



**Department of
Environmental
Conservation**

**Testimony of
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Commissioner**

New York State Department of Environmental Conservation

**Before the New York State Legislature
Assembly Standing Committee on Ways and Means
Senate Standing Committee on Finance**

**Hearing on
The 2024-2025 Executive Budget Recommendations for the
Department of Environmental Conservation**

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Good afternoon, Chair Krueger, Chair Weinstein, Chair Harckham, Chair Glick, and distinguished members of the Legislature, I am Basil Seggos, Commissioner of the New York State Department of Environmental Conservation (DEC). Thank you for the opportunity to discuss Governor Kathy Hochul's environmental priorities for the Fiscal Year 2024-2025 (FY 24-25) proposed state budget.

Two-thousand-and-twenty-three was a year of both significant environmental accomplishments and persistent and pervasive reminders of the unprecedented environmental and climate challenges we are facing. Record rainfalls pushed rivers over their banks and destroyed infrastructure in the Hudson Valley, Southern Tier, and Adirondacks. Severe coastal storms eroded dunes, beaches, and properties along Long Island's south shore. Historic wildfire smoke from Canada reached every corner of the state. These, among many other public health and safety risks, required sustained and effective action. I can confidently report that DEC and our many local, State, and federal partners excelled in working together this past year to help address immediate needs, mitigate ongoing threats, and continue adapting to the new normal wrought by our changing climate.

Under Governor Hochul's leadership, and with our strong partners in the State Legislature, New York advanced numerous policies, programs, and investments to meet the needs of communities across the state. This included efforts to implement the Climate Leadership and Community Protection Act; our first investments under the \$4.2 billion Clean Water, Clean Air and Green Jobs Environmental Bond Act of 2022; and numerous initiatives to protect natural resources, enhance public health and safety, and help more visitors access and enjoy the outdoors.

In her 2023 State of the State Address, Governor Hochul set a bold tone for prioritizing a sustainable and affordable climate future. The New York Cap-and-Invest Program (NYCI) we are developing will include a declining cap on greenhouse gas emissions, generate revenue for programs that reduce emissions in an equitable manner, maintain affordability for all New Yorkers, and maintain the competitiveness of New York industries. Over the past year, DEC, in coordination with the New York State Energy Research and Development Authority (NYSERDA), conducted extensive stakeholder outreach and data analysis to develop the implementing regulations for NYCI and ended the year by releasing a pre-proposal currently out for public comment, with draft regulations anticipated later this year. Just two weeks ago we held three important webinars to describe the pre-proposal to stakeholders.

Last year also saw the multi-agency launch of the Bond Act, with DEC laying the foundation of staffing and program elements to advance this historic investment. In Buffalo, Governor Hochul kicked off a 10-stop statewide listening tour where I joined staff from DEC, more than 10 sister agency partners, and many of you to educate New Yorkers on how the investments will be made and to solicit potential project ideas. We have now shifted to implementation by assessing proposed projects, developing the required funding eligibility guidelines, and getting money out the door for critical programs around the state. Our multi-agency State working group is hard at work identifying new and existing programs to help distribute Bond Act funds according to the categories set in statute, while also prioritizing benefits to disadvantaged communities.

New York State has started delivering Bond Act money for qualified projects, with more than \$1 billion in Bond Act funds committed to date for water infrastructure, open space projects, zero-emission school buses, green infrastructure, voluntary home buyouts, and Clean Green Schools, among other investments. Two weeks ago, Governor Hochul also announced that Bond Act funds will support the ongoing construction of the world-class Adirondack Rail Trail and assist storm-ravaged coastal communities on Long Island. This is just the start of the multi-year rollout of Bond Act investments that will help transform and strengthen our state.

Bond Act funding complements New York State's sustained and historic investments to improve and enhance water quality. Critically important projects like the State's \$150 million partnership with the City of Mount Vernon and Westchester County is addressing the City's longstanding water infrastructure crisis. DEC also invested \$30 million statewide to support the repair and replacement of septic systems to help prevent pollution from impacting waterbodies. This year, the Governor launched a new program to help improve the Finger Lakes by supporting research, mitigation, and public participation in these world-class watersheds.

