

**AGENDA**

**Croton Facility Monitoring Committee Principals' Meeting**

*Tuesday, June 13, 2006 – 4:00 PM – Office of DEP Commissioner  
Emily Lloyd, –59-17 Junction Boulevard, Flushing NY 11368 – 19<sup>th</sup> Floor  
Conference Room - (718) 595-6565*

- I.** Welcome - Commissioner Emily Lloyd
- II.** Introductions, Opening Comments – Greg Faulkner and Croton Facility Monitoring Committee Principals
- III.** Review Status of Jobs and Job Training at Croton Filter Project - Current Contract
- IV.** Review Equipment Retrofits/On-Road Trucks' Emissions Controls-Current Contract
- V.** General Discussion
- VI.** Review and Adopt CFMC meeting minutes of April 20, 2006
- VII.** Adjourn

**NYC DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF ENGINEERING DESIGN AND CONSTRUCTION  
CROTON FACILITY MONITORING COMMITTEE MEETING MINUTES**

TUESDAY, JUNE 13, 2006 – 4:00PM

A meeting of the Croton Facility Monitoring Committee principals with DEP Commissioner Emily Lloyd was held on June 13th at DEP's Headquarters, 59-17 Junction Boulevard, Flushing NY 11368. The names of those attending: CFMC representatives, staff from DEP and its construction manager are attached. (*Attachment 1*)

The meeting was called to order at approximately 4:20 PM; an agenda (*Attachment 2*), which was previously circulated to the CFMC, was available.

Welcome

Commissioner Emily Lloyd welcomed the CFMC. She said that the CFMC has helped the Department stay in touch with issues important to the community, and thanked the representatives for their individual and collective efforts. She said the project's current status includes both good progress and some disappointments. She requested that each individual introduce him/herself.

Greg Faulkner, Chair of the CFMC, introduced himself, and each principal identified him/herself : Saul Scheinbach of Community Board #8, Father Richard Gorman of Community Board #12, John Leonforte of DEP, Joe Gordon of Council Member Oliver Koppell's office, Hector Aponte, Bronx Borough Parks and Recreation Commissioner, and Laura Stockstill representing David Golovner of Borough President Carrion's office. Additional attendees at the meeting were Bernard Daly, Richard Friedman, Al Lopez, Gerry Kelpin, Anne Canty, James Soroush and Kathryn Garcia of DEP and Tom Farrell and Martha Holstein of the Construction Management team.

Mr. Faulkner thanked the Commissioner for meeting with the CFMC and said in his area the most important issue facing the community is jobs. He lamented referring applicants to the DEP community office who did not get results about when, how or where jobs might become available. He said that the Bronx has a particularly high unemployment rate and that the large construction projects in the Bronx are being mandated to hire locally. He asked for a breakdown on the approximately 400 persons seeking jobs at the DEP Community Office. He asked how many were union and how many were non-union applicants who visited the DEP community office?

In response, Commissioner Lloyd asked Richard Friedman, DEP, to speak about the current percentages of Bronx-based individuals working on the Croton project.

Jobs & Local Purchases

Mr. Friedman said that approximately half of those seeking employment who visited DEP's community office have been union members. The other half were not.

Mr. Friedman summarized the current job status under the first Croton Construction Contract, CRO-311 (Site Preparation). This contract is not labor intensive and is scheduled for completion in mid 2007. He said that Bronx-based hires have consistently ranged in the low 20% to high 20% range on this contract and that the numbers will continue in the same vein throughout CRO-311. Mr. Friedman referred to a training program operated by CUNY on the Concourse where 30 individuals who applied to DEP for construction jobs have been referred and are now working either part time or fulltime. Mr. Friedman said that CRO-312, the large construction contract that will build the underground water treatment plant is out for bid. Work under CRO-312 will begin in 2007, and up to 600 workers are expected to be needed. Opportunities will exist under that contract for trades such as laborers, carpenters, plumbers, electricians, and others. Mr. Friedman said that the next contract to begin, CRO-313, will primarily require sandhogs because it will construct the tunnels to connect the Croton Filtration Plant at Van Cortlandt Park from and to the Croton water supply system.

Mr. Faulkner asked how DEP will gain the unions' cooperation to refer Bronx-based union members to the Croton job. Mr. Friedman said that during the summer and next fall DEP will be meeting with union officials again to request that they fulfill DEP's request to have Bronx residents who are members of the unions employed on the project.

