

1 BEFORE THE NEW YORK STATE SENATE FINANCE
AND ASSEMBLY WAYS AND MEANS COMMITTEES

2 -----

3 JOINT LEGISLATIVE HEARING

4 In the Matter of the
5 2019-2020 EXECUTIVE BUDGET ON
6 ENVIRONMENTAL CONSERVATION

6 -----

7 Hearing Room B
8 Legislative Office Building
9 Albany, New York

9 January 23, 2019
10 9:36 a.m.

11 PRESIDING:

12 Senator Liz Krueger
13 Chair, Senate Finance Committee
14 Assemblywoman Helene E. Weinstein
15 Chair, Assembly Ways & Means Committee

15 PRESENT:

16 Senator James L. Seward
17 Senate Finance Committee (RM)
18 Assemblyman William A. Barclay
19 Assembly Ways & Means Committee (RM)

19 Senator Todd Kaminsky
20 Chair, Senate Committee on
21 Environmental Conservation

21 Assemblyman Steve Englebright
22 Chair, Assembly Committee on
23 Environmental Conservation

23 Senator Jen Metzger
24 Chair, Senate Committee on Agriculture

1 2019-2020 Executive Budget
Environmental Conservation
2 1-23-19

3 PRESENT: (Continued)

4 Assemblywoman Donna A. Lupardo
Chair, Assembly Committee on
5 Agriculture

6 Senator José M. Serrano
Chair, Senate Committee on Cultural
7 Affairs, Tourism, Arts and Recreation

8 Assemblyman Daniel J. O'Donnell
Chair, Assembly Committee on
9 Tourism, Parks, Arts and
Sports Development

10
11 Assemblyman Michael J. Cusick
Chair, Assembly Committee on Energy

12 Senator Leroy Comrie

13 Assemblyman Marcos A. Crespo

14 Assemblyman Harvey Epstein

15 Senator John Liu

16 Assemblywoman Patricia Fahy

17 Assemblyman Robert Carroll

18 Senator Pamela Helming

19 Assemblyman Dan Stec

20 Senator Thomas F. O'Mara

21 Assemblyman Steven Otis

22 Assemblywoman Didi Barrett

23 Senator Diane J. Savino

24 Assemblywoman Latrice Walker

1 2019-2020 Executive Budget
Environmental Conservation
2 1-23-19

3 PRESENT: (Continued)

- 4 Senator Robert G. Ortt
- 5 Assemblywoman Carrie Woerner
- 6 Assemblyman Fred W. Thiele, Jr.
- 7 Senator Catharine M. Young
- 8 Assemblyman Walter T. Mosley
- 9 Assemblyman William Colton
- 10 Assemblyman Anthony D'Urso
- 11 Assemblyman Billy Jones
- 12 Assemblywoman Marianne Buttenschon
- 13 Assemblywoman Amy Paulin
- 14 Assemblyman Philip A. Palmesano
- 15 Assemblyman John T. McDonald III
- 16 Senator Robert E. Antonacci
- 17 Assemblyman Chris Tague
- 18 Assemblyman Michael LiPetri
- 19 Senator Monica R. Martinez
- 20 Assemblyman Robert Smullen
- 21 Assemblywoman Ellen C. Jaffee
- 22 Assemblywoman Nily Rozic
- 23 Senator James Skoufis
- 24 Assemblyman Thomas J. Abinanti

1 2019-2020 Executive Budget
 Environmental Conservation
 2 1-23-19

3 PRESENT: (Continued)

4 Senator Rachel May

5 Assemblyman Nader J. Sayegh

6 Assemblywoman Judy Griffin

7 Senator Brian Benjamin

8

9 LIST OF SPEAKERS

10 STATEMENT QUESTIONS

11 Basil Seggos
 Commissioner

12 NYS Department of
 Environmental Conservation 14 21

13
 Rose Harvey

14 Commissioner
 NYS Office of Parks, Recreation

15 and Historic Preservation 179 188

16 Richard A. Ball
 Commissioner

17 NYS Department of Agriculture
 and Markets 232 237

18
 John B. Rhodes

19 Chair
 NYS Public Service Commission

20 -and-
 Alicia Barton

21 President & CEO
 NYSERDA 329 342

22
 Elizabeth Wolters

23 Deputy Director of
 Public Policy

24 New York Farm Bureau 461 466

1 2019-2020 Executive Budget
 Environmental Conservation
 2 1-23-19

3 LIST OF SPEAKERS, Continued

4 STATEMENT QUESTIONS

5	Samantha Levy NY Policy Manager		
6	American Farmland Trust	474	480
7	Daniel Gatti Sr. Transportation Analyst		
8	Union of Concerned Scientists	487	493
9	Conor Bambrick Director, Air and Energy		
10	Environmental Advocates of New York	496	502
11	Patrick McClellan		
12	NYS Policy Director New York League of Conservation		
13	Voters	508	
14	Adrienne Esposito Executive Director		
15	Citizens Campaign for the Environment	514	520
16	Roger Downs		
17	Conservation Director Sierra Club Atlantic Chapter	527	
18	Jeremy Cherson		
19	Legislative Advocacy Manager Riverkeeper	533	
20	Jessica Ottney Mahar		
21	NY Policy Director The Nature Conservancy	537	543
22	Kathy Moser		
23	VP Parks and policy Open Space Institute	544	
24			

1 2019-2020 Executive Budget
 Environmental Conservation
 2 1-23-19

3 LIST OF SPEAKERS, Continued

4 STATEMENT QUESTIONS

5 Liz Moran
 Environmental Policy Director

6 Jana Bergere
 Public Policy Associate

7 NYPIRG 547 553

8 Erin Tobin
 VP for Policy and Preservation

9 Preservation League of NYS 554 559

10 Sarah Braymer
 Parks Program Director

11 Parks & Trails New York 562 567

12 Kevin Chlad
 Director, Government Relations

13 The Adirondack Council
 -and-

14 Peter Bauer
 Executive Director

15 Protect the Adirondacks
 -and-

16 Neil Woodworth
 Executive Director

17 Adirondack Mountain Club 570 580

18 Wes Gillingham
 Associate Director

19 Catskill Mountainkeeper 584

20 Kathleen Curtis
 Clean and Healthy New York

21 Executive Director 589

22 Scott Van Laer
 VP/CCO-Forest Rangers Dir.

23 PBA of NYS 595 601

24

1 2019-2020 Executive Budget
Environmental Conservation
2 1-23-19

3 LIST OF SPEAKERS, Continued

4 STATEMENT QUESTIONS

5 Robert M. Blais
Mayor

6 Matthew F. Filler
Village Attorney

7 Village of Lake George 607 612

8 Andrew Radin
Recycling Director

9 Onondaga County Resource
Recovery Agency 616 622

10 Erin McGrath

11 Policy Manager
Audubon New York 626 632

12 Andy Bicking
13 Director of Public Policy
Scenic Hudson 634

14 Evelyn Powers
15 Executive Director
Interstate Environmental

16 Commission 640 645

17

18

19

20

21

22

23

24

1 CHAIRWOMAN KRUEGER: Good morning,
2 everyone. My name is Senator Liz Krueger. I
3 am the new chair of the Finance Committee in
4 the Senate. And I am of course joined by my
5 colleague Helene Weinstein, the chair of Ways
6 and Means in the Assembly.

7 The way the budget hearings operate,
8 each house takes turns leading a day. So
9 this is a Senate day, which just means I get
10 to read the opening speech. That's pretty
11 much the only difference right now.

12 So pursuant to the State Constitution
13 and Legislative Law, the fiscal committees of
14 the State Legislature are authorized to hold
15 hearings on the Executive Budget. Today's
16 hearing, the first of 13, will be limited to
17 a discussion of the Governor's proposed
18 budget for the Department of Environmental
19 Conservation, the Office of Parks, Recreation
20 and Historic Preservation, the Department of
21 Agriculture and Markets, and the New York
22 State Energy Research and Development
23 Authority. And it's possible that the New
24 York Power Authority may also be joining us.

1 Following each presentation there will
2 be some time allowed for questions from the
3 chairs of the fiscal committees and other
4 legislators.

5 Representing each of these agencies, I
6 would like to welcome Basil Seggos,
7 commissioner of the Department of
8 Environmental Conservation; Rose Harvey,
9 commissioner of the Office of Parks,
10 Recreation and Historic Preservation; Richard
11 Ball, commissioner of the Department of
12 Agriculture and Markets; John Rhodes, chair
13 of the Department of Public Service; Alicia
14 Barton, president and CEO of the New York
15 State Energy Research and Development
16 Authority -- we know them as NYSERDA.

17 The commissioners' testimony will be
18 followed by a question-and-answer period from
19 the Legislature. After the final
20 question-and-answer period, an opportunity
21 will be provided for members of the public to
22 briefly express their views on the budget
23 under discussion.

24 At this time I would like to begin

1 with the testimony of Commissioner Basil
2 Seggos. But I'm going to do introductions,
3 thank you. So see, it's first time out. So
4 I want to make sure that I introduce the
5 Senators who have joined me today. I'll
6 first start out by introducing the Democratic
7 Senators, and then Senator Seward, the ranker
8 on Finance, will introduce his members.

9 And I see Senator Jen Metzger in the
10 front row, Senator Leroy Comrie, Senator
11 Kaminsky, who is the chair of the
12 Environmental Conservation Committee. That's
13 it for now.

14 Senator Seward.

15 SENATOR SEWARD: From our conference
16 we're joined this morning by Senators Helming
17 and Antonacci.

18 And Madam Chair, I'd just like to make
19 just brief, brief remarks.

20 As we start the budget deliberations
21 for next year's State Budget we do so at a
22 time when our state is actually losing
23 population, according to the Census report,
24 and at a time also when our economy needs a

1 real shot in the arm, particularly in the
2 upstate region. The Governor has laid out a
3 very ambitious plan that encompasses a wide
4 variety of issues, many of which have nothing
5 to do with the dollars and cents of the
6 budget.

7 But I look forward to hearing from
8 everyone who will be testifying in the next
9 four weeks. And I'll give you a heads up
10 right now. My questions will be focused on
11 the concerns that I hear from people that I
12 represent every day. I want to know how is
13 this budget going to make life better for
14 everyday New Yorkers. Is it going to help
15 our young people succeed and want to stay
16 here and raise a family? Will it attract new
17 business and people to our state? Will it
18 meet the needs of our local governments and
19 school districts? And at the end of the day,
20 when families are sitting around their
21 kitchen tables paying their own bills, will
22 this State Budget make it easier or tougher
23 on them?

24 So we need some real solutions to the

1 real problems that people are facing today.

2 It's time to work together, and I look

3 forward to that, to deliver an on-time

4 response to the budget that will in fact

5 improve the lives of all New Yorkers.

6 Thank you.

7 CHAIRWOMAN KRUEGER: Thank you.

8 And now I'd like to turn it over to

9 Assembly Chair Helene Weinstein.

10 CHAIRWOMAN WEINSTEIN: Thank you, Liz.

11 And I'm looking forward to our having

12 a lot of hearings together and spending some

13 quality time with all of my colleagues and

14 trying to enlighten those here and our

15 members on the Governor's budget proposal.

16 I'd like to introduce our Democratic

17 members who are here. Our chair of the EnCon

18 Committee, Steve Englebright. Our chair,

19 newly appointed chair of the Agricultural

20 Committee, Donna Lupardo. We have some other

21 members who are here: Marc Crespo, Anthony

22 D'Urso, Harvey Epstein, Fred Thiele, Pat

23 Fahy, and Didi Barrett.

24 And now I'd like to -- well, before I

1 turn it over to Will Barclay, our ranker, to
2 introduce the Republican members, I just
3 wanted to point out to the members and
4 witnesses that we have now countdown clocks
5 with stop lights, green, yellow and red.
6 When the yellow light goes on, that means you
7 have one minute left.

8 So we really would like people who
9 have come here to actually be able to testify
10 and not have to leave because the hour gets
11 too late. So we'd hope that both members and
12 witnesses would abide by the time. And we do
13 have people's testimony, so please summarize
14 when you appear before you us.

15 So now I'd like to introduce our
16 ranker in the Assembly, Will Barclay, to
17 introduce his members.

18 ASSEMBLYMAN BARCLAY: Thank you,
19 Chairwoman. And I too look forward to these
20 hearings and spending some quality time with
21 you and the rest of the members of the Ways
22 and Means and Finance Committees.

23 I'm honored to introduce our members.
24 We have Assemblyman Dan Stec, we have

1 Assemblyman Chris Tague, Assemblyman Michael
2 LiPetri, and Assemblyman Robert Smullen with
3 us.

4 Thank you.

5 CHAIRWOMAN KRUEGER: Thank you.

6 And again, under the new rules, we are
7 having the commissioners speak for just 10
8 minutes, which will give the panel more
9 opportunity to ask the questions.

10 And so thank you for joining us,
11 Commissioner Seggos.

12 COMMISSIONER SEGGOS: Good morning,
13 Chairwoman Krueger, Chairwoman Weinstein, and
14 members of the legislative fiscal and
15 environmental conservation committees. My
16 name is Basil Seggos, and I'm the
17 commissioner of the DEC. I'm joined by
18 Jeff Stefanko, who's deputy commissioner for
19 administration, and Jane McLaughlin, who is
20 running our policy.

21 It's an honor to go first, also.

22 On behalf of our 3,100 staff, thank
23 you for the chance to discuss Governor
24 Cuomo's environmental priorities for the

1 coming fiscal year.

2 We're at a crossroads on the
3 environment. All signs point to real and
4 imminent dangers to our planet from a
5 changing climate, with great threats to our
6 air, water, economy and national security.
7 Yet even as these inconvenient facts become
8 more glaring, President Trump continues an
9 unprecedented assault on the environment.
10 We're being led down a perilous path, with
11 federal policies that will undermine decades
12 of bipartisan conservation efforts. America
13 needs Washington's lead on the environment.
14 Failing that, the challenge falls to the
15 states, and New York embraces this challenge.

16 We stand in complete defiance of the
17 president. Governor Cuomo continues to
18 advance the most ambitious environmental
19 agenda in the nation. Our comprehensive
20 policies are showing that it's possible to
21 marry economic prosperity and environmental
22 protection.

23 Through the Governor's steadfast
24 leadership and with your steadfast

1 partnership, we've made critical progress in
2 combating climate change, rebuilding water
3 infrastructure, eliminating contamination,
4 improving resiliency, and connecting more
5 New Yorkers with the outdoors. We must carry
6 this momentum into 2019.

7 2018 was a very busy year for DEC. We
8 fought harmful algal blooms with an intense
9 multi-agency focus, and by investing more
10 than \$80 million on impacted waterways. We
11 announced our plan to direct the
12 \$127.7 million Volkswagen settlement into
13 electrifying transportation. We launched the
14 largest expansion of artificial reefs in
15 state history. We established the largest
16 wilderness area east of the Mississippi, the
17 Adirondacks High Peaks Wilderness, by
18 permanently protecting the Boreas Ponds. We
19 shut down Tonawanda Coke, which dramatically
20 improved air quality in the Buffalo area. We
21 sued the federal government over upland ozone
22 emissions, the repeal of the Clean Power
23 Plan, and most recently unfair fluke fishery
24 allocations. We also sued the makers of

1 firefighting foam for their contributions to
2 PFC contamination in our water.

3 We fast-tracked the completion of the
4 first four groundwater extraction wells
5 designed to contain the Grumman plume in
6 Long Island. We completed a comprehensive
7 study of the Upper Hudson River, which
8 confirmed that the EPA/GE PCB cleanup is far
9 from complete. We executed Operation
10 TrashNet, the largest takedown of illegal
11 dumping in state history. Our spills teams
12 responded to more than 10,500 spills across
13 the state.

14 Our Environmental Conservation Police
15 responded to 21,000 calls, including major
16 flooding on Seneca Lake; issued over
17 20,000 tickets, and even trained law
18 enforcement in Africa on anti-poaching
19 techniques. Our Forest Rangers performed
20 346 search-and-rescue missions for those lost
21 and injured, and successfully fought the
22 547-acre Altona Wildfire.

23 Those are just some of the highlights
24 from DEC. Today you'll also hear about our

1 clean energy accomplishments from my energy
2 colleagues.

3 Make no mistake, we're nowhere near
4 done. The Governor's budget is his most
5 ambitious yet. It doubles down on our
6 environmental nation-leading agenda. While
7 the feds deny climate change, the Governor
8 has proposed the Green New Deal and the
9 Climate Leadership Act. This
10 transformational plan will build on the
11 state's already robust climate action agenda
12 and lead us to carbon neutrality. We will
13 ensure a just transition for the state's
14 workforce, spur economic growth, and
15 prioritize the needs of low- and
16 moderate-income New Yorkers.

17 In particular, the Green New Deal sets
18 New York State on a path to carbon-free power
19 by 2040, an economy-wide carbon neutrality as
20 soon as is practicable. We look forward to
21 working with the Legislature to make this a
22 priority.

23 We're also boosting our historic
24 commitment to clean water. We propose to add

1 another \$2.5 billion to the Clean Water
2 Infrastructure Act, which is now \$5 billion.
3 Coupled with our EFC loan program, this is
4 one of the largest efforts of its kind in the
5 nation. And these critical infrastructure
6 projects are transforming our communities.

7 Once again we propose a \$300 million
8 EPF. The EPF provides essential resources
9 for open space, climate change mitigation and
10 adaptation, environmental justice, farms, and
11 recycling. The budget includes legislation
12 to protect our coasts by prohibiting offshore
13 oil and gas development, one of the
14 president's most misguided proposals.

15 To respond to the global recycling
16 crisis, we propose to expand the Bottle Bill
17 to make most non-alcoholic beverage
18 containers eligible for a 5-cent redemption.
19 And we must ban the plastic bag. New Yorkers
20 use 23 billion plastic bags annually, each
21 used for an average of just 12 minutes.
22 They're a blight on our waterways, sidewalks
23 and parks, and they damage recycling
24 operations.

1 We also propose a right-to-know act to
2 inform consumers about potentially hazardous
3 chemicals in products. The act authorizes
4 DEC, in consultation with the Departments of
5 Health and State, to develop regulations
6 establishing a labeling requirement.

7 To support these initiatives, DEC's
8 budget recommends operations funding of
9 \$460 million and capital funding of
10 \$1.3 billion. The budget increases our
11 staffing to 3,115 employees. It also adds
12 \$55 million in NY Works for infrastructure
13 projects across the state. These commitments
14 will enable DEC to continue building a
15 stronger and more resilient New York.

16 And in closing, on a personal note, I
17 recently made the tough decision to step down
18 as commissioner. I've said it before and I
19 will say it again today: This is the best
20 job with the best agency with the best
21 colleagues and working for the best governor
22 in America. I'm proud of everything we've
23 accomplished over the last eight years, and
24 I'll miss it all. I will even miss these

1 hearings. There's no more worthy calling
2 than public service, where you have the
3 opportunity every day to improve lives and
4 even save lives.

5 Thank you for your trust, your
6 partnership and your friendship. It's been
7 an honor to work with you in service to our
8 great state. I look forward to your
9 questions.

10 CHAIRWOMAN KRUEGER: Thank you.

11 Our first questioner will be the chair
12 of the Committee on Environmental
13 Conservation, Todd Kaminsky.

14 SENATOR KAMINSKY: Thank you.

15 How are you, Commissioner?

16 DEC COMMISSIONER SEGGOS: Good,
17 Senator, thank you.

18 SENATOR KAMINSKY: Good. Thanks so
19 much for all of your service. And I don't
20 know what it says that you chose to come here
21 before you left, but we're happy to see you
22 nonetheless.

23 I'm just to get right into it. We are
24 grateful for the EPF investment that is once

1 again in this budget, but there are just some
2 general questions about how the DEC is
3 allocating those funds in terms of when money
4 goes out the door, how that's prioritized and
5 what processes are in place that might help
6 the public understand how that's happening.
7 If you could illuminate that, that would be
8 appreciated.

9 DEC COMMISSIONER SEGGOS: Sure. Well,
10 the EPF \$350 million, we control about 50
11 percent of it, DEC, so it's a multi-agency
12 fund.

13 You know, spending under the EPF, as
14 you probably know, when we send money out the
15 door, it's largely on a reimbursement basis.
16 So when we do contracting with entities
17 around the state -- municipalities, nonprofit
18 institutions -- we wait for them to do their
19 projects, we encourage them along but we
20 often wait for their projects to be completed
21 so that we can do reimbursement.

22 Land acquisition is also an example
23 where the money we have set aside often we
24 have to wait for a process that involves

1 multiple sign-offs -- local government
2 sign-off, Comptroller and Attorney General
3 sign-off.

4 So the point I'm making is that the
5 spending under the EPF isn't just a switch
6 that we can flip on. We rely on a number of
7 other parties on the outside. But we would
8 be more than happy to share with you and the
9 committee a full accounting of how we spend
10 those dollars over the course of a year. But
11 safe to say that since we've boosted the EPF
12 from where it was eight years ago, \$134
13 million, now 300, has given us extraordinary
14 ability to send critical dollars out to
15 communities around the state.

16 SENATOR KAMINSKY: Thanks. I'd like
17 to move on to the budget that talks about the
18 plastic bag ban and ask whether you
19 considered also dealing with paper bags and
20 whether you considered a fee on paper bags
21 and why that was or was not included in your
22 proposal.

23 DEC COMMISSIONER SEGGOS: Well, the
24 Plastic Bag Task Force -- one of your

1 colleagues sat on that with us as well -- we
2 looked at a range of potential controls on
3 plastic bags, plastic and paper bags, around
4 the state using examples from around the
5 world. And ultimately the Governor's
6 proposal is a ban on plastic while giving the
7 localities the opportunity to assess a fee on
8 paper.

9 It's worked elsewhere. Again, our
10 primary goal is to get these bags out of our
11 environment, out of our parks, out of our
12 waterways. The proposal that we decided on
13 advancing has worked well elsewhere, and I'm
14 confident it would work well here in New
15 York.

16 SENATOR KAMINSKY: Okay. I know I
17 speak on behalf of our chair here, CHAIRWOMAN
18 KRUEGER. I hope the second floor remains
19 open-minded during this budget process to
20 adding paper. That's something that we're
21 going to be discussing and speaking with you
22 about as we move forward.

23 DEC COMMISSIONER SEGGOS: We are
24 always open-minded.

1 SENATOR KAMINSKY: Okay, that's good
2 to hear.

3 I just want to jump over to the issue
4 of wetlands mapping. There have been a
5 number of interested parties who wonder why
6 there haven't been updated wetlands maps in a
7 long time, wonder what the process is for
8 getting those out and just where things stand
9 with respect to that.

10 DEC COMMISSIONER SEGGOS: Right. We
11 got an EPA grant several years ago to do some
12 EPA mapping. We're nearing the final stages
13 of conducting that work. I would imagine
14 that in the course of 2019 that will be made
15 available to the public. We're prioritizing
16 several watersheds where maps clearly need to
17 be updated. We'd work certainly with the
18 Legislature on timing of that, but that's
19 something that's on top of our list in 2019.
20 Obviously something that must be done when
21 you factor in the causes of, you know, severe
22 weather and risks in communities, wetland
23 mapping is a very important tool in that.

24 SENATOR KAMINSKY: Okay. And you

1 think there will be some news on that soon?

2 DEC COMMISSIONER SEGGOS: I believe
3 so. In 2019, yes.

4 SENATOR KAMINSKY: Okay. With respect
5 to the food waste program that was in the
6 budget the previous two years, I think many
7 of us were hoping to see it appear again,
8 willing to help get that over the finish
9 line. There's obviously far too much food
10 waste being landfilled and not sent to the
11 needy or recycled in an anaerobic digester.

12 Can you tell us why that was not
13 included in the budget and what we might be
14 able to work together on, going forward, to
15 try to institute a similar program?

16 DEC COMMISSIONER SEGGOS: Sure. Well,
17 we look forward to working with you on food
18 waste generally. But we do have spending
19 within the EPF we would propose to continue
20 putting towards food waste. I think over the
21 last three years we've put up to \$10 million
22 into grants for organic waste. Controls
23 remains a very big issue statewide, and we're
24 open to all solutions on this.

1 SENATOR KAMINSKY: Okay. So even
2 though it may not currently happen within the
3 budget, it's something you still want to see
4 through.

5 DEC COMMISSIONER SEGGOS: Absolutely.
6 Still a top priority, and we're working
7 multi-agency on an effort to reduce organics
8 waste statewide.

9 SENATOR KAMINSKY: Okay, thank you. I
10 just want to shift over to some of the
11 climate stuff you've spoken about. Just want
12 to make sure we're on the same page, and I
13 think we are. But do you agree with the
14 following statement that global warming is a
15 crisis of the most urgent nature and that we
16 need to be as aggressive as possible in order
17 to combat it as a state?

18 DEC COMMISSIONER SEGGOS: I would.

19 SENATOR KAMINSKY: And can you tell us
20 where -- I think 2040 is what's mentioned in
21 your proposal for a carbon-free electric
22 sector. Can you tell us -- two questions.
23 One is how did you arrive at that number?
24 And what's supposed to happen after 2040?

1 DEC COMMISSIONER SEGGOS: Sure.

2 It would be best if I defer this to
3 NYSERDA. They're doing most of the math
4 behind that number. I know it's
5 well-established. It's one of the figures
6 that we believe we can reach. And if you
7 look at some of the investments we're making
8 in offshore wind, solar, clean tech, that is
9 an achievable figure. But I would defer to
10 my colleagues at NYSERDA for the actual
11 specifics.

12 SENATOR KAMINSKY: Okay. One of the
13 issues on Long Island that I've been working
14 with Chairman Englebright on is protecting
15 menhaden and banning the purse seining of
16 menhaden. Can you tell me what the DEC's
17 position on that is?

18 DEC COMMISSIONER SEGGOS: Menhaden --
19 it's actually a good news story in some ways.
20 The menhaden populations are very strong in
21 Long Island. Often we see schools of
22 menhaden now getting flushed into tidal
23 areas, millions of them at a time. And the
24 oxygen levels -- in fact, they will deplete

1 the oxygen levels in the water.

2 We need the menhaden populations to
3 remain healthy because they are really
4 important forage stock for larger fish,
5 really part of the entire food chain. And I
6 would ask that the Legislature, if they are
7 considering any types of bans on purse
8 seining, considers the need to do emergency
9 purse seining. That's when we see these
10 millions of fish that are likely to die
11 within embayments areas, we'd like the
12 ability to go in there as an agency and
13 conduct some targeted purse seining.

14 SENATOR KAMINSKY: Okay. Can you
15 please tell us where we are with emerging
16 contaminants, whether there are any more like
17 1,4-dioxane that are on your radar, and what
18 happens now that the task force has
19 recommended certain maximum contaminant
20 levels? Where are we now in the whole
21 process of attacking those emerging
22 contaminants and making sure that the
23 localities will have the ability to deal with
24 them once maximum contaminant levels are

1 decreed?

2 DEC COMMISSIONER SEGGOS: As you may
3 know, we've spent more than a year, the
4 Drinking Water Quality Council -- and thank
5 you all for your participation in that --
6 convening really the best experts I would say
7 in the world on PFC and 1,4-dioxane controls,
8 arriving just a month ago at a recommendation
9 to the Department of Health to set the most
10 protective levels in the nation on both PFCs,
11 PFOA and PFOS, as well as 1,4-dioxane.

12 So now that our recommendation has
13 gone to the Department of Health, they will
14 be embarking upon a rule-making. I
15 understand that will be completed this year.

16 As to other emerging contaminants, we
17 remain vigilant, looking at all the various
18 threats to our environment and public health,
19 in coordination with DOH. You know, there
20 are tens of thousands of contaminants out
21 there that are potentially endangering the
22 environment. We are doing our best to
23 understand all the potential threats and
24 would convene our teams together to advance

1 any proposals that are necessary.

2 SENATOR KAMINSKY: Okay. And what do
3 we tell a local water authority or
4 municipality that is looking at the
5 million-plus-dollar cost of wanting to treat
6 it and live up to the levels that are set?

7 DEC COMMISSIONER SEGGOS: Well, the
8 Governor wanted to make very clear that in
9 advancing our nation-leading MCLs, these
10 levels, these protective levels, that we also
11 had funding available to help municipalities.
12 So back in I believe it was October, he
13 announced a \$200 million availability pot for
14 munis to tap into to take advantage of state
15 funds to do upgrades for emerging
16 contaminants. So that money is available
17 now.

18 SENATOR KAMINSKY: Okay, thank you.

19 CHAIRWOMAN KRUEGER: And that was the
20 clock that we heard ringing. Senator
21 Kaminsky, you're the first one to
22 experience --

23 SENATOR KAMINSKY: It was a glorious
24 10 minutes, though.

1 (Laughter.)

2 DEC COMMISSIONER SEGGOS: Likewise.

3 CHAIRWOMAN KRUEGER: And it's to
4 explain to the audience again, we have these
5 new clocks and when you are testifying or
6 when you're asking questions, it's green when
7 you're talking, it's yellow when you have a
8 minute to go, and then it will go red with
9 that lovely beeping sound. I don't think it
10 was too disturbing.

11 And also the chairs of Finance and of
12 the relevant committee for the testifier get
13 10 minutes to ask questions and have them
14 answered. Everyone else is five minutes.
15 And we'll be going back and forth between
16 Senate and Assembly, and try to make sure
17 also the rankers as well as the chairs get a
18 chance earlier in the process.

19 But for those who have lived through
20 hearings, this will be like others you've
21 lived through but with a little more time
22 control. For new Senators and new guests,
23 you'll get the rhythm.

24 And there was a rumor flying

1 apparently that this hearing was canceled.
2 Of course it's not, here we are. But
3 apparently there was an Assembly hearing on
4 recycling that then got rescheduled because
5 this hearing was happening at the same time.
6 So if you're hearing rumors or you're getting
7 emails going "But your hearing's canceled,"
8 nope. If you're scheduled to testify, you
9 should come, and we're here. So that's where
10 that rumor is coming from.

11 Assembly.

12 CHAIRWOMAN WEINSTEIN: Thank you.

13 And now the chair of the Assembly
14 EnCon Committee, Steve Englebright.

15 ASSEMBLYMAN ENGLEBRIGHT: Thank you.

16 Good morning.

17 DEC COMMISSIONER SEGGOS: Good
18 morning, Assemblyman.

19 ASSEMBLYMAN ENGLEBRIGHT: It's sort of
20 bittersweet. You're half out the door, and
21 we miss you already.

22 DEC COMMISSIONER SEGGOS: Thank you.

23 ASSEMBLYMAN ENGLEBRIGHT: I just want
24 to say thank you for your service before I

1 torment you with questions.

2 DEC COMMISSIONER SEGGOS: Only nice
3 questions.

4 ASSEMBLYMAN ENGLEBRIGHT: Thank you,
5 Commissioner.

6 DEC COMMISSIONER SEGGOS: Thank you,
7 sir. Appreciate it.

8 ASSEMBLYMAN ENGLEBRIGHT: I ask this
9 question every year. Does DEC have the
10 staffing resources it needs to fulfill its
11 permitting and oversight obligations?

12 DEC COMMISSIONER SEGGOS: We do,
13 Assemblyman. And I've spent the last three
14 years establishing a firm conviction that
15 we've got the staffing we need to fix
16 problems in the state and address the needs
17 of New Yorkers.

18 The staffing cuts of the late 2000s
19 obviously generated real change in the
20 agency. We learned to live within our means.
21 We learned to operate in a more efficient,
22 more lean manner, and frankly break down not
23 only silos between agencies but silos between
24 divisions. I'd say we're doing more now with

1 the resources we have than we've ever done as
2 an agency. Extraordinarily proud of that.

3 That hasn't stopped the Governor from
4 actually increasing staffing at DEC. We are
5 slightly up. We have targeted staffing where
6 we have needs. For example, last year we
7 added I believe 50 staff to help with clean
8 water issues. A slight increase this year as
9 well.

10 So we do have the staffing we need.
11 We ask for when we need it. And I'm
12 confident we're fulfilling the mission of the
13 agency and exceeding and actually leading
14 nationally.

15 ASSEMBLYMAN ENGLEBRIGHT: Well, then,
16 if all is well with staffing resources, the
17 question does emerge: Why is the budget
18 proposal trying to divert EPF money for
19 staffing? The EPF was created to help with
20 capital costs, and it has performed very well
21 in that capacity for a long time. Why does
22 language in the Executive Budget propose to
23 reverse this long-standing position and allow
24 EPF money to be used for personnel services?

1 DEC COMMISSIONER SEGGOS: Well, we're
2 proposing a very modest nominal ability for
3 us to direct EPF dollars to personnel
4 services, specifically for programs within
5 the EPF. Not unlike how, you know, we
6 operate the Clean Water Infrastructure Act of
7 other laws in the state.

8 So again, it's a concept we'll be
9 happy to work with the DOB and you all to
10 provide further refinement on that.

11 ASSEMBLYMAN ENGLEBRIGHT: Well, some
12 have thought of that as a grand theft. The
13 EPF is a well-established capital program,
14 and that's a rarity. It's a predictable
15 capital, recurring capital program.

16 So we're concerned that the camel's
17 nose under the tent might bring the whole
18 herd of camels in the future. It's just a
19 little thing, right, in this budget, but the
20 precedent, once set, would be difficult to
21 reverse or provide boundaries for.

22 DEC COMMISSIONER SEGGOS: Well, I
23 would say this is not unlike how we run other
24 funds. I mean, State Superfund is the same

1 way. You know, we run a very responsible
2 operation under State Superfund and providing
3 critical services. And every year we have
4 significant achievements under that. I don't
5 expect anything different under this model
6 with the EPF.

7 ASSEMBLYMAN ENGLEBRIGHT: Estimates
8 show the EPF spending levels for the current
9 fiscal year will be approximately \$220
10 million, which is well below the \$300 million
11 appropriated. I heard part of your response
12 to a similar question from Senator Kaminsky.
13 But it does seem that this is low, because
14 once you establish year over year a
15 pattern -- and we're now several years into
16 the \$300 million allocation level -- there
17 should be a continuous flow. And each year
18 should have been continuing even if there are
19 offsets in time for actual disbursement or
20 whatever. There shouldn't be a shortfall of
21 investment -- I use that word rather than
22 spending -- of the EPF funds. We should be
23 much closer to the \$300 million level year
24 over year. Why is it dramatically less than

1 that?

2 DEC COMMISSIONER SEGGOS: Well, I
3 agree with you, we should be pushing more out
4 the door and we're doing everything we can to
5 do so, working within our bounds. Obviously
6 working with the grantees, working with
7 municipalities around the state to move
8 projects more quickly. Some of these
9 projects are large, some -- on the land
10 acquisition side, some of those take
11 considerable time. And we'll do everything
12 we can to maximize the spending under that
13 fund moving forward.

14 ASSEMBLYMAN ENGLEBRIGHT: I wanted to
15 ask you about the climate change proposal
16 that we see here. I'm particularly
17 interested in what the "carbon neutrality"
18 term means and how it would effectuate
19 itself, and also what offsets would mean and
20 how they would be defined.

21 DEC COMMISSIONER SEGGOS: I'll take a
22 crack at it and then I'll let you also ask
23 the same question of NYSERDA.

24 Carbon neutrality means, you know,

1 favoring energy sources that have a zero
2 carbon footprint, recognizing that
3 sequestration and other types of methods can
4 be used to offset certain emissions. The
5 preference is for carbon neutrality. The
6 preference is for, frankly, relying on a
7 clean-tech approach to generating power.

8 But the carbon-neutral goal is a bold
9 one, it's a big one, and we think we can get
10 there.

11 ASSEMBLYMAN ENGLEBRIGHT: In your
12 opening statement you said: "We've made
13 great progress fighting climate change." I
14 see some progress in the energy sector.
15 Where is the progress in the residential
16 sector and in the transportation sector and
17 other sectors other than energy?

18 DEC COMMISSIONER SEGGOS: I think we
19 made -- I mean, look, we have approached
20 climate change over the last eight years as
21 an existential issue, really hitting it from
22 every angle. You look at the gains we've
23 made on the transportation sector, for
24 example, we hit our target last year of 3,000

1 charging stations for zero-emission vehicles.
2 There's a 2021 target, 10,000 charging
3 stations. DEC has been spending out of the
4 EPF, directing monies into municipalities for
5 clean fleets. We've been helping to install
6 charging stations really across the state.

7 On residential, we've been doing
8 extraordinary things with solar, driving down
9 the price of solar in New York. You see more
10 solar panels on roofs now in New York than
11 ever. We're one of the leading states on
12 that, I think perhaps the most aggressive
13 growth in the country on solar installations.
14 Again, NYSERDA would have those talking
15 points at the ready.

16 But there really isn't an aspect of
17 climate change that we haven't directed
18 significant resources into. You look at the
19 RGGI program, the successes we've had in
20 RGGI -- we're at 50 percent decreased
21 emissions right now in RGGI. We expect that
22 to be at 65 percent by 2030. Significant
23 gains.

24 You know, you look at any one of the

1 programs that we've done on methane
2 reduction, we're putting regulations out on
3 methane reduction, we're doing HFC controls
4 as well at some of the super-pollutants that
5 are out there.

6 So I'm confident that we're not just
7 setting goals, we're actually taking action,
8 we're putting money on the ground and
9 changing the landscape completely.

10 ASSEMBLYMAN ENGLEBRIGHT: Let's shift
11 over to -- we can talk more about -- you
12 know, I can't help but observe that on Long
13 Island we have virtually zero solar
14 installations on state properties. A hundred
15 miles of right-of-way in the MTA; no solar.
16 All of the highway yards, no solar. But
17 we'll enlarge on that on another occasion. I
18 think we can be doing a lot more, and I'm
19 disappointed so far.

20 I can't help but notice the New York
21 Times talking about increases of the rate of
22 melting of the Greenland and Antarctic ice
23 sheets. And within that context, there is an
24 urgency to my question that I think is

1 reflective of the type of urgency that we
2 need to have for all of the sectors that we
3 can address.

4 But let me go to another important
5 topic, which is the Clean Water
6 Infrastructure Act. We have a \$500 million
7 proposed allocation for this next year, and a
8 doubling of the \$2.5 billion commitment that
9 was made several years ago. That's progress.
10 I agree with you that that is significant
11 relative to other states, but we can do
12 better.

13 What is the reason that we don't have
14 the allocation parameters listed by category?
15 We've established those categories, and yet
16 you come to us with a large number without
17 any categorization. Why is that?

18 DEC COMMISSIONER SEGGOS: We're early
19 in the process here. As in past years, we're
20 happy to work with you on those categories.
21 I think the important thing is the Governor
22 is putting a commitment behind doubling the
23 Clean Water Infrastructure Act. It's a
24 significant demand here in New York State,

1 and we intend to help to meet that.

2 ASSEMBLYMAN ENGLEBRIGHT: Thank you,
3 Madam Chair.

4 CHAIRWOMAN WEINSTEIN: Thank you.

5 Before we go to the Senate, I just
6 wanted to acknowledge several Assemblymembers
7 who have joined us: Assemblyman Robert
8 Carroll, Assemblyman Walter Mosley, and
9 Assemblymember Steve Otis.

10 Senate.

11 CHAIRWOMAN KRUEGER: Thank you.

12 And we've also been joined, since the
13 last time we did introductions, by Senator
14 Skoufis, Senator O'Mara, Senator Antonacci
15 and Senator Metzger. So thank you,
16 everybody.

17 And the next person is Senator Seward.

18 SENATOR SEWARD: Thank you,
19 Commissioner. Good to see you, and wish you
20 all the best in your new endeavors.

21 DEC COMMISSIONER SEGGOS: Thank you.

22 SENATOR SEWARD: Just a few questions
23 that I had. You know, the Governor's budget
24 includes I believe a \$500 million

1 appropriation for the first phase of the
2 Clean Water Infrastructure Act of 2017. Can
3 you describe the projects that are underway?

4 And is there a list existing in terms of
5 future projects that you could share with us?

6 DEC COMMISSIONER SEGGOS: Sure, be
7 happy to.

8 I mean just very briefly, we've
9 directed for traditional sewage wastewater
10 infrastructure projects a total of about \$350
11 million so far. These are projects that have
12 gone out to sewage plants, sewage lines,
13 septic around the state. We've seen the
14 first few communities come in on
15 intermunicipal agreements, awarding
16 \$60 million already on that. We've directed
17 monies towards controls on salt runoff around
18 the state, salt storage sheds, green
19 infrastructure.

20 So far on the land acquisition side,
21 it's a \$110 million fund. We've spent
22 roughly \$30 million on land acquisition
23 through the Clean Water Infrastructure Act.
24 That's meant to reduce runoff into critical

1 watersheds. We looked at CAFOs, lead service
2 lines -- that's a DOH program -- septic
3 system replacement to 30 counties, now 31
4 counties around the state that are part of
5 that program, and have had a few grants go
6 out on water emergencies such as in
7 Amsterdam, where they've had a few
8 emergencies.

9 So the act has been absolutely vital.
10 It's helping to transform the state. And I
11 want to make a really important point here.
12 The grant funding that we put out through the
13 Clean Water Infrastructure Act, coupled with
14 the EFC loan program and coupled with the
15 private funding that sometimes munis get,
16 ends up generating about \$2 billion a year in
17 projects around the state.

18 So we've tapped into something here by
19 virtue of adding these grants into the loan
20 program. A \$2 billion a year spend-out is a
21 really extraordinary number, and it's
22 something like 17,000 jobs a year, on
23 average.

24 SENATOR SEWARD: Does a list exist for

1 us?

2 DEC COMMISSIONER SEGGOS: We can
3 provide the list for you if it's not already
4 out there. I mean, I think you probably
5 would have seen a huge list come out during
6 the CFA process when most of these grants are
7 awarded. But we can provide the list to the
8 Legislature happily.

9 SENATOR SEWARD: I'd like to see that.

10 DEC COMMISSIONER SEGGOS: Sure.

11 SENATOR SEWARD: Switching to the
12 expansion of the Bottle Bill, can you provide
13 us with a list of what the additional bottles
14 would be and also what the estimated state
15 revenue would be from this expansion?

16 DEC COMMISSIONER SEGGOS: Yes, we'll
17 supply you with that list. And the revenues
18 as well. The list itself being most
19 nonalcoholic beverages. So think about like
20 a Gatorade, for example, or vitamin water.
21 You know, it looks like any other redeemable
22 bottle, but it's not affixed with that label.
23 That would be brought in.

24 We stopped short of going to things

1 like liquor bottles and wine bottles because
2 they're -- while they need to be dealt with
3 probably within the Bottle Bill process in
4 the next few years, we need to study exactly
5 how to bring them into the fold. But it's a
6 more limited expansion that will cover a
7 significant number of bottles that need to be
8 redeemable.

9 SENATOR SEWARD: Can you share with us
10 the amount that's being counted on in terms
11 of increase in state revenue?

12 DEC COMMISSIONER SEGGOS: I think
13 we're projecting about \$20 million increase.

14 SENATOR SEWARD: Has there been an
15 analysis in terms of the impact of this
16 expansion on the recycling market? You know,
17 local programs as well as the impact on the
18 businesses that will be expected to handle
19 this additional load?

20 DEC COMMISSIONER SEGGOS: Yes. In
21 crafting this legislation, we've kept those
22 issues in mind. Because the bottles we're
23 envisioning bringing into the program are
24 akin to many of the bottles that are already

1 being handled, we don't imagine there will be
2 extreme hardships on any of the businesses or
3 municipalities that are dealing with these
4 programs.

5 I mean, ultimately it will help them
6 because right now on the municipal side
7 they're dealing with a waste stream that's
8 subject to a very significant global crisis
9 right now. Right? The plastics market, the
10 paper market, the metals market, it had all
11 fallen out because of restrictions from
12 China. So what we're trying to do is bring a
13 clean flow of recyclable materials into an
14 appropriate source and have those
15 well-recycled.

16 In terms of the impact or any burdens
17 on the actual facilities themselves, because
18 the bottles are somewhat similar it will
19 blunt any concerns that they should have.
20 But we're also including some enforcement and
21 some discretion that will be afforded to each
22 bottler. For example, giving them the
23 discretion to actually limit the number of
24 bottles they can receive from any one

1 individual. So it should help, while
2 boosting recycling statewide.

3 CHAIRWOMAN KRUEGER: Thank you.

4 Assembly.

5 CHAIRWOMAN WEINSTEIN: Before I call
6 on the next member, I just wanted to note
7 that we've been joined by Assemblywoman Ellen
8 Jaffee, Assemblywoman Judy Griffin and
9 Assemblywoman Nily Rozic. And Assemblywoman
10 Carry Woerner.

11 So our Ways and Means ranker, Will
12 Barclay.

13 ASSEMBLYMAN BARCLAY: Thank you,
14 Chairwoman. And thank you, Commissioner, for
15 your service and for being here, obviously,
16 today.

17 I have just kind of quick questions,
18 so I won't -- hopefully we can get them done
19 in five minutes. But I first have the
20 pleasure of having the Conservation Officer
21 and Ranger school in my district. I've heard
22 rumors out there that there's potential that
23 that school will be moved or closed. Is
24 there anything to those rumors?

1 DEC COMMISSIONER SEGGOS: We're
2 obviously looking to provide the best
3 possible training opportunities for our
4 individuals who are going through the
5 academy. The academy itself is a little bit
6 small, I'll be honest with you, but it's a
7 good facility for us. It's well-positioned.
8 I think the best thing about the academy is
9 the community in which it exists right now,
10 in Pulaski. They've given us a warm welcome
11 for many years.

12 We've been using -- we have facilities
13 all around the county, and that's part of the
14 problem, is we're driving great distances to
15 do our training on a daily basis, putting our
16 men and women on the road, which isn't safe.

17 But nothing is in the works yet. We
18 certainly are looking at new facilities but
19 have not advanced the ball on any of it.
20 We'd like to stay in the vicinity of Pulaski,
21 though.

22 ASSEMBLYMAN BARCLAY: Great. Be happy
23 to work with you on that. Obviously I
24 understand the constraints on size or

1 whatever. But the location would be terrific
2 to keep it in the district.

3 How many conservation officers do you
4 currently have, and has that number increased
5 or decreased over the last 10 or 20 years?

6 DEC COMMISSIONER SEGGOS: We're at 288
7 Conservation Police, and right now we have
8 134 Forest Rangers. So that number actually
9 has gone up in the last few years. We've
10 held I think three academies in the last five
11 years.

12 It's my hope that we'll have another
13 academy in the coming months as well, keep
14 the ranks growing and keep up with the rate
15 of retirements which is -- that's where we
16 are right now.

17 ASSEMBLYMAN BARCLAY: I hear from
18 sportsmen quite a bit saying -- you know,
19 believe it or not, they would like more
20 Conservation officers out there. So again, I
21 hope we can increase those numbers.

22 Switching to the Climate Leadership
23 Act and particularly the Green Energy Act, I
24 think there's proposed a new Article 75 that

1 gives some broad powers to the Department of
2 Environmental Conservation. Could you speak
3 to what you envision those powers to be? And
4 is there any limit on that?

5 DEC COMMISSIONER SEGGOS: You'd have
6 to specify what you mean by broad powers.

7 ASSEMBLYMAN BARCLAY: Well, you know,
8 establish statewide greenhouse gas emission
9 limits, regulation to achieve greenhouse
10 emission reductions and identify the social
11 costs of carbon. I mean, that seems pretty
12 broad. Can you just all of a sudden put
13 taxes on different things that are causing
14 emissions that's going to --

15 DEC COMMISSIONER SEGGOS: Absolutely
16 not. I mean the important thing about the
17 Climate Leadership Act right off the bat is
18 the establishment of a Climate Action Council
19 that will -- instead of just setting a policy
20 through legislation, what we want to have is
21 the council to come to us with their best
22 recommendations about how to do this without
23 harming New Yorkers.

24 We believe that New Yorkers are at

1 risk right now, long-term, short- and
2 long-term, with climate change. We also need
3 to have policies through the Climate Action
4 Council that don't put the state at a
5 competitive disadvantage. We need to work
6 with other states, for example. You know, if
7 you just create a State of New York with
8 ambitious targets without working with our
9 local partners in other states, it could
10 create a bleed-out effect for industries.

11 So we're a founding member of the U.S.
12 Climate Alliance, working on a number of
13 other -- between RGGI and a few other
14 institutions, we're working nationwide. So
15 it would be our intent to not take actions at
16 DEC until we get the right input from the
17 Climate Action Council, which should be
18 comprised of the experts in the country.

19 ASSEMBLYMAN BARCLAY: Yeah, I
20 appreciate that. I think there has to be a
21 balance, obviously. And, you know, fine to
22 try to combat climate change, but how much
23 can New York do versus, you know, in
24 partnership with the rest of the states,

1 other states and the rest of the country.
2 And cost of whatever we implement obviously
3 is of concern.

4 Switching to the Bottle Bill, how do
5 you decide what is going to be covered under
6 the new proposal on the Bottle Bill? I
7 understand, for instance, cider, hard cider
8 bottles are not under this proposal.

9 DEC COMMISSIONER SEGGOS: Right.

10 ASSEMBLYMAN BARCLAY: Like why are
11 they not and --

12 DEC COMMISSIONER SEGGOS: So it goes
13 mostly to who is producing them. So most of
14 the bottles that are not being covered right
15 now that look like they should be -- I say
16 that because a Gatorade bottle you would
17 think should be in the Bottle Bill program,
18 because it's produced by Coca-Cola or Pepsi
19 or whatever it is. Those entities are used
20 to complying with the Bottle Bill so that
21 it's easier for them to bring them into the
22 system. Wherever somebody makes hard cider,
23 a small business out in Western New York
24 who's never heard of the Bottle Bill all of a

1 sudden is being told to comply with it.

2 So we want to take a slower approach.

3 The Governor has asked us to study this year,

4 work with stakeholders around the state on

5 how we would bring them into the system over

6 the next year or so, and make sure we're not

7 making any mistakes along the way. So I

8 think that iterative approach is going to be

9 useful for them.

10 ASSEMBLYMAN BARCLAY: Thank you,

11 Commissioner.

12 DEC COMMISSIONER SEGGOS: Thank you.

13 CHAIRWOMAN WEINSTEIN: We've been

14 joined in the Assembly by Assemblyman Bill

15 Colton.

16 Liz?

17 CHAIRWOMAN KRUEGER: And we've been

18 joined in the Senate by Senator Diane Savino.

19 And the next questioner is Senator

20 Leroy Comrie.

21 SENATOR COMRIE: Thank you, Madam

22 Chair.

23 Good morning.

24 DEC COMMISSIONER SEGGOS: Good

1 morning, Senator.

2 SENATOR COMRIE: I wanted to ask you a
3 couple of parochial questions, if I might.

4 DEC COMMISSIONER SEGGOS: Sure.

5 SENATOR COMRIE: I represent the
6 southeast Queens area. And I don't see
7 anything in the budget dealing with the
8 groundwater issues that are happening in
9 southeast Queens vis-a-vis the need to
10 improve and maintain the aquifer so it
11 doesn't spill into the Long Island Lloyd
12 Aquifer. And what is DEC doing to work on
13 that?

14 And also the issues with Jamaica Bay,
15 and how do we make it so that we're able to
16 ensure that the groundwater that needs to be
17 moved out of southeast Queens can get
18 dispersed? And also the issue of whether or
19 not the filtering of the water, which was --
20 had a plan that had been long established but
21 has not been implemented, how that plan could
22 actually be implemented so we could make
23 potable water so we could actually, you know,
24 clear the discharge in that so we could lower

1 the groundwater table so that the -- as you
2 may know or your staff knows, there's 24-hour
3 pumping at the Parsons/Archer subway station
4 and York College because the groundwater is
5 so high.

6 So I'd appreciate you getting back to
7 us on that with some details so that we can
8 delve into that. I was chagrined to see that
9 there's nothing mentioned about that in the
10 budget or in the presentations, but those are
11 real issues that are affecting homeowners in
12 southeast Queens.

13 DEC COMMISSIONER SEGGOS: Sure. I can
14 actually -- we will submit to you with all
15 speed our plan on this. We actually do have
16 a Long Island-wide groundwater study underway
17 right now. Long Island obviously includes
18 Queens even though, you know, it's New York
19 City. But it's Queens and Brooklyn.

20 The entire aquifer is being studied.
21 We launched this a couple of years ago with
22 the help of the Legislature. We're studying
23 the entire watershed, the entire groundwater
24 system, understanding the inputs from surface

1 water, from salt, salt intrusion. All of the
2 modeling that we're doing in regards to
3 pathways and the movement of water
4 underground, the demands on water, water
5 withdrawals, it's all being built into a
6 massive database right now that will help
7 guide future decision-making.

8 So we've drilled several wells, we
9 should have about 39 wells drilled in the
10 next year or so that will help put a real
11 picture, a 3D model for us together, working
12 with the water districts. And that should be
13 made available to the public. But it's been
14 thankfully a real groundbreaking effort on
15 behalf of not just DEC, but lots of other
16 agencies at the same time.

17 SENATOR COMRIE: Has there been any
18 release on any parts of that study as of yet?

19 DEC COMMISSIONER SEGGOS: We've done
20 public meetings on that. And I'm not sure
21 that we have a release of any materials on
22 that yet, but we'll be happy to brief you on
23 that fully.

24 SENATOR COMRIE: I'd like to get

1 briefed.

2 And if there has been any public
3 meetings, I don't think my office has been
4 aware of them. I'd like to be able to look
5 at what has happened and what is being
6 planned.

7 DEC COMMISSIONER SEGGOS: Be happy to.

8 SENATOR COMRIE: Unfortunately, the
9 groundwater issues in southeast Queens has
10 not abated, and I'd like to hopefully be part
11 of that so we can look at a long-term
12 solution. Understanding that, you know, we
13 don't want to impact the aquifer. But if
14 there's an ability to create a potable water
15 system that would help lower those wells, we
16 could make that work. Which would not impact
17 the other aquifers.

18 DEC COMMISSIONER SEGGOS: Got it.
19 We'll bring that into our thinking, and we'll
20 meet with you on that.

21 SENATOR COMRIE: Thank you. Thank
22 you, Madam Chair.

23 DEC COMMISSIONER SEGGOS: Thanks.

24 CHAIRWOMAN KRUEGER: Thank you.

1 Assembly.

2 CHAIRWOMAN WEINSTEIN: Assemblyman

3 Fred Thiele.

4 But actually, Fred, before we go to

5 you, we've been joined by several

6 Assemblymembers -- Brian Miller, Andrew Raia,

7 and Jamie Romeo.

8 Assemblyman Thiele.

9 ASSEMBLYMAN THIELE: Thank you.

10 Thank you, Commissioner.

11 DEC COMMISSIONER SEGGOS: Assemblyman.

12 ASSEMBLYMAN THIELE: I've enjoyed

13 working with you over the last few years, and

14 I wish you well in your future endeavors.

15 You had me until you said that you're going

16 to miss these hearings, actually.

17 (Laughter.)

18 ASSEMBLYMAN THIELE: I wanted to ask a

19 little bit about the additional \$2.5 billion

20 for water quality. First let me say at the

21 outset that that has been -- the initial 2.5

22 billion has been a tremendous asset in

23 responding to contamination from emergent

24 chemicals and the need for water main

1 extensions in places such as Wainscott.

2 I have two questions with regard to
3 that. First, we're increasing the total
4 amount, but this has been really an
5 appropriation over a period of years. I
6 think it's been roughly \$500 million a year;
7 it was a five-year program initially. With
8 the additional -- making it \$5 billion, the
9 additional \$2.5 billion, what will be the
10 annual appropriation, first of all for this
11 year and then for the outyears? How is that
12 going to work?

13 DEC COMMISSIONER SEGGOS: I believe
14 it's doubling. Right? Five hundred million.
15 So it's \$500 million a year for the next five
16 years. So the fund itself is going to be \$5
17 billion, and we would intend to match cash
18 with the demand over the course of five
19 years.

20 ASSEMBLYMAN THIELE: So it's still
21 going to be 500 -- so it's just going to be
22 over a longer period, is that it? Or are we
23 going to increase the amount each year?

24 DEC COMMISSIONER SEGGOS: We've

1 increased the amount each year. Haven't we?

2 (Conferring.) Yeah, it's a \$500 million

3 approp each year.

4 ASSEMBLYMAN THIELE: Okay. Well,

5 that's what it has been so far. So we're

6 extending this out, we're not adding to the

7 amount that we're going to be spending each

8 year.

9 DEC COMMISSIONER SEGGOS: Yeah, the

10 original approach was 2.5 over 10.

11 ASSEMBLYMAN THIELE: Second, I

12 mentioned the project in my district,

13 Wainscott -- thank you -- which was a great

14 response. My only -- and 100 percent of the

15 water mains have been installed. The only

16 comment that I would have is that, you know,

17 the contamination was identified, the town

18 had to go through a grant process, and the

19 grants were awarded in November. By then the

20 project was under construction. The town

21 made the decision to go ahead with the

22 project and hope that they got the grant

23 money. It would just seem -- and Easthampton

24 Town happens to be a town that could afford

1 to do that.

2 It would seem to me that there should
3 be, in some cases where people need public
4 water and they need it as quickly as
5 possible, rather than having a competitive
6 grant process and waiting for the cycle, if
7 there's the possibility for more of an
8 emergency response when those situations
9 arise.

10 DEC COMMISSIONER SEGGOS: I think we
11 do have funds through both the Clean Water
12 Infrastructure Act and the Superfund program.
13 In the case of a contaminated water source,
14 we can spend money before a competitive
15 process is even undertaken. So I think
16 there's about four or five different
17 emergency authorizations that EFC has made to
18 spend, two of those being in Amsterdam and a
19 few others around the state. When you have a
20 water source that's really negatively
21 impacted, we need money out there now, so we
22 have that ability to do that right now. And
23 certainly through Superfund, if there's
24 contamination, I think we've shown -- we've

1 spent significant sums around the state,
2 dozens of locations.

3 ASSEMBLYMAN THIELE: And the second
4 topic, you and I have worked together with
5 the commercial fishing industry for licensing
6 reform. There were meetings, a consultant
7 was hired to present a report. My question
8 is when will we see that report, number one.
9 And number two, is it something as far as
10 implementation that we need to be thinking
11 about in this budget cycle?

12 DEC COMMISSIONER SEGGOS: Well, I'll
13 check on the exact timing of the report. We
14 expect that to come in the next month or so.
15 George Lapointe, the consultant who's been
16 running that for us, has done I think an
17 extraordinary job down there bringing all the
18 sides together, a very diplomatic gentleman.
19 So his report is going to be vital to us.

20 We need to reform the system, which is
21 totally antiquated in terms of the licensing
22 system that we do, who gets permits, you
23 know, how permits are retired. So these need
24 to be done quickly. If we can build it into

1 the cycle this year, we'd love to.

2 ASSEMBLYMAN THIELE: My last question,
3 we were supposed to have a meeting and it was
4 canceled. So I hope that we get an
5 opportunity to still meet before you leave.

6 DEC COMMISSIONER SEGGOS: Be happy to.

7 ASSEMBLYMAN THIELE: And I just --
8 because I am running out of time, and it's
9 more of a local issue, I just wanted to --
10 you know, the issue of the Sand Lands sand
11 mine and the water contamination there is one
12 of -- I won't bore people with that today,
13 but to let you know that's one of the things
14 that I hope that we could discuss.

15 DEC COMMISSIONER SEGGOS: Sure. Be
16 happy to. I'll put it on my bucket list.

17 ASSEMBLYMAN THIELE: Thank you. And
18 good luck.

19 DEC COMMISSIONER SEGGOS: Thanks.

20 CHAIRWOMAN KRUEGER: Thank you. Our
21 next speaker is Senator Helming.

22 SENATOR HELMING: Hello? Thank you,

23 CHAIRWOMAN KRUEGER.

24 Commissioner, I want to just thank you

1 sincerely for all of your work that you've
2 done as a public servant over so many years.
3 Your leadership at the DEC has been
4 tremendous. I love the fact that not only do
5 you lead from the office here, but you're
6 also a boots-on-the-ground person. I've seen
7 you out at flooding events, so many different
8 events, directing your team. And I just want
9 to thank you. You will be missed.

10 DEC COMMISSIONER SEGGOS: Thank you.

11 SENATOR HELMING: In my district there
12 are two primary areas I'd like to ask
13 questions about, water and waste, the two Ws.
14 You mentioned in your opening remarks about
15 the flooding in Seneca County this past
16 August. And back in 2017, of course, we had
17 the disastrous Lake Ontario flooding. And
18 regarding Lake Ontario, I think we dodged a
19 bullet this past summer; we didn't have any
20 flooding.

21 But looking to the future, looking
22 forward, what I'm wondering about for the
23 Finger Lakes area and also the Lake Ontario
24 region is what funding is available to help

1 communities with resiliency planning?

2 We know we're going to have more of
3 the freak storm events that we saw in Seneca
4 County. We know that we're going to continue
5 to have issues with Lake Ontario, lake levels
6 rising. I just read a report that the lake
7 level is higher than normal right now.

8 So any funding in the budget that will
9 help communities with the resiliency planning
10 and implementation?

11 DEC COMMISSIONER SEGGOS: So there's a
12 few funds that can be helpful. First of all,
13 the Environmental Protection Fund, the
14 climate mitigation section of that, we've
15 made that available to municipalities around
16 the state to make advancements not just on
17 reducing carbon footprint but also enhancing
18 resiliency.

19 That's a competitive process through
20 the CFA. If you have any municipalities that
21 want to, you know, for example, restore
22 shorelines or create mitigation measures,
23 they should look to that program.

24 As well as the Clean Water

1 Infrastructure Act has a land acquisition
2 function which has been designed to help
3 create buffer areas in watersheds. That's
4 also a resiliency measure.

5 So there are two important buckets
6 that the communities can draw from. We'd
7 encourage a dialogue with us as early as
8 possible and we can help them through that.

9 SENATOR HELMING: Thank you. So it's
10 my understanding, then, it's up to each
11 individual community to put together their
12 own plan. Is there any professional guidance
13 or assistance by the state to look at these
14 issues on a bigger picture?

15 DEC COMMISSIONER SEGGOS: We actually
16 have -- I think the majority of the state's
17 communities are part of our Climate Smart
18 Communities program, and we have I think only
19 maybe 14 -- 230 are part of it, and maybe 14
20 are certified. What that means is if they're
21 in the program, they've approached us for
22 guidance and we provide some strategic
23 guidance on climate mitigation and
24 resiliency.

1 If they want to go to the next level,
2 become a certified community, there's
3 enhanced resources available to them to do
4 so.

5 We're leaning forward on this -- we,
6 DEC and the Department of State -- in terms
7 of waterfront resiliency and trying to be
8 proactive and not piecemeal and to create
9 real solutions that can be spread across a
10 wide area.

11 SENATOR HELMING: Switching really
12 quickly to the solid waste management, I know
13 in the budget there's \$38 million under the
14 EPF fund for solid waste management. How
15 much of this is going to be allocated to
16 upstate New York?

17 My district includes three of the
18 largest landfills that create a number of
19 issues for the people who live in that area.
20 How much of that money will be utilized or
21 available to help mitigate some of the
22 impacts of solid waste on our communities?

23 DEC COMMISSIONER SEGGOS: Sure. Well,
24 I mean the line itself under the EPF is

1 available statewide. And we do have good
2 subscription really statewide across the
3 board. So all of those grant programs, I'd
4 again encourage you to have your
5 municipalities lean forward on that and
6 approach us for assistance through it.

7 And they may not be looking for
8 funding, they may be looking for direction.

9 We can help also on the solid waste side.

10 There's a number of landfills, transfer
11 stations, that are experiencing issues.

12 We're well-accustomed to help coach them
13 through this, whether it's compliance or
14 market access, and on the recycling side as
15 well.

16 Most communities are struggling now
17 with recycling issues. It's a nationwide
18 problem, it's a worldwide problem right now.

19 And we've convened a series of stakeholder
20 meetings on that to begin identifying
21 problems that need to be solved at the local
22 level, and we're finding some good traction
23 on that.

24 SENATOR HELMING: Thank you. I'm

1 about out of time, but I just want to say for
2 the Finger Lakes region it is a definite
3 issue. We import so much waste from outside
4 of our area. Whether it's taking all the
5 waste from New York City and putting it into
6 the Finger Lakes area where, you know, our
7 number-one industry is tourism or
8 agriculture. It competes with the wine and
9 beverage industry that the Governor has
10 supported so tremendously.

11 So we need to address those issues. I
12 would love to ask more questions on the solid
13 waste management, but --

14 DEC COMMISSIONER SEGGOS: I'll be
15 happy to talk with you offline about it.

16 SENATOR HELMING: Thank you so much.

17 CHAIRWOMAN KRUEGER: Thank you very
18 much. Thank you, Senator.

19 Assembly.

20 CHAIRWOMAN WEINSTEIN: We've been
21 joined by Assemblyman John McDonald.

22 And now to Assemblyman Robert Carroll
23 for a question.

24 ASSEMBLYMAN CARROLL: Good morning,

1 Commissioner.

2 DEC COMMISSIONER SEGGOS: Good
3 morning.

4 ASSEMBLYMAN CARROLL: The first set of
5 questions I'd like to ask about is going back
6 to the Governor's 2040 plan to make our grid
7 completely carbon-free. When you talk about
8 that, does that include nuclear power?

9 DEC COMMISSIONER SEGGOS: It does. I
10 mean, that is part of our energy picture
11 right now. It is carbon-neutral.

12 ASSEMBLYMAN CARROLL: And then also
13 going on that, you know, if you look at the
14 renewable energy grid of New York State or
15 its energy grid currently, between the
16 hydroelectric, wind and solar, it's about 22,
17 23 percent.

18 DEC COMMISSIONER SEGGOS:
19 Twenty-three.

20 ASSEMBLYMAN CARROLL: Eighty percent
21 of that number is from hydroelectric. Which
22 some of those hydroelectric dams were built
23 in the 1930s or '40s. About 3 or 4 percent
24 is from wind and solar. How does the state

1 plan to ramp up wind and solar in such a
2 large measure by 2040?

3 DEC COMMISSIONER SEGGOS: Well, again,
4 I'm going to ask NYSERDA to answer the bulk
5 of that question. But from the Governor's
6 announcement, he's quadrupled the commitment
7 on offshore wind -- as you know, we've been
8 working extraordinarily hard for the last six
9 years in developing the potential for
10 offshore wind. Now we're at the precipice,
11 envisioning 9,000 megawatts of offshore wind,
12 doubling our commitment to distributed solar,
13 up to 6,000 megawatts. Solar is expanding
14 already statewide, but that will be a
15 significant boost in solar.

16 So yes, hydro is an important
17 component of our picture right now, but the
18 ramp-up on this over the next 10 years is
19 going to be extraordinary, particularly when
20 you get those large wind farms built out on
21 Long Island, off of Long Island.

22 ASSEMBLYMAN CARROLL: And what do you
23 think -- this may be better for NYSERDA or
24 the PSC, but with the implementation of VDER

1 this year and its effect on community solar
2 and individual solar projects, do you see
3 that having a chilling effect on adoption by
4 single-home owners, apartment buildings or
5 small communities?

6 DEC COMMISSIONER SEGGOS: Okay, so
7 that's beyond my knowledge base, Assemblyman.
8 I would encourage you to ask that of NYSERDA.

9 ASSEMBLYMAN CARROLL: Well, then let
10 me switch to the plastic bag ban. In 2017
11 the Assembly, the Senate and the Governor
12 overrode the plastic bag fee that New York
13 City had instituted. I believe that was
14 misguided. But we're here now, and the
15 Governor has proposed a statewide ban. I'm
16 wondering if there are guidelines around the
17 gauge of how thick the bag would be for
18 single-use. Because my fear -- and I'm a
19 supporter of a fee for plastic and paper --
20 is that what will happen, the unintended
21 consequence, will be that many stores will
22 adopt a thicker-gauge bag. And because
23 there's no fee associated with it, they will
24 just eat that cost and we'll have the

1 unintended consequence of actually having
2 more plastic.

3 And so I urge yourself and whomever
4 else, including the Governor, to really think
5 about making sure that there's a fee for both
6 any thicker-gauge plastic and of course also
7 paper.

8 DEC COMMISSIONER SEGGOS: We don't
9 envision a thickness criteria or gauge. It's
10 a plastic bag ban.

11 ASSEMBLYMAN CARROLL: So all plastic
12 bags will be banned.

13 DEC COMMISSIONER SEGGOS: Correct.

14 ASSEMBLYMAN CARROLL: Okay. Thank you
15 so much.

16 DEC COMMISSIONER SEGGOS: Thank you.

17 CHAIRWOMAN KRUEGER: Thank you.

18 Next is Senator Jen Metzger.

19 SENATOR METZGER: Hi. Can you hear
20 me?

21 DEC COMMISSIONER SEGGOS: I can.

22 SENATOR METZGER: I guess I'll start
23 with my smaller questions and work my way up
24 to my bigger questions.

1 Throughout the appropriation language
2 for the EPF the Executive authorizes the use
3 of these funds for DEC staff. Could you
4 explain this? I'm concerned about funds
5 being taken away from the projects
6 themselves.

7 DEC COMMISSIONER SEGGOS: Sure. It's
8 a bit like -- as I was mentioning to
9 Assemblyman Englebright a moment ago, it's a
10 bit like how we administer the State
11 Superfund program. We take a modest amount
12 of money to support the staff that are
13 actually working on that program.

14 We'll be happy to work with the
15 Legislature and the DOB to provide some
16 specifics on that, but there is precedent for
17 it within our other capital programs, like
18 Clean Water and also Superfund.

19 SENATOR METZGER: I would be more
20 inclined to just increase the staffing
21 resources for that. All of that money is
22 really precious for communities who need it.

23 For the waste tire management program,
24 the Executive Budget makes the \$2.50 new tire

1 fee permanent. Now, as you know, there is a
2 huge dairy crisis facing our farmers, and new
3 regulations regarding the tires has imposed
4 enormous costs on farmers, dairy farmers.
5 And has any consideration been given to using
6 those funds to help farmers to help alleviate
7 that burden? It's an enormous burden.

8 DEC COMMISSIONER SEGGOS: Well, those
9 are really two different issues related to
10 tires, one being the waste tire fee, which we
11 propose to make permanent, which will help us
12 help deal with recycling issues downstream as
13 well as the waste tire piles that we still
14 have around the state, millions of tires.

15 That's different from the Part 360
16 regulations that govern how tires can be used
17 beneficially at farms. There is certainly an
18 interest in seeing these tires either cut in
19 half or holes put in them to ensure that
20 they're not generating any kind of disease
21 vectors.

22 But your farmers should know that we
23 have an enforcement memo out there on this
24 right now, we're extending that again another

1 year to help farmers get into compliance with
2 it, and we're working with them directly on
3 it.

4 SENATOR METZGER: Okay. I think it's
5 wonderful that they are actually reusing them
6 rather than us having to dispose of them.

7 So I personally believe that we have
8 to move aggressively to address the climate
9 crisis that we face. I've done a lot of work
10 in this area at the local level. I have some
11 direct experience -- actually I want to start
12 with the EV, the work you've been doing in
13 funding municipalities, EV infrastructure for
14 municipalities. First of all, that's a great
15 program, but the application process is
16 onerous. It's very difficult for
17 municipalities. So if there's any way to
18 help them -- it could be vastly simplified,
19 having applied for that on behalf of my own
20 community.

21 And are there plans to continue that
22 program?

23 DEC COMMISSIONER SEGGOS: Yes,
24 absolutely, we intend to continue that

1 program. And I would say that if you have
2 thoughts on how to make the application
3 process better for the munis who have gone
4 through it, we're all ears. We're always
5 looking to improve it. It was a new program
6 last year, and we intend to continue
7 advancing it.

8 SENATOR METZGER: In particular rural
9 communities, municipalities are very strapped
10 with resources and just don't have the
11 resources to devote to that kind of process.

12 DEC COMMISSIONER SEGGOS: Understood.

13 SENATOR METZGER: So we have this
14 target as included in this budget to move to
15 100 percent renewable clean energy by 2040.
16 There are proposals for fossil fuel
17 infrastructure underway -- Danskammer in
18 particular. Do you see that as conflicting
19 with this goal to approve projects like that,
20 and are you going to be reviewing these
21 projects with an eye to whether they will
22 inhibit our state's ability to meet that
23 goal?

24 DEC COMMISSIONER SEGGOS: Well, I

1 would say the purpose of setting the
2 ambitious targets that we've set is to
3 envision a future where we don't rely on some
4 of the older types of fuel generation that we
5 have. I mean, there's the reality now that
6 some of those plants actually generate energy
7 right now. We want to get to the next level,
8 that's why we're pouring money into offshore
9 wind and solar, envisioning a different
10 energy generation future.

