INTERSTATE ENVIRONMENTAL COMMISSION

A TRI-STATE WATER AND AIR POLLUTION CONTROL AGENCY

2800 Victory Boulevard, Building 6S, Room 106 • Staten Island, New York 10314

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Testimony of the Interstate Environmental Commission Before the New York State Joint Legislative Hearing on 2017-2018 Executive Budget Proposal

Environmental Conservation

February 13, 2017

Thank You Chairwoman Young, Chairman Farrell, Senator O'Mara, Assemblyman Englebright, members of the legislative fiscal and Environmental Conservation Committees. Thank you for this opportunity to offer testimony on behalf of the Interstate Environmental Commission in regards to the Governor's proposed budget for State Fiscal Year 2017-2018.

The Interstate Environmental Commission commends Governor Cuomo for continuing to demonstrate, through the Executive Budget, his commitment to protecting New York's environment. In particular, the $2 billion Clean Water Infrastructure Act, as well as the maintenance of the state fiscal year 2016-2017 increase in funding to Environmental Protection Fund are vital to the protection New York's natural resources. The funding appropriated through these budget actions demonstrates New York's understanding of the need to build resiliency into environmental protection in order to adapt to and mitigate the effects of climate change. It is especially reassuring, during this time of transition in the federal administration, to know that New York remains committed to investing in clean water.

The Interstate Environmental Commission (or IEC) is a tri-state water and air pollution control agency committed to protecting, conserving, and restoring New York's environment, particularly in the area of water quality.

In brief, the Interstate Environmental Commission's District runs west from a line between Port Jefferson, New York, and New Haven, Connecticut, on Long Island Sound; south from Bear Mountain on the Hudson River to Sandy Hook, New Jersey (including Upper and Lower New York Bays, Newark Bay, Arthur Kill and Kill Van Kull); and embraces a portion of the Atlantic Ocean out to Fire Island Inlet on the southern shore of Long Island and the waters abutting all five boroughs of New York City. Our entire district is either New York water, or water that is shared by New York and its neighboring states of New Jersey and Connecticut. Just as water knows no state borders, the IEC is committed to taking a regional approach to water quality management, yet recognizes that water quality protection needs vary across our member states and in fact across different regions within the state.

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The IEC's mission is to protect and enhance environmental quality in the Interstate Environmental District through monitoring, cooperation, regulation, coordination and mutual dialogue between government agencies and citizens. The IEC fulfills this mission through a number of strategies developed to meet regional water quality needs:

The IEC strategically fills geographical, temporal, or analytical gaps in regional monitoring programs in coordination with the states, EPA, and regional partners:

- In response to the increasingly critical need to document summer hypoxic conditions in western Long Island Sound and its embayments, IEC has monitored dissolved oxygen, as well as key water quality parameters relevant to hypoxia, in far western Long Island Sound every summer since 1991.

- In 2015, in conjunction with NYSDEC, IEC began a pilot program expanding the sampling scope at one of its western Long Island Sound stations to incorporate it into NYSDEC's routine network of monitoring stations associated with its Rotating Integrated Basin Studies (RIBS). The incorporation of this station will expand NYSDEC's routine monitoring network, to include the only station south of Poughkeepsie in NYSDEC's routine monitoring network.

- In addition, IEC has the capability to perform short-notice inspections—sampling, monitoring, and analyses— in response to regional environmental emergencies, concerns, or natural disasters. In the past, IEC has assisted local environmental agencies to determine environmental impacts after natural or manmade events, has investigated elevated pathogen levels in local waterways such as Sparkill Creek at the request of NYSDEC Region 3, in Coney Island Creek at the request of concerned citizens, and has assessed variation in pathogen concentrations across transects of the upper East River at the request of EPA Region 2. IEC's ability to mobilize quickly and perform sampling and associated analyses quickly at the request of local, state and federal agencies makes IEC a valuable resource.

- Since October 1994, the Commission's laboratory has been located on CUNY's College of Staten Island (CSI) campus in Staten Island, New York. The laboratory routinely analyzes water samples collected throughout IEC's District. Since 2000, the laboratory has held accreditation through the National Environmental Laboratory Approval Program (NELAP). The IEC laboratory holds primary NELAP accreditation through the New York State Department of Health's Environmental Laboratory Approval Program (ELAP). The Commission's laboratory is dedicated to producing technically defensible environmental data, through sound science and a comprehensive quality control and quality assurance (QA/QC) program. Through adherence to, and continual improvement of its established quality system, the Commission's laboratory continuously strives to generate high-quality data to be used in decision making by environmental managers and researchers.

