



SWIM Coalition
Stormwater Infrastructure Matters

**Testimony of Michael Dulong,
Senior Attorney, Riverkeeper, Inc.,
and SWIM Coalition Steering Committee Member**

Before the New York City Council Committee on Environmental Protection

in Support of the Proposed “Renewable Rikers” Bills: Intros 1591, 1592 and 1593

January 29, 2020

Thank you, Chairman Constantinides and Members of the New York City Council Committee on Environmental Protection, for your leadership in pursuing a future for Rikers Island that serves New Yorkers and our environment. Riverkeeper and the SWIM Coalition strongly support the swift passage of all three bills: Intros 1591, 1592 and 1593.

Riverkeeper is a member-supported watchdog organization dedicated to defending the Hudson River and its tributaries. We also safeguard the drinking water supply of nine million New York City and Hudson Valley residents. The SWIM coalition is a group of 70 organizations dedicated to ensuring swimmable and fishable waters around New York City through natural, sustainable stormwater management practices – called green infrastructure – in our neighborhoods.

We share your vision for a future Rikers Island that serves New Yorkers by providing for safer air and water quality via sustainable energy and wastewater infrastructure. Last week Riverkeeper joined with a number of environmental justice, criminal justice, grassroots, and community organizations to submit a letter to the Mayor in support of these bills. Along with our partner organizations, we believe the communities that have been most harmed by mass criminalization and environmental injustice should be the beneficiaries of a transition to a cleaner and greener future on Rikers Island. It is with a full-throated endorsement of the bills that Riverkeeper and SWIM submit the following recommendations to strengthen them:

1. **The feasibility studies in Intros 1591 (Wastewater Treatment) and 1593 (Renewable Energy) should be combined.** The Department of Environmental Protection (DEP) is the correct agency to study the potential benefits of creating new wastewater treatment capacity at Rikers Island. The same goes for Mayor’s Office of Sustainability studying Rikers’ renewable energy capacity. Yet these separate agencies should be working together to plan for New York’s future. If Rikers Island has potential for both wastewater treatment and renewable energy, those uses should not only be compared against each other in a single cost/benefit analysis, but they should also be considered jointly, with the potential to optimize the island to do both. If the studies are separate, they will result in two separate answers and two separate plans moving Rikers forward. We recommend that Intros 1591 and 1593 reference each other and direct the two agencies to work together on a single feasibility

study comparing and considering all potentially beneficial uses, including areas reserved for parkland and composting, alongside sustainable energy production and wastewater treatment.

2. **The legislation should explicitly direct assessment of potential environmental and community benefits.** While possible, it is yet unclear whether opening up a new wastewater treatment plant would alleviate the need for other plants to continue operating, including the nearby Bowery Bay, Hunt's Point, Wards Island, and Tallman Island plants. In addition, it is possible that DEP could reduce sewage overflows by storing and sending excess volume to Rikers Island. The plant might even reduce nitrogen inputs to the East River and alleviate the Long Island Sound's nutrient problems. On the other hand, it is important to note that this may not be a silver bullet to the city's water pollution problems, and it should be considered in the context of the city's green infrastructure program expansion and planned gray infrastructure construction. The potential for a Rikers Island treatment plant to work in conjunction with these plans, or in place of them, should be studied.

On the energy side, it is unclear just how many kilowatt hours that renewable energy and battery storage on Rikers could alleviate and what corresponding harmful air pollutants might be eliminated by replacing local peaker plants. Assessment of these potential benefits should be explicitly called for in the law. Having these benefits clearly assessed in the report(s) will help justify future decisions about the island.

3. **Climate change must be accounted for in the legislation.** Some of New York City's water pipes date back to the 1870s. As we design infrastructure in the 21st century, we should at least be thinking about the next three generations who will live with and benefit from the infrastructure we build today. Unfortunately, future generations will have different conditions than we are used to. For instance, the New York City Panel on Climate Change (NPCC) determined that

[p]rojections for sea level rise in New York City show an increase between 11 inches and 21 inches by the 2050s, between 18 inches and 39 inches by the 2080s, and between 22 inches and 50 inches by 2100, with a worse [sic] case projection of up to six feet by 2100.¹

These sea level rise projections are crucial information that must be factored into the design of a wastewater treatment plant and/or energy production and transmission infrastructure that could last more than a century. At the very least vegetated buffers should be maintained to provide storm barrier protection for this infrastructure and to protect fish habitat.

In addition to sea level rise, precipitation will increase significantly in frequency and intensity: “[m]ean annual precipitation increases projected by the [global climate models] are

¹ Press Release, Mayor de Blasio Releases NPCC 2015 Report, Providing Climate Projections Through 2100 for the First Time, (Feb. 7, 2015), *available at* <https://www1.nyc.gov/office-of-the-mayor/news/122-15/mayor-de-blasio-releases-npcc-2015-report-providing-climate-projections-2100-the-first>.

4 to 11 percent by the 2050s and 5 to 13 percent by the 2080s.”² These figures must be taken into account in determining the volume of sewage the plant should treat.

DEP has downplayed climate change in the past in an effort to save money, and that simply cannot happen in designing brand new multimillion-dollar infrastructure. Climate change assessment must be spelled out in legislation.

4. **There should be an opportunity for public comment on the studies.** Millions of lives have been adversely affected by incarceration on Rikers Island, and for the most part, the same communities suffering criminal injustice happen to be suffering environmental and climate injustice as well. The communities most affected deserve a say to facilitate a just transition for Rikers and future of environmental justice. And now more than thirty public interest groups have weighed in on the Renewable Rikers plans, and at last count 35 council members co-sponsored these bills. It is crucial that the affected public, non-governmental organizations and our City Council members have an opportunity to comment on the studies before they are completed and that those comments are responded to by the agencies before any final documents are produced. The legislation should be modified to include provisions for public input.

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Thank you for your consideration of Riverkeeper’s testimony. We look forward to working with the Council Members, DEP, the Mayor’s Office of Sustainability, and our partner organizations to ensure Rikers Island is utilized in the best interests of New Yorkers.

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² N.Y. City Panel on Climate Change, 2015 Report Executive Summary (2015), *available at* <http://onlinelibrary.wiley.com/doi/10.1111/nyas.2015.1336.issue-1/issuetoc>.