11 We at DEC, we have a narrow
12 jurisdiction when it comes to reviewing
13 energy projects -- usually air, water,
14 emissions, things like that. It's part of
15 the entire state, mostly DPS and NYSERDA, to
16 think about the entire energy picture through
17 the state energy plan and figure out how some
18 of these older facilities could be phased out
19 over time.

20 CHAIRWOMAN KRUEGER: Thank you.

21 Sorry, I have to end your questioning. That
22 red light buzzed. Thank you.

23 Assembly.

24 CHAIRWOMAN WEINSTEIN: Before we go to

1 our next Assemblymember, I want to
2 acknowledge some members who have joined us:
3 Tom Abinanti, Marianne Buttenschon, and Nader
4 Sayegh.

5 Now I'd like to call on Assemblywoman
6 Pat Fay for five minutes.

7 ASSEMBLYWOMAN FAHY: Thank you. Thank
8 you, Madam Chair, for the opportunity.

9 And welcome, Commissioner, and I wish
10 you all the best. Thank you for being here
11 each year. Thank you for all you have done.
12 And I want to say it's been a true pleasure
13 to work with you and the responsiveness of
14 your agency, which I know after you depart
15 I'm sure will continue to be the same. But
16 we really do wish you well and thank you for
17 joining us before you leave.

18 I also just want to make a couple of
19 comments and then I've got a couple of quick
20 questions. One, really appreciated your
21 comment about President Trump and the
22 unprecedented assault on the environment,
23 which I think makes your work and the work of
24 the agency all the more important, as well as

1 the work throughout New York on this.

2 Then I also want to mention -- I know

3 that there was supposed to be a recycling

4 hearing that was supposed to be held today.

5 I hope that we will still do that, because

6 the whole recycling market that you referred

7 to, the destruction, if you will, with the

8 changes in China and what that is doing to

9 our localities, is a serious issue. So I

10 look forward to hearing more and working more

11 on that.

12 I also want to just associate myself

13 with the chairman -- Chairman Englebright's

14 comments on staff concerns. It's an ongoing

15 concern. It's something that we do continue

16 to hear about. I do appreciate that there

17 have been some additions, especially with

18 respect to water. But just wanted to note

19 that.

20 Two other quick ones. Thank you,

21 thank you on the Ban the Bag. Really pleased

22 to see that in this year. Just one quick

23 comment on that. I think it would have been

24 helpful to have some threshold on the paper,

1 because I worry -- and we hear from the
2 grocery stores they just want consistency.
3 And we have seen in other states and cities
4 where they've had to roll back efforts
5 because of inconsistency and problems. So I
6 would like to -- I think we do need to do
7 more on paper, and I know Senator Kaminsky
8 already mentioned that.

9 Final comment on the Bottle Bill, I
10 was surprised to hear you say a slow
11 approach. I never hear that word out of your
12 mouth. So I would --

13 DEC COMMISSIONER SEGGOS: Strike that
14 from the record.

15 (Laughter.)

16 ASSEMBLYWOMAN FAHY: Okay, we'll
17 strike that, then. Because I would like to
18 see us do more on the craft beverages or the
19 cider, wine and others. I'd like to see us
20 really be as aggressive as we can. And again
21 -- but I am pleased that we do have a Bottle
22 Bill.

23 Couple of questions. The first one is
24 for the last good few months, maybe the last

1 couple of years, there's been a
2 Transportation Climate Initiative, a regional
3 effort, where I understand there's been
4 almost nine to 10 states. But last month New
5 York decided not to join in or sign on to a
6 regional policy for the cap and reduction in
7 carbon emissions. I know it was DEC,
8 Transportation and NYSERDA, so maybe I'll ask
9 each the question.

10 But can you just clarify why New York
11 is not joining that regional effort?

12 DEC COMMISSIONER SEGGOS: Yeah, I
13 wouldn't read too much into the lack of
14 participation in the press release. I mean,
15 that was largely driven by a different
16 political calendar outside New York State
17 with departing governors.

18 You know, we were a founding member of
19 TCI. We remain an active participant on it.
20 We're on regular calls with them developing
21 policies.

22 But ultimately our view of getting on
23 top of emissions in a multistate basis, we
24 have the ability to do so through the U.S.

1 Climate Alliance. And we're working through
2 the Climate Leadership Act to establish the
3 Climate Action Council, which will then
4 incorporate all of this thinking into one
5 cohesive document. As opposed to having lots
6 of different bodies or entities all over the
7 place providing competing information, have
8 one body that will synthesize all of the best
9 recommendations out there and ultimately, you
10 know, develop a plan that will get us to
11 economy-wide carbon neutrality as soon as
12 possible.

13 So that's our plan, at least, on the
14 transportation side, is to take all of that
15 into consideration. But I wouldn't read too
16 much into the TCI issue.

17 ASSEMBLYWOMAN FAHY: Okay. I'd look
18 forward to hearing more. And thank you, I
19 appreciate your comments on that.

20 Water infrastructure we heard a lot
21 about this morning. I couldn't be more
22 pleased to see another \$2.5 billion being
23 proposed there. Just a brief question on
24 that. Is your assessment that we are on

1 track to meet the needs? You know, we always
2 hear about, you know, the 40 billion here and
3 the near-40 billion there on drinking water
4 and water infrastructure. Is the rollout --
5 and I know it's been a very successful one.
6 This is one of the issues -- you know, people
7 thankfully care about water and care about
8 what they drink.

9 Are we on track to meet the needs
10 around the state with this increase, proposed
11 increase?

12 DEC COMMISSIONER SEGGOS: I believe we
13 are. I mean, we're dealing with a
14 significant backlog from lack of investment.
15 Before the Governor was elected, there was
16 almost no money going into grants for
17 wastewater infrastructure. Now, working with
18 the Legislature, we're pouring an enormous
19 amount of money into this desperate need
20 statewide.

21 Again, the backlog is about
22 \$30 million over 20 years -- sorry, \$30 or
23 \$40 billion over 20 years, and we're spending
24 \$2 billion a year -- we, the entire state --

1 on this. I think we're going to chip into
2 that backlog within time and then get into a
3 maintenance mode, which is where we should
4 have been from the outset.

5 ASSEMBLYWOMAN FAHY: Great. Thank you
6 again, Commissioner. Thank you, Chair.

7 CHAIRWOMAN WEINSTEIN: Thank you.
8 Senate?

9 CHAIRWOMAN KRUEGER: Thank you.
10 We've been joined by Senator John Liu
11 since the last time we did introductions.

12 And it's Senator Robert Antonacci.

13 SENATOR ANTONACCI: Thank you.

14 I guess we're not going to get to work
15 together, but I've heard a lot of good things
16 about you. Good luck with your new
17 endeavors.

18 I replaced Senator John DeFrancisco,
19 who I'm sure you're aware of, and Skaneateles
20 Lake is a big lake in our district that
21 quenches the thirst of about 300,000
22 individuals.

23 Is there any money specifically for
24 Skaneateles Lake in the Executive Budget?

1 DEC COMMISSIONER SEGGOS: As you may
2 know, we spent and directed a significant
3 amount of money into Skaneateles Lake last
4 year, in 2018, to deal with the harmful algal
5 blooms. And this is, I would envision, going
6 to be a yearly demand from some of the
7 impacted waterways, how do they continue to
8 control runoff within the waterways,
9 nutrients and septic-system issues.

10 So Skaneateles isn't specifically
11 lined out, but they've been very active.
12 We've been working very closely with them,
13 because -- not just because it's a water
14 supply for Syracuse but because it's one of
15 the most pristine waterways in New York and
16 we want to keep it as such.

17 So in our work with the municipalities
18 and the community groups on that, I would
19 envision a future where you continue to
20 protect the watershed, much like New York
21 City protected its watershed over a series of
22 years. It's something that we have to do.

23 SENATOR ANTONACCI: So basically
24 Skaneateles would be able to compete for the

1 200 million in infrastructure as part of that
2 pilot program that the Governor announced?

3 DEC COMMISSIONER SEGGOS: Absolutely.

4 SENATOR ANTONACCI: Okay. Are you
5 familiar with -- we have in Syracuse a big
6 decision coming down regarding infrastructure
7 called Route 81 and whether or not Route 81
8 going through the city would come down or
9 not. One of the contentions from Skaneateles
10 residents is the quality of life that's going
11 to harmed by 81 coming down -- it's called a
12 community grid -- that increased truck
13 traffic would go through the Skaneateles area
14 as well as the Finger Lakes.

15 Has anyone from the Department of
16 Transportation or any other members of the
17 Governor's office reached out to the DEC to
18 talk about the environmental impact on water
19 quality in the Skaneateles Lake region if
20 there's more truck traffic?

21 DEC COMMISSIONER SEGGOS: I know our
22 staff are in good communication with DOT on
23 this issue -- and many other issues, for that
24 matter. It's something we're looking at

1 closely. It is one of those pristine
2 watersheds, very few of them around the
3 state, that provides unfiltered drinking
4 water. So it's on the top of our minds and
5 the DOT's been receptive to our input on
6 that.

7 SENATOR ANTONACCI: So at this point
8 you don't have a -- do you have an opinion on
9 whether or not a truck traffic increase would
10 affect water quality?

11 DEC COMMISSIONER SEGGOS: I don't
12 think so. At this point I don't think I have
13 an opinion. But I know that there are
14 controls that can be put in place, you know,
15 similar to the controls in the New York City
16 watershed, where you have enhancements around
17 transit areas. You know, there's the White
18 Plains Airport, for example, right on the
19 banks of one of the reservoirs. And that's
20 an extreme example. I think you can create
21 measures that protect watersheds without
22 having to spend an enormous amount of money.

23 SENATOR ANTONACCI: Okay, thank you.

24 Changing topics to Forest Rangers and

1 Environmental Conservation Police Officers,
2 there's been repeated attempts by your
3 department to reclassify Forest Rangers. I
4 believe it's going from an SG-14 to an SG-15.
5 The department has been denied that
6 reclassification by the Civil Service
7 Commission, yet it continues those efforts.

8 What's the rationale behind that
9 elevation, and how are you addressing the
10 concerns of the Environmental Conservation
11 Police Officers as well on that?

12 DEC COMMISSIONER SEGGOS: Well, right
13 now it's just a proposal. It's a proposal
14 that the administration is considering.

15 My view is very simple. Pay parity
16 really is where it comes to. And beyond
17 that, you know, the two divisions are
18 separate, they've got different functions.
19 And they've got, you know, different
20 missions, different training. So, you know,
21 the issue of the pay upgrade is really where
22 we stood on that. These are police forces
23 that go through the same academy, the same
24 training at the outset, and we want to

1 encourage what we can to reward the work that
2 they do.

3 SENATOR ANTONACCI: So you believe the
4 Forest Ranger training is identical or very
5 similar to the Environmental Conservation
6 Police Officer?

7 DEC COMMISSIONER SEGGOS: I think it's
8 -- they're distinct. They do different
9 things and provide, you know, different
10 services to the state. Nonetheless, they're
11 both police forces within the same agency,
12 and therefore it's worth the administration's
13 consideration of parity on the pay side.

14 SENATOR ANTONACCI: Thank you. Thank
15 you, Commissioner.

16 I'll yield my time to Senator O'Mara,
17 if that's -- I don't know if we do that here,
18 but --

19 CHAIRWOMAN WEINSTEIN: No.

20 SENATOR ANTONACCI: No? Okay. Thank
21 you.

22 CHAIRWOMAN WEINSTEIN: But good try.

23 (Laughter.)

24 CHAIRWOMAN WEINSTEIN: Assemblyman

1 Steve Otis for a question.

2 ASSEMBLYMAN OTIS: Thank you, Chair.

3 And Commissioner, thank you. Thank

4 you for the great work you've done at DEC.

5 Sorry you're going. But especially thank you

6 for your commitment and the Governor's

7 commitment to the clean water programs and

8 the \$2.5 billion from two years ago and the

9 new \$2.5 billion.

10 And especially some questions were

11 asked about the water grant program. My

12 understanding of the first three years is

13 that 89 percent of the projects awarded have

14 already gone to contract and the money is

15 flowing, which is a pretty good ratio of

16 getting the money out the door. And the

17 fourth-year projects were just awarded, so

18 they're doing their paperwork now.

19 But the demand is bigger than what

20 we're spending. So a question I have is can,

21 through the budget process, some discussion

22 occur about possibly taking part of the new

23 \$2.5 billion and increasing the WIIA funding

24 grant amounts, earlier years, in the process?

1 So this year we had 255 plus 20 for
2 emerging contaminants, was the WIIA award for
3 2018, and we continue to get more
4 applications in than we have money for. So
5 your thoughts about that.

6 And then I guess the second part of my
7 question is DEC and EFC released a new RFP,
8 it was due back in January, for the Emerging
9 Contaminants Program. How did those
10 applications -- they're in, they haven't
11 really been reviewed yet. But did you get a
12 good response for the remaining \$185 million
13 from the Emerging Contaminants pot of money?

14 DEC COMMISSIONER SEGGOS: Thank you,
15 Assemblyman.

16 So I think to your first question,
17 again, we didn't specify category by category
18 exactly where those funds were going, but
19 we're willing to work with the Legislature on
20 establishing that.

21 And secondly, on the Emerging
22 Contaminants Fund, the RFP that went out,
23 I'll have to double-check with EFC on the
24 numbers that came in, but we announced that

1 in October, anticipate that a number of
2 municipalities that are dealing with
3 contaminant issues want to get ahead of the
4 game, even before the MCLs would come into
5 effect -- I mean, this is good governance,
6 good policy. Some of them are already moving
7 in that direction. So I would expect that to
8 continue in the coming year, absolutely.

9 ASSEMBLYMAN OTIS: The feedback that
10 I've gotten from communities in especially
11 Westchester, but beyond, has been very
12 positive in terms of the interaction with
13 DEC, the Department of Health, and EFC
14 regarding these programs.

15 So I think it's been a success story.
16 And again, really appreciate the tremendous
17 commitment. It is really -- no one else in
18 the country, as a state, is doing what we're
19 doing on water, and it's happening. And in
20 terms of the \$80 billion worth of projects,
21 communities aren't really all able to spend
22 that money now; it takes a while to gear up
23 and do the engineering and stuff. But just
24 thank you for the great help on that. And if

1 we can get more money into WIIA earlier in
2 the process, we probably can get some of
3 these projects as they come in.

4 So thank you, Commissioner. Good luck
5 to you.

6 DEC COMMISSIONER SEGGOS: Thank you.
7 Thanks very much. And thanks for your help
8 in getting clean water done in the budget.

9 CHAIRWOMAN KRUEGER: Thank you.

10 The next questioner is Senator
11 Skoufis.

12 SENATOR SKOUFIS: Thank you, Madam
13 Chair, and thank you, Commissioner. I want
14 to echo what many of my colleagues have said
15 in expressing my gratitude for your service,
16 which has been refreshing on a lot of issues.

17 DEC COMMISSIONER SEGGOS: Thank you.

18 SENATOR SKOUFIS: And I wish you well.

19 DEC COMMISSIONER SEGGOS: Thank you.

20 SENATOR SKOUFIS: I do want to
21 discuss, though, one issue that remains a
22 grave concern of mine and remains a grave
23 concern of many residents of the Hudson
24 Valley, and that's the Competitive Power

1 Ventures, CPV, power plant project.

2 I wrote you a letter on May 3, 2017,
3 right here, that was acknowledged, but I
4 never received a response. So I'm going to
5 ask you the questions that are in that
6 letter, but first I would like to refer --
7 because the first couple of questions I refer
8 to this section of the criminal complaint
9 against Joe Percoco and Galbraith Kelly, the
10 CPV official. This was on page 34. And you
11 know, this has been an underreported but I
12 think really crucial element of what we
13 learned that's worth discussing here.

14 Page 34 reads: On or about August 12,
15 2013 -- which I know is prior to your
16 arrival, to make it clear, at the DEC as
17 commissioner -- Kelly advised Todd Howe --
18 also convicted -- that Kelly had been
19 attempting to secure the reciprocity
20 agreement from the DEC and a New Jersey state
21 agency, and that the DEC official "indicated
22 that he could use a push from above" to get
23 it done as a priority.

24 Percoco then went on to arrange for a

1 call to be made to the DEC, providing that, I
2 guess, "push from above." And later on in
3 the criminal complaint, after interviewing
4 DEC officials, the prosecutors came to the
5 clear conclusion that the reciprocity
6 agreement would not have been approved
7 without that "push from above."

8 So my first question that was asked in
9 the letter from 2017 that I'll ask now is:

10 Is it accepted practice at the DEC for your
11 officials to request a "push from above" from
12 the Governor's office on matters involving
13 public health and safety?

14 DEC COMMISSIONER SEGGOS: Absolutely
15 not, Senator.

16 And I can't speak to any of the issues
17 that you raised in the letter; it obviously
18 was before my time. We are an independent
19 agency, we are independently funded. And I'm
20 the commissioner of the agency. I make the
21 calls at my agency.

22 Do we consult with other agencies and
23 with the chamber on matters? Of course. But
24 we don't take direction on matters that

1 involve permitting. This is a DEC matter.

2 I can tell you I run a tight ship at

3 DEC since I've been there. In our --

4 SENATOR SKOUFIS: I appreciate that.

5 Yeah, thank you. And --

6 (Overtalk.)

7 DEC COMMISSIONER SEGGOS: -- and all

8 my staff --

9 (Overtalk.)

10 SENATOR SKOUFIS: So my hope is,
11 because clearly the complaint makes it clear
12 that the then-commissioner did receive
13 direction and this decision was made based on
14 that direction. Under your leadership, you
15 know, it sounds like the approach has
16 changed, and that's a welcome piece of
17 information.

18 But let me ask you, since I'm sure
19 you're very well aware of the circumstances
20 here, even though you came about leading the
21 DEC a couple of years later, did the unnamed
22 DEC official who requested that "push from
23 above," now that you've noted that that is
24 unacceptable practice, did he face any

1 consequences for that, or she?

2 DEC COMMISSIONER SEGGOS: I wouldn't
3 know. I wouldn't know, Senator.

4 SENATOR SKOUFIS: How would you not
5 know? I mean, this was -- this had to have
6 been one of if not the most high-profile
7 issues and certainly scandals that your
8 agency has faced in recent years. And again,
9 while it didn't take place under your watch
10 in 2013, certainly the aftermath -- and quite
11 frankly, the aftermath is still active. How
12 do you not know who that person is and if
13 there were any consequences?

14 DEC COMMISSIONER SEGGOS: Respectfully,
15 I'm not going to go down this road with you,
16 Senator. I mean, this is a matter that
17 happened before my time. I understand your
18 interest in it, and I would refer any
19 questions to counsel -- outside counsel on
20 this.

21 SENATOR SKOUFIS: Okay. I guess next,
22 obviously the Executive Chamber interfered
23 with the reciprocity agreement. Can you
24 state for the record and make it clear, did

1 the Executive Chamber ever communicate with
2 the DEC regarding CPV's air state facility
3 permit application, Section 401, water
4 quality certificate application, or use of
5 emission reductions credit forms?

6 DEC COMMISSIONER SEGGOS: Senator, I
7 don't know. It's beyond my knowledge.

8 SENATOR SKOUFIS: Okay. Hopefully you
9 can help get to the bottom of that.

10 And lastly, a number of us elected
11 officials have requested that the CPV permits
12 be withdrawn under the bad-actor clause that
13 the DEC regs provide you the authority with.
14 Are you going to issue a judgment on that?

15 DEC COMMISSIONER SEGGOS: Well as you
16 may know, the CPV judge recently instructed
17 us to continue allowing the CPV to operate,
18 pending a hearing that's -- that hearing is
19 underway right now, the decision of which
20 would come from the ALJ shortly.

21 Thank you.

22 CHAIRWOMAN KRUEGER: I have to cut you
23 off, Senator Skoufis. But your
24 Investigations Committee may want to have a

1 follow-up in some way on your questions.

2 Thank you. Assembly.

3 CHAIRWOMAN WEINSTEIN: Thank you.

4 Commissioner, I too want to thank you

5 for your service to our state.

6 DEC COMMISSIONER SEGGOS: Thank you.

7 CHAIRWOMAN WEINSTEIN: And just one

8 quick follow-up question to several that have

9 been in relation to the disbursement of the

10 Clean Water Infrastructure funds. I note

11 that there's \$500 million included in this

12 year's Executive Budget. Is there a plan, a

13 spending plan for that new \$500 million?

14 DEC COMMISSIONER SEGGOS: Well,

15 Assemblywoman, we'd be happy to provide you

16 with a spending plan over the course of the

17 next few weeks as this budget comes together.

18 Again, there is great demand out there across

19 the board on clean water investments,

20 emerging contaminants, salt contamination,

21 salt storage sheds. So we'd be happy to do

22 that accounting for you, with you. That's

23 been a tradition in the past, at least, that

24 we've been wide open during budget

1 negotiations to describe exactly how those
2 funds will be spent.

3 But the important thing is that the
4 demand is there and we aim to meet it.

5 CHAIRWOMAN WEINSTEIN: And how much of
6 the original \$2.5 billion still remains
7 unobligated?

8 DEC COMMISSIONER SEGGOS: You know
9 that offhand, Jeff? We'd have to do some
10 number-crunching quickly here. It is
11 probably a significant sum, but we've spent
12 an enormous amount also. We'll get the exact
13 accounting for you.

14 CHAIRWOMAN WEINSTEIN: Okay. Thank
15 you. I think that's it for me.

16 CHAIRWOMAN KRUEGER: Thank you.

17 Senator Tom O'Mara.

18 SENATOR O'MARA: Thank you, Chairman.

19 Commissioner, it has been a real
20 pleasure working with you over the past
21 several years in my prior role as chair of
22 the EnCon Committee, working with you and
23 your staff. It's been a great relationship.
24 So I thank you again for your service, as

1 many have here today.

2 DEC COMMISSIONER SEGGOS: Thank you.

3 SENATOR O'MARA: And wish you Godspeed
4 in your forward-looking next chapter of your
5 career.

6 DEC COMMISSIONER SEGGOS: Thanks very
7 much.

8 SENATOR O'MARA: I want to commend you
9 also, as has been mentioned, on the relief
10 efforts for both Lake Ontario a couple of
11 years ago, Seneca Lake area this year. The
12 work of DEC and many of the state agencies
13 involved was exemplary, and I thank you for
14 that work.

15 And the work on the HABs in the Finger
16 Lakes which we have been experiencing. My
17 district includes pretty much the southern
18 half of the Finger Lakes, so that is very
19 important in looking at that going forward,
20 and I thank you for the commitment on the
21 HABs.

22 Now, how much money did you say was in
23 the budget this year for the continuing HAB
24 work? Is there a specific line like there

1 was last year?

2 DEC COMMISSIONER SEGGOS: There is a
3 specific line this year on it. I mean, like
4 last year, for example, we lined out
5 specifically \$65 million for HABs. We ended
6 up spending about \$82 million total on HABs,
7 part of it out of the Clean Water
8 Infrastructure Act.

9 So I expect that to continue. This is
10 an issue that the public is well aware of
11 now, munis are well aware of, and we aim to
12 help them meet their needs.

13 SENATOR O'MARA: So is it the
14 department's position or your position or the
15 Executive's position that the Clean Water
16 Infrastructure funds are eligible for the HAB
17 work for water bodies that are coming up with
18 their nine-element plans?

19 DEC COMMISSIONER SEGGOS: We would
20 imagine so, Senator. I mean even investments
21 in hard infrastructure like sewage plants and
22 wastewater plants can help make a difference.
23 And there's a considerable amount of work
24 that is done outside even the Clean Water

1 Infrastructure Act and DEC, for that matter,
2 like DOT doing culvert work and road
3 improvements; our partners at Ag & Markets
4 helping on the farm side with EPF spending.
5 Richard Ball can speak about that a little
6 bit today.

7 So our approach is all-in. That's why
8 we took a scientific approach to establishing
9 controls on -- establishing improvements on
10 HABs at 12 priority water bodies, is bringing
11 the scientists together to find out how you
12 solve these problems.

13 And Year 1 was very successful. I
14 would imagine it's going to be part of --

15 SENATOR O'MARA: I look forward to
16 continued efforts in that regard. It's very
17 important. And I think we're on the right
18 track with that.

19 DEC COMMISSIONER SEGGOS: Yup.
20 Agreed.

21 SENATOR O'MARA: Now, with the Clean
22 Water Infrastructure funds as a whole, the
23 \$2.5 billion we did four years ago or
24 something like that, and now another

1 \$2.5 billion -- so that's \$500 a year for 10
2 years, is that what we're looking at?

3 DEC COMMISSIONER SEGGOS: To my
4 understanding. I think we've doubled it to
5 10 years, yeah.

6 SENATOR O'MARA: And that's all
7 capital money; correct?

8 DEC COMMISSIONER SEGGOS: It is.

9 SENATOR O'MARA: So that's all debt
10 we've incurred? And none of that is being
11 paid out of current operating funds on an
12 annual basis?

13 DEC COMMISSIONER SEGGOS: That's
14 correct. For the most part, yup.

15 SENATOR O'MARA: Do we have a
16 financial impact of what that is going to
17 ultimately cost the taxpayers of New York for
18 the bonding of those funds over this 10-year
19 period?

20 DEC COMMISSIONER SEGGOS: I don't have
21 it on hand, but we can get that to you.

22 SENATOR O'MARA: That would be
23 interesting to see.

24 DEC COMMISSIONER SEGGOS: Again, these

1 are critical investments that we're helping
2 local municipalities with.

3 SENATOR O'MARA: I agree they're
4 critical investments, and I just think that
5 we should know, you know, exactly what the
6 overall cost is that we're looking at, since
7 we're going to be paying this -- the bonds
8 are usually what kind of term? What's the
9 length of the term on these bonds?

10 DEC COMMISSIONER SEGGOS: Generally
11 30-year.

12 SENATOR O'MARA: Thirty years?

13 DEC COMMISSIONER SEGGOS: Yup.

14 SENATOR O'MARA: Okay. Now, with
15 regards to plastic bags, how much of our
16 waste stream do plastic bags make up?

17 DEC COMMISSIONER SEGGOS: Offhand, I
18 couldn't tell you. I mean, it's 23 million
19 plastic bags a year, and about 15 percent of
20 that, on a good year, is recycled. So the
21 rest ends up either in landfills or on
22 streets or in waterways.

23 SENATOR O'MARA: Are we encouraging or
24 doing anything in regards to greater

1 recycling efforts, or just flat-out going to
2 ban the bag?

3 DEC COMMISSIONER SEGGOS: We have done
4 quite a bit on recycling the last few years,
5 recycling efforts, education. You know,
6 getting the box stores to have recycling
7 facilities so that one can bring a bag back
8 in.

9 I mean, moving forward, we propose a
10 ban, which obviously would help to resolve
11 the recycling issue. If you actually think
12 about it, some of the biggest concerns we
13 have about plastic bags is that they get into
14 the recycling stream and cause extraordinary
15 costs to these so-called MRFs, where the bags
16 will just gum up the works, literally, to the
17 tune of hundreds of thousands if not millions
18 of dollars in repairs.

19 So, you know, ultimately the bags
20 themselves can be recycled. They usually are
21 not in a state to be recycled very well. So
22 the better part is to get them out of the
23 system.

24 SENATOR O'MARA: Thanks. I'm out of

1 time. I'll come back. Thank you.

2 DEC COMMISSIONER SEGGOS: Thanks.

3 CHAIRWOMAN KRUEGER: Hi. So we have
4 no more Assemblymembers, so we're continuing
5 with Senator Diane Savino.

6 SENATOR SAVINO: Thank you, CHAIRWOMAN
7 KRUEGER.

8 CHAIRWOMAN KRUEGER: Oh, wait, I'm
9 sorry. Excuse me, Diane. I was wrong,
10 apparently; the Assembly does have more.
11 Sorry.

12 CHAIRWOMAN WEINSTEIN: We do have some
13 more. I believe the ranker on EnCon, Dan
14 Stec.

15 ASSEMBLYMAN STEC: Good morning.

16 DEC COMMISSIONER SEGGOS: Good
17 morning.

18 ASSEMBLYMAN STEC: I'll share the
19 room's sentiments as well, Basil. It's been
20 an absolute pleasure to work with you these
21 last few years. You've done a great job, and
22 I thank you and your staff for everything
23 that you've done for the department and for
24 the state. And we'll be sad to see you go,

1 but I certainly wish you the best in your
2 future endeavors.

3 DEC COMMISSIONER SEGGOS: Thanks so
4 much.

5 ASSEMBLYMAN STEC: I'll also take you
6 up, since Assemblyman Thiele asked if he
7 could get a make-up rain check on a sit-down
8 with him, because I have a lot of questions
9 and I have four minutes and 33 seconds left.

10 Well, I'm glad that I got the five minutes.

11 DEC COMMISSIONER SEGGOS: You got it.

12 ASSEMBLYMAN STEC: All right. Two
13 quick questions that I wanted to ask today,
14 and I share my chairman's concerns about
15 staffing. I've mentioned this before, and I
16 always -- I won't ask, because he did this
17 year, if you've got the adequate funding to
18 run the department. My concern from my seat
19 in the Assembly chamber is that we're in a
20 hurry to add to your plate, but not to your
21 resources. As far as your scope of work and
22 your purview, a lot of good things. But if
23 you're going to ask people to do more work,
24 you've got to give them more resources to do

1 so. So I'm wondering how we're going to
2 accomplish some of the new initiatives that
3 we're talking about.

4 But specifically to my part of the
5 state, I represent a large portion of the
6 Adirondacks. And as you know, I have some
7 direct knowledge of the operations of the
8 Forest Rangers, being the son of a retired
9 Forest Ranger. And I'm concerned about we
10 have added a great deal since my father was a
11 Ranger over 30 years ago -- I believe that
12 the number of Rangers when he was on was
13 right around 130, 134, so I don't think that
14 number has changed appreciably. But
15 certainly in the last 30 years we've added a
16 great deal of land to the Forest Preserve.
17 We've done a great job encouraging more
18 outdoor recreation, and that's working. But
19 if you're going to invite more people to
20 Sunday dinner, you've got to buy more
21 groceries.

22 So my concern is or my question is,
23 what is the long-term plan for the Ranger
24 force? As you know, the local media in the

1 Adirondacks has been harping on this, and I
2 think reasonably so, for a while. My
3 solution is not to add padlocks and permits
4 to this, my solution would be to make an
5 investment -- I think we put a lot of
6 emphasis and a lot of reliance on outside
7 volunteer groups for maintenance, which is
8 frankly the State of New York's
9 responsibility. What can be done to increase
10 the number of Rangers in the Adirondacks?

11 DEC COMMISSIONER SEGGOS: Well, I
12 would agree that having the amount of tourism
13 we have right now is a good thing for the
14 Adirondacks.

15 And our solution to the amount of use
16 that's going on right now is really
17 multifaceted. I'm not going to stonewall
18 you; I'll get to your answer in a second.
19 But really it's not relying on any one
20 division to solve the problems of the
21 Adirondacks, right, the good problems of the
22 Adirondacks, these numbers. So working with
23 DOT on, you know, making better corridors;
24 working with ORTA on parking facilities;

1 working with State Police on patrolling;
2 working with other divisions to do work. And
3 when it comes to the Rangers, freeing them up
4 to do the critical work that they do up in
5 the Adirondacks -- health, safety, rescues,
6 police work.

7 And, you know, I mentioned earlier
8 this is now -- we're approaching hopefully
9 another academy in the next few months.
10 We've done three in the last five years. I
11 realize the numbers were at 130-something
12 back in the day, and that was really back in
13 the day. Over the last 20 years -- actually,
14 20 years ago the numbers were much lower than
15 that. So since the Governor's been in
16 office, the numbers have gone way up.

17 And we're hoping to partner their
18 efforts with other divisions, with other
19 agencies so that we're not relying on one
20 force to do such a big job. And I think, you
21 know, controlling overuse, making it
22 sustainable use, is going to be -- and making
23 the jobs easier for those that are doing
24 those patrols, is going to be -- and opening

1 up parts of the Adirondacks that aren't
2 getting such heavy use. You know, Frontier
3 Town is a good example of an investment where
4 you're driving people into maybe the southern
5 High Peaks. We'd like to do that kind of
6 work elsewhere in the Adirondacks -- you
7 know, sort of begin to explore other areas.
8 Ultimately, that will drive down the pressure
9 on any individual who's patrolling in the
10 woods.

11 But I remain totally committed to our
12 police forces. Our Rangers and ECOs are
13 doing exemplary work. And I want to make
14 sure that they have everything they need to
15 do that. So, you know, whoever is in this
16 chair will have that same posture.

17 ASSEMBLYMAN STEC: I appreciate that.
18 And I know that you're about to leave and
19 this is going to become somebody else's issue
20 very shortly.

21 But very briefly, the other thing, the
22 clean water, \$500 million -- bravo, good.
23 Overdue. Probably not enough, but we've got
24 to start somewhere.

1 A specific plug, also a huge issue, a
2 regional issue, that the people of the State
3 of New York own Lake George. They are the
4 owners. They are the property owners of what
5 Thomas Jefferson called the most beautiful
6 body of water he had ever seen in his life.
7 And their sewer plant is 80 years old, it's
8 overwhelmed, it's overrun, it's under consent
9 order to be replaced -- \$22 million, a
10 thousand full-time residents.

11 The specific ask as we go forward,
12 they need, minimum, \$6 million of state aid
13 to make this happen, to make it reasonable.
14 Thank you.

15 DEC COMMISSIONER SEGGOS: Understood.

16 Thanks.

17 CHAIRWOMAN WEINSTEIN: Thank you.

18 Now for the Senate, Senator Savino.

19 SENATOR SAVINO: Thank you,

20 Assemblywoman Weinstein.

21 So, Commissioner, it's been a pleasure
22 to work with you. Good luck in your future
23 endeavors.

24 I want to talk about a specific

1 section of the bill with respect to the
2 expansion of the Bottle Bill. So, you know,
3 it's kind of like deja vu. I was here 10
4 years ago when we created the Bigger Better
5 Bottle Bill, after the original Bottle Bill
6 in 1982. And some concerns that were raised
7 then exist until today.

8 So we had concerns about, those of us
9 who represent border communities, where our
10 constituents routinely cross state lines and
11 purchase goods in New Jersey, and they bring
12 them back. There was an issue that was
13 raised about how do we make sure that -- are
14 we going to create a UPC code for New York
15 State bottles. I don't think that ever
16 occurred. We were guaranteed that there
17 would be no issue of double-redeemed cans and
18 bottles, there would be no issue of
19 out-of-state bottles and cans being able to
20 be accepted into the machine receptacles.
21 All of those things proved to be not true.

22 So now we want to expand the Bottle
23 Bill to add more. What can we do to protect
24 retailers? What can we do to protect

1 distributors? We had a distributor on Staten
2 Island that was in business for almost 45
3 years. He went out of business because he
4 had to accept all of these illegal, doubly
5 redeemed Budweiser cans that were coming into
6 an illegal redemption center in New York
7 City.

8 The challenge we have is DEC writes
9 the law, DEC administers the program, local
10 governments have to enforce it. And the City
11 of New York's Department of Sanitation has
12 done a terrible job of enforcing the Bottle
13 Bill. They've actually taken a hands-off
14 approach. And it has had an effect where
15 we've had distributors go out of business.

16 So as we expand the Bottle Bill again,
17 how are we going to protect distributors who
18 are forced to accept these cans and bottles
19 back from these illegal redemption centers?

20 DEC COMMISSIONER SEGGOS: Well, thank
21 you, Senator. I mean, certainly enforcement
22 is a major component of this. In fact, we
23 intend to strengthen civil and criminal
24 penalties on this and make it easier for

1 local district attorneys to actually take
2 these cases, in part by boosting the amount
3 of proceeds that they can retain. Right?
4 That's an incentive, but it also helps to
5 clarify some uncertainty out there. That
6 will help DAs actually pick up cases who are
7 not interested in doing that right now.

8 I mean, DEC has an enormous backlog of
9 cases, investigations that we have underway
10 right now. We announced the North Bergen
11 case this year, a million-dollar settlement
12 and a criminal settlement.

13 But, you know, in terms of kind of
14 doing some preventative work -- UPC labels,
15 certainly envision that; giving more
16 discretion to those that receive bottles for
17 recycling to be able to put a threshold on
18 the amounts that they get in any one
19 transaction, I think will help to drive down
20 that burden that they might already feel.

21 But certainly, you know, our
22 enforcement mechanisms, I believe, in
23 broadening this to district attorneys and
24 localities, I believe, will provide that

1 incentive and take the next step in keeping
2 those bottles out of circulation.

3 SENATOR SAVINO: I think it's
4 critically important that DEC develop some
5 sort of an enforcement mechanism that local
6 governments have to follow.

7 As we speak, again, the City of
8 New York is responsible for administering it.
9 They don't do anything. And they're the ones
10 losing money.

11 DEC COMMISSIONER SEGGOS: Right.

12 SENATOR SAVINO: People raid your --
13 so, you know, I have a garbage can. I guess
14 I would like to say every now and then I'm my
15 own constituent. I put out my recyclables
16 every week. There is a team of people who
17 walk up and down streets, go on people's
18 properties, root through the recyclables,
19 take what they need, and disappear. They're
20 taking money from the city's waste stream.
21 That's the city's revenue. And they're not
22 enforcing it themselves.

23 So there's got to be some hook that
24 you have with local governments to say if

1 we're going to expand the Bottle Bill to
2 include more and have people put 5 cents out
3 of their pocket to purchase them, and they're
4 going to put them in the local waste stream
5 for that locality, someone has to protect
6 that.

7 There is a vast underground economy
8 with respect to these bottles and cans, and a
9 lot of them are -- you have people who are
10 engaged in human trafficking. It's a really
11 bad situation, and no one is enforcing it.

12 DEC COMMISSIONER SEGGOS: Right.
13 Well, I would say we are enforcing it. But
14 we need the city, for example, we need the
15 city to be a big partner in this. And
16 they've got -- I know what you mean. I used
17 to be a resident as well. You put the cans
18 out on the street, and all of a sudden
19 they're gone.

20 So the city has a stake in this, and
21 they've got to do a better job. It's in
22 their interest to do so.

23 But in terms of, you know, the
24 labeling and the requirements we put on UPCs,

1 I mean, I believe that will help. It's going
2 to deter some of the bad actors over in New
3 Jersey who are profiting significantly off
4 this bill. Ultimately it comes down to
5 enforcement.

6 SENATOR SAVINO: Mm-hmm. Thank you.

7 DEC COMMISSIONER SEGGOS: Thank you.

8 CHAIRWOMAN WEINSTEIN: Thank you.

9 We've been joined on the Assembly side
10 by Assemblyman O'Donnell, chair of our
11 Tourism Committee.

12 And now we'll go to Assemblyman
13 LiPetri.

14 ASSEMBLYMAN LIPETRI: Can you hear me?

15 DEC COMMISSIONER SEGGOS: Yes.

16 ASSEMBLYMAN LIPETRI: Perfect.

17 Good morning, Commissioner. I
18 appreciate that. I'm Mike LiPetri, one of
19 the new Assemblymembers here today.

20 DEC COMMISSIONER SEGGOS:
21 Congratulations.

22 ASSEMBLYMAN LIPETRI: Thank you, thank
23 you. I'm over in the South Shore area of
24 Long Island. So unfortunately we have a lot

1 of issues and a lot of interactions with DEC,
2 and I commend DEC's efforts, especially over
3 in the West Islip area, cleaning out the Dzus
4 Fastener site, listening to the broad public
5 support of my comments at the last PRAP
6 hearing to ensure that we developed full
7 containment and cleanup from Alternative 2 to
8 3, which is excellent. So thank you so much
9 for that.

10 DEC COMMISSIONER SEGGOS: Great, thank
11 you.

12 ASSEMBLYMAN LIPETRI: However, on the
13 flip side, my district also includes portions
14 of Massapequa and Farmingdale, which as you
15 know is being threatened by the Grumman/Navy
16 plume. We heard this for years and years and
17 years; I'm pleased to see that the Governor
18 has put that in his State of the State.

19 However, within the budget I see no
20 additional funding. I know we've had \$150
21 million allocated. But you and I both know
22 that's not going to be sufficient.

23 Is there any ideas or plans to change
24 that, or for the DEC to actually instill

1 additional funding to provide for full
2 cleanup of the plume?

3 DEC COMMISSIONER SEGGOS: As you know,
4 this is the biggest and most complicated
5 underground contamination site in New York.
6 The Governor has been laser-focused -- I mean
7 the day that I took this job, the Governor
8 was on top of this. And I believe in the
9 last three years we've turned this totally on
10 its head and reversed many years of inaction
11 or at least slow action.

12 Totally committed to an alternative
13 that protects the community. Containment is
14 a must. We've just finished the first four
15 wells that will be part of ultimately a
16 system that will contain the plume, prevent
17 it from going further towards Massapequa and
18 South Farmingdale, something we have to do.

19 And I think putting money in the
20 budget, in my mind, would be
21 counterproductive at this stage because we
22 have both polluters, Grumman and the Navy,
23 under consent order and on the hook. And we
24 know that between the two of them, they're

1 responsible for the plume itself.

2 My preference always, when you have a
3 pollution site like this, is to go after the
4 people that actually dumped the problem on
5 the state in the first place, dumped the
6 problem on all the residents of Bethpage and
7 beyond -- get them to pay for the cleanup,
8 full containment, any other measures
9 necessary, and then the state benefits.

10 We're at the point where the -- I
11 think the Governor made very clear where the
12 polluters refused to take the necessary
13 measures to protect the state, protect the
14 people, then we would step up. We do have a
15 very robust Superfund program in New York,
16 it's a \$100 million a year Superfund program
17 that we've been using to do some of these
18 preliminary measures. We would seek to draw
19 upon that in the future as needed, or perhaps
20 work with the Legislature on any other, you
21 know, appropriations.

22 But at this point we have the
23 polluters on the hook, that's where we want
24 to keep it, and hold them accountable for

1 what they've done.

2 ASSEMBLYMAN LiPETRI: Commissioner, I
3 fully agree with that as well. However, my
4 biggest concern is that we will be stalled
5 due to the fact of a misunderstanding or an
6 impasse in the sense of what and how much to
7 be paid.

8 One thing I want to see is I want to
9 see where it is cleaned up and we will go
10 after Grumman, we will go after the federal
11 government to make sure that it's paid for.

12 With all respect, I agree with that.

13 However, the last thing I want is where my
14 constituents are going to be suffering
15 because there's an impasse or political
16 impasse, like we're seeing today in the
17 federal government, that things aren't
18 getting done. And the last thing I want is
19 where my constituents will suffer at the
20 behest of problems like that.

21 DEC COMMISSIONER SEGGOS: If there's
22 one thing I can tell you about working for
23 the Governor, it's that he will refuse to go
24 slowly on an issue like this. I mean, there

1 will be no impasse on the Grumman plume. Of
2 all the issues I deal with, it's about the
3 top two or three, completely, statewide.

4 ASSEMBLYMAN LIPETRI: Because this is
5 an issue, as you know, that we just need to
6 work together in order to get it done.

7 DEC COMMISSIONER SEGGOS: Totally
8 agree.

9 ASSEMBLYMAN LIPETRI: Get it done for
10 the people, make sure we're getting the water
11 cleaned up and protecting Long Island's
12 aquifer, which as you know is precious and
13 needs to be protected and preserved.

14 DEC COMMISSIONER SEGGOS: Totally
15 agree.

16 ASSEMBLYMAN LIPETRI: So I just want
17 to see that moved -- do we have a date at all
18 on which we'll be holding a hearing of some
19 sort for the next steps to effectuate this
20 cleanup?

21 DEC COMMISSIONER SEGGOS: I don't know
22 that necessarily a hearing is contemplated.
23 We certainly have --

24 ASSEMBLYMAN LIPETRI: Or for purposes

1 of a PRAP hearing for the alternatives that
2 will be proposed.

3 DEC COMMISSIONER SEGGOS: We'll let
4 you know when there's going to be a hearing.
5 We'll schedule that obviously with you and in
6 coordination with your office, of course.

7 I think in the short term our goal is
8 to get the company and the federal government
9 to agree to step up their efforts. And if we
10 have signals that they will not do that,
11 we'll be having a different meeting. And
12 we'll let you know about it.

13 ASSEMBLYMAN LIPETRI: Okay. While I
14 have just a few more seconds left, I wanted
15 to ask you about with the \$500 million that's
16 allocated, are there any plans on
17 infrastructure for Long Island specifically
18 to deal with recharge basins or injection
19 wells to recharge the aquifer in order to
20 make sure we preserve our freshwater and
21 actually stave off any sort of saltwater
22 tidal intrusion?

23 DEC COMMISSIONER SEGGOS: I don't
24 believe the Clean Water Act actually

1 contemplates anything proactive like that.

2 But we would be -- in a sense, be able to
3 fund projects that accomplish those things.

4 Our view on recharge -- I think you
5 maybe heard in the beginning, we have an
6 island-wide study underway right now on the
7 aquifer itself, understanding where it is,
8 how it's flowing and what all the inputs are.

9 So that will give us a better sense of
10 exactly what measures we need to put in
11 place. Some of that can be perhaps funded
12 through the Clean Water Infrastructure Act,
13 but that might be a couple of steps down the
14 line.

15 ASSEMBLYMAN LIPETRI: I look forward
16 to having a productive dialogue with you.
17 thank you very much.

18 DEC COMMISSIONER SEGGOS: Thanks a
19 lot. Appreciate it.

20 CHAIRWOMAN KRUEGER: We're now into
21 the second round for each -- I believe for
22 Senators, Senator O'Mara.

23 SENATOR O'MARA: Thank you.

24 Commissioner, on the Green New Deal

1 and the targets we have for a carbon-free
2 power grid by 2040, that's specifically
3 dealing with the electricity grid?

4 DEC COMMISSIONER SEGGOS: That's
5 correct.

6 SENATOR O'MARA: And by 2030,
7 50 percent are carbon-free?

8 DEC COMMISSIONER SEGGOS: 2030 would
9 be 70 percent carbon-free.

10 SENATOR O'MARA: Seventy percent
11 carbon-free.

12 DEC COMMISSIONER SEGGOS: Correct.

13 SENATOR O'MARA: And if by 2030 we get
14 to that date and we're not 70 percent
15 carbon-free, what happens under the Green
16 New Deal?

17 DEC COMMISSIONER SEGGOS: Well, you'll
18 have to ask the commissioner in 2030.

19 Look, I don't think there's any
20 scenario where we want that to happen.

21 Right? We envision this again to be an
22 existential issue. We have to take these
23 actions now. We have to make these
24 investments now. We believe we can get to

1 these points. That's why we have those
2 figures in there.

3 SENATOR O'MARA: Are there any
4 ramifications in the language for not meeting
5 that goal in 2030, or meeting the 100 percent
6 goal in 2040?

7 DEC COMMISSIONER SEGGOS: I don't
8 believe there are ramifications in the
9 language for not meeting the goal. The
10 ramifications would be in the impacts to the
11 state outside the legislation, just the
12 literal impacts to the state.

13 SENATOR O'MARA: Assuming we get to
14 carbon-free by 2040 -- or whatever date we
15 get there -- and that's a laudable goal. I
16 don't think it's realistic. But if we get
17 there, what does that do to the total global
18 impact of carbon emissions? What impact are
19 we going to have in the world?

20 DEC COMMISSIONER SEGGOS: Well, I
21 think what you're getting at is why just
22 New York alone. And what we realized is that
23 we can't do it alone. First of all, we need
24 the federal government to do this. They've

1 not. They've totally backed off of where we
2 were heading several years ago under the
3 Paris Climate Accords.

4 Failing federal leadership, we have
5 the U.S. Climate Alliance. So we, New York
6 State, will go it with other states to solve
7 these problems. So with California, with 10
8 or 12 other states which form I think about a
9 third of the U.S. GDP. So we're taking
10 actions in concert with other states because
11 this is a national, international issue
12 and --

13 (Overtalk.)

14 SENATOR O'MARA: Do any other states
15 have this 2040 goal of zero?

16 DEC COMMISSIONER SEGGOS: Several of
17 the states do have that 2040 goal, but right
18 now there's not perfect alignment. And
19 that's why the U.S. Climate Alliance exists.
20 That's why we cofounded it.

21 SENATOR O'MARA: What is the overall
22 cost going to be to New York State residents
23 for implementing what's going to be necessary
24 for getting to zero emissions?

1 DEC COMMISSIONER SEGGOS: Well, I
2 would ask NYSERDA to answer that question,
3 because they're talking about some of the
4 early investments in wind and solar right
5 now; they'll have a better sense what those
6 costs are going to be over the next 10 years.

7 I mean, there's costs in the entire
8 grid itself: What investments are we making?
9 Are we moving to the next grid, the next
10 energy supply? And, you know, what is the
11 opportunity cost of not doing so? I think
12 that's going to be factored in.

13 SENATOR O'MARA: Thank you.

14 CHAIRWOMAN KRUEGER: Thank you.

15 Assembly.

16 CHAIRWOMAN WEINSTEIN: Assemblyman Tom
17 Abinanti.

18 ASSEMBLYMAN ABINANTI: Good morning,
19 Commissioner.

20 DEC COMMISSIONER SEGGOS: Good
21 morning, Assemblyman. How are you?

22 ASSEMBLYMAN ABINANTI: First of all,
23 let me add my voice to that of my colleagues
24 to thank you for your public service.

1 DEC COMMISSIONER SEGGOS: Thank you.

2 ASSEMBLYMAN ABINANTI: We really
3 appreciate it. Especially since we
4 understand you haven't had a raise in many
5 years. And you're leaving when you're
6 getting a raise. I mean, that's --

7 DEC COMMISSIONER SEGGOS: My timing is
8 impeccable, I think.

9 (Laughter.)

10 ASSEMBLYMAN ABINANTI: Okay, I have
11 three different areas I'd like to cover real
12 quickly. Number one -- and I'm going to ask
13 the Public Service Commission and NYSERDA
14 about this as well. But Con Edison in
15 Westchester County recently announced that
16 they're not going to be taking any new
17 customers for natural gas. What's your
18 comments on that? That's got to have an
19 environmental impact. I think it's showing
20 that we're not ready to replace natural gas
21 and the other ways of heating. This is going
22 to have a major impact on the economic
23 development -- I mean we've got big
24 corporations trying to build big buildings.

1 I don't want to see people go to oil.

2 So do you have any thoughts on that?

3 DEC COMMISSIONER SEGGOS: PSC might be

4 best-positioned to answer capacity

5 reliability. I mean, I can tell you that Con

6 Edison I don't believe had put in any

7 pipeline applications over the years to

8 supply any form of increased gas to the

9 Westchester area. So I'm not in a position

10 to discuss capacity issues. But from my

11 perspective, DEC has not been engaged because

12 we haven't had a hook on --

13 ASSEMBLYMAN ABINANTI: Well, is this

14 an opportunity to use other types of, you

15 know, clean energies? Is there anything the

16 DEC can do to come in and help out here?

17 DEC COMMISSIONER SEGGOS: I think in

18 concert with our agencies, there may be an

19 opportunity. I think we're trying to assess

20 exactly what Con Ed's position is at this

21 point. But that's really a DPS matter.

22 ASSEMBLYMAN ABINANTI: Well, I know

23 the Westchester delegation would like to work

24 with you on that as soon as possible.

1 DEC COMMISSIONER SEGGOS: Okay, got
2 it.

3 ASSEMBLYMAN ABINANTI: A second area,
4 we talk a lot about clean water, all of the
5 money that's going into the budget, et
6 cetera. That's all great. But I'm concerned
7 about the overall view of water resources for
8 drinking water in the future. From what I
9 can see, the only entity that is dealing with
10 this is New York City, and they've got their
11 big water system.

12 Is there anything comparable to that?
13 Is there anybody in your department or in the
14 state that is dealing with planning to make
15 sure we have enough clean drinking water in
16 the future to make sure that it's at a
17 reasonable cost, that there's a sufficient
18 supply? I mean, I've seen situations where
19 houses have burned down because there's not
20 enough water coming into the community. Is
21 there that kind of planning? Is DEC doing
22 that, or do we need another agency to take a
23 look at clean water?

24 DEC COMMISSIONER SEGGOS: I don't

1 believe we need another agency for sure.
2 Between DEC and DOH, we're working
3 extraordinarily hard on water resources
4 statewide. We're a very water-rich state, as
5 you know. The New York City watershed is
6 almost an anomaly; it's a world-class
7 set-aside. Syracuse is a comparable example.
8 But there are many other reservoir systems
9 around the state where we're active in
10 controlling contaminant runoff, for example.
11 We're active on the Great Lakes --

12 ASSEMBLYMAN ABINANTI: I'm talking
13 about the bigger picture, the planning to
14 make sure that there's enough out there -- I
15 mean, because it sounds like we're relying on
16 local communities to make sure there's enough
17 water.

18 DEC COMMISSIONER SEGGOS: I'd say just
19 --

20 CHAIRWOMAN WEINSTEIN: Assemblyman,
21 can --

22 DEC COMMISSIONER SEGGOS: I know my
23 light's red -- but we're not --

24 CHAIRWOMAN WEINSTEIN: -- just wrap it

1 up.

2 DEC COMMISSIONER SEGGOS: -- we're not
3 relying on locals, we're working with them.

4 CHAIRWOMAN WEINSTEIN: Thank you.
5 Senate?

6 CHAIRWOMAN KRUEGER: Thank you.

7 Senator Seward for a quick second
8 round.

9 SENATOR SEWARD: Thank you,
10 Commissioner. I just want to return to the
11 ban on the plastic bags issue. Would there
12 be any cases where the ban would be exempted?

13 DEC COMMISSIONER SEGGOS: Yes. We
14 would expect to exempt the ban in the cases
15 of folks on food stamps -- so SNAP and WIC,
16 for example.

17 SENATOR SEWARD: Would there be any
18 sanctions or penalties or fines for any
19 establishment that continued to provide
20 plastic bags?

21 DEC COMMISSIONER SEGGOS: I'm not sure
22 that we've gotten to the sanctions or fines
23 component of this effort. It's a flat-out
24 ban. And we're looking forward to working

1 with the Legislature to make that happen as
2 quickly as possible.

3 SENATOR SEWARD: In coming up with
4 this proposal, was there any analysis in
5 terms of the alternative, paper bags? I've
6 heard about studies that have indicated that
7 paper bags may in fact be more harmful to the
8 environment in terms of, you know, production
9 and transportation -- heavier to transport,
10 that type of thing.

11 Was there any analysis in terms of the
12 paper bag issue?

13 DEC COMMISSIONER SEGGOS: We looked
14 exhaustively at the paper bag issues. Yes,
15 creating the paper bags and transporting them
16 can impose costs, can impose costs on the
17 environment and also on the vendors as well.

18 My view is the costs of --
19 environmental costs of paper bags are nowhere
20 near that of plastic, which I think we
21 probably can all agree we've all seen plastic
22 bags in every park, in every waterway, every
23 street, and they're floating in huge masses
24 out in the ocean. So the comparison between

1 plastic and paper is just there, in my mind.

2 Can we work with localities on the
3 paper issue? Absolutely. I think that's why
4 we're contemplating giving the localities the
5 ability to assess a fee on paper so that
6 they're offsetting their costs but also
7 creating a disincentive and moving everybody
8 over to reasonable bags. And that's where we
9 want to go with this.

10 SENATOR SEWARD: Following up on the
11 points that Senator O'Mara had made in terms
12 of recycling these plastic bags, you
13 mentioned about a 15 percent rate there. I
14 personally take those plastic bags back --

15 DEC COMMISSIONER SEGGOS: Good for
16 you.

17 SENATOR SEWARD: I don't ask for
18 plastic bags to begin with, but those that do
19 come to the home, I take them back to the
20 store for them to recycle them.

21 I think we need to have a major public
22 relations initiative to encourage more of
23 that. We'll see where this ban issue goes,
24 but obviously recycling the bags --

1 (inaudible).

2 DEC COMMISSIONER SEGGOS: Thank you.

3 CHAIRWOMAN KRUEGER: Assembly.

4 CHAIRWOMAN WEINSTEIN: Assemblyman

5 Tague.

6 ASSEMBLYMAN TAGUE: Good morning,

7 Commissioner.

8 DEC COMMISSIONER SEGGOS: Good

9 morning.

10 ASSEMBLYMAN TAGUE: First of all, I

11 want to thank you for your time and your

12 service to both our country and the state.

13 DEC COMMISSIONER SEGGOS: Thank you.

14 ASSEMBLYMAN TAGUE: Unfortunately I

15 haven't had the opportunity to work with you

16 on this side of the aisle, but I have worked

17 with you in the private sector and appreciate

18 all your efforts.

19 DEC COMMISSIONER SEGGOS: Thank you.

20 ASSEMBLYMAN TAGUE: I'm going to be

21 very brief; I just have a few questions.

22 You had mentioned in your initial

23 statement part of the initiative of

24 connecting more New Yorkers with the

1 outdoors. My district is a very heavy
2 agritourism area. I represent the Catskills,
3 the Schoharie Valley. And one of the
4 issues -- just, I guess, a concern that I
5 have in talking with folks from your Region 4
6 staff -- and the first thing that comes to my
7 mind is what I call a national treasure is
8 Kaaterskill Falls. I think you folks had
9 spent around a half a million dollars at
10 Kaaterskill Falls and made the place
11 absolutely beautiful.

12 My concern, and I think some of the
13 folks at staff when I went there to visit the
14 site was, is there an adequate amount of
15 money in the budget to maintain these areas?

16 So I guess that would be my first question.

17 Because I think it would be awful for all the
18 work that your staff has put into a place
19 like that, for us to fall behind because we
20 can't afford to maintain what we have.

21 DEC COMMISSIONER SEGGOS: Sure. Well,
22 obviously maintenance -- maintenance is the
23 less sexy aspect of management, right? But
24 it's arguably the more critical aspect.

1 After the ribbon-cutting is done, you want to
2 make sure the place is in good shape, and
3 obviously you want people to return and have
4 a good experience.

5 So, I mean, we have a fairly robust
6 operations team. We've been looking at ways
7 in which to speed up their processes and not
8 bog them down on construction projects,
9 relying more on outside -- like OGS, for
10 example, to do some of our construction.
11 That's freed up our ops teams to do more on
12 maintenance.

13 And also maintain smartly, build the
14 right way in the first place using, you know,
15 products, projects that don't require as much
16 maintenance over time. That's really the way
17 we should be going, and that's the way we are
18 going, for example, with Kaaterskill Falls,
19 with places like Frontier Town that we just
20 built as well, places up in the Adirondacks.

21 So maintenance is critical. I believe
22 we do have the maintenance staff to carry out
23 our obligations and make sure that all these
24 people that are now coming to New York,

1 record numbers in tourism, are having a good
2 and safe experience.

3 ASSEMBLYMAN TAGUE: Okay, great.

4 That's something that I would advocate with
5 you, is to make sure that we have the right
6 amount in the budget to maintain these
7 facilities, because they're very important,
8 especially to my region.

9 DEC COMMISSIONER SEGGOS: Agreed.

10 ASSEMBLYMAN TAGUE: The other question
11 that I have, Commissioner, has there been any
12 discussions regarding simplifying the State
13 Environmental Quality Review Act, SEQR?

14 DEC COMMISSIONER SEGGOS: Good timing.

15 We actually had done revisions to SEQR
16 starting in 2017, I believe, which just went
17 into effect this month, moving certain
18 projects from the more-intensive
19 environmental review into the less-intensive
20 environmental review to achieve a -- sort of
21 a good policy outcome. For example, siting
22 of solar on industrial facilities, wind, and
23 making it more predictable in terms of
24 scoping. You know, over time the sort of

1 up-front scoping without a required mandatory
2 scoping up-front often generated more delay
3 in the future on projects. Because if you
4 didn't require everything to be thrown at the
5 front, on the back end we'd start to learn
6 about problems.

7 So I think you're seeing -- you will
8 see more intensive, more exhaustive
9 investment up-front in establishing the
10 impacts of a project, so that we can move
11 through it more quickly and avoid all of
12 these incomplete applications that we see.

13 So it will be an interplay between my
14 staff and the regulated parties. And then
15 when we're not lead agency, also -- you know,
16 whoever is the lead agency will have a
17 clearer sense where they're taking the SEQR
18 process.

19 ASSEMBLYMAN TAGUE: Well, I am also --
20 I know, because I don't have very much time
21 left, I'm hoping that before you leave that I
22 might be able to join some of my colleagues
23 in having an offline discussion with you; I'm
24 very interested in talking to you for the

1 CAFOs and heavy highway construction material
2 production at some point.

3 I want to thank you for your time this
4 morning --

5 DEC COMMISSIONER SEGGOS: Thank you.

6 ASSEMBLYMAN TAGUE: -- and thank you
7 for the job that you've done. Thank you.

8 DEC COMMISSIONER SEGGOS: Thanks very
9 much. And we'll reach out to you to set up a
10 meeting. Really, anyone that wants a meeting
11 before I go, we'll have that meeting.

12 ASSEMBLYMAN TAGUE: Thank you.

13 CHAIRWOMAN KRUEGER: Thank you.

14 A quick second round for Senator
15 Kaminsky. Oh, excuse me, he's waiting for
16 something. So I'm going to take this
17 opportunity for myself, thank you.

18 One, I want to thank you for your
19 service to the State of New York,
20 commissioner. I think we've all appreciated
21 the work that you've been doing at the
22 Department of Environmental Conservation.

23 Just jumping back, though, to the last
24 two questioners ago, you answered that in the

1 Governor's plastic ban model you would exempt
2 from the ban SNAP participants. Now, I know
3 in bills that I've carried, we were exempting
4 SNAP and WIC participants from a fee when we
5 had a fee system. But that's not what the
6 Governor is proposing, he's proposing a ban
7 on plastic bags.

8 So why would we even want stores to
9 have plastic bags to allow SNAP and WIC
10 participants to use when we're assuming
11 everybody will move to either paper or
12 hopefully recyclable bags that they'll bring
13 with them?

14 DEC COMMISSIONER SEGGOS: Well, we
15 want to provide some flexibility up-front
16 before this system is really kicking, before
17 folks are able to make that transition. In
18 addition to some of these exemptions
19 up-front, we intend to make an investment out
20 of the EPF, some spending out of the EPF to
21 provide reusable bags also to some of these
22 communities. It's something we designed last
23 year, a concept we designed last year during
24 the Plastic Bag Task Force and now will be

1 part of how we manage this moving forward.

2 Ultimately I think that will supplant
3 the need for us to do exemptions up-front,
4 because those bags will be made available on
5 a ready basis. And again, those bags I think
6 are -- if they're cleaned once in a while,
7 can last for years.

8 CHAIRWOMAN KRUEGER: Thank you.

9 DEC COMMISSIONER SEGGOS: Thank you.

10 CHAIRWOMAN KRUEGER: In an earlier
11 question you were answering about the
12 Governor's plan to move to 100 percent clean
13 energy by 2040. I know many of us are hoping
14 to move there faster. But under that
15 assumption that it will take till 2040 to
16 move to a hundred percent, are your
17 assumptions based on continuing nuclear power
18 up through 2040? And what have you projected
19 the cost of subsidies would be that far out
20 to the future?

21 DEC COMMISSIONER SEGGOS: Good
22 question. And let me direct the bulk of that
23 to my colleagues in the energy agencies who
24 are actually doing the math on this.

1 But my understanding is yes, nuclear
2 would be part of the state's energy picture
3 at least for the foreseeable future.

4 CHAIRWOMAN KRUEGER: Even going as far
5 out into the future as 2040.

6 DEC COMMISSIONER SEGGOS: Perhaps. I
7 do not have a handle on the life cycle of the
8 plants that we have in the state, but the
9 plants that are at least upstate I know are
10 part of the energy picture for the
11 foreseeable future.

12 CHAIRWOMAN KRUEGER: And in the
13 Governor's Climate Leadership Act, what does
14 "as soon as practicable" mean in terms of
15 reaching economy-wide carbon neutrality?

16 DEC COMMISSIONER SEGGOS: Well, we
17 want the Climate Action Council to give us
18 that answer.

19 I think it would be easy for any of us
20 to pick a number out and just say "Let's hit
21 this number," when I don't believe it would
22 be backed up by the appropriate science and
23 input from all the stakeholders involved. So
24 environmental stakeholders, EJ stakeholders,

1 the industries, the energy providers
2 themselves, our experts within government.

3 We need all of that input. It's real.
4 I think the Climate Leadership Act as well as
5 the various acts that the Legislature has
6 passed over the last couple of years
7 envisions having a body to provide actual
8 guidance on how we would get there. The
9 Climate Action Council would do that on an
10 expedited basis. I mean, this is -- just
11 like we ran with the Drinking Water Quality
12 Council -- a real body with a real outcome as
13 quickly as possible. And have it informed --
14 have it as informed as possible.

15 I think we could get to carbon-neutral
16 power perhaps sooner than that, but
17 ultimately it needs to be a real projection
18 based on where we are with the State Energy
19 Plan, with our investments that we have.
20 With the problems that we're having with the
21 federal government and the lack on funding on
22 that side, the dysfunction on the federal
23 side, you know, what's the state able to do
24 about it and how can we take advantage of

1 multistate approaches on this with the U.S.
2 Climate Alliance. How we can we get a handle
3 on transportation emissions as well, working
4 with our partners up and down the Eastern
5 Seaboard and on the West Coast and even in
6 Canada.

7 So this is something we're all-in on,
8 and ultimately I know the Governor wants to
9 have the best possible outcome on this from
10 the Climate Action Council -- not just, you
11 know, setting a number and all of a sudden,
12 you know, falling behind in Year 1 when
13 perhaps the ramp-up is more parabolic.

14 CHAIRWOMAN KRUEGER: And I know a
15 number of my colleagues asked questions
16 around recycling and even the belief that we
17 could perhaps do more with it. But I know
18 that we know that there's a world crisis in
19 recycling --

20 DEC COMMISSIONER SEGGOS: There is.

21 CHAIRWOMAN KRUEGER: -- particularly
22 for the U.S. at this point relating to
23 positions that China has taken.

24 So there was a stakeholders meeting in

1 the fall that I believe you oversaw. What
2 were the specific recommendations on the
3 current recycling crisis?

4 DEC COMMISSIONER SEGGOS: We had a
5 number of recommendations from those
6 stakeholder meetings -- actually, several
7 meetings we had. Local government, for
8 example, requesting help in creating
9 intermunicipal agreements. Local governments
10 coming together and pooling their resources
11 to create a better product that they can sell
12 then on the world market. Helping to
13 identify alternative markets to China.

14 Working with industry to establish
15 what we call "recycle right," which will be a
16 public education campaign designed to help
17 New Yorkers who are used to single stream
18 actually put the right stuff in the curbside
19 container. Because I think people have
20 gotten accustomed to just throwing anything's
21 plastic or anything that's metal into the
22 container. And ultimately it puts pressure
23 on the MRF, the municipal recycling facility,
24 to have to remove that stuff along the way.

1 So it's partly public education.

2 They specifically asked about the
3 Bottle Bill -- you know, getting more bottles
4 into the stream because bottles are -- once
5 they're put into those machines, they're
6 generally much cleaner than if they end up on
7 the street or crushed some other way.

8 Plastic bags. We heard about plastic
9 bags also. Plastic bags end up imposing an
10 enormous cost on recycling facilities, as
11 they have to shut down and remove the bags
12 because they get torn around in the
13 machinery.

14 So those are some of the things that
15 came out. I mean, it was a really productive
16 set of meetings that we had. It's not the
17 last meetings that we're going to have; I
18 think we're still dealing with China to get
19 an understanding of where they're heading on
20 things. Is it a bad thing for China to ask
21 for less contamination in their waste stream?
22 No. But it came at a surprising time in the
23 context of a trade war also.

24 So we're dealing with a global issue.

1 I hope it will open markets, make ourselves
2 more responsible here. And actually what I
3 didn't mention is generating domestic markets
4 for the production of recycled materials is
5 something that we're looking at with our
6 partners at DOT, for example, using glass.

7 CHAIRWOMAN KRUEGER: And you and I
8 know that I don't necessarily agree
9 completely with the Governor's proposal for
10 plastic bags, but I'm glad to see us moving
11 forward with a ban on plastic bags, even
12 though I think we should have tied it into a
13 fee.

14 Is it time for us to do the same thing
15 on Styrofoam, given its issue in our
16 landfills and its chemical dangers continuing
17 to be used? I know New York City has now
18 successfully moved forward with a Styrofoam
19 ban on food products. I'm wondering whether
20 you think the state can go down that road as
21 well.

22 DEC COMMISSIONER SEGGOS: Possibly so.
23 I mean, that came up also in the recycling
24 meetings that we had. Styrofoam is a beast to

1 recycle; I know that from my old life in the
2 private sector. It's tough to get a handle
3 on, still used ubiquitously, hopefully less
4 so these days in sort of daily consumer
5 operations, as it is in shipping.

6 But that's one of the things that the
7 stakeholders want us to get a handle on, and
8 we're looking at options on that. You know,
9 what are the alternatives to it. It would be
10 better to produce a non-Styrofoam alternative
11 than to have to rely on recycling when it's
12 very difficult to handle.

13 CHAIRWOMAN KRUEGER: Thank you very
14 much.

15 Assembly.

16 CHAIRWOMAN WEINSTEIN: Assemblywoman
17 Buttenschon.

18 Oh, and Assemblyman Palmesano has
19 joined us and has a question also.

20 ASSEMBLYMAN PALMESANO: Thank you,
21 Commissioner, for being here.
22 Congratulations as well.

23 DEC COMMISSIONER SEGGOS: Thanks.

24 ASSEMBLYMAN PALMESANO: There's one

1 specific area I wanted to get into. I know
2 earlier there were some questions about the
3 new broad powers given to the DEC in order to
4 regulate greenhouses gases. And I kind of
5 wanted to get into some specific examples.
6 And what I want to do, if it's okay --
7 because I know sometimes a yes or no answer
8 isn't always possible, but I wanted to read
9 the list so it's on the record. And if you
10 can't answer anything yes or no when I come
11 back around, that's fine. And then if you
12 can just promise you can get back on that.

13 So specifically regarding these
14 regulatory powers, do you believe -- would it
15 be your perspective that you would be able to
16 regulate a motor vehicle fuel carbon
17 standard, a mileage tax, a carbon tax,
18 prohibition of outdoor boilers, wood stoves,
19 heating with oil, oil and natural gas
20 infrastructure, restrictions on farm
21 practices like fertilizing, means of
22 production, semiconductors, aluminum and
23 steel manufacturing, and cement production?

24 So I guess if you just want to go

1 through relative to your interpretation of
2 the broad powers that have been placed upon
3 the DEC to regulate greenhouse gases. Would
4 you believe you would have the ability to
5 regulate a motor vehicle fuel carbon
6 standard?

7 DEC COMMISSIONER SEGGOS: Respectfully
8 to this list, since the statute envisions
9 creating the council that would then provide
10 the recommendations to us, I don't want to
11 get ahead of where the council may end up on
12 it.

13 I would say that in order to get ahead
14 of the carbon-emissions footprint of the
15 state, we would be prepared to consider all
16 options. But I don't want to prejudge where
17 the council lands, for example, on motor
18 vehicle fuel standards or -- even though we
19 are fighting for those at the federal level,
20 in concert with California.

21 But, you know, the list that you read
22 is an exhaustive list. I'm sure there are
23 perhaps other sectors that would also be
24 subject to emissions controls. But again, we

1 want to do this is in -- as expeditiously as
2 possible, but also without harming the state
3 and making sure we make this transition as
4 smooth as possible.

5 ASSEMBLYMAN PALMESANO: So we don't
6 need to go through each one individually,
7 because you think that's all being part of
8 the --

9 DEC COMMISSIONER SEGGOS: Yeah.
10 Without getting into specifics on each one,
11 yes, the Climate Action Council will consider
12 all options on the table. We are part of the
13 Climate Action Council, so we will consider
14 the process of it, but then once we get the
15 outcome, it will be up to DEC to administer
16 it.

17 ASSEMBLYMAN PALMESANO: So if
18 someone's proposing a carbon tax that's -- or
19 a mileage tax, you're going to consider it, a
20 prohibition on outdoor boilers or wood
21 stoves, that's going to be part of the
22 consideration one way or another?

23 DEC COMMISSIONER SEGGOS: Possibly.
24 Right? If that's where they land, then we

1 would consider it through regulatory process.

2 ASSEMBLYMAN PALMESANO: And I know
3 natural gas is something that always seems to
4 come up, natural gas infrastructure. Are
5 pipelines -- there seems to be, from my
6 perspective, you know, no interest in
7 approving pipeline projects that have been
8 approved by the federal government.

