



**Testimony of Jeremy Cherson
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**Joint Legislative Public Hearing on SFY 2023-24 Executive Budget Proposal:
Environmental Conservation**

Thank you to the chairs and members of the Senate and Assembly committees represented here for the opportunity to submit testimony.

Riverkeeper protects and restores the Hudson River from source to sea and safeguards drinking water supplies, through advocacy rooted in community partnerships, science and law. We envision a future in which the Hudson River, its tributaries and watershed, and the New York City drinking watershed are: restored to ecological health and balance, free-flowing, resilient, and teeming with life, reliable sources of safe, clean drinking water, recovered from historic and inequitable environmental harms, safe and accessible for swimming, fishing, boating and other recreational activities and valued and stewarded by all.

Recent actions by the legislature have established New York State as a national leader on clean water and environmental protection including the passage of the historic Climate Leadership and Community Protection Act, a ban on single use plastic bags and polystyrene containers, and the billions appropriated to the Clean Water Infrastructure Act. The SFY2023-24 Executive Budget proposal includes sustained funding for programs that touch the lives of all New Yorkers. We support many of Governor Hochul's proposals related to clean water policies but continue to urge for even greater investments in our wastewater system.

\$400 million Environmental Protection Fund

Riverkeeper is a member of the broad Clean Water & Jobs coalition that supports the Governor's proposed funding for the Environmental Protection Fund (EPF) at \$400 million as part of a multi-year goal to reach a \$500 million allocation. The legislature is a strong champion of the EPF, and we urge you to continue your commitment to this important source of funding. However, like our colleagues, we are particularly concerned about language in the EPF that would authorize the unrestricted use of EPF funds for bolstering agency staff. This use of capital funds for staffing is an unacceptable attempt to offload important capital funds and should be soundly rejected by the legislator, as has been done in years past.

Hudson River Estuary Program and Mohawk Basin Program

The Department of Environmental Conservation's Hudson River Estuary Program and the Mohawk Basin Program are the state's only programs dedicated to protecting the Hudson River and its watershed. Recognizing it as an indispensable source of technical advice, community grants and planning expertise, this executive budget proposal maintains FY2023 funding at \$7.5 million, inclusive of \$1 million for the Mohawk Basin Program, after increasing it by \$1 million from the FY2022 budget, and we are grateful for this ongoing commitment.

The Estuary Program has created beloved projects like the Day in the Life of the Hudson and Trees for Tribes, introduced thousands of school children to the wonders of the American eel, and helped bring the concept of the “Big Night” for amphibian migration into the vocabulary of hundreds of volunteers who monitor and protect vernal pools. **It has made the Hudson Valley a leader in climate resilience and adaptation, through support of communities developing climate adaptation plans.** The program coordinates research needed to ensure the recovery of the Hudson’s signature fish from sturgeon to the economically important striped bass. It funds high-profile and high-impact projects, including Riverkeeper’s recent removal of dams to promote healthy free-flowing creeks.

A newsletter from the Estuary Program on February 1st, 2022 highlights some of the important work Riverkeeper is able to accomplish with the partnership of this outstanding program, “DEC grant funding helps communities assess and replace these barriers. In the fall of 2021, [Riverkeeper](#), in partnership with DEC, removed two obsolete dams on tributaries to the Hudson: the **Strooks Felt Dam on the Quassaick Creek in Newburgh, and a dam on Furnace Brook in Oscawana Park in Cortlandt.** The dams were the first barriers for fish movement upstream from the Hudson River. Removing the dams is improving water quality and habitat for resident and migratory fish, including river herring and American eel. DEC and partners are monitoring the streams to see how the dam removals may have benefited water quality and habitat. Free-flowing natural conditions now extend upstream at both locations. **Funding for the dam removals was provided by the NYS Environmental Protection Fund (EPF), administered by Hudson River Estuary Program with grants for Tributary Restoration and Resilience.”¹**

Currently, through the implementation of the [Mohawk River Basin Action Agenda](#) 2021-2026, supported by a \$1 million investment through this line item will support water quality and habitat, enhance flood resiliency in the Mohawk River watershed. \$600,000 is being made available to ranging in awards from \$15,000 to \$50,000 to non-profits and local governments for projects and important research. None of this would be possible without the continued support from the legislature.

