6 sources.
7

8 COMMISSIONER SAPIENZA: yeah. We certainly
9 understand the issue, Council member, that you have
10 raised and, again, I think we have been focusing
11 that-- we talked about the 70 percent reduction in
12 sewer backups in the last 10 years. We focused a lot
13 on those reoccurring locations. You know, blocks
14 where we see, you know, every couple years the issue.
15 But there is certainly more to do in, again, you
16 know, happy to continue working with the Council to
17 find out what the best path forward--

18 COUNCIL MEMBER HOLDEN: And just one last
19 question. Didn't the city partner with insurance
20 companies or they kind of said, you know, if you have
21 pipe--

22 SERGEANT-AT-ARMS: Time expired.

23 COUNCIL MEMBER HOLDEN: Can I finish,
24 Chair?

2 CHAIRPERSON GENNARO: Yes. I will work
3 Council member Holden finish his question.

4 COUNCIL MEMBER HOLDEN: Yeah. One last
5 question. Where the city partnered with insurance
6 companies and they said, you know, if you want to
7 have pipe insurance or-- you know, could we do
8 something where we partnered with an organization
9 that could install these for a discounted price and
10 work on that option possibly for people in homeowners
11 who need that? Because we are paying water and sewer
12 and if our sewer is not working, something needs to
13 have been here. And really on the city's part.

14 COMMISSIONER SAPIENZA: That's a suggestion
15 we could certainly look at and, yes, we have
16 partnered with a company, American Water Resources,
17 that you can purchase insurance for both your sewer
18 line and your water service. But, yeah. It's a good
19 suggestion and we'll follow up on that.

20 COUNCIL MEMBER HOLDEN: Thank you, Chair--

21 CHAIRPERSON GENNARO: Thank you, Council
22 member Holden and interesting attack that we may be
23 able to employ to get this bill. I certainly
24 appreciate it and thank you very much for being
25 patient and you giving us the benefit of your good

1 questions. And with that, I recognize Council member
2 Brooks-Powers.
3

4 SERGEANT-AT-ARMS: Starting time.

5 COUNCIL MEMBER BROOKS-POWERS: Thank you
6 so much, Chair Gennaro, for the opportunity. Good
7 afternoon, everyone. Glad to be here. Thank you,
8 again, Chair Genaro, Chair Koo, and Chair Brannan,
9 for convening this hearing. We have urgent concerns
10 for safety of our communities. Climate change isn't
11 happening in 10 years. It's happening now, as we all
12 know. And, as the committee's own report
13 acknowledges, Southeast Queens has experienced a
14 long-standing flooding problem for many years in my
15 district includes the Eastern Rockaways and
16 neighborhoods like Rosedale in Springfield Gardens
17 which also it close to the shore of Jamaica Bay in
18 these areas submit more flooding and sewage backup
19 reports then the other area in the city. In fact, he
20 spoke to a constituent just yesterday with
21 Commissioner Sapienza with me who I think for coming
22 out to the 31st district to meet with my constituents
23 where she shared that, as she was preparing to give
24 birth, her doctor told her if she went into labor, it
25 would be a search and rescue mission to get her out

2 in the event that there was rain because the waters
3 reached so high in that residential area. I want to
4 just give that example just to kind of give a picture
5 of folks in terms of when we say we have flooding
6 concerns. In that light, I would like to ask the
7 administration a few questions. There are projects
8 in my district and other areas that are most
9 threatened by flooding that will not start for three
10 years and, even once it starts, it will take about
11 three years to complete. So, in essence, we will be
12 waiting at least six years for the benefits of these
13 projects to come to our communities. Cameras city
14 committee to moving of the timeline for these
15 projects? DEP in the Office of Climate Resiliency
16 ran a 2016 pilot in Southeast Queens, examining how
17 the new green infrastructure occurred handle extreme
18 rainfall in cloud burst conditions. I know that
19 Director Bavishi at the Office of Climate Resiliency
20 expressed enthusiasm for expanding this program last
21 month hearing with Transportation, Environment, and
22 Resiliency. What were the results of this pilot and
23 does the city have plans to expand the program in the
24 near future? And I yield further response to the
25 answer to those questions. Thank you so much.

4 COMMISSIONER SAPIENZA: Councilwoman, I
5 will start and then we will turn it over to MOCR,
6 but, yeah. I mean, you and I've done walking tours a
7 few times now and certainly a picture paints more
8 than a thousand words. A lot of situations. You
9 know, we spoke about the Mayor's commitment to
10 building storm sewers in Southeast Queens and helping
11 out parts of Rockaway, as well. That work is
12 underway. We all wish it could go faster, but, you
13 know, other areas that you pointed out to US that are
14 really, you know, more than just, you know, people
15 walking with their ankles in water and where it is
16 life and safety issues, we will work with the
17 Department of Design Construction to see if we can
18 expedite some of those projects because, you know,
19 it's clear, particularly, the one area we were in on
20 Minton Street yesterday where it gets very bad. So,
21 you know, we will try to expedite that. I'll turn it
22 over now to Director Bavishi.

23 DIRECTOR BAVISHI: Thanks, Council member,
24 for the questions. Yes. We have been implementing
25 the pilot in Jamaica Houses and St. Albans. The
pilot is moving along. We are moving into
construction quite soon and in the New Normal report

1 that the Mayor released last month, we made a
2 commitment to expand cloud burst initiatives
3 citywide. Our first tab is to create a framework to
4 determine where we will implement these cloud burst
5 initiatives. We want to make sure that we are taking
6 into account physical indicators of risk, as well as
7 social indicators of risk so that we are implementing
8 an equitable and transparent way and we will be
9 investing in four projects immediately that funding
10 will appear in the capital budget that will come out
11 very soon and we will be seeking state and federal
12 funding to implement more beyond those first four.

14 COUNCIL MEMBER BROOKS-POWERS: Thank you
15 both for your responses and your partnership on this
16 very important issue. And, Commissioner Sapienza,
17 definitely hope that we can see a more accelerated
18 timeline for the construction. I trust that it will
19 be conveyed to the Mayor in terms of how the safety
20 dynamics are presented in communities like mine--

21 SERGEANT-AT-ARMS: Time expired.

22 COUNCIL MEMBER BROOKS-POWERS: So that
23 we can be able to really move this forward. So thank
24 you so much to both of you for your responses.

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4 CHAIRPERSON GENNARO: And I wish to thank
5 Council member Brooks-Powers for elevating this and I
6 promise you, Council member Brooks-Powers, that we
7 will talk about this in the next budget and my staff
8 is already taking note of the imperative that this
9 happens. So, thank you very much for elevating it at
10 this hearing.

11 COUNCIL MEMBER BROOKS-POWERS: Thank
12 you, Chair.

13 CHAIRPERSON GENNARO: And I will once
14 again defer to the committee counsel, but I see
15 Council member Rose is seeking to ask questions.

16 COMMITTEE COUNSEL: Yes. Council
17 member Rose does have a question.

18 CHAIRPERSON GENNARO: Okay. I happily
19 recognize Council member Rose.

20 SERGEANT-AT-ARMS: Staring time.

21 COUNCIL MEMBER ROSE: Thank you so much,
22 Chair. My colleagues pretty much asked the questions
23 that I had in mind, too. I'm very concerned about
24 the blueprint titled the New Normal combating storm
25 related extreme weather in New York City and the
26 timeline. You know, we know that they are long-term
27 projects, but I'm wondering if they saw any member of

1 capital infrastructure projects that could take place
2 immediately and done quickly to get some improvement
3 and my question is really Staten Island based in
4 terms of the blue belt. Last fall, the expansion of
5 the mid-Island blue belt began its plans to reduce
6 flooding. I would like to know how many of these
7 projects have been completed so far and how many more
8 remain undone from this expansion in I am
9 particularly concerned about the snug Harbor blue
10 belt which would help mitigate many of our flooding
11 and water, you know-- yeah. Water problems. Thank
12 you.
13

14 COMMISSIONER SAPIENZA: Yeah. Council
15 member Rose, things for all of those-- raising all
16 those issues. Hi. How are you? So, first question
17 was just about how long these projects take in some
18 of the, again, larger or infrastructure intensive
19 projects do take a long time and I think that is why
20 we want to sort of COVID again as we work for hybrid
21 approaches versus things that we can get more quickly
22 like green infrastructure, permeable pavement. Over
23 we could do those types of things in a shorter
24 timeline, you know, we certainly want to do. Talking
25 about the blue belts, I mean, those have been great

1 success stories for Staten Island to date. Much of
2 it has been focused on the South Shore. We've been
3 doing more mid-Island now and, again, great successes
4 there. We want to continue to do more, but you
5 mentioned the Snug Harbor blue belt and, you know,
6 the Mayor had visited Rumsey hospital. I went with
7 him and it suffered a lot of flooding.

8
9 COUNCIL MEMBER ROSE: Right.

10 COMMISSIONER SAPIENZA: Snug Harbor, you
11 know, blue belt would certainly help to address that
12 and we've actually put some additional funding
13 forward for that project to get that really started
14 because, you know, the more Northshore areas
15 certainly could benefit from that, as well.

16 COUNCIL MEMBER ROSE: Thank you,
17 Commissioner. Do we have a timeframe for that? Is
18 it in this fiscal year?

19 COMMISSIONER SAPIENZA: Unfortunately, it's
20 not, you know, but again, money was allocated. You
21 can see it, I guess, tomorrow when the new capital
22 plan comes out, but I think it's a few years out
23 still and some of the design still needs to be done.

24 COUNCIL MEMBER ROSE: That was wire
25 started my question with, you know, long-term and

2 short-term. This, to me, seems to be a good fix.

3 Affix that word address many of the major issues of

4 flooding, especially on the Northshore. I don't

5 quite understand why we are not putting the capital

6 funds in, you know, immediately since we really-- we

7 say that we don't have time. We really don't have

8 time. The last occurrence wasn't an anomaly anymore.