9 You know, when we look back at the
10 polar vortex that we had years ago, in 2013,
11 the spike that we saw in natural gas prices
12 and propane wasn't as a result of a lack of
13 supply, it was a lack of not -- the
14 infrastructure to get the gas and the propane
15 to where it needed to go.

16 You know, I think I would like to see
17 and I think a number of my colleagues --
18 maybe not all in my house, but some of my
19 colleagues would like to see more
20 infrastructure in place so we can get the gas
21 to where it needs to go. I don't think there
22 should be -- natural gas is an important part
23 of our ability. People heat with natural
24 gas.

1 You know, I agree with the move to try
2 to have more renewables, but I think the
3 Governor's proposal relative to, you know, a
4 hundred percent I think is unrealistic.
5 Because even with our -- things like solar
6 and wind, you still need backup generation,
7 which natural gas is a key component of it.

8 But I think we need to look at the
9 infrastructure part of this, because that has
10 to be a part of this equation. It shouldn't
11 just be -- it should be an "all of the above"
12 approach to have a balance. Just like we
13 have in our retirement portfolios, we want
14 balance, we need to have balance in our
15 energy portfolio if we're going to think of
16 the consumer and businesses staying here and
17 having balance in that portfolio. Because
18 affordable energy is almost as important, if
19 not as important, as clean energy and
20 reliable energy. We need to have a reliable,
21 clean and affordable piece of energy.

22 So I'd like to see certainly more
23 action on that. And especially when these
24 regulations are being considered, I hope

1 those things are taken into account, because
2 it can't be all on the ratepayer time and
3 time again, because that's just going to
4 drive more and more businesses out, our
5 high-end manufacturers who are really reliant
6 on energy usage. So that I hope you keep
7 that in mind as you ponder some of these
8 decisions and you use the broad powers that
9 are placed upon the department. I know you
10 won't be there, but, you know, your
11 successor, I hope you pass that along.

12 DEC COMMISSIONER SEGGOS: Okay, thank
13 you. I think between this Climate Action
14 Council and the State Energy Plan,
15 everything's going to be considered in how we
16 make those transitions.

17 ASSEMBLYMAN PALMESANO: Thank you.

18 DEC COMMISSIONER SEGGOS: Thank you.

19 CHAIRWOMAN KRUEGER: Thank you.

20 Senator Todd Kaminsky.

21 SENATOR KAMINSKY: Thank you,
22 Commissioner. Just one local issue. On the
23 Long Beach Barrier island there have been
24 some deposits that have washed up that have

1 concerned residents, and I'm holding one that
2 your agency has identified as a tarball,
3 meaning there was petroleum in the water at
4 some point.

5 So people are nervous, and I'm hoping
6 to get some clarification to the extent
7 possible about whether there was any spill of
8 any kind, how we figure that out, and whether
9 we can be assured that the water is clean at
10 this point. And that might be able to allay
11 some concerns about what's going on down
12 there. About a 3½-mile stretch where these
13 have washed up, and people are just concerned
14 and were asking me to get some answers. I
15 thought this would be a good opportunity just
16 to bring it to your level.

17 DEC COMMISSIONER SEGGOS: I'm glad you
18 raised that. And it happened last week.
19 We're certainly aware of it, we investigated
20 it right when it happened, and I think your
21 office was there on the scene.

22 We are still in the middle of the
23 investigation. We haven't seen any spills
24 recently within the harbor. It's an area

1 subject to extreme currents on the Eastern
2 Seaboard; it's possible that something
3 happened elsewhere and eventually washed up
4 on our shores.

5 But these tarballs are a bit of a
6 mystery, and we're doing our best on the
7 forensic side to track down where they came
8 from and, you know, from a current
9 perspective how they may have arrived on Long
10 Beach.

11 SENATOR KAMINSKY: Okay, thank you.

12 And just lastly, do you think you'll
13 be able to provide that same area with a
14 report on the Army Corps project --

15 DEC COMMISSIONER SEGGOS: Yes.

16 SENATOR KAMINSKY: -- going forward so
17 we know whether it's something the state
18 wants to take ownership of and whether you
19 think it's met the grade of where it needs to
20 be to protect the coastline for the next
21 several decades?

22 DEC COMMISSIONER SEGGOS: Yes, of
23 course. I mean, we have a number of Army
24 Corps projects underway right now. The Army

1 Corps thankfully is not subject to government
2 shutdown, but the Army Corps relies on Fish &
3 Wildlife and a few other federal agencies to
4 get their work done. So unfortunately, the
5 work that's happening at the federal level
6 with the Army Corps has slowed down because
7 of some of the other dysfunction in
8 Washington.

9 But I'd be happy to meet with you and
10 my staff, Sue McCormick, Jim Tierney and
11 others, to walk you through where we are on
12 all those projects. And we have the same
13 interests that you do on ensuring that the
14 coast is resilient, and certainly as
15 resilient as possible, because we see future
16 storms coming and being just as impactful as
17 they were eight or nine years ago.

18 SENATOR KAMINSKY: Thank you,
19 Commissioner.

20 DEC COMMISSIONER SEGGOS: Thank you.

21 CHAIRWOMAN WEINSTEIN: Assemblywoman
22 Judy Griffin.

23 ASSEMBLYWOMAN GRIFFIN: Thank you.
24 Congratulations on your future endeavors. I

1 haven't gotten a chance to work with you
2 because -- oh, yes (adjusting mic). Okay,
3 everyone can hear me now? Okay.

4 So congratulations. I'm new, as we
5 can see, and I wish you the best of luck.

6 DEC COMMISSIONER SEGGOS: Thank you.

7 ASSEMBLYWOMAN GRIFFIN: I had a couple
8 of questions. I represent an area on the
9 South Shore of Long Island in western Nassau
10 County, and last year, last summer we saw a
11 real increase in medical waste on the
12 shoreline, we saw an increase in plastic,
13 like shredded plastic in the ocean when you
14 go swimming, like on a regular basis. And
15 then also an overabundance of seaweed, really
16 a lot of it caused by the algae blooms.

17 So I just wondered what -- are there
18 are any plans or is anyone looking at that to
19 see what can be done or what is ongoing to be
20 done to really improve the water in that
21 area?

22 DEC COMMISSIONER SEGGOS: Well,
23 listen, it -- we're out on a regular basis
24 responding to pollution complaints. We were

1 on the South Shore with -- and really several
2 locations on Long Island where we saw some
3 medical debris wash up. We have not been
4 able to track it back to a particular
5 hospital or doctor's office or facility.

6 You know, every once in a while, every
7 few years you see these things happen, and I
8 like to think it's always in New Jersey. But
9 the tidal influences in that area, the
10 currents end up bringing the stuff up the
11 coast. It's often impossible to know where
12 it originated from unless there's some kind
13 of marker on it.

14 We're vigilant down there. Our Region
15 2 office, our Environmental Conservation
16 Police are vigilant down there looking for
17 bad actors. So I would say please encourage
18 your constituents to call us immediately when
19 they see something so we can act immediately.
20 Usually the faster we get somewhere, the more
21 success we have on the forensic side in
22 solving the crime.

23 ASSEMBLYWOMAN GRIFFIN: I noticed
24 there was a big project for harmful algae

1 blooms, but it didn't seem like that was for
2 the South Shore of Long Island. And I
3 wondered is there any program in -- is there
4 anything being done in western Nassau County
5 about the algae plumes that we have that do
6 cause excessive seaweed? Some days there's
7 beaches that are closed due to high volume of
8 seaweed.

9 DEC COMMISSIONER SEGGOS: I would say
10 yes. The funding that we have available
11 through the Clean Water Infrastructure Act
12 and through EPF can be used to prevent runoff
13 from certain areas; that's usually what
14 causes these flows. I mean, the blooms are
15 caused by a variety of factors; it's not
16 always runoff. It could be temperature, it
17 could be the presence of some other kind of
18 chemical.

19 So understanding exactly what causes
20 these blooms helps us to spend money the
21 right way on fixing them. But the
22 communities on the South Shore of
23 Long Island, Nassau, New York City, are
24 eligible to get some of these funds. We do

1 have a shellfish program as well that we're
2 in a very aggressive ramp-up phase on, seeing
3 if we can use shellfish to help turn back the
4 brown tides, if you will. And that is going
5 to prove, I believe, very successful. The
6 Governor launched that last year. We're in
7 Year 2 of it now. And moving forward, the
8 causes of these symptoms are obviously
9 multistate, so it's important for us to work
10 well with our partners in other states around
11 us when we see problems coming into our
12 waters.

13 But, you know, reporting is key. We
14 have an aggressive reporting system where we
15 hear about brown tides and algal blooms on an
16 ongoing basis and work with the institutions
17 to help solve them when we can.

18 ASSEMBLYWOMAN GRIFFIN: Okay, thank
19 you. And just -- I'm happy to see the
20 plastic bag ban, because I think that will
21 help with the excessive amount of plastics
22 that are found in the water. But I just
23 wondered, is there any tracking? I mean,
24 like this summer it was, to me, worse than

1 any other summer, like that there was so much
2 plastic in the ocean, shredded plastic. And
3 if you go into the bays -- I mean, I was
4 involved in some cleanups, and yeah, there
5 was an excessive amount. Like you can go out
6 and, you know, take tons of plastic that
7 washes up on the little islands in the bays.

8 But is that tracked at all to see how
9 much plastic is in our waters, to see what --
10 like what improvements can be made and what
11 improvements are being made?

12 DEC COMMISSIONER SEGGOS: There's a
13 huge amount of tracking going on right now.
14 There's scientific analysis of microplastics
15 in our waterways as well as, you know, some
16 of these larger gyres of plastics, I think
17 they call them that, out in the oceans. We
18 see them everywhere. It's -- I think
19 everyone in the room today probably saw a
20 plastic bag within the last 24 hours on the
21 street or in a waterway or in a park. And
22 it's something we've got to get on top of.
23 These things don't go away easily, and they
24 can last for generations in the water.

1 ASSEMBLYWOMAN GRIFFIN: Okay. Well,
2 thank you. And just one -- oh, was that it?

3 CHAIRWOMAN WEINSTEIN: Thank you.
4 Time's up.

5 ASSEMBLYWOMAN GRIFFIN: Thank you.

6 CHAIRWOMAN WEINSTEIN: Assemblywoman
7 Woerner.

8 ASSEMBLYWOMAN WOERNER: Thank you,
9 Chairman Weinstein.

10 Thank you, Commissioner, for your
11 great work.

12 DEC COMMISSIONER SEGGOS: Thank you.

13 ASSEMBLYWOMAN WOERNER: I want to talk
14 about the farm waste. And as I read it,
15 there's about a \$69 million program to
16 mitigate the environmental impacts of farm
17 and animal waste. Is that about right?

18 DEC COMMISSIONER SEGGOS: That is
19 about right. I'm going to rely on my good
20 friend, farmer, Commissioner Richard Ball for
21 the exact on that. But I believe that's
22 accurate.

23 ASSEMBLYWOMAN WOERNER: Okay. So
24 we've heard some comments about natural gas

1 deficits in various parts of the state.
2 We've heard comments about achievement of --
3 how achievable the greenhouse gas initiatives
4 are in the reduction of fossil fuel usage.
5 Would it surprise you to know that in this
6 state we have enough cows that if we moved to
7 on-farm digesters to deal with farm waste, we
8 actually could meet our Regional Greenhouse
9 Gas Initiative goals by 2030?

10 DEC COMMISSIONER SEGGOS: That
11 wouldn't surprise me. But I haven't seen the
12 numbers on that. I know there are a lot of
13 cows in New York.

14 ASSEMBLYWOMAN WOERNER: There are a
15 lot of cows in New York. And in California,
16 the low-carbon fuel standards put a premium
17 on biogas produced by on-farm digesters
18 because the renewable natural gas produced is
19 approximately a negative 285 grams per CO2
20 equivalent per megajoule, making it really
21 one of the best alternative fuels certainly
22 for transportation, but also for home
23 heating. And yet in New York State we really
24 don't focus on this at all. We spend a lot

1 of our time and attention on solar and wind,
2 missing a huge opportunity given the census
3 of cows we have in this state.

4 So when we look at the climate
5 mitigation -- Climate Action Task Force, my
6 question is, is the agriculture community
7 represented in this initiative? Since that
8 in my opinion represents one of the best
9 opportunities we have to actually achieve
10 these big goals.

11 DEC COMMISSIONER SEGGOS: I believe it
12 will be. The way that the language is
13 drafted gives the Governor discretion on who
14 needs to be at the table. Certainly the
15 farming community has been a fantastic
16 partner on a variety of environmental fronts
17 with me since I've been in this chair, and
18 certainly on the carbon front, as
19 Commissioner Ball and I regularly talk.

20 Just quickly on anaerobic digestion,
21 that is one of the state's objectives, is to
22 improve our anaerobic digesters statewide,
23 make them more readily available through our
24 Methane Action Plan that we released a couple

1 of years ago. It focused some of our
2 coordination with NYSERDA on what we can do
3 to enhance the prevalence of anaerobic
4 digesters. So that's a viable alternative
5 for us. Whatever form that takes in the long
6 run, more digesters is a good thing locally,
7 helping to generate some low-cost power for
8 some of the farm industries.

9 ASSEMBLYWOMAN WOERNER: Where in the
10 budget would I see that priority recognized?

11 DEC COMMISSIONER SEGGOS: I can
12 specify that for you offline, get you
13 something.

14 ASSEMBLYWOMAN WOERNER: Great. Thank
15 you very much.

16 DEC COMMISSIONER SEGGOS: Thank you.

17 CHAIRWOMAN WEINSTEIN: And to conclude
18 this portion of the hearing, Assemblyman
19 Englebright for a second three minutes.

20 ASSEMBLYMAN ENGLEBRIGHT: Thank you,
21 Madam Chair.

22 Commissioner, one of the things that I
23 really would like to focus on as we close the
24 opportunity to question you directly this

1 morning relates to land acquisition. The
2 land acquisition open space percent change as
3 proposed in the Governor's budget is a
4 decrease of 7.5 percent, which is more than
5 \$2.6 million, bringing it from last year's
6 enacted budget of \$35 million down to \$32
7 million. Which, to place it in perspective,
8 is almost half of what had been in earlier
9 years a \$60 million commitment to this.

10 I would, within that context, like to
11 just read a portion -- I've had a chance to
12 read ahead one of the testifiers who will
13 come a little later. The very extraordinary
14 and articulate presentation that we'll hear a
15 little later from The Nature Conservancy
16 includes -- and I would like to quote and ask
17 you about a portion of their testimony which
18 will follow. And I'll just read this
19 paragraph from The Nature Conservancy's
20 testimony: "Many people don't realize that
21 the funding for land conservation was
22 significantly higher when the EPF was
23 lower -- the open space line was as high as
24 \$60 million in annual appropriations in a

1 \$255 million EPF. That funding recognized
2 that protecting open space, a cornerstone of
3 the state's conservation programming, is an
4 incredibly effective way of achieving
5 multiple goals: It is critical for water
6 quality by protecting the sources of drinking
7 water for communities; provides resilience by
8 buffering areas from flooding and providing
9 habitats for species which will shift in a
10 changing climate; and is an effective way to
11 mitigate climate change by using nature to
12 sequester carbon. Somehow, the open space
13 line has become the piggybank for diverting
14 funds to laudable but different purposes, and
15 as a result New York is sinking well below
16 many other states in its commitment to
17 protect the lands and waters that are the
18 foundation of healthy communities. We urge
19 the Legislature and Governor to focus on this
20 problem, not to assume there are no
21 consequences to the slow drip of Open Space
22 Program reductions, recognize the important
23 values of a robust land conservation program,
24 and recommit to this important program."

1 Before you respond, I just want to
2 also say thank you. I know you played an
3 important role in directly restoring the land
4 specialists for Region 1 last year, that you
5 took a personal interest in that. I just
6 want to say thank you publicly for doing so.
7 It's so important. That position oversees so
8 many of the effects of the department that
9 are positive, including helping people who
10 have been savaged by coastal storms.

11 DEC COMMISSIONER SEGGOS: Agreed.

12 ASSEMBLYMAN ENGLEBRIGHT: But in the
13 direct land conservation portion of your
14 policy, halving, almost in half, the
15 commitment to open space protection seems to
16 me to be, as The Nature Conservancy has
17 rightly pointed out, a lost opportunity to
18 advance multiple of our goals.

19 As we go into the negotiations, will
20 you be willing to reexamine this? I think
21 that would be consistent, that my question
22 there would be consistent with the thrust of
23 The Nature Conservancy and other
24 organizations who realize the importance of

1 land acquisition.

2 DEC COMMISSIONER SEGGOS: Assemblyman,
3 we certainly embrace the idea of land
4 acquisition, land preservation. It's a
5 critical component of the work that we do,
6 we've always done.

7 I think it's also critically important
8 to recognize that we don't just rely on the
9 EPF to do land acquisition. For example,
10 last year the Clean Water Infrastructure Act,
11 I think we spent about \$15 million buying
12 land. That was in addition to the money that
13 we had programmed in the EPF. We also have
14 about \$10 million available to us through
15 Pittman-Robertson. So I actually think we
16 are above where we were back when the EPF was
17 smaller but land acq was larger, because
18 we're relying on a variety of sources, not
19 just this one bucket.

20 ASSEMBLYMAN ENGLEBRIGHT: My question
21 was are you willing to carefully examine the
22 overall commitment and to consider
23 possibilities of restoring some of the
24 funding that we're looking at that's being

1 cut.

2 DEC COMMISSIONER SEGGOS: We are
3 always willing to look at all possibilities
4 on the table in the context of the overall
5 budget and commit to improving and doubling
6 down on our land acquisition.

7 ASSEMBLYMAN ENGLEBRIGHT: Thank you
8 very much, Commissioner.

9 Madam Chair.

10 CHAIRWOMAN KRUEGER: Thank you. And
11 we want to thank you for your last testimony
12 before us, Commissioner, and we wish you the
13 best of luck in whatever you do next.

14 DEC COMMISSIONER SEGGOS: Thank you.
15 Thanks very much. I'll miss you all. Thanks
16 a lot.

17 CHAIRWOMAN KRUEGER: Thank you.

18 And then next up is the New York State
19 Office of Parks, Recreation and Historic
20 Preservation, Rose Harvey, commissioner.

21 And again I'll remind everyone it's
22 10 minutes for a commissioner to testify, and
23 it's five minutes for non-government
24 representatives later on in the day.

1 So if everybody can just switch
2 positions quickly.

3 (Comments off the record.)

4 CHAIRWOMAN KRUEGER: Good afternoon,
5 Commissioner Harvey. Thank you for being
6 with us today.

7 COMMISSIONER HARVEY: Good afternoon.

8 CHAIRWOMAN KRUEGER: And you have
9 10 minutes to present your testimony, and
10 then we will hammer you with questions --

11 COMMISSIONER HARVEY: Oh, great.

12 CHAIRWOMAN KRUEGER: -- perhaps for
13 the last time.

14 COMMISSIONER HARVEY: Thank you.

15 Good morning again, Chairwoman
16 Krueger, Chairwoman Weinstein, Senator
17 Serrano and Assemblyman O'Donnell and all the
18 distinguished members of the State
19 Legislature. And thank you for giving me an
20 opportunity to present Governor Cuomo's
21 Executive Budget.

22 I've had the great fortune over the
23 last eight years to oversee New York's 250
24 state parks, historic sites, boat launches,

1 recreational trails, which are now visited by
2 more than 71 million people each year, and it
3 keeps growing. New Yorkers are united in
4 their appreciation for their state parks. In
5 a time of too much division, parks are our
6 common ground. They're the lands, the
7 refuges, the open spaces that belong to all,
8 and from which we all benefit.

9 It's been a joy to work with the
10 talented, dedicated, hardworking staff which
11 take great pride in caring for these
12 properties and ensuring meaningful
13 experiences to all our visitors. And it's
14 been an honor to serve the Governor and the
15 Legislature, who really have supported all
16 this amazing work.

17 The Executive Budget provides for
18 excellent stewardship for the lands entrusted
19 to our care. It provides level funding for
20 agency operations and programs, it maintains
21 the Environmental Protection Fund at its
22 historic high, and it provides \$110 million
23 for our capital budget, which continues the
24 baseline \$90 million of annual capital

1 appropriation and then provides an additional
2 \$20 million to open and fund future
3 improvements for our new state park in
4 Brooklyn.

5 The capital allocation continues the
6 Governor's NY Parks 2020 initiative to
7 reverse decades of decline and neglect in our
8 parks and transform and modernize them for
9 the 21st century. While there's still so
10 much more to do to rebuild, to reopen, to
11 revitalize, to transform our parks and
12 historic sites, we've made such amazing
13 progress, with all capital improvements
14 ensuring resiliency and sustainability for
15 the long term. Since the Governor launched
16 this \$900 million investment, with your huge
17 support each year we have initiated more than
18 825 improvement projects across the state,
19 and completed more than \$880 million in work
20 with these public and private funds. A
21 Governor's "Parks 2024," with your continued
22 support for annual NY Works appropriations,
23 will continue this true renaissance that we
24 together, all together, began and will

1 together continue for future generations.

2 In fully funding the EPF, the
3 Executive Budget will enhance our stewardship
4 and protection of the state's natural and
5 cultural resources. It will also connect
6 parks and people with more education and more
7 access to our magnificent park system. I
8 paraphrase Baba Dioum: In the end, we will
9 conserve only what we love; we will love only
10 what we understand; and we will understand
11 only what we are taught.

12 To this end, three years ago the
13 Governor, with your support again, starting
14 with \$1 million from the EPF, launched
15 "Connect Kids." It's an initiative to bring
16 more youth to our parks, connect them to the
17 outdoors, encourage active and healthy
18 lifestyles and alternatives, and create the
19 next generation of environmental stewards.
20 The program has a first focus on youth at
21 risk, and those from communities of high
22 obesity, diabetes, and poverty. These are
23 the same areas we focused our first capital
24 improvements, so they would be ready for

1 Connect Kids.

2 Connect Kids is threefold: One,
3 providing free educational field trips, and
4 the transportation, to all New York State
5 Title I schools. Since 2016, our public
6 schools now send annually over 300,000
7 schoolchildren to our parks and DEC's new and
8 improved environmental and historical
9 centers.

10 Two, Connect Kids is providing outdoor
11 skills to those kids who are unfamiliar with
12 the outdoors, maybe scared of it, such as our
13 Free Learn to Swim program. We now teach,
14 each year, over 20,000 kids to swim.

15 Connect Kids supports the Governor's
16 Empire Conservation Corps for youth of 18 to
17 25. It's a 10-month public works program
18 that provides room and board to the 100
19 members, with extensive job skill training,
20 application of this training in Parks and DEC
21 lands, a small weekly stipend, and then a
22 \$5,000 college scholarship upon completion.

23 Connect Kids to Parks is a part of a
24 holistic strategy to improve the lives of our

1 youth through positive activity, with a
2 particular emphasis on urban and youth at
3 risk.

4 The budget includes additional funding
5 to expand the successful Friends Groups
6 Capacity Grants program. This is
7 administered by Parks & Trails New York with
8 Parks, and it provides competitive grants to
9 friends groups to support state parks and
10 historic sites and their programs. And their
11 capital programs, and marketing. These
12 friends groups are instrumental in all that
13 we do in our parks.

14 We continue making considerable
15 progress on the Empire State Trail, a
16 750-mile bicycling and walking trail spanning
17 New York State, to promote safe, healthy
18 outdoor recreation, enhance community
19 vitality, and support tourism-based economic
20 development. Of the 63 different and new
21 trail projects that need to be completed and
22 need to stitch together the 750 miles, 20 are
23 completed, under construction, or in the
24 contract-award phase. The remaining projects

1 are all under design and on schedule to
2 complete no later than the fall of 2020.

3 Again, our Division for Historic
4 Preservation leads the nation in the number
5 and the diversity of historic preservation
6 listings. In 2018, we added over 1,300
7 properties to the National Register of
8 Historic Places. This qualifies them to use
9 the New York State Rehabilitation Tax Credit
10 program.

11 And since Governor Cuomo and the
12 Legislature improved our state historic
13 credit incentives in 2013 and 2017, New York
14 State leads the nation in encouraging private
15 investment in revitalization of historic
16 buildings. For the fourth straight year in a
17 row, the combination of the New York State
18 and federal tax rehabilitation tax credit
19 programs has led the nation with a record
20 \$850 million in private investment to restore
21 derelict commercial Main Street buildings and
22 districts which are essential to the local
23 economies.

24 Nearly 80 percent of this activity is

1 in upstate communities, both urban and rural,
2 and over the last four years the aggregate
3 total investment has been more than
4 \$3.27 billion -- again, leading the country.

5 This year the budget includes a small
6 provision to change the State Rehabilitation
7 Tax Credit to be used in State Parks and to
8 attract private partners to invest in the
9 revitalization of our deteriorated and unused
10 buildings in state Parks and in our historic
11 Sites. This change will leverage
12 public/private dollars and stimulate heritage
13 tourism opportunities.

14 State Parks is also looking forward to
15 a momentous year in 2019. We will complete a
16 six-year, \$70 million renewal of Niagara
17 Falls State Park, our nation's most historic
18 park, and finish the \$90 million
19 transformation of Roberto Clemente State Park
20 in the South Bronx and then, in partnership
21 with Major League Baseball and Dream, open a
22 free baseball and softball academy for
23 thousands of girls and boys in the nearby
24 communities.

1 We'll also open the largest state park
2 in New York City, aptly named after Shirley
3 Chisholm, a pioneer for equal rights.

4 We will complete and open Junior's
5 Summer Camp in the wilderness of Harriman
6 State Park. It's in partnership with the
7 Bronx Borough President and the Fresh Air
8 Fund. Junior's Camp is a gang prevention
9 initiative to provide, every year, outdoor
10 and job and mediation skills and experiences
11 for youth at risk, particular, in Junior's
12 Camp, for 400 to 500 each year who are from
13 the Bronx. This camp was developed with his
14 parents, and it will honor Junior, who was
15 not a member of a gang and was ruthlessly
16 killed in June of 2017. And this camp is one
17 of many that we are now establishing.

18 We will also open more of the 300
19 new/improved cabin/cottages for new and
20 different camping experiences all throughout
21 the states, but particularly the first ever
22 on Long Island.

23 These are the big headlines, but the
24 everyday things -- family picnics, swimming

1 in the waves, nights behind the campfire with
2 friends, family and children -- are the
3 essence of our park system, and these are
4 really the amazing things that we do together
5 for all that use them.

6 So in conclusion, I want to thank you
7 for your support for this magnificent system,
8 its historic places, its environmental
9 places. Thank you personally for all the
10 support you've given to our agency and to me.

11 And I will very soon be handing over the
12 reins -- very soon -- to Erik Kulleseid.

13 He's a hugely dedicated and effective
14 champion of parks and open space. Governor
15 Cuomo made an excellent choice in naming him
16 the next commissioner, and I know he's very,
17 very eager to collaborate and make this park
18 system the best it can be for all of our
19 citizens.

20 Thank you.

21 CHAIRWOMAN KRUEGER: Thank you,
22 Commissioner.

23 And the first questioner will be
24 Senator Serrano, chair of the Committee on

1 Parks, Tourism and something else. Thank
2 you. Got his committee title wrong. Thank
3 you, Senator.

4 SENATOR SERRANO: Okay, thank you so
5 much, Madam Chair.

6 Commissioner, it's a pleasure. It's
7 always been a pleasure to speak with you.
8 And these years that you have served as
9 commissioner I believe have been a wonderful
10 collaboration, and I've always enjoyed
11 listening to your ideas but, more
12 importantly, seeing how aggressively you've
13 tackled so many of the issues facing our
14 wonderful state park system. And I believe
15 that in the years that you've been
16 commissioner we've seen a major
17 transformation. You came in at a time where
18 there was significant backlog in capital
19 repairs to a beautiful yet aging state park
20 system, very historic in so many different
21 ways, but the rate of repair had not kept
22 pace with the passage of time.

23 Can you speak a little bit about the
24 capital improvements that have gone on over

1 the years and how you see that continuing in
2 the years to come?

3 COMMISSIONER HARVEY: First of all, we
4 all, together, worked on this transformation,
5 all of the agency and all of our partners.
6 And it has been spectacular, and I do believe
7 together we've started a renaissance.

8 Of the Parks 2020, we will finish in
9 2020. We're probably ahead of time. And
10 we've spent a lot of -- maybe almost up to 60
11 percent of the dollars on the infrastructure,
12 its water and sewer and connectivity. But
13 then once that's been done, that sets the
14 platform for modernizing, making the parks
15 more accessible -- new environmental centers,
16 new visitor centers, fixing all the
17 recreational fields, and also all of it
18 energy-efficient and resilient. Resilient
19 for the future, and then sustainable for
20 maintenance and management.

21 And we also did start with the
22 communities of most need, where urban, where
23 there aren't any parks -- as I said, you
24 know, high poverty, obesity, results of a

1 sedentary life. So most of those flagships
2 and those parks are almost finished. And yet
3 we have so much more ahead. And what we'd
4 like to do is, as we did with Parks 2020, we
5 planned it out, we knew exactly where we were
6 going to go and what we were going to do for
7 the seven years, and we have much more to do.
8 And we will plan out Parks 2024 and hope that
9 we will get the annual support that we've
10 gotten, which has been the backbone of this
11 capital program.

12 SENATOR SERRANO: Thank you,
13 Commissioner. Definitely the collaboration
14 between the Executive and the Legislature and
15 your agency I think has been a very
16 productive one. And now as the new chair of
17 this committee -- I was chair many years ago
18 and was the ranking member, and now I'm back,
19 and I'm so excited to work with my
20 counterpart in the Assembly, Assemblymember
21 O'Donnell, and his great ideas and passion
22 that he will bring to the table as well. I
23 look forward to a productive budget cycle and
24 looking for ways to continue the legacy of

1 State Parks.

2 And I wanted to sort of segue a little
3 bit into a topic that you and I have
4 discussed many times before, which is the
5 legacy in State Parks; more specifically, the
6 transformative effect that they have on
7 youth, how they can and should be sort of a
8 vehicle for so many good things for the youth
9 in our state, and how do we make that more of
10 a reality.

11 You mentioned the Connect Kids
12 program, and I remember -- correct me if I'm
13 wrong -- the launching of that program is the
14 day that you and I had a wonderful walk from
15 Fort Montgomery to Bear Mountain. That was
16 really one of the highlights of that year for
17 me. It was a lot of fun to see all of those
18 kids participating in something and hopefully
19 planting the seeds, no pun intended, in
20 developing the love and the stewardship of
21 parks and green spaces for our youth, getting
22 at an early age that immersion, especially
23 kids from inner cities.

24 So as a youth growing up in the

1 seventies and eighties, growing up in the
2 South Bronx, there weren't a great deal of
3 opportunities to connect with nature. Which
4 is very unfortunate, because now there is so
5 much data, scientific data -- it's no longer
6 anecdotal, but scientific data which proves
7 that when you connect kids with nature, they
8 do so much better academically, so much
9 better social-emotionally. But equally, they
10 do better physically. There is a movement
11 away from the sort of sterilization of
12 society in the sense that we shouldn't be
13 part of soil and plants and nature. We're
14 understanding now what an important role
15 these elements play in the health of our
16 children and their gut biome and things of
17 that nature, which is -- there's a lot of new
18 scientific data on the importance of that.
19 And connecting kids to nature allows that to
20 happen.

21 So my question is when I was a youth
22 there seemed to be a lot more programs in
23 place that allowed inner-city kids to connect
24 with nature through summer camps, group

1 camps, in places like Harriman State Park,
2 where I was a camper. It seems like
3 throughout the years there's been a steady
4 decline in the number of these group camps
5 that were affordable to kids from places like
6 the Lower East Side, East Harlem, and the
7 South Bronx.

8 If you could sort of take a stab at
9 what are some of the reasons why we've seen
10 that decline since the eighties, and is there
11 any way that you think we can turn that
12 around.

13 COMMISSIONER HARVEY: Well, the
14 decline is a more urban community where often
15 even the parents don't have a connection to
16 the land. It's a more technological
17 community about virtual reality than an
18 actual reality. And also it's a more
19 sedentary society where kids are not as
20 active. And then finally, with those trends,
21 there's not a familiarity with the outdoors,
22 and the outdoors can be scary if you don't
23 know how to hike, you don't know how to swim,
24 and you don't understand it.

1 So how we're addressing it is actually
2 we started with those group camps, which was
3 the history of Parks. It was created across
4 the state at the turn of the century, and
5 there were a hundred group camps for
6 children, and particularly children of New
7 York City and the working classes. And now
8 there's a fraction of them left because there
9 just weren't the dollars.

10 We are taking 17 of those camps --
11 Junior's will open as one of them -- and we
12 are focusing on those camps that serve the
13 homeless, serve kids that are urban and don't
14 have any exposure, and then communities of
15 high poverty, obesity and poverty. So with
16 that, we don't have the ability to manage all
17 17 camps, so we bring in partnerships. So we
18 have hospitals running some of them, we have
19 the Fresh Air Fund that will run Junior's
20 Camp. We have Boys and Girls Clubs, and we
21 come and work on it.

22 Also what's not happening,
23 particularly with the schools, is the schools
24 can't afford transportation. As well, we

1 didn't have the ability nor the environmental
2 facilities. So we've actually fixed up,
3 restored 30 environmental communities. And
4 now we have the transportation for all the
5 schools, hence our schoolchildren have gone
6 from 75,000 in 2011 now to 300,000.

7 SENATOR SERRANO: That's wonderful.
8 And sort of continuing in that same line of
9 questioning and connecting communities or
10 what would be considered maybe nontraditional
11 communities with the great outdoors -- not
12 necessarily in their backyard, but people
13 like myself from the Bronx who enjoy Harriman
14 State Park and Bear Mountain because they're
15 relatively close yet provide, you know, acres
16 and acres of forest for camping and hiking.

17 These types of connections I think are
18 so critical to make sure that that level of
19 diversity that we have in this great State of
20 New York is also reflected in the way that we
21 enjoy our state parks.

22 So I know that I'm out of time, but in
23 speaking briefly about the friends groups,
24 which I think strive to create those linkages

1 between community and parks, I know in the
2 Executive Budget the Governor has doubled the
3 amount of money for friends groups,
4 stewardship programs and so on. How do you
5 foresee that implementation being fruitful
6 towards the goals?

7 COMMISSIONER HARVEY: Totally, because
8 it builds the capacity of our friends groups.
9 We have 75. And then these friends groups
10 run programs for us. They're there, they're
11 -- many -- you're leveraging volunteers. So
12 they are another arm of our programming.

13 SENATOR SERRANO: Thank you so much.
14 Madam Chair, I'm sorry I went over time.

15 But once again, thank you for your
16 years of service. You are my constituent, so
17 hopefully I will see you around. But thank
18 you for so much. Thank you.

19 COMMISSIONER HARVEY: Thank you.

20 CHAIRWOMAN WEINSTEIN: Assemblyman
21 O'Donnell, our Tourism chair in the Assembly.

22 ASSEMBLYMAN O'DONNELL: Commissioner,
23 it has been an absolute pleasure working with
24 you, and I adore you. So I'll just say that

1 for the record.

2 So we're living in a very dark time
3 where the federal government is shut down and
4 New York State has stepped in, has chosen to
5 keep the Statue of Liberty and Ellis Island
6 open during the shutdown. And I understand
7 the optics for the national stage about
8 choosing to keep those places open, but
9 clearly they must not be the only federal
10 parks in the State of New York. And has the
11 Governor and the Parks Department considered
12 the need in other communities to keep the
13 federal park open?

14 COMMISSIONER HARVEY: More federal --

15 ASSEMBLYMAN O'DONNELL: Are there
16 other federal parks in the State of New York
17 that were considered to be given the same
18 treatment as Ellis Island and the Statue of
19 Liberty?

20 COMMISSIONER HARVEY: Some of the --
21 for instance, Gateway is still open on a
22 limited basis. And with Ellis Island and the
23 Statue of Liberty, it is expensive to keep
24 them open.

1 ASSEMBLYMAN O'DONNELL: And where is
2 that money coming from?

3 COMMISSIONER HARVEY: That is coming
4 from the state and --

5 ASSEMBLYMAN O'DONNELL: Do you have a
6 daily estimate of what it costs for us to do
7 that? And do you have an expectation that
8 the federal government will reimburse us for
9 those costs?

10 COMMISSIONER HARVEY: Yes, they will
11 pay back some of those costs. And I think
12 it's around \$65,000 a day.

13 So I think that these are the most
14 symbolic and the most important and the most
15 visitors and the most jeopardized, so we
16 chose those. And we are working with the
17 National Park Service to supplement with our
18 parks that are near their parks to offer
19 visitation. And also we've picked up their,
20 you know, free fourth-grader entrance,
21 entrance to all fourth-graders to our parks.

22 So we have a great partnership, and I
23 believe the combination of our parks picking
24 up some of their visitors and them having

1 limited services on their most important and
2 then us keeping the Statue --

3 ASSEMBLYMAN O'DONNELL: I just would
4 hate for other parks in the state which also
5 rely on tourism dollars to not be given the
6 treatment to the things that maybe make a
7 good TV commercial.

8 Can I move on to our 50th
9 anniversaries. This is the 50th anniversary
10 of Woodstock as well as Stonewall. Stonewall
11 is the birth of the gay rights movement, and
12 I would not be sitting in this chair were it
13 not for that, Marsha Johnson throwing a brick
14 through a window in New York City.

15 I want to know what if anything are
16 your plans about those two things and if
17 spending is anticipated for that purpose.

18 COMMISSIONER HARVEY: So as you know,
19 it's both, you know, a national historic site
20 and a state historic site, and we work
21 closely with the community and the community
22 planners. And we will be working with them,
23 and we will make money available, and we will
24 celebrate.

1 ASSEMBLYMAN O'DONNELL: I'm very happy
2 to hear that. Let me move to Roberto
3 Clemente State Park. I was very happy to
4 hear what you said about that, but you're
5 also planning to open up a baseball academy.
6 Is there direct funding for a baseball
7 academy in the budget?

8 COMMISSIONER HARVEY: Well, the great
9 news -- and this is how we're using partners
10 and leveraging -- is that all of this will be
11 paid by Major League Baseball and DREAM
12 Academy. So we negotiated a deal for seven
13 years they would operate, and it will be with
14 our staff -- and they will operate the
15 academy for us. And we wouldn't have been
16 able to do it without those funds.

17 ASSEMBLYMAN O'DONNELL: And do you
18 have an expectation or a knowledge of how
19 much those funds are?

20 COMMISSIONER HARVEY: Say it again?

21 ASSEMBLYMAN O'DONNELL: How much does
22 it cost? How much are they paying for that?

23 COMMISSIONER HARVEY: The total is a
24 \$7 million deal. They are providing some

1 capital to improve three -- we're putting in
2 three fields. And then the remainder is for
3 the operation. And I can break it down for
4 you.

5 ASSEMBLYMAN O'DONNELL: Okay. I'm
6 going to move on to Olana State Historic
7 Site, which is absolutely spectacular, in my
8 friend Didi Barrett's district. It's now
9 being run by a not-for-profit friends group.
10 And do you have any concerns about this
11 arrangement, and how is it working so far?

12 COMMISSIONER HARVEY: The Olana
13 partnership are a fabulous partner. They're
14 an example of what friends groups can do for
15 us. They've been helping us curate, run
16 tours, raise money. And together we have
17 actually a \$20 million plan to both restore
18 the landscape and the house. The state has
19 already put in about \$8 million to all the
20 restoration of the house and some of the
21 landscape, and they are working on a
22 fundraising campaign with hopefully some
23 state help in the future for a new visitor
24 center, the Frederic Church Visitor Center

1 for the community. And then they're also
2 helping us to run tours for us.

3 ASSEMBLYMAN O'DONNELL: And is that
4 working out well?

5 COMMISSIONER HARVEY: They are
6 fabulous partners. It's working very well.

7 ASSEMBLYMAN O'DONNELL: Let me ask a
8 little bit about the Hudson River Park Trust.
9 Last year during this very hearing we were
10 told that the money you were appropriating
11 would complete it, which seemed ridiculous to
12 me and to the people who live adjacent to the
13 Hudson River Park.

14 And so there's an additional
15 \$23 million in this year's budget. And I'm
16 just curious, do you now think that will be
17 sufficient to finish the park?

18 COMMISSIONER HARVEY: I do. But let
19 me qualify that.

20 ASSEMBLYMAN O'DONNELL: Okay.

21 COMMISSIONER HARVEY: Basically, in
22 each case, we put 50, the city matches it 50.
23 We're making \$23 million available; we're
24 hopeful that the city will match that so

1 we're up at \$150 million. And then if you go
2 through all the finances of the Hudson River
3 Trust, there's -- already the Whitney Museum
4 has raised, you know, \$15 million. There's
5 up to like \$60 million of fundraising that's
6 ongoing. There's air rights that are being
7 sold.

8 So when you put all the packages
9 together, you will get to a much higher
10 number than \$150 million. And it's all
11 designed to leverage everything else. It's
12 very carefully constructed. And it will
13 never be finished; you're always going to be
14 going forward. But you're going to get all
15 those core sites done.

16 ASSEMBLYMAN O'DONNELL: And what is
17 the next core site that will get done with
18 this allocation?

19 COMMISSIONER HARVEY: So you're going
20 to see the build-out actually beginning
21 construction of Pier 26, the estuarium.
22 You're going to see both the design and
23 getting a bid package ready for Pier 94. And
24 also pieces of the esplanade that are too

1 narrow, not working -- which also are the
2 conduits for putting electric and utilities
3 under -- are also being done.

4 And also, as you know, Diller, that's
5 a separate donation, that is going forward
6 and that will be done and going forward quite
7 nicely. And then Gansevoort, we'll be
8 beginning the design process for Gansevoort.

9 ASSEMBLYMAN O'DONNELL: Okay, I'm very
10 happy to hear that, as I'm sure Deborah Glick
11 will be happy to hear that.

12 Let me just talk a little bit about
13 Connect Kids. I think it's a wonderful
14 program. You know, as my colleague the
15 Senator has said, it's difficult given where
16 we are in the world to necessarily have our
17 children access the state parks as easily as
18 others. And so you mentioned in the previous
19 answer about the expanding to fourth-grade
20 students. So can this expansion be
21 accommodated in the current appropriation,
22 and why is it limited to just fourth-grade
23 students? Like if you're going to make it
24 bigger, why not go bigger, better than just

1 fourth-grade? You understand what I'm
2 saying?

3 COMMISSIONER HARVEY: Yeah. Well, the
4 reason fourth-graders were chosen, and we've
5 been doing that, is in fourth grade in New
6 York State you study social studies. And so
7 we're connecting it to the core program of
8 the schools, particularly both -- it's as
9 much to historic sites as it is to
10 environmental. So that's why that's going
11 forward.

12 And then to the Title I schools, it's
13 -- you know, we have only so much to provide
14 -- the transportation is important, and that
15 services all -- it will service all the Title
16 I schools.

17 ASSEMBLYMAN O'DONNELL: So my time is
18 coming to an end. I want to thank you again.
19 But I want to just make one suggestion.
20 There's a woman named Liz Neumark who was a
21 caterer in New York City who runs Sylvia's
22 Table in Didi Barrett's district. And it's a
23 fabulous program where they bring kids from
24 the inner city to learn about how food is

1 grown and then they cook it and so on and so
2 forth.

3 And I wonder whether or not that sort
4 of program you folks could partner with.
5 Because obviously that's a lot closer to
6 state parks that they could use. And if
7 they've already come as far as Kinderhook,
8 can they be connected to the further purpose
9 of what Connect Kids is about?

10 COMMISSIONER HARVEY: So quickly,
11 first of all, we do have a partnership --
12 again, they're paying for all the cost -- at
13 Riverbank State Park, with the Horticultural
14 Society. We brought them in, we built a
15 greenhouse, and they are running both cooking
16 and farming at the community garden there.

17 But I'm --

18 ASSEMBLYMAN O'DONNELL: That's just
19 out of my district. I'm very happy to hear
20 that.

21 COMMISSIONER HARVEY: Yeah. No, but
22 and I do know Liz Neumark, and we have
23 approached her about talking to her about it.
24 We would love -- we know that program, and we

1 would love to do -- these are the
2 partnerships we need to do, and thank you for
3 suggesting it.

4 ASSEMBLYMAN O'DONNELL: Well, let me
5 just in closing say I very rarely tell state
6 officials I adore them. Thank you very much.

7 (Laughter.)

8 COMMISSIONER HARVEY: Thank you.

9 CHAIRWOMAN KRUEGER: Senator Seward.

10 SENATOR SEWARD: Thank you,
11 Commissioner. I adore you also --

12 (Laughter.)

13 COMMISSIONER HARVEY: Well, I adore
14 all of you.

15 (Laughter.)

16 SENATOR SEWARD: And I just want to
17 start off by saying thank you to you for your
18 service and that of your agency to the people
19 of the State of New York. You've been very
20 responsive in communicating with members of
21 the Legislature during your time in office,
22 and I think the results have been very
23 positive for the State of New York.

24 COMMISSIONER HARVEY: And thank you

1 for all your help.

2 SENATOR SEWARD: I just have a couple
3 of questions.

4 In the Governor's proposed budget
5 there's approximately a \$20 million increase
6 in NY Works infrastructure in the capital
7 program. Which is very positive, because
8 despite our best efforts over the last two
9 years, there's still much more to be done. I
10 will be covering the list from my district
11 with your successor.

12 But my question is in terms of the
13 additional appropriation or recommendation in
14 the budget, can you provide -- is there a
15 breakdown or a proposed list? And if so,
16 what were the criteria you used to establish
17 that in terms of projects.

18 COMMISSIONER HARVEY: So the
19 \$20 million was specifically for the -- to
20 fund both the opening and further
21 improvements at Shirley Chisholm State Park.
22 Shirley Chisholm State Park, which is a new
23 400-acre park right on the edge of Central
24 Brooklyn that has, you know, not much open

1 space, was part of this Brooklyn
2 revitalization. Vital Brooklyn, it was
3 called. And it included also playgrounds and
4 community gardens in those communities with
5 little parkland and high poverty, obesity,
6 asthma, all -- and it included housing and
7 also more ambulatory health.

8 So that park is \$40 million, and this
9 is the second piece. The first 20 million
10 came in last year, and the 20 million is to
11 do Phase 2 of it. It will take some time to
12 fully complete it.

13 SENATOR SEWARD: The increase is
14 directed right to that.

15 COMMISSIONER HARVEY: Directly.

16 SENATOR SEWARD: Shifting gears, and
17 one final question. I notice in the proposal
18 that there are a couple of -- it's called
19 enterprise funds that created the retail -- I
20 guess the parks retail store enterprise fund.
21 Can you share with us what the projected
22 revenue will be from those two funds? And
23 for what purposes were those funds in terms
24 of directing those monies that are in those

1 funds?

2 COMMISSIONER HARVEY: It's to tie all
3 the costs and -- costs and revenues together.
4 Both for the little stores, which is a
5 \$2 million approp, and then it's a 20 million
6 approp for golf. And on the 2 million, you
7 know, when it comes in, without the
8 enterprise it just goes to the General Fund.

9 So it's to keep the costs, the revenues and
10 the expenses together.

11 And that's the same with golf. You
12 know, I think we have 27ish, somewhere, golf
13 courses. And so we think we'll spend
14 probably 12 million will be the expenses, and
15 probably, if it holds up, as it did last
16 year, maybe 17 million. And then the space
17 between that we can use the revenues to fix
18 up the golf courses. So it's great.

19 SENATOR SEWARD: So -- just so I
20 clearly understand, in other words, basically
21 it's to keep that money segregated and it's
22 used for the expenses associated with the
23 retail as well as the golf.

24 COMMISSIONER HARVEY: Right. Right.

1 SENATOR SEWARD: Thank you.

2 CHAIRWOMAN KRUEGER: Thank you.

3 Assembly.

4 CHAIRWOMAN WEINSTEIN: Assemblywoman

5 Woerner.

6 ASSEMBLYWOMAN WOERNER: Thank you very

7 much, Commissioner.

8 I have a couple of questions on

9 different topics. I'm going to start with

10 the historic preservation tax credits and the

11 change in the proposal to expand that to the

12 state properties.

13 Can you tell me, how many historic

14 properties does New York State or OPRHP have

15 control over?

16 COMMISSIONER HARVEY: Thirty-five.

17 ASSEMBLYWOMAN WOERNER: Thirty-five.

18 And of those, how many are actively used as

19 house museums or other kinds of active use?

20 COMMISSIONER HARVEY: Most. Almost --

21 most. But each of those sites also have

22 multiple buildings. So it may be -- if it's

23 a historic house, it's maybe the house, but

24 then there are lots of other buildings.

1 ASSEMBLYWOMAN WOERNER: Okay. Do you
2 have an inventory -- since we're expanding
3 the tax credit to provide an opportunity for
4 private money to come in, do you have an
5 inventory of those historic properties that
6 would be eligible now?

7 COMMISSIONER HARVEY: Yes, we will.
8 Yes. There are also just -- there are also
9 historic structures in parks, not historic
10 sites. So we're working on an inventory on
11 all of that.

12 ASSEMBLYWOMAN WOERNER: And will that
13 inventory include some sort of condition
14 assessment of those buildings?

15 COMMISSIONER HARVEY: Yes. We're
16 doing a full-blown assessment of all of our
17 historic sites and our historic properties,
18 and then also looking at what are the
19 priorities, what are the most historic, what
20 should be preserved, what can be preserved,
21 and prioritizing them.

22 ASSEMBLYWOMAN WOERNER: Fantastic. So
23 on the non-state-owned properties, so back on
24 the -- these are traditional tax credits,

1 last year we did some enhancements, we
2 extended it and we did some modest
3 enhancements to it. There are some other
4 things that have been talked about in the
5 preservation community, coming up with a
6 small-projects version of this, as well as
7 including transferability, similar to what
8 we've done for affordable housing. And yet I
9 don't see any mention of that in the
10 Governor's proposal.

11 Can you address that?

12 COMMISSIONER HARVEY: I think one step
13 at a time. I think that first we will, you
14 know, work on the census tracts and get all
15 these projects, and then we will look into
16 transferability and the small-grant program.

17 ASSEMBLYWOMAN WOERNER: But there's no
18 ideological impediment to this, it's just a
19 -- there's only so much we can digest at a
20 time.

21 COMMISSIONER HARVEY: There's only so
22 much we can do.

23 ASSEMBLYWOMAN WOERNER: Okay. And now
24 a totally different question. I know that at

1 each of the state parks you have
2 accessibility equipment for the disabled
3 community to be able to enjoy the parks. Do
4 you, on an annual basis, budget money to
5 replace that equipment with new, more
6 advanced equipment that can be even better?

7 COMMISSIONER HARVEY: Without a doubt.
8 Once we -- well, first of all, anything we
9 build anew is going to have the best. And
10 for all the old, that's all part of our
11 maintenance and our stewardship, and we look
12 at all of that, figure out what we can do
13 and, yes, absolutely include.

14 ASSEMBLYWOMAN WOERNER: I'm
15 specifically thinking because of the number
16 of golf courses we have, there have been real
17 advances in the kind of mobility equipment to
18 allow somebody who is wheelchair-bound to
19 play golf. And yet the equipment that we
20 have at our state parks does not truly
21 address that need. Likewise, we don't really
22 advertise to the disabled community that our
23 state provides this kind of equipment.

24 So I would like to see a little more

1 definitive statement in the budget that this
2 is something that the state thinks is a
3 priority and that we'll make sure that we're
4 providing the best kind of equipment for
5 members of the disabled community to enjoy
6 the resources we have in the state.

7 COMMISSIONER HARVEY: Thank you. We
8 will look into it.

9 ASSEMBLYWOMAN WOERNER: Thank you.

10 CHAIRWOMAN KRUEGER: Thank you.
11 Senator Helming.

12 SENATOR HELMING: Thank you, Senator
13 Krueger.

14 Hello, Commissioner.

15 COMMISSIONER HARVEY: Hello.

16 SENATOR HELMING: I too want to just
17 thank you for everything that you have done
18 for this state. The projects that you've
19 completed during your tenure have just been
20 incredible, transformative, and I so
21 appreciate the opportunity. I had two short
22 years to work with you.

23 COMMISSIONER HARVEY: And thank you
24 for all that you have done with us. I

1 appreciate it.

2 SENATOR HELMING: The projects that we
3 worked on this past summer -- there were two,
4 one for Fair Haven Beach State Park and the
5 other for Sampson State Park. And I know, I
6 understand that Fair Haven seems to be moving
7 along. Both of these projects I think
8 fulfill the goals of the Governor and also
9 Parks, providing more accessibility to people
10 of all abilities to our beachfronts, our
11 lakes, marinas, et cetera.

12 I really wanted to ask about Sampson
13 State Park, the marina project, the
14 accessibility project. Am I to understand
15 that that project has stalled or has been put
16 on hold? I know contractors are there
17 working as we speak, but the last segment of
18 them, where the funding was going to be
19 directed I guess through Canal Corp. now, has
20 that been on hold? Can you give me an update
21 on that project?

22 COMMISSIONER HARVEY: Well, first of
23 all, it's going forward. Contractors are
24 there. The dewatering's happening. So Phase

1 1 of the marina is going forward.

2 And with respect to NYPA, I think that
3 is -- that portion of it is on hold until we
4 figure out the financing.

5 SENATOR HELMING: And by figuring out
6 the financing, can you give me more detail?
7 Because I was under the impression -- I know
8 the bids were received yesterday, they came
9 in under what was budgeted. I believe
10 that -- I secured \$1.5 million. That would
11 be more than enough to cover the project.
12 Why is that on hold? Why is there any
13 question on that?

14 COMMISSIONER HARVEY: It's -- so the
15 bids were just opened. Take a look at it,
16 look at it all and put it together.

17 But we're going forward with it. We
18 just -- now we have to just make sure that we
19 have all the dollars in hand.

20 SENATOR HELMING: And again, can you
21 give any detail on having all the dollars in
22 hand? What happened to the grant money to
23 the capital assistance program?

24 COMMISSIONER HARVEY: The -- we had

1 thought that it was going to be another
2 source of money, and that source of money was
3 not forthcoming. And so we will look into
4 our capital budget and reprogram -- we're
5 going to make it work.

6 SENATOR HELMING: Okay. Thank you
7 very much.

8 CHAIRWOMAN KRUEGER: Thank you.
9 Assembly?

10 CHAIRWOMAN WEINSTEIN: Assemblyman
11 Barclay.

12 ASSEMBLYMAN BARCLAY: Thank you.

13 I want to echo my colleagues'
14 comments. I've had a great relationship with
15 Parks. Particularly our regional Parks guy
16 has been terrific, so I appreciate that.

17 I just want to follow up with Senator
18 Seward's question about the NY Works and the
19 approximately \$110 million. I understand the
20 20 is for Brooklyn. Being an upstate
21 legislator, sometimes I get paranoid, whether
22 it's right or wrong, about equal funding for
23 upstate versus downstate. But the other
24 90 million, do you have the projects broken

1 out? And is there parity, you know,
2 throughout the state in the funding?

3 COMMISSIONER HARVEY: Absolutely.
4 Absolutely. And this is, you know, just one
5 particular park. And the first half of it
6 didn't even come out of our NY Works.

7 So, you know, we very carefully six
8 years ago, seven -- six years ago went and
9 looked at it all, looked at the entire state.
10 All our staff submitted all their capital,
11 submitted all their needs, we looked at it
12 across the board, across the geography. You
13 know, we're spending close to \$70 million,
14 actually, now in Niagara Falls, and we have
15 -- there's great parity here. And, you know,
16 that's what New York City's going to get, is
17 this new state park.

18 So -- and it's all done in phases.
19 And, you know, sometimes we have to aggregate
20 over two years to make it happen. And so
21 sometimes it looks like one gets more than
22 the other, but we're just aggregating. So
23 it's a really well-planned program with lots
24 of grassroots of all the people who know, and

1 a lot of that came with working with the
2 Legislature.

3 ASSEMBLYMAN BARCLAY: I have no doubt,
4 actually, and I can see the difference even
5 in my -- I have Selkirk State Park, I have
6 the Fort Ontario, and I've seen great
7 improvements there, so --

8 COMMISSIONER HARVEY: Oh, good.

9 ASSEMBLYMAN BARCLAY: -- I appreciate
10 that. Thank you.

11 COMMISSIONER HARVEY: Thank you.

12 CHAIRWOMAN KRUEGER: Thank you.

13 Senator Todd Kaminsky.

14 SENATOR KAMINSKY: I just have a --
15 you and I had a dialogue over the last
16 several budgets about staffing issues with
17 Park Police. There was a heart attack victim
18 in Jones Beach who was in an area where he
19 was not able to be gotten to for a period of
20 time, in which he unfortunately passed away.

21 Can you tell us where we are with
22 staffing for Park Police, whether you think
23 it's adequate and what direction we're headed
24 in?

1 COMMISSIONER HARVEY: We're the
2 highest that we've been with Park Police in a
3 decade. And each year we've been running
4 academies, by which, you know, we both
5 recruit, train and put on our force. And
6 it's just been increasing since 2008.

7 We're at 287, and -- coming this
8 summer, and our goal is to get to probably
9 300, which is the highest. And then also we
10 supplement it with both our public security
11 rangers, and we have about 120, 130 each
12 year, and they're seasonal. And they assist.
13 So, you know, you get above 400 with that.

14 And then most importantly, we have
15 great relationships with all the local police
16 forces and State Police. So, for instance,
17 on Long Island we throw big events -- you
18 know, we run it and our Park Police run it
19 but we've got State Police, you know, if it's
20 Nassau County, Suffolk County, whatever, all
21 working together.

22 And with respect to that particular
23 one incident, we've completely remedied it,
24 thank you. But it's -- the remedy was as

1 much also just getting the localities there
2 staying a little bit longer as well, because
3 we have these working partnerships with all
4 of our local police forces.

5 SENATOR KAMINSKY: Thank you. I will
6 obviously -- thank you for your service.

7 I'll be pressing your successor to obviously
8 take a good look at the policing numbers. I
9 think it's certainly a worthwhile investment.

10 And the hardworking men and women I talk to
11 feel pretty stretched and being asked to do a
12 great deal. We appreciate their service and
13 hope we can do whatever we can to supplement
14 it going forward.

15 Thank you.

16 COMMISSIONER HARVEY: Thank you.

17 CHAIRWOMAN KRUEGER: Thank you.

18 Assembly.

19 CHAIRWOMAN WEINSTEIN: I have a quick
20 question about the Shirley Chisholm State
21 Park. And first I just want to return to my
22 childhood, when we'd return from my aunt's
23 house to our house in Brooklyn and I'd be
24 asleep with my siblings in the back seat, I

1 always knew I was approaching home when I'd
2 get that wonderful odor from the Fountain
3 Avenue Landfill. So a lot of us in Brooklyn
4 are very appreciative to be seeing now a park
5 after this land has been reclaimed.

6 I was just wondering if you can give
7 us the plan for the timeline and -- well, the
8 plan for the park and the timeline for now
9 Phase 2 of the Shirley Chisholm Park?

10 COMMISSIONER HARVEY: So first of all,
11 I want to assure you there is no odor. It
12 was very amazingly well restored, and
13 actually restored back in the eighties, with
14 this notion of it ultimately to become a
15 park, which was very visionary back then, and
16 then planted with indigenous species. And
17 it's kind of, you know, a coastal pasture.

18 And we were working very closely with
19 DEC, who's been a fabulous partner, and then
20 New York City, who will still run out the
21 monitoring of the landfill.

22 We're planning to open this summer, in
23 July, and it will be the first phase. This
24 will be a passive park. There will be 3½

1 miles of shorefront. We're developing 10
2 miles of paths and biking paths. And we will
3 have a formal opening on the Penn side and a
4 bike opening on the Fountain side, and also
5 working to connect the two with bike ramps
6 off of the Jamaica Bay Greenway. And also
7 some kayaking, and we're bringing in a
8 concessionaire for bicycles, free bicycles,
9 for the community.

10 Then the next year and year thereafter
11 we will open the Fountain side. We will
12 build a small amphitheater. We're also
13 covering and making the two beautiful
14 wharves, they will be covered, put in the
15 shade for some food and so forth and so on.
16 And then we will connect, with some small
17 little bridge or ferry or whatever, the two
18 pieces.

19 It will be much more of a passive park
20 because most of it is a landfill. And it
21 will be one of the few in the country that,
22 you know, will be opened so quickly. And
23 don't worry, it's not because we're rushing,
24 it's because it was so well-capped and

1 restored.

2 CHAIRWOMAN WEINSTEIN: Thank you.

3 Senate?

4 CHAIRWOMAN KRUEGER: Yes, we have

5 Senator O'Mara.

6 SENATOR O'MARA: Thank you.

7 Thank you, Commissioner. Thank you

8 for your years of service. As my colleagues

9 have mentioned, it's been a real pleasure to

10 work with you, and I think we've accomplished

11 a lot in the last few years. So I want to

12 thank you for your efforts in particular with

13 Watkins Glen State Park and the great

14 rehabilitation that has been undertaken

15 there.

16 Can you outline for me where we stand

17 on finishing that project up, I believe what

18 we call the Indian Trail? I think part of

19 that remains to be opened, I believe.

20 COMMISSIONER HARVEY: Yeah. So I

21 think we're actually a little ahead of

22 schedule. And, you know, we had to remove a

23 massive amount of landslide for it. I think

24 that's done, and we have our own workforces

1 on it, and the ECC are on it.

2 And I think -- I'm going -- I'll write
3 you immediately if I'm wrong, but I think
4 we're looking to open this summer. I think
5 it was going to be later in the fall, and
6 I'll write you if I'm wrong. Or I'll call
7 you.

8 SENATOR O'MARA: Yup, okay. Thank you
9 for that.

10 And I just want to echo the concerns
11 that Senator Helming mentioned with regard to
12 Sampson. You know, I've been working on that
13 pretty much for the 14 years I've been in the
14 State Legislature, and it's nice to see some
15 progress moving there. But I would like to
16 see it move quicker to get that marina back
17 in shape to be used and truly to be a tourism
18 draw for the lake with that great state park
19 that's there.

20 So I commend you on your efforts for
21 getting us this far. Let's just get it
22 finished.

23 COMMISSIONER HARVEY: We will. And we
24 thank you for all of your help. Because it

1 was really deteriorated, and we didn't think
2 we were going to be able to do it. So we've
3 got a good concessionaire, we're going to
4 finish it.

5 SENATOR O'MARA: Thank you.

6 CHAIRWOMAN KRUEGER: Thank you.

7 Assembly.

8 CHAIRWOMAN WEINSTEIN: Thank you.

9 We've been joined by Assemblyman
10 Cusick, chair of our Energy Committee.

11 And to Assemblyman Englebright.

12 ASSEMBLYMAN ENGLEBRIGHT: So as I
13 reflect on the history of Jamaica Bay, I
14 reflect and realize that you're not the first
15 State Park commissioner to try to do
16 something in the fringy marsh of that
17 great -- in fact, it is the largest pocket
18 salt marsh in New York State, surrounded on
19 three sides by land. Robert Moses failed in
20 the late 1930s to do something meaningful in
21 the way of a state park.

22 When it was finally recognized by
23 birders as the best place to see birds in
24 eastern North America, the Jamaica Bay area

1 became a mecca, and the largest park in
2 New York City was the central islands around
3 Broad Channel. That in turn, in the 1960s,
4 stimulated the first urban national park, the
5 Gateway National Park, to which James Watt,
6 the Secretary of Interior, was so reviled by
7 it that he authorized an investigation to see
8 how to rescind the park -- and, indeed, sell
9 other national parks that might not be
10 wilderness areas.

11 He missed the point; you didn't. You
12 have succeeded where these others have not.
13 You have seen the potential of the area that
14 was cut off by the circumferential parkway.
15 The Belt Parkway of 1938 cut the people of
16 Brooklyn and Queens off from their water, and
17 you have established a new beachhead, and you
18 have opened a new vista of possible
19 recreational potential in the urban core of
20 our greatest city. I just want to say thank
21 you.

22 Thank you for what you -- you promised
23 that you weren't going to forget the urban
24 people of our state when you were first

1 appointed as commissioner, and you have lived
2 up to that promise and more. And you will be
3 going down in history as one of the great
4 commissioners of our state park system. I
5 just want to say thank you for your service.

6 COMMISSIONER HARVEY: Thank you very
7 much. And I also want to say that on the
8 Vital Brooklyn, the Governor sent me three
9 times -- I came back and said there is no
10 place. So he gets a lot of credit. And then
11 finally we saw those -- we saw Penn and
12 Fountain, and it was great.

13 But thank you --

14 ASSEMBLYMAN ENGLEBRIGHT: I remember
15 them when they were active landfills.

16 COMMISSIONER HARVEY: Yes. Yeah.

17 ASSEMBLYMAN ENGLEBRIGHT: But you're
18 making them into much more than that.

19 COMMISSIONER HARVEY: And thank you
20 for all of your partnership and leadership
21 and mentorship. Really appreciate it.

22 CHAIRWOMAN WEINSTEIN: Thank you.

23 Senate.

24 CHAIRWOMAN KRUEGER: So I was going to

1 ask some questions, but I think it's better
2 to close your career with the State
3 Legislature by letting Steve Englebright's
4 comments be the last on record.

5 So I also thank you for your service
6 and hope that whatever you're doing next will
7 be equally challenging and rewarding to you.
8 Thank you.

9 COMMISSIONER HARVEY: Thank you.
10 Thank you very much, all of you. Really
11 appreciate it.

12 (Applause.)

13 CHAIRWOMAN KRUEGER: Don't tell Basil;
14 we didn't applaud him.

15 (Laughter.)

16 CHAIRWOMAN KRUEGER: No one open their
17 mouths.

18 (Laughter.)

19 CHAIRWOMAN KRUEGER: Next up is
20 Richard Ball, commissioner of Agriculture and
21 Markets.

22 Good afternoon, commissioner. And
23 again, we're pointing out to everyone we have
24 a new clock system. You have 10 minutes.

1 We're urging you to highlight your testimony,
2 not read it all, so that you can get to the
3 important points.

4 And that clock, for people who can see
5 it, is green when we start go; it's yellow
6 when you have 1 minute left; and will angrily
7 beep at you when you hit the red.

8 So thank you for joining the
9 Legislature today.

10 COMMISSIONER BALL: Thanks for the
11 warning. Appreciate that. And before I
12 begin, let me just say, before you start
13 running the clock, that I also adore
14 Rose Harvey and it's been a privilege to work
15 with her as commissioner.

16 Good afternoon Chairwoman Krueger,
17 Chairwoman Weinstein, Senator Metzger,
18 Assemblywoman Lupardo, members of the
19 agriculture committees, and elected
20 officials. I am pleased to offer my
21 testimony regarding the 2019-2020 Executive
22 Budget for the Department of Ag and Markets.

23 The Executive Budget recommends over
24 \$175 million for the department. This will

1 allow us to maintain our core functions while
2 executing strategic new endeavors that
3 support our agricultural industry. Despite
4 continuing federal uncertainties and ongoing
5 challenges to our industry, both climate and
6 market-related, we continue to progress,
7 thanks to the Governor's commitment to the
8 agricultural sector and to our partnerships
9 with all of you.

10 First, we are excited that the
11 Governor's Executive Budget proposes a
12 multi-million-dollar increase in Aid to
13 Localities to ensure that the ag industry
14 remains steadfast during this time of change.
15 These dollars will support key programs like
16 Pro-Dairy, which helps our dairy farmers
17 increase profitability and competitiveness.
18 The funding will also support robust
19 programming for fruits and vegetables, maple,
20 honey, Christmas trees, animal disease
21 control, wine and craft beverages, migrant
22 childcare and more, and provides for crucial
23 marketing and promotion efforts within the
24 sector.

1 The budget fortifies our communities
2 through continued investment in our
3 Farm-to-School program. This program allows
4 children to have access to fresh, local foods
5 and connects our farmers to new markets.
6 This year we began a groundbreaking
7 commitment: school districts purchasing at
8 least 30 percent of their ingredients from
9 New York farms, and producers will receive a
10 25-cent reimbursement for lunches, up from
11 just 5.9 cents.

12 To reach the goal of reducing food
13 insecurity in New York by 10 percent by 2024,
14 the Executive Budget includes several new
15 initiatives that build on the work of the
16 Hunger and Food Policy Council and increases
17 access to food in underserved communities.

18 Combating climate change through
19 sustainable agriculture remains a priority.
20 This year, agricultural programming within
21 the Environmental Protection Fund will see a
22 \$4 million increase. These resources will
23 support several critical initiatives,
24 including an innovative, brand-new Healthy

1 Soils NY program. This, along with increases
2 for our Agricultural Non-Point Source
3 Abatement and Control Program and our Soil
4 and Water Conservation Districts, will help
5 our farms to continue their good work in
6 preserving soil health and water quality.

7 This past December the Regional
8 Economic Development Councils awarded more
9 than \$42 million to projects that will help
10 grow and expand our farms and food businesses
11 across New York State. Expanding on that
12 strategic investment approach, the Governor
13 has proposed a new \$15 million New York Food
14 and Agriculture Challenge this year, which
15 will spur innovation by awarding prize money
16 to food and agriculture firms that show
17 promising and high-impact business growth.

18 Our Taste NY and NYS Grown & Certified
19 programs continue to grow, providing
20 unparalleled promotion of our homegrown
21 products. The Executive Budget includes
22 funding for the Taste NY program to further
23 boost our local food and farm businesses and
24 encourage tourism. New York State Grown &

1 Certified will also continue to connect our
2 world-class growers and producers to
3 consumers and the growing demand for foods
4 that are safely handled and grown in an
5 environmentally responsible manner.

6 Ensuring food safety in New York is
7 more important than ever, and the
8 extraordinary growth within the food and
9 beverage industries, coupled with new food
10 safety regulations, are increasing our
11 department's workload. I am pleased that the
12 Executive Budget provides support in this
13 area with additional full-time employees to
14 assist with the department's food safety
15 responsibilities. This will allow staff to
16 remain vigilant to food safety issues and
17 continue to protect public health.

18 Finally, our New York State Fair
19 shattered attendance records this past year
20 as it welcomed a total of 1.26 million guests
21 and set the seven highest single-day
22 attendance records in the fair's long
23 history. The proposed \$5 million in the
24 budget for the State Fair will fund strategic

1 renovation projects at some of the fair's
2 older structures, ensuring we continue to
3 draw visitors and showcase the bounty of
4 New York agriculture.

5 This year's Executive Budget is great
6 news for our farmers and farm communities,
7 our entrepreneurs, our environment, and our
8 children. As the development of a state
9 budget is a partnership with the Legislature,
10 we look forward to hearing what your
11 priorities will be and working with you in
12 the year to come. Thank you so much.

13 CHAIRWOMAN KRUEGER: Thank you very
14 much. You finished in five minutes. You get
15 extra points here today. Thank you very
16 much, Commissioner.

17 Our first questioner -- I think we are
18 actually waiting for the chairs of some of
19 the committees to get down from the floor,
20 but I'm going to turn it to Senator Seward.

21 SENATOR SEWARD: Thank you,
22 Commissioner, for being here and for your
23 great service to the people of the State of
24 New York.

1 I'm not going to use the word "adore,"
2 but I like you very much --

3 (Laughter.)

4 COMMISSIONER BALL: Appreciate that.

5 SENATOR SEWARD: -- since you come
6 from my district, the pride of Schoharie
7 County.

8 COMMISSIONER BALL: Thank you so much,
9 Senator.

10 SENATOR SEWARD: Just a couple of
11 quick questions.

12 I noted that the Executive's proposal
13 recommends an increase I believe of 29
14 full-time equivalent positions at Ag &
15 Markets. Now, you mentioned the Food Safety
16 Program. Are all 29 in that area, or can you
17 elaborate in terms of where those additional
18 positions will be?

19 COMMISSIONER BALL: Yes, the majority
20 of those positions are going to be dedicated
21 to food safety, some administrative.

22 One of the good things the Governor
23 charged me with doing was connecting our
24 agricultural community to the marketplace in

1 a better and more meaningful way. And we've
2 grown our industry in the state, and the
3 number of facilities that we now need to
4 inspect has grown by about 16 percent. So
5 our job is getting bigger as we are
6 successful. And so with the addition of the
7 Food Safety Modernization Act being passed by
8 Congress and rolling out its implementations,
9 particularly with regards to produce and
10 animal food, et cetera, we're looking at
11 seven roles there. These are staffing
12 requirements that are very important to us
13 right now, so this will adequately help us
14 ensure food safety for our consumers in New
15 York.

