

Testimony of James J. Roberts, P.E.
Deputy Commissioner, Water and Sewer Operations
New York City Department of Environmental Protection
before the
New York City Council Committee on Housing and Buildings
concerning
Intro. 1120 – In relation to notification of proposed excavation or drilling
250 Broadway
September 26, 2016

Good morning, Chairman Williams and Members and staff of the Committee. I am James J. Roberts, P.E., Deputy Commissioner of Water and Sewer Operations at the New York City Department of Environmental Protection (DEP). I am joined today by Eric Landau, Deputy Commissioner of the Bureau of Public Affairs and Communications. Thank you for the opportunity to testify today in support of Introduction 1120, which addresses notification to DEP of proposed excavation or drilling.

Simply stated, the bill before you today is intended to help ensure the integrity of some of the most critical infrastructure in the City of New York. It will effect a simple change in New York City's Administrative Code and Building Code in order to ensure the protection of our water supply tunnels—the life blood of the City. The bill requires notification to DEP 30 business days prior to commencing any drilling or excavation deeper than 50 feet, and directs DEP, within 10 business days of receiving such notification, to determine whether the drilling or excavation is in close proximity to critical infrastructure such that a permit is necessary to drill or excavate. I want to thank you, Mr. Chairman, and Council Member Chin for your sponsorship of this legislation.

It is important to understand the historical context in which our tunnel systems were constructed. Very early on in the history of the City it was decided to create deep tunnels and aqueducts that could carry water across the various boroughs and geographies without disrupting the world above, and at the same time providing a level of protection to the system because of their depths. In some cases we do have infrastructure that is within 50 vertical feet of the surface. We are sometimes asked, "Why now?" Well, in most cases our tunnels, which can be as deep as 1,200 feet, have never been a concern because frankly nobody else was working in that underground world. Two issues were brought to our attention over the past several years that became the driver for this bill. First was the contemplation and planning of the Trans-Hudson Tunnel (ARC), and second was the advent of technologies that made the utilization of technologies such as geothermal wells for heating and cooling possible. These wells can at times be driven over a thousand feet deep. When we were approached about the ARC tunnel we quickly saw that City Tunnel No. 1, which is approximately 200 feet below the surface in the midtown area, would potentially be at risk of damage related to the proposed new subway tunnels. This was a bit of a wake-up call as we, for the first time in my 31-year career, needed to be mindful that others may contemplate exploring depths that heretofore had been reserved only for us. The second was a proposal to install geothermal wells for the

construction of a new development which as I recall contemplated a depth of approximately 1,200 feet. We realized at that point that we could not responsibly allow parties to be drilling blindly with regard to our tunnels. A mistake could result in a major impact to the water system.

The current law requires notification to DEP whenever someone proposes to drill in the City to a depth greater than 100 feet. Since some of our critical water supply infrastructure is at a depth between 50 and 100 feet, DEP needs this change in order to protect all of the City's water supply tunnels, regardless of depth.

Again, the bill requires notification to DEP 30 business days prior to commencing any drilling or excavation deeper than 50 feet, and directs DEP, within 10 business days of receiving such notification, to determine whether the drilling or excavation is in close proximity to critical infrastructure such that a permit is necessary to drill or excavate. DEP is aware of the concern that another permit requirement beyond that required by the Department of Transportation for work in the public right of way as well as the 30-day lead time will delay projects. DEP believes that a project that necessitates drilling or excavation at depths greater than 50 feet would likely involve planning and design far in advance of 30 days prior to initiation of such work. It is therefore most unlikely that a 30-day notification would delay construction. DEP welcomes examples of projects that might suffer delay as a result of the new law so that this concern can be openly addressed.

Again, Mr. Chair I want to thank you and Council Member Chin for sponsoring this necessary legislation. We look forward to working with the Council and stakeholders to pass a bill that protects the infrastructure that is critical to the life of the City. I appreciate the opportunity to present testimony today and would be happy to answer any questions you may have.