Mr. Friedman said that \$18 million in local goods and services have been purchased by the contractor and construction manager since the Croton project began and that, before CRO-311 ends, the purchases should reach approximately \$20 million. Mr. Scheinbach asked about the success of the recent outreach event. Last week's event, according to Mr. Friedman, was to get minority and woman-owned businesses interested in following up on opportunities to work as subcontractors on the large Croton contract, (Mr. Friedman distributed a list of potential subcontracting opportunities under CRO-312 to the CFMC), as well as to alert the business community to upcoming Parks Department improvement projects and other DEP construction contracts. He said that Robert Barnes, Director of DEP's community office, is developing a directory of local applicants to share with contractors. Mr. Faulkner asked why the firm hired to install sprinklers in the construction manager's office is not from the Bronx. Mr. Friedman said that two Bronx firms bid on the work. One was not a certified sprinkler firm and the other's price was well beyond (20% higher than) the low bidder's. Bernard Daly, DEP, added that while the sprinkler system is being installed by a non-Bronx firm, the construction manager has bought furniture, alarms, testing services and other items from Bronx businesses. Mr. Faulkner asked why Bronx firms were not used for office cleaning on site, and Mr. Daly said that it is entirely up to the contractor to decide whether to hire an outside firm and pay prevailing wages or to use current employees and pay prevailing wages. The contractor chose to have its employees clean the offices, rather than purchasing these services from a subcontractor.

Mr. Daly added that the contractor can subcontract with any firm it chooses. There is no 10% waiver of the low bid in the case of the Contractor's selection of subcontractors for his contract work. There is a 10% waiver for the construction manager to buy goods or

services from Bronx firms if their cost is 10% or less than the low bidder whose business is located outside the Bronx.

Mr. Gordon asked whether Bronx firms are bidding higher on Croton subcontracting activities than firms from other Boroughs. Mr. Friedman said that, whether union or non-union activities are procured, prevailing wages must be paid. DEP carefully monitors these payments. Mr. Gordon asked whether DEP could financially incentivize Bronx firms, using the 10% allowance, and Mr. Friedman said no. Commissioner Lloyd said that incentive programs usually are able to demonstrate a cost benefit. She said it is difficult to justify benefits to the water system unless they are negotiated as a part of a package. Once a contractor wins a low bid, DEP must keep the contractor at arm's length, allowing him or her to follow the contract terms. She added that DEP wants the Croton project to be completely successful and to be well received in the community.

Mr. Friedman added that DEP, working with Dept of Small Business Services and Parks Dept, will soon convene a series of workshops on doing business with NYC.

Father Gorman asked where the CFMC and community should turn for additional information about these programs and upcoming job opportunities. Mr. Friedman said that Bronx Overall Economic Development Corporation (BOEDC) will continue to work with DEP to communicate future opportunities. Commissioner Lloyd asked Mr. Friedman to provide examples of training opportunities for future potential employees. Mr. Friedman said that career development and resume writing are two examples of courses that DEP is planning to hold.

Mr. Daly added that the Croton CRO-312 bid books are available and that the requirements under that contract include sheetrock, tile, and many other subcontracting opportunities. As contractors refine their bids for CRO-312, it is important for potential subcontractors to introduce themselves to contractors and get included in their bid.

There was a brief exchange between Commissioner Aponte and Mr. Friedman about recent City Council legislation that has been signed into law, setting requirements for minority and women-owned business participation. It does not cover the Croton project because the project is governed by NYS M/WBE laws and rules as a result of the Croton Filter Project receiving loans through the New York State Revolving Fund.

Mr. Scheinbach asked whether DEP has encouraged local workers and business participation on any other projects as they are trying to do at Croton. The Commissioner said no. She added that for ten years at Columbia University she worked in partnership with the community on the university's expansion. She said it is complicated but it can be done and she wants it done as well by DEP.