16 SENATOR SEWARD: Thank you.

17 As you mentioned in your testimony,
18 there is additional capital monies for the
19 New York State Fair. Can you elaborate at
20 all in terms of what the upcoming projects
21 will be in terms of use of those funds that's
22 projected?

23 COMMISSIONER BALL: Yeah, this is a
24 nice increase. We've had a capital fund

1 allotment of about \$2.5 million to keep
2 maintenance up on our buildings across the
3 State Fair. This is doubling that amount.
4 And we're going to look to continue the
5 progress we've made over the last several
6 years' dramatic improvements to the
7 State Fair. But we're going to look at
8 maintaining some of the older buildings,
9 bringing them up to code, increasing the
10 capacity, specifically at the western end of
11 the fair.

12 The west end of the fair is where
13 we've located the expo building, the largest
14 exposition center that's north of New York
15 City, in between Chicago and Boston --
16 136,000 square feet. And that's really
17 helped to lift the west end of the fair up.
18 And we're going to continue to look at
19 activities and ways to improve the west end
20 so we can spread people across the whole
21 fairgrounds. I'm thinking specifically about
22 FFA and 4H buildings and the youth events
23 that happen there and the birthing center.

24 And also in the last month we lost the

1 roof on the sheep barn. We're still looking
2 for that. We understand it's somewhere
3 around Solvay.

4 (Laughter.)

5 COMMISSIONER BALL: But we're going to
6 need to repair the sheep barn and things like
7 that.

8 So that's where the funding is going
9 to go.

10 SENATOR SEWARD: Thank you for that
11 explanation.

12 And finally, once again this year the
13 Governor has eliminated numbers of -- \$13 to
14 \$15 million of various ag-related initiatives
15 that the Legislature has put in last year
16 supporting all kinds of agricultural pursuits
17 here in the state -- for the Wine and Grape
18 Foundation, apple growers. In my area, the
19 {inaudible} of Bassett healthcare, the
20 tractor rollover program -- I mean, the list
21 goes on and on.

22 I'm sure you're familiar with those
23 types of programs. Even though they are not
24 in the budget, how do you view those

1 programs, and are they important to the
2 agricultural community here in New York State
3 in terms of our future?

4 COMMISSIONER BALL: Sure. Thank you.

5 Well, the Aid to Localities budget that
6 you're speaking about has always been a
7 process. And the Governor in his Executive
8 Budget has an opportunity to highlight his
9 priorities there, and then as this process
10 rolls out the Senate and the Assembly both
11 have an opportunity to weigh in on that and
12 bring your table monies to bear.

13 And I have to say that for me, I'm
14 excited by this budget because we have the
15 largest Executive Budget for agriculture in
16 history. The Governor has met and exceeded
17 all the things he's put in the Executive
18 Budget for agriculture by about \$8 million
19 this year. It was intentional to list all
20 those crops when I was going through my
21 opening testimony, and opportunities for
22 agriculture -- it was quite intentional to do
23 that, because I see all those lines as
24 critical to the future of agriculture.

1 Certainly look forward to getting your
2 input in this process. You get to represent
3 the constituencies out there and bring to
4 bear the insight that we need to pull this
5 over. So look forward to continuing to do
6 that. It's a partnership.

7 Thank you.

8 SENATOR SEWARD: Suffice it to say
9 that if the Legislature finds the money to
10 make restorations to the Aid to Localities
11 budget, you would not object.

12 COMMISSIONER BALL: Not a bit. Look
13 forward to working with you on that.

14 CHAIRWOMAN KRUEGER: Thank you.

15 Assembly.

16 CHAIRWOMAN WEINSTEIN: Assemblywoman
17 Donna Lupardo, chair of our Agriculture
18 Committee.

19 ASSEMBLYWOMAN LUPARDO: Thank you very
20 much. Thanks, Commissioner --

21 COMMISSIONER BALL: Congratulations,
22 by the way.

23 ASSEMBLYWOMAN LUPARDO: Thank you very
24 much. I'm looking forward to working with

1 you; we've worked closely, of course,
2 together for the last few years as we've gone
3 down the industrial hemp road together, and
4 I've certainly appreciated how hard your
5 entire agency has worked to bring on that new
6 agricultural commodity. And obviously we're
7 facing some new challenges as this expands
8 into other areas.

9 I just want to continue the
10 conversation that Senator Seward just
11 started. So obviously you've put in a lump
12 sum -- the Governor has put in a lump sum
13 appropriation for all these items. And I
14 recognize it does represent an increase from
15 previous years, and that's greatly
16 appreciated.

17 My understanding is that funding for
18 these programs would be pursuant to a plan
19 approved by the Director of Budget. How do
20 you anticipate that working exactly? Because
21 I think you know where I'm heading here, but
22 --

23 COMMISSIONER BALL: Sure. Sure. We
24 have a very strong commitment from the

1 Governor on agricultural programs. We have
2 an open line to each one of these ag groups
3 across the state. And you know them, and
4 they'll come in to see you, they've come in
5 to see us. I think I see it very much as a
6 process of us sitting down together and
7 talking about the impacts and the relative
8 merit of all the requests that are there.

9 And I think we have an opportunity to
10 probably put together the best budget for
11 agriculture that New York has ever seen.

12 So I look forward to working with you
13 on that.

14 ASSEMBLYWOMAN LUPARDO: Yeah, I'm
15 certainly counting on that. But I mean it
16 should come as no surprise that we're all
17 going to want to see those things lined out
18 eventually. I don't think we're going to be
19 comfortable seeing a lump sum passed. I
20 mean, there's just so much uncertainty among
21 those important groups, from Cornell and Farm
22 Viability and so many others.

23 So I just want to make sure I speak on
24 behalf of all of my colleagues. And that is

1 going to be our expectation; we want to be,
2 as you mentioned, actively engaged. But is
3 that where you think we're heading, that
4 we'll see this, you know, lined out as we're
5 used to?

6 COMMISSIONER BALL: Yeah, I think in
7 our conversations we'll be very clear about
8 what we see as priorities and what you see as
9 priorities. We'll have that opportunity very
10 much, yes, exactly.

11 ASSEMBLYWOMAN LUPARDO: That's good.
12 And it also gives us an opportunity to review
13 programs that have been historically funded
14 and to see what we still need to fund, what
15 could potentially become a pilot program for
16 other parts of the state that have been
17 typically restricted to one geographic region
18 or another. So, you know, we're very excited
19 about this possibility of elevating
20 agriculture really to the -- one of the
21 primary economic drivers for the State of New
22 York, specifically for upstate, but
23 throughout the state.

24 COMMISSIONER BALL: Yeah, without

1 question. And with regards to your role
2 specifically, you represent a specific area
3 in the state and you have constituencies
4 there, and the needs change, they may change,
5 for example -- and I don't mean to pitch you
6 a softball here, but who saw industrial hemp,
7 you know, a few years ago? And now it's such
8 a significant thing for us.

9 ASSEMBLYWOMAN LUPARDO: Absolutely.

10 I want to talk to you about Farm to
11 School for a few minutes. I know how
12 passionate you are about the Farm to School
13 program, and we had recently announced a
14 million and a half dollars in awards for the
15 Farm to School program. And I'm just
16 curious, was the program oversubscribed? In
17 other words, you know, did we get more
18 applications than we could fund? You know,
19 what might that look like ideally if we were
20 trying to really do what I think you want to
21 do down the road?

22 COMMISSIONER BALL: Sure, thank you
23 for the recognition of the passion on that
24 subject. The Governor has added to the Farm

1 to School budget in every year, and we've
2 seen this grown to \$1.5 million this year.
3 And yes, it's oversubscribed every year.

4 The interest in Farm to School in the
5 schools, in the districts across the state is
6 growing every year. I think it's a subject
7 and it's something intuitive for most of us
8 that it makes sense for New York kids to be
9 eating New York agricultural products. But
10 it has been hard to get there. And finally,
11 I feel like we're turning a corner here and
12 the energy in the school systems is
13 tantamount to just wonderful.

14 And so I think we're seeing more
15 interest, more encouragement, particularly
16 when you couple the opportunity now for the
17 schools to get a bigger share of their lunch
18 menu paid for by New York State. The 5.9
19 cents that has been the New York contribution
20 has been that same level for 40 years.

21 Traditionally, most of that funding comes to
22 the school districts through USDA and through
23 those kind of reimbursements, and through
24 Department of Defense surplus. But for the

1 first time, New York State is stepping up in
2 a big way to help that, which has just
3 energized the whole Farm to School movement.

4 So yeah, it's oversubscribed, it's
5 been oversubscribed every year, and it's just
6 the right thing to do and the right time.

7 ASSEMBLYWOMAN LUPARDO: Do we have an
8 idea of how many school districts could
9 potentially qualify for that 30 percent
10 threshold?

11 COMMISSIONER BALL: I'm sorry, could
12 you repeat that?

13 ASSEMBLYWOMAN LUPARDO: How many
14 school districts do you think will be able to
15 qualify to meet that 30 percent threshold?

16 COMMISSIONER BALL: Boy, I'd be
17 hard-pressed to put a number on it. We have
18 somewhere around 1200, I believe. But I'm
19 hearing passion from all of them, including
20 the biggest one in the state.

21 ASSEMBLYWOMAN LUPARDO: Just switching
22 over to food inspectors, if you could just
23 explain again -- I think you may have touched
24 on it -- why we are needing 29 new food

1 inspectors. And where I'm heading also is
2 are we seeing an impact, with the government
3 shutdown, for food safety?

4 COMMISSIONER BALL: Well, thank you
5 for that. Yes, great point.

6 We've had some retirements, you know,
7 recently. We've had our fill level -- with
8 these 29, it will bring us up to 512. So our
9 fill level has been improved, which is
10 awesome. But the work that we're doing in
11 this workplace is growing. You mentioned the
12 shutdown. And we're a victim of our own
13 success in having more places to inspect,
14 more dairy processing plants, more retailers,
15 et cetera, more 20-C licenses all across the
16 state as we work on helping farmers expand
17 their offerings to consumers. So it's a
18 wonderful problem.

19 We work very closely with FDA in
20 Washington. Probably the two biggest
21 agencies we interact with more often are USDA
22 and FDA. And there we share -- we're
23 co-regulators in the food safety arena. And
24 so as we see the Food Safety Modernization

1 Act on the roll, the amount of time we need
2 to spend in inspections, in our dairy plants,
3 in our beverage and craft food processing
4 facilities around the state -- and as we grow
5 those facilities, we just need to be more
6 vigilant and do more work.

7 And much of the work is cooperative
8 with FDA, but a lot of it's on us. Right now
9 with the shutdown, people are worried about
10 inspections, et cetera. We do most of the
11 inspections in the state now. And so we are
12 keeping up with the large number of
13 inspections that need to be done. The food
14 is safe in New York.

15 The USDA functions are largely with
16 regards to some of the commodities; they
17 tackle that. And those that are paid for by
18 user fees are continuing, they're not shut
19 down.

20 But with FDA, we've seen a concern
21 about getting answers to questions, looking
22 for guidance as we go forward with the new
23 regulations, and that's a concern.

24 ASSEMBLYWOMAN LUPARDO: I'm going to

1 spend the rest of my time on the new Office
2 of Cannabis Management. Obviously -- it may
3 not be obvious, but it will be in a second --
4 the people who are working in the hemp
5 industry are a little bit concerned about the
6 way that is being framed in terms of how hemp
7 will be treated. And I'm just curious if you
8 could answer a general question, is what your
9 department's role will be in the regulation
10 of cannabis or in the participation in this
11 new office. And then I have a more serious
12 follow-up.

13 COMMISSIONER BALL: Okay, sure.

14 The Governor has a proposal to
15 consolidate industrial hemp, medical and
16 adult-use marijuana, into one office, the
17 Office of Cannabis Management. I think that
18 makes good sense. We will continue to
19 regulate and be involved with the production
20 of industrial hemp as food and fiber, et
21 cetera. But when we get into the CBD area,
22 obviously we get concerned with daily
23 recommended allowances and things like that
24 which clearly fall outside the Department of

1 Agriculture. Hence the reason behind all of
2 this.

3 So I think it's a good program, a good
4 process. I think we're going in the right
5 direction.

6 ASSEMBLYWOMAN LUPARDO: I just want to
7 point out for the record that in the Farm
8 Bill it states that states like New York can
9 put more restrictive parameters on the
10 production of hemp, but are not authorized to
11 alter the definition.

12 So there's some issue with the way
13 this bill is constructed where it defines
14 hemp as industrial hemp versus cannabis hemp.
15 And I don't think we're going to be allowed
16 to do that on the federal level.

17 Also, many people who are working in
18 CBD view it as a botanical extract, and that
19 by separating it and including it in the
20 realm of medical marijuana and with the adult
21 use, it almost relegates it into the
22 controlled substances world, which it's not.

23 So I just wanted to flag that for you
24 as we go forward with this negotiation. And

1 I hope the Ag team will be as involved as
2 anyone in the discussions.

3 I might have a couple of follow-ups
4 when we're done. Thanks.

5 COMMISSIONER BALL: Yeah, and we're
6 unfortunately in a bit of a gray area right
7 now. The Farm Bill was pretty helpful in
8 opening up the doors a little bit more. But
9 unfortunately with the government shutdown,
10 those guidance, those regulations are not
11 coming forward. And so in the meantime,
12 we're going to continue going forward with
13 what we've got in New York State. So thank
14 you so much.

15 ASSEMBLYWOMAN LUPARDO: Thank you.

16 CHAIRWOMAN WEINSTEIN: We've been
17 joined on the Assembly side with
18 Assemblywoman Latrice Walker and Assemblyman
19 Billy Jones.

20 Senate?

21 CHAIRWOMAN KRUEGER: Thank you. And
22 we've been joined by Senator Ortt.

23 And our next questioner will be
24 Senator Jen Metzger, the chair of the

1 Agriculture and Markets Committee.

2 COMMISSIONER BALL: And

3 congratulations once again.

4 SENATOR METZGER: Thank you. And

5 thank you for --

6 CHAIRWOMAN KRUEGER: Turn your

7 microphone on.

8 SENATOR METZGER: How's that? better?

9 I'm really looking forward to working

10 with you as the new chair. And as a farmer

11 yourself, you bring a very valuable

12 perspective to this job, so I appreciate

13 that.

14 COMMISSIONER BALL: Thank you.

15 SENATOR METZGER: I guess I wanted to

16 just first of all say that I am very pleased

17 to see the level of funding in this budget --

18 CHAIRWOMAN KRUEGER: Senator Metzger,

19 we're going to ask you to speak a little

20 louder.

21 SENATOR METZGER: Oh, sorry. Okay.

22 I said, just to repeat, I'm very

23 pleased to see the level of funding in this

24 budget for agriculture, compared to previous

1 years. I do share my counterpart's concern
2 about seeing just a lump sum and not the
3 specific budgets for each item, and would
4 just like to reiterate that I hope that we
5 can perhaps work together and go over how --
6 just compare, line by line, previous budgets
7 and discuss what you see the priorities to
8 be.

9 And is there a time -- do we have a
10 time frame for this process?

11 COMMISSIONER BALL: April 1.

12 SENATOR METZGER: No -- okay. All
13 right.

14 COMMISSIONER BALL: It's going to be
15 great.

16 SENATOR METZGER: So we can get
17 together before then and sit down -- with
18 both committees, I think would be really
19 valuable.

20 COMMISSIONER BALL: Yeah. Look
21 forward to your input on that, Senator.

22 SENATOR METZGER: Okay. I wanted
23 to -- first of all, I think there is just
24 such a huge potential for agriculture in

1 climate mitigation. And I'm very pleased to
2 see a significant increase in funding for the
3 climate resilient plans, including
4 climate-resilient farms and the
5 carbon-farming pilot program.

6 I was wondering if you could just give
7 a little bit of an overview of how that money
8 is going to be spent.

9 COMMISSIONER BALL: Sure. Well, we're
10 doubling the climate resiliency money from
11 2.5 to 5 million, which is wonderful.

12 SENATOR METZGER: Yup.

13 COMMISSIONER BALL: I live in the
14 Schoharie Valley, one of -- arguably -- our
15 better agricultural regions in the state.
16 And in 2011, I saw 18 foot of water on my
17 farm in August, which was historic and
18 unprecedented and pretty scary. We had
19 43,000 acres underwater.

20 A few years later the Governor asked
21 me to take on this role, and I walked across
22 the state here a couple of years ago and saw
23 one of the biggest droughts we had ever seen
24 in New York State history. We had virtually

1 every county in our state designated a
2 disaster area by USDA. And then the last two
3 years we've seen incredible rainfall, and
4 we've had flooding concerns and we've had
5 difficulty harvesting crops.

6 So clearly people can debate the
7 reason for climate change, but farmers cannot
8 dispute the fact that they're seeing changes
9 in their environment. And so this funding
10 has been instrumental in helping farms look
11 at drought mitigation, look at how to handle
12 water in a better way, look at more efficient
13 delivery systems for irrigation, piping,
14 getting water for livestock.

15 You know, a couple of years ago,
16 literally every corner of the state, dairy
17 farms were hauling water into their farms to
18 keep their cattle alive, and wells were dry.
19 And so we've seen these extremes. And so I
20 think the timing is totally appropriate and
21 frankly probably overdue for us to pay
22 attention to this.

23 So we're going to continue to do a lot
24 of that work that we've begun. And again,

1 it's oversubscribed work. All our farms need
2 to adapt and get more resilient to the
3 climate changes as we go forward. So the
4 lion's share of that work is going to be
5 there.

6 We rely so heavily across the state on
7 our Soil and Water Conservation Districts.
8 They're the folks on the ground that have the
9 tools to come in with the programs, do the
10 engineering, help a farmer actually implement
11 practices on his farm. So some of the
12 funding there goes to increase that budget
13 from \$10 million to \$10.5 million, which is
14 totally appropriate.

15 And I think someone made mention of
16 the Healthy Soils Initiative. You know, I
17 get to go to, as a farmer, a lot of
18 conferences, and as commissioner I get to go
19 there as well. And whether I'm -- whatever
20 conference I'm at, probably the most
21 high-energy and full-packed room is the one
22 where discussions about soil health are
23 happening. And so as a lifelong farmer and
24 from a tradition of farming, things that our

1 grandparents knew about soils and rotations
2 and things like that are in vogue and are
3 being subscribed to, but today we have better
4 science, so we know more about it. Whereas
5 we did things that felt right, that made us
6 feel good about the soil, now we can document
7 that, we can analyze that, and we can
8 actually quantify it. And I think this is
9 going to help us take agriculture to a much
10 higher level.

11 SENATOR METZGER: Okay. And just
12 so -- the vast majority of that funding is
13 for resilience and mitigation is a --

14 COMMISSIONER BALL: The biggest part
15 of that. And there's also, I think, a
16 million dollars in there in increase for ag
17 non-point source abatement and control, which
18 is critical for nutrient management on our
19 farms.

20 SENATOR METZGER: Okay. I'm a little
21 bit out of time, but I wanted to ask -- it's
22 so important to ensure that economic
23 development in New York is linked to our
24 agricultural sector and supports it. And

1 that's been a concern of mine, that there
2 hasn't been enough of that. And I wanted to
3 just get a sense of whether you have programs
4 that support local processing and if your
5 agency works with Empire State Development,
6 which gives out a lot of money, on fostering
7 those linkages to our agricultural economy.

8 COMMISSIONER BALL: Yeah, absolutely.
9 I've been -- as a farmer coming into state
10 government for the first time in 2014, felt
11 very welcomed by all the other commissioners
12 and state agencies, frankly, and by this
13 Governor. But one of the joys I have is I
14 get to work with Howard Zemsky at ESD. I
15 have his cellphone number; he has mine. We
16 talk often.

17 He is an investor, as the Governor is
18 an investor. Just in this last round of the
19 REDC awards, \$42 million in agricultural
20 projects were awarded. Which is, I think,
21 wonderful. We identified the need,
22 particularly in dairy, for more processing
23 capacity in our state. And in the last two
24 years, we've invested \$50 million in

1 improving dairy capacity in our state.
2 Whenever I see Howard or the Governor and
3 they ask about the state of agriculture, they
4 want to know how can we help. And I think
5 we're in a good place there.

6 I think we're looking for new ideas,
7 looking for ways we can invest. The very
8 first conversation I had with the Governor
9 was about connecting the dots between one of
10 the best agricultural communities in the
11 country, the best land grant system for
12 education and agriculture in the country, a
13 state with some of the best resources in the
14 country, connecting the dots between that
15 community and the biggest marketplace, the
16 most amazing and diverse marketplace anywhere
17 in the world. And that continues to be the
18 subject of our discussion. And so that takes
19 investing. But yeah, we're there.

20 SENATOR METZGER: All right. Last
21 question, because I'm running out of time.

22 What is your agency doing or do you
23 have plans, ahead of the likely legalization
24 of marijuana, to make sure that in New York

1 we're supporting small farmers, our family
2 farmers' and small farmers' entrance into
3 those markets, and specifically, you know,
4 preventing it from being taken over by much
5 bigger agricultural interests?

6 COMMISSIONER BALL: Yeah. Part of
7 connecting the dots is connecting with
8 markets, and size-appropriate markets. Not
9 every small farmer can handle what New York
10 City SchoolFood, the largest buyer of food in
11 the United States, needs. We have growers
12 who can do that, but we need a space and a
13 marketplace for our small farmers as well.

14 So I think our new marketing program
15 for agricultural products in the state, NY
16 Grown & Certified, is helping drive the
17 marketplace to the small farmers, the large
18 farmers, to all farmers who grow New York
19 stuff. The interest in local is fantastic.
20 The desire for this next generation to know
21 what their grandmother knew about food
22 preparation and freshness and quality is
23 awesome. We need to build on that.

24 SENATOR METZGER: So I was speaking

1 specifically with reference to the
2 opportunities for hemp and marijuana
3 cultivation, those new markets, whether
4 you're looking at ways to support small
5 farmers who want to diversify into that to do
6 so.

7 COMMISSIONER BALL: Sure. Yeah, we've
8 got a lot to learn about hemp. We threw away
9 everything we learned about hemp many years
10 ago when it got outlawed. And so I have to
11 say that when I go to Cornell and visit with
12 them and look at the update on research with
13 regards to hemp, I think it's -- there's
14 somewhere around 2500 uses, and every other
15 day I'll hear from Assemblywoman Lupardo
16 about one more use, one more opportunity.
17 And I think that's -- we've just got to make
18 sure the landscape fits our small farmers as
19 well as our larger farmers.

20 CHAIRWOMAN KRUEGER: Thank you.
21 Assembly.

22 CHAIRWOMAN WEINSTEIN: Assemblyman
23 Barclay.

24 ASSEMBLYMAN BARCLAY: Good afternoon,

1 Commissioner. I have one specific question
2 and then one broad question.

3 Congratulations on the State Fair. I
4 like to go there every year, being a Central
5 New Yorker. And I think your director's
6 doing a terrific job there.

7 That made me think of county fairs. I
8 know there's some funding in the budget for
9 county fairs. Is there any discussion about
10 expanding that or making sure that all county
11 fairs are actually tapping into that money?

12 COMMISSIONER BALL: Yeah, that's been
13 an enormously successful program. We've had
14 two rounds of funding for county fairs, \$5
15 million each time. We have -- we're in the
16 process right now -- we took applications --
17 of reviewing them, and we'll be awarding the
18 next round, the second round to county fairs.
19 This year we expanded it, with your help,
20 actually, to include water infrastructure
21 challenges, because a lot of the rural county
22 fairs, it's not just about building a new
23 racetrack or a new building, but water issues
24 and supply and stuff.

1 So it's been very well received, very
2 popular. This was an add by the Legislature
3 and was appreciated by the County Fair
4 Association in a big way. And we still don't
5 have all the awards done, but we're in the
6 process of doing that. They need to come to
7 us and say what their project is, figure out
8 the scope, what it's going to cost. But a
9 lot of small fairs have been able to invest
10 significantly, and I think it's a huge
11 success.

12 ASSEMBLYMAN BARCLAY: Great. Thank
13 you. We do too.

14 COMMISSIONER BALL: So thank you for
15 your support on that.

16 ASSEMBLYMAN BARCLAY: More of a
17 general question, I'm sure you hear from
18 farmers all the time, I do in my district,
19 about regulatory overreach. Is there
20 anything in this budget, whether it's labor,
21 whether it's environmental, et cetera, is
22 there anything -- I know you talked about
23 climate change and other things that are
24 maybe adding to the regulatory burden. Is

1 there anything to provide any relief to
2 farmers from the regulatory burden in this
3 budget proposal?

4 COMMISSIONER BALL: In this particular
5 budget it's not really lined out to minimize
6 that. But I will say, you know, the first
7 thing the Governor asked me to do back in
8 2014 was to put together a workgroup, bring
9 in farmers, bring in all the agencies in the
10 state that regulate farmers, and look at
11 streamlining the regulations. And where
12 there's duplicative efforts on the part of
13 the state, let's understand that. Where
14 there's challenges to the community, let's
15 understand that.

16 This was my first acronym in state
17 government as a farmer, and we called it the
18 SILO Workgroup. And we focused specifically
19 on that. We brought in the agencies and the
20 farmers, I got to bring in a group of
21 farmers, and we looked at what we can do to
22 streamline the regs. And we found in many
23 cases that we had more than one state agency
24 inspecting, for example, housing on farms to

1 three different standards. Well, let's a
2 pick a standard -- it can be the toughest
3 one, but let's pick a standard and let's pick
4 an agency.

5 So the memory and the help that SILO
6 brought us keeps us working in that
7 direction. And I would have to say that
8 working with other members of the cabinet,
9 their understanding of agriculture was
10 uplifted. And for the farm community, their
11 understanding of how state government works
12 and that there was a person they could call
13 and understand an issue with better was
14 greatly uplifted as well.

15 I think another example of that is the
16 workforce retention credit we have for
17 farmworkers. We worked very closely with
18 health, labor, DEC on these issues, as we're
19 all in the same environment together. So
20 yeah, that's an ongoing mindset and frankly a
21 theme of the Governor to not be a bunch of
22 different agencies, but to New Yorkers be one
23 government.

24 ASSEMBLYMAN BARCLAY: I appreciate

1 that. I mean, oftentimes bad facts make bad
2 law. You know, we react to something because
3 something happens on a farm, we figure
4 there's got to be a rule put in to prevent
5 the tragedy or whatever happened on the farm.

6 But those very often have long-term effects
7 and, you know, the extension of those rules
8 can be very expensive, and whether they're
9 really conquering the problems that they're
10 trying to solve is always a question.

11 So I appreciate your thoughts on that,
12 and I would just urge you to keep your eyes
13 open and anything we can do --

14 COMMISSIONER BALL: I'd be happy to
15 talk with you more about some of the things
16 we're doing. But great question.

17 ASSEMBLYMAN BARCLAY: Thank you. Thank
18 you.

19 CHAIRWOMAN WEINSTEIN: Thank you.
20 Senate.

21 CHAIRWOMAN WEINSTEIN: Thank you.

22 Senator Ortt, the ranker on
23 Agriculture and Markets.

24 SENATOR ORTT: Thank you very much,

1 Senator Krueger, Senator Seward.

2 And Commissioner Ball, good to see
3 you. And I apologize if some of my questions
4 or comments are repetitive. I came from
5 session, so I don't know what preceded me.
6 So if you've heard it before, you'll just be
7 that much more prepared to answer the
8 questions, I guess.

9 But I do want to make one observation
10 or comment, and I think it's important. And
11 I think this was being discussed when I got
12 here, which was that the Governor has
13 provided a lump sum, but there are a
14 significant amount of adds, legislatively and
15 programs, and those are not lined out.

16 And while I certainly would never not
17 take the Governor at his word that he
18 promises to fund many of these programs, I
19 would sleep a lot better at night if I saw
20 them lined out in the budget. And I think we
21 would be abdicating our responsibility as a
22 legislature if we did not do that ourselves
23 anyways, because that's why we're here. And,
24 you know, we may want to see some additional

1 funding to a specific program like Harvest NY
2 or whatever it might be. Many of these
3 programs haven't seen increases, as you
4 probably are well aware, for many years.

5 So when you travel the state,
6 Commissioner -- I know you have, and I know
7 you come from a farming background -- I guess
8 what are some of the issues you hear from
9 farmers, particularly as they compete against
10 farms across the country? And what do you
11 think the Executive Budget is doing or what
12 we can do as the Legislature to address those
13 concerns?

14 COMMISSIONER BALL: Well, that's a
15 pretty big question there, Senator --

16 SENATOR ORTT: I'm sure it is.

17 COMMISSIONER BALL: -- but thank you.
18 The two biggest issues I hear about are
19 concerns over nationally what's going on,
20 what's happening in Washington, trade issues.
21 Forty-eight percent of what we produce in New
22 York State goes outside our borders, for
23 example. So concerns about trade are very
24 large for our farmers.

1 And concerns about labor and
2 immigration, guest worker program, et cetera.

3 They are the two largest concerns that
4 I hear from our farmers. And obviously, you
5 know, you could throw in -- we can keep going
6 with the price of commodities, dairy, et
7 cetera, which are kind of intertwined with
8 both those issues.

9 As a state, New York is very active
10 nationally and internationally on the subject
11 of trade. I get to represent New York State
12 at the Tri-National Accord, which I did this
13 past October for the third time, which is a
14 meeting between the commissioners,
15 secretaries, directors of agriculture in the
16 United States with our corresponding
17 secretaries of ag in the 32 states of Mexico
18 and also the ministers of ag in Canada. And
19 we discuss trade. We talk about specifically
20 grain and wine and dairy and labor. Those
21 are very important things.

22 And we can have a role there. It's a
23 little harder to change some of those things,
24 you know, as one state. So we're very active

1 in that role.

2 But here in New York State, the things
3 that we can put our arms around that affect
4 us, we do.

5 So it's very hard to change the value
6 of our dollar against foreign currency, for
7 example. It's hard for us to influence how
8 much China will buy next year in dairy
9 products. I can't make Washington, D.C., get
10 rid of the tariff with Mexico, which has cost
11 our dairy industry probably \$1.8 billion
12 since last May.

13 But here in New York, in New York we
14 can work on making sure that we have a bigger
15 market share of our market right here. So
16 things like our brand, about NY Grown &
17 Certified, things like our brand with Taste
18 NY are very positive, very strong things that
19 we can do. Our Farm to School program:
20 Let's make sure we get more New York
21 institutions, more New York kids eating stuff
22 that we produce here in New York. Let's work
23 on turning around the dairy industry and
24 getting kids drinking milk again, seeing

1 fluid milk consumption go up. Let's support
2 the yogurt industry and the cheese industry
3 and keep those things going.

4 SENATOR ORTT: Sure.

5 COMMISSIONER BALL: Those are things
6 that we work on.

7 SENATOR ORTT: Thank you,
8 Commissioner. And I hate to cut you off; I
9 wanted to get one more question in.

10 You know, it was brought up by one of
11 my colleagues from the Assembly about
12 regulations. And a lot of the regulations
13 that impact our farms don't necessarily come
14 out of your agency. And some of them don't
15 even come out of the Legislature, they come
16 out of other agencies as well. And of course
17 that impacts their ability to compete, as I
18 said, nationally and even globally.

19 What are you doing, you know, to try
20 to assist those farms when it comes to
21 regulations? Do you take a position, do you
22 advocate with other agencies to try to reduce
23 what you feel would be harmful regulations on
24 the farms here in New York State?

1 COMMISSIONER BALL: Absolutely. We do
2 that on a daily basis. Fortunately, we have
3 above-average working relationships with our
4 partners at Department of Labor, DOH, and
5 DEC, of course. So those are constant
6 things.

7 And fortunately, we have a good
8 working relationship. When they have a
9 concern thinking about doing something, we
10 work together, we talk it through. But yes,
11 absolutely. Thank you.

12 CHAIRWOMAN KRUEGER: Thank you.
13 Assembly.

14 CHAIRWOMAN WEINSTEIN: Assemblywoman
15 Woerner.

16 ASSEMBLYWOMAN WOERNER: Thank you,
17 Chairman Weinstein.

18 Thank you, Commissioner. I have a
19 bunch of questions, so I'll go through them
20 quickly, hopefully.

21 I noticed that there's a 40 percent
22 growth in reappropriations year over year,
23 and I'm wondering is that a reflection of a
24 timing issue or is it perhaps an indication

1 that some of those programs, the context has
2 changed and there's actually different
3 priorities and those monies are no longer
4 necessary?

5 COMMISSIONER BALL: Overall 40
6 percent? Or specifically with regards
7 to land preservation or something?

8 ASSEMBLYWOMAN WOERNER: Overall.

9 COMMISSIONER BALL: You know, I think
10 a lot of times it's the funding gets finally
11 allocated to an organization, they need to
12 submit a budget to us, we need to get
13 contracts approved. They go through us, they
14 go through the State Comptroller. Sometimes
15 the need isn't till later in the year. So I
16 think that's more a function --

17 ASSEMBLYWOMAN WOERNER: It's more a
18 timing issue.

19 COMMISSIONER BALL: Yeah, it's more a
20 timing issue than it is anything else. The
21 only place where we've seen an accumulation
22 in a big way was the land preservation, and
23 that's where the state took a hiatus, as you
24 know, for a period of time. And now we're

1 working through that pretty (inaudible).

2 ASSEMBLYWOMAN WOERNER: Great, thank

3 you. So turning our attention to the

4 marijuana proposal, the cannabis proposal,

5 the State of Massachusetts explicitly permits

6 outdoor growing and growing in greenhouses.

7 And New York's proposal does not mention

8 either outdoor growing or greenhouses, and I

9 would include in greenhouses high tunnels.

10 Can you comment on that?

11 COMMISSIONER BALL: Not very

12 specifically, I'm afraid. I can't, no.

13 We've -- you know, the Governor put together

14 an extensive workgroup with all the agencies

15 that would have some piece or some concern

16 about this, and to look at how New York might

17 better advantage itself and do it right. We

18 were a part of that.

19 But as we see the move to the Office

20 of Cannabis Management, you know, the role of

21 the Department of Health there is very large,

22 and they're going to handle most of those

23 questions that you would have later on in

24 their hearing today.

1 ASSEMBLYWOMAN WOERNER: Okay, thank
2 you.

3 On-farm digesters. The Governor --
4 sort of the theme of this budget this year is
5 I think energy efficiency and reducing
6 greenhouse gases and climate management. And
7 certainly with the census of cows that we
8 have in this state, we could go a long way to
9 addressing those climate goals if we were to
10 really incent the development of more on-farm
11 digesters. And certainly in California,
12 where they have adopted the low-carbon fuel
13 standards, that's what they're seeing, is
14 that that -- the implementation of that
15 standard drove the development of additional
16 digesters to produce renewable natural gas.

17 Yet in New York, we seem to -- it's
18 sort of the stepchild of renewable energy,
19 on-farm digesters. Can you -- is there
20 anything in this budget that would encourage
21 our dairy farmers to include either a
22 community digester in their communities or
23 on-farm digesters?

24 COMMISSIONER BALL: That's a great

1 question. And I think that, you know,
2 digesters have been something that was looked
3 to with great optimism, you know, a few years
4 ago. They're very expensive for the
5 individual dairy farm, and they're quite
6 expensive to maintain. We've seen some
7 challenges in that area.

8 But I think we're working through a
9 lot of that. I think -- you mentioned
10 California, and I think the -- I see a lot of
11 excitement in talking with our partners at
12 NYSERDA and the energy team in the chamber
13 about looking at digesters a little bit
14 differently, and not just as destroying
15 carbon, and not just as providing electricity
16 for the farm, but as providing energy for
17 vehicles to move around, capturing the
18 methane.

19 ASSEMBLYWOMAN WOERNER: Right.

20 COMMISSIONER BALL: So I think there's
21 a new energy here, and I think we're going to
22 see more come of that as we look towards, you
23 know, the energy field in a much bigger way.
24 Obviously solar has come on the horizon, you

1 know, after the digesters had diverted,
2 quote, unquote -- no pun intended here --
3 energy away from the digester movement. But
4 I think now we need to look, you know, from
5 the 30,000-foot view, more comprehensively at
6 energy.

7 ASSEMBLYWOMAN WOERNER: Thank you. I
8 want to get another question in.

9 COMMISSIONER BALL: Sure.

10 ASSEMBLYWOMAN WOERNER: Thank you for
11 the carbon farming initiative; that's very
12 powerful. Grow NYC has their grains project,
13 which creates a market for the cover crops
14 that are key to the whole carbon
15 sequestration initiative. And I'm wondering
16 if there's a connection between the grains
17 project that Grow NYC has and the pilot
18 project for carbon farming that would create
19 a supply chain, if you will, from the farmer
20 to an end-user for those products.

21 COMMISSIONER BALL: Yeah. I don't
22 think it was ever thought that that was the
23 goal, but those linkages are obvious.

24 I think as -- the more we get into the

1 details of climate resiliency and carbon, et
2 cetera, we find that good soil health
3 practices make good sense all across the
4 spectrum, and I think those linkages are just
5 going to help it grow faster. So
6 collaboration is the word for this decade,
7 without question.

8 ASSEMBLYWOMAN WOERNER: Great. Thank
9 you very much.

10 COMMISSIONER BALL: Thank you.

11 CHAIRWOMAN WEINSTEIN: Thank you.
12 Senate?

13 CHAIRWOMAN KRUEGER: Thank you.
14 Senator O'Mara.

15 SENATOR O'MARA: Yes, thank you,
16 Chairwoman.

17 Commissioner, thank you for being here
18 and answering our questions today. It's
19 always a pleasure to work with your office.

20 On the issue of hemp and the
21 leadership we've shown in New York State in
22 moving forward with that industry, are there
23 any legislative needs that you see necessary
24 for this coming session to deal with the

1 changes in the U.S. Farm Bill and moving this
2 industry forward?

3 COMMISSIONER BALL: Well, thank you
4 for that. Appreciate your support and for
5 always showing up at our hemp-related
6 activities in your district.

7 I think this is -- we're at kind of an
8 interesting tipping point here. I would say
9 stay tuned. Very anxious to see how the
10 process and the Office of Cannabis Management
11 plays out, in partnership with you. So I
12 think that's someplace to pay attention.

13 But I think, you know, it's too early
14 to tell. I think we have a great program in
15 New York State for hemp right now, based on
16 the allowances we had in the previous Farm
17 Bill. As we've seen, the intention is to
18 give us more flexibility in the states.
19 We're going to need to respond federally and
20 submit our state plan and make sure it's in
21 concert with what they're doing. Again,
22 we're kind of stuck in that void of -- we
23 have a shutdown, and those guidance documents
24 of regulations are not coming out, so we're a

1 little bit stuck there.

2 But I have to say we're one of the top
3 five programs in the nation in industrial
4 hemp. I think we're in a pretty good place.
5 You've demonstrated incredible support for
6 the industry. And I don't have a legislative
7 ask for you, but just let's stay close on
8 that subject.

9 SENATOR O'MARA: Okay. I have to echo
10 the concerns of my partner in this hemp --
11 Assemblywoman Donna Lupardo, in the cannabis
12 office and linking hemp with medical
13 marijuana and recreational marijuana. I
14 think one of the things we've tried to do in
15 recent years is to remove the stigma from
16 hemp, of its association with marijuana. And
17 I think combining them in the same office
18 does not send the right message.

19 And I believe it's going to ultimately
20 bog down our moving forward in this industry
21 that can provide a lot for our agriculture
22 and this state. So I do share those
23 concerns.

24 I also share the concerns of the

1 lump-sum funding that's in the budget for the
2 variety of programs that we have
3 traditionally fought for, year after year,
4 that the Governor likes to eliminate and then
5 we have fought to return those programs'
6 funding.

7 And as I look at it here, from the
8 numbers I see, last year on these programs we
9 spent \$41.5 million, and this year there's
10 only \$29.6 million in the funds, those few
11 that are lined out and then the lump sum, is
12 my calculation. Do you agree or disagree
13 with that?

14 COMMISSIONER BALL: Well, I'm going to
15 disagree with you slightly but respectfully,
16 I hope. Because I think -- as you know, the
17 Governor, you know, gets a chance to put his
18 Executive Budget out and we start a process.
19 And the legislator represents their district,
20 comes in and brings their table money from
21 the Senate, brings their table money from the
22 House, and then we come together and come up
23 with a budget.

24 And so I think the Governor has upped

1 the ante and staked out a bigger, more
2 supportive Executive Budget for agriculture
3 than I've ever seen. So that heartens me,
4 that excites me, I feel good about that. And
5 certainly I want to hear from you, get your
6 input on each one of those lines that's
7 important to your constituents. And I think
8 we potentially can have the best budget
9 agriculture's ever seen in the state.

10 SENATOR O'MARA: Well, that would be
11 great. I look forward to working with you on
12 that.

13 I don't think there's going to be a
14 lot of comfort level from this state of the
15 table in the Legislature until those items
16 are lined out. There's not a lot of trust
17 between the Executive and the Legislature at
18 this point in time on relying on where those
19 funds are going to be spent.

20 For example, you know, the Finger
21 Lakes region where I represent, the wine and
22 craft beverage industries are hugely
23 important. Yet the Governor's cutting the
24 Wine and Grape Foundation by 30 percent, a

1 loss of over \$300,000. He's completely
2 eliminating the lines for brewers and ciders,
3 helping those programs get established, and
4 it's important for that.

5 But farming overall is a concern, with
6 drastic cuts in these programs by cutting the
7 Cornell FarmNet program by 52 percent.
8 Cutting the FarmNet mental health programs
9 100 percent, eliminating it. The Farm
10 Viability program, eliminating that by 80
11 percent. And the Farm Viability specifically
12 for dairy, eliminating the \$220,000 for dairy
13 when our dairy farms continue to struggle, to
14 zero.

15 I think it's sending the wrong
16 message, at least without having those things
17 line-itemed out, and I look forward to
18 getting there before April 1st.

19 CHAIRWOMAN KRUEGER: Thank you.

20 Senator O'Mara, sorry, the red light
21 went off.

22 SENATOR O'MARA: Yup.

23 CHAIRWOMAN KRUEGER: Assembly.

24 CHAIRWOMAN WEINSTEIN: Assemblywoman

1 Latrice Walker.

2 ASSEMBLYWOMAN WALKER: Good afternoon.

3 So I'm Latrice Walker, and my district is in
4 Brooklyn. I represent Brownsville and
5 communities in East New York, East Flatbush,
6 Crown Heights, and Cypress Hills. And these
7 sort of urban communities don't really, you
8 know, get that much play with respect to much
9 of the great work that Ag & Markets does.

10 But one of our key issues that we have
11 been able to work with your office on is with
12 respect to food insecurities. And as a
13 component to the Vital Brooklyn initiative,
14 we have engaged in a FoodRx program that I'd
15 like to hear a little bit more about what the
16 commitment is sort of moving forward in terms
17 of seeing that program through, and how we've
18 secured it within this year's budget.

19 Next I want to hear some from you -- I
20 did hear about the federal government
21 shutdown and the effect on your agency. But
22 many of the questions that I've received in
23 my district office is about the -- about SNAP
24 benefits and the loss of that vital program.

1 And what sort of concerns or accommodations
2 have we made with respect to providing and
3 making sure that individuals have the food
4 that's necessary for the survival of
5 themselves and their families?

6 And so there are two other sort of --
7 just sort of comments, I guess, that you can
8 include in your response.

9 We just started with mobile markets,
10 there's a mobile market RFP, where we have
11 sort of created these first-responder
12 vehicles for communities where there are
13 tragedies that take place -- for instance,
14 like what happened with Superstorm Sandy. We
15 have these markets, mobile markets that can
16 go to locations and be able to provide
17 resources in the event of an emergency. In
18 many instances now we have these markets that
19 are outside of our hospitals, et cetera.

20 Have we made any accommodations for
21 the continuance of a program such as that?

22 And lastly, we've provided some
23 resources in the past for food insecurity
24 screenings that take place in conjunction

1 with the Department of Health. And will we
2 be continuing with those level of programs as
3 well? Because it wasn't clear to me from
4 reading the budget proposals where we stood
5 on those very important initiatives.

6 COMMISSIONER BALL: They're there.
7 They're going to continue. That's something
8 the Governor is very passionate about, Vital
9 Brooklyn. I was able to be in your
10 neighborhood twice last year, with the
11 Governor, to outline some of the growth in
12 that program.

13 Specifically with the mobile markets,
14 you know, that's our piece of it, is food and
15 food insecurity. We've got a great effort
16 between all the agencies to look at your
17 neighborhood specifically and all the issues
18 that are affecting that neighborhood.

19 It was very exciting for me personally
20 to be in your neighborhood. On my farm, we
21 were involved in supporting an aggregator CSA
22 program. You know, I got to be -- as a
23 farmer, I got to send some product off my
24 farm to some of the top 200 chefs in

1 Manhattan for a period of years. But I got
2 to go into the South Bronx, I got to go into
3 parts of Harlem and Brooklyn and participate
4 in the food box program with over 1200
5 members. And for me, that was some sort of
6 food justice, when I saw the same lettuce,
7 the same tomatoes that were going to the
8 high-end chef in Manhattan where someone
9 might pay \$150 a plate, to see that same food
10 going to children who didn't have access to
11 it. It was very passionate for me
12 personally.

13 ASSEMBLYWOMAN WALKER: Thank you.

14 So I see our time is sort of running a
15 little short --

16 COMMISSIONER BALL: Sorry.

17 ASSEMBLYWOMAN WALKER: I would like to
18 continue in this very important conversation
19 and just maybe add one more item to your
20 agenda with respect to the Farm to School
21 program. Many of the school districts that I
22 represent, and throughout New York City, are
23 faced with a number of students who are there
24 in transitional housing -- i.e., homeless

1 shelters -- who don't have access to food
2 like many other students do. And so we've
3 been able to provide food pantry and other
4 programs as well.

5 So I'd love to be able to discuss with
6 you possibly partnering with many of these
7 school districts throughout the City of New
8 York on the Farm to School program, as well
9 as providing and ensuring food justice and
10 access to quality food for all of our
11 students.

12 COMMISSIONER BALL: Let's do that.
13 Let's plan on that. We could talk for a long
14 time, I think, on that subject.

15 But we're committed to that program,
16 making sure that people have access to food
17 in New York State. The Governor asked me to
18 chair the Hunger and Food Policy Council,
19 which I'm happy to do, and we've set a goal
20 of trying to make sure that more New York
21 agricultural products get to our food bank
22 system, get to our pantry system, and have
23 access to those neighborhoods. And our food
24 hub that we're building in the South Bronx is

1 going to be a monument to that. So let's
2 continue that conversation.

3 ASSEMBLYWOMAN WALKER: Thank you.

4 CHAIRWOMAN WEINSTEIN: Thank you.

5 Senate?

6 CHAIRWOMAN KRUEGER: Senator

7 Antonacci.

8 SENATOR ANTONACCI: Thank you, Madam

9 Chair.

10 Commissioner, we know each other. I
11 want to commend you for your efforts at the
12 fair; that is solely and wholly within my
13 district. I'm very proud of the fair. I'm
14 on a 33-day attendance streak, just so you
15 know. I know you've been there just as much
16 as I have.

17 COMMISSIONER BALL: I saw you every
18 day I was there.

19 SENATOR ANTONACCI: That's right.

20 I offer my colleagues a free sausage
21 sandwich if anybody makes it up, on me. The
22 fair is one of our great assets.

23 And I also would commend Centro for
24 their Park-N-Ride. I know that you have a

1 great partnership with Centro.

2 My question is on farmworkers' rights.

3 It's my understanding in the budget there

4 might be some initiative with regard to

5 farmworker rights. And I think all of us

6 believe that everybody should be paid a

7 reasonable wage for a good day's work, and no

8 one wants to be taken advantage of. But

9 farming is a unique and distinct industry.

10 Are there initiatives in this budget

11 that would impose on that relationship

12 between the farmer and the farmworker? How

13 would that affect the ability of our 20,000

14 farms to remain profitable? And what would

15 you recommend is good legislation, and what

16 would you, you know, oppose?

17 COMMISSIONER BALL: Well, thank you,

18 that's a great question. Probably I would

19 say labor is our biggest limiting factor in

20 agriculture and in the growth of our craft

21 beverage and our processing food industries

22 in the State of New York.

23 I don't think we're unique in the

24 country in that regard, but we have

1 questionable immigration policy currently in
2 Washington, and we have had for -- you know,
3 for 25 years we have not had a good guest
4 worker program. And we know that a lot of
5 people are here without proper documentation.
6 Agriculture seems to be the poster child for
7 that, although the vast majority of those
8 people are not in agriculture. I think
9 somewhere around 15 percent are.

10 But having said that, one of the
11 things that the Governor asked us to do was
12 to put together a farmworker advisory group.
13 I cochair this with the Commissioner of
14 Labor. She and I sit at the table along with
15 the farm community, farmers that I have
16 brought to the table, advocates that she has
17 brought to the table. We've added Cornell,
18 we've added NYCOM, we've added Farm Bureau,
19 and we've added ABCD Migrant Daycare Center
20 to be at the table. And we close the door,
21 and we discuss these issues. And our goal is
22 to elevate the self-reliance of farmworkers
23 in New York State.

24 SENATOR ANTONACCI: Do you see like

1 mandatory overtime rules or anything that,
2 you know, mirrors the federal rules on
3 overtime?

4 COMMISSIONER BALL: I do not.

5 SENATOR ANTONACCI: You do not.

6 COMMISSIONER BALL: I do not. But
7 that's where we want to discuss that.

8 With all due respect, that's a
9 conversation that needs to be had between the
10 relevant partners, and getting down to brass
11 tacks. We're currently working very hard on
12 access to English and healthcare, training,
13 safety training, and housing issues on
14 farms --

15 SENATOR ANTONACCI: I assume you're
16 going to have some farm groups -- in these
17 reachout groups, there's going to be some
18 farm-centered groups advising you on this as
19 well?

20 COMMISSIONER BALL: Oh, yeah. We've
21 got Farm Bureau and we've got four excellent
22 farmers who are some of our largest employers
23 in the state. And again, the advocates. And
24 again, it's the two departments working very

1 closely together. And I think that's where
2 good work can be done.

3 SENATOR ANTONACCI: Okay. One last
4 question. A couple of years back Canada, I
5 think, hurt our dairy farms in the State of
6 New York with powdered product. And the
7 rules that they promulgated up in Canada I
8 think they became very -- not only
9 prohibitive, but they basically banned us
10 from moving up there.

11 I don't expect you to give any praise
12 to the federal government. I like you, so I
13 don't want to see you get fired. But the
14 bottom line is I think the USMCA, the new
15 agreement, helped dairy farmers. What
16 initiatives are you undertaking as a
17 commissioner to help with trade issues that
18 our farmers are facing?

19 COMMISSIONER BALL: Well, thank you
20 for that. You know, back when Canada
21 instituted Class 6 and Class 7 pricing --
22 which was outside of the NAFTA agreement
23 prior -- we had very intense conversations
24 with Canada. The Governor wrote a very

1 strong letter to the Prime Minister against
2 that.

3 Since that time, we've kind of moved
4 on a little bit. We have NAFTA negotiations
5 going on. Our participation, through me, at
6 the Tri-National Accord where we have those
7 discussions with Mexico and Canada
8 specifically have been very productive.

9 But I think that with regards to
10 Canada, the new agreement, there's some good
11 and there's some bad in it. I think the real
12 challenge I see is that we need to have --
13 now that there's an agreement, we need to
14 have the three countries ratify that
15 agreement and implement that agreement. And
16 with the government shutdown right now, we're
17 not talking about that. In the meantime, we
18 still have tariffs. The tariffs are what are
19 really hurting our agricultural industry
20 right now. Just the cost of tariffs with
21 Mexico alone are, our biggest trading partner
22 in dairy -- they buy 25 percent of our dairy
23 exports nationally -- I estimate it's cost
24 U.S. dairy farmers \$1.8 billion since May.

1 Our share in New York is about \$125 million
2 of that. And that's coming at a time that
3 couldn't be worse for our dairy industry.

4 So we need to prevail on the
5 agreements and get those in order, but we
6 also need to get rid of the tariffs that are
7 making, you know, our farmers' lives very
8 difficult. Forty-seven percent of what we
9 produce here in New York leaves our borders,
10 and so this is a huge issue.

11 SENATOR ANTONACCI: Thank you.

12 CHAIRWOMAN KRUEGER: Thank you. Thank
13 you, Senator. Assembly?

14 CHAIRWOMAN WEINSTEIN: Assemblywoman
15 Buttenschon.

16 ASSEMBLYWOMAN BUTTENSCHON: Thank you
17 very much for being here today. My name is
18 Marianne Buttenschon. I'm from the Mohawk
19 Valley. So as you know, in my area there's
20 many small farmers. And the concerns that
21 arise include many that my colleagues have
22 discussed in regards to labor, in regards to
23 ensuring that the decrease in funding doesn't
24 affect programs and initiatives. As you're

1 familiar with, our Farmfest that invites,
2 Oneida County-wide, fifth-graders to a local
3 farm to introduce them to the industry.

4 But on a specific note, milk prices.
5 Obviously, as you know, this is something
6 that affects them. And I apologize if this
7 has been discussed, but I've been in session.

8 COMMISSIONER BALL: Oddly, no. We
9 haven't gotten too far into dairy, so thank
10 you. Dairy is something that we talk about
11 every day at the department. We've -- I
12 mentioned, you know, some of it, alluded to
13 some of the issues around trade. And it's a
14 New York problem, but it's also a Northeast
15 problem, a United States problem, and frankly
16 a world problem.

17 As a dairy farmer, growing up with my
18 grandfather, you know, we didn't think about
19 the value of our currency against foreign
20 currency. We didn't think about how much
21 China was buying. We didn't think about what
22 kind of year the European Union had or how
23 much New Zealand was selling. But today,
24 those have to be part of the calculations for

1 even a small dairy farmer, because they all
2 affect our market.

3 We've been too good at what we do. We
4 have a surplus of milk worldwide. So it
5 presents some real challenges for our farms.

6 I think the average cost of milk the first
7 half of last year was about \$15.49. You
8 know, probably our average farm in the Mohawk
9 Valley needs somewhere around \$17 to cover
10 their costs of production. So we get that.

11 We're having, unfortunately, some very
12 difficult conversations at kitchen tables all
13 across farms in New York State.

14 What can we do here? Well, we
15 participate in the Tri-National Accord at a
16 high level, and we try to work on some of
17 those larger issues. They're not
18 light-switch issues, but they're issues that
19 can move the needle for us. And here in New
20 York, we've brought together a group called
21 the Milk Marketing Advisory Council. It's
22 our farmers, Farm Bureau, it's our
23 processors, it's our cooperatives, it's
24 Cornell, it's the economists from those

1 cooperatives. And we sit around the same
2 table and just say: What can we do? What
3 are you doing? What do you need to do? How
4 can the state facilitate this?

5 And out of that has come some very
6 good work. Again, we're working at looking
7 at can we look at marketing our products here
8 in New York in a better way, so our NY Grown
9 & Certified program can help there. One of
10 the needs that were identified there was we
11 need more capacity in New York. Some of our
12 dairy processing plants are getting older,
13 they need modernization, they need to expand,
14 we need to have more balancing plants, plants
15 that can take fluid milk and turn it into
16 something else, like dry powder, like cheese,
17 like yogurt.

18 And so we went to our partners at
19 Empire State Development and they've been
20 willing investors. We've invested
21 \$50 million over the last two years in
22 increasing processing capacity here in
23 New York State to help set that up.

24 In coordination with our Hunger and

1 Food Policy Group, we're looking at school
2 milk. How can we make sure that fluid milk
3 consumption is going up and not going down?
4 You know, why do we accept that? And milk is
5 competing with lots of other drinks in the
6 grocery aisle today, and so how can we look
7 at doing a better job in school milk supplies
8 and actually cultivating that future customer
9 of dairy products long-term.

10 So we've got a lot of things going on
11 there. We also rolled out, through our land
12 preservation efforts, a Dairy Transitions
13 Program which is targeting specifically dairy
14 farms that are in transition phase, either to
15 the next generation, looking to become more
16 efficient, looking to add another crop to
17 their repertoire of crops. And it's an
18 opportunity for that farm to consider
19 creating an easement on their farm, getting
20 paid for the development rights there, to
21 invest in the next generation or the next
22 enterprise on the farm.

23 So there's a lot going on there, but
24 none of these are going to flip the switch

1 and make the dairy challenges go away.

2 ASSEMBLYWOMAN BUTTENSCHON: And that
3 advisory council, how long has that been
4 enacted?

5 COMMISSIONER BALL: That has existed
6 in statute for some time, but it hadn't met
7 in many years. And as commissioner, we
8 brought that back together. We've been
9 meeting on a regular basis for the last two
10 years.

11 ASSEMBLYWOMAN BUTTENSCHON: Two years?

12 I just have one quick comment, is they had
13 requested that the networking isn't there
14 because of the industry, and hopefully that
15 council could take that challenge on to try
16 to bring individuals together. Because they
17 are hardworking and spend a lot of time --

18 COMMISSIONER BALL: Salt of the earth.
19 My industry.

20 ASSEMBLYWOMAN BUTTENSCHON: So thank
21 you.

22 CHAIRWOMAN WEINSTEIN: Thank you.

23 Senate.

24 CHAIRWOMAN KRUEGER: Thank you,

1 Senator -- thank you, Assemblywoman.

2 (Laughter.)

3 CHAIRWOMAN KRUEGER: We're all such
4 good friends nowadays, what's in a title
5 anyway.

6 Thank you, Commissioner. I do have a
7 few follow-up questions. Loss of farms. I
8 know that New York State has been in a
9 position where we were losing farms. Where
10 are we in sort of a trend pattern at this
11 point?

12 COMMISSIONER BALL: Well, you know,
13 it's kind of stable right now. We have seen
14 consolidation in farms. We've seen -- you
15 know, for example, in dairy, we've seen a
16 trend towards larger farms. They can be more
17 efficient. But at the same time we're seeing
18 a huge amount of energy in the next
19 generation on farms. You know, 15 years ago
20 as I went to farm organization meetings,
21 there was a little bit of depression about
22 who the next farmers were going to be. The
23 average age of a farmer is going up; in New
24 York, it's 57.5 years of age. It's not all

1 bad, because I was able to call Mom and tell
2 her that her son was finally above average.

3 (Laughter.)

4 COMMISSIONER BALL: But at the same
5 time, I get to speak to a lot of ag groups in
6 a lot of our SUNY land grant schools. And I
7 got to speak to a group in Cobleskill, there
8 was probably 120 young people in the room,
9 and I asked them before I started, how many
10 of you have a farm to go to? And, you know,
11 half of them did not have a farm to go to.
12 They were kids that were coming from suburbia
13 or rural New York but wanted to understand
14 agriculture. And they were taking dairy herd
15 management, they were taking agronomy, they
16 were taking crops, greenhouse, veg sod. And
17 I was excited by that, the energy there.
18 They want to be a part of agriculture today.

19 So I think we need to think of
20 agriculture as more than just a farmer
21 growing food and a restaurant cooking it. I
22 think we have to think about it as a good
23 system and all the things that are
24 incorporated with that -- the

1 technology that's involved, the science, the
2 research, the trucking, obviously the cooking
3 and delivery. But I feel a lot of energy
4 right now. And the number of young people
5 operating smaller farms around the state is
6 on the increase. And I think our efforts in
7 land preservation are going to help that,
8 because that's a tool they can use to
9 leverage getting in on a farm.

10 CHAIRWOMAN KRUEGER: And that was my
11 next question, how are we doing with
12 investing in farmland preservation and
13 technical assistance so that younger people
14 can take up farming if that is their
15 interest, and can actually have the capital
16 support to perhaps buy a farm from someone
17 older who's ready to retire, and the
18 technical assistance to get themselves
19 started.

20 COMMISSIONER BALL: Sure. It's a
21 challenge. And the cost of getting into the
22 game today is bigger than it's ever been.

23 I did not inherit a farm, so I'm very
24 familiar with this. I worked for 20 years on

1 a farm before I could figure out how to buy
2 my own farm. But I'm excited today to have
3 50 employees on my farm personally and see
4 the next generation getting excited about
5 agriculture.

6 So we put together a beginner farmer
7 workgroup. And not all beginner farmers are
8 young people; some of them are second-career
9 people. Some of them are veterans. But we
10 did identify that access to capital is a
11 concern, access to the land is a concern,
12 access to the training is a concern. But
13 also navigating all of those concerns is a
14 concern. So at least on the latter portion,
15 we're looking at -- we have become the
16 one-stop shop for a person entering
17 agriculture life. I have land, I need money;
18 I have money, I need land. I need training,
19 I have land and I have money. We can help
20 put them in the right place.

21 We work very closely with American
22 Farmland Trust and our land trusts across the
23 state, of course. They know where the land
24 is, and they can identify some of the land.

1 Our commitment and the Governor's commitment
2 historically towards land preservation is at
3 record levels now. So that's a good tool
4 that a beginner farmer can use to gain access
5 to the land.

6 But we need to do, clearly, a better
7 job at affording opportunities for the next
8 generation. So our investment in FFA --
9 we're looking to increase a hundred FFA
10 chapters across the state, we're well on our
11 way to that. We're looking to double the
12 number of ag teachers we have in the state.
13 We want more career choices for our young
14 people. And I think that's going to
15 ultimately help us preserve our place,
16 farming in New York State.

17 CHAIRWOMAN KRUEGER: So I come from
18 this little city called New York, and we
19 don't have a -- all right, there's two
20 non-real farms in the entire city. I don't
21 want to diss them. There is a farm in
22 Queens. So anyone here from Queens, I know
23 there's a farm in Queens --

24 UNIDENTIFIED MEMBER: There's a farm

1 in Queens?

2 COMMISSIONER BALL: It was great

3 farmland.

4 CHAIRWOMAN KRUEGER: Right. Well, at

5 one time.

6 Actually, I live in Manhattan. My

7 property was originally a pig farm. But it

8 stopped being a pig farm around 1870.

9 But my point is, there are 8.5 million

10 New York City residents. We just want to eat

11 whatever is being grown in New York State.

12 So I'm curious -- and here's why I'm curious.

13 What do we do to actually evaluate what

14 demand and supply is and help farmers in New

15 York State shift in fact demand for different

16 foods are changing?

17 We already heard the discussion about

18 dairy and the changing patterns of who's

19 buying dairy and at what price, and the fact

20 of the matter is with growing veganism and

21 lactose intolerance, there are reasons you're

22 going to see less people using milk products.

23 But I went to a store recently to buy some

24 cauliflower, and I was told, "Sorry, it's all

1 gone." I said, "There's a cauliflower
2 shortage?" And they said, "Didn't you know
3 cauliflower's the hottest food in New York?"
4 And I thought -- my husband hates it, I make
5 him eat it. But I realized, oh, there were
6 cauliflower steaks, and then there were
7 cauliflower gravies, and then there was
8 cauliflower coming in 42 different colors and
9 shapes, and now apparently it's in our pizza
10 crust, although I haven't tried it yet.

11 So is there somebody in New York State
12 who sends the message, Hello, New York, grow
13 more cauliflower, because apparently
14 everybody wants to buy it? And on other
15 products like that, and correlate it, because
16 we are dealing with changing climate patterns
17 that terrify us for environmental reasons but
18 also change what can successfully grow and
19 not grow. How does Ag & Markets work to let
20 New York farmers know, you know, there's a
21 change a-coming in different product
22 patterns? And if you're going to, say, be
23 growing fruit trees, you need a lot of years
24 advance notice, right, of -- before a tree is

1 ready to be -- you know, the age it needs to
2 be.

3 So I'm wondering do we in the state do
4 enough to make sure that we're using our
5 knowledge and our science to help our farmers
6 remain competitive to the maximum possibility
7 for themselves? I know it's a long question,
8 but it all relates to what you end up getting
9 in your local stores and restaurants.

10 COMMISSIONER BALL: Sure. No, that's
11 a great synopsis and a great picture there.

12 And you've characterized the first
13 conversation I had with the Governor pretty
14 well.

15 We do have the biggest marketplace,
16 the most amazing one in the world, and it
17 largely does not know what we do in upstate
18 New York and how we do it, who we are. But
19 the good news is there's a real desire and an
20 interest to accomplish that. It's been
21 awesome to see the interest in the last
22 20 years in local food and what exactly does
23 that mean and who are you.

24 So one of the first things the

1 Governor asked me to do was to hold an -- you
2 know, the Governor likes to hold summits. I
3 like summits too, because you get good people
4 in the room and you look at the problems and
5 you look at the challenges and you look at
6 what can be done, and you leave the room with
7 a plan. And he said: "Put on an
8 upstate/downstate summit. Invite the city,
9 and invite farmers." And we did that. And
10 it was amazing.

11 We looked at what were the areas of
12 concern in the city, you know, what kind of
13 product did they want, where did they want
14 it, how did they need it delivered to them,
15 and then where do we have the capacity
16 upstate to do that. You know, are we on the
17 same page. You know, I'm putting cauliflower
18 in 50-pound crates, but you want it, you
19 know, cut up and in a bag ready to eat,
20 et cetera.

21 It was awesome, and it resulted in a
22 Food Hub Task Force, which I cochaired with
23 the deputy mayor in New York City, where we
24 dove into the specifics on those issues. And

1 I have to say it has borne some fruit because
2 we're talking to each other now. And it
3 starts with building that relationship. Food
4 is a relationship.

5 Downstate we have a commitment to
6 build a food hub in the South Bronx where New
7 York-grown and certified products can land,
8 get access to those neighborhoods that need
9 it. Along the way we're talking to each
10 other. We have the most farmers' markets in
11 the United States in New York State, you
12 know, which is a great opportunity. We do
13 have the Brooklyn Grange, or the rooftop
14 urban garden up there, acre and a half up
15 there, which is not going to feed New York,
16 but it's a great connecting point.

17 Meanwhile, upstate we've got a
18 tremendous challenge in the central part of
19 the state, our URI region in the economic
20 development zones, where we're currently
21 having an agricultural ag challenge, a food
22 and ag challenge, to say who's got the new
23 innovative idea that we can build a business
24 around, that we can increase economic

1 development activity upstate that can
2 translate to the marketplace that is so
3 amazing.

4 So along the way we've enhanced our
5 New York City office. We have an office of
6 Ag & Markets in Brooklyn. We've got a great
7 staff there that works every day to try to
8 connect those dots, as you articulated so
9 well, so --

10 CHAIRWOMAN KRUEGER: My time is up, so
11 thank you.

12 COMMISSIONER BALL: And I think mine
13 too, yeah.

14 CHAIRWOMAN KRUEGER: Assembly.

15 CHAIRWOMAN WEINSTEIN: Assemblyman
16 Billy Jones.

17 ASSEMBLYMAN JONES: Hello,
18 Commissioner. Thank you for being here.

19 COMMISSIONER BALL: Good to be here,
20 sir.

21 ASSEMBLYMAN JONES: And I'm going to
22 make this brief and to the point.

23 I know it's been alluded to about
24 dairy pricing, and let's face it, there's not

1 a lot we can do on that. We've talked about
2 tariffs and putting caps on production. I
3 think that has to come down from a higher
4 level than us.

5 And I would ask in this budget what is
6 in this budget to directly help dairy
7 farmers? Because they are struggling, they
8 are really struggling. We're in crisis mode.
9 We're losing farms left and right. Small
10 dairy farms -- we're not even talking about
11 small dairy farms anymore. We're talking
12 about some of the bigger operations are going
13 under. I see it, I see it in my community in
14 the North Country, I know you see it as well.

15 So since I can't see what's in this
16 budget because there's not a lot lined out,
17 what would you suggest we put in this budget
18 to directly help dairy farmers? It's just a
19 simple question.

20 COMMISSIONER BALL: Sure.

21 Well, you know, the programs -- and
22 they were mentioned intentionally in the
23 budget language, things like the programs
24 that we have at Cornell, the FarmNet

1 programs, the Farm Viability programs, all
2 those things that you're comfortable with and
3 understand are going to be items that we need
4 to talk about and make sure get fully funded,
5 you know, both from the Assembly and the
6 Senate.

7 On our end at the department, those
8 are very important issues to us. We partner
9 and have a direct line with them and continue
10 to work and partner with them on these
11 issues.

12 But I think more broadly, you know, I
13 mentioned the work of the Milk Marketing
14 Advisory Council. I see that as a way we can
15 connect the dots long-term because as -- this
16 is going to be another sober year. We do see
17 the price of milk incrementally going up to
18 maybe a tolerable level, but it's not going
19 to make up for the last four years, which
20 have been very difficult. But long-term, I
21 think looking at school milk, looking at the
22 hauling concerns -- we have a task force on
23 milk hauling, you know, can we fix some of
24 the issues around that. Can we help our

1 farms be more efficient in the environment
2 and the way they do things.

3 All those programs are going to
4 continue. We're going to maintain those
5 programs. But yeah, let's absolutely have
6 those conversations about the things that are
7 in the --

8 ASSEMBLYMAN JONES: And I just think
9 it's important that -- I mean, dairy farming
10 is the backbone of the agriculture industry.
11 I mean no disrespect to the rest of them. It
12 has been in the past, I believe it can
13 continue to. But if we keep losing dairy
14 farmers at this pace, we're -- they're going
15 to be in extinction soon. And I don't know
16 what happens then. You know, so we have to
17 come up with some kind of solution, whether
18 it be working with our federal partners.
19 Because pricing is not going to catch up any
20 time soon. We're in a four, four and a half
21 year slump now. This is probably the longest
22 slump I've ever experienced, you probably
23 have as well.

24 So I just think we need to come up

1 with something in our state to help our local
2 dairy farmers, help them out in this tough
3 time. And I'd love to see something in the
4 budget to do that. So hopefully we can work
5 together with our partners in the Senate and
6 in the Assembly and yourself to do that.
7 Because like I said, it's in crisis mode and
8 I fear that if this keeps up, we will -- the
9 dairy farming industry will be extinct in
10 this state. It's really a sad state of
11 affairs.

12 COMMISSIONER BALL: It is our largest
13 sector and such a significant part of the
14 social fabric of rural New York. So thank
15 you for that. Appreciate it.

16 CHAIRWOMAN WEINSTEIN: So our last
17 questioner for you, Commissioner, is the
18 first. A quick question from Assemblywoman
19 Lupardo.

20 ASSEMBLYWOMAN LUPARDO: Thanks, Madam
21 Chair.

22 Commissioner, you got me thinking when
23 you mentioned about the Food Hub Task Force
24 that was formed a few years ago, obviously

1 designed to boost production and consumption
2 of New York State foods. So three food hubs
3 have either closed or are at risk of closure.
4 And I'm wondering, is there anything in the
5 budget to fulfill one of the recommendations,
6 which was to invest more in distribution
7 infrastructure and farm aggregation?

8 I'm very interested in really working
9 with you on the whole supply chain, Farm to
10 School, Farm to City. Have we done something
11 with that, or is that something worth
12 pursuing in our budget conversations about
13 really trying to beef that infrastructure up?

14 COMMISSIONER BALL: Sure. Yes,
15 actually. That's a great subject. We've
16 seen farm hubs come and go. Some of them I
17 would say were well-intentioned and pretty
18 good efforts, but you know, I think there's a
19 couple of things we have to keep in mind when
20 we think about a food hub. And number one
21 is, who's the customer and what do they need?

22 One of the challenges is obviously
23 accumulating stuff in an area, logistically
24 moving it around. But where is that

1 customer, what do they want, what's the
2 quality they need. So we're addressing that
3 through NY Grown & Certified, to a large
4 degree, because there we're establishing the
5 customer with a preference for a product
6 that's going to carry a NY Grown & Certified
7 symbol. Because then they can know that it's
8 New York, then they can know that there's
9 food safety involved there, then they can
10 know that there's environmental stewardship
11 involved there. And it helps us tell the
12 consumer that there's a higher standard in
13 New York for food products that bear that
14 symbol.

15 So I think that has energized, to some
16 degree, all of the ag sector. I think we
17 have, oh, gosh, over 2400 producers involved
18 now in Grown & Certified, and we've got
19 somewhere around -- I forget how many acres
20 of land involved, but it's a significant
21 amount of land. We've got dairy involved.
22 So I think it can help the dairy industry as
23 well when consumers can recognize a product
24 and lift that up.

1 I think we need to do more work on the
2 logistics. We're working on, in the city, on
3 where to land it, how to get it in and out of
4 there quicker. It's been a great partnership
5 down there. But now we've got to look at
6 upstate -- how do we aggregate things? And
7 farmers are sometimes their own worst enemy
8 because they keep their best customers to
9 themselves and they send what's extra into
10 these kind of efforts. That's not the way
11 you build a business. We actually need to
12 send good-quality product. NY Grown &
13 Certified, again, can help that.

