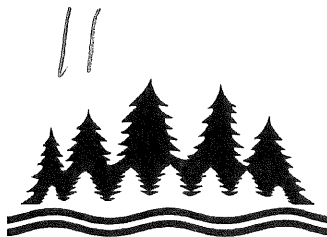


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Empowering Communities, Advocating Solutions.

## Testimony to the Joint Hearing on the Environmental Budget

Brian Smith, Associate Executive Director

January 28, 2016

Thank you for the opportunity to speak today. I am Brian Smith, Associate Executive Director for Citizens Campaign for the Environment (CCE). CCE is an 80,000 member, non-profit, non-partisan advocacy organization that works to empower communities and advocate solutions that protect public health and the natural environment throughout New York State.

### ENVIRONMENTAL PROTECTION FUND (EPF)

While the EPF has seen modest increases in recent years, environmental needs have continued to outpace available resources. The legislature recognized this back in 2007, when they overwhelmingly passed legislation to mandate a \$300 million dollar EPF by 2009. Unfortunately, the promise was never fulfilled as EPF funding was cut significantly during the recession and has yet to recover. \$300 million in 2016-17 will fulfill the promise of a fully funded EPF, and will provide an enormous return to our health, environment, and economy. **CCE strongly supports the Governor's proposal to increase the EPF to \$300 million in SFY 2016-17.**

The EPF's primary and dedicated source of funding, the real estate transfer tax (RETT), has rebounded in recent years and is projected to generate approximately a billion dollars annually in this and coming years. As revenue from the RETT is restored, it is critical to increase the EPF. Restoration of EPF funds from the RETT is in keeping with the original intent when the EPF was created. CCE is also very pleased to see that the Governor did not propose to fund the EPF with Regional Greenhouse Gas Initiative (RGGI) proceeds, which have helped New York make significant progress toward its clean energy economy with support from RGGI, and we urge this to continue.

No matter who you are or where you live, if you are a New Yorker, the EPF enhances your quality of life. EPF projects protect clean water, conserve open space, save family farms, bolster recycling programs, revitalize waterfronts, build community parks, support zoos and aquariums, and more. Not only does this contribute to clean water, clean air, and healthy communities, it helps drive economic development. A 2012 analysis by The Trust for Public Land found for every \$1 of EPF funds invested in land and water protection, \$7 in economic benefits through natural goods and services is returned to the state of New York. The EPF supports thousands of jobs in our state from outdoor tourism and agriculture to drinking water protection. EPF-supported industries generate approximately \$40 billion in revenue every year.

Within the EPF, CCE would like to point out some individual lines that we strongly support, and urge to be included in the final budget:

**Protecting Water Quality on Long Island (Water Quality Improvement Category):** The Executive Budget proposal included:

- \$5 million for the construction of an ocean outfall pipe at the Bay Park Sewage Treatment Plant: The plant currently discharges 50 MGD of treated sewage into the Western Bays and contributes to low dissolved oxygen levels, harmful algal blooms, weakened wetlands, and depleted fisheries on the south shore. A significant state commitment to fund the ocean outfall pipe guarantees that this project will move forward. That's a win for coastal communities, our bays, and our ocean.
- \$3 million for nitrogen reduction and \$2 million for sewer improvement projects in Suffolk County: Septic systems across Suffolk County discharge excess nitrogen, which contaminates groundwater, degrades ecosystems, and threatens public health. Funding will support an initiative to connect nearly 10,000 Suffolk County households currently on septic systems to state-of-the-art sewer systems.

**Ocean & Great Lakes (\$15 million):** 2016 marks the tenth anniversary of the EPF Ocean and Great Lakes Program, which has made significant progress conducting scientific research, management planning, and restoration projects that improve our coastal resources. A \$15 million investment in this line in 2016-17 will help further restoration, including completing the New York Ocean Action Plan and implementing the Great Lakes Action Agenda.

**Lake Erie Watershed Protection Alliance (LEWPA) (\$250K):** The counties of Erie, Chautauqua, and Cattaraugus have formed an alliance to coordinate on projects to protect water quality in New York's Lake Erie watershed. Funding for LEWPA will allow the group to develop an EPA 9-element watershed management plan that will make the region eligible for additional funding sources. When we see what is happening with the western portion of Lake Erie, with excessive nutrients and harmful algal blooms that threaten drinking water quality, it is critical that we take action to protect New York's Lake Erie watershed.