Fr. Gorman asked how aggressive DEP will be with unions on local hiring. He said that during Community Board #12's hearings on DEP's ULURP Resolution to site the plant, out of five dozen witnesses who spoke, only four said they lived in the Bronx. Commissioner Lloyd said that some unions have made an effort to comply with DEP's

requests. Others have done less. She suggested that, in addition to DEP's upcoming revisits to the unions, the CFMC and elected officials may also want to meet with the unions. She said that unions should understand they are being watched and monitored. They should know that it's in their best interest to use a local workforce. She suggested that the CFMC write letters to the unions that have made good efforts, praising them, and that the CFMC call upon the unions that failed to support the effort, asking them to do more. Fr. Gorman added that unions often favor their current members and tend to spend less effort on potential members. Fr. Gorman said that the Mayor should send letters to the unions. Mr. Scheinbach suggested issuing press releases on the subject. Mr. Gordon suggested forming a subcommittee of the CFMC to work on this issue. Mr. Daly added that both the Carpenters union Local 608, and the Laborers union Local 731 need to be pressed as they will have a large number of members working at the Croton Filter Plant under CRO-312.

Mr. Friedman said he has met numerous times with the Bronx Board of Business Agents, and that the group knows it must make a better effort on local job referrals. The CFMC by consensus agreed that more meetings with the unions are needed.

Commissioner Lloyd said that construction costs are increasing and this is a good time to add construction workers to union ranks, because there is a great deal of building going on in NYC.

Commissioner Lloyd then requested that a status report on equipment and truck retrofits be given.

#### Emissions Reductions

Construction Manager Tom Farrell reported first on the status of emissions controls for on-site equipment. He said that Best Available Technology (BAT) has been placed on 18 pieces of on-site equipment. Retrofit equipment has been delivered to affix BAT to two more pieces of equipment and six others need to have BAT. Twelve pieces of equipment, which had been used at Croton, were rotated off site. Mr. Farrell said that the excavation is on schedule and that over time the remaining equipment will be demobilized. During contract CRO-311 approximately \$1 million in labor and parts have been spent to attach BAT to on-site equipment. Mr. Farrell added that an August test program will determine whether expected emissions reductions are being met.

Mr. Daly said that Glenn Goldstein of Emisstar has spent a great deal of time and effort on the retrofit initiative. Much research and development has been made to meet DEP's commitment to comply with the requirements of Local Law 77. While progress at Croton has been made, there have been retrofit problems because the technology is still new. Mr. Goldstein will be explaining what is required in contract CRO-312 at the pre-construction meeting for prospective bidders scheduled for June 29<sup>th</sup>. Gerry Kelpin, DEP, added that the on-site emissions reduction technology is not as advanced as the industry boasted; however, DEP, the construction manager, and the Contractor have made good progress and DEP remains committed to BAT for the on site equipment.

Commissioner Lloyd said she hoped the CFMC agrees that the BAT program has been effective. She said the experience and benefits from the initiative would accrue in future contracts.

Mr. Farrell reported on the status of on-road Active Diesel Particulate Filters (ADPF). He said that on June 3, 2006 an on-road ADPF was installed. There were some problems with the equipment, but overall the truck is working satisfactorily. Three more ADPF retrofits are scheduled. One will take place in approximately three weeks. Two more will be retrofitted thereafter. Ultra Low Sulfur Diesel (ULSD) is being used on the on-road trucks. In some cases Diesel Oxidation Catalysts (DOCs) are being used by on-road trucks.

Mr. Farrell said that the ADPF technology cannot be purchased off-the-shelf. Each ADPF must be customized to its truck. The current level of technology is not yet well advanced, and this initiative is the first of its type in the eastern part of the US.

Mr. Scheinbach asked about DEP's commitment to retrofit ten on-road trucks. Commissioner Lloyd said that DEP is pressing the contractor to retrofit ten trucks; however, (1) the existing contract is already winding down; and (2) it is a very slow process to order, await delivery of and install the equipment on the trucks. The trucks are owned by subcontractors working for the prime contractor. Mr. Farrell added that the equipment needed to retrofit the first truck was delivered during the last week in May and that the ADPF operates for only eight to ten hours before requiring regeneration. Trucks typically are used during two shifts per day to be productive. The ADPFs function for one shift before regeneration is required.

Deputy Commissioner Al Lopez added that DEP wants to assess how the retrofit works before installing more than a few. He and Mr. Farrell said that two of the trucks are the same model so they will all use the same customized ADPFs; however, the other trucks are different models. Mr. Daly added that the company representatives that manufacture the technology were extremely optimistic about effectiveness, but they were sales persons, not technologists. Ms. Kelpin said that California's experience, that was mentioned as precedent for Croton's, was with a confined fleet so that regeneration could be accomplished nightly.