Additional highlights from 2023 that demonstrate the progress made in achieving DEC's mission. DEC:

- facilitated the Climate Justice Working Group's work to finalize disadvantaged communities criteria required in the Climate Act. The criteria include 45 indicators of population characteristics, environmental burdens, and climate change risks to identify communities eligible for investments from the Climate Act, the Bond Act, and other policy, permitting, and funding decisions. This will guide the State to effectively meet or exceed our disadvantaged communities investment targets. For example, more than 50 percent of our water grants in 2023 went to disadvantaged communities.
- released for public review and comment multiple draft policies to provide clarity and guidance for implementing the Climate Act and evaluating and averting disproportionate impacts of permitting actions on disadvantaged communities.
- completed on-the-ground mobile data collection in 10 communities as part of the statewide Community Air Monitoring initiative, the first and still the biggest effort of its kind in the nation. To support this landmark effort, DEC held dozens of community meetings to share updates on the progress of this effort to address disproportionate pollution burdens.
- updated the Value of Carbon guidance, issued the annual Greenhouse Gas Inventory, and drafted regulations to address two of the most potent greenhouse gases as part of ongoing efforts to implement Climate Act requirements.
- finalized the State Solid Waste Management Plan, a 10-year roadmap for advancing sustainable waste management to reduce landfilled waste.
- partnered with Feeding New York State, supported by \$4.8 million from the Environmental Protection Fund, to divert more than five million pounds of nutritious food from landfills and donate wholesome food to food banks and food insecure New Yorkers.
- finalized the agency's first-ever Sustainability Plan to ensure we are leading by example and advanced key initiatives to reduce emissions, waste, and the use of toxic products, while also improving habitats across our regional offices, State lands, and sites.

- implemented three new laws in 2023 that will reduce the presence of toxic chemicals in products: a sales ban under the Toxic Chemicals in Children's Products law; a ban on the use of coal tar pavement sealers; and further reductions in 1,4-dioxane in household cleaning and personal care products.
- secured federal Bipartisan Infrastructure Act and Inflation Reduction Act grants totaling \$33 million to reduce methane by monitoring and mitigating emissions from active and orphaned oil and gas infrastructure.
- responded to the unprecedented impacts of smoke from wildland fires across Canada. DEC's Division of Air Resources closely monitored air quality conditions statewide and worked with the Department of Health to issue timely public health advisories that millions of New Yorkers depended on, while DEC Forest Rangers and wildland firefighters responded to multiple deployments to assist firefighters in Canada and western states with suppression efforts.
- issued 58 Certifications of Completion for sites in the highly successful Brownfield Cleanup Program and accepted 68 new sites into the program, ensuring the protection of public health and the environment by cleaning up historic contamination, while supporting the revitalization of neighborhoods and strengthening local economies.
- bolstered our relationships with Indigenous Nations to collaborate on issues of environmental justice, climate change resiliency, hazard mitigation planning, emerging contaminants, natural resource management, hunting and fishing rights, and recognition of traditional, cultural practices.
- launched a full redesign of the agency's public website to optimize information, particularly when viewed on mobile devices. With 29 million page views, the website is a vital tool for keeping the public informed and engaged with information, programs, and services.
- celebrated the 30th anniversary of the 'Becoming an Outdoorswoman' Program, which focuses on skills such as fishing, archery, hunting, trapping, navigation, survival, camping, and canoeing.
- seized more than 14,000 units of illegal pesticides in New York City as part of Operation ECO-Quality. DEC Divisions of Law Enforcement and Materials Management conducted English- and Spanish-language outreach to inform the public about the potential harmful effects of illegal pesticide use.
- achieved the Shellfish Restoration Initiative's multi-year goal of stocking more than 167 million juvenile and adult shellfish, helping restore shellfish populations, improve water quality, support the shellfish industry, and build stronger coastlines.
- completed 84 projects to date through the multi-agency Lake Ontario Resiliency and Economic Development Initiative to repair damaged infrastructure, help mitigate potential flooding, and adapt to future high-water events.