9 It's going to almost be like our new normal. So, I

10 really would like to sit down and talk to that

11 administration about how we sort of put this on speed

12 dial because this was a project that had been

13 greenlighted and I don't really understand why, you

14 know, we-- for some reason, was taken off the books.

15 COMMISSIONER SAPIENZA: And a great

16 example, Council member, you know on Staten Island

17 where we do have the bulk of the blue belts completed

18 along the South Shore accommodated pretty well during

19 I know compared to, you know, more of the Northshore

20 that got hit really hard and, you know, we want to,

21 again, get this project moving.

22 COUNCIL MEMBER ROSE: Okay. I just want

23 to make it a priority because the Northshore hasn't

24 been a priority in terms of these resiliency

25 projects, of storm surge. It's almost as if we

1 haven't suffered some of the same incidents that even
2 the same level, sometimes, as mid-Island and South
3 Shore. So--

4 SERGEANT-AT-ARMS: Time expired.

5 COUNCIL MEMBER ROSE: I want to see these
6 projects become a priority. Thank you.

7 CHAIRPERSON GENNARO: Council member
8 Rose, I mean, just ago put my two cents in here,
9 mean, we could always pursue the nuclear option of a
10 budget modification. I mean, that really would be
11 the nuclear option, but if that is something, you
12 know, you want to pursue with the Council leadership,
13 that may be a door that you could open. You know?

14 COUNCIL MEMBER ROSE: Thank you so much,
15 Chair Gennaro. And I will have an off-line
16 conversation with you in the leadership. Thank you
17 so much. Thank you.

18 CHAIRPERSON GENNARO: Thank you, Council
19 member Rose. The moderator, though committee
20 counsel, is there anyone else wishing to pose
21 questions to the administration?

22 COMMITTEE COUNSEL: This point, Chair,
23 there are no other Council members with questions.
24

2 We may go back to you cochairs or, at this point, we
3 can also turn to public testimony.

4 CHAIRPERSON GENNARO: Yeah. Let me just
5 see if, you know, Chair Brannan or Chair Koo have any
6 further questions for the administration. Is that
7 the case? If not, we can--

8 CHAIRPERSON KOO: I have no more
9 questions.

10 CHAIRPERSON GENNARO: Okay. Is Chair
11 Brannan on? Sometimes people go in and out.

12 CHAIRPERSON BRANNAN: I'm on. I'm on,
13 but I'm good. I'm good, Chair. Thank you.

14 CHAIRPERSON GENNARO: Okay. With that,
15 would really like to thank the administration, you
16 know, very much for you're their very forthcoming
17 and, you know, sincere and substantive testimony and,
18 you know, chose to show, you know, Director Bavishi
19 that I take very seriously what she said, I've
20 already as my, you know, legislative Council not
21 uploaded a legal services request to do what you
22 mentioned in your testimony. So, I am going to do a
23 little more looking into that, but we already are
24 drafting the legal services request to create what
25 you mentioned in terms of the fully funded Mayors

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2 Office of Climate Resiliency, you know, if that is a
3 need-- if that is, indeed, needed. So, thank you
4 for bringing that forward. I do appreciate it. To
5 everyone else in the administration, I just want to
6 thank everyone who was year on behalf of the
7 administration. And so, but someone will be staying
8 behind in order to be on the-- presumably someone
9 from the Mayors Office will stay on this hearing and
10 hear all of the good testimony from the public? If
11 that person from the Mayors Office can identify
12 herself or himself as to will be staying on as to
13 listen to the good testimony from the public? Do we
14 have that person?

15 DIRECTOR BAVISHI: Yes. Someone from the
16 Mayors Office will be staying on them will be
17 listening to the testimony. They will be on the live
18 stream.

19 CHAIRPERSON GENNARO: Great. Great.
20 Thank you very much, Director Bavishi, and everyone
21 else. So, with that said, we will move on to public
22 testimony and I thank, once, again, finally, everyone
23 from the administration for their testimony. Thank
24 you very much.

25 COMMITTEE COUNSEL: Thank you--

2 CHAIRPERSON GENNARO: And I will tell the
3 speakers that we're about to hear from, you know,
4 this is a list that is held by the committee counsel.
5 I don't know who's coming next, so it is going to be,
6 you know, kind of a surprise. I don't control it,
7 but I look forward to hearing the testimony and all
8 the members who will stay on this hearing. I look
9 forward to hearing the testimony of each and every
10 witness who wishes to come forward. And, with back,
11 committee counsel, who is our next witness?

12 COMMITTEE COUNSEL: Thank you, Chair
13 Gennaro. Our next witnesses Donovan Finn followed by
14 Tyler Taba. And if I could just briefly introduce
15 this next segment, unlike our typical Council
16 hearings, we will be calling on individuals one by
17 one to testify. Each panelist will be given three
18 minutes to speak, so each panelist, please identify
19 yourself and any organization that you represent and
20 the sergeant will give you the cue to begin. Council
21 members who have questions for a particular panelist
22 should feel free to use the raise hand function in
23 zoom and you will then be called after the panelist
24 has completed their testimony. So, as I mentioned

2 before, our first panelist is Donovan Finn followed
3 by Tyler Taba.

4 SERGEANT-AT-ARMS: Starting time.

5 DONOVAN FINN: Hello. Thank you. My
6 name is Donovan Finn. I am an assistant professor of
7 environmental design policy and planning in the
8 School of Marine and Atmospheric Sciences at Stony
9 Brook University. And I'm a proud resident of
10 Jackson Heights, Queens. This study societal risk
11 from climate change and I analyze how cities are
12 adapting to changes. So, let me first applaud the
13 Council and all of the city agencies for their
14 resiliency efforts which I can say with certainty are
15 both progressive and are mostly important right now.
16 But to take away from our research at Stony Brook is
17 simple. As evidence like Cindy and Ida have
18 illustrated and others have mentioned today, the
19 effects of human caused climate change is not
20 imminent. It arrived yesterday and only aggressive
21 action is going to protect us from this grim future
22 of our own making. Stormwater flooding, the topic of
23 today, is a textbook example. The most sophisticated
24 climate science, like that time by my colleagues at
25 Stony Brook tells us that our future will be wetter

1 and our weather more extreme. But we can't build
2 resilience with just concrete pipes. We must remake
3 our urban system and remake our concrete jungle as a
4 green sponge that absorb stormwater, harnesses
5 natural systems as a way to solve intertwined
6 environmental, economic, and social equity challenges
7 in this is going to require, I think, rethinking our
8 entire system of planning and governance of parks,
9 transportation, education, economic development, and
10 environmental justice. Luckily, many other cities
11 are leading the way on this, as well. The
12 underground parking garage in the Dutch city of
13 Rotterdam that I visited a couple years ago that
14 holds 3 million gallons of stormwater, that three new
15 resiliency parks across the river at Hoboken that
16 overturned three toxic Brownfields into recreational
17 space, as well as 2 million gallons of storage space.
18 But these effective solutions have to be locally
19 tailored. Here in New York, they think are most
20 abundant resources are 6000 miles of streets that
21 comprise 27 percent of our land area, so rethinking
22 those streets as the kidneys of the city would
23 sequester stormwater, make bicycling and walking
24 safer and improve public health and mental health and
25

1 social equity. The connective benefits are endless,
2 but despite all of the efforts the city is already
3 doing in this area, my key messages we cannot let a
4 single opportunity pass by. With every dime the
5 city's bones on any capital projects starting the
6 day, resilience really has to be the first concerned.
7 Every single missed opportunity will haunt us in the
8 decades to come. In closing, would also mention that
9 these are the kinds of transformative environmental,
10 economic, and social solutions that the city and
11 universities like Stony Brook are envisioning for a
12 new Center for Climate Solutions on Governors Island.
13 Leveraging the city's expertise and workforce can
14 help us develop and implement such solutions
15 throughout this region and globally and become a
16 global leader for climate solutions. Yes. These
17 challenges are daunting, but effective solutions,
18 while expensive and sometimes political volleyball,
19 but are critically important. The Counseling
20 agencies have made laudable progress, but we must
21 continue to use the best science and policies to
22 accelerate these efforts. Thank you for your time
23 and attention to this important topic.

2 COMMITTEE COUNSEL: Thank you very much
3 and we will turn to Chair Gennaro who has a question
4 or comment.

5 CHAIRPERSON GENNARO: Thank you,
6 Professor Finn. As you well know, very familiar with
7 the good folks out of the School of Marine in
8 Atmospheric Sciences. You may or may not know that
9 Stony Brook is my undergraduate and graduate alma
10 mater. I have my legislative director, Nabi Caro,
11 who is watching this broadcast. We would like to
12 off-line have a conversation, you know, with you to
13 get the benefit of your brain waves on this very
14 critical issue. Those and those of your colleagues,
15 you know, because there is the work that you have
16 done. There's the people that you represent and also
17 at Somas [sp?]. And I am very mindful of Stony
18 Brook's interest in the, you know, Governors' Island,
19 you know, Climate Center. I'm very grateful that,
20 that it has come I know that it has at its disposable
21 with its relationship with the Brookhaven Natural
22 Laboratory that, you know, you would be able to make
23 very good things happen at that center, although that
24 is not my call. But what is my call is the ability
25 to sort of get together with you and get the benefit

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2 of your views which will, you know, inform my
3 committee and, you know, the other committees that
4 are, you know, represented today. So, thank you very
5 much and I look forward to ongoing relationship and I
6 thank you for being here today.

