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NY's clean water advocate

Testimony of
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Joint Public Hearing on the FY 2017-2018
Executive Budget Proposal – Environmental Conservation

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Thank you Senate Finance Committee Chair Catharine M. Young, Assembly Ways and Means Committee Chair Herman D. Farrell, Jr., Senate Environmental Conservation Committee Chair Thomas F. O'Mara, and Assembly Environmental Conservation Committee Chair Steve Englebright for the opportunity to testify before you regarding the Proposed Executive Budget for Fiscal Year 2017-2018.

Riverkeeper is a 50-year-old watchdog organization dedicated to protecting and restoring the Hudson River, its tributaries, and the drinking water supplies for millions of New Yorkers. We have 79,000 members and supporters. The Hudson River Watershed covers nearly a quarter of the state's land area where roughly half of the state's residents live.

For several years, Gov. Andrew Cuomo and the Legislature have proposed new and needed investments in clean water, and this year is emerging as a landmark year for these investments. We are grateful for the shared commitment to addressing these issues, and have several priorities that we would like to highlight.

I. Water Infrastructure

For several years, a broad coalition representing environmental, municipal, business, construction, recreational, planning, and other interests has advocated for spending $800 million annually on water infrastructure grants. New York State has among the largest documented needs, nationwide, for investment in wastewater, at $31.4 billion,[1] and drinking water infrastructure, at $39 billion.[2] The Governor has proposed building on the commitment of $175

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[1] U.S. EPA, Clean Watersheds Survey 2012, *available at* http://www.epa.gov/cwns.
[2] NYS Department of Health, Report to the Governor: An Assessment of the Capacity Development Program, 2014, *available at* https://www.health.ny.gov/environmental/water/drinking/capacity/14govrpt.htm.

million to the Water Infrastructure Improvement Act (WIIA) in the coming fiscal year, with roughly $200 million from the proposed Clean Water Infrastructure Act (CWIA), for a total commitment of roughly $375 million to water infrastructure grants. We urge the Legislature to include the Governor's proposal in the budget at a minimum, with the majority of CWIA to bolster WIIA. We also support proposals in the Legislature to increase spending.

a. **The Hudson River Estuary**

The Hudson Estuary faces a particular challenge when it comes to wastewater infrastructure investments. The Hudson, while remarkably improved, still bears among the nation's greatest burdens of wastewater. Riverkeeper's own testing data, based on the longest continuous survey of water quality of its kind, in partnership with CUNY Queens College and Columbia University's Lamont-Doherty Earth Observatory, show that nearly one in four samples fails to meet federal water quality guidelines for safe swimming, and more than half of sites sampled fail to meet federal safe-swimming criteria. What's more, existing funding formulas, which rely on median household income to prioritize investments, have left many Hudson Valley communities without state assistance. Many communities exceed the median household income threshold, but also face higher costs of living, relative to other areas of the state. For instance, up to 57% of lower income families in some counties pay more than 50% of income on housing.[3] In 2017, we anticipate the publication of a Comprehensive Restoration Plan for the estuary that will highlight the need for upgraded wastewater treatment, and urge the Legislature to provide for the estuary's unique needs through dedicated funding, revised funding formulas, or other initiatives.

II. Response to Emerging Contaminants

Riverkeeper has advocated for the City of Newburgh through its drinking water crisis, as elevated levels of perfluorinated compounds were discovered in its primary reservoir. We support the Governor's proposal to bolster the state's capability to respond to emerging contaminant threats through the CWIA, particularly by investing more in the state Superfund. Responding to the threat posed by emerging contaminants is an important priority, given the threat posed by perfluorinated compounds, 1,4 dioxane and other chemicals that have polluted drinking water supplies for New York State residents. The state's Superfund will be needed to undertake priority investigations, rapidly supply alternate drinking water sources where contamination is found, and to define and remediate sources of contamination. Creating a

[3] "Beyond Gentrification: Finding a Balance," Hudson Valley Pattern for Progress, December 2016, *available at* http://www.pattern-for-progress.org/wp-content/uploads/2016/12/2016-housing-report-12.12.16-final.pdf

state-of-the-art data sharing platform that integrates DEC and DOH water quality data will also be an essential tool in improving early detection and response to emerging threats.

a. **Pharmaceuticals**

With funding from the NYS Water Resources Institute, Cornell University partnered with Riverkeeper in 2015 and 2016 on first-of-their-kind surveys of pharmaceuticals and other "micropollutants" in the Hudson River Estuary and its tributaries. Fifty different pharmaceutical compounds were detected, with greater numbers found in samples at or near municipal wastewater treatment plant outfalls. We support funding for DEC ($1 million) and Department of Health ($300,000) to support disposal of pharmaceuticals.

b. **Monitoring**

A $900,000 DEC monitoring budget will allow for testing for emerging compounds statewide, and to expand testing for Harmful Algal Blooms, a growing concern.

