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Empowering Communities, Advocating Solutions.

Testimony to the Joint Hearing on the Environmental Budget

Adrienne Esposito, Executive Director
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Thank you for the opportunity to speak today. 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)

We are once again delighted the Governor's budget includes $300 million for the Environmental Protection Fund. We want to first thank the legislature for including a $300 million EPF in SFY 2016-17 NYS budget. This investment is already providing an enormous return in protecting our health, environment, and economy. **CCE strongly supports maintaining the EPF at $300 million in SFY 2017-18.**

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 drives 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 – The EPF includes $3 million for nitrogen reduction and $1.5 million for sewer improvement projects in Suffolk County through the Water Quality Improvement Category:** Septic systems across Suffolk County discharge excess nitrogen, which contaminates groundwater, degrades ecosystems, and threatens public health. Continuing Suffolk's efforts to connect thousands of households currently on septic systems to state-of-the-art sewer systems is a critical component to water quality restoration.

- **Ocean & Great Lakes ($15 million):** In its eleventh year, the EPF Ocean and Great Lakes Program 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 2017-18 will help further restoration efforts, including implementation the New York Ocean Action Plan and 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, leverage existing resources to complete on-the-ground projects to improve water quality, and allow planning and feasibility studies required by state and federal funders for water quality improvement projects in order to access larger pots of money in the future (such as CFA or GLRI). 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.

CCE has recommendations to allocate resources within the EPF to fund two relatively small, but extremely important projects:

1. **Suffolk County Department of Health PFC Testing:** We respectfully urge the legislature to provide $500,000 in the 2017/2018 budget for Suffolk County to become a resource for testing of perfuorinated compounds (PFCs) in groundwater. This ***onetime cost*** includes the necessary testing equipment, as well as two chemists, to allow for water testing from water supplies across Long Island. Currently, all municipal samples for PFCs—an emerging drinking water class of contaminants—are sent to the New York State Wadsworth Laboratory. Groundwater contamination of these chemicals has been found in private wells on Long Island, leading to the designation of a Superfund site and the health emergency of providing safe water to these homes. There is currently a backlog of water samples at Wadsworth Lab, leading to delays in testing. This backlog of testing puts public health at risk, as residents will continue to drink water that is potentially contaminated. ***Providing the infrastructure and equipment to establish a satellite lab in Suffolk County will provide faster testing results, allow for testing for Nassau County's drinking water, free up Wadsworth Lab for other communities, and most importantly, further protect public health.*** CCE recommends this cost of $500,000 come from the Water Quality line item in the EPF. It simply needs to be earmarked in that established category. CCE recommends that this cost be delineated within the existing allocation of $20 million in Water Quality line item.

2. **Embayment Water Quality Testing:** CCE urges the legislature to provide $125,000 for embayment monitoring testing in Hempstead Harbor, Cold Spring Harbor, and Oyster Bay. Unfortunately, funding for this EPA approved quality assurance program was recently cut. This monitoring is needed more than ever, with the ongoing development of the New York State Long Island Nitrogen Action Plan and the Environmental Protection Agency Long Island Sound Nitrogen Reduction Strategy. Both plans are developing nitrogen reduction targets for the Sound, which are dependent upon current water quality

data. Having current embayment data is critical in the development of nitrogen loading targets. ***CCE recommends that $125,000 for embayment water quality testing is delineated as part of the existing $20 million Water Quality Improvement line item of the EPF.***

CLEAN WATER INFRASTRUCTURE

The most recent U.S. Environmental Protection Agency Clean Watersheds Survey shows that 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—in the Environmental Facility Corporation's (EFC) 2017 Draft Intended Use Plan (IUP), it is stated that "the demand for EFC's financial assistance is higher than ever, in part due to the renewed focus on water infrastructure issues, and because of the recent enactment of the Water Infrastructure Improvement Act of 2015." It is expected that for 2017, EFC will only be able to meet 14 percent of the identified statewide demand.

We cannot afford to ignore our clean water infrastructure upgrade needs. Aging and failing sewage infrastructure discharges 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. For example, the Erie County Water Authority dealt with more than 1,400 water main breaks in just one year. This can temporarily close businesses and schools, and hurts our local economy. Drinking water contamination is impacting communities across New York, including lead in drinking water, and poorly regulated chemicals harming communities like Hoosick Falls, Newburgh, Petersburg, and elsewhere.