### CLEAN WATER INFRASTRUCTURE

The U.S. Environmental Protection Agency recently released its Clean Watersheds Survey. With \$31.4 billion needed to upgrade failing wastewater infrastructure, New York leads the nation the largest need for investment. The NYS Department of Health estimates that we need \$38 billion need to upgrade drinking water infrastructure. That's right, we need approximately \$70 billion over 20 years to upgrade water infrastructure. Unfortunately, needs far outpace available resources—according to the Environmental Facility Corporation's (EFC's) 2016 Intended Use Plan for Clean Water State Revolving Loan Fund, \$6 billion was listed for wastewater infrastructure projects, but only \$738 million is available in loan funds.

With federal investment in clean water infrastructure going down year after year (down 44% since 2010), and recognizing that these costs are too much to bear for local governments alone, the legislature took a big step forward last year when it committed \$200 million over three years for grants to upgrade wastewater and drinking water infrastructure. The program has already invested \$75 across the state, leveraging more than \$440 million in total project costs to improve New York's infrastructure, which is expected to save local taxpayers over \$284 million through a 59 percent reduction in municipal costs. We were further encouraged by the Governor's proposal

to increase the fund by \$100 million over the next years. We are heading in the right direction, but to truly make a meaningful impact, we need to do more.

We cannot afford to ignore the clean water infrastructure upgrade needs. Aging and failing sewage infrastructure discharge raw sewage into local waterways, jeopardizing human health, closing beaches, harming fish and wildlife, and damaging local economies. According to reports through New York's Sewage Pollution Right to Know law, there are five overflows of raw or partially treated sewage into our waters every day. Drinking water infrastructure is also in a state of constant disrepair, with communities facing ever-increasing water main breaks every year. Due to a particularly harsh winter last year, the Erie County Water Authority dealt with more than 1,400 water main breaks. This can temporarily close businesses and schools, and hurts our local economy. We've also witnessed numerous "boil water advisories" due to contaminated drinking water. Hoosick, NY was recently advised by the EPA not to drink water from the tap due to contamination.

Water infrastructure is not only about protecting public health, investing in clean water is critical to New York's economic development. We know that investing in infrastructure supports jobs, with every billion in infrastructure investment supporting approximately 29,000 construction jobs. However, we rarely look at the long-term return on the investment. Our state's economy cannot thrive if it is tied to antiquated water infrastructure. Business leaders recognize the difficulties that exist in attracting new development to our communities when local infrastructure is not reliable; people and businesses rightfully expect access to safe drinking water and clean waterways.

New York is once again looking at budget surplus, a favorable economic forecast, and has already received more than \$2 billion in additional settlement funds. Due to these positive financial developments, and our state's significant infrastructure needs, this is the time for increased investments in New York's water infrastructure. **CCE urges the Legislature to allocate \$800 million for wastewater and drinking water infrastructure in the SFY 2016-17 budget.**

#### **SEWAGE POLLUTION RIGHT TO KNOW IMPLEMENTATION**

In 2012, the Legislature passed the Sewage Pollution Right to Know Act (SPR TK), a critical step to protecting public health and water-based recreation and tourism. The DEC deserves credit for recently making progress on implementation of the law, particularly with the inclusion of sewage overflows in the NY-Alert system. However, there are still many communities are unable to fully comply with the law because they lack the right technology. Specifically, communities with Combined Sewer Overflows (CSOs) need assistance to comply with the law. Across the state more than 33 billion gallons of combined sewage and stormwater is discharged into New York's waterways each year. The volume of raw sewage discharged from these CSO systems make them the largest single source of sewage contamination that is covered by SPR TK.

In 2014 the Legislature allocated \$500,000 to give communities technical assistance in complying with the Sewage Pollution Right to Know Act, specifically monitoring and modeling for CSO discharges. This funding was re-appropriated in 2015, and is once again re-appropriated in the Governor's 2016-17 Executive Budget proposal. We understand that this

funding will be spent in the near future to help approximately 8-10 communities install appropriate monitoring and modeling. This is an important step, but there are still dozens of other CSO communities that need this technology to ensure that all New Yorkers have a right to know when sewage overflows may put their families at risk to exposure. **CCE urges the Legislature to allocate an additional \$500,000 for the DEC to assist communities with implementation in the 2016-17 budget.**

### **DEC Staffer on Long Island**

We are well aware that state agencies have been asked to continue a budget that is flat and does not allow for an increase in staff. However, CCE is asking for the DEC to be provided one additional sand mine inspector that could also assist with investigating illegal dumping activities. The Assembly held a Legislative Hearing last year, and it became evident that illegal dumping on Long Island is more prevalent than first believed. The right regulations and laws are important but if the DEC, as the regulatory agency, is unable to provide surveillance and the necessary inspection activities, then illegal dumping will continue to endanger the health and safety of the island's sole source aquifer and public health.