III. Source Water Protection

The Governor's proposed support of Source Water Protection is twofold, with $5 million for Source Water Assessments, and implementation for Source Water Protection projects in the CWIA. Source water protection and restoration are essential to protecting high quality drinking water. Land acquisition to preserve stream corridors, green infrastructure and best management practices to improve salt storage and consolidated animal feeding operations are all important elements of source water protection. Riverkeeper is committed to helping make the City of Newburgh's Source Water Assessment a model for comprehensiveness. As more communities update and improve Source Water Assessments, there will be increasing need over time to invest in the implementation of source water protection priorities identified through local, regional and watershed-based planning.

IV. Environmental Protection Fund (EPF)

We applaud the Governor's and Legislature's support of a $300 million EPF. The EPF provides needed resources to many critical clean water programs, including:

a. **Water Quality Improvement Programs (WQIP)**

We're pleased that the Governor has proposed sustaining budget for WQIP at $20 million and concerned at the proposal to reduce Non-Agricultural Non-Point Source Pollution program from $8 million to $6 million. We would prefer to see these important WQIP

funds allocated exclusively through competitive grants, and want to see the critical funds for dealing with municipal stormwater pollution through the Non-Point Source Pollution program restored to $8 million. In a recent round of funding for these programs, $31 million in grants[4] met roughly one-fifth the requested aid.

b. **Source Water Assessments**

As stated above, funding new community- and watershed-based Source Water Assessments, and ensuring that they are both comprehensive and action-oriented, is essential to ensuring the longterm quality of public water supplies. Riverkeeper supports $5 million for this new program.

c. **Hudson River Estuary Management Program**

The Governor has proposed a welcome increase in funding for the Hudson River Estuary Program, to $5.5 million, a net increase for program work of $500,000. However, to meet pre-recession levels of funding, and to increase the Mohawk River Basin Program line to $1 million, a total of $7 million is needed to support the important work of these programs. As an example of the impact of these programs, an influential water quality monitoring project of the Mohawk River Basin Program helped catalyze over $150 million in total commitments to wastewater infrastructure improvements in 2016.

d. **Wallkill River Enhanced Monitoring Study**

A two-year $800,000 study with significant local municipal support requires $300,000 in the coming fiscal year to respond to significant public concern about the loss of recreational use of the Wallkill River due to both persistent, extensive Harmful Algal Blooms, and the presence of fecal pathogens well in excess of federal safe swimming criteria. Monitoring in 2017 and modeling in 2018 will allow for the prioritization of pollution reduction strategies.

e. **Water Resources Management**

A $2 million allocation to the Department of Environmental Conservation would establish a water resources management policy for conservation, efficiency and pricing that follows the model of the REV: Reforming the Energy Vision policy.

[4] 2015 REDC Awards, *available at* https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/REDCAwardsBooklet2015_2.pdf.

f. **Waterfront Revitalization**

Sustaining this program at $15 million is critical for funding watershed planning efforts that support the core water goals expressed elsewhere in this memo, including prioritizing wastewater investments and achieving Source Water Protection.

V. Hudson River Natural Resources Damage Assessment

The Executive Budget Proposal includes $3.235 million for Natural Resource Damage Assessment, a $1.285 million increase from the 2016-17 budget. This increase in funding is critically important to enable the state to conduct research to assess damages to the Hudson River as a result of contamination of toxic polychlorinated biphenyls (PCBs) that originate from two industrial sites formerly operated by the General Electric Company in Hudson Falls and Fort Edward, and have been subject to a federal superfund cleanup.

VI. DEC Staffing and Budget

While last in our testimony, this is not least important. DEC has suffered disproportionate cuts to staffing, and now has nearly 30% fewer staff than in the 1990s, despite an 11% increase in population. The Division of Water, particularly, is operating with 100 fewer staff and less than one-tenth the non-personnel budget as it did 25 years ago. We urge the Governor and the Legislature to restore DEC's capability to enforce New York's environmental laws. Particularly with so many water problems emerging, we must reinvest in core clean water law enforcement as the basis for protecting and restoring water quality statewide.

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On behalf of the tens of thousands of Riverkeeper members and supporters throughout New York State, thank you again for the opportunity to participate in today's Joint Hearing on the Executive Budget and for the important role you play in protecting New York's environment. We look forward to working with the Members of the Assembly and Senate to improve upon some of the key provisions of the Executive Budget we have highlighted today.

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