

**DISTRICT OFFICE**  
165 PARK ROW, SUITE 11  
NEW YORK, NY 10038  
212-587-3159  
**FAX:** 212-587-3138

**CITY HALL OFFICE**  
250 BROADWAY, SUITE 1738  
NEW YORK, NY 10007  
212-788-7259  
mchin@council.nyc.gov



THE COUNCIL OF  
THE CITY OF NEW YORK  
**MARGARET S. CHIN**  
COUNCIL MEMBER, 1<sup>ST</sup> DISTRICT, MANHATTAN

**CHAIR**  
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AGING

December 13, 2012

Mayor Michael R. Bloomberg  
City Hall  
New York, NY 10007

Dear Mayor Bloomberg:

I am writing to express my extreme disappointment with the City's response to my concerns regarding the ongoing presence of generators in lower Manhattan.

Currently, there are 12 temporary boilers and 105 emergency generators in the Financial District. The vast majority of these generators are servicing commercial buildings, including many city and state government offices. These generators run 24-hours a day, seven days a week, and they are spewing fumes and smoke into the air.

The fumes and noise emitted by these generators have become an acute quality of life issue for residents in the Financial District. Residents have reported sickness due to fumes leaking into their apartments, as well as difficulty sleeping due to the never-ending noise.

The City must take immediate measures to move generators away from residential buildings, such as 26 Beaver Street. The three truck-sized generators across the street from this residential building have been wreaking havoc on the lives of residents there. The Department of Environmental Protection (DEP) has said that moving the generators would be too much of an inconvenience, requiring a tractor trailer and the building to power down its phone and IT systems for several hours. I find this answer unacceptable. The real inconvenience is that residents cannot sleep – or breathe – due to the presence of these generators.

I also find it unacceptable that the response from the Department of Health and Mental Hygiene (DOHMH) is just to “be patient” during this time. DOHMH inspectors are telling my constituents to seal off their windows with plastic in response to complaints about fumes inside their residences. It is outrageous that a city agency considers it a reasonable solution for residents to live for two months with their windows taped off with plastic.

I have met with Con Edison of New York and they confirmed that almost all of the buildings in lower Manhattan are ready to receive power. The only reason these large commercial buildings

are not fully restored is due to poor management on their end. The City must ensure that management companies are doing everything in their power to make repairs and become fully electrified. We must move these generators out of the Financial District as soon as possible, especially with the holidays approaching.

In the meantime, the City should do more to aid residents in the Financial District. I urge you to use the Mayor's Fund to Advance the City of New York to reimburse and provide air filters for residents in this neighborhood. This was one of the resources provided to our community after September 11, 2001, and I believe it is warranted again now.

We also need increased enforcement on behalf of DEP, DOHMH, Department of Buildings, and Department of Transportation all of which have a role in the operation of emergency generators. As of December 10<sup>th</sup>, DEP had issued only 9 summonses to generators in lower Manhattan. Only three were smoke violations and one was an odor violation. I find it difficult to believe that these statistics capture what is really going on in lower Manhattan. I, personally, have seen grey and black smoke coming from generators, and the noise is such that you cannot hold a conversation even across the street from one of these large machines.

We cannot depend on private entities involved in the cleanup to assure residents that the air is safe to breathe. To illustrate this point: on December 7<sup>th</sup>, during an inspection of all 12 boilers and 105 generators by DEP, not one operator could produce the proper registration or Certificate of Operation for the equipment. City agencies need to take a more active role in policing these generators and enforcing the air and the noise code in lower Manhattan. The late-night noise from these generators is simply too much.

As per my request, the Department of Environmental Conservation has made one street-level air sampling monitor available on Water Street. While I do believe that we need more than one air monitor in lower Manhattan, at least now some oversight is being provided. I ask that the results of this air monitoring be made available to the public, possibly by coordinating with an agency like Lower Manhattan Construction Command.

While I understand that these generators are providing emergency power to many buildings downtown, this cannot come at the expense of residents' quality of life. The emergency has passed; and now we must get back to the business of protecting our citizens from situations where their health and quality of life is compromised.

I appreciate your attention to this urgent matter. If you would like to discuss this directly, please give me a call at (212) 788-7259.

Sincerely,



Margaret Chin  
New York City Council Member  
District-1, lower Manhattan

CC:

Carter H. Strickland Jr., Commissioner, NYC, Department of Environmental Protection

Thomas Farley, Commissioner, NYC Department of Health and Mental Hygiene

Joseph Martens, Commissioner, NYS Department of Environmental Conservation