7 COMMITTEE COUNSEL: Thank you. Our
8 next panelist is Tyler Taba followed by Carlos Castel
9 Crook.

10 SERGEANT-AT-ARMS: Starting time.

11 TYLER TABA: My name is Tyler Taba. I'm a
12 fellow at the Waterfront Alliance, a leader in
13 waterfront real revitalization, climate resilience,
14 and advocacy for the New York New Jersey Harbor
15 region. This oversight hearing is very timely and we
16 would like to express support for the fall package of
17 bills being reviewed today. Recent storms in 2020
18 while Warren have claimed lives, brought damage to
19 infrastructure, flooded homes and apartments, and
20 shut down mass transit. Waterfront Alliance and the
21 Rise to Resilience Coalition recently shared a how-to
22 guide for the next Mayor which proposed immediate
23 actions for about first 100 days of the incoming
24 administration. In this guide, we detailed
25 recommendations for all three overarching topics of

1 this hearing: green infrastructure, urban flooding,
2 and sewer infrastructure. We would like to give
3 special attention to two of the bills from today's
4 hearing. Intros 1618 and T2021-8002. These two
5 bills highlight lessons learned over the five years
6 of implementing Waterfront Alliances waterfront edge
7 design guidelines, also known as WEDG, for coastal
8 projects. The waterfront edge design guidelines are
9 powerful tool for communities and landowners to build
10 resilience into projects. Well-designed for the
11 waterfront, many of these guidelines easily adapts to
12 properties across the city. Several WEDG credits,
13 used for scoring projects, relevant to green
14 infrastructure, urban flooding, in sewer overflows
15 credits 4.9, 4.10, and 4.11, for example, are focused
16 on reducing stormwater quantity, improving stormwater
17 discharge quality, and reducing combined sewer
18 overflows, respectively. Credits in WEDG also reward
19 designs that use green infrastructure to manage
20 additional stormwater runoff expected with increase
21 in more intense precipitation evidence. These
22 guidelines offer a blueprint for resilience solutions
23 that can be easily applied to all areas of New York
24 City into the Intros 1618 study. We also support
25

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4 T2021-8002. It is imperative for homeowners to be
5 equipped with tools that assist with retrofits.

6 Financial assistance for backwater valves is an

7 excellent start. We would like to for size the need

8 to properly funded support in widespread

9 communications regarding this bill. The financial

10 assistance for purchase and installation of backwater

11 valves should be communicated extensively so that

12 individuals far able to take advantage of such

13 incentives. The vulnerability in our cities

14 infrastructure has been on full display over the past

15 several years. The development of policies like the

16 ones we are hearing about today are testaments to the

17 actions we must take to protect our residents and our

18 infrastructure. We are grateful for the Council for

19 continuing to act on climate change and resilience

20 and it is time to put these about use in the

21 policies. Thank you very much.

22 COMMITTEE COUNSEL: Thank you very

23 much. And Chair Gennaro?

24 CHAIRPERSON GENNARO: Okay.

25 TYLER TABA: Oh. I think you're muted.

COMMITTEE COUNSEL: You're good now,

Chair.

2 TYLER TABA: We can hear you now.

3 CHAIRPERSON GENNARO: Okay. I just want
4 to-- it says I'm muted again. Am I muted again?

5 COMMITTEE COUNSEL: No. You're good.

6 TYLER TABA: I can hear you.

7 CHAIRPERSON GENNARO: Okay. Great. I
8 just want to thanked her very much. I go back with
9 the Waterfront Alliance along time and, you know,
10 back to the Roland Louis days and, you know, work
11 time, you know, many collaborations with, you know,
12 with regard to the Jamaica Bay watershed management
13 plan and everything waited to transfer, you know,
14 wetlands which were owned by other city agencies,
15 Department of Protection, but the Parks Department.
16 So, you know, long history with the, you know,
17 Waterfront I's and very grateful that you were
18 patient enough to give us the benefit of your muse
19 which will not be lost on the three committees
20 [inaudible 02:38:13]. So, thank you very much.

21 TYLER TABA: Thank you, Chair Gennaro.

22 CHAIRPERSON GENNARO: You bet.

23 COMMITTEE COUNSEL: Thank you. Our
24 next speaker is Carlos Castel Croke followed by
25 Michael Delong.

SERGEANT-AT-ARMS: Starting time.

CARLOS CASTEL CROKE: Good afternoon. My name is Carlos Castel Croke and I am the associate for New York City programs at the New York League of Conservation Voters. I would like to thank Chair Gennaro, Koo, and Brannan for the opportunity to testify today. In the wake of Hurricane Ida and other recent storms, New Yorkers have once again had to confront the extreme weather that climate change will continue to bring. One resiliency issue that is heavily affected by these storms is that of combined sewage overflows, or CSO's. New York City's old and outdated sewer system can be overwhelmed by just a tenth of an inch of rain over one hour, resulting in sewage and dirty stormwater runoff being dumped into our local waterways. These CSO's dumped 27 billion gallons overall sewage and polluted water into New York Harbor each year. Thankfully, the city acknowledges the issue of CSO's. The DEP implemented the Green Infrastructure program to directly target this issue in accordance with consent orders with the state, however, even when the plan is completed in 2030, it will not sufficiently prevent CSO's. To protect our city and our waterways from increasing

1 amounts of stormwater runoff and flooding, we need to
2 work across multiple agencies, not just DEP, to build
3 out our robust system of resilient green and gray
4 infrastructure. One way we can do this is by
5 completely reimagining our streetscape. We need to
6 be reprioritizing streets away from cars in towards
7 pedestrianized plazas, micro-mobility and public
8 forms of transportation, safe recreational space for
9 New Yorkers, and much more green infrastructure to
10 absorb stormwater, purify our air, and mitigate the
11 urban heat island effect. Transportation
12 Alternatives 25 By 25 Plan lays out how we can
13 reclaim 25 percent of our street space and repurpose
14 it for all these local benefits. As green
15 infrastructure. Streetscape plans already exist in
16 One NYC and through DEP ongoing work, we should be
17 building upon the work already underway to make sure
18 that we advance more ambitious goals in a coordinated
19 and streamlined manner. We can also be implementing
20 green infrastructure in our buildings with green
21 roofs. The Parks Department already maintains over
22 20,000 square feet of green roofs across New York
23 City which proved did insulation and absorb
24 rainwater. However, this only covers a fraction of
25

1 the 40,000 acres of rooftop space available in our
2 city. We must be utilizing his many buildings as
3 possible for green roofs to absorb rainwater and
4 reduce our sewer overload. Building upon our green
5 infrastructure plans, we must be giving special
6 attention to our trees, parks, and urban forests.
7 The trees on our streets and in our parks are some of
8 the most valuable green assets, keeping score,
9 cleaning our air, and fighting flooding. Expanding
10 our urban forest is a top priority for the Forest for
11 All NYC coalition of which NYLCV is a member and,
12 with them, we will fight to increase New York City's
13 canopy coverage to 30 percent by 2035. Our parks are
14 equally as important as our urban forests, absorbing
15 over 2 billion gallons of stormwater runoff each
16 year. Properly funding and maintaining our parks,
17 expanding porous and permeable infrastructure in
18 playgrounds and equitably building our more parks and
19 environmental justice areas and severely lacking
20 green spaces should all be priorities for the city as
21 we progress towards a resilient future. Thank you.

22
23 COMMITTEE COUNSEL: Thank you. And
24 Chair Gennaro has a question or comment.

4 CHAIRPERSON GENNARO: Thank you, Carlos.

5 I wish to thank the League of Conservation Voters for
6 their ongoing and amazing work, particularly on
7 CSO's. And if I could ask something of you, you
8 know, the president of LCV, you know, who came from
9 the DEC as Chief of Staff has, you know, in-depth
10 knowledge about how DEP is performing with regard to
11 consent orders that the DEC has with the DEP. The
12 commissioner indicated truthfully that DEP is trying
13 very hard, but, if I could ask, you know, the league
14 through interaction with Julian through her contacts
15 with, you know, TEC to kind of, you know, provide to
16 the Council LCV's own scorecard, you know, so to
17 speak of DEP's CSO compliance. It's one thing to
18 hear from DEP how they're doing. You know, it's
19 another thing to hear from an organization like yours
20 that have, you know, real access to the people at TEC
21 as to, you know, how DEO is doing with regard to CSO
22 consent order compliance. If you would be willing to
23 provide that to us, I think that would be helpful
24 for us. Would you be willing to do that?

25 CARLOS CASTEL CROKE: I think something
like that is a great idea and I would love to talk
more with your office. I know that River Keepers are

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4 also interested in this issue and would be interested
5 in working with us on something like that. But we
6 can follow up and we can definitely work on some kind
7 of report like that. I think that would be great.

8 CHAIRPERSON GENNARO: Okay. And if you
9 could follow up with my legislative director, Nabi
10 Caro, who I think you know--

11 CARLOS CASTEL CROKE: Absolutely.

12 CHAIRPERSON GENNARO: then, so, you know,
13 if you could connect with her, then that would be
14 great. So, thank you for having the patient should
15 give us the benefit of your good views and say hi to
16 Julie for us.

17 CARLOS CASTEL CROKE: Will do. Thank
18 you, Council member.

19 CHAIRPERSON GENNARO: You bet.

20 COMMITTEE COUNSEL: Up is Michael
21 Delong followed by Paul Mankiewicz.

22 SERGEANT-AT-ARMS: Starting time.

23 MICHAEL DELONG: Thank you, Chairpersons,
24 and thank you, Carlos, for volunteering those for
25 that work. My name is Michael Delong. I am senior
attorney with Hudson River Keeper. I am also on the
steering committee of the SWIM Coalition in on the

1 boards of Newtown Creek Alliance and Guardians of
2 Flushing Bay. I'll get right to it. Planning for
3 climate change is paramount. Thank you for passing
4 Intro 1622 require a climate adaptation plan. These
5 types of plans and those studies in the studies that
6 are issued today are important for the city and, case
7 in point, though stormwater resiliency plan in and
8 mapping that was required by this Council in 2018
9 would have been useful to have a long time before
10 that because it showed places in Ida that flooded,
11 places where people tragically passed away. With
12 information, the City Council can act to prevent
13 things like that. So, the city should never be
14 caught off guard. Now, the city's sewer system has a
15 number of capacity issues. One of them is combined
16 sewer overflows when it rains as little as a tenth of
17 an inch. We say stormwater and sanitary sewage
18 overflow into the city's waterways. The city's plans
19 to address this, but long-term control plans, I would
20 give the plans themselves and F. First of all, they
21 do not account for climate change. Also that again.
22 The city's plans for sewage and storm sewer overflows
23 do not account for climate change. Note just want to
24 highlight two studies that would be required under
25

1618 that would go a long way to addressing this.