14 And there's funding to help farmers
15 get grow certified, get their aim plan and
16 get their food safety plans put together. I
17 think that's going to help us take that next
18 big step.

19 It was 516,000 acres across the state.
20 Thank you, Jeff, for coming up with that
21 number.

22 CHAIRWOMAN KRUEGER: And actually
23 you're not quite off the hook, because
24 Senator Cathy Young slid in with one final

1 question for you.

2 COMMISSIONER BALL: Senator, welcome.

3 SENATOR YOUNG: Thank you,

4 Commissioner. And thank you so much for

5 being here. And I know you've testified

6 extensively today.

7 I did have a question, though, as

8 someone who grew up on a dairy farm -- and I

9 know you're aware of that. Has there been

10 outreach by the department to dairy farmers

11 to help them diversify? So for example, I

12 have several dairy farmers in my district who

13 are growing more corn because the corn prices

14 are such that it helps offset some of the

15 losses.

16 Are there any kinds of innovative

17 programs that we can put together, whether

18 it's for corn or other crops, or biomass, for

19 example, that could be used in energy

20 production? And we know that there are

21 cutting-edge research programs going on at

22 the Syracuse Environmental Science and

23 Forestry School and Cornell University. Is

24 there something that we can do -- and I guess

1 hemp was discussed extensively earlier. But
2 is there something that we can do so that we
3 can preserve the dairy industry in New York
4 State? Which as you pointed out, is so
5 crucial to upstate's economy and our land
6 usage and open spaces and supporting all of
7 the manufacturers and processors that we
8 have. We need to maintain that. But what
9 can we do creatively to help farmers -- maybe
10 instead of adding on more cows every time
11 they get in financial difficulty, which
12 actually adds to the glut and the problem --
13 is there something that we can do to be
14 innovative along those lines and help them,
15 whether it's a tax credit, whether it's a new
16 grant program -- some kind of resource where
17 they can really balance things out so that
18 they can stay in business?

19 COMMISSIONER BALL: Yeah, thank you.

20 And yeah, we're hearing that a lot, and
21 totally appreciate that question in a big
22 way.

23 I think, you know, one of the nice
24 things about being a commissioner of

1 agriculture is that every year I get to have
2 my picture taken and present a certificate to
3 farms that have been in the same family for
4 over a hundred years. We have a huge number
5 of century farms in New York State, and now
6 we have some bicentennial farms. And it's
7 awesome to see the families and talk to them.

8 But there's one thing that strikes me
9 whenever I do that, and that is that every
10 one of those farms that has been in the same
11 family for over 100 years is different today
12 than they were a hundred years ago.

13 And so the idea of change and dealing
14 with change -- and dairy farms have dealt
15 with change over the years -- but looking at
16 change and actually not being afraid of it
17 and embracing it is important.

18 So to that end, you know, again, I
19 would point to the work of the Milk Marketing
20 Advisory Council, where we come together and
21 say what's different, how can we invest, is
22 it more capacity that we need, what things
23 can they do on the farm. Certainly the work
24 that Cornell is doing to help those farms

1 manage costs better, et cetera.

2 But one program that we came out with
3 this year, we call it our Dairy Transitions
4 Program, and it was taking some of our land
5 preservation money and targeting it
6 specifically to dairy farms and saying, you
7 know, Here's \$30 million, it's not going to
8 be a once-a-year kind of thing, but a rolling
9 thing. If you want to change an operation,
10 add a crop, here's an opportunity to create
11 an easement on your farm. Take that money,
12 invest it in those things that you need to
13 do.

14 Along the way, we're rolling out the
15 idea of new crops like hemp, as you
16 mentioned. The craft beverage industry is
17 growing. I think, you know, today's farmer
18 is much more sophisticated than my
19 grandfather was, frankly. Milk went into the
20 can, it just got taken to the creamery, and
21 whatever happened to it happened to it. And
22 now I see a very mature industry. They're
23 thinking about the world situation and
24 they're analyzing costs in a bigger way.

1 But, you know, this keeps me up at night.
2 We've got the Farm Bureau involved, we've got
3 our best economists involved, we've got
4 Cornell involved, we've got our processors
5 involved.

6 I think things like, you know, looking
7 at the REDCs with this Ag Challenge. What's
8 the next yogurt thing? What's the next
9 thing? How do we compete in schools? How do
10 we win the hearts and minds of these young
11 people, who in many cases are drinking from
12 the same paperboard milk container that you
13 and I grew up with, you know, and it's been a
14 couple of years since that was come along,
15 and we're giving them skim milk now. I mean,
16 is there a way we can look at those people as
17 future milk consumers? And how can we better
18 address what their dietary needs are through
19 milk and have them become good consumers of
20 milk when they get out of high school, and
21 not someone who simply endured milk while
22 they were in school?

23 So I think it's all of the above. And
24 certainly welcome your input on it; you know

1 the dairy industry as well or better than I
2 do. But it's something that keeps us up at
3 night.

4 SENATOR YOUNG: Thank you,
5 Commissioner.

6 CHAIRWOMAN KRUEGER: Thank you,
7 commissioner. Thank you for being with us
8 today and covering such a broad amount of
9 territory.

10 Now, unlike your predecessors, you're
11 staying with us, right?

12 COMMISSIONER BALL: You know, it's --
13 how many people get a chance to do what I do?
14 It's just an awesome opportunity to work for
15 the best people in the world, who are
16 farmers. And to work with some of the best
17 legislators in the country. So I wouldn't
18 think about leaving.

19 CHAIRWOMAN KRUEGER: Terrific. And I
20 think we're all looking forward to continuing
21 working with you. Thank you very much for
22 your time today.

23 COMMISSIONER BALL: Thank you so much.

24 CHAIRWOMAN KRUEGER: Thank you.

1 And next we are having the New York
2 State Public Service Commission, John Rhodes,
3 and NYSERDA, Alicia Barton, coming together
4 to testify, because we really felt that the
5 kinds of questions legislators were likely to
6 ask might be an either/or for both of them.
7 So we're going to let them team up and then
8 answer the hard questions as a team.

9 And then we are going into the period
10 where we start to have people not government
11 representatives come and testify. So just
12 know, even though it is now 3 o'clock, we
13 are committed to staying for all of you. If
14 for some reason you know the hour is getting
15 later and you don't think you will be able to
16 stay, know that your testimony is here with
17 us and it will be available online for
18 everyone. If you're deciding not to stay --
19 while our guests are coming down, if you're
20 deciding not to stay because the hour gets
21 later, please just try to let somebody in the
22 front know so that we can just remove you
23 from the list as testifiers.

24 Keep your eye out for where you are on

1 the list, and move yourself forward, if you
2 don't mind, if you think that you're going to
3 be soon. So for example, American Farmland
4 Trust and New York Farm Bureau are going to
5 be the next testifiers after NYSERDA and the
6 PSC. And so we just urge people to come
7 forward.

8 And also know, to everyone, both our
9 two guests here and everyone who follows,
10 they will have 10 minutes to share, and so
11 hopefully not reading the testimony but just
12 telling us your target points, because we
13 have copies of your testimony. And for
14 everybody coming afterwards, you have 5
15 minutes each.

16 So again, the art of highlighting your
17 bullet critical issues, and believing that
18 your elected officials can actually read the
19 full testimony -- and don't you try to test
20 any of us individually.

21 (Laughter.)

22 CHAIRWOMAN KRUEGER: So with that,
23 thank you very much, John Rhodes and Alicia
24 Barton. I don't know which order you want to

1 speak in.

2 PSC CHAIR RHODES: I'll start, just in
3 the interest of time. And I will, with your
4 indulgence, read my testimony.

5 Good afternoon, Chair Krueger,
6 Chair Weinstein, and other distinguished
7 members. My name is John Rhodes, and I'm the
8 CEO of the Department of Public Service and
9 chair of the Public Service Commission.

10 The department ensures safe, reliable,
11 and affordable access to energy,
12 telecommunications, and private water
13 services, and it advises the commission on
14 issues ranging from setting rates and
15 protecting consumers to siting infrastructure
16 and reviewing utility mergers.

17 Our top priorities in FY 2019-2020
18 include continuing Governor Cuomo's
19 progressive plan to mandate a carbon-free
20 electric system, modernize our utility
21 systems, and ensure affordable energy for all
22 New Yorkers and especially for our most
23 vulnerable citizens.

24 Governor Cuomo's Green New Deal is a

1 nation-leading clean energy and jobs agenda
2 that will put New York on a path to
3 economy-wide carbon neutrality. The landmark
4 plan provides for a just transition to clean
5 energy that spurs the growth of the green
6 economy and prioritizes the needs of low- to
7 moderate-income New Yorkers.

8 During Governor Cuomo's first two
9 terms, New York banned fracking of natural
10 gas, committed to phasing out coal power by
11 2020, mandated 50 percent renewable power by
12 2030, and established the U.S. Climate
13 Alliance to uphold the Paris Agreement. Under
14 his Reforming the Energy Vision agenda, New
15 York has held the largest renewable energy
16 procurements in U.S. history, solar has
17 increased by nearly 1,500 percent, and
18 offshore wind is poised to transform the
19 state's electricity supply to be cleaner and
20 more sustainable.

21 Through Governor Cuomo's Green
22 New Deal, New York will take the next steps
23 to secure a clean energy future that protects
24 the environment for generations to come while

1 growing the clean energy economy. I know my
2 colleague at NYSERDA -- the one right next to
3 me -- will be discussing this agenda with you
4 together with me.

5 The policy to bring clean resources
6 onto the system is necessary, and it also has
7 to be smart and take advantage of technology,
8 of the private sector's readiness to invest,
9 and generally of all possible approaches to
10 delivering these policies most
11 cost-effectively for New York customers.

12 Further, we need to bring these clean
13 resources onto the system so as to preserve,
14 and actually improve, reliability and safety.

15 The commission's regulatory
16 jurisdiction extends over investor-owned
17 utilities, including six major electric/gas
18 utilities, five major gas utilities, three
19 major water companies, as well as small
20 telephone companies, hundreds of water
21 companies, municipal electric utilities,
22 cable companies, power generators, and energy
23 service companies. The department provides
24 regulatory oversight and reviews of electric

1 service operation on Long Island.

2 In FY 2019-2020, the commission
3 expects to decide several major rate cases.
4 This important review will be informed by the
5 in-depth analysis of department professional
6 staff that includes engineers, accountants,
7 economists, and analysts, to ensure a clear
8 and transparent assessment of the benefits
9 and costs of utility investments. Within
10 those rate case reviews, the commission will
11 continue to ensure the large tax savings for
12 utilities due to federal tax law changes are
13 completely captured for customer benefit.
14 Staff teams will conduct thorough review of
15 the utility expenses and capital investments
16 to ensure that rates are set at levels, and
17 not above those, that are necessary to
18 provide safe and adequate service, maintain
19 and replace aging infrastructure, advance the
20 clean energy agenda, provide clean water,
21 good customer service, and keep bill impacts
22 as low as possible given these legitimate
23 cost-of-service needs.

24 We will build on the state's success

1 in driving record investment in renewable
2 energy development by supporting
3 Governor Cuomo's call to expand
4 energy-efficiency programs and deploy
5 3,000 megawatts of energy storage -- the
6 largest commitment per capita by any state --
7 by 2025, saving billions of dollars.
8 Further, we will work with NYSERDA to obtain
9 at least 9,000 megawatts of offshore wind
10 power, which will include making awards in
11 the spring of this year under the initial
12 procurement for approximately 800 megawatts
13 that was initiated in November of last year.

14 In terms of developing new energy
15 resources, there are currently 28 active wind
16 and solar proposals totaling 4,300 megawatts
17 pending before the Siting Board, which I
18 chair. It is critical that these projects be
19 appropriately sited, with an appropriate
20 consideration of potential environmental and
21 community impacts.

22 In the telecommunications sector, we
23 will accelerate infrastructure modernization
24 and oversee investment in broadband buildout

1 to help achieve Governor Cuomo's vision of
2 universally available high-speed broadband.

3 The commission uses its enforcement
4 powers to protect New Yorkers. Last year, we
5 took enforcement action against Charter for
6 failing to meet its merger condition to
7 expand its network in rural areas of the
8 state. In the gas sector, we have penalized
9 excavators that violate Dig Safely rules, and
10 we have secured significant penalties from
11 gas utilities for violations of our
12 regulations.

13 In the electric sector, we are
14 finalizing our investigation into the utility
15 response to the March 2018 downstate
16 snowstorm. And while the utilities have
17 already made improvements, we will be
18 recommending additional improvements as well
19 as considering whether punitive actions are
20 warranted.

21 The FY 2019-2020 Executive Budget
22 provides support of \$98.9 million for
23 operations, including \$90.4 million in 18-a
24 utility funds, \$3 million for cable TV, and

1 \$5.5 million in federal funds, primarily for
2 gas safety. Additionally, \$5.8 million is
3 included for intervenor funding, for a total
4 all-funds appropriation of \$104.7 million.
5 The full-time equivalent position count
6 increases from 520 to 528, with the
7 additional staff assigned to review
8 Article 10 electric generation siting
9 applications. We are positioned to deliver
10 on our core mission and to meet the
11 Governor's ambitious agenda.

12 This concludes my remarks, and I
13 welcome your questions.

14 CHAIRWOMAN KRUEGER: So I'm going to
15 ask that you give 2 more minutes on the
16 clock, because you took some of Alicia's
17 time --

18 (Laughter.)

19 CHAIRWOMAN KRUEGER: -- so we're going
20 to try to give that back to you.

21 And again, your testimony is meatier,
22 so again I would urge not just trying to read
23 through it.

24 NYSERDA PRESIDENT BARTON: Well, thank

1 you, Chair Krueger, and thank you, Chair
2 Weinstein as well, and to all the members of
3 the committees who are here. I appreciate the
4 opportunity to be here. I will do my best to
5 be brief.

6 Thank you. And I have to say I'm
7 looking forward to working closely with the
8 Legislature on the critical climate and
9 energy issues that are facing our state and
10 indeed our nation.

11 Governor Andrew Cuomo's resolute
12 commitment to fighting climate change can be
13 seen in the policies that New York has
14 implemented in recent years and in the
15 remarkable growth of clean energy we have
16 witnessed in our state. However, recognizing
17 the urgency of the threat posed by climate
18 change, and the increasingly dire warnings
19 from scientists across the globe, the
20 Governor is now taking bold new steps, as
21 presented last week to the Legislature in his
22 State of the State and budget address.
23 Governor Cuomo's Green New Deal is a
24 nation-leading clean energy and jobs agenda

1 that will put New York State on a path to a
2 carbon-free power grid by 2040, and a
3 carbon-free economy.

4 The cornerstone of this new goal is a
5 significant increase in New York's successful
6 Clean Energy Standard mandate from a
7 requirement to achieve 50 percent of the
8 state's electricity supply from renewable
9 energy by 2030 to a requirement that we reach
10 70 percent renewable energy under the same
11 time frame -- the most aggressive renewable
12 energy target in the nation. I am pleased to
13 report that New York is already on a strong
14 pace to reach our 2030 renewable energy
15 goals.

16 As announced by the Governor last
17 week, New York has now awarded \$2.9 billion
18 to 46 projects that will generate \$7 billion
19 in direct investment in the clean energy
20 sector, an unprecedented response to the
21 first two renewable solicitations held under
22 the Clean Energy Standard. In just under two
23 years, the new renewable energy projects that
24 we have awarded would generate enough power

1 to support the four largest upstate cities —
2 Buffalo, Rochester, Syracuse and Albany, and
3 have been awarded at costs far lower than
4 anyone originally anticipated. This is a
5 remarkable outcome by any measure. In
6 addition, 2018 was the largest year in
7 New York State history for new solar
8 installations, and New York has emerged as
9 one of the largest national markets for solar
10 project development.

11 The Green New Deal will build upon
12 this track record of success and drive an
13 unprecedented ramp-up of renewable energy to
14 quadruple New York's offshore wind target to
15 9,000 megawatts by 2035, deploy 3,000
16 megawatts of energy storage by 2030, double
17 solar deployment to 6,000 megawatts by 2025,
18 maximize contributions from existing
19 resources, and expanding NYSERDA's Solar For
20 All program for low- and moderate-income New
21 Yorkers.

22 New York will move boldly to achieve
23 these goals with specific near-term actions
24 and long-term strategies to spur unparalleled

1 innovation and transform the state's clean
2 energy economy. Offshore wind is a key new
3 renewable energy resource that we will need
4 to meet our increased Clean Energy Standard
5 mandate. The Governor is quadrupling the
6 target for offshore wind deployment to 9,000
7 megawatts by 2035, the most aggressive
8 offshore wind goal in U.S. history. This
9 would truly transform the state's electricity
10 system, serving approximately a quarter of
11 the state's total expected electricity needs
12 in 2035.

13 In November, NYSERDA issued the
14 state's first solicitation for 800 megawatts
15 of offshore wind energy, launching this new
16 industry at scale. We have received an
17 unprecedented response to the RFP, with five
18 Notices of Intent to Propose received by late
19 December, representing the world's premier
20 offshore wind developers, and we expect to
21 have contracts executed this summer.

22 Advanced energy storage has become and
23 will continue to be a significant opportunity
24 for growing our clean energy economy. New

1 York's energy storage strategy under the
2 Green New Deal will double the current target
3 to deploy 3,000 megawatts of energy storage
4 by 2030, and we appreciate the Legislature's
5 partnership in making this the largest target
6 in the nation.

7 Under the Green New Deal, the target
8 for distributed solar deployment in New York
9 is doubling to 6,000 megawatts by 2025. NY
10 Sun, the state's \$1 billion investment in
11 solar development, has already spurred an
12 increase of nearly 1,500 percent in installed
13 solar energy from December 2011 through
14 October 2017, leveraging more than \$3.5
15 billion in private investment.

16 As you can see, clean energy is
17 already increasing on a steep trajectory
18 across our state. The 2019-2020 Executive
19 Budget builds upon this success and
20 recommends up to \$19.7 million in authorized
21 funding for NYSERDA to support critical
22 research and development that encourages
23 economic development by supporting new clean
24 energy technology companies in New York. It

1 also supports the state energy planning
2 functions, such as the Greenhouse Gas
3 Inventory, and these 18-a funds also maintain
4 NYSERDA's energy-related emergency response
5 planning and are essential to the Fuel NY
6 program, which ensures that New York's first
7 responders and citizens have access to fuel
8 during increasingly frequent extreme weather
9 events.

10 We are proud of what has been achieved
11 thus far in New York and thank you for your
12 collaboration and partnership. I'm proud of
13 NYSERDA's leadership in advancing clean
14 energy solutions on behalf of the state. And
15 as the federal government seeks to scale back
16 its role in addressing the impacts of climate
17 change, it is now more vital than ever that
18 New York continue our work to address the
19 global imperative to reduce greenhouse gas
20 emissions. Thank you.

21 CHAIRWOMAN KRUEGER: I want to thank
22 you both for speeding this process through.
23 But it's really just because we want to ask
24 you so many questions and give you more

1 opportunities to go into detail.

2 So with that, our first testifier is

3 Todd Kaminsky, the chair of the EnCon

4 Committee.

5 SENATOR KAMINSKY: Hi, good afternoon.

6 I will try not to testify, I will try to only

7 ask questions.

8 Very quickly, can you tell us where

9 the 2040 number comes from and why you are

10 confident that you'll be able to meet that?

11 There have been -- previously when the DEC

12 commissioner testified, a number of

13 colleagues said that it was not realistic.

14 Many of us are hoping it is realistic and

15 even more is realistic. Can you tell us how

16 you get to that number and why you think it's

17 doable?

18 NYSERDA PRESIDENT BARTON: Just let me

19 clarify, that's a question for me? I'm happy

20 to --

21 SENATOR KAMINSKY: For you, yes.

22 NYSERDA PRESIDENT BARTON: Thank you.

23 So the Governor's proposal, the

24 proposed Climate Leadership Act, is really

1 founded in sort of two key anchors. One is
2 acting with a sense of urgency commensurate
3 with the threat posed by global climate
4 change, and making sure that we are acting as
5 aggressively as we possibly can. And the
6 second is really building upon what we are
7 seeing today and the incredible success of
8 growing renewable energy markets in New York
9 State already.

10 And I addressed some of that in my
11 testimony, but I do want to highlight that
12 the results of our efforts under the Clean
13 Energy Standard solicitations to date have
14 far exceeded initial expectations, both in
15 terms of the amount of renewable energy
16 that's available to procure and the costs at
17 which it is available to us as well. The
18 costs that we have seen, in terms of the
19 first two solicitations under the Clean
20 Energy Standard are already almost 25 percent
21 lower than the prices we saw just two years
22 ago. That's how fast renewable energy costs
23 are falling. And it gives us confidence that
24 if we continue that trajectory and execute on

1 the other goals that the Governor has laid
2 out, including his increased commitment to
3 offshore wind energy and distributed solar
4 energy, that we can see a path towards
5 achievement of the 100 percent carbon-free by
6 2040 goal.

7 SENATOR KAMINSKY: Okay. And have you
8 also considered sectors other than the
9 electric sector in determining how our state
10 can reduce global warming beyond that one
11 area?

12 NYSERDA PRESIDENT BARTON: Yes. The
13 Governor's Climate Leadership Act is quite
14 clear in setting a mandate for the Climate
15 Action Council to identify the strategies to
16 achieve a carbon-neutral economy. That would
17 be economy-wide, so beyond the electric
18 sector, just as you're asking.

19 SENATOR KAMINSKY: And it says that,
20 however, without a specific year target like
21 it does for the electric sector, correct?

22 NYSERDA PRESIDENT BARTON: That's
23 correct. That is the work charged to the
24 Climate Action Council, is to analyze the

1 pathways and strategies and what it would
2 take to get to a more specific target. That
3 work is very important. There are a number
4 of critical issues associated with this
5 transition to a carbon-free economy, and the
6 Governor has laid out a clear path for the
7 Climate Action Council to tackle those very
8 important questions.

9 SENATOR KAMINSKY: Okay. In
10 envisioning a world where people are not
11 heating their homes with fossil fuels or
12 driving cars in the same way, what are some
13 of the major things that we're going to have
14 to be grappling with in the next few years or
15 that a council would have to grapple with in
16 the next few years in order to start to get
17 us on that path?

18 NYSERDA PRESIDENT BARTON: Well, as I
19 said, I think the good news is we're already
20 starting down that path quite a bit,
21 including, again, the results of our
22 renewable energy procurements, the growth we
23 see in distributed solar statewide, and 2018
24 was a historic year for new installations of

1 solar energy. And we see consumers across
2 the state enthusiastically embracing options
3 to install solar on their homes or businesses
4 as well to participate in community solar
5 efforts.

6 These clean energy solutions are
7 becoming increasingly available to consumers,
8 and consumers are embracing them
9 enthusiastically. We saw a significant
10 increase in sales of electric vehicles last
11 year as well. And we would expect again
12 these trends to continue, really aided by the
13 fact that the Governor has proposed what is
14 an incredibly forward-looking agenda and
15 sends a clear market signal that New York is
16 going to be a leader in this area, and sends
17 that signal to companies and investors to
18 invest in our state and to keep bringing
19 these solutions to market faster, at lower
20 cost, and provide us with the tools that we
21 do need to undergo this transition.

22 SENATOR KAMINSKY: Chairman Rhodes,
23 did you want to chime in as well?

24 PSC CHAIR RHODES: I was going to

1 echo, obviously, Alicia's points. One of the
2 premises of doing this is so-called
3 electrification. Things that are not done
4 with electricity get done with electricity in
5 the future. Heating, through heat pumps and
6 the like, is a technology that's sort of been
7 on the sidelines but is now really ready for
8 prime time. And electric vehicles are even
9 more advanced than that.

10 Obviously if we have electricity being
11 produced in different places and the amounts
12 being used in different ways, we need a grid
13 that can handle it. Again, technology is
14 coming to the rescue. The smart grid is a
15 reality and something we can deliver on. And
16 we'll just have to also plan for flows that
17 come from different places and go in
18 different directions than they do today. I'm
19 sure Alicia will talk about offshore wind,
20 but that will change the picture dramatically
21 in this state.

22 SENATOR KAMINSKY: Okay. And with
23 respect to offshore wind, what can we do to
24 push that as much as possible so that we can

1 hit the timelines and goals that we'd like to
2 aggressively set?

3 NYSERDA PRESIDENT BARTON: Yeah, thank
4 you for that question. And I would build
5 upon John's remarks to say the offshore wind,
6 it really is a game-changer for our ability
7 to decarbonize our economy. And that's why
8 the Governor has embraced such an ambitious
9 goal of 9,000 megawatts of offshore wind,
10 which far exceeds any other state's
11 commitment to this sector.

12 We have been undertaking work over the
13 past couple of years to look at exactly those
14 questions: What does the state need to do in
15 order to realize the potential that we know
16 offshore wind has to provide massive amounts
17 of new renewable energy to, again,
18 decarbonize our power grid and our economy?

19 And it also provides an incredible
20 opportunity to create a new industry here in
21 New York and to lead to the creation of
22 thousands of new good jobs and to make
23 New York the hub for offshore wind as this
24 U.S. industry is developing.

1 I think critical to our success will
2 be continuing the path we're on of
3 procurements of offshore wind. As I
4 mentioned in my testimony, we have an RFP
5 pending now. We have seen record interest in
6 that RFP. Five developers have indicated an
7 intent to propose. That's more than any
8 other offshore wind solicitation in U.S.
9 history.

10 We also have laid out clear proposals
11 for investment in supporting infrastructure,
12 ports infrastructure, workforce development,
13 to ensure that we would be able to deliver
14 this industry.

15 And the last piece that we are focused
16 on that we do need as a state to remain
17 focused on is seeing the federal government
18 advance new lease areas for development of
19 offshore wind, to ensure that there are
20 enough lease areas to supply our state and
21 other states with enough area to develop for
22 offshore wind to meet our goals.

23 SENATOR KAMINSKY: Sure. And where
24 does natural gas fit in the Executive's

1 energy vision? You know, we heard
2 interesting new stories about the utilities
3 saying to communities in Westchester we don't
4 have any more capacity for more natural gas.
5 People talk about it being a bridge. Other
6 advocates talk about it being a nasty fossil
7 fuel we need to get rid of as soon as
8 possible. How do you both or the Second
9 Floor envision natural gas in this overall
10 picture as we proceed ahead with the green
11 vision?

12 PSC CHAIR RHODES: So it's a fossil
13 fuel. And in the future we've talked about,
14 the carbon-neutral economy, there probably is
15 not a large role for natural gas for any
16 purpose. And in the 2040 carbon-free
17 electric system, there's also not -- there's
18 clearly not a large role for natural gas in
19 that system.

20 But that's then, not immediate. And
21 we in all this have to deliver these policies
22 which are needed, in a way that preserves and
23 in fact improves reliability and that is as
24 cost-effective as possible. And so there's

1 -- so gas probably doesn't have a big role in
2 the state 50 years from now, but it's an
3 important part of the energy solution today.

4 SENATOR KAMINSKY: Okay. I didn't
5 even mention 2070, but I appreciate you
6 bringing it up.

7 PSC CHAIR RHODES: I was sandbagged.

8 SENATOR KAMINSKY: One last quick
9 point while we're on the topic of gas. The
10 NTSB did a report on the Columbia Gas fires
11 up in Massachusetts and made a determination
12 that licensed engineers were not being used
13 to oversee the installation of the gas
14 utilities there, which led to the massive
15 fires. So I'd like to work with you,
16 Chairman, and the department to ensure that
17 doesn't happen here in New York.

18 PSC CHAIR RHODES: So -- do I have
19 time to answer? So yes, of course, you know,
20 our own view is just, very quickly, that an
21 issue called operator qualification is at
22 least as important. And we're going to be --
23 we'd like to work with you on the whole range
24 of solutions.

1 I will just observe, for those who
2 care, that after North Andover happened we
3 scrutinized our utilities, their protocols.
4 They inspected their systems. It was a
5 wake-up call for all of us. And I think
6 we're in good shape for it not to happen
7 here, but I'd like to do better, with your
8 assistance.

9 SENATOR KAMINSKY: Thank you.

10 CHAIRWOMAN KRUEGER: Thank you.
11 Assembly.

12 CHAIRWOMAN WEINSTEIN: Assemblyman
13 Cusick, chair of the Energy Committee.

14 ASSEMBLYMAN CUSICK: Thank you. thank
15 you, Chair Weinstein.

16 Thank you for both of you coming here
17 today. It's been a pleasure for the last
18 year working with both of you, and I look
19 forward to continuing that.

20 First I want to say this is great
21 having both of you testify at the same time,
22 but Alicia, you get a record for saying your
23 testimony the quickest and being
24 understandable. So I want to just say I've

1 never seen somebody deliver it so quickly.

2 NYSERDA PRESIDENT BARTON: Thank you.

3 ASSEMBLYMAN CUSICK: Chairman Rhodes,

4 I want to ask you, we have sat down and

5 spoken before today. I just want to go over

6 -- at the beginning of June, there was an

7 article in the Wall Street Journal about

8 utility cybersecurity breaches. Could you

9 just go over with the committee today how PSC

10 regulates utility cybersecurity and talk to

11 us a little bit about that?

12 PSC CHAIR RHODES: So yeah, we read

13 that article too. And as you'd hope, that

14 was an incident we were already aware of.

15 We do -- I would say we work on two

16 fronts. One, as a commission, we work with

17 our utilities, and when we work with our

18 utilities we need to make sure that they are

19 making investments that I'll just call

20 hardening, protective investments that are

21 appropriate and needed for the purpose.

22 And then second, there's kind of a

23 systems -- what human beings do when stuff

24 happens. And we need to be sure that their

1 protocols are up-to-date. We audit the
2 utilities quarterly. I mean not everything
3 each quarter, but each quarter we work our
4 way through the list. And we also ensure
5 that the utilities are abiding by the
6 strictest standards in the nation. Some of
7 them, they're set by national bodies. That's
8 kind of the preparedness work.

9 There's the reactive work. Some of
10 the stuff happens fast. These threats can be
11 fast-developing. We make sure that our
12 utilities are plugged into sorts of
13 information that in fact we don't have access
14 to, because it's black information. But they
15 are plugged in with a set of bodies at the
16 federal level, ideally DHS as well as the
17 state's own cyber-protection arm. Because
18 utilities, although they are a big target
19 sector, are not the only one.

20 And we are a little bit lucky in that
21 we probably have two of the most cyber
22 sophisticated utilities in the country, at
23 least, here in New York, Con Ed and NYPA,
24 although the other utilities are no slouches

1 either.

2 ASSEMBLYMAN CUSICK: So you're
3 satisfied that what was reported in the Wall
4 Street Journal, that nothing major happened.

5 PSC CHAIR RHODES: I am satisfied that
6 nothing major happened in that incident. I'm
7 satisfied that we're probably collecting --
8 collectively doing a pretty good job of
9 handling the world as we know it now, and I'm
10 terrified of what the bad guys will come up
11 with.

12 ASSEMBLYMAN CUSICK: So now I want to
13 get into the budget a little bit with you,
14 Chairman Rhodes. The budget includes \$1.7
15 million for eight additional Article 10
16 siting staffers. How many staffers at DPS
17 are currently reviewing Article 10?

18 PSC CHAIR RHODES: We don't -- most of
19 those folks have multiple responsibilities.
20 There's a crew of about 12 or so for whom
21 that's their primary responsibility. But we
22 draw on legal, economic and engineering
23 resources from across the department.

24 So this will be a meaningful increase

1 that will be -- that will position us to
2 handle properly, and with due exercise of our
3 duty, the increase in applications that are
4 going to come from NYSERDA's solicitations.

5 ASSEMBLYMAN CUSICK: So how many
6 projects are currently under review under the
7 Article 10?

8 PSC CHAIR RHODES: I would have to get
9 back to you on that. I believe it's in the
10 high teens.

11 ASSEMBLYMAN CUSICK: High teens. Do
12 you know how many have been certified at this
13 point?

14 PSC CHAIR RHODES: So actually given a
15 certificate to operate is one, Cassadaga.
16 That happened in February or so of last year.
17 And then I believe there are four in the one
18 step prior, which is your application has
19 been deemed complete and there's a clock
20 ticking of a year to get to actual
21 certification. But I will confirm those
22 numbers to you and to all members here.

23 ASSEMBLYMAN CUSICK: That would be
24 great, thank you. Thank you, Chairman

1 Rhodes.

2 (Discussion off the record.)

3 ASSEMBLYMAN CUSICK: So I'll move to
4 NYSERDA. And President Barton, you had
5 mentioned -- you had talked to Senator
6 Kaminsky about the offshore wind projects.
7 How much offshore wind is New York State
8 currently using, would you say?

9 NYSERDA PRESIDENT BARTON: We
10 currently are not using any offshore wind.
11 Offshore wind is entirely new to the
12 United States. And in fact at this moment in
13 time, there are only 30 megawatts installed
14 in the entire country, and they are located
15 off -- five turbines located off the coast of
16 Rhode Island serving Rhode Island at this
17 time.

18 However, the first project to service
19 New York is scheduled to go forward in the
20 coming years. This is known as the South
21 Fork Project, and it's a 130-megawatt project
22 under contract to the Long Island Power
23 Authority. And that will be an exciting
24 first advancement of bringing offshore wind

1 onto the New York State electric grid.

2 But as I've described, it's really
3 only the beginning, given the Governor's
4 extraordinary new goal of 9,000 megawatts by
5 2035, which we believe is ambitious but
6 achievable, given the trends we are seeing,
7 particularly cost declines in offshore wind
8 markets abroad and in the U.S., and advances
9 in technology, et cetera, where we see an
10 enormous potential for offshore wind to power
11 the New York State electric grid.

12 As I referenced, depending on load
13 scenarios, the Governor's commitment to
14 offshore wind could allow New York State to
15 get close to 30 percent, perhaps, of its
16 power from offshore wind over that time
17 horizon.

18 ASSEMBLYMAN CUSICK: Okay, great. And
19 just -- I see my time is running out. The
20 Climate Leadership Act that's in the budget
21 requires that the Climate Action Council has
22 at least three meetings. How many meetings
23 do you foresee the commission having?

24 NYSERDA PRESIDENT BARTON: Well, the

1 Climate Action Council has not yet been
2 convened. It would be convened under the
3 Governor's proposal when the legislation
4 would be passed and enacted.

5 I believe that the work of the Climate
6 Action Council will be incredibly important
7 for charting this path to a carbon-neutral
8 economy, so three meetings really would only
9 be the beginning of the Climate Action
10 Council's work. The Governor's proposal
11 includes a robust commitment to informed
12 decision-making and analysis and public
13 input.

14 The Governor's proposal also calls for
15 coordinating with the State Energy Planning
16 Board as well as an additional forum for some
17 of these issues to be addressed, and NYSERDA
18 would be participating in both of those
19 activities and again I believe would provide
20 extremely sound forums for good decision-
21 making and for public input on these
22 incredibly important issues.

23 ASSEMBLYMAN CUSICK: Now, it calls for
24 public hearings also. Are there other ways

1 that the public can communicate with the
2 council?

3 NYSERDA PRESIDENT BARTON: Well,
4 certainly --

5 ASSEMBLYMAN CUSICK: Once it's in
6 effect, of course.

7 NYSERDA PRESIDENT BARTON: And
8 certainly -- the Climate Action Council
9 envisioned in the Governor's proposal is
10 comprised of a number of commissioners or
11 cabinet secretaries for the Governor, and we
12 are all available to members of the public
13 today to hear input. And we do outreach, you
14 know, with constituents across the State of
15 New York on a frequent basis to have dialogue
16 around these issues.

17 Again, if you take the Climate Action
18 Council, the State Energy Planning Board --
19 the act also calls for a proceeding of the
20 Public Service Commission, which allows for
21 robust public input as well. I believe there
22 will be multiple forums and opportunities for
23 any interested members of the public to
24 participate in these conversations.

1 ASSEMBLYMAN CUSICK: Great. Thank
2 you.

3 PSC CHAIR RHODES: May I?

4 ASSEMBLYMAN CUSICK: Yes.

5 PSC CHAIR RHODES: We have 14 projects
6 in front of us.

7 ASSEMBLYMAN CUSICK: Fourteen
8 projects? Thank you.

9 CHAIRWOMAN WEINSTEIN: Thank you.
10 Senate?

11 CHAIRWOMAN KRUEGER: Thank you.
12 Senator Ortt.

13 SENATOR ORTT: Yes, thank you.

14 Good to see both of you. I don't know
15 if you can say the same for all of us, but
16 hopefully you can.

17 A couple of quick questions, and I
18 think I'm going to direct this to John. But
19 Alicia, sometimes it could be for you, and if
20 you want to jump in, obviously, please feel
21 free to do so.

22 Commissioner, you're very well aware
23 of the Spectrum issue and the broadband issue
24 across the state, particularly in my

1 district, where Spectrum was basically given
2 the go ahead to fulfill the state's initial
3 obligation to roll out broadband to a number
4 of my constituents in Eastern Niagara and
5 Orleans County. The PSC obviously approved
6 that original deal, and then obviously we
7 know where we are today.

8 If Spectrum is kicked out of the
9 state, if they're ultimately removed from the
10 state or forced to leave the state as that
11 negotiation goes on, what plan does the PSC
12 or does the state have to fulfill that
13 initial obligation that Spectrum was supposed
14 to fulfill that obviously it hasn't? You
15 know, there was \$500 million that this body,
16 both the Assembly and Senate, voted for to
17 bring broadband to underserved populations.
18 One of those areas certainly was rural and
19 remote populations. And that, I can tell
20 you, in my district has not occurred.

21 PSC CHAIR RHODES: The overriding
22 objective in all this is to get service to
23 the New Yorkers in less densely populated,
24 generally upstate communities. And that is

1 the reason that we took the action, which I
2 think was a strong action, to revoke the
3 approval of a merger and therefore put them
4 on notice that they no longer had, you know,
5 the basis for operating in the state.

6 There are two paths to getting to the
7 rollout, to the buildout. So one is they fly
8 straight. And it's a known fact that we've
9 been granting them extensions and that has
10 been truthfully justified on the basis that
11 we are in settlement discussions that could
12 lead to the outcome that we need for New
13 Yorkers.

14 And the alternative, they will -- I'm
15 sure they'll go through various processes,
16 but if they are kicked out of the state, the
17 process that we have laid out is they have to
18 propose an implementation plan for turning
19 over those assets. We have to find that the
20 purchaser of those assets is going to operate
21 them in the public interest. We are on
22 record as saying the public interest includes
23 that buildout.

24 So those are the two --

1 SENATOR ORTT: All right, so it's your
2 contention here today that if -- obviously if
3 Spectrum did what it was going to do, then we
4 know that -- but if they were to leave, it's
5 your contention to me and to others that
6 whoever came in and took over their assets
7 would fulfill the buildout obligation that
8 Spectrum was supposed to achieve, which would
9 include areas like mine?

10 PSC CHAIR RHODES: It's absolutely my
11 expectation that we will deliver universal
12 high-speed broadband to every New Yorker, and
13 I expect --

14 SENATOR ORTT: By when? Do you know
15 by when, when you would deliver that?

16 PSC CHAIR RHODES: I'll have to get
17 back to you on the year.

18 SENATOR ORTT: I mean, as you can
19 imagine, if it's open-ended --

20 PSC CHAIR RHODES: It's not --

21 SENATOR ORTT: 2030 is nice, but
22 that's not right around the corner for a lot
23 of these folks.

24 PSC CHAIR RHODES: No, it's a number

1 that's much closer to now than then.

2 SENATOR ORTT: All right.

3 And then my other question is -- and
4 this might be more for you, Alicia, but
5 obviously you both can answer. Recently over
6 the last several years, you know, there's
7 been policies that have resulted in less
8 energy infrastructure being built in New
9 York, or at least traditional energy
10 infrastructure. So we have coal plants going
11 out, we have really a moratorium on new
12 pipeline construction, or at least what is,
13 in practice, less pipeline construction for
14 natural gas. And of course we have a ban on
15 hydrofracking.

16 Forgetting the economic impacts of not
17 doing those things, it is my belief or my
18 understanding that we're certainly importing
19 a lot of our energy usage from other states
20 -- Pennsylvania, New Jersey, even Canada,
21 what have you. Those other states, is that
22 -- the power we're importing, is that meeting
23 New York State's standards? And is that
24 counted when we talk about these -- you know,

1 the numbers and the clean energy numbers, is
2 that power that's coming from outside of New
3 York, is that included in those data points?

4 (Discussion off the record.)

5 NYSERDA PRESIDENT BARTON: So we do
6 have a dynamic electric system that is
7 connected to other regions, and we have both
8 imports and exports of electricity that make
9 up the composition of our grid today, and
10 that will continue to be the case going
11 forward.

12 However, I think with the policies we
13 are putting in place, we do have an ability
14 to drive conversion to cleaner energy
15 resources. Obviously I spoke about the
16 results that we're seeing of our
17 procurements. And through the Clean Energy
18 Standard legal requirements put in place by
19 the Public Service Commission, load-serving
20 entities, utilities in the state are required
21 to obtain increasing proportions of their
22 supply that they provide to consumers from
23 those renewable energy resources. And we
24 would expect that same type of requirement to

1 be part of the work that goes to implementing
2 the Governor's proposal under the Climate
3 Leadership Act.

4 So that's the means by which I think
5 we can achieve that target, building upon,
6 again, the policies that we use today that
7 drive towards that outcome.

8 CHAIRWOMAN KRUEGER: Thank you.
9 Assembly.

10 CHAIRWOMAN WEINSTEIN: Assemblyman
11 Otis.

12 ASSEMBLYMAN OTIS: Thank you, Madam
13 Chair.

14 Thank you for coming.

15 John, I had a question for you that's
16 come up in Westchester County that's raised
17 some concern, which is the -- last week we
18 got a notice from Con Edison regarding a
19 moratorium on new installations of natural
20 gas hookups in Westchester County. I'm just
21 curious what involvement, if any, the Public
22 Service Commission had in that, or knowledge
23 about that. And in a sense, it seemed like a
24 unilateral action by Con Ed.

1 Is this something that the Public
2 Service Commission has a say in, has to give
3 approval to? The concern is that there are
4 many people who want to hook up to natural
5 gas, some economic development impacts. And
6 so we could use some help in terms of
7 background that you have or whether the
8 Public Service Commission is looking at this.

9 PSC CHAIR RHODES: So we are looking
10 at this. You asked very broad-ranging
11 questions.

12 This started off about 16 months ago,
13 Con Ed filed something they called a smart
14 solutions petition, which said "We are
15 looking for alternatives because we
16 anticipate this spike in demand is leading to
17 a possible shortage." And they had a process
18 for dealing with that.

19 We knew about it at the time. The
20 public knew about it at the time. There was
21 a press release about five months ago, in
22 August of '18, that we issued to draw
23 attention to this. It actually did arouse
24 public comment. We got a fair -- we got

1 18 people to share their views.

2 Obviously I can't -- I have to
3 recognize that there's quite a large surprise
4 factor to the announcement that showed up on
5 Thursday.

6 So in terms of what we can do about
7 it, in the very short term there are
8 solutions in front of Con Ed and in front of
9 us, under this smart solutions idea, about
10 what we can do to mitigate the shortage. So
11 that is -- that should be coming forth
12 shortly. Without disclosing too much, it's
13 almost certain it will not close the gap, so
14 we will have to do a Round 2.

15 In the meantime, we as the department
16 are seeking to engage with stakeholders in
17 Westchester -- local government, legislators
18 like yourself, communities, New Yorkers that
19 care about environmental issues, New Yorkers
20 that care about economic development -- to
21 listen and to learn and, you know, ultimately
22 but not too much later, to identify the best
23 approaches to the solution.

24 ASSEMBLYMAN OTIS: One follow-up

1 question I have on that, is part of your
2 process a verification about the specifics of
3 a capacity/delivery shortage or barrier? Do
4 we know that that in fact is verified?

5 PSC CHAIR RHODES: Yes, we will be
6 vigilant on that.

7 I do want to make a couple of points
8 about the moratorium as attention-getting, as
9 it were. It's important to note that no
10 existing customers are affected by this.
11 Their service is preserved. And that's
12 important to note.

13 But yes, we will be -- we will be
14 engaged, and we -- I don't think -- I think
15 we're walking into an open door. We expect
16 to engage with you, the legislators from
17 those communities, but also with community
18 members and local government folk as well.

19 ASSEMBLYMAN OTIS: Great. I
20 appreciate that.

21 With my 46 seconds left, I'll just
22 throw one quick additional topic at you. Any
23 update on -- we've had good cooperation from
24 the Public Service Commission on again

1 looking at our rules relating to storm
2 recovery and response by utilities. Anything
3 that you want to share about where that
4 process is?

5 PSC CHAIR RHODES: We had an
6 investigation that initiated after the March
7 -- Riley/Quinn March storms. The
8 investigation is complete. We're finalizing
9 the recommendations that will be
10 forward-looking. The utilities are already
11 doing quite a bit. I think Con Ed signed up
12 for \$100 million of hardening in Westchester.
13 And we had Harper last weekend, which we
14 weathered pretty well.

15 ASSEMBLYMAN OTIS: Thank you.

16 CHAIRWOMAN WEINSTEIN: Thank you.

17 We've been joined also by
18 Assemblywoman Amy Paulin.

19 CHAIRWOMAN KRUEGER: Senate up next.

20 Senator Metzger.

21 SENATOR METZGER: Thank you.

22 Let's see, I wanted to start with --
23 first of all, I totally agree that
24 prioritizing offshore wind investment is a

1 huge piece of addressing the climate crisis.

2 Could you tell us how many years it
3 took for or will have taken for the LIPA
4 offshore wind project to get off the ground?

5 NYSERDA PRESIDENT BARTON: Well, I'd
6 have to double-check and get back to you in
7 terms of the exact timeline, some of which
8 predated my involvement. But in general, the
9 project I believe is scheduled to be
10 constructed and in service around 2021, is
11 the latest schedule that I've seen.

12 So I believe the contract was
13 announced perhaps two years ago -- 2017, I
14 believe was when contract -- I just don't
15 know what work predated that.

16 A five-year time horizon for an
17 offshore wind project is not unusual. These
18 are extremely large and complex projects,
19 they require extensive permitting and the
20 like, as well as sometimes multi-year
21 construction schedules, just given the
22 logistical challenges of performing
23 construction in open water.

24 So we certainly hope to see those

1 timelines compressed as we move forward, as
2 the industry matures, as we all get more
3 experience as an industry in the United
4 States with delivering those projects. But I
5 think right now you can expect those same
6 type of multiyear time horizons for new
7 projects that get proposed.

8 SENATOR METZGER: And the onshore wind
9 projects, typically how long does that
10 average in the permitting process to get off
11 the ground?

12 NYSERDA PRESIDENT BARTON: Well,
13 again, it would depend, honestly, on a number
14 of site-specific factors and otherwise.

15 In terms of the projects that, for
16 example, NYSERDA has awarded under our Clean
17 Energy Standard procurements, we had seven
18 wind projects over the last two years
19 awarded. I expect that most of those are on
20 roughly a three-to-four-year development time
21 horizon. They are a bit faster than offshore
22 wind.

23 SENATOR METZGER: All right. I see my
24 clock, and I've got like so many questions.

1 So I wanted to ask if you think the
2 buildout of new fossil fuel projects
3 contradicts our new -- the Governor's new
4 proposed energy targets.

5 PSC CHAIR RHODES: So no, because we
6 absolutely will hit the Governor's targets, a
7 hundred percent and 70 percent.

8 The goals are necessary, they're
9 realistic, and they're thoughtful. And we
10 have, you know, the technology and innovation
11 that's going to bring it within reach, we've
12 got the track record of actually delivering
13 the resources onto the system to get us some
14 confidence. We know that we need to, you
15 know, optimize and make maximum use of all
16 infrastructure, both existing and new. We
17 need to do it within the constraints of
18 reliability and of economics. We will not
19 jeopardize any of those boundary conditions,
20 the Governor's goals, and the Governor's and
21 state's commitment to reliability and to
22 cost-effectiveness.

23 SENATOR METZGER: Okay. Well, I
24 disagree on that point of -- I'm not sure

1 it's a reliability -- entirely a reliability
2 issue. But I want to move on to another
3 question.

4 Do the new targets take into account
5 an increase in beneficial electrification,
6 EVs, and a shift to heat pumps?

7 NYSERDA PRESIDENT BARTON: So the
8 Governor's proposal under the Climate
9 Leadership Act does specify a carbon-neutral
10 economy, which absolutely would require a
11 massive scale-up of both heat pumps and
12 electric vehicle technologies. That is,
13 again, part of the work that the Climate
14 Action Council will need to undertake to
15 understand what the pathways are.

16 However, we're not waiting for 2040 or
17 other time frames to get started on deploying
18 electric vehicles and heat pumps, and we have
19 seen strong progress, as I alluded to
20 earlier, in new sales of electric vehicles.

21 We have financial resources -- NYSERDA
22 provides a Drive Clean Rebate -- and
23 otherwise New York is outpacing other states
24 in adoption.

1 Similar with heat pumps. We have a
2 number of programs and initiatives already
3 looking at aggressively scaling that.

4 SENATOR METZGER: Okay, I'm way
5 running out of time. But I just want to say
6 I was a party to the Central Hudson rate
7 case, and I know there are lots of things
8 that could be done in terms of time of use
9 rates and other things that are not being
10 done to encourage EV usage and, you know,
11 infrastructure buildout with businesses and
12 the like.

13 And so I'd be interested to hear what
14 your plans are --

15 PSC CHAIR RHODES: Can we follow up
16 with you, Senator?

17 SENATOR METZGER: Sure, yes.

18 CHAIRWOMAN KRUEGER: Yes, I was going
19 to encourage that, to follow up.

20 Thank you, Senator Metzger.

21 Assembly?

22 CHAIRWOMAN WEINSTEIN: Assemblyman
23 Carroll.

24 ASSEMBLYMAN CARROLL: Good afternoon.

1 Thank you both so much for coming.

2 I have a couple of quick questions.

3 So the first question I would like to ask --

4 and I think this is more appropriate for

5 Chairman Rhodes -- is under the

6 implementation of VDER, what has the state

7 looked into to making sure that we do not

8 have a chilling effect to small community

9 solar projects or individual solar projects?

10 Since we've gone away from the net metering,

11 I know that there are many small-scale solar

12 installers who are very worried that they

13 will not be able to give assurances to

14 adopters of what their rates will be.

15 PSC CHAIR RHODES: So there's a

16 two-part answer, if I could. We're running a

17 -- a three-parter.

18 We're running quite an open process.

19 We are issuing proposals, we call them white

20 papers, that are meant to attract comment.

21 This is a sophisticated set of market actors,

22 and they're able to participate, you know,

23 very well in that process. So we hear from

24 them.

1 In terms of our approach to net
2 metering, I would describe it as very
3 careful. Right now net metering remains in
4 place for residential -- remains in place for
5 small commercial customers. We've created
6 options for those customers if they choose to
7 go take another rate structure, but it does
8 remain in place. And we expect any movement
9 on that to be careful and, in our word,
10 gradualist.

11 You mentioned a chilling effect. I
12 just don't think we see that, but maybe I --
13 this is where I turn it over to Alicia.

14 NYSERDA PRESIDENT BARTON: Sure. I
15 mean -- and appreciate absolutely the concern
16 about whether consumers will be able to
17 access solar energy going forward, which, as
18 everything we've stated, is a clear part of
19 the Governor's priorities and a core part of
20 what we're focused on.

21 The growth that we're seeing in
22 distributed solar is very, very strong. I
23 understand that some developers have concerns
24 with specific aspects of the policy design.

1 But I want to reassure you and all the
2 committee members that the pace of solar
3 growth in New York State is very, very
4 robust. As I mentioned, 2018 was a historic
5 year, the largest year in history for new
6 installations in New York State. It was
7 about -- almost 25 percent higher than the
8 next best year, which was 2017.

9 In addition, if you look at the most
10 recent data we have available, which was for
11 the first three quarters of 2018 nationally,
12 look at distributed solar, we were second in
13 the nation in terms of new installations.
14 And we see a huge pipeline of projects behind
15 that. So we do feel that developers are
16 advancing projects and able to communicate
17 the value proposition that we know is there
18 to customers, and we are seeing customers
19 take them up on that.

20 ASSEMBLYMAN CARROLL: Well, let me
21 switch gears now to large-scale renewable
22 energy. Right now New York State produces
23 about 25 percent of its electric energy from
24 renewable sources, but about 80 percent of

1 that is produced by hydroelectric.

2 And my big question is these numbers
3 here that both of you presented, they seem
4 very -- they seem great. But how many homes
5 do we think that will actually be able to
6 power through a 6,000 megawatt wind farm?
7 And are we actually not being ambitious
8 enough?

9 That the problem here is that it
10 sounds good to say that we will be completely
11 non -- carbon-free in our energy grid by
12 2040, but what we're actually doing today,
13 though large, is not nearly enough to get
14 there. Because I think, back of the
15 envelope, New York City, for instance, uses
16 about 11,000 megawatts of energy on just an
17 average day. And that's not a peak day.

18 And so we need to actually be
19 investing tremendously more. And that --
20 because my time is running down -- then
21 dovetails into my next question, which is
22 why, if the state is set on hitting a
23 2040 goal of an entirely carbon-free energy
24 grid, are we investing money in the Williams

1 Pipeline or allowing for the Williams
2 Pipeline to take place? Why are we not just
3 investing all of our money in resources right
4 now into renewable energies? We have lots of
5 plug-and-play natural gas plants, we still
6 have quite a few nuclear plants that allow
7 for energy to be produced and for businesses
8 to be maintained. And why aren't we putting
9 all of our energies into solar, wind,
10 hydroelectric, geothermal right now?

11 Because again, as I said, though this
12 seems ambitious, it does not actually seem
13 enough to produce the kind of energy that New
14 York City, Long Island and the rest of the
15 state needs.

16 NYSERDA PRESIDENT BARTON: If I may
17 respond briefly.

18 CHAIRWOMAN KRUEGER: Yes.

19 NYSERDA PRESIDENT BARTON: Thank you.

20 I share your sense of urgency around
21 our need to scale renewable energy
22 aggressively in order to hit these targets
23 and to combat the threats that we are facing
24 from climate change. That's why we are so

1 pleased with the track record of these
2 procurements, which are not small. I
3 understand your comment about the small
4 percentages of wind and solar that are
5 installed today, but just those first two
6 procurements, that's 3,000 megawatts of new
7 wind and solar we were able to put on
8 contract. We'll be getting bids for 800
9 megawatts of offshore wind just next month.

10 Those are not incremental steps, those
11 are measurable percentages of the state's
12 load. And I would be happy to follow up and
13 outline those numbers for you in greater
14 detail.

15 In addition, I just want to point out
16 that in setting these 2040 goals, the
17 Governor has left no ambiguity that this
18 transition will be led by renewable energy.
19 Nine thousand megawatts of offshore wind is
20 an extraordinary commitment to new renewable
21 energy. All the other states who have
22 offshore wind targets combined are at 8,000
23 megawatts. Six thousand megawatts of
24 distributed solar, and on and on. There is a

1 clear plan for renewables to lead the way in
2 this transition to 2040.

3 ASSEMBLYMAN CARROLL: How many
4 megawatts does New York State need right now?

5 NYSERDA PRESIDENT BARTON: I'm
6 sorry --

7 ASSEMBLYMAN CARROLL: Total.

8 CHAIRWOMAN WEINSTEIN: Mr. Carroll --

9 PSC CHAIR RHODES: Can we set up some
10 time to take you --

11 ASSEMBLYMAN CARROLL: I would love
12 that. But I mean that's a simple question.
13 I mean, you must know it.

14 CHAIRWOMAN WEINSTEIN: I'm sorry, you
15 can come back after. We have a lot of
16 members who want to speak.

17 Senate?

18 CHAIRWOMAN KRUEGER: Thank you.

19 Senator Seward.

20 SENATOR SEWARD: Thank you,
21 Chairman Rhodes and President Barton, for
22 being here today and for an interesting
23 discussion.

24 My first question is to Chairman

1 Rhodes on the telecommunication side. In
2 your testimony you talked about we will
3 accelerate infrastructure modernization, and
4 you're talking about {inaudible} --

5 (Calls of "Mic".)

6 PSC CHAIR RHODES: I think there is
7 something with your mic.

8 CHAIRWOMAN KRUEGER: Technical
9 difficulties.

10 SENATOR SEWARD: Okay, I'd like for
11 the clock to go back to 5. Okay?

12 Well, did you hear me thank you for
13 being here, I hope, President Barton and
14 Chairman Rhodes?

15 And my first question is for Chairman
16 Rhodes on the telecommunication side. In your
17 testimony you talked about we will accelerate
18 infrastructure modernization. I was hoping --
19 I'm hoping you were talking about telephone
20 service, both landline and cellphones. Because
21 in the rural areas I can tell you that both are
22 lacking in terms of infrastructure modernization
23 and, you know, being able to make a cellphone
24 call.

1 So my question is related to that. As a
2 matter of fact, I have a letter on its way to you
3 regarding a specific concern regarding a specific
4 company, and I'll be handing you a copy of that
5 before you leave here today. I would like the
6 PSC to get involved.

7 So if you could address that, as well as
8 on the broadband side. Obviously we all want to
9 have everyone have access to high-speed
10 broadband. Once again, in the rural areas we're
11 still waiting in so many communities, both
12 because of the Spectrum/Charter matter and also
13 the Broadband Office has committed \$500 million
14 over the last number of years of monies that this
15 Legislature had appropriated to supplement
16 broadband expansion in underserved areas and
17 unserved areas.

18 Do you think in order to reach our
19 universal goal there that we will -- we should be
20 reupping, we'll need to reup some additional
21 funding directed to broadband?

22 PSC CHAIRMAN RHODES: So it's my
23 expectation that we don't need to reup the
24 funding, that with the programs that we have

1 in place, both in the broadband office and
2 from the commitment by Charter/Spectrum, we
3 will be able to get there. Senator Ortt
4 raised some questions; they're valid. But
5 for now I fully expect that what we've done
6 will get us there.

7 Staying with broadband for just a
8 second, you know, and wireless in general,
9 the world doesn't stand still. What we think
10 of as high speed now will not be high speed
11 when we look back at this eight, 10 years
12 from now. We do have to get ready for 5G.
13 We think we know how to do that. We have
14 some powers that allow us to play a strong
15 role in that, so we're working pretty hard on
16 that. Basically we have control of a lot of
17 the necessary real estate, of the structures
18 that are needed to implement 5G.

19 In terms of phone service to rural
20 areas, we're absolutely mindful that it has
21 to be universal and high-quality. You know,
22 the telecoms as a sector, we have more
23 limited authority than we do with, say,
24 electric service, but there are tools that we

1 have and service requirements that the
2 providers have accepted that we can hold them
3 to, and we'd be happy to take you through our
4 approaches to that.

5 SENATOR SEWARD: Great. Well, as I
6 said, I'll be handing you a letter before you
7 leave today.

8 PSC CHAIRMAN RHODES: And I will read
9 your letter with interest.

10 SENATOR SEWARD: Thank you. Thank
11 you. In the time remaining, I had a
12 question -- I'm not sure whether this should
13 be directed to Alicia or to you, but it had
14 to do with the Climate Action Council. Can
15 you explain how this council will be
16 formed -- I mean, for example, who's going to
17 be sitting on it -- and what the ultimate
18 goals are? Does this council have any
19 authority or simply to be making
20 recommendations? And also as part of their
21 deliberations, will they be making a
22 cost-benefit analysis in terms of -- some of
23 the steps that they recommend will not come
24 without costs, I'm sure, and so -- costs to

1 the consumers and the public here in
2 New York. And will that also be analyzed as
3 part of their mission?

4 NYSERDA PRESIDENT BARTON: Yes, thank
5 you. The Governor's proposal in his budget,
6 the Climate Leadership Act, proposed the
7 formation of the Climate Action Council that
8 you're referring to, which would be comprised
9 by the heads of numerous agencies, myself and
10 my colleague Chair Rhodes, as well as DEC and
11 other commissioners, as well as some
12 independent experts that would participate in
13 that process as well.

14 The council is primarily charged with
15 setting out a road map to carbon neutrality,
16 which will involve looking at the broad range
17 of issues, costs and benefits, and the
18 important considerations of how we navigate
19 that transition as an economy.

20 There will be multiple other forums
21 for some of these important questions to be
22 asked as well. As I alluded to earlier, the
23 Governor's proposal directs a proceeding of
24 the Public Service Commission that includes

1 always a detailed review of costs and
2 benefits for those proposals. It also
3 requires updates through the State Energy
4 Planning process, which is another forum
5 where those questions will be looked at as
6 well.

7 CHAIRWOMAN KRUEGER: Thank you.
8 Assembly.

9 CHAIRWOMAN WEINSTEIN: Thank you.
10 Assemblyman Abinanti.

11 ASSEMBLYMAN ABINANTI: Thank you,
12 Madam Chair.

13 And thank you both for joining us
14 today. We appreciate you coming here.

15 Chairman Rhodes, I first of all want
16 to thank you for your commitment to work with
17 us with respect to the Westchester problem
18 with Con Edison. There are a lot of projects
19 on the books, economic development projects,
20 that are going to be slowed up because of
21 this. I'm sure they're afraid to go forward
22 if they're not going to be able to get
23 natural gas, which is the answer in the short
24 run. So I look forward to working with you

1 on that.

2 Let me follow up on my colleague's
3 question here. How many megawatts of energy
4 do we use in the State of New York today? Do
5 we know?

6 NYSERDA PRESIDENT BARTON: I would
7 have to get back to you on the number of
8 megawatts. I know it sounds like a simple
9 question. I appreciate the question from
10 both of you. There are capacity factors
11 involved in each of these technologies that
12 lead us to that --

13 ASSEMBLYMAN ABINANTI: Right. But I'm
14 just trying to understand what we use today.
15 And when my colleague said 11,000 megawatts
16 in New York City, is he talking just about
17 electricity production, or is that everything
18 the city uses to heat the city and et cetera?

19 PSC CHAIRMAN RHODES: He's talking
20 about electricity.

21 ASSEMBLYMAN ABINANTI: Okay. The
22 Governor is talking in terms of targets. I
23 mean, it's a nice sleight of hand to say
24 well, we're going to triple the targets, but

1 we're not talking about today's reality,
2 right? I mean, we're talking about -- if
3 New York City uses 11,000 megawatts just for
4 electricity, when the Governor is talking
5 about going carbon neutral, he's talking
6 about just for electricity; correct?

7 NYSERDA PRESIDENT BARTON: The
8 Governor's proposal includes a commitment to
9 carbon-free electricity by 2040 --

10 ASSEMBLYMAN ABINANTI: Electricity.
11 So we're not going to replace the homes that
12 are --

13 NYSERDA PRESIDENT BARTON: -- as well
14 as carbon-neutral economy-wide. There's both
15 of those --

16 ASSEMBLYMAN ABINANTI: Are we going to
17 be replacing homes that are heated by natural
18 gas with electric heat that's generated by
19 carbon-free sources?

20 NYSERDA PRESIDENT BARTON: The work of
21 the Climate Action Council that the Governor
22 has proposed would develop the road map to
23 achieve that carbon-neutral economy.

24 ASSEMBLYMAN ABINANTI: So we're

1 expecting we're going to be able to replace
2 oil and gas that today heats homes with this
3 new energy.

4 NYSERDA PRESIDENT BARTON: That is
5 exactly the charge for the Climate Action
6 Council.

7 ASSEMBLYMAN ABINANTI: Okay.

8 NYSERDA PRESIDENT BARTON: As we've
9 spoken about also, we do anticipate a
10 significant increase in beneficial
11 electrification, including heating
12 technologies. And we are embarking on those
13 strategies already.

14 ASSEMBLYMAN ABINANTI: How much of
15 that are we doing today? How much does
16 offshore wind contribute today, how many
17 megawatts?

18 NYSERDA PRESIDENT BARTON: As I
19 mentioned earlier today, there is no offshore
20 wind serving the New York State electric
21 grid.

22 ASSEMBLYMAN ABINANTI: And the last
23 one we spoke about is taking about five years
24 to do. When is the next bid due? When are

1 the next proposals going out?

2 NYSERDA PRESIDENT BARTON: The
3 proposals are due on February 14th of this
4 year, next month.

5 ASSEMBLYMAN ABINANTI: And how many
6 would you be looking for?

7 NYSERDA PRESIDENT BARTON: We have
8 included a request for approximately
9 800 megawatts or more of offshore wind
10 energy.

11 ASSEMBLYMAN ABINANTI: Okay. Now, the
12 one we're talking about, I'm understanding,
13 is relatively small and has engendered a lot
14 of opposition in the community, correct?

15 NYSERDA PRESIDENT BARTON: Are you
16 referring to the South Fork Project to serve
17 Long Island?

18 ASSEMBLYMAN ABINANTI: Yes.

19 NYSERDA PRESIDENT BARTON: It's
20 approximately 130 megawatts.

21 I'm not sure I would agree with the
22 characterization that there's been a lot of
23 opposition. Certainly some community members
24 may have concerns about specific aspects of

1 that project, as with any large project.

2 ASSEMBLYMAN ABINANTI: Okay. Look,
3 I'd like to see this happen, but I just don't
4 want us to be dreaming about something that's
5 not realistic when we're not really doing --
6 how much onshore wind are we generating
7 today?

8 NYSERDA PRESIDENT BARTON: Today we
9 are generating -- I believe it is
10 approximately 1800 megawatts or so of onshore
11 wind energy.

12 ASSEMBLYMAN ABINANTI: Okay, thank
13 you. Can I shift to a totally different
14 area?

15 Water. This is probably you. The
16 Public Service Commission controls private
17 water companies; correct?

18 PSC CHAIR RHODES: Yes.

19 ASSEMBLYMAN ABINANTI: Do you do
20 anything with public water companies?

21 PSC CHAIR RHODES: We provide some
22 technical assistance from time to time.

23 ASSEMBLYMAN ABINANTI: Well, here's
24 the problem -- and maybe we should talk

1 offline, but I'd like to put it on the
2 record. I don't see anybody controlling
3 rates for customers of public water companies
4 who don't live in the jurisdiction where the
5 water company exists. So a village --
6 there's several of them until Westchester
7 County have their own water companies, and
8 then they sell that water to people who live
9 outside of the village, and they charge
10 outrageous fees. I pay \$400 a quarter, okay,
11 and I don't use any more water than in my
12 previous home when I lived in the district,
13 which was about a quarter of that charge.

14 So I'd like to have some conversation
15 offline about this, but it looks to me like
16 you might need more jurisdiction -- more
17 powers to look at these other areas, or some
18 other entity has to look at them.

19 PSC CHAIR RHODES: Let's look at the
20 issue together, Senator {sic}.

21 ASSEMBLYMAN ABINANTI: Okay, thank you
22 very much.

23 CHAIRWOMAN WEINSTEIN: Thank you.

24 Senate?

1 CHAIRWOMAN KRUEGER: Thank you.

2 Senator Helming.

3 SENATOR HELMING: Thank you, Senator

4 Krueger.

5 Chairman Rhodes, President Barton,

6 thank you for your testimony today.

7 I want to return to the broadband

8 subject for a moment. I represent an area

9 that's predominately rural -- Wayne, Ontario,

10 Cayuga, Seneca, Tompkins and Monroe Counties.

11 And for years, you know, we've been led to

12 believe that under the New NYS Broadband

13 Program that all of our underserved or

14 unserved communities would have access to

15 high-speed affordable Internet services. And

16 I just haven't found that to be the case.

17 I know we talked a little bit when

18 Senator Ortt was here about the Spectrum plan

19 and that Spectrum has failed to meet their

20 buildout obligations. I've gone onto the

21 maps of Spectrum, and I have to say that even

22 if they do their buildouts in my areas, we

23 still have a tremendous area that is not

24 served or is underserved.

1 And my constituents are tired of
2 hearing "We're working on it." They want to
3 know when: When are we going to have access
4 to the service? It impacts economic
5 development, it impacts so much more in our
6 communities.

7 So if you could shed some specific
8 light on that, I'd appreciate it.

9 PSC CHAIRMAN RHODES: So of course,
10 Senator. I actually -- we've done --
11 addressed overlays and believe that most
12 addresses in the state, or every address we
13 know of -- we are sure of every address we
14 know of in the state is on someone's list.

15 So it sounds like there's a disconnect
16 where we ought to sit down -- because if you
17 have information that is as you say, we need
18 to do something about it fairly quickly.

19 SENATOR HELMING: Okay. I will take
20 you up on that offer.

21 PSC CHAIRMAN RHODES: I hope you do.

22 SENATOR HELMING: Quickly, something
23 again is specific to my district. There is a
24 waste incinerator that's proposed for the

1 town of Romulus in Seneca County. It's going
2 through the Article 10 process. And I was
3 wondering if you can give me an update or
4 status on where that project is.

5 PSC CHAIRMAN RHODES: It's in the
6 hopper. I can't comment specifically on how
7 close to complete it is. I know that it's --
8 it's a project that's aroused some
9 opposition, and I believe the local town is
10 on record with that position.

11 SENATOR HELMING: Way more than the
12 local town.

13 PSC CHAIRMAN RHODES: So I think it's
14 going to be -- I think we will see the
15 process work itself out just right.

16 SENATOR HELMING: Okay, I'm not sure
17 how you define "just right," but for me, just
18 right is not locating a waste incinerator
19 less than a mile from the school district.
20 It's not locating a waste incinerator on the
21 shores of Seneca Lake and a stone's throw
22 from Cayuga Lake, which provides drinking
23 water to hundreds of thousands of people.
24 It's not right to transfer more waste into

1 the Finger Lakes. We take more than any
2 other area in the State of New York. And the
3 incinerator project does nothing to slow down
4 the amount of waste that's going into the
5 landfills, it just adds more waste.

6 The Governor and this state has
7 invested so much money into the Finger
8 Lakes -- tourism, agriculture, the wine
9 industry, craft brewery industry. And this
10 incinerator project and these landfills take
11 away from that.

12 When you get off the Thruway and you
13 want to visit our beautiful wine country, you
14 have to pass one of the largest landfills --
15 no, the largest landfill in New York State.

16 We can't keep ignoring these problems,
17 and we have to address them. So the
18 incinerator project, for me, the right answer
19 is it's the wrong location. And my question
20 for you is, do you believe that incineration
21 should even be a part of the or included in
22 the Article 10 process?

23 PSC CHAIRMAN RHODES: Well, the
24 Article 10 process is a process that

1 identifies issues and stops projects that
2 shouldn't go forward and permits projects
3 that should.

4 I think -- I think the facts will come
5 out in the process, and I think -- I expect
6 they will be pretty clear-cut.

7 SENATOR HELMING: I do want to
8 quickly, in the remaining --

9 PSC CHAIR RHODES: And I don't mean to
10 waffle, but I'm in a position not to
11 prejudge, where I can't prejudge the outcome
12 of the process.

13 SENATOR HELMING: Well, I hope when
14 that project is reviewed, it's looked at in
15 totality.

16 PSC CHAIRMAN RHODES: It absolutely
17 will be.

18 SENATOR HELMING: I have 20 seconds
19 left, and I want to thank NYSERDA for putting
20 into the budget -- I think it was in
21 December, around \$20 million was released for
22 anaerobic digesters, which is critically
23 important to my district. I believe I have
24 more digesters than any other area.

1 I do have some questions on the
2 digester, but I believe my colleague,
3 Assemblywoman Carrie Woerner, is going to ask
4 those questions for me.

5 Thank you.

6 CHAIRWOMAN KRUEGER: Thank you.

7 Assembly.

8 CHAIRWOMAN WEINSTEIN: Assemblyman
9 Stec.

10 ASSEMBLYMAN STEC: All right, thank
11 you. I appreciate your both being here today
12 to provide testimony.

13 Chair Rhodes, I'd like to ask you -- I
14 believe I'll be the fourth legislator this
15 afternoon that wanted to talk about broadband
16 and Charter and where we're going. And I'm
17 not intimately familiar with my colleagues'
18 districts, but they're not near the
19 Adirondacks, so I am strongly suspicious that
20 this is indeed a statewide issue.

21 Charter is on the hook for providing,
22 by their contract, by their agreement with
23 the State of New York, how many units
24 connection? Was it 145,000?

1 PSC CHAIRMAN RHODES: That's right.

2 ASSEMBLYMAN STEC: How many have they
3 made so far?

4 PSC CHAIRMAN RHODES: There's a
5 question of counting. Do you want to count
6 some in New York City that we don't think
7 qualify as less densely populated? By our
8 count, it's in the high 30s, 35 or 36.