Federal investments in clean water infrastructure has been reduced year after year (down 44% since 2010), and recognizing that these costs are too much to bear for local governments alone, the legislature and the Governor have taken tremendous steps forward in recent years to help address this growing problem. **The Water Infrastructure Improvement Act (WIIA) of 2015 provides $400 million over three years for grants to local governments for sewer and drinking water infrastructure projects.** The program has been a resounding success. In the program's first two rounds of funding, $250 million has already been invested in nearly 150 wastewater and drinking water projects in every corner of the state. These investments have leveraged $1.15 billion in total project costs, saving local taxpayers an estimated $700 million through reductions in municipal costs. We are heading in the right direction.

We are encouraged that both the Governor and legislative leaders have recognized the need to make further and more significant investments in infrastructure and protecting clean water, above and beyond the $175 million designated for the Water Infrastructure Improvement Act (third year of program to provide $400 million) this year.

CCE strongly supports the Clean Water Infrastructure Act of 2017 that was proposed by the Governor in his 2017-18 executive budget proposal. This fund is critical to leverage additional

local and federal dollars for clean water infrastructure. This will provide an additional $400 million in 2017-18, totalling $2 billion over five years, for clean water infrastructure, source water protection efforts, and hazardous waste cleanup.

We support the legislation's intent to implement a holistic approach to protecting our water supply. We must upgrade aging and failing sewage and drinking water infrastructure, while also installing new treatment technology to filter emerging contaminants. We must also protect water at its source. By protecting open space near drinking waters sources, implementing green infrastructure to filter pollution, controlling non-point source pollution from farms, and more, we will make significant strides to prevent pollution of our waters in the first place. Additionally, the Governor's proposal calls for remediation of hazardous waste sites that may be polluting drinking water sources. Recent water crises, such as in Hoosick Falls and Newburgh, demonstrate why these types of cleanups are needed to protect drinking water.

While we strongly support this comprehensive approach to protecting our drinking water, we also recognize that all of the categories within the proposal have enormous needs, and could each consume the $400 million annually on their own. *For this reason, it is critical that the funding for these different categories are clearly delineated to ensure that all needs are met, and one category is not receiving a disproportionate amount of funding, while leaving others in need. Based on the needs and availability of funding from other sources*, **CCE recommends that 60% of the funding is allocated to sewer infrastructure improvements.**

CCE also strongly supports the concept of a **$5 billion clean water bond act**, which has been introduced by multiple legislators in recent weeks. Even with the aforementioned programs that would provide $575 million in 2017-18, we are still not meeting our state's clean water needs. For example, New York State needs approximately $800 million annually for its sewage infrastructure needs alone. A $5 billion investment would help fill this gap, protect clean water, and create thousands of jobs in years to come. CCE urges the legislature to include authorizing legislation for a clean water bond act in the 2017-18 New York State budget.

CCE supports $175 million for the Water Infrastructure Improvement Act, $400 million for the Clean Water Infrastructure Act, and authorization for a $5 billion clean water bond act.

SEWAGE POLLUTION RIGHT TO KNOW IMPLEMENTATION

In 2012, the Legislature passed the Sewage Pollution Right to Know Act (SPRTK), 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 implement monitoring and modeling. 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 SPRTK.

While implementation of the law has taken time, significant progress is now being made. In December of 2016, the DEC finalized regulations for implementation of the law. The DEC also announced that it would provide $500,000 (originally appropriated by the legislature in 2014,

and re-appropriated multiple times since) grants to ten CSO communities in order to implement monitoring and modeling for CSO discharges. 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 2017-18 budget.**

WATER TESTING FOR ALL NEW YORKERS

Smaller public water systems serving less than 10,000 people, as well as private wells, are not required to test for unregulated contaminants. There are numerous chemicals included on the federal list of unregulated chemicals, which threaten public health. These include perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS), 1,4-dioxane, and others that pose an unacceptable risk to public health. Closing these gaping loopholes for public and private water systems will help protect drinking water for 6.5 million New Yorkers. **CCE supports legislation in the Governor's executive budget proposal that would mandate testing of unregulated contaminants for smaller public water systems serving less than 10,000 people, as well as private wells. CCE research, that will be released later this month, illustrates that over 75,000 Long Islanders live in communities that are not being tested for 1,4 dioxane. These communities are right next to water supply wells showing the highest 1,4 dioxane levels in the nation.**