In 2021 the program supported projects at 165 locations, with over 39 Estuary Grants (77 percent in environmental justice communities), and 24 curriculum modules for watershed education in the classroom. In total, this funding helped bring in more than \$10 million in grants and funds from other sources. 43 percent of the Estuary Program’s environmental education takes place in environmental justice communities. The Estuary Program is at the front lines of preparing the Hudson River Estuary communities for the impacts of climate change.

The needs of the Hudson Valley region served by the Estuary Program are considerable and increasing. They include planning and implementing programs such as drinking water source protection and harmful algal bloom prevention; advancing dam removal and culvert right-sizing initiatives; promoting climate resiliency planning and implementation locally and regionally. The Estuary Program has released its next five year action agenda, setting an ambitious agenda for the next decade supported by a wide variety of stakeholders.²

¹ <https://content.govdelivery.com/accounts/NYSDEC/bulletins/307ac26>

² https://www.dec.ny.gov/docs/remediation_hudson_pdf/hreaa2021.pdf

Recent grant awards from the Hudson River Estuary Program are providing habitat enhancements, educational opportunities, and waterfront access across the Hudson River. Below are a few recent examples of projects that have been awarded through the Estuary Program via the Environmental Protection Fund.

1. Capital Region:

Riverkeeper, Inc. received \$150,000 from the DEC for the Undamming Mill Creek project, which funds site assessment, survey, structural engineering evaluation, and preliminary design and engineering plans for the removal of Kenwood Mill Dam on Mill Creek in the city of Rensselaer (this will open a critical habitat for river herring and American eel).

2. Hudson Valley:

Cary Institute of Ecosystem Studies received \$75,000 from the DEC to fund Mid-Hudson Young Environmental Scientists (MH-YES), a program that will help high school students from underserved communities and groups traditionally underrepresented in STEM fields. The program will build their knowledge, skills, motivation, and confidence to pursue environmental science through a three-week paid research program.

3. New York City:

Waterfront Alliance, Inc. received over \$65,000 (\$65,241) to open underutilized NYC-owned sites along the Hudson River estuary for waterfront access and recreation. This project will create community action plans for two potential access sites to the Hudson in underserved communities on the north shore of Staten Island and The Bronx.

Riverkeeper supports Governor Hochul’s proposal to maintain Hudson River Estuary Program and Mohawk Basin Program funding at \$7.5 million

Water Quality Improvement Program: Maintain at \$22 million

WQIP is, along with the Water Infrastructure Improvement Act, a key source of needed grants to support community investments in wastewater infrastructure. Significant Clean Water Infrastructure Act funds are spent via the Water Quality Improvement Program, but the terms of Water Quality Improvement Program grants are more favorable to communities, typically allowing for less local match and greater state investment per project. The funds should be allocated to the greatest degree possible based on statewide needs, to ensure all communities have access to this important funding source.

Riverkeeper supports sustaining the Water Quality Improvement Program funding at \$22million

Source Water Assessments (EPF): \$5 million

The EPF is a critical funding source for implementing the Drinking Water Source Protection Program (DWSP2) and subsequent Source Water Assessments.³ Communities across the state will benefit both from new Source Water Assessments, which should clearly identify risks to their water supplies, and a robust planning process to prioritize and identify actions to address those risks. For decades, New York and its communities have been under-invested in the planning and implementation of source water protection, and we have unfortunately seen the consequences as communities face drinking water pollution and health concerns as a result. **Outside of New York City's watershed, Source Water Protection costs have not been assessed statewide.** Our assumption is that most communities do not have costs estimated, and a survey could, at this stage, highlight the need to inventory at the local level so the state can plan its investments over the coming years.