9 ASSEMBLYMAN STEC: So roughly a
10 hundred, a little more than 100,000 remain to
11 be connected?

12 PSC CHAIRMAN RHODES: A little more
13 than 100,000 is my latest understanding.

14 ASSEMBLYMAN STEC: The frustration
15 that I have -- much more importantly, the
16 frustration that thousands of my constituents
17 have is that years ago, \$500 million was
18 appropriated by the State of New York,
19 promises were very publicly made. The
20 timeline has slipped. The promises made
21 three years ago was that this was going to be
22 done by this month, January 2019. All right?

23 To add further frustration, very
24 public vows and spiking of footballs have

1 been made that we've achieved this. And then
2 I get the phone calls saying "I still don't
3 have a connection. Where's my connection?"
4 The digging that my office tries to do, not
5 only aren't they connected, no one knows what
6 the plan is for their connection. And my
7 strong suspicion is that everyone is pointing
8 the finger at the other guy, and Charter is
9 being used as the scapegoat.

10 Now, I'm not a big fan of Charter, I
11 think they've got a lot of blame to go here,
12 in this and many other areas. But they're on
13 the hook for 145,000. And I think that that
14 145,000 has been spread around the state and
15 obligated many, many times.

16 The locals that have met with the
17 Broadband Office and have been making the
18 calls to my office and to the Governor's
19 office and the Public Service Commission have
20 been that these maps aren't right, that
21 earlier maps were questioned as to how they
22 -- you know, who's being counted and what
23 Census bloc and all that. And the local
24 officials in the Adirondacks have been

1 telling everybody for years that these maps
2 are not accurate.

3 Can you tell me where exactly you
4 think we're going with Charter -- or scratch
5 Charter, where exactly are we going with
6 achieving the 100 percent promise that was
7 made three years ago that expires this month?

8 PSC CHAIRMAN RHODES: So Charter is
9 obviously not playing out as we expected, nor
10 as they committed when we did the merger
11 agreement. I'll have -- we'll try
12 coordination with the Broadband Program
13 Office, but I don't actually know the status
14 of their buildout.

15 So we can put together the complete
16 picture and share that -- obviously, not just
17 with you, although with you, but with the
18 other colleagues as well.

19 ASSEMBLYMAN STEC: We need to do that.
20 Because again, the average homeowner, the
21 person that wants to connect, many of them
22 don't know, never heard of the Broadband
23 Program Office or the Public Service
24 Commission. And it's starting to sound like

1 everyone's pointing the finger at the office
2 next door, and eventually all these offices
3 report to the same office.

4 PSC CHAIRMAN RHODES: It's not their
5 job to know the names --

6 ASSEMBLYMAN STEC: I agree. But
7 they're frustrated, like my colleagues have
8 pointed out.

9 PSC CHAIR RHODES: So we need to
10 respond to that, and we will. With your
11 help.

12 ASSEMBLYMAN STEC: Thank you. All
13 right.

14 And I'm going to give back 70 seconds.

15 Thank you.

16 (Laughter.)

17 CHAIRWOMAN WEINSTEIN: Thank you.

18 Senate?

19 CHAIRWOMAN KRUEGER: And the chairs

20 thank you.

21 Thank you. Our next Senator is

22 Senator Antonacci.

23 SENATOR ANTONACCI: Thank you, Madam

24 Chair.

1 Maybe just to come back to the present
2 a little bit, I have constituents that are
3 having problems paying their heat bills and
4 electric bills. I want to get into some
5 transparency. I have to admit I'm confused.
6 Is there a blanket prohibition against power
7 companies from disclosing all of the rates
8 and tariffs and taxes that they have to pass
9 on to consumers or that they are assessed?

10 PSC CHAIRMAN RHODES: I'm sorry, can
11 you repeat the question?

12 SENATOR ANTONACCI: Sure. Is there a
13 blanket prohibition that prevents power
14 companies, electric companies, utility
15 delivery services or companies that deliver
16 utility services from disclosing on the bill
17 that the end-user, the consumer gets -- and
18 when I say tariffs, I mean tariffs that are
19 imposed by the state government, taxes. Is
20 there a blanket prohibition against any of
21 that?

22 PSC CHAIRMAN RHODES: There is a
23 blanket expectation that the bills are
24 transparent and useful to consumers.

1 SENATOR ANTONACCI: Okay, so all --
2 when I see my bill, all of the taxes and
3 tariffs that would be paid by the service
4 company are or should be on that bill?

5 PSC CHAIRMAN RHODES: I -- probably --
6 they probably are not. I will have to
7 confirm.

8 SENATOR ANTONACCI: Okay. Then we can
9 talk about that offline. I want to get to
10 the --

11 PSC CHAIRMAN RHODES: I can think of
12 some examples where I actually think they are
13 not laid out in that level of detail.

14 SENATOR ANTONACCI: So for example,
15 NYSERDA receives \$1.34 billion,
16 approximately, in revenues called off-budget,
17 which is I guess a fancy word for it. It
18 comes from taxpayers or ratepayers. I don't
19 think we want to call it a tax, but it's a
20 rate charge.

21 Would that fund be disclosed on a
22 consumer's bill, I guess would be the
23 question.

24 NYSERDA PRESIDENT BARTON: So

1 obviously the rates and the charges that a
2 consumer sees are laid out on their bill. I
3 think the question is really what level of
4 specificity. And some of the items are
5 combined into a broader line item that might
6 not provide clarity as to each recipient of
7 where that charge goes.

8 As to NYSERDA's funding from
9 ratepayers, you know, obviously we disclose
10 our annual budget publicly in a number of
11 different forums. We provide that
12 information certainly via public board
13 meetings. We also provide updates on that
14 frequently to the Legislature, it's all
15 posted on our website. We do go to every
16 effort to try and make very transparent for
17 consumers what charges from ratepayers are
18 being administered by NYSERDA, and we take
19 our responsibility to be a --

20 SENATOR ANTONACCI: If I can interrupt
21 --

22 NYSERDA PRESIDENT BARTON: -- good
23 steward of those dollars very seriously.

24 SENATOR ANTONACCI: -- because I want

1 to ask one more question. I apologize.

2 But this might be more a question for
3 the PSC. Is there a regulation or are there
4 regulations that require power companies,
5 utility companies to disclose? I mean, would
6 that be something that's in the regulations?

7 And if so, can you give me a copy of those?

8 PSC CHAIRMAN RHODES: I can get you a
9 copy of our requirements, yes.

10 SENATOR ANTONACCI: Okay, that would
11 be good.

12 And I apologize for cutting you off,
13 but I want to ask one more question.

14 So with regard to the Climate Action
15 Council, will there be recommendations that
16 include an economic impact analysis of these
17 initiatives, I guess a cost-benefit analysis,
18 as we go to carbon-free?

19 NYSERDA PRESIDENT BARTON: Again, I
20 think the intent of the Climate Action
21 Council is -- and the Governor's charge to
22 that council really is to do just that, which
23 is to look at a road map to a carbon-neutral
24 economy and examine the pathways, the

1 policies, the costs and benefits, all of
2 that, to get there.

3 I've mentioned to some of your
4 colleagues there are other forums in addition
5 to that council to look at those issues as
6 well. And I want to stress that the
7 Governor's proposal is one that we believe is
8 both achievable and will provide a
9 cost-effective pathway to get there.

10 The charge will be for that council to
11 take a hard look at these issues and to get
12 to the level of specifics that many people
13 will want. And again, the State Energy
14 Planning process will allow for review of
15 those issues, as will Public Service
16 Commission proceedings that are called for in
17 the act as well.

18 SENATOR ANTONACCI: Okay. I only have
19 about 30 seconds; I don't think you're going
20 to be able to answer this fully. But are
21 there or is there an evaluation process to
22 make sure that as we go into these clean
23 energy proposals that there's proper
24 procurement processes and competition? We're

1 getting into new -- you know, new industries.
2 Do we have policies and procedures to make
3 sure the procurement is fair and, you know,
4 complies with our existing procurement
5 policies?

6 You don't have to answer that now;
7 maybe you could get that to me.

8 NYSERDA PRESIDENT BARTON: Yes. The
9 short answer is yes, absolutely. And I'd be
10 delighted, as I'm sure my colleague would, to
11 provide more information on that.

12 PSC CHAIR RHODES: If I may just,
13 Chairs --

14 SENATOR ANTONACCI: Fine by me.

15 PSC CHAIR RHODES: Anything that comes
16 before the PSC is analyzed for cost-benefit.
17 So yes, every proposal that comes to us is
18 going to be analyzed in those terms.

19 CHAIRWOMAN KRUEGER: Thank you.
20 Assembly.

21 CHAIRWOMAN WEINSTEIN: Assemblywoman
22 Woerner.

23 ASSEMBLYWOMAN WOERNER: Thank you.
24 Renewable natural gas and biomethane.

1 And my colleagues have heard me say this
2 before, but the carbon intensity of biogas
3 generated from on-farm digester systems is
4 approximately negative 285 grams CO₂
5 equivalent per megajoule, because it
6 mitigates business-as-usual methane emissions
7 from farms while also displacing traditional
8 fossil fuels in both transportation and
9 heating.

10 And yet your remarks really focused on
11 wind and solar as the renewables that have
12 the greatest potential in New York for
13 meeting our renewable energy goals. We have
14 enough of a census of cows in this region, in
15 this state, to meet our goals much faster
16 than the Governor's already aggressive goals.

17 So I'm curious as to why, when we've
18 worked with the PSC and with NYSERDA on
19 digesters, we don't get a very warm reaction.

20 NYSERDA PRESIDENT BARTON: Well, thank
21 you for the question on a number of levels,
22 for highlighting this important resource, for
23 parroting back energy jargon like "megajoule"
24 to us. It's terrific to see how focused you

1 are on the details of the benefits that these
2 facilities can provide.

3 However, I might respectfully disagree
4 with the characterizations that there's not a
5 warm reception for digester technologies from
6 NYSERDA. We have been long-standing
7 supporters of anaerobic digester projects
8 across the state --

9 ASSEMBLYWOMAN WOERNER: If you'd
10 permit an interruption, certainly not when it
11 comes to setting the rates for the production
12 of them through the VDER system. That was
13 very clearly a statement that the positive
14 environmental impacts were not to be taken
15 into consideration in setting the rates.

16 NYSERDA PRESIDENT BARTON: So I'll
17 start and allow my colleague to add on.

18 Again, the state has been a strong
19 supporter -- NYSERDA has been, the Public
20 Service Commission has been, the Governor has
21 been -- of anaerobic digester facilities.
22 And as was alluded to, NYSERDA recently made
23 \$20 million available to support anaerobic
24 digester technologies in the state, and we

1 expect to continue to provide financial
2 support via the Clean Energy Fund, via
3 NYSERDA programs for these facilities.

4 The rate question specifically I'll
5 defer to my colleague Chair Rhodes on. But
6 we have resources available for these
7 technologies, and I'd be happy to follow up
8 and discuss the topic further.

9 ASSEMBLYWOMAN WOERNER: Thank you.

10 The grants are great, but they don't
11 speak to the -- making the operations of them
12 sustainable. That has to come through rate
13 setting. And with respect to rate setting,
14 that has not been something that the PSC has
15 been interested in.

16 PSC CHAIRMAN RHODES: So I'll just
17 respond. We've been careful in the rate
18 setting to take, and you'll pardon the
19 wonkiness of the language, a technology-
20 agnostic approach. We think that an energy
21 solution or a gas provider has to compete
22 against other technologies, and may the
23 solution win in terms of providing value.

24 So the rate setting is not the right

1 place to provide extra support for a
2 technology that may have extra merit. We've
3 had explicit discussions that the place for
4 that are the kind of programs that we look to
5 NYSERDA to run. They're not separate -- the
6 two answers kind of talk to each other. And
7 it's been -- I believe NYSERDA has done a
8 very good and thorough and careful job of
9 making sure that in fact its grants are of a
10 level to support good projects.

11 ASSEMBLYWOMAN WOERNER: I would just
12 suggest that as we look to a carbon-free,
13 having a technology that is actually carbon
14 negative is an important part of the
15 portfolio.

16 And in my short seconds left, as we
17 move from early adopters of electric vehicles
18 to more mainstream, it's going to be really
19 dependent on having fueling stations
20 available, fast-charging stations. Is there
21 anything in this budget that moves
22 fast-charging stations into places where
23 people are used to fueling their vehicles,
24 like gas stations and convenience stores?

1 PSC CHAIRMAN RHODES: So I'll just
2 point you to my agency. There are a couple
3 of items, there's one coming up in the near
4 term called Fast Charging, and then there's a
5 larger item on generally charging
6 infrastructure. That's probably the venue
7 where those will be addressed.

8 ASSEMBLYWOMAN WOERNER: For Level 3
9 charging?

10 PSC CHAIRMAN RHODES: Yeah.

11 CHAIRWOMAN WEINSTEIN: Thank you.
12 Senate.

13 CHAIRWOMAN KRUEGER: Thank you.
14 Senator O'Mara.

15 SENATOR O'MARA: Thank you.

16 Good afternoon. Thank you for being
17 here.

18 Now, your organizations are charged
19 with implementing the Green New Deal?

20 NYSERDA PRESIDENT BARTON: Yes, our
21 organizations and others as well.

22 SENATOR O'MARA: Which others?

23 NYSERDA PRESIDENT BARTON: Well, the
24 Governor's proposed Climate Leadership Act

1 included in the budget creates a Climate
2 Action Council to set a road map that -- it
3 is comprised of a number of state agencies --
4 DEC, Ag & Markets, Labor, our agencies,
5 Transportation as well.

6 SENATOR O'MARA: You can't tell us as
7 you sit here today what our overall megawatt
8 demand of electricity is in this state?

9 NYSERDA PRESIDENT BARTON: I would
10 have to get back to you on that specific
11 number.

12 PSC CHAIRMAN RHODES: I believe the
13 peak number is in the 30 gigawatt --

14 SENATOR O'MARA: Well, according to
15 the New York ISO, our peak demand 10-year
16 average is 32,000 megawatts.

17 Now, if we don't know what that demand
18 is as we're sitting here, how do we plan a
19 system to meet that demand? I'm a little
20 confused.

21 NYSERDA PRESIDENT BARTON: Well, we
22 absolutely have a clear focus on demand and
23 supply in the state. And NYSERDA plays a
24 role in compiling that information, and we do

1 make that information available publicly.

2 The proposals that we're talking about
3 that the Governor has made are absolutely
4 founded on our track record and analysis to
5 date that shows both where we are today and
6 what's possible in terms of where we're going
7 in the future.

8 SENATOR O'MARA: We have available in
9 this state -- again, according to the
10 New York ISO -- a total available megawatt
11 production of in excess of 42,000 megawatts
12 to meet that demand. And obviously we can
13 produce enough energy in this state, we just
14 can't always get it to where it's needed at
15 the time.

16 Of that 42,000 megawatts, how much of
17 that is meeting the Clean Energy Standard?

18 NYSERDA PRESIDENT BARTON: So the --
19 where we sit today, the state has
20 approximately -- about 25 percent of state
21 load is hydro, approximately 2 percent wind,
22 and approximately 1 percent solar. Those are
23 the primary current components that would
24 meet the Clean Energy Standard as it exists

1 today.

2 The -- I apologize. And I should add,
3 in addition, there is roughly, I believe, 34
4 percent contribution of nuclear as well that
5 falls within the CES.

6 SENATOR O'MARA: What role do you see
7 nuclear playing in the future of the New York
8 energy supply?

9 PSC CHAIRMAN RHODES: So we have a
10 program, the ZEC program, which I think many
11 of you know about and have asked questions
12 about it, which foresees the operation of the
13 safely operating plants in New York through
14 their licensing period. Even though that's a
15 fair number of years in the future, the
16 Governor's planning looks out beyond that
17 time horizon. And, you know, what I think
18 the Governor really smartly does, and it's
19 right for New York, is it says we are going
20 to pick the portfolio of resources that makes
21 the best sense over time.

22 I just have to tell you if I had --
23 when I came to NYSERDA five years ago, if I
24 had -- if you had, in such a meeting like

1 this, made me choose which technologies I
2 would bet on, I would not have the same list
3 that I have here today. Things move fast.

4 Alicia has spoken eloquently about
5 offshore wind. It has really come a long way
6 in a big hurry and created a solution that
7 did not really exist a few years ago. So we
8 need to be open-minded.

9 SENATOR O'MARA: In your testimony one
10 of you referenced deploying 3,000 megawatts
11 of energy storage by 2030. That seems
12 woefully inadequate to meet our demands in
13 storage when the renewables aren't producing.

14 So how do we meet these goals that we
15 have with inadequate storage, and what are
16 your thoughts on improving this storage
17 beyond the expected 3,000 by 2030?

18 PSC CHAIR RHODES: So with all due
19 respect, the 3,000 megawatts by 2030 is not
20 inadequate. It is a good number from an
21 economic point of view and from a system
22 reliability point of view, even taking into
23 account the aggressive renewable penetration
24 that absolutely we will deliver. But we can

1 talk more about that.

2 CHAIRWOMAN KRUEGER: Thank you. Thank
3 you, Senator. Assembly.

4 CHAIRWOMAN WEINSTEIN: Assemblyman
5 Palmesano.

6 ASSEMBLYMAN PALMESANO: Yes, thank you
7 for being here, Chairman, President. I have
8 a few questions.

9 First of all, just for the record, I
10 think this mandate of trying to be
11 100 percent carbon neutral is completely
12 unattainable, completely unrealistic, and
13 quite frankly bad economic and energy policy
14 for our state. Let me give you an example of
15 what I'm talking about.

16 I know we want to reduce CO2 emissions
17 and we've been successful in doing that since
18 1990. But do you realize what the CO2
19 emissions in New York puts out, their
20 percentage as it relates to our United States
21 of America, what percentage of CO2 emissions
22 New York puts out for the United States of
23 America?

24 PSC CHAIRMAN RHODES: I believe it's

1 about half the carbon intensity of the rest
2 of the country, so --

3 ASSEMBLYMAN PALMESANO: It's 3.3
4 percent.

5 PSC CHAIR RHODES: That's about right.

6 ASSEMBLYMAN PALMESANO: Do you know
7 what it is globally? Point-five percent.

8 So -- are you familiar with the term
9 carbon leakage?

10 PSC CHAIRMAN RHODES: Yes, we are.

11 NYSERDA PRESIDENT BARTON: Yes.

12 ASSEMBLYMAN PALMESANO: So the concern

13 I have and I think a lot of us have, we can
14 put these mandates on what you're going to
15 have happen in this high-intensity generation
16 capacity, the load shifts are going to be
17 taken to other states that don't have such
18 high-end mandates. And what they're going to
19 do, what it's going to lead to, those
20 businesses -- those emissions happening in
21 other states. So overall, we might be
22 reducing CO2 emissions in New York, but
23 across the country and across the globe it's
24 not mattering because other people aren't a

1 part of it.

2 And what they're going to take with
3 them is our businesses, our manufacturers,
4 our farmers, our trucking, and the jobs and
5 families that go along with that. Doesn't
6 that -- isn't that a concern in this?
7 Shouldn't that be discussed as part of the
8 climate control policy?

9 PSC CHAIRMAN RHODES: Absolutely --
10 I'm sorry. It's a concern that -- look, this
11 policy has to be the right policy for New
12 Yorkers. And I've bored you, I think, with
13 the same three things that we care about. We
14 care about carbon. That should be
15 unquestionable. We care about reliability;
16 New Yorkers deserve service. And we care
17 about what it does to the economics of energy
18 users and then of New Yorkers more broadly.

19 And when we do the numbers, this is an
20 economic growth engine, this policy. So --
21 and when we do the numbers, we see that we
22 can have a reliable system in the years that
23 we're talking about. And when we do the
24 numbers, we see that the carbon gains are

1 achievable.

2 I know it sounds like it's a big leap
3 from where we are, but technology is on our
4 side. These resources are getting better,
5 and they're getting cheaper, they're getting
6 smarter. And in any other business, you
7 would be rushing to bring the new technology
8 to serve your needs. And our job is really
9 to do that.

10 ASSEMBLYMAN PALMESANO: Relative to
11 the council -- because I know you said and I
12 think others said this, this climate control
13 council is going to be based on experts. But
14 what experts? Because what I've read and
15 heard is it may be environmental justice
16 group experts, renewable energy, labor -- but
17 no mention of any business, no mention of
18 manufacturers, no mention of utilities, no
19 mention of consumers.

20 Given that they're tasked with
21 reforming and revising a road map for our
22 energy changes, shouldn't those partners,
23 those stakeholders be a part of that
24 discussion, since they're the ones who are

1 going to be impacted dramatically, our
2 businesses, our high-end manufacturers?
3 High-intensity users like our manufacturers,
4 who need energy to produce the products made
5 here in New York, they're going to be
6 negatively impacted by these mandates.
7 Shouldn't they be a part of that council, to
8 have their input and voices heard as well,
9 instead of having just talked from the
10 outside and not being a part of the
11 decision-making process?

12 PSC CHAIRMAN RHODES: They should be
13 on that council even if they're positively
14 impacted.

15 ASSEMBLYMAN PALMESANO: So I just
16 don't -- I'm not aware of any of them being
17 on that council. So hopefully you could take
18 that word back --

19 PSC CHAIRMAN RHODES: They'll have
20 their voice.

21 ASSEMBLYMAN PALMESANO: Relative to
22 the state's energy plan, the REV, I know it
23 stresses affordability. And I know
24 affordability is a subjective term. To me, I

1 think affordability is a very important part
2 of it. When I talk about energy policy to
3 people, I talk about a three-legged stool:
4 Affordability, reliability and clean.

5 But I know the Governor, when he did
6 the Clean Energy Standard about the
7 50 percent by 2030, said the impact to a
8 residential consumer's bill would be \$2 a
9 month. I know that's -- the Clean Energy
10 Standard is more than just renewables.

11 But have you been able to determine
12 what the overall cost is to residential
13 customers on a monthly basis, how consumers
14 can figure that out? And would you also be
15 supportive of a holistic assessment on the
16 economic costs of the current REV and Clean
17 Energy Standard, on how those programs affect
18 all users, including the high-intensity
19 energy users, like our manufacturers and all
20 businesses alike?

21 And given now this increase to the
22 mandate to 70 percent, is \$2 really
23 attainable, as the Governor said? And is it
24 going to have more of an impact on those

1 high-intensity energy users?

2 PSC CHAIRMAN RHODES: We're willing to
3 share all our cost-benefit work, and it goes
4 to those points.

5 CHAIRWOMAN KRUEGER: Thank you.

6 ASSEMBLYMAN PALMESANO: Thank you very
7 much.

8 CHAIRWOMAN KRUEGER: I think I'm in
9 line for the Senate.

10 Thank you both for being here today.
11 And not to be a little downer, but we won't
12 have residential costs or a business
13 environment at all unless we speed up as
14 quickly as possible our ability to shift from
15 a carbon-heavy system of energy to the
16 sustainable clean models that you and the
17 Governor are discussing.

18 So I'd like to go just go on record:
19 Quicker, please. More, please. Because if
20 you read the international findings, we are
21 literally in a race for our lives, not just
22 here in the State of New York, but on the
23 entire planet. So I don't worry about
24 New York leading the way in getting to a

1 cleaner, more sustainable energy sooner than
2 our neighboring states. I suppose only --
3 because actually if the world ends, there's
4 no state lines to cross anyway.

5 But I did want to follow up with a
6 couple of the points that were made earlier.
7 One, if the Governor's goal of 100 percent
8 clean electricity by 2040 is based on the
9 NYSERDA study that he announced in his State
10 of the State two years ago? And will we be
11 able to read that study at some point?

12 NYSERDA PRESIDENT BARTON: Well, thank
13 you for your questions, Chair Krueger.

14 And thank you for pointing out the
15 dire economic consequences that we may face
16 as a result of climate change. The Fourth
17 National Climate Assessment that followed on
18 the international review that you highlighted
19 indicated that the United States could be at
20 risk of losing 10 percent of our GDP from
21 climate-related impacts by the end of the
22 century. There are real economic threats
23 that this issue poses. And that's why the
24 Governor is committed, the state is committed

1 to moving forward to combating these threats
2 in such a serious way.

3 With respect to your specific question
4 about the analysis, it is our anticipation
5 that the work that NYSERDA has done
6 previously to date at the Governor's
7 direction would be leveraged to support the
8 work and incorporated into the work of the
9 Climate Action Council to, as I've been
10 discussing with your colleagues, review
11 pathways to a carbon-free economy, costs and
12 benefits, and related issues.

13 CHAIRWOMAN KRUEGER: And then I had
14 asked a question of Commissioner Seggos
15 earlier today, and he said I should ask you
16 both. So he referenced the likelihood that
17 if we're not hitting 100 percent renewable
18 till 2040, we will likely still be using some
19 amount of nuclear power. So I'm wondering,
20 if we're stretching out 10 additional years
21 of the projections for nuclear power, what
22 the estimated cost of subsidies to do that
23 would be. Since I'm not a big fan of
24 subsidizing nuclear power even for the deal

1 we made, and it appears that the
2 administration thinks that we're going to
3 have to stretch it out for more years.

4 NYSERDA PRESIDENT BARTON: So if I may
5 be clear about the Governor's proposal --
6 thank you for the question -- the Governor's
7 proposal is for 100 percent carbon-free
8 electricity by 2040. That allows a portfolio
9 of technologies to come forward, the most
10 cost-effective technologies, to deliver that
11 zero carbon standard.

12 The Governor's proposal did not
13 include a proposal to extend the current
14 program that supports nuclear facilities, the
15 ZEC program that Chair Rhodes alluded to.
16 Therefore, we have not made -- the Governor
17 has not made any proposal in that regard, and
18 there's been no determination made about that
19 at this time.

20 What the Governor has also done at the
21 same time, as I mentioned, is made clear that
22 renewables will be a leading driver of this
23 transition through the offshore wind targets,
24 distributed solar targets, the ongoing

1 land-based wind procurements as well. Those
2 proposals are in there in terms of how we get
3 to 2040 and 100 percent carbon-free
4 electricity.

5 CHAIRWOMAN KRUEGER: So many of my
6 colleagues have spoken or asked questions
7 today involving natural gas and natural gas
8 infrastructure, including even fracked gas
9 infrastructure.

10 I understand the arguments you're
11 making about the need to maintain service and
12 reliability as we attempt to move more and
13 more quickly to 100 percent sustainable. But
14 how do we avoid the issue of what's called
15 infrastructure lock-in? When you build new
16 facilities now, it may take decades to
17 amortize them. That that incentivizes power
18 producers to continue to use them long after
19 we have moved to alternative cleaner energy.
20 And we see that every time it seems that
21 there is a leap in technology, that someone
22 is saying, Oh, but we have all this
23 infrastructure, we have to keep using it.

24 So help me understand how we don't set

1 ourselves up to continue to use a less
2 desirable form of energy because of the
3 infrastructure investments we're asking the
4 privates and ourselves to make now.

5 PSC CHAIRMAN RHODES: Well, I guess
6 there are two answers.

7 One is that it's a boundary condition
8 that we won't be using it, you know, come
9 that year certain. Just like coal plants are
10 going to be gone by 2020 -- not that they're
11 a meaningful contributor now, I think down to
12 .5 percent of load. That's just -- that's
13 set and going to happen.

14 But the other point is that any
15 infrastructure we build has to be right for
16 the future. And knowing what the future
17 needs lets you say it doesn't meet the
18 specifications in terms of useful life and
19 what it delivers in reliability and cost and
20 all that, or not.

21 I think this Governor has led an
22 administration that has been pretty savvy
23 about how to deploy these resources and bring
24 them onto the system. I don't see that

1 changing.

2 CHAIRWOMAN KRUEGER: Thank you.

3 There are many parts of the world and
4 parts of this country that are exploring and
5 moving forward with carbon taxes. Do you
6 have any positions or opinions on that model?
7 Or it helping to ensure there's an economic
8 reason to decrease the amount of carbon that
9 anybody's producing into our economy or into
10 our environment.

11 PSC CHAIRMAN RHODES: We are -- we're
12 open-minded and are willing to consider any
13 solution that can achieve the goals at -- on
14 better terms than what we're doing now.

15 I'll just point out that the policies
16 that New York has have been really
17 successful. And so if the standard is any
18 alternative carbon tax or -- I don't know
19 what else -- has to be better, that's a real
20 bar to clear. You know, Alicia's -- excuse
21 me, President Barton's programs, those REC
22 prices that she cited, the 23 percent drop,
23 are really -- that is a very, very
24 cost-effective way to evade carbon.

1 CHAIRWOMAN KRUEGER: And I didn't mean
2 to gloss over some of the numbers that were
3 in your testimony, even though we made you
4 speed-read about the success of some of the
5 programs we're running here. I just think
6 we're all just -- if we're following the
7 science, we're just really, really worried
8 about how we get to the target goals we need
9 to get to. And so any models that can help
10 push us, you know, to the goal I think we
11 have to explore in New York State.

12 NYSERDA PRESIDENT BARTON: I
13 appreciate that comment entirely. And we
14 share your focus on finding the right models
15 to advance to meet these aggressive goals.
16 As you pointed out, we really don't have an
17 alternative. This is what's called for, this
18 is what's needed, this is what the science
19 tells us. And that's why the Governor has
20 been entirely clear and consistent that
21 that's what New York State will do.

22 CHAIRWOMAN KRUEGER: Thank you.
23 Assembly.

24 CHAIRWOMAN WEINSTEIN: Assemblyman

1 Barclay.

2 ASSEMBLYMAN BARCLAY: Good afternoon.

3 I wanted to revisit some question that
4 my colleagues raised, and I don't know if it
5 was appropriately answered, about the Climate
6 Leadership Council. They are going to be
7 formed just to provide recommendations to the
8 state to implement, they don't have any
9 implementation power themselves, do they?

10 NYSERDA PRESIDENT BARTON: The
11 Governor's proposal in the budget forms the
12 Climate Action Council to provide a road map
13 to achieve the Governor's anticipated target
14 of a carbon-free economy. The proposal also
15 does specify coordination between that body
16 and the State Energy Planning Board, which is
17 already on the books, which does have legal
18 authority to specify energy policy on behalf
19 of the state. So there is intersection
20 there.

21 In addition, the Governor's proposal,
22 as I've mentioned, directs a proceeding of
23 the Public Service Commission as well that
24 would have, under that act, authority. In

1 addition, there are powers specified for DEC
2 in the Climate Leadership Act as well.

3 ASSEMBLYMAN BARCLAY: I guess that's
4 true now, there's no legislative -- I mean,
5 you could always pass a law, I suppose, but
6 there's no direct legislative input on our
7 energy policy in New York State?

8 NYSERDA PRESIDENT BARTON: No, I
9 disagree with that, again, given the role of
10 the State Energy Planning Board, which does
11 have representation from the Legislature.

12 ASSEMBLYMAN BARCLAY: You know, we
13 talked a little bit about that our peak is
14 30,000 megawatts or 32,000 megawatts. Do you
15 guys have any idea of what that makeup is
16 going to be in 2040? Or is that what this
17 council is going to come up with? Is it
18 going to be 30 percent wind, 30 percent, you
19 know, hydro, 30 percent something else,
20 geothermal or something? Do you have any
21 idea of what that's going to be?

22 NYSERDA PRESIDENT BARTON: So we have
23 some idea based on the trajectories that we
24 see today in the renewable energy

1 procurements. But the standard that has been
2 specified of 100 percent carbon-free by 2040
3 allows for a portfolio approach and allows
4 for the most cost-effective technologies to
5 win, essentially.

6 As my colleague Chair Rhodes alluded,
7 energy markets are extremely dynamic, and the
8 profiles of participating technologies have
9 changed radically in the estimation of
10 experts over the last five years, for
11 example, in terms of the cost-effectiveness
12 of offshore wind.

13 I did provide some numbers, however,
14 so -- and it also depends on load. So it
15 depends, you know, how successful we are in
16 our energy efficiency endeavors, how much
17 beneficial electrification we see, et cetera.

18 But something like the 9,000 megawatt
19 proposal for offshore wind, that could
20 represent up to close to 30 percent of the
21 state's load at that time. So again, that
22 would be a substantial portion.

23 PSC CHAIRMAN RHODES: If I may, I
24 don't want to sound like we're just going to

1 find out what shows up. You know, in 2040
2 we'll have a portfolio of stuff. Plan beats
3 no plan. And it's part of the Climate Action
4 Council to lay out a plan for what we think
5 it should be and what's needed and what the
6 immediate actions are. It's just that the
7 world may surprise us and sort of say, You
8 may need to shift course a bit.

9 ASSEMBLYMAN BARCLAY: I have two very
10 quick questions. One, I don't know if you
11 can answer, but in the Governor's proposed
12 budget he allows NYPA to develop transmission
13 lines to get the power from renewables to
14 whatever source they have to get to.

15 Are they subject to the same
16 regulatory oversight, Article VII, as a
17 utility would be, or are they going to be
18 exempt from those? Do you know?

19 PSC CHAIRMAN RHODES: They are subject
20 to the same siting oversight. As a
21 regulatory matter, those are really on the
22 bulk system and so the economics are more
23 NYISO regulation.

24 ASSEMBLYMAN BARCLAY: Nothing's going

1 to be -- they're not going to be exempted as
2 a result of being NYPA versus a nonpublic
3 utility?

4 PSC CHAIRMAN RHODES: I don't foresee
5 that.

6 ASSEMBLYMAN BARCLAY: Seeing you're
7 successful with all this green energy, you
8 know, we completely get rid of fossil fuels,
9 how much is that going to reduce climate
10 change?

11 NYSERDA PRESIDENT BARTON: So I would
12 submit that what New York does really
13 matters. New York is the 13th largest
14 economy in the world. And the success that
15 we are demonstrating today through our
16 procurements, through the growth of our
17 market, is having an impact on scaling
18 renewable energy markets in the United States
19 and more broadly.

20 I think the same will be true as we
21 move forward on these trajectories, as we
22 become the United States hub for offshore
23 wind. This will have an impact beyond the
24 borders of New York, without a doubt.

1 ASSEMBLYMAN BARCLAY: It's very
2 expensive. The question is, is the
3 cost-benefit there to do this when we're
4 really not ultimately going to have that big
5 of an impact on climate change in New York
6 State by just doing it. We may have some
7 influence on other people, maybe the market,
8 but it's not going to really make a
9 difference in climate change going forward.

10 Thank you.

11 CHAIRWOMAN WEINSTEIN: Thank you.

12 Senate?

13 CHAIRWOMAN KRUEGER: Thank you.

14 Senator Kaminsky for a second quick

15 round.

16 SENATOR KAMINSKY: Thank you.

17 I disagree with that last premise, by
18 the way, as I assume you do as well. You
19 disagree with the premise that we can't make
20 a difference?

21 NYSERDA PRESIDENT BARTON: I do, thank
22 you.

23 SENATOR KAMINSKY: Okay. Chairman
24 Rhodes, there was probably no issue that more

1 animated and upset Long Islanders last year
2 than American Water and the utility- rate
3 water bills that Long Islanders got that
4 really shocked them, caused quite an uproar,
5 and resulted in a special monitor being
6 appointed.

7 Can you just, in two parts, just tell
8 us what you are doing to assure that come
9 this spring and summer, we're not going to
10 revisit those same issues? And second, what
11 do I tell people who have a municipal water
12 district who are paying a fraction of the
13 price as someone down the block and they are
14 paying an exorbitantly high price from a
15 private utility with no discernible
16 difference in the water quality at all, and
17 why their rates are what they are?

18 And one is more temporal, one is more
19 structural, but I get asked both of them all
20 the time.

21 PSC CHAIRMAN RHODES: So obviously it
22 was a bad summer for New York and American
23 Water, a bad spring and summer for New York
24 and American Water. Last year there were two

1 separate fails, one Sea Cliff and then the
2 one you're talking about, the surprise
3 billing increases more on the South Shore.

4 We've been working with the company,
5 and I think you're aware of many of the
6 actions that we're taking to mitigate the
7 rate impact for next summer. It remains
8 important to note that the rate plan that's
9 in place actually reduces rates for most
10 customers. It's a conservation plan, and it
11 actually has a good purpose.

12 That said, the fail, if you will, on
13 customer outreach and engagement in time to
14 allow the customers to repair and possibly,
15 you know, invest in some solutions is
16 something we're fixing now. We're in very
17 close contact with the company. And as you
18 noted, we have an independent monitor in
19 there.

20 As regards the choice between a
21 municipal and a private company and I guess
22 possibly municipalization, the only position
23 we can take is that all communities should
24 consider what options make most sense for

1 them. And I can imagine that perhaps this is
2 something that those towns would want to look
3 at. If so, we'll provide whatever support
4 and assistance we can to them as they do --

5 SENATOR KAMINSKY: I would just say on
6 the front end when the private utilities,
7 water companies are coming to you for a rate
8 increase, you know, just please be aware of
9 what that means on the ground to regular
10 consumers. It used to be the water bill was
11 the one you didn't have to worry about, and
12 everything got turned on its head. It's
13 becoming very difficult for people.

14 PSC CHAIRMAN RHODES: So I can only --
15 we think we're aware, but it's a good
16 reminder to pay very close attention. We
17 will.

18 SENATOR KAMINSKY: The last issue is
19 some of these more -- less concrete issues
20 kind of become concrete with respect to
21 climate change in my district, because I have
22 one of the aging power plants, Barrett, that
23 you and I have spoken about in the past. And
24 I would love to have LIPA start to think

1 creatively about a green way of utilizing the
2 plant so that it does not become an aging
3 plant that goes nowhere but is still able to
4 function and provide jobs, taxes to the
5 community, but produce for our green future
6 in New York.

7 Those conversations really haven't
8 gone anywhere, but I think it's just our lack
9 of ability to see beyond what's right in
10 front of us and to think creatively that can
11 get us there.

12 PSC CHAIRMAN RHODES: Absolutely. We
13 share that ambition. And we want to work
14 with LIPA, with the parties who can bring the
15 solution, and with representatives like
16 yourself.

17 SENATOR KAMINSKY: Sure. I mean, I
18 think it's -- proximity toward a lot of the
19 offshore might be helpful.

20 PSC CHAIRMAN RHODES: We are -- that's
21 not lost on us.

22 NYSERDA PRESIDENT BARTON: And I would
23 be happy to follow up with you to talk about
24 specifics related to that particular site.

1 And thank you for those comments. We see
2 potential for that type of redevelopment of
3 that site and others, to support what will be
4 this growing clean energy economy. And we
5 share that goal with you.

6 SENATOR KAMINSKY: That's great to
7 hear. Thank you.

8 CHAIRWOMAN WEINSTEIN: Assemblyman
9 Englebright.

10 ASSEMBLYMAN ENGLEBRIGHT: So thanks
11 for persisting through this very long day.

12 I hear you saying that there's a lot
13 of potential. I agree, there's a lot of
14 potential for growth of the renewable sector.

15 It seems to me, though, that the state
16 properties should have been covered with
17 solar by now. Are you talking to your sister
18 agencies like SUNY, for example? I'm not
19 aware of any SUNY facility on Long Island,
20 for example, that has any solar. Similarly,
21 I'm not aware of any DOT property, I'm not
22 aware of any part of MTA right-of-way, which
23 is more than 100 miles, I'm not aware of any
24 state roads. Why not? I'm just perplexed.

1 NYSERDA PRESIDENT BARTON: Well, thank
2 you for the question. And we would welcome
3 the opportunity to highlight some of the
4 projects that have been undertaken at state
5 facilities, and there are many already, as
6 well as the work that we do do on an ongoing
7 basis with our sister agencies.

8 The Governor's proposals have included
9 express provisions for leading by example, if
10 you will, for state agencies to take a
11 leading role in adopting clean energy
12 technologies. We do work with our sister
13 agencies on a -- I would say literally a
14 daily basis to advance energy efficiency
15 solutions, solar solutions, and otherwise.
16 State Parks has been a leader, as well as
17 many other agencies, including the SUNY
18 system specifically, who has -- and the
19 chancellor of the system has set out an
20 aggressive strategy for adoption of clean
21 energy, working closely with NYPA. NYSERDA
22 has a specific MOU with SUNY to help bring
23 our resources to that conversation --

24 ASSEMBLYMAN ENGLEBRIGHT: On

1 Long Island?

2 NYSERDA PRESIDENT BARTON: Yes, I
3 believe so as well.

4 ASSEMBLYMAN ENGLEBRIGHT: I represent
5 SUNY Stony Brook. We have 800 acres, the
6 tallest building on Long Island. We have
7 vast parking lots. No solar. Not a single
8 panel.

9 Not very far away in Hauppauge is the
10 state office building. It's next to the H.
11 Lee Dennison Building, which is a county
12 office building. If you go to the H. Lee
13 Dennison Building, their parking lot has
14 solar, the building has solar. If you go to
15 the state office building, nothing.

16 I don't know. I look around at the
17 DOT yards, we have the Long Island
18 Expressway -- I don't see any solar. I'm
19 glad you are reassuring, you're trying to be
20 reassuring that you're talking to your sister
21 agencies. But within the context of the kind
22 of crisis that we're facing, it seems to me
23 that we are missing a lot of opportunity.

24 I sponsored the Solar Choice Act, the

1 Solar Net Metering Act, the Wind Net Metering
2 Act 20 years ago. So pardon me for
3 wondering, but why is it that in literally
4 decades of time we haven't seen more
5 happening with state properties so that the
6 state leads by example?

7 NYSERDA PRESIDENT BARTON: Well, I
8 would be pleased to follow up with you as to
9 the specifics of those facilities, which I'm
10 not -- just haven't -- I am not familiar with
11 as I'm sitting here.

12 However, as I've mentioned, you know,
13 we have seen tremendous growth of solar
14 statewide, including on Long Island, which
15 really is a leader for the growth of solar in
16 New York State and a stand-out nationally as
17 well in many aspects.

18 Is there room to do more? Yes. And
19 that's why the Governor has clearly proposed
20 aggressive new targets for distributed solar,
21 for example, as part of his Green New Deal.
22 So we agree that there's room to do more, and
23 we would be eager to work with you on that.

24 ASSEMBLYMAN ENGLEBRIGHT: I appreciate

1 that. We'd like to work with you on it.

2 Regarding the proposed climate
3 council, nine members are proposed by the
4 Governor. Our very similar law in
5 progress -- we've passed it three times in
6 the Assembly in the last three years -- has
7 25 individuals. It's much broader. Most of
8 the Governor's proposed appointments are
9 agency heads.

10 So my question now is within the
11 context of really an underwhelming amount of
12 imagination regarding the use of state
13 property for renewables that I think I've
14 underscored with my previous question, I have
15 to ask why is your proposal or the Governor's
16 proposal superior to our bill, which has a
17 broader base of environmental and industry
18 and agency heads all working together? As
19 opposed to just the same group -- I'm not
20 sure, I guess, how we're making any advance
21 by taking the existing Executive groups -- a
22 group of appointments by this Governor, and
23 expecting them to behave differently simply
24 because they're now sitting together in a

1 room that says this is where the council
2 meets, as opposed to this is where the
3 cabinet meets.

4 PSC CHAIRMAN RHODES: I'll just
5 observe that the agencies that the Governor
6 in his -- and it's a proposal, nominated as
7 whatever the ex officio members of the
8 council, those agencies are the ones that
9 have driven the success to date. And the
10 success to date is not shabby.

11 ASSEMBLYMAN ENGLEBRIGHT: It's not
12 very visible on Long Island. Although we're
13 making some progress with deep-water wind
14 and, you know, the possibility of offshore
15 development. I'm not saying you haven't done
16 anything. But I am saying that I think that
17 the idea of taking the bill that we passed
18 several times, that Senator Kaminsky and I
19 are cosponsoring now, and changing its
20 governance to basically reflect this -- the
21 cabinet of appropriate agencies that relate
22 to this doesn't advance us in terms of the
23 diversity that would give us the kinds of
24 advice that would be better for our hoped-for

1 outcome.

2 I'm going to yield now. I'll let you
3 think about that.

4 NYSERDA PRESIDENT BARTON: Well, it is
5 part of the Governor's budget proposal so we
6 would expect it to be subject to the
7 negotiation in the budget process.

8 CHAIRWOMAN WEINSTEIN: Thank you.

9 ASSEMBLYMAN ENGLEBRIGHT: Thank you
10 very much. And thank you, Madam Chair.

11 CHAIRWOMAN KRUEGER: The Senate's
12 done. The Assembly may have a couple more.

13 CHAIRWOMAN WEINSTEIN: We have two
14 people for a second.

15 CHAIRWOMAN KRUEGER: I'm sorry, I just
16 wanted to note that Senator Brian Benjamin
17 has joined us since the last time we did
18 introductions. And I believe I see Senator
19 Rachel May up there in the audience, who's
20 there watching also.

21 Thank you.

22 CHAIRWOMAN WEINSTEIN: Assemblyman
23 Carroll.

24 ASSEMBLYMAN CARROLL: So going back to

1 energy production, back of the envelope,
2 we're producing about 25 percent of our
3 energy via hydroelectric, we're producing
4 about 35 percent of our energy via nuclear,
5 we producing about 2 percent of our energy
6 via wind and 1 percent of our energy via
7 solar.

8 The reason why I don't believe the
9 Governor's 2040 plan is nearly ambitious
10 enough is because I think it is relying on
11 old technology and old power production. I
12 think that the big problem is is that we have
13 not clearly, in the last decade, ramped up
14 wind or solar nearly quickly enough. And I
15 understand that there are many, many projects
16 about to come online, but I think the fear is
17 is that when you look at places like
18 California, which has mandated that all new
19 construction have solar attached to it, when
20 you look at decentralizing our grid to make
21 sure that homes not just have solar but also
22 have energy storage systems, possibly have
23 geothermal -- this is the way to strengthen
24 our grid.

1 This is the way to make sure that we
2 do not lose energy production through power
3 lines. These are the kind of things that
4 seemingly would be also part of this plan if
5 we were actually going to get to a truly
6 renewable grid by 2040.

7 What it seems for me, and from my
8 point of view, is that we are going to get to
9 that number by nuclear power that eventually
10 will come offline, and that we're going to
11 over-rely on 80-year-old hydroelectric dams.
12 And that we will never actually wean ourself
13 off of natural gas plants. And the reason
14 why I fear that is because we're still
15 investing in natural gas infrastructure.

16 If presumably by 2040 we would not be
17 using it, why would we be still investing in
18 pipelines throughout New York State?

19 PSC CHAIRMAN RHODES: I just think
20 that it's -- it's just objectively true that
21 this plan is investing in the new
22 technologies. I don't know how you talk
23 about 9 gigawatts of offshore, 6 gigawatts of
24 solar, 3 gigawatts of storage, not to mention

1 the level of --

2 ASSEMBLYMAN CARROLL: But that number,
3 sir -- I'm sorry -- gets us to about
4 40 percent energy. So eventually we've got a
5 problem, because eventually those nuclear
6 power plants that produce 35 percent of our
7 energy, it has to go somewhere. They can't
8 last forever. Is that correct?

9 PSC CHAIRMAN RHODES: But I think --
10 I'm sorry, perhaps we've been painting a
11 confusing picture with the timelines. The
12 six gigawatts of solar is 2025. The 3
13 gigawatts of storage is 2030. The 9
14 gigawatts of offshore is 2035.

15 So that's on the way. It's not all
16 that it's going to take to get to the 2040
17 number. We're investing in the new stuff.

18 CHAIRWOMAN WEINSTEIN: Thank you. And
19 we'd be happy if you want to follow up with
20 some written response to Assemblyman
21 Carroll's question.

22 PSC CHAIR RHODES: Thank you. We will
23 do that.

24 ASSEMBLYMAN CARROLL: Thank you.

1 CHAIRWOMAN WEINSTEIN: The last
2 speaker for his second round is Assemblyman
3 Palmesano.

4 ASSEMBLYMAN PALMESANO: Thank you
5 again for your time and patience in answering
6 my questions. I just had a couple more
7 questions in my last 3 minutes here.

8 Chairman Rhodes, I know you served as
9 the chair of the Energy Planning Board for
10 the 2015 Energy Plan. And I know that plan
11 contained numerous references pertaining to
12 reaching societal goals through a vibrant
13 private-sector market and predicts a future
14 where -- I quote -- energy service providers
15 vie for your business in a more robust
16 competitive marketplace.

17 And certainly, clearly, a vibrant
18 private-sector market only exists when the
19 market participants know the rules of the
20 road and can plan and make those future
21 investments.

22 I guess my question to you is, do you
23 support and do you see a role for energy
24 service companies in the current marketplace?

1 And do you see a future for energy service
2 companies providing a multitude of energy
3 services -- for example, energy efficiency,
4 fixed-price contracts, and evolving products
5 in the market?

6 PSC CHAIR RHODES: Yes.

7 ASSEMBLYMAN PALMESANO: Great.

8 And President Barton, I know in 2012

9 NYSERDA conducted a study on the benefits and
10 costs of increasing generation from
11 photovoltaic devices in New York. And that
12 study focused on the development of 5,000
13 megawatts of solar. And the study evaluated
14 the impacts that higher energy costs would
15 have on the economy. I know it was a study.

16 The study indicated that the state
17 could see a net loss of 2500 jobs and in one
18 year close to 6,000 jobs and the gross state
19 product could be reduced by \$3 billion. If
20 you have any contradictory evidence to that
21 study, I'd love to see that.

22 But have you planned or do you plan or
23 have you conducted a similar study for the
24 Clean Energy Standard, the 50 by 2030 or even

1 the 70 that we're talking about now?

2 NYSERDA PRESIDENT BARTON: So a couple
3 of things.

4 One is I will be happy to follow up,
5 but the short answer is that's the -- the
6 2012 study on solar cost was wrong. It was
7 too high. What we are seeing is renewable
8 costs declining far faster than anyone
9 predicted a few years ago. And that is why
10 we are confident that the Governor's proposal
11 can achieve 100 percent clean electricity for
12 the State of New York in a cost-effective
13 way.

14 We are also seeing tremendous growth
15 in the clean energy economy. There are
16 almost 152,000 clean energy workers in the
17 state today. And the new policies that the
18 Governor is putting in place with his
19 proposal will lead to a substantial increase
20 in clean energy jobs as well.

21 In addition, again, there are
22 significant economic impacts that our state
23 will face if we do not address climate change
24 head on.

1 So for all of those reasons, I very
2 much welcome the opportunity to talk about
3 economic costs and benefits around the
4 Governor's proposal.

5 ASSEMBLYMAN PALMESANO: And earlier
6 when I was talking about CO2 emissions, I
7 wasn't disputing climate change. I'm just
8 saying the concern I have, that some of us
9 have is that when New York is just going it
10 alone and the impact that could have on our
11 state, given the small percentage we have as
12 a percentage of the U.S. CO2 emissions and
13 globally. So --

14 NYSERDA PRESIDENT BARTON: I don't
15 believe we are going it alone. And I know
16 Commissioner Seggos spoke about the U.S.
17 Climate Alliance and the fact that there are
18 17 states participating in that and
19 committing to meeting and exceeding our fair
20 share.

21 And once again, I would just say the
22 good news when we are talking about renewable
23 energy commitments is the costs are far lower
24 than anyone realized even a couple of years

1 ago. There are numerous external
2 projections -- you don't even have to believe
3 us, but you can look at investment firms,
4 Lazard, Bloomberg, New Energy Finance, that
5 predict that renewables will be, period, the
6 lowest-cost source of electricity in just a
7 few years.

8 This is really a good-news economic
9 story for New York State.

10 ASSEMBLYMAN PALMESANO: Thank you.

11 CHAIRWOMAN KRUEGER: Thank you. I
12 want to thank you both for giving us your
13 time and expertise this afternoon. We want
14 to let you leave. And we want to let
15 everyone else in this room --

16 PSC CHAIRMAN RHODES: Can we have with
17 the last word and thank you and the members
18 for giving us a chance to talk?

19 NYSERDA PRESIDENT BARTON: Thank you
20 for the opportunity.

21 CHAIRWOMAN KRUEGER: Thank you very
22 much.

23 I suggest everybody stretch. We're
24 not going to do an exercise break, but

1 stretching would be good, because we are
2 hardly in the home stretch, we are now
3 starting with No. 6 on your list that goes to
4 33, in case you were wondering where we were.

5 So it is Elizabeth Wolters, deputy
6 director of public policy for the New York
7 Farm Bureau.

8 And for the remainder of the hearing,
9 just to let you know, you will have 5 minutes
10 and the questions coming from the Legislature
11 will only be 3 minutes. Okay? So that we
12 actually aren't still here tomorrow when we
13 need to start the next hearing.

14 (Off the record.)

15 CHAIRWOMAN KRUEGER: Okay, we're going
16 to bring this hearing back under control --
17 we're going to try, anyway.

18 Senator Metzger, why don't you take
19 your seat.

20 So we next have Elizabeth Wolters,
21 from the New York Farm Bureau. Five minutes,
22 try not to read your testimony, give us your
23 big important bullet points, and then we'll
24 ask you some questions. Thank you very much.

1 MS. WOLTERS: Thank you. I don't even
2 have my testimony in front of me, so I won't
3 read it.

4 Thank you, Chairwoman Krueger and
5 Chairwoman Weinstein, for allowing us this
6 time today. You have my complete testimony,
7 so I will be brief.

8 Commissioner Ball set a really good
9 stage in terms of the farm economy, so I
10 won't rehash all of that. A lot of members
11 pointed to the dairy economy, but it is
12 across all spectrums of agriculture. We have
13 some highlights, but in general it is very
14 challenging times in agriculture.

15 This is why it is very important that
16 the programs that are funded in the New York
17 State Budget continue to have funding. We
18 are very pleased to see the Governor's
19 starting point in terms of Aid to Localities
20 for the Department of Agriculture and
21 Markets.

22 Senator Krueger, you made a really
23 good point about cauliflower. And this is
24 exactly why these programs are so important,

1 because the marketing and promotion and
2 research go into that. They make sure that
3 our farms can develop crops that can grow in
4 our climate, that we're meeting the needs of
5 our largest markets. So this is really
6 important, and we look forward to working
7 with the Legislature and the Governor to
8 ensure that these programs have funding.

9 We know they're not lined out in the
10 Governor's proposal. We heard comments today
11 that we anticipate the Legislature to change
12 that. And that's great. It will make it
13 easier to ensure that, going forward, onion
14 knows what they're getting and maple knows
15 what's for them. It's really good to have
16 these conversations. And having the lump sum
17 does make it a little bit challenging for us.
18 We do read between the lines with the
19 Governor's proposal. We know there are a lot
20 of core programs that are very important to
21 him, statewide programs.

22 So I will highlight that some regional
23 programs that are very beneficial to regions
24 of the state we surmise aren't funded in the

1 Governor's budget, because they are regional
2 in nature.

3 So farm safety, food access,
4 agricultural education, migrant childcare,
5 all those things that the commissioner
6 mentioned are all also very important to us.

7 The promotion dollars, the marketing
8 dollars that I mentioned that go to Christmas
9 trees and wine and craft beverages, all very
10 important. We have a couple of examples in
11 your testimony of where those resources have
12 been spent, but we will be sure to come by
13 each of your offices and provide that
14 information. Each of the commodity groups
15 that represent those lines have that
16 information and will be happy to share it
17 with you, as will we.

18 We're happy to see the continued
19 investment in the EPF. This is a great
20 partnership between agriculture and the
21 environmental agencies to ensure that our
22 farmers have the resources that they need to
23 meet CAFO compliance, IPM, integrated pest
24 management, and all those programs --

1 non-point source abatement programs, farmland
2 protection, pollinator protection plans, the
3 Clean Sweep program that DEC operates that
4 helps remove unused pesticides from farms and
5 dispose of them properly -- all very good
6 programs.

7 Next I'll jump to legislative
8 proposals. There's a number of Article VIIs
9 that I just want to quickly touch base on
10 before I take questions. One thing that I
11 did not include in my written testimony,
12 because it doesn't necessarily fall under
13 this jurisdiction, is the workforce
14 investment tax credit that the commissioner
15 did mention. We are very supportive of this
16 program and believe that it should be
17 expanded to cover all commodities that might
18 have been inadvertently left out.

19 The Climate Leadership Act, we really
20 look forward to be part of this conversation.
21 Soil health is imperative to our farmers to
22 ensure that they can mitigate inputs and
23 really be good stewards of the land. So we
24 look forward to these conversations.

1 Congestion pricing, it might sound odd
2 for me to bring this up, but we are concerned
3 about the costs that our farmers incur to
4 bring products to market. We understand it's
5 just the lower half of Manhattan. There are
6 a number of green markets down there, and we
7 are concerned that those might get a little
8 bit more expensive, and we already face
9 challenges with our neighbors -- New Jersey,
10 Pennsylvania, and others -- that don't have
11 the high cost of transportation that we do
12 here in New York State.

13 The Bottle Bill, this has always --
14 this proposal, New York Farm Bureau has been
15 supportive in the past. We were happy to see
16 that some of the dairy products have been
17 excluded from the Bottle Bill. But we would
18 also just like to mention juice as well.
19 There are a lot of small juice processors in
20 the state. And then cannabis, too. The
21 commissioner said it very well.

22 So any questions?

23 CHAIRWOMAN KRUEGER: Thank you so
24 much. You did that extremely effectively.

1 Senator Metzger, the Agriculture

2 chair.

3 SENATOR METZGER: You had mentioned

4 that there were some regional projects that

5 might not get funded --

6 CHAIRWOMAN KRUEGER: Turn your

7 microphone on.

8 SENATOR METZGER: Oh, sorry. I always

9 forget that part.

10 You had mentioned that there were some

11 regional projects that you were concerned

12 about that might not be funded, and I

13 wondered if you could just elaborate on that,

14 if there were any specifics.

15 MS. WOLTERS: Sure. One that just

16 comes to mind right away is Harvest New York,

17 which is done through Cornell. And it's kind

18 of a conglomerate of the CCEs. So that's one

19 of them.

20 There are some North Country programs

21 that help do specific research for the North

22 Country climate, which is different than

23 other areas of the state.

24 And I will be sure to send you a list,

1 and I'll send it to the chairs as well.

2 SENATOR METZGER: Great. And just on
3 the congestion pricing -- I should go to the
4 Transportation hearing, but I'd like to hear
5 about, just generally, if you could tell us a
6 little bit about the costs of transportation,
7 how there are greater hurdles in New York
8 compared to other states, what the issues
9 are, it would be good for everyone to know.

10 MS. WOLTERS: I think it's a lot with
11 proximity. We have a lot of growers in
12 Western New York that do bring products to
13 market in the city, and this is great. It's
14 a great vegetable/fruit basket out there with
15 great muck soils and -- the problem is the
16 distance. And the Thruway. And the tolls.

17 So it's not only just the gas that it
18 takes, it's the tolls, it's the time. There
19 are some federal regulations that, you know,
20 prohibit certain travel for certain times.
21 So it -- distance I think is the biggest
22 hurdle. But we should be having our New York
23 products at market.

24 SENATOR METZGER: Okay. All right.

1 CHAIRWOMAN KRUEGER: Thank you.

2 Assembly.

3 CHAIRWOMAN WEINSTEIN: Assemblywoman

4 Lupardo, chair of our Agriculture Committee.

5 ASSEMBLYWOMAN LUPARDO: Hello. Thanks

6 for sticking around. And thanks for always

7 providing such clear direction from the Farm

8 Bureau. I really appreciate your materials

9 and how thoughtful they are.

10 This probably isn't in the purview of

11 some of these committees, but I think it

12 would be helpful, so I want to take a run at

13 it, if you could explain to my colleagues why

14 you want to remove the unemployment insurance

15 requirements for H2A workers.

16 MS. WOLTERS: Sure. H2A workers, it's

17 a visa program run by the federal government.

18 So the workers come under a contract, they

19 work for a set amount of time, and then they

20 go home to their home country.

21 They are not eligible for unemployment

22 insurance because they go home. But

23 unfortunately, just based on the way the law

24 is written, New York State requires all

1 employers to collect unemployment insurance,
2 including on H2A workers.

3 So we would like to see that removed,
4 because they don't benefit from that.

5 ASSEMBLYWOMAN LUPARDO: Do you have
6 the financial impact calculated, or can you
7 get that to us so we know?

8 MS. WOLTERS: We can get that to you.
9 It's relatively small, about a million
10 dollars, one-three, somewhere around there.

11 ASSEMBLYWOMAN LUPARDO: Nonetheless,
12 it's a significant impact.

13 MS. WOLTERS: It's a significant
14 impact on the employers, but I think in the
15 larger budget I don't it's that great.

16 ASSEMBLYWOMAN LUPARDO: Okay. And one
17 other item I know that's important is certain
18 groups were left out of the Farm Workforce
19 Retention Tax Credit? Why were they left
20 out, the maple, farm wineries, cideries,
21 Christmas trees?

22 MS. WOLTERS: I think it was just an
23 end-of-budget-haste type of item. Those
24 commodities are in a different section of the

1 Tax Law, so rather than referencing both
2 paragraphs, I think that that's ultimately
3 what happened. And I think the commissioner
4 alluded to that.

5 ASSEMBLYWOMAN LUPARDO: Were
6 greenhouse growers part of that?

7 MS. WOLTERS: I will have to get that
8 information to you. I think they're in that
9 second paragraph as well.

10 ASSEMBLYWOMAN LUPARDO: Okay. I'm
11 good. Thank you so much.

12 CHAIRWOMAN KRUEGER: Senator
13 Antonacci.

14 SENATOR ANTONACCI: Thank you.

15 Does your organization support the
16 sale of raw milk? And if so, why?

17 MS. WOLTERS: We do have policies
18 supporting the sale of raw milk.

19 Our policy, for those of you that
20 aren't familiar, is a true grassroots policy.
21 We have delegates, they vote on policy. And
22 it did come up this year, and ultimately they
23 decided to keep our current policy, which
24 supported it, because dairy farmers need all

1 the tools in the tool belt in terms of
2 surviving right now. Ag & Markets regulates
3 it, it licenses it.

4 SENATOR ANTONACCI: Are there any
5 government warnings on the sale of raw milk?

6 MS. WOLTERS: They limit the sale of
7 it. It can only be sold directly off of the
8 farm. There are --

9 SENATOR ANTONACCI: But does the
10 consumer -- when the consumer goes to the
11 farm, does it say "This is raw milk, it could
12 be dangerous," anything like that?

13 MS. WOLTERS: I don't know that it is
14 required for it directly to be on the farm,
15 and I don't believe it is.

16 SENATOR ANTONACCI: Okay. You were
17 here earlier when I asked Commissioner Ball
18 about workers' rights and farmworkers rights.
19 Does your organization have an opinion on
20 that issue and how it affects the farmer?

21 MS. WOLTERS: So our workers are very
22 important to us. In terms of overtime
23 provisions and collective bargaining, we do
24 have policy against those. We have

1 perishable crops, and we are very concerned
2 about what effect a strike or work stop could
3 have on that.

4 Having said that, though, we need to
5 have conversations, and I think everybody
6 needs to be educated on the issue. We've
7 requested hearings on the topic, and we hope
8 that we can have those across the state so we
9 can really look at the impact that those
10 provisions would have on agriculture,
11 especially in light of the increasing minimum
12 wage, the tightness of the labor market.
13 We've had a lot of ICE raids in New York
14 State. So it's very challenging.

15 SENATOR ANTONACCI: Okay, last
16 question. I might have fell asleep a little
17 bit on your talk about congestion pricing,
18 but to my understanding, that would be very
19 onerous to the dairy industry, dairy trucks
20 delivering into the city. Is there a
21 position that you guys have on -- and by the
22 way, New York City seems to want to limit
23 deliveries just in general.

24 MS. WOLTERS: Yeah, it's not just

1 dairy, it's all agricultural commodities that
2 we bring to the Green Market and other
3 markets. So I'm definitely concerned on it
4 and just hope to be part of the conversation
5 and maybe find a solution for those.

6 SENATOR ANTONACCI: Thank you.

7 CHAIRWOMAN KRUEGER: Thank you.
8 Assembly?

9 CHAIRWOMAN WEINSTEIN: We're done.

10 CHAIRWOMAN KRUEGER: Then thank you
11 very much for your testimony tonight.

12 MS. WOLTERS: Thank you for the time.

13 CHAIRWOMAN KRUEGER: It's not night
14 yet, never mind.

15 Okay, American Farmland Trust,
16 Samantha Levy. And get up on deck, be
17 prepared, Union of Concerned Scientists. And
18 then Peter Iwanowicz of Environmental
19 Advocates.

20 We make you sit here all day and
21 there's not even water. It's terrible.

22 MS. LEVY: I've been hesitant to walk
23 out to get water, so I'm sorry to take your
24 time to do this.

1 CHAIRWOMAN KRUEGER: Take your time.

2 Please, when you're ready.

3 MS. LEVY: Thank you.

4 CHAIRWOMAN KRUEGER: And again, we're
5 definitely asking you not to read this.

6 MS. LEVY: Yes, that is for you to
7 peruse at your leisure. I will be
8 highlighting a few areas of my testimony for
9 you today.

10 So first I would like to thank you
11 very much, Senator Krueger, Assemblymember
12 Weinstein, and everybody who is still at this
13 hearing today, for giving me the opportunity
14 to speak on behalf of American Farmland
15 Trust. For those of you who are not
16 familiar, we're a national nonprofit farmland
17 conservation organization working to save the
18 land that sustains us.

19 We have a field office here in
20 New York State, and I'm here today to talk
21 about a few areas of the State Budget that
22 I'll highlight from my written testimony --
23 three, in fact, that are big issues that are
24 critical to all New Yorkers.

1 The first, combating climate change.
2 We've talked a lot about it at this hearing
3 today already. The second, bringing a new
4 generation of farmers onto the land. And the
5 third is expanding access to New York-grown
6 food to all New Yorkers. And these are all
7 areas that we feel at American Farmland Trust
8 are priorities, to save the land that
9 sustains us in New York State.

10 The challenges that we face with
11 climate change are significant. We all know
12 this. And agriculture has a key role to play
13 in being a part of the solution to climate
14 change. We were happy to see the Governor's
15 proposals in recognition of this for natural
16 and working lands in the Environmental
17 Protection Fund for research and to help
18 farmers adopt practices that sequester carbon
19 on their farms.

20 But it's not just about carbon
21 sequestration. And in fact, our very own
22 Farmland Protection Program can reduce
23 emissions from transportation when coupled
24 with Smart Growth Planning efforts. This is

1 something that the State of California has
2 recognized, and that's how they administer
3 their farmland protection program.

4 So I'll just say that since 1980, in
5 New York State we've lost the equivalent of
6 5,000 farms. Senator Krueger, you alluded to
7 this earlier. The Farmland Protection
8 Program is very popular with farmers, highly
9 oversubscribed -- three-to-one in requests
10 for funding to funds available. This
11 permanently protects our farmland, secures
12 our local food supply, and then as I
13 mentioned can reduce greenhouse gas emissions
14 associated with transportation.

15 In the Governor's budget proposal he
16 put \$2 million for Smart Growth Planning in
17 the EPF. We think that this along with what
18 we're asking for is a \$20 million
19 appropriation for farmland protection. The
20 Governor proposed it at \$17 million. This is
21 a very popular program, as I said, and we
22 think that increasing it to \$20 million could
23 really help us capture those climate benefits
24 while protecting this important farmland from

1 development.

2 Second, bringing a new generation of
3 farmers onto the land. Our farmers in
4 New York State are aging -- a third of them
5 are over the age of 65, and our research
6 shows that over 90 percent of those farmers
7 do not have a young person working alongside
8 them. This is something that seriously
9 concerns American Farmland Trust for the
10 future of agriculture in New York State. In
11 last year's State Budget we worked with the
12 Legislative Commission on Rural Resources and
13 the Agriculture Committees to fund Farmland
14 for a New Generation New York.

15 As the commissioner said earlier -- I
16 think he talked about navigating access to
17 land. That is what this program intends to
18 do. This is based on a model in the Hudson
19 Valley that has been running for four years,
20 to help farmers find land and to help make
21 farmland available for farmers.

22 So we thank the Legislature for their
23 support for that program and hope that we can
24 work closely with you again this year.

1 And then I'll just say a few key
2 highlights. There are two components for
3 this program, a resource center which
4 includes a land-linking website and first
5 point of contact on our staff, as well as
6 funding for a network of regional navigators,
7 organizations across New York State Grown,
8 including Cornell Cooperative Extension
9 offices, land trusts, and other agricultural
10 organizations that are all working together
11 to bring a new generation of farmers onto the
12 land.

13 Twenty organizations applied for
14 \$200,000 worth of funding to re-grant,
15 requesting a total of \$385,000 in funds to
16 support their work in bringing a new
17 generation of farmers onto the land. And
18 I'll say that this program is designed to
19 help farmers that grew up in farm families,
20 but also to help a new, diverse generation of
21 farmers to come onto the land -- immigrants,
22 people of color, veterans, women, indigenous
23 people. Our navigators are poised to work
24 with those communities to bring them onto the

1 land in New York State to farm.

2 And then, third, with my final

3 20 seconds, I'll talk briefly about helping

4 all New Yorkers gain access to New York grown

5 food. And Farm to School has been mentioned

6 already in this hearing: 1.7 million

7 schoolchildren eat food at our schools every

8 day in New York State. This \$10 million

9 proposal -- and it was included in last

10 year's budget to be a carrot for schools to

11 buy more New York-grown food -- we think is

12 critical, along with the Farm to School

13 grants program, to help them achieve that

14 carrot, that New York-grown carrot, and serve

15 it to our kids.

16 CHAIRWOMAN KRUEGER: Thank you. And

17 we didn't let you get completely through, but

18 you got through a lot.

19 MS. LEVY: That's okay.

20 CHAIRWOMAN KRUEGER: Jen Metzger,

21 Agriculture chair, do you have any questions?

22 SENATOR METZGER: I guess -- I know

23 that the Farm Bill has increased funding for

24 the Young Farmers Program --

1 CHAIRWOMAN KRUEGER: I think you need
2 to speak into the --

3 SENATOR METZGER: Oh, I did it again.
4 Sorry about that. I don't know how the
5 technology works.

6 So I know that the Farm Bill has --
7 that was one of the positives of the
8 Farm Bill, was to increase funding. And can
9 you access that fund -- those funds? Do you
10 intend on trying to access those funds?

11 MS. LEVY: Yes, so --

12 SENATOR METZGER: Is it possible for
13 an organization like yours?

14 MS. LEVY: For the Farmland for a New
15 Generation program, we actually have worked
16 from a Beginning Farmer and Rancher
17 Development Program grant before.

18 But because this is a program that is
19 specific to New York State, and it's
20 statewide, I believe that the funding from
21 New York State is essential to continuing
22 this particular program as a complement to
23 the BFRDP program that helps farmers.

24 SENATOR METZGER: And this is -- you

1 may not be able to answer this question, but
2 just to put it into perspective for people.
3 Increasing the funding from 17 to 20 million,
4 so what would that do for you in terms of,
5 say, number of farms to protect, land, and
6 that kind of thing?

7 MS. LEVY: So I don't have specific
8 numbers of farms that we would be able to
9 protect. I think that's more speaking to the
10 strength of demand that we see for this
11 program.

12 Prior to last year's budget, that line
13 was for \$20 million. So land trusts and
14 other organizations --

15 SENATOR METZGER: Can't afford to do
16 that.

17 MS. LEVY: -- and farmers are really
18 interested in protecting farmland, and we
19 just want to make sure that there's continued
20 strength and vigor in that program.

21 SENATOR METZGER: Okay. Thank you.

22 CHAIRWOMAN KRUEGER: Okay. Any
23 Assembly members?

24 CHAIRWOMAN WEINSTEIN: Assemblywoman

1 Lupardo for a quick question.

2 ASSEMBLYWOMAN LUPARDO: Thanks a lot
3 for sticking around all day.

4 Just some historical perspective for
5 me on the Farmland Protection. So your
6 recommendations seem quite modest in terms of
7 having a couple of staffers to work on these
8 commitments and, you know, to also ensure
9 that the funding is made available on an
10 annual basis.

11 Where are we at in the curve of this?
12 Are we improving? Do we take a step back and
13 we're trying to catch up? What have we been
14 doing for the last decade?

15 MS. LEVY: I so appreciate your
16 question, Assemblymember. Thank you.

17 So in terms of getting Farmland
18 Protection funds into the hands of the
19 farmers that need them in a timely way, we
20 have made great improvements. The Department
21 of Agriculture and Markets, you know, back
22 when the commissioner had said there was a
23 freeze on spending at one point -- you know,
24 there were times when projects might have

1 taken, at most, and in the worst case, six
2 years to complete, and that's a long time.
3 And now the department is at an average of 21
4 months to complete these projects. So we
5 need to definitely give gratitude and
6 appreciate the fact that the department has
7 made great strides when it comes to reducing
8 the time it takes to complete projects.