When Chairperson Koo asked the commissioner,

Commissioner Sapienza what he thought of these

strategies, his answer was to say that some of the

information would be incorporated into things that

DEP already reports. That is true, but that leaves

out the benefit of this Council having that

information compiled for studies that are readable by

the public and by the Council. It also leaves out

important information such as studies that don't

exist that the study has not produced for those

state, such as the integrated watershed management

plan whereas the LTCP's look at CSO only, the cities

combined sewer overflow. These integrated plans

would go a long way to protecting our waters because

they look at separate sewer overflow. They look at

direct drainage. They look at other pollutants

coming into these waterways. So, they look at it in

a holistic way to deal with the problem, not just

that one CSO problem. The other thing that it would

require would be an assessment for green

infrastructure opportunity inventory. To look at

every place in New York City where-- private and

public where green infrastructure would be feasible.

2 That would give the city a roadmap to resiliency. A
3 roadmap to achieving the city as a sponge dream.

4 DEP--

5 SERGEANT-AT-ARMS: Time expired.

6 MICHAEL DELONG: Can I just comment on
7 the Green Infrastructure plan?

8 CHAIRPERSON GENNARO: Yeah. I will give
9 Mr. Delong at least another 30 seconds to finish this
10 up.

11 MICHAEL DELONG: Thank you. DEP staff
12 are doing fantastic on the green infrastructure
13 program to implement it, but they are not in
14 compliance with the consent order. They are not
15 doing enough. They need reinforcements in terms of
16 funding, staff, and buy-in from other agencies and
17 I'll leave it there, but a plan and more investment
18 in green infrastructure is critical. Thank you.

19 COMMITTEE COUNSEL: Thank you. And
20 back to Chair Gennaro.

21 CHAIRPERSON GENNARO: Yes. I'd like to
22 think Mr. Delong in whose, you know, great
23 organization with whom I have a very, very long
24 relationship going back to, you know, the earliest
25 days of River Keeper. And it seems like, you know,

4 you and the League are going to partner on that, you
5 know, scorecard regarding, you know, CSO compliance.
6 You know, your testimony went into more, you know,
7 more like our community areas that need more daylight
8 and I, you know, would direct you to work with my
9 legislative counsel, Nabi Caro, you know, and she
10 well, you know, loop in-- and we also want to loop
11 in Chair Brannan because he is, after all, in charge
12 of resiliency and we look forward to working with you
13 just sort of tie this off with Nabi and make sure she
14 has all the-- you know, we wanted to do a deep dive
15 into your testimony. If you could provide her with
16 that, I'd appreciate that.

17 MICHAEL DELONG: Will do. I have a full
18 written testimony submitted and I look forward to
19 working with you and the League on this issue. Thank
20 you.

21 CHAIRPERSON GENNARO: Yes. And let me
22 comment on the fact that you are wearing a jacket and
23 I am not and so like your like one up on me. Good
24 for you. So--

25 MICHAEL DELONG: But you've got a tie and
I don't.

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4 CHAIRPERSON GENNARO: Okay. Touché.

5 Like were even. Okay. Thank you very much. And
6 with that, Mr. counsel, who is our next witness?

7 COMMITTEE COUNSEL: Our next speaker is
8 Paul Mankiewicz followed by Joseph Cherub.

9 CHAIRPERSON GENNARO: That will be Dr.
10 Paul Mankiewicz who I've known forever and ever and I
11 look forward to his testimony.

12 SERGEANT-AT-ARMS: Starting time.

13 PAUL MANKIEWICZ: Thank you, Chair
14 Brannan. Thank you, Chairs. It's really good to see
15 you, Chair Gennaro. I am Paul Mankiewicz. I have
16 run the Gaia Institute for some decades here. I'm
17 the Chair of the Soil and Water Conservation
18 District, a co-founder of the Urban Soil Institute in
19 New York City, and also a co-founder of a new green
20 infrastructure businesses based on a lot of the work
21 I've done on [inaudible 02:50:07] islands. I'm going
22 to talk just-- So, would like to see this problem
23 solved sooner supposed to later, Chairman. You
24 would, as well. The problem in regards to the volume
25 of water and where do you put it in the city of New
York, so right at this very minute, our Deputy
Commissioner of DEP is, of course, well aware of this

1 and the Commissioner [inaudible 02:50:27] is actually
2 working on something that can be used much, much more
3 quickly than building out infrastructure and that is
4 building aquifers locally which can then be coupled
5 with green infrastructure. I think I built a first
6 for the city of New York. This is recycled grass
7 aggregate. It's got a 50 percent void space and,
8 Commissioner Panar is actually now looking to build
9 aquifers. You then have to couple it with green
10 infrastructure because the-- let me give you an
11 example. 100 linear feet of sidewalk five feet wide,
12 six feet deep because that makes three feet of void
13 space in class aggregate can capture something like
14 11,000 gallons of water. That is an inch of run off
15 over 3 acres or 3 inches of run off for an acre. I
16 tell you those numbers because those can start to
17 match something like the murderous flows of Ida. So,
18 we need aquifers and then they need to be coupled.
19 We need a kind of competition to get green walls
20 because there's thousands of square feet of green
21 wall. Basically, they all of up or it's something
22 like six millimeters or quarter inch a day. So, way
23 to get rid of the water. Why do you want to do that?
24 The same 11,000 gallons of water transpired is worth
25

1 340 tons of air conditioning, reversing the urban
2 heat island and clean air and catching hundreds of
3 pounds of carbon at the same time. I built under the
4 Major Deegan Expressway a pop up wetlands which is,
5 basically, picture jersey barriers with a swimming
6 pool liner in it covered with wetland plants, not
7 open water. So, basically, these are, compared to
8 anything in the ground, as you well know, these are
9 very, very inexpensive. I would like to see-- if we
10 catch water, water is the power that runs the
11 biosphere. It controls the climate. The climate in
12 the city in the center of Manhattan in Prospect Park
13 is controlled by the biota in DEP is on this road, as
14 is Parks, to, basically, build natural system into
15 the landscapes where we live and breathe. Every
16 square meter of leaves pulls out a quarter gram of
17 particles 2.5 [inaudible 02:52:31] every single year.
18 So, I will send my testimony along, Jim, but the
19 point is that we, basically, need to build this.
20 This, we can do now. We can literally simply
21 excavate under sidewalks, under streets, under
22 parking lots. In the other use, actually, some
23 company could build a parking lot--
24

2 PAUL MANKIEWICZ: and, basically, also
3 heat or cool their building with the heat they could
4 extract from the ground. Thank you.

5 CHAIRPERSON GENNARO: Mr. counsel, I'm
6 waiting-- I guess you can recognize me. Okay.
7 Yeah. Paul, we are long overdue to catch up. You
8 know, it's been a long time. You know, we have a
9 long and storied history and I'm, you know, directing
10 my legislative counsel, you know, to get you and me
11 together face to face and then we will walk through
12 some of this and I hope and trust that Julie is well.
13 But everything? She's good?

14 PAUL MANKIEWICZ: Yeah. I don't see her,
15 but I'm basically-- her daughter is in the Yale
16 School of Environment getting a PhD and her son is at
17 the Brooklyn College Academy of Music, so life is
18 good.

19 CHAIRPERSON GENNARO: Great. Great. You
20 know, so, Paul and I, like everyone knows now that
21 Paul and I are friends a long time and I look forward
22 to getting together and getting more of your ideas.
23 And with that said, I'm going to have to leave it
24 there, but we will be getting together soon. Thank
25 you, Paul.

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4 PAUL MANKIEWICZ: Thank you.

5 COMMITTEE COUNSEL: Thank you. Our
6 next speaker is Joseph Charap followed by Joel
7 Kupferman.

8 SERGEANT-AT-ARMS: Starting time.

9 JOSEPH CHARAP: Good afternoon, Chair
10 Gennaro, Chair Koo, and Brannan and members of the
11 committees. My name is Joseph Charap and I'm the
12 Director of horticulture at Greenwood Cemetery, a
13 national historic landmark of 478 acre greenspace in
14 the heart of Brooklyn. As Hurricane Ida made
15 tragically clear, the city's sewer infrastructure is
16 not prepared to handle the rainfall caused by extreme
17 rain event. These rare events will increase the
18 billions of gallons of wastewater already discharged
19 annually into New York City waterways as a result of
20 an overwhelmed combined sewer system. I don't was
21 not an anomaly, but in example of things to come and
22 such storms, combined with the increase in annual
23 rainfall in the city's aging infrastructure will have
24 the greatest impact on the most vulnerable. We, at
25 Greenwood, applaud the proposed local law from our
neighbor, Council member Brannan, which would require
that the city finally take ownership over its

1 crumbling combined sewer infrastructure and create a
2 coherent plan to remedy the situation. While the
3 public sector must take the lead, private
4 institutions also have a role to play. We believe
5 that, as the largest contiguous private landowner in
6 New York City, we have the responsibilities to
7 leverage our landscape to lessen the impacts of
8 climate change on our surrounding South Brooklyn
9 community. I would like to briefly share a
10 stormwater project to which we have applied for
11 funding with the New York State Green Innovation
12 Grant Program that aligns with the goals of Council
13 member Brannan's proposed law. Greenwood has
14 requested funds to support the design and
15 implementation of 22,750 square feet of by our
16 attention basins, or rain gardens, on our grounds as
17 part of an integrated stormwater management system.
18 This project will be one of the largest file
19 retention projects in New York City. The primary
20 goal here is to reduce our impact on combined sewer
21 overflow events by reducing the volume of stormwater
22 runoff by a whopping 6.8 million gallons annually.
23 But reducing Greenwood's burden on the city's sewer
24 system, we are seeking to make an important
25

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4 investment in South Brooklyn's climate resilience.