### **PHARMACEUTICAL TAKE-BACK PROGRAMS**

Flushing of unused or expired pharmaceutical drugs by residents and at healthcare facilities is a prevalent, yet preventable source of pollution in New York's waters. Providing the public and healthcare facilities with increased access to safe pharmaceutical disposal options will prevent further contamination of our waters, while also helping to prevent drug abuse. CCE supports continuing and expanding successful DEC and DOH programs for safe pharmaceutical disposal in the 2016-17 NYS Budget:

**DEC Program:** The DEC runs a safe disposal program for hospitals and health care facilities within the NYC watershed, on Long Island, and in Monroe County. The DEC picks up unused or expired pharmaceutical drugs from hospitals and other health care facilities. Right now, the program is limited to the aforementioned regions. There is a need and a demand for DEC to expand this program to other areas in NYS. Healthcare facilities are still flushing unused and expired drugs. In March 2013 CCE released a report, "Analysis of Existing Drug Disposal Plans at Health Care Facilities in Suffolk County, NY." The report found that 51% of Suffolk County hospitals, long-term care facilities and nursing homes are flushing expired and unused controlled substances. In Spring 2013, Westchester County Health Department conducted a survey of the 16 hospitals and found 5 are still flushing controlled substances and 2 are flushing non-controlled substances.

Pharmaceutical drug contamination in ground and surface waters is an emerging issue throughout the state. DEC's take-back program should protect all NY waters. Flushing unused and expired drugs end up polluting drinking and surface waters throughout all of NY. Compounding the need to provide access to safe pharmaceutical disposal at healthcare facilities is proposed regulations by the EPA, which would prohibit flushing of unused pharmaceuticals at healthcare facilities nationwide. For years, many of us have recommended that they *shouldn't* flush, and now the EPA is telling them that they *can't* flush. We need to provide these facilities with access to safe pharmaceutical disposal, in order to ensure that they *don't* flush.

**CCE supports the \$150,000 in the Executive budget for continuing the take-back program on Long Island urges the Legislature to allocate additional funds for drug take programs throughout the state. CCE encourages the Legislature to allocate \$1.35 million for drug-take back programs of hospital and healthcare facilities throughout all of New York.**

### **DOH Program**

In the 2015-16 budget, the Legislature allocated \$350,000 through the NYS DOH to provide increased public access to safe pharmaceutical disposal across the state. The program has demonstrated great success, *collecting well over two tons of expired and unused drugs*. The program reaches from Buffalo to Long Island, and provides both the general public and healthcare facilities with greater access to safe pharmaceutical disposal. To date, the program has:

- **Installed Drop-Boxes in 11 Grocery Stores:** King Kullen grocery store pharmacies throughout Nassau and Suffolk Counties installed drop boxes and collected over 2,000lbs of pharmaceuticals to date.
- **Installed 12 Drop Boxes (24-Hour) in 12 Communities:** Lloyd Harbor, Village of Floral Park, City of Glen Cove, Village of Lynbrook, Village of Garden City, South Country Ambulance Company of Brookhaven (Bellport and East Patchogue), and Onondaga County (5)
- **Held 31 Safe Disposal Drop-off Events:** Suffolk County (2), Village of Hempstead (18), Town of Huntington (2), Town of Mamaroneck (3), Town of North Hempstead (6)
- **Established a Pharmaceutical pick-up program for healthcare facilities in Erie County.** This program is enrolling 20 long term healthcare facilities throughout Erie County for safe pharmaceutical disposal.

We have seen how a relatively small state investment can go a very long way in expanding safe pharmaceutical disposal options across the state. **CCE urges the Legislature to continue this program and include this item in its budget.** This comes after legislation was passed by the legislature and signed by the Governor in the fall of 2015, which now allows retail pharmacies to house pharmaceutical drop boxes to collect controlled substances for the first time. This is a game changer, and has the potential to significantly expand public access to safe pharmaceutical disposal. However, this program is completely voluntary and many small, local pharmacies will not have the resources to purchase the drop boxes.

There is a significant need for state investment to increase pharmaceutical disposal options at pharmacies and police precincts. **CCE urges the legislature to provide at least \$350,000 in the 2016-17 NYS Budget for safe pharmaceutical disposal through the Department of Health.**

Thank you for your time and consideration of our remarks.