9 At the same time, there is now only
10 one full-time staff member. That's less than
11 in recent years when they've been able to
12 make these great strides. And there's been
13 quite a large appropriation, two years'
14 worth, as you mentioned -- we're asking for
15 an annual RFP, but they're on a biennial
16 timeline, so once every two years.

17 So they've decided to release two
18 years' worth of funds, bringing in those
19 projects, plus the dairy projects, on top of
20 30 projects currently working through the
21 system. So that's almost \$70 million coming
22 in for one full-time staff member, who's
23 overloaded at this point.

24 And we are asking for an increase in

1 staff -- that just hasn't made any movement
2 just yet -- and an annual timeline. We think
3 that that will help speed up the amount of
4 time it takes to speed up projects.

5 ASSEMBLYWOMAN LUPARDO: One staff
6 person?

7 MS. LEVY: One.

8 ASSEMBLYWOMAN LUPARDO: Managing what
9 level of portfolio?

10 MS. LEVY: There are 30 -- last I
11 heard, and this was about a month ago, there
12 are 30 open Farmland Protection projects
13 working their way towards completion. Forty
14 were just awarded in December, plus more that
15 are continuing to roll in.

16 For the dairy program, which we've
17 talked about the challenges with dairy at
18 length today -- and those dairy farmers need
19 help now, and we want to make sure that that
20 comes quickly.

21 ASSEMBLYWOMAN LUPARDO: Great.

22 Thanks.

23 MS. LEVY: And we appreciate the
24 Legislature's support and helping us to

1 achieve those improvements to the
2 department's administration of the program.

3 CHAIRWOMAN KRUEGER: Senator Rachel
4 May.

5 (Discussion off the record.)

6 SENATOR MAY: This is just a quick
7 question. In conjunction with the Farm to
8 School program, is there any parallel program
9 for feeding the elderly -- for example, Meals
10 on Wheels or other, you know, institutional
11 provision of food other than in schools?

12 MS. LEVY: It's a great question.

13 So I'll briefly say that American
14 Farmland Trust coordinates Farm to
15 Institution New York State, which looks at
16 all institutions, not just K-12 schools, and
17 helping to get more healthy local food into
18 all institutions.

19 I believe at this time the only state
20 program that we have promoting buying more
21 New York-grown food in such a heavy way is
22 the Farm to School program, but we certainly
23 see opportunities for other institutions to
24 be able to increase their purchase of

1 New York-grown food, local food, and serve
2 healthy food to our most vulnerable New
3 Yorkers, which includes the elderly and
4 hospitals as well, and a number of other
5 institutions like SUNYs.

6 SENATOR MAY: Great. Thank you.

7 MS. LEVY: Thank you for the question.

8 CHAIRWOMAN KRUEGER: Thank you. Thank
9 you very much for your testimony here today.

10 We appreciate it.

11 MS. LEVY: Thank you. Thank you for
12 your time.

13 CHAIRWOMAN KRUEGER: Absolutely.

14 Okay, Union of Concerned Scientists,
15 Daniel Gatti. If I pronounced it wrong, I
16 apologize.

17 MR. GATTI: You actually did a great
18 job.

19 CHAIRWOMAN KRUEGER: Thank you.

20 MR. GATTI: Usually people -- that was
21 right.

22 (Laughter.)

23 MR. GATTI: Is there a -- do I have to
24 turn this on?

1 CHAIRWOMAN KRUEGER: No, yours is on.

2 You're good.

3 MR. GATTI: All right. Great.

4 My name is Daniel Gatti. I'm a senior

5 transportation analyst with the Union of

6 Concerned Scientists. And let me get one

7 thing right out of the way right away. No, I

8 did not show up to the wrong hearing today.

9 I'm here to talk about the largest source of

10 global warming emissions in the State of New

11 York, and that is transportation.

12 So, you know, I do want to start by

13 acknowledging and thanking the administration

14 for their commitment to create 100 percent

15 clean electricity for New York by 2040.

16 That's a great commitment. But I'd really

17 like to see the administration be just as

18 ambitious, just as bold, when it comes to

19 clean transportation.

20 Truth be told, we're already making a

21 lot of progress cleaning our electric grid.

22 We've heard some of that today. Total

23 emissions from electricity in New York State,

24 according to the most recent data by NYSERDA,

1 have dropped by over 54 percent from 1990 to
2 2015.

3 But we're not making overall progress
4 when it comes to transportation, and
5 transportation emissions in 2015 are 20
6 percent higher than they were in 1990. And
7 with more SUVs on the road, with ever greater
8 congestion on our streets, it's likely that
9 if we had the years after 2015, we'd see that
10 transportation emissions have continued to
11 grow.

12 One reason why we've made so much more
13 progress reducing emissions in electricity
14 than we have in transportation is because
15 under the Regional Greenhouse Gas Initiative,
16 we've established mandatory limits on
17 electric emissions. We haven't established
18 any kind of equivalent overall limit on
19 emissions from transportation.

20 As I'm sure many of you know, the way
21 we enforce that limit through the Regional
22 Greenhouse Gas Initiative is through the
23 requirement that polluters purchase
24 allowances which are made available in

1 periodic regional auctions. That's a big
2 funding source for a lot of the state's
3 energy efficiency programs and renewable
4 energy program. RGGI has helped put this
5 region on track to be able to reduce overall
6 emissions from electricity by 65 percent by
7 2030.

8 And I guess we all know also the RGGI
9 program exists because of the leadership of
10 this state, New York. George Pataki, in
11 2003, faced with a federal government that
12 was resistant to the idea of solving climate
13 change, reached out to governors from both
14 parties to do something about climate.

15 Today, RGGI is a program that has
16 demonstrated that we can reduce emissions
17 while growing the economy and cutting costs
18 for consumers.

19 The biggest limitation to RGGI, of
20 course, is that it only applies to
21 electricity. But officials have been meeting
22 for years now through the Georgetown
23 Transportation and Climate Initiative, TCI,
24 to discuss how the region can address

1 transportation pollution. This December,
2 nine states in the Northeast and Mid-Atlantic
3 Region, along with the District of Columbia,
4 agreed to create and design a program
5 modelled after RGGI covering transportation
6 emissions.

7 The states committing to create this
8 program included all of the neighbors of the
9 State of New York. It included states that
10 are still in the process of joining RGGI,
11 like Virginia and New Jersey. It included
12 Pennsylvania, a state that has never joined
13 RGGI. They include Republican
14 administrations in three states -- Vermont,
15 Massachusetts, and Maryland -- showing that
16 climate policy in the Northeast is still an
17 issue of bipartisan concern.

18 New York, however, was not one of the
19 states that agreed to create this program.
20 We've heard repeatedly today that regional
21 action is essential to being able to solve
22 climate change. I agree with that
23 completely. Well, this right here is a
24 regional effort to solve one of the biggest

1 challenges that we face as a region in terms
2 of being able to tackle emissions. And I
3 think the rest of the region is looking
4 around and asking themselves, you know, where
5 is New York?

6 New York needs this initiative to be
7 successful. If done right, this program
8 could create an enforceable limit on our
9 largest source of emissions, and it could
10 also be a funding source for a variety of
11 investments in clean transportation that will
12 be a critical component of a Green New Deal.

13 We need to build a clean, modern
14 transportation system that works for
15 everyone, and we need to do it at a time when
16 climate change is going to impose
17 ever-increasing costs on our transportation
18 infrastructure.

19 UCS has found that if New York adopted
20 a cap-and-invest program similar to RGGI, and
21 similar to the program currently in place in
22 California and Quebec, it could raise over \$1
23 billion a year for investments in clean
24 transportation projects.

1 We've also found that investments in
2 clean transportation can achieve significant
3 savings for New York drivers. Our analysis
4 found that clean vehicles and fuels
5 technologies can help drivers in New York
6 save over \$30 billion on their energy bills,
7 in addition to nearly \$50 billion in
8 environmental and public health benefits.

9 So in conclusion, TCI is an important
10 regional effort. It could play a key role in
11 helping New York cut emissions from this
12 challenging sector and create a better
13 transportation system for everybody. We hope
14 that New York will join this initiative and
15 help to lead the region towards a solution to
16 clean transportation.

17 Thank you.

18 CHAIRWOMAN KRUEGER: Thank you.

19 Assembly?

20 CHAIRWOMAN WEINSTEIN: Assemblyman
21 Englebright.

22 ASSEMBLYMAN ENGLEBRIGHT: Thank you
23 for being the fish out of water today.

24 (Laughter.)

1 MR. GATTI: Skunk at the garden party

2 a little bit, I realize.

3 ASSEMBLYMAN ENGLEBRIGHT: I think that

4 you bring us a sense of optimism and hope, as

5 well as a question that I really wish I had

6 an answer for you. We were just listening

7 for many hours, as you may have heard if you

8 were in the audience -- I think you were --

9 just how wonderful things are and how far

10 advanced we are. And yet I don't know why

11 we're not working more cooperatively with our

12 neighboring states.

13 If it's possible to do so, I would

14 love to have a follow-up meeting and would

15 like to coordinate with my colleague in the

16 Senate. If my guess is right, you caught

17 both of our attention.

18 And I thank you for coming here today,

19 and I look forward to learning more about the

20 answer to your question as to why we're not

21 there, and I'd like to go beyond that and

22 find out a way to get us involved.

23 MR. GATTI: That would be great. I

24 would love to have that meeting.

1 ASSEMBLYMAN ENGLEBRIGHT: Thank you.

2 CHAIRWOMAN KRUEGER: Lack of questions
3 is not lack of interest. It's the time. I'm
4 also very interested in learning more.

5 Senator Jen Metzger, do you have a
6 question?

7 SENATOR METZGER: I just want to share
8 that sentiment. And I would love to be a
9 part of that conversation too and also talk
10 about what we can do here in New York to
11 accelerate that, because it's not happening
12 quickly enough on the Public Service
13 Commission side.

14 MR. GATTI: Thanks.

15 CHAIRWOMAN KRUEGER: Thank you.

16 ASSEMBLYMAN ENGLEBRIGHT: Can I just
17 add one more thing?

18 CHAIRWOMAN KRUEGER: Please.

19 ASSEMBLYMAN ENGLEBRIGHT: I come from
20 where we invented suburbia, the land of the
21 automobile, and we're a non-attainment area
22 very often in Suffolk County, frequently in
23 Nassau, almost all the time in the other end
24 of our island that is part of New York City.

1 We can do better. You've offered us hope
2 again. Thank you.

3 MR. GATTI: Thank you. And let me
4 just say, we did an analysis about how EVs
5 can be relevant to suburban and rural
6 communities that I'd love to share with some
7 of the representatives here who represent
8 those kinds of communities.

9 CHAIRWOMAN KRUEGER: Thank you very
10 much for your time today.

11 MR. GATTI: Thank you very much.

12 CHAIRWOMAN KRUEGER: Next is
13 Environmental Advocates of New York, Peter
14 Iwanowicz.

15 MR. BAMBRICK: Sorry to disappoint.

16 CHAIRWOMAN KRUEGER: You are not Peter
17 Iwanowicz.

18 MR. BAMBRICK: I'll do my best,
19 though.

20 Good afternoon, or good evening as it
21 may be. Chair Krueger, Chair Weinstein,
22 Chair Englebright, Chair Kaminsky, and all
23 the members of the Legislature's fiscal and
24 environmental committees, thank you for

1 allowing me to testify this afternoon. My
2 name is Conor Bambrick, and I'm the air and
3 energy director for Environmental Advocates
4 of New York.

5 We at Environmental Advocates are very
6 optimistic that this is the year New York
7 will reclaim its status as a true
8 environmental leader. There are no more
9 excuses for failing to enact comprehensive,
10 protective, and commonsense legislation that
11 protects human health and our environment.

12 I will highlight our comments on the
13 Executive Budget and our recommendations for
14 moving New York forward to be a true
15 environmental leader, but refer you to our
16 full written testimony for our detailed
17 positions.

18 One of our main priorities is
19 addressing climate change. The call for
20 climate action is now and transcends all
21 geographic boundaries, political
22 affiliations, age, race, ethnicity, religion,
23 and socioeconomic status. It is the hallmark
24 issue of our time. We can't urge the

1 Legislature enough to move forward and pass
2 the Climate and Community Protection Act, and
3 I want to thank Chair Englebright and Chair
4 Kaminsky for their leadership on this issue.

5 As you know, CCPA establishes
6 aggressive mandates for ramping up the use of
7 clean, renewable energy, but it also sets
8 clear and accountable mandates for doing so
9 equitably across all sectors of our economy,
10 prioritizing environmental justice issues and
11 creating good, sustainable jobs across the
12 state.

13 Relatedly, as Chairman Englebright
14 pointed out earlier, the state government has
15 an opportunity to lead by example, ensuring
16 the energy supply for the State Capitol and
17 the Empire State Plaza complex is 100 percent
18 clean, renewable power and not sourced in
19 dirty fossil fuels. We are thus disappointed
20 to see that the Governor's budget once again
21 included an appropriation that would allow
22 the use of natural gas to power a
23 cogeneration plant at Sheridan Avenue. We
24 would urge the Legislature to remove that

1 fossil fuel language from that appropriation.

2 On the issue of transportation, we
3 can't address the climate crisis as we all
4 heard without addressing transportation. The
5 transportation sector is the largest source
6 of climate pollution in New York,
7 representing 34 percent of the state's
8 greenhouse gas portfolio, and air pollution
9 from tailpipes is a major contributor to smog
10 and poor air quality.

11 Yet chronic system delays and failures
12 in the public transit system have led to
13 significant drops in public transit
14 utilization and increased vehicle congestion.
15 We urge the Legislature to approve congestion
16 pricing to assist in providing for the
17 sustained and dedicated funding stream needed
18 to fix our mass transit woes.

19 Next, let's talk about water.
20 New York's aging water infrastructure is a
21 pervasive problem. Over the next 20 years
22 it's estimated that the state will need to
23 invest close to \$80 billion to fix our
24 crumbling drinking and wastewater

1 infrastructure. The Governor has promised to
2 double the Clean Water Infrastructure Act
3 with another \$2.5 billion investment.
4 However, the Governor's proposal only commits
5 to \$500 million. Without substantially more
6 funding and a sustained commitment,
7 shovel-ready projects will continue to be
8 held back.

9 To address this water infrastructure
10 crisis, the Legislature should provide
11 \$5 billion over five years for the CWIA.

12 Lastly, we need to address the state's
13 solid waste crisis. While we applaud the
14 commitment from the Governor to address
15 single-use plastic bags and expanding the
16 Bottle Bill, we have some concerns, and the
17 proposal lacks innovative solutions to
18 address an ever-expanding waste stream and
19 current recycling challenges.

20 Firstly, the Executive's plastic bag
21 proposal has serious flaws. Significantly,
22 it does not include a fee -- a mechanism for
23 paper bags. We urge the Legislature to
24 support Senate Bill 95, New York State Bring

1 Your Own Bag Act, as the gold standard of
2 "ban the bag" legislation.

3 In terms of expansion of the Bottle
4 Bill, we wonder why we'd stop there and not
5 include wine and liquor bottles. We
6 encourage the Legislature to explore further
7 expansion and an increase of the deposit
8 level to at least 10 cents.

9 We also have the opportunity to
10 consider innovative programs that shift
11 responsibility back to producers of products
12 requiring a life-cycle-management approach.

13 We have seen these programs can work for
14 e-waste and batteries, but the model can be
15 applied to a wide range of products, from
16 carpets to paint to building materials.

17 Please explore these extended producer
18 responsibility regimes for certain products,
19 especially with carpets and paint.

20 Finally, a few comments about the
21 Executive's proposed EPF. We are pleased
22 that there is a \$300 million appropriation.
23 We're very concerned about the pace of the
24 actual disbursement, the offloading of

1 operating expenses from agencies, and the
2 addition of new language this year that would
3 allow the use of EPF for staffing services.

4 Again, thank you for all the work that
5 you do on behalf of our environment and for
6 allowing us to testify today. I'd be happy
7 to address any questions.

8 CHAIRWOMAN KRUEGER: Thank you very
9 much.

10 Sorry. Chairman Todd Kaminsky.

11 SENATOR KAMINSKY: Good evening.

12 MR. BAMBRICK: Good evening.

13 SENATOR KAMINSKY: Can you tell us
14 your thoughts on how the Legislature should
15 approach the Green New Deal aspect of the
16 Governor's budget, most specifically the
17 Climate Action Council?

18 MR. BAMBRICK: Well, I think the
19 model's right there in the bill the Assembly
20 has passed the last three years, the Climate
21 and Community Protection Act. It too takes
22 an approach of establishing a council, but as
23 Chair Englebright noted in his questioning
24 earlier, it's a much broader council covering

1 a wider range of subject areas.

2 We think that is the most appropriate
3 approach to coming up with a mandate for 100
4 percent reduction in greenhouse gas emissions
5 by a date certain.

6 SENATOR KAMINSKY: Okay. And what
7 about the targets it sets and the target it
8 doesn't set?

9 MR. GATTI: So the Governor's proposal
10 does set some pretty aggressive targets in
11 terms of renewable electricity, especially
12 the 70 percent by 2030.

13 SENATOR KAMINSKY: And the Zero by '40
14 -- you like those and agree they're feasible?

15 MR. GATTI: Yes, I'm sorry?

16 SENATOR KAMINSKY: You like that and
17 agree they are feasible?

18 MR. GATTI: Yes, we do. But in terms
19 of an economy-wide mandate, that's something
20 that's currently lacking in the bill. We
21 believe the CCBA's approach of requiring an
22 economy-wide reduction in greenhouse gas
23 emissions by 2050 with benchmarks along the
24 way will help hold the state accountable for

1 actually making progress towards those goals.

2 SENATOR KAMINSKY: Okay. And if there
3 was one thing you got to -- if EA got to be
4 budget czar for a day and you got to insert
5 or take something out or do one change with
6 this budget, what would it be?

7 MR. GATTI: I think in terms of the
8 funding, the water infrastructure needs are
9 very clear, and we would like to see an
10 additional \$1 billion a year over the next
11 five years.

12 SENATOR KAMINSKY: Okay. Thank you.

13 CHAIRWOMAN KRUEGER: Thank you.
14 Assembly?

15 CHAIRWOMAN WEINSTEIN: Assemblyman
16 Englebright.

17 ASSEMBLYMAN ENGLEBRIGHT: I'll be very
18 brief. I want to associate myself with
19 Senator Kaminsky's expression of appreciation
20 for the role you helped play in the efforts
21 to rein in greenhouse gases and allow our
22 state to get out in front of this issue.

23 MR. GATTI: Thank you.

24 ASSEMBLYMAN ENGLEBRIGHT: So thank

1 you.

2 I do have a brief request, which is
3 for you to think about -- you mentioned the
4 fee on paper bags. I would just like to
5 suggest that for certain communities that
6 have municipal composting or are
7 contemplating municipal composting, that
8 paper bags may be able to play an important
9 role. And there may be -- it may be
10 appropriate to provide an incentive for
11 saving 25 percent of landfill space, which is
12 live or kitchen-type waste. The paper bags
13 should be incentivized for use in gathering
14 up the kitchen waste.

15 Other than that, though, again, my
16 main thrust is to say thank you for being
17 there for the environment and the people of
18 this state. Much appreciated.

19 MR. GATTI: Thank you. Thank you for
20 all the work that you do.

21 CHAIRWOMAN KRUEGER: Thank you.

22 Senator Metzger.

23 SENATOR METZGER: I wanted to ask what
24 you thought about -- or maybe you could

1 compare the council that's envisioned in the
2 Climate Community Protection Plan with the
3 Climate Action Council proposed in the
4 Governor's budget.

5 And I'm trying to remember, so you can
6 jog my memory, in the CCPA does it include
7 representation from the different agencies,
8 all the different federal agencies? Okay.

9 So what are the differences that you see, if
10 you can outline them?

11 MR. GATTI: Sure. So in terms of the
12 makeup of the panel, the CCPA was developed
13 taking a look at a previous climate action
14 council that was established via executive
15 order by Governor Paterson, and also the
16 existing State Energy Planning Board, to try
17 and get a sense of just who the appropriate
18 agencies are out there that are making
19 energy-related decisions.

20 So just to -- in terms of the ways it
21 might expand upon the Governor's proposed,
22 we're also including -- there are a number of
23 agency heads, to answer your question. But
24 we're including agency heads like Department

1 of Health, Homeland Security, Economic
2 Development, just to name a few.

3 The council's task is to come up with
4 a scoping plan that's going to get us to
5 100 percent reduction in anthropogenic
6 greenhouse gas emissions by the year 2050 and
7 to identify the rules, regulations,
8 incentives, and whatever other measures the
9 state is going to need to take or to enact in
10 order to help get us there.

11 In terms of what I understand of the
12 Governor's climate action proposal, from what
13 I can read from the legislation, it requires
14 them to also look at the development of a
15 scoping plan, but only requires planning out
16 through 2030 to meet a 40 percent reduction
17 in emissions.

18 CHAIRWOMAN KRUEGER: Assembly, anyone
19 else?

20 Then thank you very much for your
21 testimony on behalf of Environmental
22 Advocates.

23 MR. GATTI: Thank you.

24 CHAIRWOMAN KRUEGER: Okay. So League

1 of Conservation Voters, Patrick McClellan.

2 But get ready, Citizens' Campaign for
3 the Environment and Sierra Club Atlantic
4 Chapter.

5 And again, some of you may have left
6 and not told us, so when we call you and
7 you're not there, we'll figure out you left.
8 Maybe there was a better way to say that.

9 (Laughter.)

10 CHAIRWOMAN KRUEGER: You all know what
11 I mean.

12 Hello.

13 MR. McCLELLAN: Hello. Thank you very
14 much.

15 The New York League of Conservation
16 Voters -- I'm Pat McClellan, the state policy
17 director for the league. The New York League
18 of Conservation Voters appreciates the
19 leadership that members on the committee --
20 and to new members, we're very excited to be
21 with working with you this year, and we're
22 optimistic that we're going to have an
23 ambitious climate change and conservation
24 agenda this year.

1 So we're very excited by the
2 Governor's announcement of a \$10 billion
3 Green Future fund, especially \$2.5 billion
4 for clean water infrastructure on top of the
5 money allocated in 2017. We're waiting for
6 more details on how these funds will be
7 spent, and we urge the Governor to include
8 more specifics in his budget amendments.

9 We are also happy to be supporting a
10 \$300 million Environmental Protection Fund
11 once again, but we're alarmed by the
12 diversion of funds to operations. To echo
13 the point that many of you made earlier,
14 that's just not an appropriate use of those
15 funds. One hundred percent of the EPF should
16 be going towards capital projects.

17 We are also pleased to see new staff
18 at the Department of Public Service to help
19 speed up the siting of renewable energy
20 projects. That's a top priority for NYLCV,
21 as well as new staff for DEC and the Office
22 of Parks, Recreation and Historic
23 Preservation -- although certainly all of
24 those agencies could use more staff above and

1 beyond the additions that are in the
2 Executive Budget.

3 I won't go into too much detail on
4 congestion pricing, because I know that it is
5 a transportation issue more so than it is an
6 environmental one. But I do want to note
7 that New York City's transportation crisis is
8 also a climate and a public health crisis.

9 Children under the age of four are
10 admitted to the hospital with asthma
11 50 percent more often in New York City than
12 they are in other parts of the state. And in
13 other cities that have adopted congestion
14 pricing, they have seen huge improvements
15 there. In Stockholm, childhood asthma rates
16 fell by 50 percent after the introduction of
17 congestion pricing.

18 And furthermore, according to the
19 IPCC's 2018 report on holding global warming
20 to less than 1.5 degrees Celsius, meeting our
21 climate goals will require approximately
22 20 percent of current vehicle trips being
23 avoided through shifts to zero carbon and
24 low-carbon modes of transportation. So

1 electrifying the existing transportation
2 sector isn't enough. We also need to divert
3 20 percent of the trips entirely.

4 On the Climate Leadership Act, we
5 think that this is an opportunity to do what
6 many of you have long championed, which is
7 codify a strong climate change law that
8 establishes a national model for
9 transitioning to a carbon-neutral economy.

10 We think that the Climate Action Council does
11 go further than existing, previously convened
12 working groups that the state has had. DEC
13 and NYSERDA certainly have special expertise
14 in climate policy, but achieving carbon
15 neutrality will impact every aspect of daily
16 life and will require regulatory and
17 budgetary action from many state agencies
18 that don't typically work on environmental
19 issues.

20 Second, the legislation codifies an
21 Environmental Justice and Just Transition
22 Working Group. The move to carbon neutrality
23 will be a net plus for the state's economy
24 and public health, but in the short term it

1 will be disruptive to certain industries. So
2 it's important for the state to ensure that
3 displaced workers and disproportionately
4 impacted communities are given priority for
5 green jobs. This is also an opportunity for
6 the state to redress historical environmental
7 harms that have been done to low-income
8 communities and communities of color.

9 We are confident that the PSC and
10 other stakeholders in the energy sector can
11 meet the 70 percent clean energy by 2030 and
12 100 percent clean energy by 2040 goals.

13 And finally, the legislation directs
14 DEC to establish a social cost of carbon,
15 which will give us more accurate cost-benefit
16 analyses for these regulations and that
17 enable the state to use price signals to
18 achieve these goals. It will codify through
19 regulation the existing 40 percent reduction
20 by the 2030 target and will, within four
21 years, require the issuance of regulations
22 consistent with the recommendations from the
23 Climate Action Council.

24 I'm running out of time, so -- we do

1 support, in concept, the expansion of the
2 Bottle Bill. We think that hard cider should
3 be included as well. It's very similar to
4 beer, which is already covered. We support
5 adding wine and liquor. You know, if DEC
6 needs to go through a process to figure out
7 how that works, we'd support that as well,
8 but we do think it needs to be added to the
9 Bottle Bill sooner rather than later.

10 Beyond that, given the state of the
11 recycling market, the state should consider
12 a stewardship fee, we think, on glass
13 containers including wine and liquor that are
14 not currently subject to the Bottle Bill and
15 using those proceeds to support municipal
16 programs. The crisis we're having is one
17 that we'll get over, but in the interim,
18 municipal programs need more financial
19 support from the state than they're getting.

20 We support the ban on plastic bags but
21 think that there needs to be a fee on paper
22 as well. And by our reading, the budget only
23 bans bags at retail establishments that are
24 over 10,000 square feet -- because it's using

1 the language from the existing bag recycling
2 law -- so that should be fixed in the 30-day
3 amendments.

4 Since I only have five seconds left,
5 I'll say that we also support the product
6 ingredient disclosure legislation and the
7 Health Article VII lowerance of the elevated
8 blood lead level definition from 10
9 micrograms to 5.

10 Thank you.

11 CHAIRWOMAN KRUEGER: Thank you.

12 Any Senate questions? Any Assembly
13 questions? Then thank you very much for your
14 testimony.

15 MR. McCLELLAN: Thank you very much.

16 CHAIRWOMAN KRUEGER: Next up, Citizens
17 Campaign for the Environment, Adrienne
18 Esposito.

19 And get ready, Roger Downs,
20 Sierra Club, and then Jeremy Cherson of
21 Riverkeeper.

22 It is officially evening. So good
23 evening, Adrienne.

24 MS. ESPOSITO: Good evening, Senators.

1 Good evening, Assemblymembers. Thank you
2 very much for the opportunity to speak.
3 Thank you for hanging in there all day; I
4 know you've had a long day.

5 I'm going to talk quickly, mostly
6 because that's the way I talk, but also
7 because I have a couple of issues I just want
8 to touch on that perhaps you haven't heard
9 about, but some you have.

10 First off, we are thrilled there's
11 \$2.5 billion in the Governor's budget for
12 additional water infrastructure. That's
13 great. But as you have also heard, that
14 money is not allocated in the capital
15 appropriations legislation. So we need you
16 to please help us clarify that at the rate of
17 \$500 million per year.

18 Also the line items are not
19 articulated either, and I think that's a good
20 thing. We all heard the commissioner of DEC,
21 Basil Seggos, say he'd be willing to work
22 with the Legislature on that, so I have a few
23 suggestions. Number one is please make sure
24 that there's funding in there for water

1 suppliers to filter out emerging chemicals.
2 You may or may not know, but 1,4-dioxane
3 cannot be filtered out with traditional
4 technology, the carbon filtration systems.
5 They must use what's called advanced
6 oxidation. And because advanced oxidation
7 will break down 1,4-dioxane to other
8 products, they also will need carbon
9 filtration.

10 All of that is to say it's expensive.
11 This whole clean water is expensive but worth
12 it. So we will need water suppliers to be
13 able to get grants to filter out these
14 emerging chemicals. So please add that as
15 one line item.

16 Another one, obviously, is the harmful
17 algal blooms. I feel we've been very lucky
18 in New York that we actually haven't had a
19 public health crisis yet. These harmful
20 algal blooms are serious, they are dangerous,
21 and we have dodged a bullet over the years,
22 whether it be in our bay waters or in our
23 drinking water supplies upstate. So we need
24 to stay on that diligently.

1 We heard the commissioner testify that
2 although \$65 million had been allocated last
3 year, \$82 million had actually been spent.
4 So that's a number we should pay attention to
5 and be careful about.

6 We want to put a special plug in for
7 lead, changing out schools' pipes from lead
8 to safe pipes. Something to bear in mind as
9 well.

10 I also want to say, you know, I did --
11 I'm sorry Senator O'Mara left. He asked the
12 DEC to come up with a number, how much we've
13 spent on clean water, how much it's actually
14 cost. Well, I think if we're going to do
15 that, we should juxtapose that against how
16 much pollution costs. So if we're going to
17 evaluate the cost of clean water, we should
18 evaluate the cost of polluted water, because
19 we're going to have one or the other. We
20 can't just assign a cost to one without
21 looking at the cost of the other.

22 Moving along, plastic bags. God, time
23 goes quick here. We need to -- the
24 Governor's proposal is great. We are

1 thrilled that we will have plastic bags
2 banned in New York. That's a meaningful and
3 significant step. We need you to please
4 enhance that proposal with a fee on paper.
5 We know it works.

6 You're going to hear the industry,
7 they're going to tell you, just put a fee, it
8 works in Suffolk County. That's true. A fee
9 works. We have the data to prove it --
10 80 percent reduction in plastic bag use in
11 Suffolk County because of the fee.

12 But a fee is inferior to a ban. So
13 let's just remember that. A ban is the
14 golden opportunity, with a fee on paper so we
15 don't substitute one waste stream for another
16 waste stream. We want to look at it
17 holistically.

18 Moving rapidly along -- oh, and please
19 don't preempt any other municipality from
20 expanding. We should not give restaurants a
21 pass. I live in a village where they banned
22 plastic bags. We have a thriving Main
23 Street. Restaurants are fighting to get into
24 Patchogue Village. Everyone there eats, they

1 take out, we don't use plastic, it didn't
2 hurt the economy. We're actually used as a
3 model of reinventing a downtown.

4 Recycling. We keep blaming China. We
5 could keep doing that, but we've met the
6 enemy, and the enemy is us, in part because
7 we have no recycling market for glass. We
8 could use the budget process to incentivize
9 glass recycling markets. That would be wise
10 of us. 122 million pounds of recycled glass
11 was used in landfill access roads and trash
12 cover last year because there was no willing
13 buyer of glass. Let's create a glass
14 recycling market.

15 Let's also enact, finally, the Food
16 Recovery and Recycling Act. We're all
17 talking about a major solid waste management
18 crisis. Well, we can get rid of 17 percent
19 of our waste stream and we could feed the
20 hungry and we could make compost with the
21 Food Recycling Act.

22 I've got to do one last plug, I'm
23 sorry. Don't arrest me.

24 (Laughter.)

1 MS. ESPOSITO: Fire Island sewage
2 solutions. Everyone loves Fire Island,
3 right? The big economic driver in our state,
4 people from all over the world come to
5 Fire Island. And yet we're swimming in
6 sewage.

7 So we have put together, with all
8 federal agencies, state agencies, the towns,
9 the villages and county, a proposal to do a
10 feasibility study on how to manage the sewage
11 on Fire Island. Five hundred thirty-seven
12 people have a sewage treatment plant there,
13 3,700 live there, 10,000 are there in the
14 summer. All on septic, except for that 537.
15 That septic sewage is going right into the
16 bay -- 80 percent of it, according to the
17 U.S. Geological Service.

18 Let's not have our tourists swim in
19 sewage. Please put \$500,000 in the budget --
20 I'll get you the materials -- to do a
21 feasibility study on how to manage our
22 sewage, protect our bays, keep our tourism
23 healthy and our tourists healthy as well.

24 Thank you again for the opportunity.

1 I'm sorry I went over a little bit.

2 CHAIRWOMAN KRUEGER: It's okay.

3 MS. ESPOSITO: I'm not that sorry.

4 (Laughter.)

5 CHAIRWOMAN KRUEGER: Thank you.

6 Any questions? Assembly? Senate?

7 All right, Assemblymember.

8 ASSEMBLYMAN LIPETRI: Thank you.

9 MS. ESPOSITO: Hi, Assemblyman.

10 ASSEMBLYMAN LIPETRI: Hello there,

11 Ms. Esposito. Thank you.

12 So as you know, you touched on a lot

13 of topics, a couple I just really wanted to

14 inquire about specifically towards

15 Long Island. So a question about the

16 filtration systems, simply with being able to

17 filter out 1,4-dioxane and those chemicals.

18 What's your opinion on point-of-use

19 filtration systems in the household and the

20 state offering incentivized programs for

21 homeowners and also commercial owners to

22 actually have these actual filtration systems

23 in their own premises?

24 MS. ESPOSITO: I get emails like that

1 almost every day. But there aren't any home
2 devices as of yet that will filter out
3 1,4-dioxane, because you need an advanced
4 oxidation system. You can have a home device
5 that uses, you know, your traditional carbon
6 filtration, and that will help with
7 traditional volatile organic chemicals, it
8 even will help with the PFOS, but it doesn't
9 help with the 1,4-dioxane. So we really need
10 the water supplies to have access to that
11 technology.

12 ASSEMBLYMAN LIPETRI: And speaking to
13 1,4-dioxane specifically, that's a big
14 concern, obviously, in Long Island.

15 MS. ESPOSITO: Yes.

16 ASSEMBLYMAN LIPETRI: And as a whole,
17 this product in general -- can it be simply
18 extracted or the manufacturers, the producers
19 can actually extract this chemical and not
20 even need to use it? Is that a possibility?

21 MS. ESPOSITO: This is such a good
22 question. We are very excited to have the
23 banning of 1,4-dioxane legislation introduced
24 again into the Senate and the Assembly. The

1 answer is yes, manufacturers of products can
2 filter out 1,4-dioxane before their product
3 goes to market. And in fact some of them do,
4 but most of them don't.

5 We were shocked, I mean literally
6 shocked -- it takes a lot to shock me after
7 34 years in this work -- at the levels of
8 1,4-dioxane in common household products. As
9 you all know, the New York State Drinking
10 Water Council has recommended a drinking
11 water standard of one part per billion for
12 1,4-dioxane.

13 Well, then we went and
14 tested independently 30 different products,
15 which I'll get you that report, and you have
16 Tide with 15,000 parts per billion -- no,
17 5,000, I'm sorry -- we have Victoria's Secret
18 bath gels with 17,000 parts per billion. So
19 on the one hand we're trying to filter it
20 out, on the other hand we're washing our hair
21 and bathing and actually some baby products
22 -- and it's going down the drain and we're
23 repolluting groundwater and aquifer systems
24 with it.

1 So we have to clean up what's there,
2 and we have to prevent continued pollution by
3 taking it out of products.

4 That's an excellent question.

5 ASSEMBLYMAN LiPETRI: Yes. So that is
6 a big concern for me, I want to see if it was
7 actually feasible --

8 MS. ESPOSITO: Yes.

9 ASSEMBLYMAN LiPETRI: -- because
10 that's something that I want to see the state
11 do. And I look forward to sponsoring a bill
12 of that sort to in fact ban the 1,4-dioxane
13 products -- I think it's a necessity --
14 specifically from Long Island waters.

15 MS. ESPOSITO: Music to my ears.

16 ASSEMBLYMAN LiPETRI: So -- and then
17 finally, I know we've got nine seconds left,
18 the last thing is the combined sewage
19 outflows. How is that affecting Long Island
20 waters, if at all?

21 MS. ESPOSITO: Well, New York City has
22 combined sewage overflows, which sometimes
23 does affect Long Island Sound. They have
24 really worked hard to do a lot of

1 denitrification technology in New York City,
2 but CSOs are still a plaguing problem in the
3 city.

4 ASSEMBLYMAN LiPETRI: Thank you.

5 CHAIRWOMAN KRUEGER: Assemblymember
6 Englebright also has a question.

7 ASSEMBLYMAN ENGLEBRIGHT: Adrienne,
8 thank you for being here today and waiting so
9 long.

10 MS. ESPOSITO: It was very
11 educational.

12 ASSEMBLYMAN ENGLEBRIGHT: You're very
13 gracious.

14 My question is about the plastic bag
15 ban. You are one of -- your organization is
16 one of the organizations that helped push
17 Suffolk County and Long Beach and other
18 communities around the state, so you've been
19 working hard on this.

20 Within that context, I'm wondering if
21 we should be preempting or rather finding a
22 way to incorporate the best parts of those
23 bans that are already in place.

24 MS. ESPOSITO: We have actually done

1 extensive research on this, not just
2 throughout New York but actually globally,
3 and we agree with that. And that's really
4 why we think the ban/fee combination is the
5 most effective, and it's the most -- it's the
6 easier to do the transition to for the
7 public.

8 So we like -- and then if it needs to
9 be expanded, and it should be, in my humble
10 opinion -- not so humble -- but to
11 restaurants and to other -- there's no reason
12 -- look, plastic bags are ubiquitous in our
13 environment, and as we learn more we should
14 do better. We can do better than using
15 plastic bags for any reason. And we should
16 do that.

17 So we should push the envelope as far
18 as we can push it and get rid of at least
19 this one scourge on our environment.

20 ASSEMBLYMAN ENGLEBRIGHT: Thank you.

21 Madam Chair.

22 CHAIRWOMAN KRUEGER: Thank you so much
23 for dumb questions -- well, we might never
24 with you, Adrienne, so thank you very much

1 for coming in and testifying tonight.

2 MS. ESPOSITO: Thank you so much.

3 Again, I appreciate your patience today.

4 CHAIRWOMAN KRUEGER: We appreciate
5 your speed talking.

6 Okay, as I mentioned, next up on deck
7 is Sierra Club, Roger Downs.

8 Then get ready, Jeremy Cherson,
9 Riverkeeper, followed by Jessica Mahar,
10 Nature Conservancy.

11 Hi, Roger.

12 MR. DOWNS: Sorry. Adrienne took so
13 long I got parched.

14 CHAIRWOMAN KRUEGER: I understand.

15 MR. DOWNS: I'm just kidding,
16 Adrienne.

17 (Laughter.)

18 MR. DOWNS: I'll cede my time after
19 this.

20 CHAIRWOMAN KRUEGER: You'll pay for
21 that.

22 MR. DOWNS: I will, actually.

23 CHAIRWOMAN KRUEGER: Okay, fine.

24 MR. DOWNS: My name is Roger Downs.

1 I'm the conservation director for the Sierra
2 Club Atlantic Chapter.

3 On behalf of the Sierra Club, I just
4 have to say we are elated with the
5 progressive shift in the Senate, and there's
6 great anticipation from our membership that
7 environmental legislation once gridlocked for
8 decades can now potentially become law.

9 But we can appreciate that even with
10 the historic opportunities before us, both
11 Senate President Andrea Stewart-Cousins and
12 Governor Andrew Cuomo have defined the new
13 dynamic in the Legislature as a moment in
14 time to change the state, with the
15 realization of how fleeting such opportune
16 political alignments can be.

17 Those of us that fight to defend
18 nature live by the old adage: With the
19 environment, every victory is temporary and
20 every defeat is permanent. So we too know
21 something about making the most out of these
22 strategic moments in time.

23 Clearly the most urgent crisis we face
24 is climate change. With comprehensive

1 reports from the Intergovernmental Panel on
2 Climate Change, and 13 U.S. federal agencies
3 warning that there is a narrow 12-year window
4 to limit complete climate catastrophe, the
5 imperative to act has never been greater.

6 In stark contrast to this call for
7 action is the Trump administration's push to
8 increase smokestack and tailpipe pollution as
9 Midwest crops wither, Southern states flood,
10 and the West Coast burns.

11 But we are positioned to do something
12 groundbreaking in New York. The Sierra Club
13 commends the Assembly for passing the Climate
14 and Community Protection Act every year for
15 the last three years. This revolutionary
16 legislation would put New York State on the
17 path to 100 percent renewable energy
18 sector-wide by 2050 and set benchmarks and
19 reporting requirements to ensure we are
20 meeting our goals along the way.

21 In addition to systemically reducing
22 greenhouse gas emissions across all sectors,
23 the bill will guarantee good jobs and
24 environmental protections for disadvantaged

1 communities hardest hit by climate change.

2 In light of the Yellow Vest protests in

3 Paris, any climate legislation that does not

4 incorporate compassion for working people

5 seems doomed to failure.

6 We are pleased that Governor Cuomo

7 included his own climate framework in the

8 budget in the form of the Climate Leadership

9 Act highlighted by an ambitious 70 percent

10 clean emergency standard by 2030 and a new

11 commitment to build 9 gigawatts of offshore

12 wind with New York jobs at prevailing wages.

13 While the Governor's bill does not codify the

14 equity and labor standards of the CCPA, we

15 see it as a platform for the Senate and

16 Assembly to negotiate a robust and effective

17 policy to lead the country and the world out

18 of the climate crisis. This may be our last

19 effective moment in time to act.

20 I just want to touch on a few other

21 subjects. With Trump's rollbacks to the

22 Federal Clean Water Rule, up to 40 percent of

23 New York's wetlands may lose protection, and

24 with them the water filtration and flood

1 water attenuation benefits that come with
2 them. It's up to the Legislature to help
3 bridge that gap. We support Part J of the
4 TED to alleviate the financial burdens of
5 releasing the nearly 50,000-acre backlog of
6 wetland maps currently with DEC, and we look
7 forward to working with the Legislature to
8 improve protections outside of the budget
9 process.

10 We applaud the continuation of a
11 \$300 million Environmental Protection Fund
12 and additional \$2.5 billion for water
13 infrastructure and source water protection.
14 Sierra Club supports the ban on plastic bags
15 in the Executive Budget but joins the chorus
16 of advocates calling for a fee on paper
17 alternatives, because bans alone don't work.

18 We support the expansion of the
19 Bottle Bill to include sport drinks and ice
20 teas and other bottles that aren't in the
21 Governor's bill, but, you know, we would
22 support wine and liquor bottles as well. But
23 we urge the Legislature to find more
24 innovative ways to reduce, reuse, and

1 actually recycle all the materials we collect
2 in the state, including food waste, that we
3 anticipated was going to be in the
4 Executive Budget but it wasn't there.

5 We support congestion pricing and urge
6 the Legislature to codify a transportation
7 emissions reduction goal of 50 percent by
8 2030. We support the Executive Budget's
9 offshore drilling ban to thwart the Trump
10 administration's plan to despoil America's
11 coastlines.

12 But while we're at it, the Sierra Club
13 urges the Legislature to codify New York's
14 historic fracking ban in the same legislative
15 effort. Whether it's drilling offshore or
16 along the Southern Tier, all oil and gas
17 extraction undermines New York's climate
18 goals and threatens the health and safety of
19 our communities.

20 Thank you for the opportunity to
21 testify. We look forward to working with you
22 this session and making the most out of the
23 opportunities before us, and I see the last
24 three seconds of Adrienne Esposito.

1 So sorry.

2 (Laughter.)

3 CHAIRWOMAN WEINSTEIN: Thank you for
4 summarizing your testimony. We do have it
5 here.

6 MR. DOWNS: Okay. Excellent.

7 CHAIRWOMAN WEINSTEIN: And I don't
8 believe there are any questions, but if there
9 are, we would contact you post-hearing.

10 So next is Jeremy Cherson from
11 Riverkeeper.

12 MR. CHERSON: Hello, my name is Jeremy
13 Cherson. I'm the legislative advocacy
14 manager with Hudson Riverkeeper, and I am
15 thrilled to be here in front of you today.

16 First I'd like to echo what a few of
17 my colleagues have mentioned today regarding
18 the DEC's funding and their staffing. DEC is
19 one of our best defenses against the Trump
20 administration's assault on our environment.

21 However, it's pretty clear that the
22 agency staff and funding have not kept pace
23 with their growing responsibilities. Just
24 one example, and there's others in my written

1 testimony, the Division of Water is down
2 59 positions from 2008. That's a decline of
3 21 percent. That's the steepest decline of
4 any division within DEC, and that is a
5 particularly important division to
6 Riverkeeper's work, and particularly with the
7 Clean Water Infrastructure Act's investment.

8 So we're calling on the Governor and
9 the Legislature to work together to come up
10 with a permanent solution for DEC staffing.

11 The Governor, as you've heard, has
12 proposed doubling or increasing the amount of
13 clean water spending to \$5 billion, to build
14 on the successes in 2017 and 2018. In the
15 Hudson River Watershed, this has resulted in
16 at least \$800 million of investments in our
17 wastewater infrastructure, which will lead to
18 improvements in water quality and already
19 have.

20 This investment included \$110 million
21 for land acquisition for source water
22 protection to try and prevent in the future
23 what has happened in the City of Newburgh's
24 water supply, where PFOS has entered the

1 water supply from the Air National Guard
2 base. We heard earlier that \$30 million of
3 that fund has been spent. We hope that that
4 funding can be accelerated and built upon in
5 future years.

6 One of the questions with the new
7 \$2.5 billion commitment that you've heard --
8 and you'll hear more of from my colleagues --
9 is it's not -- the spending is not reflected
10 in the capital appropriations language, only
11 the first \$500 million is reflected.

12 We would also like some clarity on the
13 breakdown of what the spending lines will be
14 and also are concerned by the remarks this
15 morning that the \$2.5 billion extra would be
16 a new 10 -- will be a total 10-year period,
17 from 2017 to 2027. So we'd like that money
18 to be spent much faster because, as
19 Environmental Advocates mentioned, there is
20 an \$80 billion need over the next 20 years
21 for drinking water and wastewater systems.

22 We also are grateful for the
23 \$300 million EPF commitment and are concerned
24 with the diversions that you've heard about.

1 Particularly a line that we care about is the
2 Hudson River Estuary Management Program, and
3 we'd like to see that program line increased
4 by \$500,000 to \$7 million. It's an
5 incredibly hardworking program that provides
6 grants all over the Hudson Valley and is a
7 critical program for helping communities plan
8 for the increased storms that we're going to
9 see with climate change and the increased
10 amount of water the communities in the Hudson
11 Valley will be managing.

12 We're also concerned about the
13 \$2 million cut in the Water Quality
14 Improvement Program in the EPF. That's a
15 program that has more favorable terms for
16 communities than the terms of grants in the
17 Clean Water Infrastructure Act. And we also
18 support the \$1 million increase in funding
19 for the Waterfront Revitalization Program.

20 We're also supporting the proposal for
21 a \$70 million tax compensation fund for
22 communities transitioning from retiring power
23 plants to transition to a clean energy
24 economy. That is incredibly important for

1 the communities impacted by Indian Point's
2 closure, so we support that and hope the
3 Legislature will be on board.

4 And lastly, on plastic bags, I echo
5 the chorus that a fee is absolutely critical.
6 We had around a hundred organizations, many
7 of the organizations testifying today, send a
8 letter to the Legislature and the Governor
9 calling for a fee and in support of the type
10 of proposal that Senator Todd Kaminsky has,
11 S95, and Senator Krueger has carried in
12 previous sessions. It is really the best way
13 to go.

14 We don't want to enter into a
15 situation where we put a ban only on the
16 books and then, like Chicago and Honolulu,
17 have to revisit that down the line because it
18 creates a lot of problems. That's just not
19 the way to go, in our opinion.

20 Thank you.

21 CHAIRWOMAN WEINSTEIN: Just under the
22 bell.

23 Thank you. I don't believe we have
24 any questions for you at this time.

1 MR. CHERSON: Thank you so much.

2 CHAIRWOMAN WEINSTEIN: Thank you.

3 Next we'd like to call Jessica Ottney

4 Mahar from The Nature Conservancy.

5 And the next couple of speakers will

6 be Open Space Institute, NYPIRG, and

7 Preservation League of New York State.

8 MS. OTTNEY MAHAR: Hi, everyone.

9 Thanks for hanging in there.

10 I'm Jessica Ottney Mahar, I'm the

11 policy director for The Nature Conservancy in

12 New York. And on behalf of our

13 85,000 members and supporters in every region

14 of the state, I wanted to thank you for the

15 opportunity to speak to you today.

16 The Nature Conservancy is a state

17 program of the world's largest conservation

18 organization. We're working across the world

19 and in all 50 United States to conserve the

20 lands and waters on which all life depends,

21 and we are working throughout New York State

22 and all regions -- New York City, Western New

23 York, Central New York, the Adirondacks, and

24 Long Island. In my testimony you can see

1 some examples.

2 And for those of you I haven't met
3 personally, I'm really looking forward to
4 coming in and sitting down with you to talk
5 about the work we're doing in your community
6 and also some important things we can do
7 together statewide.

8 I did not address the first issue I'm
9 going to speak about today in my written
10 testimony because I just figured it out,
11 since I wrote my testimony and submitted it
12 48 hours in advance. So I plan to send you
13 something else in writing supplementing my
14 giant submission.

15 But I want to address the
16 Environmental Protection Fund. You know,
17 this is something The Nature Conservancy
18 works very hard on every year, and it's one
19 of the most important parts of the
20 environmental budget. This is the state's
21 source of capital funding for environmental
22 projects across the state.

23 And we're part of a coalition called
24 We Love New York that's about 200

1 organizations, from municipalities to
2 not-for-profit organizations to business
3 groups, agriculture interests -- it runs the
4 gamut. And we've all been working for quite
5 a long time -- since 2001, in fact --
6 together in support of the EPF because it is
7 so successful in delivering important
8 programs and projects to communities across
9 the state. And so we've been really
10 enthusiastically supportive of the Governor's
11 push and Legislature's push to achieve our
12 long-time goal of a \$300 million EPF. And
13 we're very excited that once again this year
14 there is a \$300 million appropriation.

15 We're very disturbed, though, by a
16 proposal that would allow basically
17 unrestricted use of those funds for state
18 agency staff. So we heard earlier today that
19 there were restrictions. There are not.
20 Basically the language in each account of the
21 EPF just says a portion of this funding may
22 be used for personnel services. This is an
23 inappropriate offload, attempting to try and
24 pay for state agency staff -- which we need

1 to increase, we've heard that -- in a capital
2 fund.

3 We need to increase agency staff at
4 our environmental agencies. Let's do it the
5 right way. Let's not take money away from
6 programs we all fought really hard to fund.

7 So I wanted to put that out there, and
8 I will make sure to get you more detailed
9 information on this.

10 Also in my testimony you'll see some
11 information about the level of spending from
12 the EPF, which we're concerned about. We'd
13 like you to take a look at that and perhaps
14 use your oversight to work with the
15 administration to understand why spending has
16 not hit financial-plan targets in any of the
17 years since the EPF was increased.

18 I don't have much time left. I have a
19 lot of other issues in my testimony, but the
20 other one I want to really focus on today is
21 climate change. It is the greatest threat
22 facing all of us. Our people, our nature,
23 our communities, our economy, everything.
24 And we are thrilled that this year we can

1 build on the leadership that we've seen in
2 the Assembly, the enthusiasm that exists in
3 the Senate, and now an Executive Budget
4 proposal.

5 They're not the same -- we've heard
6 that -- and some of my colleagues gave really
7 eloquent explanations about the differences.
8 But what we really want to impress upon
9 everyone is the scale of the opportunity
10 before us. We have a moment in time here
11 where New York State, which should be a
12 leader in our nation, has an opportunity to
13 pass really strong, robust climate policy --
14 by April 1st, if we're on a time. So seize
15 it.

16 And please know that The Nature
17 Conservancy is paying attention. The folks
18 who I work with in our global teams and our
19 national teams are really excited about the
20 fact that New York has an opportunity like
21 this and are ready to provide resources as
22 all of these discussions are unfolding. So
23 we look forward to partnering with you in
24 thinking about that.

1 And I'll just use my last 15 seconds
2 to say that we would also agree that New York
3 should be part of TCI. We support banning
4 bags with a fee on paper. We support the
5 Bottle Bill expansion. And we support the
6 wetlands mapping change in the budget. Thank
7 you.

8 CHAIRWOMAN WEINSTEIN: Thank you.

9 Assemblyman Englebright, I believe,
10 has a few questions.

11 ASSEMBLYMAN ENGLEBRIGHT: Really, I'm
12 going to be brief. I just want to say thank
13 you for your wonderful testimony. Thank you
14 for providing it early enough that I was able
15 to learn from it. And hopefully we had a
16 teachable moment with the commissioner
17 earlier based upon the language that you had
18 included in your testimony on open space,
19 which is of course the core mission,
20 historically, of Nature Conservancy. You
21 have branched out, you are more diverse, your
22 organization is meeting many needs. I just
23 want to say thank you for all of that.

24 And I look forward -- as you have

1 asked to partner with us, I look forward to
2 doing so as we go forward. Thank you.

3 MS. OTTNEY MAHAR: Thank you, and
4 thanks for reading it.

5 CHAIRWOMAN WEINSTEIN: Thank you.

6 And you mentioned about submitting
7 additional testimony. People have until
8 seven days after the conclusion of the
9 hearing to submit testimony, and it will be
10 part of the official record.

11 MS. OTTNEY MAHAR: Thank you very
12 much. Thank you all.

13 CHAIRWOMAN WEINSTEIN: So next we have
14 Open Space Institute, Kathy Moser from Open
15 Space Institute.

16 MS. MOSER: Good evening, Senators and
17 Assemblymembers. I'm going to tell you a
18 little bit about my organization, what we
19 like about the EPF and what we don't.

20 So my name is Kathy Moser. I'm the
21 vice president for parks and policy at the
22 Open Space Institute. This is my first time
23 doing budget testimony because my
24 predecessor, Erik Kulleseid, has been

1 nominated by Governor Cuomo to be the
2 commissioner of Parks. So we wish Erik the
3 best. Of course, he left right before we had
4 to do budget testimony, so I'm up here.

5 The Open Space Institute is a leading
6 land and park conservation group. And just
7 to give you a quick summary of what we do, we
8 have worked on 10 percent of the land deals
9 for the state park system. We helped create
10 Sterling Forest State Park, Schunnemunk State
11 Park, we doubled the size of Minnewaska,
12 Fahnestock, and Thatcher, and we tripled the
13 size of Moreau State Park.

14 But in the past couple of years what
15 we've tried to do is public-private
16 partnerships. The Open Space Institute is
17 raising private money to improve
18 infrastructure at state parks. So recently
19 we raised \$1.2 million for the Denny Farrell
20 Riverbank State Park Cultural Center. We've
21 built visitor centers at Thatcher State Park
22 and Letchworth State Park. And so we see
23 opportunities to partner with state
24 government, raise private money, and improve

1 the infrastructure at our parks.

2 So what does the Open Space Institute
3 like about the Executive Budget? We
4 obviously support the \$300 million EPF. We
5 support the plastic bag ban. We support the
6 Bottle Bill expansion. We, like many others,
7 want to see a small fee on the use of paper
8 bags.

9 Some of our concerns: We strongly
10 believe that EPF should be used for its
11 original intended purposes, and if you did
12 apply a fee onto paper bags, those funds
13 could be used to supplement some of the
14 staffing that the agencies seem to want to
15 have.

16 We're concerned about a lack of
17 staffing at both DEC and Parks, and we're
18 concerned that the land acquisition money
19 line item, the open space line item in EPF
20 has been reduced from 35 to \$32 million.

21 So that's all I have for you tonight,
22 and after my first testimony I'm going home
23 and drinking a glass of wine. This was a
24 long day. I've been here with you guys since

1 9:30, so --

2 (Laughter.)

3 CHAIRWOMAN WEINSTEIN: Thank you for
4 your testimony and for waiting, and we still
5 have some time that we're going to be
6 spending here.

7 So thank you again for your testimony.
8 And make sure there's a deposit on that wine
9 bottle.

10 NYPIRG? I'm not sure who's --
11 Elizabeth Moran and Janet Berger, is that
12 who's here?

13 MS. MORAN: No.

14 CHAIRWOMAN WEINSTEIN: No. Okay. So
15 just identify yourselves.

16 MS. MORAN: Good evening. Thank you
17 so much for the opportunity to testify today.
18 Thank you all so much for your dedication,
19 your year-long dedication, but particularly
20 on this very long work day.

21 My name is Liz Moran. I'm the
22 environmental policy director for the
23 New York Public Interest Research Group,
24 known as NYPIRG. I am pleased to be joined

1 today by a student from SUNY New Paltz who is
2 serving as our public policy associate this
3 year, Jana Bergere.

4 So I'll get right into the meat of it.

5 The headlines from our federal government are
6 alarming. Almost daily it seems that there
7 is another story about how the EPA is
8 prepared to roll back clean water protections
9 or other essential environmental protections.

10 Another time it's about EPA appointees having
11 formerly lobbied or directly worked for the
12 very polluting industries they'd be tasked
13 with regulating. And then there's the
14 ongoing effort to defund EPA and kill staff
15 morale, which has resulted in a workforce
16 that's down by 8 percent.

17 Here in New York we have a lot of work
18 to do to make up for the mess that's going on
19 in Washington. We need to ensure that New
20 Yorkers can trust that the water from their
21 taps is safe to drink, that the air they
22 breathe won't lead to asthma, and that their
23 communities will be safe from pollution and
24 any devastating impacts from climate change.

1 But right now there are many
2 New Yorkers that haven't had these
3 assurances. Hoosick Falls, New York, which
4 is but an hour from this building, discovered
5 high levels of PFOA, a likely human
6 carcinogen, in their drinking water back in
7 November 2015. They're still waiting for a
8 water source today that they feel is safe to
9 drink.

10 After Hoosick Falls found PFOA in
11 2016, that same chemical was also found in
12 Petersburg, New York, and a related chemical
13 was found in Newburgh, New York. Since then,
14 hundreds of communities on Long Island have
15 found 1,4-dioxane as well as PFOA and PFOS.
16 Based on an analysis of federal data, we
17 found that as many as 2.8 million and 1.2
18 million New Yorkers have levels above EPA's
19 guidance for 1,4-dioxane and PFOA or PFOS,
20 respectively.

21 Not only that -- as many have
22 testified already, New York State's water
23 infrastructure is old and breaking and comes
24 with a bill of \$80 billion over the next 20

1 years. That's translated into billions of
2 gallons of sewage overflowing into our
3 waterways on an annual basis. Plastic bags
4 and beverage containers litter our waters and
5 communities, and after Superstorm Sandy, New
6 Yorkers are no strangers to the dangers that
7 come with a warming climate.

8 But sadly, right here in Albany,
9 New York, we're looking to generate power for
10 the Empire State Plaza with a gas plant on
11 Sheridan Avenue which homes a low-income
12 minority majority community. The argument
13 has been that natural gas might be cleaner
14 than what was there before, but the bottom
15 line is it wouldn't be clean enough either
16 for the residents' lungs or our climate's
17 health.

18 Thankfully the budget offers many
19 opportunities to address these key issues, so
20 I'm going to summarize our recommendations.

21 We believe that water infrastructure
22 funding should be dramatically increased.

23 But at a minimum we need to see the
24 \$2.5 billion promise the Governor mentioned

1 included in the appropriations language.

2 CHAIRWOMAN KRUEGER: I'm just going to
3 interrupt just to make sure that you know
4 that if the student wants to read her
5 statement, that needs to go in the minute and
6 a half you have left.

7 MS. MOSER: Yes.

8 CHAIRWOMAN KRUEGER: Okay.

9 MS. MOSER: I'll be sure to turn to
10 her.

11 CHAIRWOMAN KRUEGER: Thank you.

12 MS. MOSER: To briefly summarize, we
13 also want to see private well testing done
14 this year. It was promised in prior state
15 budgets and unfortunately hasn't been done
16 yet.

17 We support banning plastic bags, with
18 the fee on paper. We support expanding the
19 Bottle Bill -- before me is an example of
20 what would be included in the expansion. We
21 believe EPF should be maintained and not
22 raided to support staffing -- in fact,
23 increase staffing. It's at very low levels.

24 And before I conclude, I am going to

1 turn this over to Jana to talk about our
2 climate ask.

3 CHAIRWOMAN KRUEGER: Thank you.

4 MS. BERGERE: Thank you.

5 As Liz mentioned, I'm a college
6 student at SUNY New Paltz. And as a student,
7 my peers and I will be living through some of
8 the harshest ramifications of climate change.

9 At our school this is an issue that
10 really matters among the students. When
11 there are lectures related to environmental
12 issues, auditoriums are full and there is a
13 flood of interest on the measures we can take
14 to save our environment.

15 This is why it is imperative that New
16 York State passes laws that will proactively
17 help curb climate change by moving New York
18 to 100 percent renewables, which means wind,
19 solar, and geothermal power, as quickly as
20 possible to save our environment, our economy
21 and the health of New Yorkers.

22 Policies should be driven by
23 preventing harm, not after people's health
24 and the environment has been damaged.

1 Reacting after the harm is insufficient. The
2 time is now to pass legislation that will
3 start to save us from the devastating impacts
4 of climate change and for their exponentially
5 more too-little-too-late situation. With
6 nothing being done on the federal level, my
7 fellow college students are relying on New
8 York State to be a leader in environmental
9 policy.

10 Thank you so much for the opportunity
11 for us to testify today.

12 CHAIRWOMAN KRUEGER: Thank you both
13 very much. Any questions?

14 Senator Antonacci.

15 SENATOR ANTONACCI: Ms. Moran, I just
16 want to congratulate you for bringing in a
17 college student and sitting here for 10
18 hours. I think this is a great participation
19 in your democracy, and I want to commend you
20 for it. Okay?

21 MS. MORAN: Thank you.

22 MS. BERGERE: Thank you.

23 SENATOR ANTONACCI: Thank you.

24 CHAIRWOMAN KRUEGER: Thank you. And

1 thank you so much for testifying.

2 MS. BERGERE: All right.

3 CHAIRWOMAN KRUEGER: Senator Metzger.

4 SENATOR METZGER: I just want to say

5 how happy I am to see a New Paltz student

6 here right from my district, and I couldn't

7 agree with you more. So thank you for being

8 here.

9 CHAIRWOMAN KRUEGER: Okay. Go,

10 college students!

11 (Laughter.)

12 CHAIRWOMAN KRUEGER: We're leaving you

13 a big mess in the world to fix, if you didn't

14 notice.

15 Sorry, we are now up to No. 18 on your

16 list, Preservation League of New York State,

17 Erin Tobin.

18 And for people to get ready to come on

19 board, next we have Parks & Trails New York,

20 followed by the Adirondack Council.

21 Good evening.

22 MS. TOBIN: Hello. Thank you so much,

23 Chair Krueger, Chair Weinstein, and

24 distinguished members of the Senate and

1 Assembly. I appreciate the opportunity to
2 speak with you today about the importance of
3 supporting historic preservation in our
4 state, especially the Office of Parks,
5 Recreation and Historic Preservation.

6 The Preservation League of New York
7 State is New York's only statewide historic
8 preservation nonprofit, and we work in all of
9 New York's 62 counties, partnering with local
10 and regional preservation organizations
11 throughout New York, and my testimony also
12 reflects their concerns.

13 I want to speak very briefly on the
14 State Historic Tax Credit. And I'm hoping I
15 might have another opportunity to talk more
16 about that at the revenue hearing, but I want
17 to take this chance to thank the Legislature
18 for reauthorizing this important State
19 Historic Tax Credit last year.

20 Because the five-year extension of the
21 successful economic development program was
22 passed, with protection from changes made to
23 the federal Historic Tax Credit, we can
24 continue to make our state a leader in

1 historic rehabilitation and economic
2 development. This year we seek some
3 enhancements to the State Historic Tax Credit
4 which will further encourage investment in
5 projects that bring about community
6 revitalization, sustainable economic growth,
7 and the protection of historic buildings and
8 landscapes.

9 The testimony I submitted goes into a
10 little bit more detail on our three
11 enhancement priorities, which are the ability
12 to directly transfer the State Historic Tax
13 Credits, increasing the State Historic Tax
14 Credit from a 20 percent to a 30 percent
15 credit for small projects under \$5 million,
16 and qualifying every city under 1 million
17 with at least a 25 percent poverty threshold
18 for the State Historic Tax Credit.

19 We believe that these improvements
20 will help small business and Main Street
21 building owners rehabilitate their historic
22 buildings while ensuring that our historic
23 tax credit serves as an incentive throughout
24 our urban centers.

1 We also support the Governor's
2 proposal under Part U of the 2020 budget
3 revenue bill that makes all New York State
4 parks qualify for the State Historic Tax
5 Credit, regardless of the census tract median
6 family income that qualifies projects for the
7 state program.

8 Regarding the State Office of Parks,
9 Recreation and Historic Preservation, we were
10 so pleased to see continued support for that
11 office and agency and commitment to address
12 the maintenance and improvement backlog in
13 this year's Executive Budget. We believe
14 that an inventory of historic properties
15 owned by Parks will help the agency best
16 prioritize their capital needs and were
17 delighted to hear Commissioner Harvey make
18 that point earlier today, that the agency is
19 undertaking a comprehensive inventory and
20 condition assessment.

21 We look forward to learning more about
22 that process. This was the first we had
23 heard that they will indeed undertake it, and
24 seeing the survey outcomes as well as working

1 with State Parks on supporting capital
2 improvement prioritization and encouraging
3 investment by outside partners.

4 We also appreciate the continued
5 support for the Division for Historic
6 Preservation, noting that our state dollars
7 are leveraged with federal money through the
8 federal Historic Preservation Fund.

9 While the funding and staffing for the
10 Division for Historic Preservation remains
11 flat under the 2020 Executive Budget
12 proposal, the workload of the division
13 continues to grow. In our work across the
14 state, the Preservation League regularly
15 hears a call for increased staff in a
16 division to meet community needs and ensure
17 that projects continue to move forward.

18 Regarding the Environmental Protection
19 Fund, again, we were happy to see the
20 Governor's proposal to once again fully fund
21 the EPF at \$300 million, including funding
22 for parks and recreation. A piece of that
23 that we always like to highlight is that
24 through the OPRHP item in the EPF, crucial

1 historic preservation projects are funded.
2 These are often the primary funding sources
3 and some of the only public funding sources
4 for nonprofits and municipalities that
5 steward historic buildings, leveraging
6 private fundraising to preserve community
7 anchors and centers of cultural tourism.

8 And as my colleagues have noted before
9 me, the budget provision to allow the EPF to
10 cover staffing costs will take precious and
11 limited dollars away from these preservation
12 projects. We do not believe that this
13 addition is necessary and think it will be
14 harmful for our nonprofit organizations and
15 struggling libraries, town halls, and
16 municipal centers in historic buildings
17 around our state.

18 Thank you so much for your time and
19 attention today and for inviting the
20 Preservation League to testify and accepting
21 our request to testify. We are happy to
22 provide additional information about any of
23 the items I discussed and included in my
24 testimony, which I've just summarized, and

1 their impact on historic preservation at the
2 committee's request.

3 Thank you.

4 CHAIRWOMAN KRUEGER: Thank you.

5 Any questions? Well, I have one.

6 So on the historic tax credit, earlier
7 today -- I think it was today -- Commissioner
8 Harvey talked about that 80 percent of the
9 historic tax credits are going to upstate
10 New York. And I just took it as like,
11 okay -- but then your testimony talks about
12 needing a change so that the upstate cities
13 can use the historic tax credits.

14 So where are the 80 percent of current
15 historic tax credits going? They're not
16 going to New York City or Long Island, and
17 they're apparently not to upstate cities.
18 Where are they going?

19 MS. TOBIN: I don't know the metrics
20 she used. In one calculation you can count
21 the number of projects, and in the other you
22 can count the dollar amount of the projects.
23 Presuming that she was talking about the
24 number of projects, there are a lot of

1 preservation projects -- either way, really
2 -- in upstate New York. However, there are a
3 lot of communities where the smaller
4 projects are not getting done.

5 So we've seen tremendous success and
6 we need that success in rehabbing an
7 industrial building, or a lot of the easy
8 projects have gotten done or are getting done
9 and now we've got these white elephant
10 buildings that are in this spot where,
11 because they're not big enough to entice
12 developers and investors, the numbers don't
13 work. So that's why we want these particular
14 enhancements. And we think that the fiscal
15 impact will not be that big because it's a
16 very small piece of the overall program.

17 CHAIRWOMAN KRUEGER: Did I cut you
18 off?

19 ASSEMBLYMAN ENGLEBRIGHT: No, Senator,
20 you did not cut me off.

21 I just wanted to listen to your
22 question, which I thought was a very good
23 one, and also just to express a hope that you
24 might find your way to my office. I'd love

1 to help advance some of these changes that
2 you are proposing. And thank you for your
3 good work.

4 I see a natural joining of open space
5 protection and historic preservation in many
6 of our parks but also in many of our
7 communities, so it's an environmental as well
8 as cultural nexus that you're involved with.

9 And it's really important for the overall
10 sense of place for many of our citizens.

11 So thank you for your good work, and
12 please let's follow your testimony today with
13 a meeting.

14 MS. TOBIN: Absolutely. We'd be happy
15 to do that. And thank you for your continued
16 support of historic preservation.

17 CHAIRWOMAN KRUEGER: Thank you so
18 much.

19 MS. TOBIN: Thank you.

20 CHAIRWOMAN KRUEGER: Okay. Next,
21 Parks & Trails, and then we're going to have
22 a merger of the three Adirondack groups
23 coming up together and splitting 10 minutes
24 between the three groups. So you know who

1 you are, so get ready after Parks & Trails.

2 Good evening, Sarah Braymer.

3 MS. BRAYMER: Good evening. And thank

4 you for the opportunity to present testimony

5 today on behalf of Parks & Trails New York.

6 My name is Sarah Braymer, and I'm the parks

7 program director.

8 Since 1985, Parks & Trails New York

9 has been the state's leading organization

10 working to preserve and enhance a network of

11 parks, historic sites, trails and greenways

12 for all New Yorkers to enjoy.

13 The Governor's Executive Budget

14 proposal includes important funding for

15 New York's park system, trails, and shared

16 green spaces, which we are very happy about.

17 Specifically, we thank the Governor and

18 encourage support from the Senate and

19 Assembly for \$110 million in capital funding

20 for state parks and historic sites and \$300

21 million for the Environmental Protection

22 Fund, which includes \$1 million for the Park

23 and Trail Partnership Program, a capacity

24 building grant program for grassroots friends

1 groups. These important programs create a
2 legacy for generations to come.

3 We encourage the Legislature to
4 include \$110 million in New York Parks 2020
5 capital funding for the Office of Parks,
6 Recreation and Historic Preservation. This
7 investment in state parks' infrastructure
8 will continue to tackle the backlog of needed
9 repairs and advance the revitalization of the
10 state park system.

11 We appreciate that OPRHP's operation
12 budget has held steady despite difficult
13 fiscal situations. However, with visitation
14 now at more than 71 million for New York
15 State parks, the commitment to protect our
16 parks and the environment should be extended
17 to funding for agency staff who will be
18 relied on to carry out the important work of
19 educating and inspiring the future
20 generations of park stewards. Targeted
21 increases to support day-to-day operations
22 will allow the agency to better fulfill its
23 mission to provide safe and enjoyable
24 recreational opportunities to New Yorkers and

1 visitors to our state.

2 We support the Environmental
3 Protection Fund at \$300 million. The EPF is
4 a critical source of funding for protecting
5 New York's water, land, and air, providing
6 stewardship for state parks and forests and
7 delivering essential resources to our
8 communities. Within the EPF the Executive
9 Budget includes an increase to \$1 million for
10 the New York State Park and Trail Partnership
11 program. This is a capacity-building grants
12 program for grassroots organizations or
13 friends groups that support, strengthen, and
14 improve the New York State parks, trails,
15 historic sites and public lands.

16 By doubling the amount of available
17 funds, this competitive grants program will
18 enable State Park and DEC friends groups to
19 expand their impact and amplify the state's
20 historic investment in these outdoor
21 resources.

22 As Commissioner Harvey mentioned,
23 these friends groups are instrumental to the
24 parks system. They raise private funds for

1 conservation and capital projects, perform
2 maintenance and stewardship tasks, provide
3 educational programming, and promote the
4 public use of these state assets. As Senator
5 Serrano mentioned, the friends groups are the
6 connection between the community and the
7 parks.