5 Greenwood is located within a mile and day half of
6 eight federal opportunity zones. This project would

7 help the state achieve its goal of improving the

8 quality of life for those New Yorkers who live in

9 areas of greatest need. The climate crisis is now

10 and it demands that private institutions join their

11 public counterparts along with city, state, and

12 federal government to take immediate action to care

13 for the greater good. We hope that our works sets a

14 model for the city's largest greenspaces which

15 includes cemeteries, parks, and even golf courses.

16 I would like to personally invite members of this

17 committee to visit Greenwood and see the forward-

18 looking work we are doing to benefit booklet I've

19 said all of us as we battle the effects of climate

20 change. My contact information is in the printed

21 testimony and I look forward to welcoming you all to

22 the Greenwood soon. Thank you.

23 COMMITTEE COUNSEL: Thank you. It back
24 to Chair Gennaro.

25 CHAIRPERSON GENNARO: Yes. Thank you,

Mister-- how do you pronounce your last name?

JOSEPH CHARAP: It's Charap.

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2 CHAIRPERSON GENNARO: Charap. Yeah. I
3 was with my-- I took my daughter to Greenwood about
4 a year ago at the height of the pandemic and we would
5 be very willing to come back, you know, this time
6 with my legislative director. So, you know, please
7 invite us and we look forward to your hospitality.

8 JOSEPH CHARAP: Oh, great. Thank you.
9 We will do.

10 CHAIRPERSON GENNARO: And then we can,
11 you know, go to other largely and owners an shame
12 them. So--

13 JOSEPH CHARAP: Shame works.

14 CHAIRPERSON GENNARO: But the city needs
15 some shaming, as well. So, thank you very much and
16 we look forward to catching up direct, you know, Nabi
17 to contact Mr. Charap to get that going. It's a
18 great place. I look forward to getting back there
19 again. So, thank you for being here and for your
20 patience.

21 JOSEPH CHARAP: Thank you.

22 COMMITTEE COUNSEL: Thank you. Next up
23 is Joel Kupferman followed by Rob Buchanan.

24 JOEL KUPFERMAN: Hello?
25

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4 COMMITTEE COUNSEL: Yes. Go ahead.

5 Please.

6 JOEL KUPFERMAN: Thank you, Chair

7 Gennaro. I just want to note that I'm a Stony Brook
8 graduate myself and we go back a ways and we up Mr.
9 Charap's invite. I've been working at several NYCHA
10 properties now fighting FEMA funded construction that
11 is actually caused a lot of tree destruction and soil
12 compaction and we offer you an invite to look at all
13 the NYCHA properties, to put all these principles and
14 projects that you're talking about and we can convert
15 the NYCHA properties from trees growing down. In
16 Barouk Houses, they just knocked down two or 300
17 trees not more than a year ago. So, we think this is
18 where the primary resources that the city has
19 neglected and we believe that NYCHA is willing to
20 listen to the city and use these sites as a major
21 site. A major project. Right now, a lot of the
22 construction that is happening at Smith under the
23 eyes of the federal and the state and the city is
24 reflected elsewhere with its unfettered construction
25 going on and it looks good that there is a stormwater
management plan that seems to be expanded, but on
many, many sites, it's the construction that is

1 actually leading to soil compaction entry
2 distraction. So, I think it is really important that
3 we work together. The city did offer their
4 resources. The city Parks came in and we notice that
5 a lot of the trees that, you know, have been hurt by
6 construction and we wanted to expand the program.
7 The other part is that we also want to take-- you
8 said taking the city to task. The city, in my
9 experience all these years, is that these hearings
10 are really, really good, but we don't enforce it.
11 Okay? That's, you know, when the rubber comes to the
12 metal. Case in point, Coney Island Creek, we are
13 building a ferry terminal and taking away parkland
14 and resilient, green infrastructure that is therein
15 putting in concrete. Solid stuff. Why is Parks
16 allowing this to happen? We don't know and we really
17 think that all projects going forward that all these
18 principles that you're talking about today, Mr.
19 Gennaro, should be instituted. We find that, when
20 community groups that we represented fighting
21 projects, when we bring a lawsuit, the city law
22 department steps and doesn't seem to be listening to
23 your hearings, you know, and policies and always
24 sides on the side of the developers saying, no. In
25

1 fact, I think with the changes and all the science
2 that has come out, I think it's really important that
3 the city take more of an active role. And I think
4 part of the problem is enforcement. The city, two
5 years ago, was owed a billion and a half from
6 uncollected funds from developers--

8 SERGEANT-AT-ARMS: Time expired.

9 JOEL KUPFERMAN: I can entertain any
10 question.

11 COMMITTEE COUNSEL: Back to Chair
12 Gennaro--

13 CHAIRPERSON GENNARO: Yeah. Joes, we do
14 go back a long way and the Chair this committee. I'm
15 not the Chair of Resiliency. I'm not the Chair of
16 Parks. I'm not the Chair of Economic Development. I
17 am not the Chair of the Buildings Committee. But, so
18 the city has to do a lot of things. It has to build,
19 I get it. We've got to build smart and we've got to
20 build green, but, you know, development has to
21 proceed, but also we have to do with smarter and we
22 have to deal with other opportunities that we can,
23 like you say, in Parks and with NYCHA and make sure
24 they do that. If you could lay this all out to my,
25 you know, legislative counsel, we would love to have,

4 you know, dialogue with you about how we can, you
5 know, do what I can from my perch into, you know,
6 share your good views with other people in the
7 Council. In terms of getting the administration to
8 oblige, the first one to say that of all the 50+
9 environmental bills, you know, that I passed like
10 those sitting has really lived up to, you know, some
11 of them, but not all of them, so I know what it is
12 like to do this stuff and then not have the executive
13 branch follow through and I get that and it is
14 frustrating. But I want to follow up with my
15 legislative counsel and then we will be in further
16 touch. Thank you, Joel.

17 JOEL KUPFERMAN: Thank you. And just one
18 more thing. We should also reopen the use of the bad
19 actor policy that the city should not be rewarding
20 contracts to bad actors.

21 CHAIRPERSON GENNARO: Okay. Yeah. But
22 once we-- Yeah. I don't want people to get into the
23 habit of once their time has elapsed to sneak that
24 in. But, you know, you did and we've known each
25 other a long time, so it's okay. But, Joes, I've got
to bounce to the next witness. Okay? Good to see
you.

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2 COMMITTEE COUNSEL: Thank you. Our
3 next speaker is Rob Buchanan. He will be followed by
4 Sean Hirschhorn.

5 SERGEANT-AT-ARMS: Starting time.

6 COMMITTEE COUNSEL: Is Mr. Buchanan on?
7 He was on previously. It looks like Mr. Buchanan has
8 left the zoom, so we will proceed on to Sean
9 Hirschhorn who will be followed by Jonathan Mandel.

10 SERGEANT-AT-ARMS: Starting time.

11 SEAN HIRSCHHORN: Good afternoon. Thank
12 you, all. Thank you, Mr. Chairman, for allowing me
13 the opportunity. I want to talk about the access to
14 information, would call it, through the DEP site. I
15 work as a plumber for Goldner Plumbing in the Bronx
16 servicing five boroughs and we rely on this
17 information to fill up permits to work so stayed at
18 that allows us to service our clients to the best of
19 our abilities which means timeliness, which means
20 quality in altering this gives those tremendous
21 difficulty. Blocking this information from filling
22 out permits from accessing the information needed as
23 to missing meters as to what meters for worksite to
24 sizing as to where it is supposed to be as well as
25 meter numbers that are often times older and rested

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4 over with debris and cannot be read. It is therefore
5 that I request that access be granted and even
6 perhaps opening more access to be able for plumbers
7 to see it online in real time similar to how property
8 managers can access information or owners on the DEP
9 accesses. That is movies. Thank you.

10 CHAIRPERSON GENNARO: Thank you. No
11 wondering if you are testifying in favor of build
12 2168? Is that what you are sort of getting at here?
13 The whole-- because we have a bill on the docket
14 that talks about, you know, people getting access to
15 the DEP information. So, would it be fair to say--

16 SEAN HIRSCHHORN: Yes.

17 CHAIRPERSON GENNARO: So, it's fair to
18 say that your testifying in favor of 2168, right?

19 SEAN HIRSCHHORN: Yes. I apologize of
20 that was not made clear.

21 CHAIRPERSON GENNARO: Yes. Okay. I just
22 wanted to make sure that-- No. We certainly
23 appreciate the benefit of your views. You know, am
24 listening. Council member Brannan and his staff, you
25 know, who are the-- he is the lead name on this bill
and I'm sure he appreciates her good testimony very
much and I think you for your perseverance and

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2 patience in being willing to wait to give us the
3 benefit of your views. Thank you.

4 SEAN HIRSCHHORN: Thank you.

5 COMMITTEE COUNSEL: Thank you. Our
6 next speaker is Jonathan Mantell followed by Ezra
7 Schwartz.

8 SERGEANT-AT-ARMS: Starting time.

9 JONATHAN MANTELL: Good afternoon. We,
10 like many community advocates, strongly urge the city
11 Council to reinstate our DEP access. Certainly from
12 the transparency and oversight standpoint, having
13 access to the DEP system is essential. We are called
14 upon duly to assist our clients with matters
15 pertaining to their DEP water bills. Because our
16 access has been stripped, we are able to assist our
17 clients with the essential questions they have to
18 rectify any open balance and to ensure they are
19 properly billed. Furthermore, with regards to
20 setting up payment agreements on any open DEP
21 charges, clients are forced to waive their rights by
22 agreeing to accept the validity of all charges. This
23 is required in order to set up the agreement. The
24 problem, again, is advocates are able to review the
25 validity because our DEP access has been stripped.