The cost of treating or replacing public drinking water supplies, and of treating illnesses that result from drinking contaminated water far outweigh the cost of protecting drinking water at its source. Riverkeeper urges the legislature to continue to support this new program.

Riverkeeper supports \$5 million for Source Water Assessments and encourages additional outreach from the Department of Health to municipalities to ensure the program is utilized to its maximum potential.

Clean Water Infrastructure Act: Increase to \$1 billion

The infrastructure investments made through the Water Infrastructure Improvement Act (WIIA) via the Clean Water Infrastructure Act (CWIA) are the biggest New York State investment in this critical priority in a generation. The legislature's strong support for this program is greatly appreciated. We are supportive of the executive proposal for an additional \$500 million investment in New York's clean water, however urge the legislature to go bigger and fund the program at \$1 billion annually. Supersized funding for the CWIA will position New York to take advantage of federal infrastructure dollars with plenty of funding for required local match contributions. With the first disbursement of Bipartisan Infrastructure and Investment Act award going to the City of Albany (\$725,000) to upgrade wastewater systems to reduce combined overflows into the Hudson River.

The investment, on top of existing investments, helps address the nearly \$80 billion over 20 year documented need for water infrastructure investment in New York, the largest in the nation. The lion's share of the \$4.8 billion in documented wastewater projects in the Hudson River Watershed are needed in and around New York Harbor. Excluding New York City, the Hudson River watershed wastewater infrastructure needs (based on 2022 IUP) have increased consistently since 2017, and are now at \$941m in documented needs.⁴ **This figure based on a 2022 analysis is 60 percent greater than the 2017 need.** As many legislators know, communities outside of New York City face aging and crumbling wastewater infrastructure. For example, the 44 municipally owned wastewater treatment plants that discharge directly to the Hudson River Estuary, rely on at least 1,500 miles of sewer pipe, half of which are over 60 years old.⁵

³ <https://www.dec.ny.gov/chemical/115250.html>

⁴ <https://efc.ny.gov/cw-iup>

⁵ Hudson River Comprehensive Restoration Plan, 2018, "Storm and Wastewater Target Ecosystem Characteristic report," available at <http://thehudsonweshare.org/wp-content/uploads/2018/08/Storm-and-WasteWater.pdf>

Hudson River Watershed communities need at least \$2.2 billion to repair and upgrade wastewater infrastructure, according to a Riverkeeper analysis of New York State’s 2023 list of projects eligible for federal funding. Achieving the “swimmable” goal of the Clean Water Act, 50 years after its passage, hinges on ongoing and stepped-up investments in our wastewater infrastructure.

These costs include upgrades and repairs at wastewater treatment plants—the most visible components of our wastewater infrastructure—but also for projects necessary to maintain the vast network of underground pipes and pump stations that collect and transport sewage. All of this infrastructure is essential for preventing water pollution, but much of it is well past its intended lifespan. The average Hudson Valley

Region	Total Documented Need
Upper Hudson River Watershed (Areas upstream of Troy Dam)	\$56 million
Mohawk River Watershed	\$349 million
Hudson River Estuary (Treatment plants that discharge to the river’s main stem downstream of the Troy Dam)	\$399 million
Tributaries to Hudson River Estuary (All other treatment plants downstream of Troy Dam)	\$193 million
New York City (The 7 treatment plants located within the Hudson River Watershed boundary)	\$1.184 billion
Hudson Watershed Total*	\$2.180 billion
New York State Total	\$5.737 billion

sewer line is over half a century old, according to data compiled by the Hudson River Estuary Program.

