

# Department of Environmental Protection

## FY 2017 BOROUGH BUDGET CONSULTATION AGENDA

### REMEMBER:

- Update previously submitted agenda items
- Be specific on subject matter
- List Capital and Expense questions under separate headings
- **To Receive the Most Detailed Answers, Agenda Items Pertaining to the Agency's CAPITAL and EXPENSE Programs Listed Below Should be Clear and Detailed!**

\* CAPITAL DEFINITION - ITEM LASTS AT LEAST 5 YEARS, AND COSTS AT LEAST \$35,000 \*

### CAPITAL

SEWERS (STORM, SANITARY, COMBINED, CATCH BASINS)  
WASTEWATER TREATMENT  
WATER SUPPLY (INCLUDING HYDRANTS)  
SEWER AND WATER SUPPLY OPERATIONS & MAINTENANCE

### EXPENSE

AIR AND NOISE ABATEMENT/ENFORCEMENT  
ASBESTOS ENFORCEMENT  
HAZARDOUS MATERIALS PROGRAMS  
WATER POLLUTION CONTROL OPERATIONS & MAINTENANCE

**THE AGENCY STRONGLY RECOMMENDS VISITING THEIR WEBSITE**

**WWW.NYC.GOV/DEP**

**BEFORE COMPOSING AGENDA ITEMS**

**BOROUGH: Manhattan**

**COMMUNITY BOARD: 1 to 12**

### Department of Environmental Protection FY 2017 Borough Budget Consultation Agenda

1. What are the budget and staffing levels devoted to monitoring and enforcing air pollution in FY 2016 and expected for 2017? Please list the locations by CD of the air quality monitoring stations in Manhattan. What level of funding is needed to effectively enforce air quality regulations? What specifically are the budget and staffing levels for DEP efforts to monitor and improve air quality around the approaches to the Holland Tunnel and Lincoln Tunnel, and along the Trans-Manhattan Expressway in FY 2016 and expected for 2017?
  - DEP added 8 new Inspectors this fiscal year.
  - We are in the process of filling 5 vacancies.
  - All units that respond to citywide complaints spend most of their time responding to Manhattan complaints.
  - Due to the seasonal nature of some complaints types, we move Staff between Units to respond to peaks.
  - If we are inundated with complaints we move staff around to accommodate the demand, we manage peaks.
  - DEP does not have air monitoring stations citywide. DEP does monitor the air at certain times, for specific pollutants such as asbestos during emergencies, for example the building collapse on 7<sup>th</sup> Street & 2<sup>nd</sup> Avenue or an event with wide area impact. DEP does engage in air quality monitoring to improve our air pollution policies and also to enforce the air codes, however, we do not set up air monitoring stations citywide to gauge the levels or categories of air pollution in the City.
  - NYS DEC maintains the air quality monitoring network required by US Environmental Protection Agency (EPA). DEC website has the locations and reports on the air monitoring sites. Please visit their website for more information.
  - NYS DEC, currently has the following air quality monitoring stations within the City:
    - Division Street – CB # 3
    - PS 19 – 185 1<sup>st</sup> Avenue, CB # 3
    - JHS 45 – 2351 1<sup>st</sup> Avenue, CB # 11
    - CCNY – 160 Convent Avenue, CB # 9
    - IS 143 – 511 W. 182<sup>nd</sup> Street, CB # 12.

- NYC has tried different initiatives to reduce vehicle traffic into/out of the City. The focus has been predominantly on Manhattan. Efforts to encourage carpooling, the creation of express bus lanes/bus only lanes, increased ferry services, bike lanes, and routine increase in tolls do not seem to reduce congestion significantly. However, cleaner cars, buses and trucks and cleaner fuels have helped to reduce the emissions from the vehicle fleet. As older vehicles are replaced by newer, cleaner vehicles, the emission improves. So the same number of vehicles are producing less emissions than the year before.
- Regarding the air quality around the approaches to the Tunnel, please refer the question to State DOT.

2. How many enforcement agents has DEP assigned to the Borough of Manhattan? Are they assigned to specific administrative districts, divisions or shifts? If so, indicate those assignments.

- All DEP Inspectors within the DEP Bureau of Environmental Compliance are trained to respond to air & noise complaints. In addition, they ensure compliance with regulations within the Air and Noise Codes. DEP Air & Noise Inspectors/Staffing includes Senior Inspectors and Supervisors. They respond to 311 complaints, the 311/DEP service requests are sent directly to our DEP Air & Noise Enforcement Unit to address/respond.
  - DEP Air & Noise Manhattan Day Time Inspectors, Monday – Friday, 6:00 AM – 6:00 PM: 12 (including Supervisors).
  - DEP Air & Noise Night Unit responds to complaints in all boroughs Monday – Friday, 6:00 PM – 2:00 AM: 12 (including Supervisors).
  - DEP Air & Noise Late Night Unit, (newly added) also responds to complaints in all boroughs, Tuesday – Saturday 8:00 PM – 4:00 AM: 4 Inspectors/1 Supervisor.
  - DEP Air & Noise Early Morning Construction Unit, (newly added) also responds to complaints in all boroughs, Tuesday - Saturday 6:00 AM – 2:00 PM: 4 Inspectors/1 Supervisor.
  - Weekend inspections augmented by staff working overtime based on complaint volume and time of day.