2 Property owners who aren't of means could certainly
3 become desperate, borrow money, potentially at a
4 premium, to pay off their obligation to avoid winding
5 up on the lien sale or, worse, lose all multi
6 generational asset. We certainly hope you will take
7 this into account and restore access. Thank you.

8 CHAIRPERSON GENNARO: Yeah. You can.

9 Let me raise my hand and follow process. And, Mr.
10 Mantell, I mean, as Chair on the Committee on
11 Environmental Protection, even though this is, you
12 know, Council member Brannan's bill, I am a cosponsor
13 of this bill and my name on a bill, when it comes to,
14 you know, my committee normally means something and
15 so I hear what you have to say. I'm going to work
16 with Councilman Brannan who is the lead on this bill,
17 but I'm the chair of the committee that it would have
18 to go through. So, you know, you've got Justin you
19 got me and so we have some work to do here and I
20 appreciate you coming here today to give us the
21 benefit of your views. But you should know that I am
22 the sponsor of this bill.

23 JONATHAN MANTELL: Thank you. Thank you.

24 CHAIRPERSON GENNARO: Thank you.

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2 COMMITTEE COUNSEL: Thank you. Our
3 next speaker is Ezra Schwartz followed by Mark
4 Schwartz.

5 SERGEANT-AT-ARMS: Starting time.

6 EZRA SCHWARTZ: Thank you, Council
7 members for the opportunity to speak today regarding
8 the bills to create a water bill database. I work
9 for a firm representing homeowners, management
10 companies, landlords, specifically with regards to
11 their water bills. It should be noted that the
12 billing questions create is searchable water bill
13 database is really just reinstating what was status
14 quo in New York City until DEP unilaterally shut down
15 access in May 2020 without any public hearings. DEP
16 water bill access was previously consistent with all
17 other public agencies in New York, including
18 Department of Finance, Department of buildings, HPD,
19 and Acris. Third parties were advised that all the
20 information that was previously viewable via public
21 access is now available via FOIL. Our firm alone has
22 filed 415 FOIL request since DEP shut down access and
23 has received a less than 25 percent back with
24 numerous requests well over a year old. There are
25 currently 1525 total open requests with the DEP. By

1 contrast, there are only 161 open requests for the
2 Department of Finance which has open access online.
3 There are now one hour wait calls on the DEP customer
4 service with customers and customer representatives
5 calling to obtain information that was previously
6 accessible by the public. Taxpayer resources are now
7 being wasted, providing information to taxpayers that
8 was previously readily available online. Information
9 that was available within minutes can now take weeks,
10 months, and years to obtain. In 2021, information
11 flow, when available, should be instant. Instead,
12 New York City, we are going backwards 40 years.
13 There is no logical reason a public water bill should
14 not be viewable by the public. Transparency in
15 government is the key to a well-run city. Thank you.

17 CHAIRPERSON GENNARO: Thank you. Thank
18 you, Mr. Schwartz. I will just repeat what I said to
19 the previous witnesses that I agree with you. I'm a
20 cosponsor of this legislation that I'm going to do
21 what I can to get it done.

22 EZRA SCHWARTZ: I appreciate it.

23 CHAIRPERSON GENNARO: Thank you very much
24 for being here. You bet.

4 COMMITTEE COUNSEL: Thank you. Our
5 next speaker is Mark Schwartz, followed by Herschel
6 Weiss.

7 SERGEANT-AT-ARMS: Starting time.

8 MARK SCHWARTZ: Thank you very much.
9 Thank you, Hon. Council members and city agency
10 officials for your hard work on behalf of all New
11 Yorkers and we hope everyone remains safe. I serve
12 as a deputy mayor of my Township in New Jersey and
13 realize how hard these times are hard to govern.
14 What we are hoping to be approved with this bill
15 regarding the DEP water meter database is simply a
16 continuation of 50 years of open so as to the DEP
17 billing system. This open access ended in May 2020
18 under the old guise of security as recently mentioned
19 by the Commissioner during his testimony. The claim
20 that we can see homeowners water bills and know when
21 they are on vacation is preposterous. All info is in
22 the past. If no water was used yesterday, that does
23 not mean you aren't home from vacation today.
24 Furthermore, has there ever been one known issue of
25 any security happening as a result of water bills?
26 DOF, DOB, and HPD all have open systems for decades.
27 The New York Attorney General recently required DOB

1 to block access to owners email and phone numbers on
2 only permits. That took an order from the AG. Now,
3 mid-level DEP manager can make a decision to shut off
4 all access. The NYC Water Board held no hearings on
5 this matter either. The Commissioner made two
6 specific comments: one that this bill isn't following
7 the best industry practices. Please note the
8 governance of the city of New York is not in
9 industry. It is a government and, like all
10 governments, it requires checks and balances that has
11 been lacking in the last 18 months. Secondly, as to
12 outside parties seeing water, data, and predatory
13 lenders due to balances, as mentioned above, the DOF,
14 Department of Finance has all text data open to the
15 public. They even began using the new system. DOF
16 bills 18 times as much, 60 billion dollars more, in
17 charges to the property owners. There is never been
18 an accusation like this, let alone any criminal
19 activity related to this privacy aspect. Trillions
20 of dollars are billed over decades with no issue.
21 DEP needs to end that song. DOB, we can see
22 everything about every building, every boiler, note
23 issues. HPD, what violation [inaudible 03:13:39]
24 called in violations. Acris shows every deed,
25

2 mortgage, and transfer doc including your signatures.

3 No problems. Full access. Mr. Chair, you are
4 infinitely familiar with the old days of DEP. The
5 errors, the media, the widows threatened with losing
6 homes. Now, with DEP denying all access, we can and
7 should expect to return to those days. Welcome back
8 to city Council. Please open up access to all.
9 Thank you.

10 CHAIRPERSON GENNARO: Thank you. I am in
11 favor of this bill, as you heard, and I appreciate
12 you being here, so thank you very much.

13 MARK SCHWARTZ: Thank you, sir.

14 COMMITTEE COUNSEL: Thank you. Our
15 next speakers Herschel Weiss followed by Linda Cohen.

16 SERGEANT-AT-ARMS: Starting time.

17 HERSCHEL WEISS: Good afternoon and thank
18 you for allowing me to present testimony today. My
19 name is Herschel Weiss. I am a mechanical engineer
20 in the New York City master licensed plumber. A
21 little background. For the past 20 years, been
22 employed by Ashokan Water Services. Ashokan
23 specializes in water conservation in installation of
24 water meters [inaudible 03:14:48], meter reading, and
25 backflow testing. Our clients include Columbia

1 University, the Freedom Tower, Hudson Yards, Memorial
2 Sloan Kettering, related management, Cushman
3 Wakefield, JLL, Google, [inaudible 03:15:05], and
4 guess who else? The DEP. And over 8700 apartment
5 buildings. In order to perform our work, we must
6 understand what meters are registered with the DEP
7 the site and the associated meter reads. In the
8 1980s, Mayor Ed Koch agreed to provide this
9 information to the public via a public access
10 terminal in each borough or a private computer
11 hookup. The Mayor's transparency was well ahead of
12 his time. With this data, we could find the number
13 of meters at each site, serial numbers, size,
14 location, status. Under Mike Bloomberg, the
15 information was expanded to include to the meter
16 reads then copies of bills. Over the past year,
17 under the cover of COVID, the DEP has curtailed this
18 information in provides a minimal of information in
19 the paltry information that you get requires a
20 customized password. As a result, when the taxpayer
21 calls US to replace the meter backflow, homeowners
22 get their private password which they usually don't
23 know or don't want to share, then research through
24 piles of bills to get the proposal to remove a minor
25

1 DEP violation. In most days, I spend hours on the
2 phone with a DEP representative who may not know what
3 to look for. As the members of the city Council, you
4 will see many endless complaints from your
5 constituents regarding DEP violations. We, add
6 Ashokan, are hard at work to remove these violations,
7 but we need the tools to make it happen. I urge you
8 to mandate that the information be made available in
9 an API format. Transparency is a prerequisite to
10 good government. New York City was the first to make
11 consumption data available and, in an era of open
12 data, New York City should lead the world, not hit
13 its mistakes. Thank you. And one note. One aside.
14 If Queens legislations doesn't listen to Paul
15 Mankiewicz and SWIM, they will never solve their
16 street flooding issues without bankrupting the city.
17 You know, these guys are telling you what to do and,
18 if you want to ignore them, it's a totally separate
19 issue, but you're never going to get there without
20 spending trillions of dollars. Thank you for your
21 time.
22

23 CHAIRPERSON GENNARO: Thank you,
24 Herschel. You know, we know each other from the old
25 days and it's good to see you, again, and to be

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1 reacquainted and, yes. I do support this bill. I'm
2 going to do with I can with Council member Brannan to
3 get it done. And thanks to the shoutout to Paul
4 Mankiewicz and the SWIM Coalition. We are going to
5 be hearing, you know, testimony from them, so without
6 further ado, I'm going to go to the next witness and
7 thank you for being here. It's good to see you
8 again.
9