The IEC performs coordinated, tailored inspections and projects designed to assist, rather than duplicate, compliance efforts of the New York State DEC:

- IEC has a robust, coordinated, and tailored inspection program which includes inspections at SPDES-permitted wastewater treatment plants (water resource recovery facilities), industrial dischargers, pump stations, combined sewer systems as well as municipal separate storm sewer (MS4) systems focusing on state priorities designed to complement efforts of regulatory authorities. IEC's staff conducts inspections with sampling at industrial facilities and municipal wastewater treatment plants year-round. These inspections, which are planned in coordination with regional NYSDEC staff, include effluent sampling and an inspection of processes, equipment, and plant records. Samples collected at these facilities are analyzed in the IEC's certified laboratory to determine compliance with the IEC's Water Quality Regulations and with each facility's specific SPDES permit. In New York State, IEC is frequently the only agency performing effluent compliance monitoring at SPDES permitted discharges. Thus, IEC's compliance monitoring is, in many cases, the only verification of data reported by permittees on discharge monitoring reports.

The IEC facilitates, coordinates, and participates in workgroups and projects with regional partners; including participating in existing and coordinating new citizen science monitoring efforts:

- In 2016, IEC partnered with NY-NJ HEP and EPA to promote citizen science through participation in HEP's citizen science grant program. In 2017, IEC plans to expand this effort, with the implementation of a coordinated volunteer water quality monitoring program in the shared marine waters of the Interstate Environmental District (IED). The effort will recognize state and EPA priorities and will be modeled on existing state volunteer programs already in place (such as WAVE and CSLAP) but will also emphasize synergies, efficiencies, and the desire of the public for consistent efforts in these waters. The program will target areas which are not routinely monitored by regulatory agencies or other established monitoring programs and will focus on water quality parameters, such as pathogen indicators, that are of particular concern as they relate to recreation in the shared marine waters. Again, having an ELAP and NELAP certified laboratory located in Staten Island, IEC is uniquely positioned to assist citizen scientists with the analyses and quality assurance oversight needed for their data to be used to inform monitoring and actions performed by local, state and federal agencies.

- Since 2014, IEC has coordinated a Shared Waterways Monitoring Workgroup consisting of agencies and organizations involved in monitoring the ambient waters within IEC's district. The goal of the workgroup is to allow regional monitoring partners an opportunity to share updates on their ambient water monitoring activities, identify any

gaps in monitoring programs, share and assess data, incorporate citizen science into monitoring initiatives, and discuss monitoring related to emerging water quality issues.

While the majority of the IEC's funding comes from other sources—primarily federal Clean Water Act Section 106 grants—state funding is critical to enable the Commission to implement the work plan of the grants and to meet the match requirement for the Section 106 grant. In federal fiscal year 2016, IEC received $745,000 in 106 funds. Since 2014, IEC has also received funding of approximately $50,000 annually from EPA Region 1's Long Island Sound office to support its western Long Island Sound monitoring. New York had a long history of supporting the work of the IEC until 2009 when financial stresses caused the state to cut previous appropriations of over $300,000 to the statutory minimum level of funding—$15,000—as set forth in the *Tri-State Compact of 1936.*

Unfortunately, the state of New Jersey followed suit two year later and, in 2011, also reduced its annual IEC appropriation to the statutory minimum of $15,000 while Connecticut has, to date, continued to contribute at a level well above its statutory minimum. By 2012, IEC's reserve funds were depleted and we were unable to independently meet the non-federal match requirement of $214,051 to apply for Section 106 funding. In 2008, IEC had a staff of 19. IEC began the year 2016 with a staff of three. Today, we are up to five full-time incredibly dedicated staff members. Despite the reductions in resources and staff, IEC has persevered. We tightened our belts, consolidated and focused available resources to accomplish what was most important— maintaining the ability to address the most pressing water quality needs in our District and of our member states.

In order to preserve the ability to receive federal funding, IEC entered into a five-year Memorandum of Understanding (MOU) with the New England Interstate Water Pollution Control Commission (NEIWPCC) in May 2012. Under terms outlined in the MOU, NEIWPCC provides administrative and fiduciary oversight to the IEC, and applies for and receives IEC's Section 106 funding on IEC's behalf. The funding made possible through the MOU currently supports IEC's staff and has enabled IEC to continue its important water quality monitoring work in New York State.

The MOU with NEIWPCC ends October 2017 and EPA headquarters has indicated they intended this to be a finite agreement and will not approve an extension of the current arrangement.

While IEC recognizes and appreciates its appropriation increase to $41,000 in the FY 2018 Executive Budget, we respectfully urge the Legislature to increase the funding appropriation to IEC in the New York State FY 2017-2018 budget to the amount of $200,000. This level of funding will ensure IEC's continued eligibility to apply for and receive federal funding of approximately $745,000 annually, yielding New York State a significant return on its investment, and will allow IEC to expand its activities related to water quality monitoring and citizen science.

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On behalf of the IEC, I would like to thank the Legislature and, in particular, the legislative committees on environmental conservation for their continued leadership and diligent oversight of State environmental policy. The IEC genuinely appreciates this opportunity to testify at today's budget hearing, is hopeful that the Legislature will consider our request, and looks forward to continuing our important water quality work in support of New York State.

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