The poor condition of our local infrastructure is not unique to New York, though New York has the greatest need of any state for wastewater infrastructure investments. In its 2022 report card, the American Society of Civil Engineers gave American wastewater infrastructure a D+, indicating that it is highly vulnerable to failure. Those failures mean raw or partially treated sewage leaking into our streams and rivers, and they are common during wet weather. For instance, in the last week (September 19-26, 2022), these communities issued one or more alerts due to sewage overflows: Fort Edward, Glens Falls and Hudson Falls in the Upper Hudson River; Amsterdam, Little Falls and Utica in the Mohawk River; Albany, Kingston, Green Island, Hudson, Newburgh, New York City,

Poughkeepsie, Rensselaer, Troy and Watervliet in the Hudson River Estuary.

Each of these communities, along with Village of Catskill, City of Cohoes and Westchester County, have combined sewers that discharge raw sewage mixed with stormwater when it rains, because their sewers were designed to carry both street runoff and sewage, leading to overflows when pipe capacity is exceeded by an influx of rain water. Each of these communities is, 50 years after the passage of the Clean Water Act, in the process of reducing overflows under “Long Term Control Plans” requiring separation of sewers, increases in treatment capacity, installation of green infrastructure or other improvements.

In a time of rapid climate change, when extreme storms are more common, overflows will come more frequently if infrastructure is not right-sized for current and future storm size. As Riverkeeper has documented repeatedly, data show that rain causes degradation of water quality in many communities, and after extreme storms, the impacts are more severe.

Fortunately, the ASCE highlighted some positive national trends that are evident in New York. First, asset management planning is increasingly prevalent, in part due to Riverkeeper’s advocacy to establish a program to support community-level planning for replacing and upgrading systems before they fail. These

plans help municipalities manage infrastructure proactively, rather than jumping from crisis to crisis, which reduces costs and promotes sustainability.

Another trend is resilience-based planning. About one in four wastewater treatment plants are at risk from flooding even at current sea level, according to a Wastewater and Stormwater analysis completed as part of the Comprehensive Hudson River Restoration Plan. For wastewater infrastructure, improving resilience in the face of climate extremes means ensuring that pipes, pump stations and treatment plants can handle increased flows from large storms, and infrastructure is protected from sea-level rise and flooding.

The Hudson River Watershed contains about one-third of the state's wastewater treatment facilities, yet it accounts for nearly 40% of the documented needs.

Riverkeeper supports the Governor's proposal for an additional \$500 million appropriation to the CWIA but urges the Legislature to increase the line to \$1 billion in annual funding.

Support Once in a Generation Agency Staffing Increases

Riverkeeper strongly supports the executive proposal to increase in staff numbers several vital agencies: Department of Environmental Conservation (230) support the implementation of the Environmental Bond Act and support regulation and permitting activities. Additional investments at the Department of Health as well as the Office of Parks, Recreation and Historic Preservation are warranted and welcomed. This is a significant investment and welcomed invest in the states environmental workforce that will benefit New Yorkers for generations to come. The staff deficiencies created in the wake of the Great Recession at our state agencies significantly impacted the New York's agencies charged with protecting water, soil, air, wildlife and human health struggles to implement and enforce federal and state law while being asked to shoulder ever greater responsibility each year.

Riverkeeper strongly supports Governor Hochul's proposal for a historic and bold increase in state agency staff.

All Electric Buildings Act

Riverkeeper is supportive of the proposal included in the Executive Budget to move New York to an all-electric future. A phase out of fossil fuel heating and appliances in new construction is an important step forward and one endorsed by the Climate Action Council's Final Scoping Plan. We are concerned with the delayed timeline for phase out proposed in the Executive budget and urge the Legislature to include a version of the legislation with a more aggressive implementation as proposed in A920A/S562A.

Conclusion

New York State's actions in recent years to support water infrastructure, drinking water quality and source water protection have made tremendous progress over the last few years. Governor Hochul's proposed budget fulfills New York's commitment to fund \$5 billion for clean water since 2017 to fruition and maintain \$400 million for the Environmental Protection Fund, however there is a need for even greater

investments given the demonstrated need. We encourage the legislature to support these proposals and incorporate our recommendations into a final budget agreement. Thank you for your consideration and for the opportunity to submit this testimony.