10 HERSCHEL WEISS: Thank you for taking the
11 time.

12 CHAIRPERSON GENNARO: You bet.

13 COMMITTEE COUNSEL: Thank you. Our
14 next speaker is Linda Cohen followed by Gabriella
15 Velardi Ward.

16 SERGEANT-AT-ARMS: Starting time.

17 LINDA COHEN: Hi. Thank you, Chair
18 Gennaro. These are two issues that relate to our
19 Commissioner Sapienza and Director of the Office of
20 Resiliency, Jainey Bavishi, and several Council
21 members have talked about today and how it relates to
22 the Staten Island Northshore. Firstly, every year,
23 approximately 500 million gallons of untreated sewage
24 and polluted storm water are discharged into the
25 [inaudible 03:18:34]. New high-rise development

1 planned for Northshore will to this. The Port
2 Richmond sewage treatment plan is old and, for years,
3 activists have called for it upgrade, yet during
4 recent long term control plans by DEP to reduce CSO
5 in our waterways, DEP didn't recommend any projects
6 for the [inaudible 03:18:55]. As per an article in
7 Kerd [sp?] Magazine, Keith Mahoney, the director of
8 water quality planning at the DEP stated, quote, for
9 the [inaudible 03:19:05], we like to probably 100
10 different scenarios, but we couldn't find anything
11 that worked there, close quote. So, my question is,
12 shouldn't it be mandatory to provide equity for all
13 of our neglected waterways including the often
14 ignored Northshore of Staten Island? Here's the
15 second issue which is more urgent. Recently, those
16 told about the flooding that occurred on Amadeaux
17 [sp?] Street and neighboring streets from hurricane
18 Ida. It had not been covered by the media. I went
19 with a group of folks from Coalition for Wetlands and
20 Forests to interview residents in this area. Many
21 residents had thousands of dollars of flooding
22 damage. Many are immigrants. The vast majority said
23 that they never flooded before. It happened right
24 after September 1st right after 18 acres of mature
25

1 forests were cut down and ponds where ducks swim were
2 destroyed. Almost all this happened during this past
3 summer. This destruction was to prepare for a
4 [inaudible 03:20:04] known as South Avenue Retail
5 that was approved if you use ago during the ULURP
6 process and given permits by DEC. back then, climate
7 change flooding did not seem to be such a high
8 priority. There were many calls by concerned
9 residents to stop the BJ's project and instead
10 purchase this area possibly make it into a blue belt,
11 including a conversation with so both the officials
12 who are here today. Right before Hurricane Ida,
13 Mayor de Blasio spoke with some of our residents,
14 Staten Island residents, and said he wasn't sure what
15 to do about our concerns. He asked DCP to meet with
16 the community and get back to him. We don't know
17 what the outcome of that is. After Hurricane Ida,
18 some flooded resident met with Assemblyman Cusack
19 [sp?] and told him of the flooding damage. He said
20 he was alarmed. He and Senator Savino wrote to DCP
21 asking that they halt the BJ's project until these
22 issues can be resolved, however, DCP responded that
23 they could not. If the BJ project continues, I have
24 been told that the land will be raised and paved.
25

1 Scientists that we know have predicted that this will
2 cause the flooding to get worse.

3
4 SERGEANT-AT-ARMS: Time expired.

5 LINDA COHEN: Can I just finish? DCP's own
6 flood maps show that this area is at high risk. Many
7 hear have no flood insurance and the cost of flood
8 insurance may bankrupt many. I ask that the
9 Commissioner Sapienza consider a blue belt for this
10 area. Thank you, Chair Gennaro.

11 CHAIRPERSON GENNARO: Thank you, Ms.
12 Cohen. Yeah. Am I on? I'm not muted. Okay. Yeah.
13 This is kind of a parochial issue, but you raise a
14 larger plan. Just wondering what organization you
15 represent.

16 LINDA COHEN: I'm a member of Coalition for
17 Wetlands and Forests.

18 CHAIRPERSON GENNARO: Okay. I just
19 wanted to make sure those, you know, clear on that.
20 It is you are with Council member Debbie Rose, right?

21 LINDA COHEN: Correct.

22 CHAIRPERSON GENNARO: Right. Okay. You
23 know, regarding my gaze citywide thing, I mean,
24 batters earlier more, you know, my area. Like with
25 this development and this [inaudible 03:22:21] and

1 whether it goes forward it doesn't go forward, you
2 know, you got the Mayor in your local representative.
3 They are all, you know, kind of, you know, in the
4 mix. So, you know, in terms of me as a legislator
5 and in terms of Chair of the Committee on
6 Environmental Protection, I kind of operated on sort
7 of like a different like citywide level. But, you
8 know, this is, I think, very important and I'm going
9 to be seeing, you know, Debbie Rose tomorrow. I
10 don't know if she is still, you know, on the hearing
11 now, but I will make sure to voice your concerns to
12 her because where we have a stated meeting tomorrow,
13 I'm going to be seeing her. And so, you know, this
14 is kind of her area and I'm limited in what I'm able
15 to do, but I will bring this up with Debbie tomorrow
16 because we do a lot of business together, Debbie and
17 I. Thank you.

18
19 LINDA COHEN: Thank you.

20 COMMITTEE COUNSEL: Thank you. Our
21 next speakers Gabriella Velardi Ward was followed by
22 our last registered speaker, Amy Moxley.

23 SERGEANT-AT-ARMS: Starting time.

24 GABRIELLA VELARDI WARD: Well, thank
25 you, everyone, for allowing me to testify. I'm going

1 to repeat a lot of things that Linda had said
2 previously. I am Gabriella Velardi Ward the
3 coordinator of the Coalition for Wetlands in Forests
4 and we have been involved in trying to stop the
5 destruction of the wetland for at least four years
6 now. Graniteville, where the wetland is, those on
7 the northwest coast of Staten Island. We are
8 surrounded by water. I had been saying for the last
9 four years that if we lose the wetland we will be
10 flooded. And I was not using scare tactics. Let me
11 tell you a little bit about my background. I am an
12 architect and a construction supervisor represented
13 the Parks Department for the Mayors Office of
14 Construction for Sustainable Construction. We were
15 formulating policy for the city for sustainable
16 construction. That was in the 1990s. So, as I said,
17 we have fought this for four years. On July 4th, the
18 trees started to come down. We are still in court,
19 by the way. The trees started to come down on July
20 4th. By August 31st, 80 percent of the trees were
21 gone and the soil was compacted. It no longer
22 absorbs any water. On September 1st, we were flooded
23 in many areas in Graniteville. Well, this is the
24 first time we've ever been flooded. Many areas in
25

1 Graniteville and Amador was tremendously flooded.
2
3 Two separate people, two people at separate times
4 told me that somebody died there. The person on the
5 corner of South and Amador is looking at a cost to
6 repair his house of 55,000 dollars. Somebody lost a
7 car. Somebody lost a small business because office
8 supplies were in the house. Tremendous, tremendous
9 damage to their and we had never been flooded before.
10 Most people in Graniteville do not have flood
11 insurance, as I don't either, because we have never
12 been flooded before, as I said. All right. Since
13 we've had this and we've never had it before, who's
14 going to [inaudible 03:25:37]? This was a lethal
15 wound was because we are not safe in our homes
16 anymore. Once this is down, because of climate
17 change, torrential rain flooding, sea level rise,
18 and, as I said, were surrounded by water, it is a
19 lethal wound because we're going to be flooded. This
20 is only the beginning. This is the first in the
21 least horrible flooding that we will have. It's only
22 going to get worse and worse as we continue. And as
23 Linda said, one of the solutions may be to make this
24 a blue belt. And I know it's private property, but
25 when it comes to loss of life, life has to trump

1 private property. Another thing I wanted to bring up
2 is, since I'm an architect, I know that-- I work for
3 parks public sector. The private sector has to
4 conform to the requirements of the public sector or,
5 with climate change, we're just spinning our wheels.
6 Everything the public sector does is undone by the
7 private sector, so we've got look at that. and my
8 last question is who is going to protect--
9

10 SERGEANT-AT-ARMS: Time expired.

11 CHAIRPERSON GENNARO: Okay.

12 GABRIELLA VELARDI WARD: Thank you.

13 CHAIRPERSON GENNARO: Ms. Ward, now, you
14 know, my question is that, you know, if this is a
15 true wetland, how do deities see sign off on a permit
16 to let a private developer build in the wetlands?
17 Like how did that happen?

18 GABRIELLA VELARDI WARD: Because we
19 didn't have a public hearing. We had 1700 letters
20 sent to DEC requesting a public hearing. 1700
21 letters requesting a public hearing, but they said it
22 is not warranted. We lost the opportunity to have
23 expert testimony there and DEC told us it was not
24 warranted. We're still in court. We're still in
25 court.

4 CHAIRPERSON GENNARO: Okay. But, you
5 know, again, you know, not to litigate this here,
6 but, you know, DC, as a former Deputy Commissioner
7 for DEC, you know what? Here's what I'm going to do.
8 As a notation on my screen that, you know, Council
9 member wishes to speak, I'm going to turn this over
10 to Council member Rose. This is kind of a parochial
11 issue. This is her issue. I'll defer this. There
12 is a limit to how much I'm going to let this go back
13 and forth because this is, you know, not like those
14 stated-- mean, yes. The stated purpose of this
15 hearing is to talk about flooding and all that, so,
16 yes. It is the main, but it does have a very
17 parochial component, or will defer to Council member
18 Rose who can briefly have discussion with you, but
19 then I'm going to have to move on. And you're going
20 to have to take it up with Council member Rose.

21 GABRIELLA VELARDI WARD: Will I have
22 the opportunity to respond?

23 CHAIRPERSON GENNARO: Again, you know,
24 you have used your time. I'm recognizing Council
25 member Rose and you are not recognized. So I
recognize Council member Rose.

SERGEANT-AT-ARMS: Starting time.

2 COUNCIL MEMBER ROSE: Thank you, Chair.

3 Chair, thank you. I don't want to engage in a
4 conversation or back and forth. What I wanted to say
5 was that I will be more than willing to have a
6 conversation with you at your convenience about this
7 specific project and the flooding issues. Yeah. I
8 just wanted you to know that I'm willing to have that
9 conversation with you and we're working on Ms. Ward's
10 concerns. Thank you.