3. Considering the 31% rise in both noise complaints received by DEP and noise inspections performed, mostly due to construction, what additional staffing is needed to ensure timely response? How many DEP noise code enforcement personnel are available to work at night? Are any other DEP initiatives planned to address this issue? At least one Manhattan CB has been informed that there was not enough staff to inspect weekend park concert. How many inspectors are needed to respond fully to weekend and evening noise complaints? How many were budgeted for FY 2016 and are expected for FY 2017?

- DEP has 8 additional Inspectors, which will help provide more coverage and timely responses. In addition, as outlined above DEP is currently adjusting our work shifts to respond to more inspection requests, cover late nights. Staff will move around, between Units (citywide) to address peaks.
- Regarding the Park concert noise complaints:
  - If a noise (loud music) complaint is reported to 311, the complaints are referred to NYPD to handle.
  - In order to have a concert in a Park, the event coordinator/promoter must obtain a Parks permits and obtain an NYPD sound permit for their sound reproduction device.
  - Police Department enforces the stipulations on the sound permit.
  - Parks Enforcement Police (PEP) enforce Parks issues and noise complaints.
  - PEP has recently been trained in noise meter reading to address loud noise/music complaints in the Parks. They received the same training as our DEP Inspectors.
- Regarding DEP follow up:
  - CB # 3 and Parks requested DEP to assist and inspect the Parks permitted Concert events.
  - It was agreed that we would try to accommodate if the event dates and times were submitted in advance so we can schedule with DEP Inspectors. Also depending on the type of event, whereas a Park protest would be best handled by NYPD or PEP. DEP did make a few inspections.

- Some requests were not scheduled due to last minute submissions, as weekend Inspectors already had other scheduled inspections.
- DEP believes that the additional Inspectors will be enough to address air / noise complaints that DEP responds to. Once the new Inspectors are on board, we will continue to evaluate whether staffing levels meet enforcement needs.
- DEP Air & Noise Inspectors/Staffing FY 2016: 57
- DEP Air & Noise Inspectors/Staffing FY 2017: 57.

4. The numbers of noise complaints due to loud music and due to air conditioner ventilation units are not separated out in the 2015 MMR. Considering the significant fines that DEP can impose for loud music, it is potentially the most effective enforcement tool the City can use with businesses that are less than considerate of their neighbors. Please indicate the number of these complaints DEP responded to in FY 2014, 2015 and 2016. Can these fines be used to increase the staffing budget for inspectors?

*"The Department received 31 percent more noise complaints, an increase of nearly 4,500, with the number of complaints regarding construction being performed before or after normal hours accounting for most of the jump. The timing of the increase reflects a rise in construction activity citywide. In response, DEP conducted over 31 percent more noise inspections, for a total of 10,290, and, on average, closed noise complaints in 5.9 days compared to 5.3 days during the same period last year."* – Mayor's Management Report,

<http://www.nyc.gov/html/ops/downloads/pdf/pmmr2015/dep.pdf>

- DEP complaints (Loud Music/AC) stats are in the Community Board folders.
- NYC Environmental Control Board administrates the City Agencies violations issued, hearings and fines collection. The revenue goes to the NYC Department of Finance.
- Recent legislation allows a Respondent to apply for a mitigated penalty for a first offense commercial music or circulation device violation. The Respondent must demonstrate that they corrected the problem and if after review or re-inspection by DEP, the penalty is reduced to zero dollars. Several Respondents have taken advantage of using the money that they would have had to pay to fix the problem.

6. The number of catch basin complaints has declined since FY 2012 but at 8,576 is still significant, while the number of catch basins cleaned has increased in that time. DEP additionally reports that the number of catch basin complaints went from 12,357 in FY 2012, to 10,548 in 2013, to 8,576 in 2014. The quoted average resolution time went from 5.1 days to 3.1 days to 3.9 days in those years. The percentage of catch basins surveyed / inspected went from 33.1% to 30.0% to 31.0% in those years. The number of catch basins cleaned went from 24,224 to 31,097 to 29,730 in those years. The backlog of catch basin repairs represented 1.1%, 0.5%, and 0.3% of the total number in the system during those years.

How many of these catch basins had to be cleaned because of illegal dumping of concrete, cooking and automobile oil or other materials? How many catch basin repairs are due to illegal dumping of these materials? How many catch basin locations require repeated maintenance and repair due to illegal dumping? Please provide this breakdown by district. Does DEP have sufficient staffing to investigate and enforce dumping at these catch basin locations?

#### Catch Basins

- We currently clean catch basins on a three-year inspection schedule (cycle) and respond to complaints of clogged or damaged catch basins within days.
- Recently signed Intro 240-A requires DEP to inspect catch basins annually and to report on their maintenance and repairs. It also requires that clogged or catch basins in need of repair are dealt with within nine days of the inspection.
- In addition, this legislation requires regular reporting of results by Community Board.
- This law goes into effect July 1, 2016.
- We have sufficient Staffing and will be bringing in additional Staffing to be in compliance.

7. What is the number of summonses issued for idling, how many of them result in fines, and where do the funds collected go? What is the current budget for idling enforcement, and is any increase planned?

- DEP issued 15 violations for idling in 2014. More information is provided in the folder.
- NYC Environmental Control Board administrates the City's violations, fines, including idling violations. The revenue goes to the NYC Department of Finance.
- Idling is enforced by our DEP Air & Noise Enforcement Unit and NYPD.

8. What budget priorities would DEP like to see CBs help them advocate for during the FY 2017 budget process?

Less than 3% of DEP's budget comes through the City tax levy. This includes our responsibility to reduce air, noise, and hazardous materials pollution.