

Testimony of Eric Landau
Associate Commissioner of Public Affairs
New York City Department of Environmental Protection
before the
New York City Council Committee on Sanitation and Solid Waste Management
concerning

Intro. 377 – In relation to requiring the cleaning of liquid on a sidewalk, flagging or curbstone generated by trash placed curbside for collection and allowing the use of a hose to conduct such cleaning during times otherwise proscribed by such code
250 Broadway – Committee Room
September 16, 2015, 10 am

Good morning, Chairman Reynoso and Members of the Committee. My name is Eric Landau, Associate Commissioner of Public Affairs at the New York City Department of Environmental Protection (DEP). I am joined today by Anastasios Georgelis, Director of Field Operations in the Bureau of Water and Sewer Operations. Thank you for the opportunity to testify on Introduction 377.

As you know, DEP's mission is to protect public health and the environment by supplying clean drinking water, collecting and treating wastewater, and reducing air, noise, and hazardous materials pollution.

Intro. 377 proposes to require food and beverage establishments to clean sidewalks of liquid that results from the placement of garbage for collection within a certain period of time after collection has occurred. It would also allow the use of a hose to conduct such cleaning.

DEP supports the intent of this bill to provide cleaner sidewalks; however, we have some concerns about its implementation, as currently drafted.

First, it should be noted that the Administrative Code contains a prohibition on using a hose to clean sidewalks between November 1 and March 31; the same prohibition can also be found in DEP's rules and regulations. The common-sense reason for this rule is to prevent the sidewalk from icing over after cleaning, which could obviously present a significant risk of slips and falls. We strongly suggest that this bill not lift this prohibition during these colder months.

Second, the Sewer Use Regulations (15 RCNY 19-02(c) and (e)) prohibit any substance other than stormwater from entering a storm sewer, catch basin, or manhole without the written approval of the Commissioner. Any new legislation should be drafted with that in mind; otherwise, a new regulation could require violating this existing rule.

Of greatest importance to DEP are the potential impacts the bill could have on the City's sewer system. DEP has a proximate goal to prevent grease and solid waste in the form of litter, garbage and other debris from spilling into catch basins. Catch basins are designed for the sole purpose of capturing storm water and are outfitted with hoods to prevent litter and debris from entering the sewer system. Any additional debris or grease from increased hosing down of sidewalks would adversely affect the operation of the catch basins, cause odors, and increase maintenance frequency. In the case of municipal separate storm sewer systems (MS4s), which channel storm water directly to the harbor, more litter and debris in the sewer system results in an increased amount of "floatables," which are

litter and debris that make their way to the surrounding harbor waters. DEP plays a major role in working to reduce the amount of floatables in the City's wastewater system, and is under State permits – monitored closely by EPA – to do so. Street cleanings and subsequent catch basin cleanings are one way that DEP complies with those permits, and our regulators watch the effectiveness of those programs closely. Additionally, our wastewater treatment plants remove tremendous amounts of litter and debris from the wastewater at the beginning of the treatment process; however, they cannot remove everything. Therefore, we are concerned that this legislation, as written, could result in an increased amount of floatables in the water, which would cause a significant problem with our regulators, especially EPA. As litter causes problems and incurs costs for DEP at all three stages of our sewer and treatment system – the catch basin, the treatment plant and the harbor waters – we recommend that the bill, at a minimum, be amended to require the cleaning and removal of any solid waste from the sidewalk before washing.

Second, hosing down a sidewalk after garbage collection will wash away some of the residual fat, oil and grease – what DEP refers to as FOG – and carry it to the catch basin. FOG-containing liquid congeals into grease deposits in sewer pipes that can build up over time and result in blockage. Catch basin chutes that get clogged with grease are more difficult to clean and failure of the catch basin results in flooding. It is worth noting that grease buildup is responsible for up to 80% of all confirmed sewer backups across the City.

We understand and must contend with the fact that FOG will run to a catch basin and enter the sewer system, especially during a rain event. We characterize that initial stormwater runoff from the sidewalks and roadways as the 'first flush,' which carries the greatest amounts of pollutants accumulated on those surfaces to the sewer system. In a perfect world, food and beverage establishments would take precautions to prevent such leakage. However, we know that sidewalk washing is done and hope that it is done in the safest and most environmentally appropriate way, consistent with our rules and regulations.

Hosing down a sidewalk with water may resolve an aesthetic problem for the City. However, we believe that it could potentially exacerbate a significant problem for our sewer system, and do not believe that it is the most effective way to remove these liquids.

As a next step, DEP suggests the bill be amended to:

1. reinforce the November 1 – March 31 prohibition on using a hose on a sidewalk
2. define "proper cleaning" more fully to include the removal of garbage and debris, and
3. recognize specific methods of appropriate cleaning of FOG-containing liquid from sidewalks that will ensure that our catch basins will not be adversely affected

DEP welcomes the opportunity to join this conversation with the Committee and the Department of Sanitation to further discuss the specifics and best practices for cleaning sidewalks in a safe and environmentally responsible way. Again, I thank you for the opportunity to testify today, and I would be happy to address any of your questions.