11 CHAIRPERSON GENNARO: Thank you, Council
12 member Rose. You're a great Council member and I'm
13 sure you will do your best to, you know, make a
14 positive impact, you know, in the situation which I
15 don't know a lot about and you do. So, with that
16 said, Mr. Moderator, we will move forward with other
17 witnesses. Thank you, Council member Rose.

18 COMMITTEE COUNSEL: Thank you, Chair.
19 Our next speaker is our last registered speaker for
20 the hearing, Amy Motzny. She will be given six
21 minutes to speak as she is presenting testimony for
22 herself and for another person had to drop out of the
23 hearing due to an emergency.

24 CHAIRPERSON GENNARO: And I would just
25 say that, before we start the clock on this last

2 witness, I want to, you know, thank this witness for
3 being willing to go last in order to present
4 testimony for, you know, two different entities and
5 mean that she had the patience to do that. I'm
6 willing to give her, you know, latitude beyond six
7 minutes because I believe she has earned it. So,
8 with that said, I recognize the last witness.

9 SERGEANT-AT-ARMS: Starting time.

10 AMY MOTZNY: Thank you, Chair Gennaro.
11 And thank you, Chairpersons of the New York City
12 Council, the agency staff present here today, for
13 your comments and leadership in convening this
14 hearing. My name is Amy Motzny and I am going to be
15 giving back to back testimony, first on behalf of
16 SWIM Coalition and then, right after that, on behalf
17 of Gowanus Canal Conservancy where I am the watershed
18 senior planner. So, SWIM Coalition is a group of 70+
19 organizations dedicated to ensuring swimmable and
20 fishable waters around New York City through
21 sustainable stormwater management practices, both
22 green and gray infrastructure. SWIM member
23 organizations endorse a truly sustainable view of
24 watershed management, one that restores ecological
25 systems, creates local economic opportunities, and

1 equitably distribute the benefits of green
2 infrastructure. Since our founding in 07, SWIM
3 members across every borough of closely monitored and
4 provided public impost for the city's 11 CSO LTCP's,
5 the Green Infrastructure Plan, and the Stormwater
6 Management Plan for the city's MS4 system, as well as
7 many of the policies that have informed these
8 programs. SWIM wishes to acknowledge the ongoing
9 efforts of the NYC DEP staff to adapt to a myriad of
10 challenges and conditions they phase to address the
11 negative impacts on our infrastructure from
12 stormwater runoff. DEP has made a commendable effort
13 to sustain an ongoing dialogue with stakeholders as
14 they have implemented the faces of the city's long-
15 term plans and we hope to continue this engagement
16 into the future. Members of the SWIM Coalition
17 steering committee provided impost for Intro 1618
18 when it was originally introduced in 2019. We
19 strongly support Intro 1618 in its entirety. Passage
20 of this legislation would allow the much-needed
21 studies, annual reports, and watershed plans should
22 be shared with the public, both to inform them of the
23 status of efforts underway, and to provide them with
24 an opportunity to give input to the city officials
25

1 regarding real-time conditions on the ground and in
2 their communities and on the waterways those
3 stewarding use for recreation, cultural, and
4 educational activities. SWIM also supports Intro
5 2425 which would require a DEP Commissioner for each
6 borough. We wish to note that the appointed
7 commissioners recommended in this bill should
8 participate in the review and delivery of reports,
9 plans, studies, and public meetings that are required
10 by the legislation in Intro 1618. We recommend that
11 the Borough commissioners hold quarterly public
12 meetings to update stakeholders on the status of the
13 various projects underway in their borough. This is
14 important to be because, to date, DEP has only held
15 public updates on all of the LTCP's one time per
16 year. The lack of more frequent updates to
17 stakeholders has left the public in the dark as to
18 what these programs will accomplish. Quarterly
19 meetings would aid in developing a deeper
20 understanding of the solutions the city is actively
21 implementing. Finally, we also offer our support for
22 the testimony delivered today by SWIM coalition
23 member, River Keeper. And I just want to note that,
24 you know, in light of the recent storm events, that
25

1 provided a stark reminder of just how vulnerable our
2 citizens and vital infrastructure are in the face of
3 such storms. The devastating loss of life in the
4 impacts of the city sewer system backing into
5 people's homes, flooding in our streets, surrounding
6 highways and transportation hubs were alarming, let
7 us say the least. We must build the city's long-term
8 controls. Stormwater management and green
9 infrastructure plans all slated to be completed by
10 2042 a on future projections for our region. These
11 point in this are not currently based on future
12 rainfall and sea level rise projections and that most
13 be immediately changed. To this point, we further
14 offer our support of the recommendations presented in
15 two recent reports: the NYC Stormwater Resiliency
16 Plan and the Mayors Extreme Weather Report, which
17 provides a blueprint for a series of [inaudible
18 03:33:48] timelines for many of the plans the city
19 already has underway. We monitor next steps of their
20 implementation and advise city Council to ensure the
21 public has an opportunity to weigh in on the
22 recommended actions for [inaudible 03:34:02] the end
23 of the year. SWIM will also be submitting written
24
25

2 testimony, so I look forward to that. thank you for
3 the opportunity.

4 I'm going to switch my Gowanus Canal
5 Conservancy hat on. So, Gowanus Canal Conservancy is
6 the environmental steward for the Gowanus Canal and
7 Watershed. Since 2006, we have learned grassroots
8 volunteer projects, educated students on
9 environmental issues, and worked with agencies
10 elected officials and the communities advocate for,
11 build and maintain innovative green infrastructure
12 around the canal. We appreciate the efforts of this
13 committee to advance climate forward planning,
14 reporting, and accelerated investment in
15 infrastructure to address persistent challenges
16 associated with the city's aging sewer system.
17 Gowanus neighborhood is on the brink of major change
18 associated with the federal superfund cleanup and the
19 pending neighborhood rezoning which is currently in
20 the final stages of the ULURP process. As part of
21 these ongoing processes, GCC has consistently
22 advocated for infrastructure investment to improve
23 water quality as a result of combined sewer overflows
24 to the canal and inland funding as a result of
25 limited sewer system capacity. Most recently, GCC

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2 and our partners in the Gowanus Neighborhood
3 Coalition for Justice and demanded a net zero CSO
4 rezoning to ensure future development in the
5 neighborhood does not contribute additional CSO to
6 the canal. As part of this demand, we repeatedly
7 requested the city provide accurate and up to date
8 modeling of the sewer system that utilizes best
9 available data to realistically account for the
10 reasonable worst case development scenario in
11 increased precipitation as a result of climate
12 change. The existing long-term control plan for
13 Gowanus was completed in 2012 and fails to account
14 for future development at the scale of the proposed
15 neighborhood planning and relies on outdated
16 precipitation data for future infrastructure
17 planning. We are concerned that, without a clear
18 process for assessing tracking and reporting on these
19 planning efforts, the Gowanus neighborhood will be
20 left unequipped to withstand future impacts the
21 development in climate change. Related to these
22 requests and with our partners at SWIM, we strongly
23 support 1618 in its entirety. This will be a
24 critical step for assessing the impacts of the
25 unified stormwater rule, ensuring that new progress

1 move policy is tracked and successful as always so
2 development in the watershed. We will also be
3 following up with extensive written comments and we
4 really appreciate your time today. Thank you very
5 much.
6

7 COMMITTEE COUNSEL: Thank you.

8 CHAIRPERSON GENNARO: Yeah. Sure. Yeah.
9 I want to weigh in here, Mr. Moderator.

10 COMMITTEE COUNSEL: Chair, if I may
11 interrupt. Chairs, you may go ahead and enter the
12 hearing after any comments from you and the others.

13 CHAIRPERSON GENNARO: Sure. Sure. I
14 would like to thank Amy Motzny for having the
15 patience to, you know, stay around until the end of
16 the hearing and then also, you know, Pres. testimony
17 on behalf of the Gowanus Canal Conservancy. You
18 know, I look forward to working with the SWIM
19 Coalition. I would urge you to reach out to my
20 legislative director, you know, Nabi Caro, I don't
21 know if you know who she is, but I know that Nabi is
22 listening. So, you know, Nabi will find you so that
23 we can connect on these issues. And also just to,
24 you know, bring to light that it was years and years
25 ago that I passed the New York City, you know,

1 comprehensive stormwater management plan. You know,
2 back then, was really more focused on what we could
3 do to manage stormwater so that we, you know,
4 wouldn't have like the CSO problem that we have and
5 that is what has resulted in like the rain gardens in
6 the bio swells and, you know, all the stuff that was
7 part of that effort. And now, you know, as we move
8 forward and we see it flooding, you know, so we--
9 back at that time, you know, a massive amount of
10 stormwater was creating like a huge CSO problem. Now
11 we have minimum flooding problem and so, certainly,
12 we want to work closely with the SWIM Coalition as we
13 move these bills forward and as we, you know, march
14 down the field with other issues that we have to
15 take. And I give you special credit for, you know,
16 waiting until the end to, you know, make sure that
17 your good views were heard and those of the Gowanus
18 Canal Conservancy. And, with that, I think you. I
19 think all the witnesses. I think that moderator. I
20 think my co-chairs. And I thank all the witnesses
21 and all the members who took part in the hearing and,
22 if my fellow co-chairs do not wish to be heard-- Mr.
23 Moderator, ask if they wish to add a-- So, it seems
24 that they have no closing remarks to make. I wish to
25

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4 thank them for, you know, co-chairing this hearing

5 with me and, you know, with that, this good hearing

6 is adjourned. I'll use my actual gavel to do that.

7 here we go. You didn't think I had my own gavel, Mr.

8 Moderator, did you? But I do have it. So with that

9 said--

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date October 31, 2021