



Joint Legislative Hearing: Environmental Conservation

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My name is Adrienne Esposito, and I am the Executive Director of Citizens Campaign for the Environment (CCE). Founded in 1985, CCE is a 120,000 member, non-profit, non-partisan advocacy organization working to empower communities and advocate solutions that protect public health and our natural environment across New York State.

Thank you for the opportunity to provide testimony today. Below are CCE's recommendations for the SFY 2025-2026 budget. In addition to our comments, please note that CCE supports recommendations of coalitions we are engaged with, including New Yorkers for Clean Water and Jobs, the Just Green Partnership, and New York Clean Water Coalition.

INVEST IN THE CLEAN WATER INFRASTRUCTURE ACT (\$600 MILLION)

New York State made history when the legislature worked with the previous administration to enact the Clean Water Infrastructure Act (CWIA) of 2017, which invested \$2.5 billion over 5 years in upgrading wastewater and drinking water infrastructure, protecting source water, implementing septic system replacement programs, replacing lead pipes, and several other provisions to protect our treasured waters across the state. The last six years' budgets each included an additional \$500 million. To date, this successful program has received \$5.5 billion to upgrade clean water infrastructure. This program is helping to deliver clean, safe, and affordable drinking water to all New Yorkers. Ratepayers alone, particularly in disadvantaged communities, would not be able to afford to advance critical clean water projects without this essential state funding.

New York has stepped up as a national leader—investing more than any other state—in protecting clean water. Investments made through the CWIA are making a tremendous impact in advancing shovel-ready projects and creating jobs throughout New York. Every million dollars invested in the CWIA is estimated to create 17 jobs. Extrapolated out, the \$5.5 billion appropriated in the CWIA thus far is estimated to create 93,500 jobs!

The good news is that we have seen success in every region across our state, however, the fact remains that we have much more work to do to make water safe and affordable for all New Yorkers. Every community in NYS has significant clean water needs, from small villages in Upstate NY, to all five boroughs of NYC, to the shores of Long Island—NYS must find a way to support and fund all of our clean water needs across the state. *According to the U.S.*

Environmental Protection Agency (EPA), its estimated that the combined wastewater and drinking water infrastructure needs in the state are at nearly \$90 billion over the next 20 years. This massive estimate is a conservative estimate, as it does not include new significant clean water needs resulting from the implementation of federal regulations or other needs currently being assessed. For instance, Nassau County was provided a new report by Veolia which assessed wastewater infrastructure pipes owned by the County. The report identifies \$250 million for needed repairs for fixing pipes that are aging, cracking, leaking and breaking. One significant consequence of leaving this aging infrastructure unaddressed will be more sink holes causing more damage and adding additional costs to taxpayers for the repair costs.

Additional costs include, but are not limited to:

- **The cost of implementing EPA’s finalized drinking water standards, called Maximum Contaminant Levels (MCLs), for PFOA, PFOS, and other PFAS chemicals.** The New York State Department of Health estimates that the EPA standards, which are more stringent than New York’s current standards, *will impact 296 additional communities not covered by NY’s current standards.* Installing advanced treatment technology to remove these harmful contaminants is critical to protect public health, but it will also be very costly and will require additional state funding. If the average cost of a granulated activated carbon system is \$1.5 million each, that would result in New York water suppliers needing to spend an additional \$444 million just on treatment technology for PFAS chemicals.
- **The cost of implementing EPA’s final Lead and Copper Rule, which requires replacing 100% of New York’s estimated 494,000 lead drinking water pipes.** The EPA has adopted its Lead and Copper regulations that will require 100% replacement of lead pipes by 2037. This will help to protect the health of millions of New Yorkers, especially our children, but will cost approximately \$4.5 billion to communities across New York. New York communities cannot bear this burden alone—additional state funding, in the form of grants, will be needed to accomplish this important and ambitious goal. CCE urges NYS to provide at least \$100 million annually to support replacement of lead drinking water pipes.

In addition to complying with new federal regulations, New York must also consider that the new federal administration—while currently only days into its administration—is already taking steps to abdicate its responsibility to protect and invest in clean water. On January 21, 2025, President Trump signed an executive order stating “All agencies shall immediately pause the disbursement of funds appropriated through the Inflation Reduction Act of 2022 or the Infrastructure Investment and Jobs Act.” The holding of these critical funds, along with potential

cuts to key water programs in annual appropriations, will significantly hamper New York’s ability to maintain and upgrade water infrastructure and comply with important drinking water regulations. Given the lack of support from our federal government, New York State must step up and make meaningful investments in clean water infrastructure.

CCE is encouraged that the Governor, after last year proposing just \$250 million annually for the CWIA for two years, has now proposed to maintain funding for the CWIA at \$500 million in her 2025-26 executive budget proposal. While this is a step in the right direction, CCE, along with our partners in the New York Clean Water Coalition—comprised of environmental groups, wastewater treatment operators, drinking water suppliers, and other clean water stakeholders—are strongly urging the Senate and Assembly to support a \$600 million investment in the Clean Water Infrastructure Act in the final 2025-26 NYS budget. Increased funding is needed to keep clean drinking water affordable for all New Yorkers.

Currently, demand outpaces available resources, while New York State has demonstrated that it can get money out the door.