Looking forward, Governor Hochul's Executive Budget proposal for FY24-25 delivers the investments and policies needed to help communities statewide adapt to and mitigate the effects of our changing climate, while building on DEC's proven track record of accomplishments. With the support of the Executive, DEC is well prepared to put our plans into action and deliver real results for New Yorkers.

In particular, the Governor is proposing significant investments in proven programs to protect

our environment. This includes maintaining the State's Environmental Protection Fund (EPF) at a record \$400 million. EPF investments support climate change mitigation and adaptation, promote sustainable agriculture, protect water resources, advance conservation, and enhance recreation for all New Yorkers, while helping the State leverage federal investments in similar programs.

To continue addressing New York's aging water infrastructure, the Executive Budget proposal builds on the State's nation-leading investments in water quality by providing \$500 million in clean water infrastructure funding over the next two years, augmented by billions in federal funds and the support of the Bond Act. These resources will help DEC and our partners at the Environmental Facilities Corporation and Department of Health put New Yorkers to work advancing projects that provide clean drinking water and enhance water quality and habitat.

To further help communities build resilience, Governor Hochul's State of the State Address and Executive Budget introduced a suite of initiatives and investments to protect New Yorkers from extreme weather, including:

- the new Blue Buffers Voluntary Buyout Program to encourage buyouts in communities most vulnerable to flooding.
- expanded investments to repair aging flood control projects and help restore or remove high hazard dams.
- the Green Resiliency Grant Program to support green infrastructure improvements across the state such as green roofs and permeable pavement.
- the new Resilient Watersheds Implementation Grant Program that will fund priority flood mitigation projects statewide. Governor Hochul is also directing DEC to advance 40 state-of-the-art flood resilience studies in flood-prone watersheds.
- increased water infrastructure grants for small rural communities from 25 to 50 percent of net eligible project costs.
- growing DEC's Climate Smart Communities Program by increasing maximum grant awards for struggling localities.
- updating the regulatory scoring method for funding water infrastructure to prioritize asset management and resilience to climate change.
- updating Coastal Erosion Hazard Area Maps, which are essential to protect communities and enhance flood resilience, so that communities and permit applicants can quickly determine if a property is within a coastal erosion hazard area.

To complement these efforts, the Executive Budget proposal also includes support for DEC in our mission to oversee and regulate air emissions in New York State by right-sizing operating fees for air permits for certain facilities and further builds on our commitment to reducing environmental burdens in disadvantaged communities.

To address DEC's capital needs and facilitate access to State lands and sites, the Executive Budget proposal includes \$90 million in NY Works funding, which will be instrumental in rehabilitating campgrounds and upgrading widely used recreational facilities and dams, and a

new capital appropriation to help New York meet the Governor's ambitious goal of planting 25 million trees in the next decade.

To support these proposals, DEC's budget for the coming year recommends State Operations funding of \$579.1 million, an increase of \$27.4 million from the 2023-24 Enacted State Operations Budget, to accommodate negotiated salary increases and Bond Act support staff for all New York State agencies. DEC's Capital budget is \$9.7 billion from all sources, including the Bond Act and water funding. The Governor's Executive Budget maintains DEC staffing at 3,313, keeping DEC at the highest level in more than a decade.

I am grateful to the Governor for recognizing DEC's critical role and providing us the resources necessary to meet our core mission while advancing transformational changes across every sector of our economy. It is an enormous challenge, but I have no doubt DEC will succeed in meeting the moment.

Thank you, as always, for the opportunity to provide this testimony today. I look forward to continuing these conversations during the 2024 Legislative Session and throughout the year ahead to help better serve your constituents and create a brighter, more resilient future for all New Yorkers.