ESTABLISH A DRINKING WATER STANDARD FOR 1,4-DIOXANE

In a recent national study, 33 of the 36 public water systems studied on Long Island detected 1,4-dioxane. The chemical was historically used as an industrial solvent stabilizer, but today it can be found in up to 46% of personal care products, including detergents, dishwashing soaps, shampoos, cosmetics, deodorants, and body lotions. The U.S. National Toxicology Program has concluded that 1,4-dioxane is 'reasonably anticipated to be a human carcinogen' (NTP 2005). In the absence of an established federal drinking water standard, the default allowable level in drinking water in NY is 50.0 µg/L. The EPA has established a Cancer Risk Guideline Determination of .0.35µg/L for 1,4-dioxane in drinking water, making New York's generic standard grossly inadequate to protect public health. ***To address this growing threat, CCE urges legislature to prompt NYS DOH to establish a drinking water standard for 1,4 dioxane that is protective of public health.***

PHARMACEUTICAL TAKE-BACK PROGRAMS

Flushing 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 2017-18 NYS Budget:

DEC Program: The 2016-17 State Budget included $1 million through the Environmental Protection Fund for a statewide pilot take-back program, which is being used to cover the full cost of purchasing U.S. Drug Enforcement Administration (DEA)-compliant medication drop boxes, as well as the cost of pick up, transport, and destruction of all collected waste pharmaceuticals by a DEA-registered reverse distributor for a period of two years.

The most convenient place for the public to dispose of unused or expired drugs is at the same pharmacy from where they were purchased. This has been exemplified on Long Island, where **King Kullen pharmacies launched a safe disposal program at 11 of their pharmacies and collected over two tons, or 4,000 pounds of drugs in less than three years!** With pharmacies across the state housing drug take back boxes for residents, this will make safe pharmaceutical disposal accessible to millions of New York residents. This promises to be a game-changer in efforts to protect our waters from pharmaceutical pollution, while reducing the potential for prescription drug abuse. The DEC pilot is a great start, New York will need additional resources to continue and expand the program to ensure all New Yorkers have access to safe disposal. **CCE strongly supports $1 million in the EPF for safe pharmaceutical disposal, which was proposed by the Governor in his 2017-18 executive budget proposal.**

DOH Program

In recent years, the Legislature has allocated funding ($350,000 in 2015-16 and $300,000 in 2016-17) for the DOH to provide increased public access to safe pharmaceutical disposal across the state. The program has demonstrated great success, ***contributing to the collection of over 55,000 pounds 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. This program serves as a great compliment to DEC's pharmacy pilot program, by providing additional pharmacy take-back options, as well as other complimentary options, such as receptacles at police precincts and municipal takes back events. The DOH 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 4,000lbs 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)
- **Supported a Comprehensive Pharmaceutical Collection Program in Erie County.** This program is supporting safe disposal collection events, collection receptacles in police precincts, and pickup of unwanted pharmaceutical drugs at healthcare facilities. The program has collected over 50,000 pounds of drugs to date!

The program is ongoing, and is continuing to provide additional safe disposal options, with more drop boxes, collection events, pickup at healthcare facilities, and continued support for King Kullen's program, which will continue to build upon the impressive amount of safe drug disposal accomplished through the DOH program.

There is a significant need for state investment to increase pharmaceutical disposal options for residents and healthcare facilities. **CCE urges the legislature to provide at least $350,000 in the 2017-18 NYS Budget for safe pharmaceutical disposal through the Department of Health.**

<u>MODERNIZE THE PESTICIDE REPORTING LAW</u>

The New York State Pesticide Reporting Law was an enacted in 1996, and has provided critical information on pesticide use in urban and rural settings. The data collected has allowed public

health professionals and health advocates to get a better understanding of pesticide use patterns in New York State, and how that may be impacting public health and our environment.

The law requires an annual submission of pesticide use to the DEC, detailing the amount of pesticides used and the locations of application. The law currently allows applicators to submit this information to the department on paper or on a diskette. This is an antiquated submission process, which devalues the benefits of the law. Processing data from paper reports is also timely, and consumes valuable staff time at DEC.

CCE respectfully urges the legislature to modernize the law by simply *requiring* electronic submission of the annual data. This can be done with no expense to the state, as DEC already has an option to submit data online. Electronic submission would also be free to those that submit the data. Not only would this change make the process more efficient, it would also make the data much more useful and accessible to all parties involved.

The law requires any changes to the program be done by legislation, meaning that the DEC is unable to make these changes through a regulatory process. CCE urges the New York State to modernize the pesticide reporting through legislation in the 2017-18 state budget.

Thank you for your time and consideration of our remarks.