Mr. Scheinbach said he understood that DPFs are removed when equipment is rotated off the Croton site and wanted confirmation of this. Mr. Farrell said he is correct.

Mr. Scheinbach suggested that if ADPFs are problematic, DEP should at least install DOCs on on-road trucks. Mr. Farrell responded that ADPFs were the preferable technology and that DEP had been pressed by the CFMC to install ADPFs also, resulting in the effort described. Mr. Daly said the effort has been complicated because the contractor doesn't own the trucks as mentioned by Commissioner Lloyd. The contractor needed to obtain an agreement with its subcontractor to retrofit ADPFs, and the agreement took several months to achieve. Mr. Scheinbach reiterated a suggestion made months ago by Mr. Gordon that DEP purchase the trucks. However, Messrs. Farrell and

Lopez said that the trucking fleet will be changing to more modern equipment as the project goes forward. Messrs. Scheinbach and Gordon suggested that the DEP's experience on the retrofit program be publicized. Commissioner Lloyd said she agreed. Mr. Scheinbach said his background is in Research & Development and he commended DEP's program. Fr. Gorman requested that the construction manager prepare a report about the status of the BAT/ADPF program for the CFMC. He said it should be released to the press. The Commissioner said she supported having a press briefing, particularly for the local Bronx media.

### CFMC Discussion

Two primary topics were further discussed:

(1)Fr. Gorman spoke about the relocation of Ladder 39 which took place the day before this meeting and how devastating its leaving Woodlawn is to the community. He said he feared that the 230<sup>th</sup> Street Firehouse might also be closed. As a result of the loss of Ladder 39, Fr. Gorman questioned whether responding fire apparatus would be caught in traffic as it made its way to Woodlawn from Wakefield. Fr. Gorman said he's disappointed about the City's actions, and asked Commissioners Lloyd and Aponte as representative of Commissioner Benepe what the agencies have done to change the FDNY's decision. Commissioner Lloyd said she has spoken to Commissioner Scoppetta but didn't get a favorable response. She said the FDNY strongly believes it can protect the Croton area and the public. FDNY told her it is doing everything it can to reassure the public about safety. In response, Fr. Gorman said the City's corporate mentality is a mistake, and the government should be concerned about its people and not be run like a corporation. Mr. Gordon added that Councilmember Koppell has been trying to influence the FDNY's decision as well. He said the City Council might appropriate funding to rebuild the Ladder 39 facility. Fr. Gorman questioned whether, if the money were put into the budget, the Mayor would spend it. Commissioner Aponte explained that it is very difficult for one agency to tell another agency how to conduct its business. Chairman Faulkner added the Public Safety Committee of Community Board #7 is also concerned about relocation of Ladder 39.

(2)Mr. Faulkner said that DEP and the CFMC should closely monitor requests from job applicants that are sent to the contractor so that more local workers get hired, and DEP's local office should not give applicants the impression that new hires will be added to the workforce this summer. Mr. Friedman said community office staff now understands the timing of new hires. Staffing for the upcoming CRO-312 will probably be at least a year away.

In summary, Commissioner Lloyd said that there needs to be a disaggregation between union and non-union applicants. DEP will focus on and try to accomplish getting increased numbers of locally residing union applicants hired. She said the CFMC should be a partner with DEP in keeping the contractor and subcontractors accountable. Mr. Daly reiterated that the project so far has not had a large labor force. The labor-intensive activity under CRO-311 has been trucking.

Adoption of Meeting Minutes

Mr. Faulkner asked if the principals would adopt the minutes of April 20, 2006. A motion to approve the minutes was made by Mr. Scheinbach and seconded by Mr. Gordon. The minutes were approved.

Mr. Faulkner thanked the Commissioner for participating in the meeting, and asked for a motion to adjourn. Fr. Gorman so moved; Mr. Gordon seconded the motion. The meeting was adjourned at approximately 5:25PM.

6/13/2006

**NYC DEP - CROTON FMC**

Attachment 1

<u>Name</u>	<u>Organization / Company</u>	<u>Address</u>	<u>Phone</u>	<u>Fax</u>	<u>E-Mail</u>
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