8 This small investment will propel
9 these organizations to a higher level of
10 effectiveness, enabling groups to leverage
11 more private funding and marshal more
12 volunteer power. Their efforts will enhance
13 the stewardship of our wonderful state
14 treasures leading to even greater economic
15 benefits, improving access to outdoor
16 resources, and healthier communities.

17 Since 2015, 60 grants totaling
18 \$1.4 million have been awarded with funds
19 going towards innovative educational
20 programs, capital projects, and capacity
21 building undertakings. These grants have
22 leveraged more than \$585,000 in private
23 investment, showing just how much New Yorkers
24 care about their state parks and public

1 lands. We are proud to be administering this
2 matching grant program in partnership with
3 OPRHP and look forward to announcing the
4 fourth round of grant awardees in March.

5 We respectfully ask that you support
6 the increase of the Park and Trail
7 Partnership program to \$1 million, which will
8 enable State Park and DEC friends groups to
9 strengthen the state's legacy of outdoor
10 recreation and shared green spaces.

11 Thank you for the opportunity to
12 testify today. Parks & Trails New York looks
13 forward to working with the Senate, Assembly,
14 and the Governor to keep up the momentum for
15 state parks, solidifying New York's
16 conservation legacy and strengthening the
17 networks of parks, trails, and greenways
18 across the state.

19 Thank you so much.

20 CHAIRWOMAN KRUEGER: Thank you.

21 Any questions? Senator May.

22 SENATOR MAY: Just a question about
23 the trails and active transportation. Are
24 any of those urban? And to what extent are

1 you involved, for example, with AARP and the
2 planning for age-friendly communities and
3 that sort of thing?

4 MS. BRAYMER: Sure. So I'm actually
5 not the staff person that handles that
6 directly, but I know we are in partnership
7 with AARP. And I can get you some more
8 information and put you in contact with our
9 staff member that handles more of the trails
10 side of things.

11 SENATOR MAY: I know age-friendly
12 cities is a priority for the Governor as
13 well --

14 MS. BRAYMER: Yeah.

15 SENATOR MAY: -- and so thinking about
16 funding, places where funding might intersect
17 -- I'm just curious about that.

18 MS. BRAYMER: Okay. Well, I'll be
19 sure to get you that information.

20 SENATOR MAY: Okay. Thank you.

21 CHAIRWOMAN KRUEGER: Thank you very
22 much.

23 MS. BRAYMER: Thank you.

24 CHAIRWOMAN KRUEGER: Assembly?

1 CHAIRWOMAN WEINSTEIN: Assemblyman
2 Englebright.

3 ASSEMBLYMAN ENGLEBRIGHT: Thank you
4 for your testimony. Thanks for all the work
5 you do for our communities.

6 I have a question about your trails.
7 You are clearly strongly supportive of the
8 Empire State Trail. There is a Trust for
9 Public Land plan for trails on Long Island
10 that would run the length of Long Island.
11 Are you involved with that yet?

12 MS. BRAYMER: I'm not sure, I'm sorry
13 about that. But I can find out.

14 ASSEMBLYMAN ENGLEBRIGHT: It's news.
15 I mean, I literally got the press on this
16 just today. So I'm learning about it for the
17 first time today also. But it sounds like
18 something that would enlarge the footprint of
19 TPL on Long Island, which I think would
20 probably be a constructive thing, literally
21 as well as figuratively.

22 Again, I just wanted to find out if
23 you were yet involved. If you're not yet, I
24 see this as an opportunity to expand your

1 membership, your outreach, and your mission.

2 MS. BRAYMER: Sure, I'm sure my
3 coworkers that are more heavily involved with
4 the trail side of things are aware of this,
5 and I can get them in touch with you.

6 ASSEMBLYMAN ENGLEBRIGHT: Thank you.

7 MS. BRAYMER: Thank you.

8 CHAIRWOMAN KRUEGER: Thank you so
9 much.

10 MS. BRAYMER: Thank you.

11 CHAIRWOMAN KRUEGER: Okay, continuing
12 with Adirondack Council, Kevin Chlad; Protect
13 the Adirondacks and the Adirondack Mountain
14 Club, Peter Bauer and Neil Woodworth.

15 Gentlemen.

16 MR. CHLAD: Thanks for letting us
17 adjust. We thought we'd just demonstrate a
18 bit of teamwork from the Adirondacks.

19 CHAIRWOMAN KRUEGER: Your work is
20 fabulous.

21 MR. CHLAD: Help speed things along.

22 CHAIRWOMAN KRUEGER: Exactly.

23 MR. CHLAD: So thanks for the
24 opportunity to testify. My name is Kevin

1 Chlad, director of government relations at
2 the Adirondack Council.

3 The Adirondack Council is a nonprofit
4 dedicated to ensuring the ecological
5 integrity and wild character of our
6 Adirondack Park. We're an independent voice
7 on the Adirondacks, and that means that we do
8 not accept any state or federal funding.
9 We're a private organization.

10 The Adirondack Park is a national
11 treasure, and we have it right here in
12 upstate New York. A couple of fun facts --
13 it's the largest park in the contiguous
14 United States. You can read a lot more fun
15 facts about the Adirondack Park in our
16 introductory section there.

17 Adirondack Park is an important source
18 of clean water, it's a refuge for wildlife,
19 and it is a sponge for carbon. So as you
20 talk about climate change, remember the role
21 that the Adirondack Park will play.

22 I want to talk to you for just a
23 minute here about protecting our "Forever
24 Wild" Forest Preserve. Our Forest Preserve

1 has the strongest conservation law in the
2 world, but when that was created, the
3 legislature couldn't have even comprehended
4 the level of popularity that our park has
5 attained.

6 Thanks to recent tourism promotion
7 efforts, our Adirondack Park is now hosting
8 12 million people annually. That's up
9 2.4 million from 2001. And in that amount of
10 time, staffing and resources have not
11 increased despite that increase in use.

12 We're now seeing over 1,0000 people on
13 top of our busiest mountain summits on
14 holiday weekends. You heard
15 Commissioner Seggos talk earlier about
16 creating the largest wilderness in the
17 Northeast. Does that sound like a wilderness
18 to you, to have 1,000 people on a summit on a
19 weekend?

20 New York State Rangers are now
21 averaging one search-and-rescue per day in
22 New York State. They are very busy keeping
23 people safe and protecting our resources.
24 And while we celebrate success in this

1 growing popularity of our park, the impacts
2 of overcrowding are being felt. There are
3 impacts to wildlife and water quality,
4 greater risks to visitors, and a declining
5 wilderness character that makes our
6 Adirondack Park so unique and draws people
7 there.

8 And we stand with our friends in local
9 government in asking for your help with this.
10 New Yorkers own more than 2.5 million acres
11 of Forest Preserve in the Adirondacks --
12 that's twice the size of the State of
13 Delaware -- and with that comes great
14 responsibility. So the Adirondack Council
15 supports the Governor's proposed Green Future
16 Fund commitment, and we urge the Legislature
17 to dedicate \$500 million of that, from the \$2
18 billion that's set aside for parks, public
19 lands, and resiliency, dedicate that to the
20 Adirondacks and Catskills parks over its life
21 span.

22 I want to just point something out to
23 you. The Parks 2020 program -- roughly \$900
24 million over its lifetime -- that's a

1 laudable fund that's done great work for our
2 park system. None of that money goes to the
3 Adirondacks or Catskills because those parks
4 are managed by DEC, not OPRHP. So we're in
5 great need of a game-changing fund to support
6 trail repairs and improvements.

7 I will also -- I harp on this every
8 year. Our New York State Rangers have now
9 said for the last three decades that illegal
10 ATV use is the most problematic activity
11 taking place in our state lands. So when we
12 talk about stewardship, think about ATVs as
13 one of those issues.

14 And with that, I'll share with my
15 partners.

16 CHAIRWOMAN KRUEGER: Great.

17 MR. BAUER: Thank you, Senator
18 Krueger. Peter Bauer with Protect the
19 Adirondacks.

20 In one form or another, Protect the
21 Adirondacks has been around since 1902. I
22 was here a couple years ago, Senator -- we
23 had a conversation in this testimony about
24 the need for a bigger Environmental

1 Protection Fund. It should be \$500 million a
2 year. It really should be a billion a year.
3 When you look at the backlog for water and
4 sewer and you look at the immense challenges
5 from climate change, when you look at the
6 immense challenges we have for the
7 stewardship of state lands, we really do need
8 a bigger Environmental Protection Fund.

9 I also want to talk in one line in
10 that Environmental Protection Fund, in the
11 state land stewardship account, should be
12 stewardship for the High Peaks. We need to
13 designate the High Peaks Wilderness for
14 \$5 million. The trails in the High Peaks,
15 many of which were built right after the
16 Civil War, they go straight up a
17 mountainside. We're seeing crowds, as Kevin
18 talked about, in the High Peaks -- 40,000
19 people will hike Cascade Mountain in a year.
20 On a Saturday afternoon we'll have more
21 people on the summit of some Adirondack High
22 Peaks than live in some Adirondack towns.

23 So we need to start to build a
24 sustainable trail network in the High Peaks.

1 These trails have not been adequately
2 maintained over time.

3 I also want to draw your attention to
4 the ORDA budgets. There's significant
5 funding for the state ski areas. By
6 constitutional amendment, the three ski areas
7 of Whiteface, Gore, and Belleayre were
8 created for wintertime alpine ski areas. The
9 Governor is proposing to load these places up
10 with all sorts of summer amenities --
11 ziplines, mountain coasters, water slides.
12 These things are not appropriate. They're
13 not wise investments in the summer tourism in
14 the Adirondacks and Catskills. The summer
15 tourism is great. The wintertime tourism, it
16 makes sense for these ski areas. We do not
17 need to build those up.

18 I just want to do a couple of
19 callouts. The Forest Rangers, we need to
20 raise them significantly. Scott van Laer is
21 here. I also want to hail the mayor of Lake
22 George. He's here looking for funding for a
23 desperately needed upgrade to the sewage
24 treatment system in the Village of Lake

1 George. Lake George is the economic engine
2 of Warren County, so we really need to focus
3 on that.

4 Thank you very much.

5 (Scattered applause.)

6 CHAIRWOMAN KRUEGER: That was Lake

7 George applauding. The Mayor.

8 (Laughter.)

9 MR. WOODWORTH: And I'm Neil Woodworth
10 of the Adirondack Mountain Club. And my
11 organization has 30,000 members, 10,000 more
12 supporters, and we represent the hiking,
13 canoeing, kayaking, skiing community in the
14 state.

15 We agree that we need more Forest
16 Rangers. We believe that for \$4 million we
17 can add 40 Forest Rangers, which we
18 desperately need. We have a real live ranger
19 to tell you more about that. But the number
20 of acres that a Forest Ranger is responsible
21 for has gone from 23,000 acres to almost
22 30,000 more acres than that, for 54,000 acres
23 per Forest Ranger.

24 I was around when we worked with you

1 to create the Environmental Protection Fund
2 in 1993. And one of the most important
3 principles of the Environmental Protection
4 Fund is that we would not allow state agency
5 staffing to be taken out of the Environmental
6 Protection Fund. And in this Governor's
7 budget proposal, we have language that says
8 that a portion -- and this preferences, this
9 legal language preferences each of the
10 accounts in the Environmental Protection Fund
11 language, and it says that a portion of the
12 EPF can be used for personal services. I'm
13 asking you to strike that.

14 We want to maintain the integrity -- a
15 \$300 million EPF is a great achievement. It
16 should be more, I agree with my colleagues.
17 But if we allow that language to stand, that
18 Environmental Protection Fund will be reduced
19 each and every year as more and more
20 employees who should be on the General Fund
21 are put against the Environmental Protection
22 Fund. So I cannot ask you for anything more
23 important than that.

24 I will also tell you that we have made

1 great strides in this state with the Clean
2 Drinking Water Act, a federal program; the
3 Clean Water Act, a federal program; and the
4 Clean Air Act. But there is change, as you
5 know, in Washington, and there are already
6 efforts by the U.S. Environmental Protection
7 Agency to throttle those programs, to weaken
8 the standards.

9 Perhaps the most alarming, we have
10 achieved a great level of cleanup of our
11 lakes in the Adirondacks and elsewhere in the
12 state, and acid rain went from 35 percent of
13 the lakes being unable to support life to 7
14 or 8 percent today. And most important, we
15 have begun to reduce the level of mercury in
16 our environment. Methyl mercury is one of
17 the most dangerous neurotoxins in the world,
18 and this administration is proposing to
19 weaken the mercury standards. Even the power
20 industry doesn't agree with doing that, those
21 that have made investments in mercury
22 reduction.

23 How can you change that? New York has
24 to play a role. We have to -- we've gone

1 from 44,000 DEC employees, many of them in
2 the water and air divisions, to barely more
3 than 2,700 employees. We can't let that --
4 we have to add more staff at DEC. You have
5 to find the money. We have to push the
6 Governor to find the money. Only if we do
7 that can we use litigation to stop what is
8 happening in Washington on the Clean Water
9 Act and the Clean Air Act.

10 And thank you very much for listening
11 to us tonight.

12 CHAIRWOMAN KRUEGER: Thank you.

13 Any Senators?

14 Senator Antonacci.

15 SENATOR ANTONACCI: Thank you,
16 Madam Chair.

17 A couple of other speakers have
18 mentioned this ability to use the -- the
19 administration be able to use funds from the
20 fund for personnel. Are you -- is it a blank
21 check, or are there specific appropriations
22 for the use?

23 MR. WOODWORTH: Well, the language
24 says that a portion of the EPF can be used

1 for personal service. Frankly, "a portion"
2 is as big a loophole as a lawyer like me can
3 figure out. You know? Leaving the
4 discretion with the Division of Budget as to
5 how much of the EPF can be used for personal
6 service is something that I have no faith in.

7 SENATOR ANTONACCI: And I'm new here,
8 so that has never been in that statute or --

9 MR. WOODWORTH: It is -- from the
10 beginning, it was one of the basic legal
11 planks of the Environmental Protection Fund,
12 that we would never place state agency
13 employees against the fund.

14 MR. BAUER: Other Governors have tried
15 it. Governor Pataki tried it, and other --
16 and it was soundly rejected by the
17 Legislature at that time.

18 And it's just a basic principle that
19 the EPF was money for localities and to do
20 for environmental benefit, but not to pay
21 staff.

22 SENATOR ANTONACCI: So you mentioned,
23 you know, the need for more Forest Rangers.
24 That would not be an appropriate use for that

1 as well because it's personnel? You'd look
2 for separate funding for more Forest Rangers?

3 (All panelists nodding.)

4 SENATOR ANTONACCI: Okay. Thank you.

5 CHAIRWOMAN WEINSTEIN: Assemblyman
6 Englebright.

7 ASSEMBLYMAN ENGLEBRIGHT: First I just
8 want to say it's a beautiful thing to see the
9 three of you sitting together, and even more
10 beautiful to think that you are in fact
11 working together. That hasn't always been
12 the case. But it is now, and I think it
13 bodes wells for the 20 percent of our state
14 that collectively you are the stewards and
15 spokespersons for. So congratulations on
16 seeing your commonalities.

17 I wanted to just ask about the
18 Governor's proposed budget cuts to land
19 acquisition. I know that it's in your
20 written testimony that you'd like to see that
21 money returned. Mr. Woodworth in particular,
22 though, you have spent about a half of a page
23 in your testimony speaking to this. I just
24 wonder what enhancements to your thoughts you

1 might be able to offer verbally.

2 MR. WOODWORTH: Well, I think that
3 there are certainly places that we've gone --
4 as was stated earlier today, we've gone with
5 a much lower EPF, we've gone from \$60 million
6 for open space preservation, and we have
7 gotten a lot back.

8 Specifically your question is, I
9 think, that there have been increases in
10 several categories of the EPF and just by
11 trimming some of those areas -- which in all
12 probability the money will not go out the
13 door in those categories, based on DEC's
14 history of moving money out the door. And
15 yet land acquisition, because we have the
16 role of land trusts and organizations like
17 Nature Conservancy and the Open Space
18 Institute, they can move the money out the
19 door efficiently and then be reimbursed if we
20 have the money in the open space account.

21 ASSEMBLYMAN ENGLEBRIGHT: I was hoping
22 that you would offer some additional
23 perspective. You did.

24 Thank you. Thank you for your

1 advocacy. We'll hopefully be in touch
2 frequently as we go toward our budget
3 deadline. Thank you for your work every day
4 on behalf of the people of the state and the
5 high ground of our state.

6 Thank you so much.

7 MR. CHLAD: Thank you.

8 MR. BAUER: Thank you, Mr. Chairman.

9 MR. WOODWORTH: Thank you,

10 Mr. Chairman.

11 CHAIRWOMAN KRUEGER: Thank you. Thank
12 you, gentlemen. Thank you for staying all
13 day.

14 Next is Catskill Mountainkeeper,

15 Wes Gillingham, associate director.

16 MR. GILLINGHAM: Thank you, Chairwoman
17 Krueger and Chairwoman Weinstein, for
18 allowing me to come testify at this important
19 point in history.

20 Catskill Mountainkeeper's mission is
21 to protect our region's wild lands and unique
22 habitats. We support sustainable growth in
23 our economy and nurture healthy communities
24 in ways that ensure the ecological integrity

1 of the region.

2 You have the written testimony there.

3 I'm going to go through in bullet points
4 because of the breadth of our work and the
5 breadth of the budget.

6 You know, we're excited that the
7 Climate Leadership Act is in there and
8 that we're talking about this on a state
9 level with both branches of government.

10 The environment -- we support the
11 \$300 million for the Environmental Protection
12 Fund. We want funding to fight the woolly
13 adelgid, increasing staffing at the
14 Department of Environmental Conservation --
15 but not from the EPF fund, I echo the
16 comments of my colleagues. We support the
17 plastic bag ban and an amendment to put a fee
18 on other single use bags. We support the
19 expanded Bottle Bill, support the offshore
20 drilling ban. We also support a ban on all
21 new natural gas infrastructure. And we call
22 for the Legislature to tackle the issue of
23 food waste.

24 I want to thank everyone on these

1 committees for their work here. And in the
2 budget there's again the \$300 million for the
3 EPF, but in that there's \$1.5 million to
4 fight the hemlock woolly adelgid. We would
5 like -- it's 500,000; we would like
6 1.5 million. This is a keystone species not
7 just for the Catskills and the Adirondacks,
8 but the entire state. There's hemlocks in
9 the Hudson Valley, they're all across the
10 state. It's a really important ecological
11 keystone species.

12 The thing that I really am going to
13 spend the rest of my time talking about is
14 not what's in the budget but what's not in
15 the budget. There's mention of carbon
16 neutrality, there's reductions of carbon
17 emissions, and it's carbon, carbon, carbon.

18 Now, as a farmer when I buy seeds in
19 the springtime -- right around this same time
20 while you all are digging through the budget
21 pages and different versions of it -- I look
22 for the best variety of vegetables that I
23 want to grow. I look for what it says in
24 that catalog: Cold hardy, good yields,

1 disease resistant, insect and germination
2 good. And as soon as you see any one of
3 those things missing in a seed catalog,
4 that's on purpose. That wasn't somebody
5 forgetting to write that down, that's because
6 it doesn't have good germination or it's not
7 cold hardy.

8 The fact is that this whole premise is
9 on carbon neutrality is wrong. It needs be
10 on greenhouse gases and greenhouse gas
11 equivalents. If you look through the Climate
12 and Community Protection Act, you see
13 definitions -- there are definitions in this
14 budget that cover multiple pollutants. But
15 we need a comprehensive analysis of
16 greenhouse gas equivalents and the impacts
17 across the state.

18 Basing it on carbon neutrality is the
19 wrong idea. It opens the door for spewing
20 pollution and offsetting it someplace else,
21 through sequestration or market-based
22 cap-and-trade programs.

23 This state and this country has a long
24 history of false solutions, people sometimes

1 doing it for the right reasons. Smog was a
2 problem. You raise the smokestack, the next
3 thing you know the lakes in the Adirondacks
4 are dying. If we just base this on carbon
5 neutrality, it opens up the door that we're
6 going to have to be fighting to preserve
7 every single tonnage of greenhouse gas
8 equivalent, because the industry is going to
9 be out there figuring out how to set the
10 allowances so that they continue to pollute.

11 RGGI is a good program in terms of its
12 bringing down gases on a regional level, but
13 the allowances are set so high that there are
14 individual polluters that stand to continue
15 polluting for years because they've bought so
16 many allowances at those auctions.

17 Now, I know everybody's addicted to
18 market-based incentives and money, but we
19 need to stop doing that. We need to set
20 limits and caps and not use carbon
21 neutrality. Greenhouse gas limits is what we
22 need.

23 I am out of time, but I will just say
24 that it is exciting that we're talking about

1 this. But in that little budget the one last
2 thing I will say is it's got \$87 million for
3 design and construction of a cogeneration
4 plant and microgrid based on renewable
5 natural gas or oil.

6 We have an opportunity in this state
7 to create a microgrid that is a model for
8 microgrids across the state, across the
9 country, using energy efficiency, solar
10 voltaic, wind, energy storage, electric
11 vehicle integration, hydropower, waste heat
12 recovery, geothermal, biodigester. If
13 reconceived through a transparent and
14 inclusive and collaborative process, the
15 Albany microgrid project will be an exciting
16 opportunity to reenvision some of our most
17 iconic public places. We can and must
18 address climate policy with environmental
19 justice concerns in place.

20 CHAIRWOMAN KRUEGER: Thank you.

21 MR. GILLINGHAM: Sorry I ran over.

22 CHAIRWOMAN KRUEGER: That's all right.

23 Any questions?

24 Thank you so much for your testimony

1 tonight.

2 All right, Clean and Healthy
3 New York -- I believe Kathleen Curtis is the
4 correct name -- followed by the PBA of
5 New York State, followed by the mayor of
6 Lake George.

7 Hello.

8 MS. CURTIS: Hi. Thank you,
9 Chair Krueger and Chair Weinstein and Chair
10 Englebright, and all of you, for hanging in
11 there and -- all the staff in the background
12 as well, for hanging in there today -- for
13 the opportunity to provide input on the
14 Governor's 2019-2020 draft budget.

15 My name is Kathleen Curtis. I'm the
16 executive director of Clean and Healthy
17 New York, which promotes safer chemicals, a
18 sustainable economy, and a healthier world.
19 Our primary focus is to turn off the tap on
20 toxic chemicals, especially in everyday
21 products in everyday life.

22 When we wake up in the morning, we get
23 out of a bed that may very well contain flame
24 retardants. We walk across a floor that may

1 very well contain toxic phthalates. We use
2 personal care products -- shampoo,
3 toothpaste, shaving cream -- that may also
4 contain toxic ethoxylates and 1,4-dioxane.
5 We put on clothes that have been washed in
6 detergents that may very well contain toxic
7 chemicals. Then we sit down to breakfast and
8 eat food that has been contaminated with PFAS
9 chemicals, bisphenols, phthalates, and other
10 toxicants.

11 So before we even walk out the door in
12 the morning, we've already been exposed to
13 toxic chemicals that they don't have to tell
14 you about, they don't have to let you know
15 that these are in products. So that's what
16 we, Clean and Healthy New York, focus on.
17 And we also colead the JustGreen Partnership
18 with WE ACT for Environmental Justice; that
19 is about 50 groups representing about a
20 million New Yorkers here in New York.

21 So today I'd like to focus my comments
22 on three areas: Support for the Article VII
23 bill requiring disclosure of hazardous
24 chemicals in consumer products; support for

1 the \$300 million Environmental Protection
2 Fund; and support for expanded funding for
3 staff at the Department of Environmental
4 Conservation.

5 First of all, support for Part K of
6 the Transportation Economic Development and
7 Environmental Conservation Article VII
8 legislation in the fiscal year 2020 Executive
9 Budget. Clean and Healthy New York and its
10 allies within the JustGreen Partnership have
11 advocated for over a decade for measures that
12 require disclosure, public right to know of
13 chemical ingredients in consumer products and
14 the accompanying information about what
15 health hazards these chemicals pose to public
16 health and the environment.

17 The Assembly has passed various
18 versions of these policies four times. And
19 we applaud the Governor for addressing the
20 public's right to know about the presence of
21 hazardous chemicals, and consider it
22 appropriate to address this urgent
23 environmental health priority within the
24 budget.

1 Specifically, we support expanding New
2 York's existing household cleaning product
3 ingredient disclosure policy to include
4 industrial cleaners to provide for improved
5 occupational safety; adding a new Title 9,
6 the Consumer Chemical Awareness Act, which
7 grants broad authority to the state to
8 require disclosure of hazardous chemicals in
9 any consumer product intended for use, or may
10 reasonably be expected to be used, by
11 children. And that includes couches, shower
12 curtains, et cetera.

13 Children are not just little adults.
14 They eat, breathe, and drink more per pound
15 than adults. They undergo critical
16 developmental phases during which exposure to
17 even small amounts of hazardous chemicals can
18 have a lasting health impact. They are unable
19 to protect themselves and rely on us as
20 adults to protect them. It is high time New
21 York joined the growing list of other states
22 that have taken these measures, and
23 shareholders and businesses and consumer
24 demand -- it's indisputable. It even makes

1 good business sense.

2 Workers, what you don't know can hurt
3 you and your workers. A quote by the Federal
4 Trade Commission's Fair Packaging and
5 Labeling Act states "Informed consumers are
6 essential to the fair and efficient
7 functioning of a free market economy." This
8 policy also amends Public Health Law to
9 require disclosure of ingredient health
10 hazards in personal care products, including
11 contaminants, fragrance ingredients and
12 flavorings that are not listed on the label
13 right now.

14 We agree with the Governor and many of
15 you that disclosure required under federal
16 law doesn't adequately protect people and
17 communities, and consumers must be empowered
18 with the information necessary to make
19 informed choices to protect their families.

20 We unreservedly support maintaining
21 the Environmental Protection Fund at
22 \$300 million and in fact advocate that it at
23 least be adjusted annually for inflation. So
24 for example, this year, if it were a

1 3 percent inflation rate, it would be
2 \$309 million, et cetera, as time goes by.
3 Otherwise, everyone's taking a cut and
4 scrambling for the resources they had last
5 year.

6 The portions of the program that
7 support environmental health and justice
8 should be consolidated into a separate
9 category and expanded funding for staff at
10 DEC -- there, squeeze that in -- not through
11 the Environmental Protection Fund. I agree
12 with what everyone has said about that so
13 far.

14 CHAIRWOMAN KRUEGER: Thank you very
15 much.

16 Any questions? Then thank you.
17 Again, it's the hour, and not our lack of
18 concern for what you're testifying to.

19 Our next testifier is Scott van Laer
20 from the PBA Association of New York,
21 Forest Ranger director. Actually, I skipped
22 a number of letters and titles that you have.

23 MR. VAN LAER: I don't know what all
24 those mean.

1 CHAIRWOMAN KRUEGER: Okay, fine.

2 MR. VAN LAER: But I have to say I've

3 had search-and-rescue incidents -- 6, 7, 8

4 miles into the wilderness -- that went

5 quicker than this testimony today.

6 (Laughter.)

7 MR. VAN LAER: But I'm impressed by

8 everybody's stamina, and I'd like to have you

9 all be honorary Forest Rangers.

10 I didn't even bring my written

11 testimony down. I know how tired everybody

12 is. And I want to thank the Adirondack

13 groups for laying a lot of statistics out

14 there for me.

15 My name is Scott van Laer. I am here

16 on behalf of the PBA of New York State,

17 speaking to you to add more Forest Rangers to

18 the forests. I've been a Forest Ranger for

19 23 years. My first three years were

20 patrolling the Long Island Pine Barrens, and

21 the last 20 I've been in the High Peaks

22 Wilderness. I grew up the son of a Forest

23 Ranger, so I often say that I began my career

24 in 1977 rather than 1996, when I formally

1 started, and I've seen a lot of changes in
2 that time.

3 I think what I'd like to do, since a
4 lot of statistics have been put out there and
5 it's all in my testimony is I'd just like to
6 tell you what I do. I've been on over 600
7 search-and-rescue incidents in my career, and
8 if I could just tell you about one of them.

9 And then I'll end my time and you can ask me
10 any questions.

11 It was December of 2016, and there was
12 a young couple from Niskayuna that was on a
13 day hike -- and this is winter -- going up
14 Algonquin, and we got the call that they were
15 overdue from their families. So it's
16 nighttime at this point. Myself and another
17 ranger go to the trailhead, and we start in
18 on snowshoes. And it's pretty warm, it's
19 maybe 20 degrees, 15 degrees. And we get
20 some information that there's tracks going
21 off Algonquin to the Lake Colden side -- not
22 the side they planned on coming down.

23 So we decide to split up at that
24 point, and the other ranger's going to go and

1 check on that, and so I proceed to the summit
2 alone. And when you break out from the
3 treeline on Algonquin and it's midnight, it's
4 like a lunar landscape. The wind is blowing,
5 snow is really hitting you in the face, the
6 wind is hitting you so hard that as I'm
7 calling out looking for people -- because
8 that's part of what you do, is calling for
9 them and seeing if they respond back -- I
10 just know it's a low-probability detection.

11 So I go along the summit area and I'm
12 looking for any tracks where they may have
13 gone off the windblown summit. Because what
14 you do is you get snow blowing off the top of
15 the summit, so the wind gets actually -- the
16 summit actually gets cleared of snow, but
17 then there's four or five feet of snow in the
18 krummholz section. And I'm looking up
19 through there and I just -- I just can't find
20 anything, and I realize that it's such a low
21 probability of finding them that night.

22 So now it's a little after midnight.
23 I've been looking at the summit for a couple
24 of hours, so I proceed down the mountain and

1 I get on the radio and I start making plans
2 for the next day. And I have as many rangers
3 as I can get to come -- I've requested I
4 think between a dozen and 20 -- and then I
5 get down to the bottom and I start giving the
6 assignments out and we're going to hit every
7 possible drainage to where they are. And I
8 probably stayed on until about noon,
9 transferring command, and I go home.

10 And that night I check the phone and I
11 want to see where they're found, how they're
12 doing, and I learn that they hadn't been
13 found. And that's when it really -- I really
14 get grave concern for them at this point.
15 Because pretty much anybody can survive one
16 night if you're moderately prepared in
17 winter, but survivability drops off
18 dramatically that second night. So I knew it
19 was dire circumstances.

20 And I had ordered a helicopter the
21 previous day, but the mountain was just so
22 clouded in that the helicopter couldn't
23 search. And it's a really effective
24 technique in winter.

1 So now they've spent two nights out,
2 and we again head up the mountain the next
3 day. We get to the top, the helicopter still
4 can't fly. We line up side by side in a grid
5 search pattern just going around the cone,
6 and luckily it did clear a little bit and the
7 helicopter could fly into the valley -- not
8 search the summit, but they could fly towards
9 Lake Colden and drop off some rangers to
10 search.

11 And as that helicopter is flying down
12 low, below us -- and again, it's still pretty
13 nasty up top -- all of a sudden we hear a
14 woman's voice, a young woman's voice yell to
15 the helicopter. And then we yell back, and
16 then we hear a man's voice, we hear them
17 both. So we go down to them. And they were
18 shivering violently, but I'd never been so
19 happy to see someone in such throes of
20 hypothermia, because it meant their
21 temperature was around 90.

22 But there was no way that they could
23 walk off the mountain. So we started a
24 rescue team coming up the mountain, another

1 15 or 20 rangers and other personnel carrying
2 rescue sleds. But I kept trying to get that
3 helicopter to come up -- come up the mountain
4 and get them. And every time I called for
5 the helicopter to come up because I would
6 have a clearing, the helicopter couldn't
7 quite make it and had to turn back. That
8 happened five or six times.

9 And then finally one time they did
10 come up, and we tied harnesses on them both
11 and they quickly zipped one up and then the
12 other. And then within a few minutes they
13 were on their way to the Saranac Lake
14 Hospital.

15 Thank you.

16 CHAIRWOMAN KRUEGER: That was a very
17 poignant example of the importance of all the
18 park rangers in our state parks. Thank you
19 very much for sharing with us.

20 Any questions?

21 Senator Antonacci.

22 SENATOR ANTONACCI: Thank you,
23 Madam Chair.

24 Thank you for your service. It's

1 great work, and I know that you're
2 passionate. You can see it and hear it in
3 your voice, and with your dad being involved.

4 When I was a kid I believed in Smokey the
5 Bear, and I was a junior forest ranger.

6 And earlier today I did ask some
7 questions to the commissioner -- I'm not sure
8 if you were here, it seems like it was two
9 days ago -- and when -- you know, as you can
10 imagine, some Environmental Conservation
11 Police Officers had come in, and they were
12 concerned about the commissioner's repeated
13 request to have the upgrade of the salary.

14 And there's no -- I certainly don't want to
15 be in the middle of any animosity between
16 Forest Rangers and Police Officers as to the
17 proper level of pay, but I think the concern
18 was the amount of education, the amount of
19 training, the risks that come with an arrest
20 and an investigation of a murder or any type
21 of other environmental crime.

22 Where does that stand? Are you asking
23 for an upgrade moneywise, or are you more
24 look -- just looking -- not meant just

1 looking -- but looking for more staffing and
2 more individuals to go through the academy so
3 that you can probably cover the forest that
4 you're charged with?

5 MR. VAN LAER: What I'm speaking to
6 here today is to just simply add more rangers
7 to the force. There's about 106 field
8 rangers, and we have some supervisors. And
9 if I could just compare us to the federal
10 lands. In the Adirondacks, which is 6
11 million acres, about 3 million acres that we
12 patrol, there's 50 rangers -- 50 permanent
13 rangers. In Yellowstone National Park, which
14 is 2 million acres, there's 330 rangers.

15 So I just want to let that sink in for
16 a second. We're way off from where we should
17 be in the National Park Service model. And a
18 lot of these increases in search-and-rescue
19 that we see, that's happening because we've
20 lost the initiative. We're not proactive any
21 more.

22 That story I just told you, think
23 about if I was coming down the mountain that
24 day. When a Forest Ranger is in the woods,

1 they represent the authority of the resource.
2 We're doing preventative search and rescue.
3 Could I have gotten them to turn around that
4 day? I think perhaps.

5 When I am on the trails, I see people
6 and they'll say: I saw you 10 years ago,
7 between such-and-such mountains. The message
8 that we give is highly memorable and
9 effective.

10 And we've just lost the initiative, we
11 just don't have enough personnel. And I
12 think yes, there's a big increase in the
13 amount of people that are using the land, but
14 I think a lot of the increase in
15 search-and-rescue is that we're not doing
16 that preventative function anymore.

17 SENATOR ANTONACCI: I don't mean to
18 interrupt you, but I want to try and sneak
19 one more in. And again, thank you for your
20 service, to all the members of the Forest
21 Rangers.

22 Do we charge, whether it be health
23 insurance -- for search-and-rescue? I don't
24 know if there's a negligence standard, but

1 it's -- I know that in my county we had Air
2 One, which is a helicopter that did medivacs,
3 and we would bill the insurance company. Is
4 that something that is -- that they try to
5 recover costs on if someone is rescued?

6 MR. VAN LAER: No, we don't. And in
7 general the search-and-rescue federations
8 generally oppose that, out of fear that
9 people are more reluctant to call. The
10 quicker they call and let us know, the better
11 the situation is.

12 SENATOR ANTONACCI: Thank you.

13 CHAIRWOMAN KRUEGER: Senator Jen
14 Metzger -- oh, I'm sorry. Assemblymember
15 Englebright.

16 ASSEMBLYMAN ENGLEBRIGHT: I will pass,
17 but I am moved by what we've heard.

18 MR. VAN LAER: Thank you. And I had a
19 good time, my three years on Long Island. I
20 do miss the Pine Barrens.

21 ASSEMBLYMAN ENGLEBRIGHT: Where in the
22 Pine Barrens?

23 MR. VAN LAER: I worked in Rocky Peak
24 and Ridge. It was in the late '90s.

1 ASSEMBLYMAN ENGLEBRIGHT: Sure.

2 CHAIRWOMAN KRUEGER: Senator Metzger.

3 SENATOR METZGER: Thank you. I

4 appreciated -- I really appreciated hearing

5 that story.

6 How many rangers are in the Catskills,

7 Catskill Park, which is a --

8 MR. VAN LAER: In Region 3, total, I

9 think it's about 15. Now, they're not all

10 inside the Blue Line.

11 So my father was actually the

12 Forest Ranger in the Catskills in the '80s.

13 I was an Assistant Forest Ranger there for a

14 time, so I'm pretty familiar with the Slide

15 Mountain Wilderness. It's a much lower

16 number, and they certainly have some of the

17 same issues that we have in the Adirondacks.

18 But it is a smaller area.

19 If I may speak to the kind of staffing

20 we're asking for, we're not asking to -- for

21 big numbers. Adding a few more rangers could

22 possibly make all the difference. So we're

23 not asking for a big lift here, we're asking

24 for a few more rangers in areas like the Blue

1 Hole in the Catskills.

2 SENATOR METZGER: That was actually my
3 next question. That was an incredible area
4 that was, you know, ruined. Well, it's being
5 restored, but had suffered severely from
6 overuse. And with more rangers, would that
7 have prevented something like that from
8 happening, if there was more personnel there?

9 MR. VAN LAER: Yeah, I remember it
10 fondly as a kid swimming there. And while I
11 haven't personally been there in quite a long
12 time, I've seen the pictures about what's
13 happened there.

14 And again, I think a lot of that comes
15 back to the rangers are the authority of the
16 resource. You know, we speak to that, and
17 again, it's a very effective delivery and
18 message that has been highly successful since
19 1885.

20 SENATOR METZGER: Thank you.

21 CHAIRWOMAN KRUEGER: Thank you so much
22 for your testimony today.

23 MR. VAN LAER: Thank you.

24 CHAIRWOMAN KRUEGER: Our next speakers

1 are -- excuse me, singular -- Mayor Robert
2 Blais -- if I pronounced that correctly -- of
3 the Village of Lake George.

4 And then next up afterwards is the
5 Onondaga County Resource Recovery Agency,
6 Andrew Radin, followed by Audubon New York,
7 for those who are keeping track.

8 Good evening, Mayor.

9 MAYOR BLAIS: Thank you, Madam
10 Chairman. That's a pretty difficult story to
11 follow, I'll tell you. Save some money for
12 him.

13 We're here today to ask you folks for
14 a partnership with the Village of Lake George
15 to protect one of America's greatest natural
16 resources that lies right here in the state
17 in the Adirondack Park, Lake George, the
18 Queen of America's Lakes.

19 Our partnership is necessary because
20 of the unique situation that's involved in
21 our community. We're faced with a
22 consent order by DEC to construct a new
23 wastewater treatment plant by 2021. We're on
24 schedule with the consent order to start

1 construction sometime this summer, and we're
2 estimating the period of construction will be
3 two years.

4 The plant is necessary because the
5 Village of Lake George has an 85-year-old
6 antiquated treatment plant that discharges
7 onto sand beds, and the effluent is seeping
8 into the ground, reaching tributaries and
9 streams that flow directly into Lake George.

10 Last year, in the southern basin of
11 Lake George, the Million Dollar Beach --
12 which is owned by the state -- and the year
13 before was forced to close almost a dozen
14 times because of the water quality that was
15 tested in the lake. Much of the suspicions
16 for that water quality is coming from failing
17 septic systems, systems that could hook up
18 ordinarily to our treatment plant, and which
19 will hook up to a new treatment plant.

20 The village itself is under a
21 moratorium, because of the condition of the
22 plant, so that we can't accept any further
23 building.

24 The cost of the wastewater treatment

1 plant is the largest capital project ever to
2 be undertaken in the southern basin. It's
3 \$22 million.

4 The Village of Lake George has been
5 thankful and we're gratified that in 2017 we
6 received grant funding in the amount of
7 \$7.5 million. We've also received a
8 \$15 million EFC hardship loan, which belies
9 and bemoans the fact that most people think
10 Lake George is a wealthy community -- but in
11 fact, after a survey, our median income of
12 the 995 residents that are expected to pay
13 for this plant is \$41,850. If we take that
14 debt service of \$427,000 a year for 30 years
15 and put it into our budget last year, it will
16 put us over the constitutional state debt
17 limit and will raise our tax rate by
18 15.7 percent and will be eight times over the
19 state's tax cap.

20 What we really need is a partnership
21 with the state. We service the Town of Lake
22 George, a very small sewer district outside
23 of the village. We also service the Million
24 Dollar Beach. We service two of the state's

1 premier campgrounds, Battleground Campground
2 and the Hearthstone Campground, with our
3 wastewater treatment plant.

4 At any given night in the sewer
5 district and in the Village of Lake George we
6 will host 16,000 people sleeping overnight in
7 our rooms. Our village, again, has 995
8 residents. We are one square mile wide for
9 the whole entire village. But yet we're
10 asked to host, and we're more than happy to
11 host -- sometimes 25,000 to 50,000 people a
12 day go through the Village of Lake George
13 during the summer season, using our
14 restrooms, sleeping in our beds, drinking the
15 water. And there's the uniqueness of our
16 situation.

17 MR. FULLER: Real quick, my name is
18 Matt Fuller. I'm the attorney for the
19 village. I represent some municipalities
20 that have water and sewer plants, and the
21 mayor just asked me to close out with one
22 unique point: This is just the first step.

23 With any new sewer plant we have a new
24 SPDES permit that's coming, and within that

1 permit the village is going to be obligated
2 within eight years of our start, when we flip
3 the switch on, to treat TDS. What's that?
4 In our case, it's road salt.

5 We live at the interesting end of a
6 funnel of I-87, the Northway, and Route 9
7 that funnels salt towards our collection
8 system. In fact, it's probably doing it
9 tonight. And that ultimately enters the
10 ground and then enters the lake.

11 So not included in our \$22 million is
12 our eight-year project -- which we've
13 actually already started to work with DOT,
14 the Town of Lake George, the Fund for Lake
15 George, the Lake George Association -- to cut
16 down the use of salt on our roads. So this
17 is a long-term capital campaign for us that
18 we're undertaking.

19 Thank you.

20 CHAIRWOMAN KRUEGER: Questions?

21 Because I have one. Maybe it's really for
22 us, but I'll ask you if you know.

23 So we know that the Governor has
24 announced an additional \$2.5 billion Clean

1 Water Infrastructure Act, \$500 million a
2 year. Do you know if this need of yours
3 would meet the definition of qualifying for
4 some of that money?

5 MAYOR BLAIS: Yes. Absolutely. It's
6 one of the reasons we're here. We're hoping
7 that in that fund or in the SAM fund -- you
8 know, funds for local municipalities -- that
9 we could be included in this budget.

10 We don't need all of the money that
11 we're asking for in one year, we can take it
12 over two, because we'll be under construction
13 for two years. But the state just invested
14 \$16.5 million in a visitors center just two
15 miles south of our wastewater treatment plant
16 and our lake, to invite people to come up and
17 enjoy a clean lake.

18 And the state owns the lake. We drink
19 the water. We're the stewards. We want to
20 build this treatment plant, but it has to be
21 affordable.

22 MR. FULLER: And we are -- I know the
23 state generally likes shovel-ready projects.
24 We're the definition of that.

1 MAYOR BLAIS: We're ready to go.

2 MR. FULLER: We're reviewing contracts
3 to put out to bid next month, and we will be
4 shovel-in-the-ground this summer. So we
5 are -- I think we meet the definition of
6 shovel-ready.

7 CHAIRWOMAN KRUEGER: I'm sorry,
8 Senator Antonacci.

9 SENATOR ANTONACCI: Oh, that's okay.
10 Thank you.

11 Madam Chair has already asked one of
12 my questions. So the fund that's out there,
13 you could apply for that, you just are
14 looking for more specificity in the budget
15 and a guarantee that the money's there?

16 MR. FULLER: Yes.

17 MAYOR BLAIS: Yes.

18 SENATOR ANTONACCI: Okay. Do you
19 service the county proper, or just the
20 village?

21 MAYOR BLAIS: No, we service -- we
22 service just the village. But we also
23 service -- it's almost the entire southern
24 basin of Lake George, because we also service

1 the Town of Lake George Caldwell Sewer
2 District, which encompasses -- it's the size
3 almost -- it's larger than the village size,
4 but it's not inhabited as largely. But
5 there's where all the large hotels are and so
6 on.

7 People get the impression that
8 Lake George is wealthy because they get on a
9 boat and they see these million-dollar houses
10 on the lake. Those houses aren't connected
11 to a sewer system at all.

12 SENATOR ANTONACCI: But is there a
13 county sewer system that you're not part of?
14 Because I'm a big fan of villages having
15 their own sewer system --

16 MAYOR BLAIS: No, there is no other
17 sewer system on Lake George except when you
18 get up to Bolton Landing.

19 SENATOR ANTONACCI: Not that this is
20 going to solve your problem, but your letter
21 says that you're exceeding the state
22 constitutional debt limit. I thought sewer
23 projects were exempt from that calculation.

24 MR. FULLER: We have applied once, and

1 part of it is.

2 SENATOR ANTONACCI: Part of it is?

3 MR. FULLER: Yeah.

4 SENATOR ANTONACCI: Okay.

5 And then the last thing, I wouldn't --

6 maybe you'll want to do this -- but if you

7 shut down that visitor center because the

8 toilets don't work and you can't flush the

9 toilets, you might get the money a little

10 quicker. But I don't know if --

11 (Laughter.)

12 MAYOR BLAIS: It's a beautiful

13 visitors center.

14 (Laughter.)

15 SENATOR ANTONACCI: I'm sure it is.

16 CHAIRWOMAN KRUEGER: Thanks for the

17 helpful hint, Senator.

18 Anyone else?

19 Thank you so much for testifying.

20 MR. FULLER: Thank you.

21 MAYOR BLAIS: Thank you.

22 CHAIRWOMAN KRUEGER: All right, and we

23 are now up to, as I mentioned, Onondaga

24 County Resource Recovery Agency, Andrew

1 Radin, recycling director.

2 And for those still keeping track,
3 afterwards we'll be looking for the Audubon
4 Society of New York, then Scenic Hudson.

5 MR. RADIN: Good evening, everybody.

6 My name is Andrew Radin. I serve as the
7 director of recycling and waste reduction for
8 the Onondaga County Resource Recovery Agency,
9 OCRRA. We manage a nationally award-winning
10 trash management and recycling program for
11 the residents and businesses of Onondaga
12 County.

13 And I'm really pleased to note that we
14 have two former OCRRA board members who have
15 now joined your ranks in the State
16 Legislature, and that is Senators Antonacci
17 and Senator May. So if you're thinking that
18 OCRRA might be stacking the legislative deck
19 here a little bit, I couldn't disagree with
20 you on that account.

21 But I also want you to know that I
22 also serve as the chair of the New York
23 Product Stewardship Council.

24 So I'm going to try to be brief and

1 just touch upon a few key points this
2 evening, because it has been a long day.

3 We don't have a recycling crisis in
4 New York State, we have a \$42 million
5 recycling crisis in New York State. That's
6 what's it's costing, excluding New York City,
7 municipalities on an aggregated basis from
8 Long Island Sound to the shores of Lake Erie.
9 And that's based upon a sampling of
10 communities that I did, a statewide survey
11 across the state, and that's what it's
12 costing this year in the wake of the crash of
13 the recycling markets, particularly for mixed
14 paper.

15 Just quickly to give you a sense of
16 what's happening in Onondaga County, as
17 recently as 2017 we made about \$120,000 in
18 revenue from our curbside recycling. And for
19 us it's not about the money, it's about
20 making sure that there's markets for these
21 materials and that they're going to be
22 recovered and properly recycled.

23 But then last year it cost us nearly
24 \$700,000 to recycle, sort, and market those

1 materials. And in 2019 -- and I'm sorry to
2 say this, but this is not unusual across the
3 state -- we are budgeting at OCRRA nearly \$2
4 million to recycle the 38,000 tons of
5 curbside recyclables.

6 So I think the short-term solution is
7 the communities across the state are in dire
8 need of some short-term funding to address
9 the recycling recession. And unfortunately
10 the EPF would not be providing funds that
11 would be eligible for this purpose, okay,
12 because these are payments directly to the
13 MRF or the MRF costs that a municipality
14 might have.

15 We think that the longer-term solution
16 is something called EPR, extended producer
17 responsibility. It's what's already being
18 explored by other Northeast states. It's a
19 model in Europe and in Canada that is
20 achieving significantly greater recovery
21 rates than we do with the current program
22 here in the states. And it's basically, in a
23 nutshell, requiring manufacturers to take
24 responsibility for the end-of-life management

1 of their unwanted products.

2 And we would pay, not as taxpayers,
3 but we would pay for these services as
4 consumers. And as I said, that is what is
5 working elsewhere, and I think it's time that
6 New York State took a close look at the
7 potential benefit that this could bring to
8 our state on a long-term basis. The
9 municipalities really just don't have the
10 resources to deal with some of these global
11 market challenges. We think EPR is the
12 solution.

13 So two other quick things. As far as
14 the Bottle Bill is concerned, I think my
15 professional recycling colleagues across the
16 state are really conflicted by what's been
17 proposed, because we know that the Bottle
18 Bill as a policy is the most effective way to
19 recover those -- you know, the cans and the
20 containers and the bottles. About 70 percent
21 will be recovered through the Bottle
22 Bill recovery rate. But through just the
23 curbside recycling, it's only about 20 or
24 30 percent. So that nickel deposit, or

1 whatever you might decide that deposit to be,
2 is a really powerful economic incentive to
3 get folks to do the right thing.

4 But the proposal for those plastic
5 containers and the metal containers comes at
6 a really tough time for municipalities. I
7 think you would be hard-pressed to find any
8 municipality that would be in favor of
9 collecting those bottles and cans through the
10 Bottle Bill and losing that value.

11 The solution there is twofold. I
12 think you really need to focus on the glass,
13 and that's what the stakeholders at the DEC
14 session all agreed upon. Let's get the glass
15 out. There's almost 300,000 tons of glass
16 through the curbside collection statewide.
17 Forty percent of that is wine bottles,
18 120,000 tons. Twenty percent of that are
19 spirits, 60,000 tons, and the other
20 10 percent are the nonalcoholic beverages.
21 So if we include the glass here, we're going
22 to increase recycling and reduce municipal
23 costs. We need your help on that.

24 And as far as the plastic bag is

1 concerned, yes, we do need a fee on paper.
2 It's important that you know that from an
3 environment standpoint, the paper bags are
4 worse than the plastic bags. So if we're not
5 addressing the paper bags as well, I think
6 we're really missing the need and the
7 environmental opportunity to do something to
8 improve the environment.

9 That's my three key points.

10 CHAIRWOMAN KRUEGER: Okay. Any
11 questions? Oh, hello. Hands are up.

12 Oh, wait. It's the ex-board members.

13 I don't know.

14 (Laughter.)

15 MR. RADIN: Everybody's thinking
16 softball here.

17 CHAIRWOMAN KRUEGER: Really.

18 Commissioner -- Senator May.

19 SENATOR MAY: Let's turn it on here.

20 Oh wait. I think it's on now.

21 Thanks, Andrew, good to see you.

22 About the 40 million -- whatever it was --

23 for recycling. Is that envisioned as a

24 one-year or two-year thing?

1 MR. RADIN: The \$42 million impact?

2 SENATOR MAY: Yeah.

3 MR. RADIN: What we're hearing is that
4 the current recycling crisis is a 24-month to
5 36-month impact. So we're looking at this
6 for the next two to three years.

7 And I think during that time there's
8 an economic development opportunity here too,
9 where we need to start looking at New York
10 State's ability to develop infrastructure,
11 particularly to recover mixed paper, and
12 basically the paper mills to reprocess and
13 remanufacture that paper. This is really
14 about the mixed paper, the newspapers, the
15 magazines, the junk mail. That comprises
16 about 50 percent of what we're recycling
17 statewide, from a residential curbside
18 standpoint.

19 SENATOR MAY: And just to clarify
20 about the Bottle Bill, because I am planning
21 to do a cider -- add cider to the current
22 Bottle Bill. But were you saying that that's
23 a bad idea?

24 MR. RADIN: The hard cider?

1 SENATOR MAY: Yeah.

2 MR. RADIN: No. I think that's
3 critical. The glass is just a problem
4 material once it gets to the material
5 recovery facility, MRF. Rhymes with "serf".
6 It damages the equipment, it contaminates
7 other material.

8 The best solution for managing the
9 glass is to source-separate it as part of the
10 Returnable Container Act. That is going to
11 produce a clean material stream, and there
12 are markets for that. If it's going to
13 remain as part of the curbside system, it's
14 going to continue to be a recycling problem.
15 It's going to continue to be a market
16 challenge. We need to solve that by
17 including the glass as part of the Returnable
18 Container Act.

19 SENATOR MAY: Thank you.

20 CHAIRWOMAN KRUEGER: Senator
21 Antonacci.

22 SENATOR ANTONACCI: Thank you,
23 Madam Chair.

24 I'm very proud of my service on OCRRA.

1 I got to meet Senator May, I got to meet you,
2 it was a great time when I was there. We
3 actually did a nice audit, as the former
4 county comptroller.

5 And I guess I was kind of hoping that
6 maybe you had some magic beans for us today
7 when it came to bags. I know you've got a
8 world-class recycling facility, a world-class
9 incinerator, you know. And Senator May and I
10 have already had a conversation about the
11 bags. And I think using my career on the
12 OCRRA board, I'm very sensitive to these
13 issues.

14 But isn't there anything else -- is
15 there anything else we can do other than
16 forcing another mandate on businesses with
17 the plastic bags? And I'm surprised to hear
18 that the paper is worse. I thought we would
19 just burn that and use the energy costs. But
20 I know it's kind of a broad question, but are
21 we missing anything else that's out there
22 that could solve some of this problem that
23 people believe we have?

24 MR. RADIN: As you know very well,

1 there's not always easy solutions,
2 particularly when it comes to these
3 environmental issues. The more you peel away
4 the layers of the onion, the more complex you
5 realize that it is.

6 And the reality here in this situation
7 is that the best environmental solution is to
8 ban the plastic bags and then to put the fee
9 on the paper bags.

10 SENATOR ANTONACCI: Okay. I just want
11 to -- when I'm at Wegman's, I do not use
12 plastic, I generally carry my milk to the
13 car. I don't believe in the one-use plastic
14 bag. But I also think that I've got the best
15 recycle bin in my street.

16 I'm very proud of your efforts. And
17 again, keep it up, and thank you for being
18 here today.

19 MR. RADIN: Thank you, Senator.

20 CHAIRWOMAN KRUEGER: Any other
21 questions?

22 You were very detailed and concise.
23 Quickly, thank you very much for your
24 testimony tonight.

1 MR. RADIN: Thank you all.

2 CHAIRWOMAN KRUEGER: And we now have
3 Erin McGrath, Audubon Society of New York,
4 followed by Scenic Hudson, then Empire State
5 Forest Products.

6 MS. McGRATH: All right. Well, thank
7 you very much for sticking around to hear my
8 testimony. I really appreciate it. It's
9 been a very long day.

10 I am Erin McGrath, and I'm the policy
11 manager for Audubon New York. We represent
12 65,000 members across New York State as a
13 part of the National Audubon Society. We
14 also have 27 locally affiliated chapters and
15 seven sanctuaries and nature centers that I'm
16 all testifying on behalf of this evening.

17 We're very happy with the budget and
18 quite pleased to see that there is
19 \$300 million for the Environmental Protection
20 Fund, and we're especially pleased to see
21 that there are two new programs proposed that
22 would help to improve the state of our
23 forests. There are 45 declining birds in
24 New York State that rely on forests for their

1 breeding habitat, and they unfortunately
2 don't have diverse enough habitat to rely on.
3 We need state policies that preserve intact
4 habitat, diversify forest species and age
5 classes, and renew and sustain forest
6 regeneration. This will all help protect
7 habitat for those species.

8 And since 75 percent of the forested
9 acres in New York State are privately owned,
10 we encourage the Legislature to support
11 policies that target both private as well as
12 public lands. Audubon is currently working
13 with both public and private landowners to
14 protect bird habitat. We do this by pairing
15 our foresters with landowners who are
16 interested in pursuing bird-friendly land
17 management, and we find that this has been
18 very successful both at creating habitat for
19 declining birds and also in improving forest
20 health.

21 Because of this work, we are looking
22 forward to learning more about the Regenerate
23 New York program and the Working Forests
24 Conservation Easements, because we think that

1 they would complement our work.

2 We also would encourage you to
3 consider other incentives that encourage
4 private landowners to pursue habitat
5 management and land management that benefits
6 the species of greatest concern. With
7 75 percent of our forested acres in New York
8 owned by private landowners, that means that
9 any actions on private land have a very
10 significant impact on our birds.

11 We are also, as many of my colleagues
12 pointed out, confronting a climate crisis,
13 and we're very excited that New York State is
14 stepping up to take aggressive steps. Our
15 research has shown that roughly half of all
16 U.S. birds will be impacted by climate change
17 by losing their current ranges. That is
18 predicted to occur by 2080, so we don't have
19 very long to act.

20 An important part of our strategy to
21 reduce carbon emissions must be the
22 development of natural climate solutions
23 including better management of our forests,
24 grasslands, marshes, and soils. This has the

1 potential to offset 21 percent of our annual
2 carbon emissions, and it has the added bonus
3 of creating and restoring habitat. Natural
4 climate solutions include replanting trees,
5 promoting forest resiliency and sustainable
6 management, and restoring and maintaining
7 coastal wetlands like salt marshes. This
8 will be essential to achieving successful
9 offsets and again will also protect birds.

10 Another really important component of
11 our climate strategy is developing
12 renewables. And I know it will be surprising
13 to some of you to hear that Audubon is very
14 strongly supportive of offshore wind
15 development as well as solar development. We
16 have worked very closely with NYSERDA to
17 develop guidelines and practices that can
18 minimize bird impacts, and we believe that
19 with a few simple steps, such as avoiding
20 migration corridors and also using more
21 advanced technologies, we can pursue
22 additional offshore wind development and
23 solar development without having great
24 impacts to birds.

1 So we are looking forward to
2 continuing to work with NYSERDA as they
3 develop additional offshore wind proposals
4 and find the best way to have responsibly
5 sited renewable energy that mitigates impacts
6 on the environment and our wildlife.

7 We also do a lot of work to protect
8 coastal and marine birds, and there are a lot
9 of budget proposals that are very supportive
10 of them. We are strongly opposed to offshore
11 drilling for oil or gas. We saw what
12 happened with the BP oil spill, and we don't
13 want that to happen in New York State. We
14 have hundreds of birds that rely on our
15 coasts and the oceans for their habitat,
16 including federally endangered birds, so we
17 strongly oppose expanding that into our
18 offshore waters.

19 We also want to make sure that we
20 reduce our reliance on single-use plastics.

21 A frightening statistic is that scientists
22 estimate that 99 percent of all pelagic or
23 ocean-bearing birds will have consumed
24 plastic at some point in their lives by 2050.

1 And we're already seeing impacts in
2 New York State. A recent study showed that
3 American oyster catchers, which come to breed
4 on the shores of Long Island, are consuming
5 plastics and then unfortunately suffering
6 from either poisoning or starvation. This is
7 the beginning of a major crisis, and we think
8 that we need to take aggressive steps to
9 combat it. Banning plastic bags is certainly
10 a great step that will help us to figure out
11 how to reduce our reliance on other
12 single-use plastics.

13 And since I'm out of time, I know my
14 other colleagues have spoken very strongly of
15 updating the wetlands maps in New York State,
16 and we think that's critical both for
17 protecting habitat and for increasing coastal
18 and flooding resiliency.

19 Thank you so much for sticking around.
20 If you have any questions, I'd be happy to
21 answer them.

22 CHAIRWOMAN KRUEGER: Thank you for
23 sticking around.

24 Any questions? Assemblymember Steve

1 Englebright.

2 ASSEMBLYMAN ENGLEBRIGHT: Thank you
3 for your testimony. Thank you for sticking
4 around as well to give it.

5 I have a question about something -- I
6 read through the rest of your testimony here.
7 You did not mention something that the former
8 Suffolk County naturalist John Turner has
9 brought to my attention with great urgency,
10 and that is bird strikes. The lethality of
11 birds flying into windows is a profound cause
12 of the decline of many of the species.

13 Do you think that this is too far out
14 for us to deal with? Or should it be part of
15 our agenda as we go forward?

16 MS. McGRATH: It should definitely be
17 part of our agenda. Hundreds of thousands of
18 birds are being impacted by bird collisions.

19 ASSEMBLYMAN ENGLEBRIGHT: Millions.

20 MS. McGRATH: Yes.

21 ASSEMBLYMAN ENGLEBRIGHT: Tens of
22 millions.

23 MS. McGRATH: Right. And I think that
24 is something that should be at the forefront

1 of our agenda and something that we should
2 pursue.

3 There are a lot of simple solutions to
4 bird impacts. We see that a lot of them
5 occur at the lower halves of buildings, within
6 the first couple of stories. So I think, as
7 we look at the economic impacts and the
8 availability of alternative solutions, that
9 we should be able to forward something in the
10 near future that will reduce bird collisions.

11 ASSEMBLYMAN ENGLEBRIGHT: Thank you.

12 CHAIRWOMAN KRUEGER: Thank you very
13 much for your testimony tonight.

14 MS. McGRATH: Thank you.

15 CHAIRWOMAN KRUEGER: All right. So
16 anyone else who thinks they want to testify
17 tonight should head up closer to the front so
18 that we know if you're here.

19 But our next speaker is Andy Bicking,
20 of Scenic Hudson.

21 MR. BICKING: Thank you, Senator. And
22 thank you all for your service. I'm very
23 impressed with your stamina this evening and
24 look forward to a good budget year with you.

1 My name Andy Bicking, director of
2 public policy for Scenic Hudson. For new
3 members of the Legislature who I have not yet
4 met, Scenic Hudson works from Manhattan to
5 the foothills of the Adirondacks and helps
6 citizens and communities preserve lands,
7 create great parks, protect farms, and really
8 help people experience the outdoors and enjoy
9 the Hudson River.

10 I'm only going to touch on three
11 points of my testimony today; I will be
12 providing more extensive comments later in
13 the week.

14 The first point relates to using
15 natural and working lands to sequester
16 greenhouse gases. And this is a tremendous
17 opportunity area for New York State. You may
18 have seen the 2018 study in Science Advances
19 that found, nationwide, up to 21 percent of
20 the nation's greenhouse gases can be
21 sequestered in our working farms and in our
22 natural lands, and the reason is simple:
23 It's that the same compounds driving climate
24 change can be food for plants.

1 The good news is New York State has a
2 framework to be able to address this through
3 several programs geared at creating healthy
4 soils, namely the Climate Resilient Farming
5 program. Research Scenic Hudson conducted
6 with the grant from the Conservation
7 Partnership program and the EPF over the
8 summer engaged nearly 200 stakeholders,
9 policymakers, and farmers to figure out how
10 this program could work better to deliver the
11 dual benefit of healthy soils and
12 sequestering greenhouse gases, and the
13 findings drove home two main points.

14 One, financial resources are
15 important -- specifically, that new funding
16 be tied to help farmers increase the adoption
17 of eco-based conservation strategies that
18 sequester greenhouse gases into the soil and
19 enhance fertility.

20 And the second major recommendation is
21 to make efforts to move from resistance
22 strategies, efforts that really try to push
23 back in climate change to maintain the status
24 quo operation in agricultural lands, and

1 instead move towards more transformation
2 investments that allow farms to stay
3 productive but also address the root causes
4 of climate change.

5 So with this in mind, we do support
6 the Governor's proposal to increase the
7 Climate Resilient Farming program from
8 \$2.5 million to \$5 million this year, with
9 the recommendation that additional new funds
10 be directed to this purpose of sequestering
11 greenhouse gases.

12 Second, we'd like to draw to your
13 attention that the Governor has kept good on
14 his promise in the veto message of Assembly
15 Bill 11111 and Senate Bill 9053 from
16 December, where he did not elect to sign the
17 carbon farming pilot study envisioned by
18 Assemblywoman Didi Barrett. The good news is
19 that it's included in this year's budget, and
20 Scenic Hudson does strongly support that
21 measure.

22 We would like to recommend that the
23 Legislature have a close look at the original
24 language proposed that was vetoed, look at

1 the proposal by the Governor, and pay close
2 attention to the parameters of the study and
3 work with the Governor to actually define the
4 parameters of the study in the final budget
5 language.

6 Finally, we are pleased to see that in
7 the Climate Leadership Act Article VII
8 legislation there is reference to leveraging
9 our natural and working lands to sequester
10 greenhouse gases.

11 The second major agenda we have with
12 this year's budget is to support expedited
13 siting of appropriately sited solar energy
14 plants. It may surprise you that Scenic
15 Hudson does support the development of solar
16 energy in the Hudson Valley. Unfortunately,
17 we have found there is quite a lot of
18 resistance at the local level.

19 And so we would like to recommend that
20 work be done to really help incentivize local
21 government to develop plans for how they can
22 site solar energy plans in a smart way that
23 protects local values and also expedite the
24 siting process itself. There's a number of

1 specific policy recommendations to this
2 effect in our budget testimony.

3 Finally, to echo concerns about the
4 offloading of staff expense on the
5 Environmental Protection Fund, that is a
6 major concern that we have.

7 And I would be remiss as a regional
8 organization if I didn't once again file our
9 strong support for two regional programs in
10 the state budget, the Hudson River Estuary
11 Management program -- we recommend an
12 additional \$500,000 to that in this year's
13 budget to address the impact of intense rain
14 and storms that we've had in the region --
15 and, finally, support for the Hudson River
16 Valley Greenway and the Governor's new Water
17 Trail initiative.

18 Thank you.

19 CHAIRWOMAN KRUEGER: Thank you very
20 much, Andy.

21 And which hearing are we going to see
22 you at next week? You kept referencing next
23 week.

24 MR. BICKING: Next week I will be

1 submitting supplemental testimony of a little
2 bit more detail than what I've provided for
3 you in writing today.

4 CHAIRWOMAN KRUEGER: So you're sending
5 more, not testifying.

6 MR. BICKING: I would love to see you,
7 however, so --

8 CHAIRWOMAN KRUEGER: Okay. No, I
9 wasn't quite sure what you meant, but thank
10 you.

11 The next testifier is Evelyn Powers,
12 Interstate Environmental Commission.

13 And since I did not see anyone else
14 come up, I suspect the Food Industry Alliance
15 of New York State actually decided to go home
16 and have dinner --

17 (Laughter.)

18 MS. POWERS: Thank you.

19 CHAIRWOMAN KRUEGER: -- or whatever.

20 So thank you so much for waiting all
21 day.

22 MS. POWERS: Thank you.

23 CHAIRWOMAN KRUEGER: Thank you for
24 being our final testifier tonight. You get

1 extra points.

2 MS. POWERS: Go head for the bar

3 afterwards.

4 CHAIRWOMAN KRUEGER: That's right.

5 MS. POWERS: Thank you, Chairwoman

6 Kruger, Chairwoman Weinstein,

7 Chair Englebright, members of the legislative

8 fiscal and environmental committees. Thank

9 you for this opportunity to testify on behalf

10 of the Interstate Environmental Commission in

11 regards to the Governor's proposed budget for

12 the state fiscal year 2019-2020.

13 For those of you who don't know, IEC

14 is a tri-state air and water pollution

15 control agency committed to protecting and

16 restoring the environments of our member

17 states -- including New York -- particularly

18 in the area of water quality.

19 Our written testimony offers much more

20 history and background about IEC, our

21 district, our mission, and most importantly a

22 lot of highlights of our recent work in New

23 York State. These projects include extensive

24 ambient water-quality monitoring, both as

1 part of long-term projects as well as part of
2 urgent responses due to extreme weather
3 events or other manmade issues requiring
4 immediate response.

5 IEC also performs compliance
6 inspections, including effluent sampling and
7 SPDES-permitted discharges.

8 And finally, you'll see in our
9 testimony we have a fully accredited
10 environmental laboratory, one of our most
11 unique and valuable resources that would --
12 without which we would not be able to do any
13 of this work.

14 IEC continues to fill a crucial role
15 in New York State as an agency with both our
16 boots on the ground and our boats on the
17 water to fill gaps in regional monitoring
18 programs. We continually expand the scope of
19 our monitoring programs, most recently
20 expanding our Long Island Sound monitoring
21 program, which for 27 years had been limited
22 to the summer months, into a year-round
23 program in 2018.

24 In 2019 we look forward to expanding

1 projects, including coordinating with our
2 member states to expand the scope of sensors
3 to perform continuous water-quality
4 monitoring for parameters such as dissolved
5 oxygen in the shared waters and adding the
6 capability for our laboratory to detect and
7 quantify microcystins and other cyanotoxins
8 associated with harmful algal blooms.

9 IEC is fortunate that our work plans
10 and our grant awards are structured so that
11 they have project periods that span more than
12 a year, so we have not been affected by the
13 current lapse in federal funding that has
14 resulted in many federal agencies such as the
15 EPA furloughing their workers and curtailing
16 inspections. IEC staff has continued to
17 perform facility inspections throughout the
18 shutdown and will continue to do so
19 throughout the duration of the shutdown.

20 While it is true that the majority of
21 IEC's funding comes from other sources,
22 primarily federal Clean Water Act Section 106
23 grants, this federal funding is not
24 sustainable without nonfederal state support.

1 Our federal funding for federal fiscal year
2 '18 was just under \$1 million. In order to
3 continue to be eligible to apply and receive
4 this federal funding, IEC must demonstrate
5 and document a nonfederal match of \$214,000
6 annually.

7 IEC's tri-state compact formed in 1936
8 outlined a funding structure to support IEC
9 of 45 percent each from New York and New
10 Jersey and 10 percent from Connecticut. IEC
11 is respectfully asking the Legislature to
12 modestly increase the appropriation in the
13 Executive Budget, currently 41,600, to an
14 amount sufficient to meet that match in
15 accordance with the tri-state compact --
16 specifically, a \$96,323 appropriation. This
17 appropriation would essentially give New York
18 a 1000 percent return on its money in
19 \$1 million of federal funding.

20 Lastly, I'll be brief, but I did want
21 to bring to your attention one item that may
22 not be related specifically to the state
23 budget but is certainly an item that directly
24 impacts IEC's ability to implement our budget

1 and our projects. Each state is represented
2 on IEC by five commissioners. There are
3 currently two commissioner vacancies for
4 New York. It is my understanding that names
5 of nominees to fill these vacancies are
6 currently in the Governor's office, and it is
7 our expectation and my sincere hope that
8 those names will be forwarded to the Senate
9 for confirmation in the near future.

10 I encourage the Senate to act on those
11 nominations if and when they are forwarded to
12 the Senate for confirmation. It is in the
13 best interest of IEC and New York State to
14 fill those vacancies promptly with informed,
15 engaged citizens of New York State.

16 Again, thank you for your time and
17 attention and providing the Interstate
18 Environmental Commission the opportunity to
19 testify here today, and for your patience in
20 staying with us for the long day.

21 CHAIRWOMAN WEINSTEIN: Thank you for
22 being here.

23 I was about to ask why half of our
24 vacancies, citizen vacancies -- citizen

1 representatives are vacant. So glad to hear
2 that you say that there is a process. We
3 will --

4 MS. POWERS: There is a process.
5 Vacancies have been there for at least three
6 years, some of them. So we are hopeful that
7 with this legislative session, that will be
8 resolved. It's really important for us to be
9 able to operate.

10 CHAIRWOMAN WEINSTEIN: We will
11 certainly look into that.

12 And since I'll be up here doing budget
13 hearings for the next several weeks, if you
14 could say hello to Judy Barron, because
15 you'll probably see her -- or speak to her --
16 before I will.

17 MS. POWERS: I speak to her regularly.
18 Thank you.

19 CHAIRWOMAN WEINSTEIN: Thank you.

20 CHAIRWOMAN KRUEGER: Thank you very
21 much for your testimony.

22 Unless the last testifier wants to
23 admit they're actually here -- nope -- then
24 we're going to be officially closing this

1 hearing.

2 Thank you all for your patience
3 staying with us all day, Assemblymembers,
4 Senators, our staffs. I want to recognize
5 the two transcribers who sit there doing
6 unbelievable work, never leaving -- I don't
7 even understand that part -- for a record
8 number of hours.

9 And guess what? We will be back here
10 tomorrow morning at 9:30 for the
11 Human Services hearing. So get to sleep
12 fast.

13 (Laughter.)

14 (Whereupon, the budget hearing concluded
15 at 8:19 p.m.)

16

17

18

19

20

21

22

23

24