- **CWIA programs are in high demand and are oversubscribed:** Clean Water Infrastructure Act programs are successful and popular, with many programs being oversubscribed every year. In particular, the Water Infrastructure Improvement Act (WIIA) program, which provides grants to local governments for wastewater and drinking water infrastructure projects, and accounts for the majority of CWIA spending, is consistently oversubscribed. In 2024, municipalities requested \$1.45 billion in grants for 441 projects, the highest amount requested in the program’s 9-year history. While a significant number of projects were funded, many were not—**271 eligible, shovel-ready applications, requesting \$744 million, did not receive the funding they needed.**
- **New York can spend more money on much-needed projects:** CCE applauds the Hochul administration for accelerating spending of CWIA funding. In 2024, NYS demonstrated that it could not only spend more than the \$500 million appropriated, but also, spend in excess of the \$600 million the Clean Water Coalition is advocating for. **In 2024, NYS awarded approximately \$800 million to at least 250 projects.** Providing additional funding for the CWIA in the 2025-26 SFY budget will help ensure dangerous lead pipes are replaced, drinking water filtration is installed to remove PFAS, and other critical projects necessary to protect public health are completed in a timelier manner.
- **Affordability:** We all can agree the public not only deserves and requires clean water, but drinking water must also be affordable. WIIA grants have been immensely important to keep water rates at an affordable level for all members of the public. The challenge of affordable water continues across our state and the grants are meeting that challenge.

CCE supports the Governor’s proposal in the SOTS book, which would establish a grant program to assist homeowners test and remediate private wells contaminated with emerging contaminants, including PFAS. There are 1.1 million private wells in New York

State, serving nearly four million residents. New York has established drinking water standards on two PFAS chemicals—PFOA and PFOS—to protect New Yorkers served by public water systems. However, private well owners are left out of this important clean water need. Many private well owners with toxic PFAS in their drinking water cannot afford to pay thousands of dollars to install and maintain treatment technology or hook up to a public water system. CCE supports establishing a grant program to help private well owners install treatment technology or hook up to a public water system if they detect toxic PFAS chemicals in their drinking water.

I can tell you firsthand, as someone who works in communities that have private wells that are contaminated, how stressful and frustrating this is for the public. We urge the legislature to support this addition to the CWIA and look forward to learning more about how the grant program would work and how much funding would be provided.

Other asks related to Clean Water Infrastructure Act Funding:

- **Line out CWIA categories with specific funding amounts in the SFY 2025-26 budget.** When the \$2.5 billion Clean Water Infrastructure Act was established in 2017, CWIA programs included specific funding amounts lined out in the state budget. However, as the state moved forward with annual appropriations of \$500 million beginning in 2019, funding was provided in a lump sum. The result of this has been CWIA programs not receiving adequate funding amounts, along with a lack of transparency.

Governor Hochul has once again proposed to provide funding for the CWIA as a lump sum in her executive budget proposal for SFY 2025-26. We urge the legislature and the Governor to line out funding category allocations with a minimum associated sum in the final budget to provide transparency and to help ensure all our clean water needs are being adequately met.

- **Require Annual Reporting on CWIA Spending:** Providing transparency into how CWIA funding is spent is necessary to ensure that this funding is adequately supporting all the programs within the CWIA and the communities with the most significant clean water needs. Unfortunately, much of CWIA spending is unreported. In 2023, the office of Senator Liz Krueger, Chair of the State Senate Finance Committee, was able to secure comprehensive data on CWIA spending. For the first time, legislators and advocates were able to see where funding was and wasn't being spent. With a recent update provided in January 2025 by Environmental Advocates NY, we were informed that the CWIA had awarded \$4.4 billion on approximately 2,500 clean water projects since 2017, with over half of the spending going to environmental justice communities. This critical information on CWIA spending should be provided routinely and not require lengthy inquiries by legislators on an annual basis. CCE urges the Governor and legislature to include language in the SFY 2025-26 state budget that requires annual reporting on CWIA spending that is made publicly available.

- Require that At Least 35% of CWIA Funding Go to Disadvantaged Communities:** People living in disadvantaged communities are disproportionately harmed by pollution; however, these communities often lack access to their fair share of environmental funding. To address these inequities, New York State has passed legislation in recent years (i.e. Climate Leadership and Community Protection Act, Environmental Bond Act) that requires a minimum of 35% of environmental funding to go to disadvantaged communities. The CWIA has no such requirement. We urge the Governor and legislature to require that a minimum of 35% of CWIA funding go to disadvantaged communities in the SFY 2025-26 state budget.
- Increase Eligibility to the Septic System Replacement Fund Grant Program to Help More Homeowners:** The NYS Septic System Replacement Fund, under the CWIA, is assisting homeowners with grants in eligible counties across the state to replace failing septic systems with new advanced treatment systems, called Innovative Alternatives (IAs), which reduce pollution and protect local waterbodies. However, the current formula of providing a grant for 50% of the project cost (up to a max of \$10,000) is inadequate for many homeowners to purchase the costly IA systems. We urge NYS to increase the septic replacement grants to 75% of the project cost (up to a max of \$20,000), to make it more affordable for homeowners to replace their failing septic systems and cesspools.
- Expand Capacity to Test Water for Emerging Contaminants:** Currently, municipal samples for emerging contaminants, such as PFAS, are sent to laboratories certified through DOH's Environmental Laboratory Approval Program (ELAP). As New York regulates more emerging contaminants to protect drinking water from new threats and implements new federal drinking water regulations for PFAS and lead, existing backlogs and delays at ELAP labs are expected to worsen.

CCE has been in conversations with municipalities who have reduced testing for PFAS at toxic plumes and for plume characterization needs due to the cost of sampling and the long wait times for results. Additional resources are needed to ensure laboratories have sufficient capacity to handle increased testing. To ensure timely results for testing water for emerging contaminants and to protect public health statewide, we urge the legislature to ensure state funding to further expand capacity to test for emerging contaminants.

INCREASE STATE AGENCY STAFFING TO PROTECT OUR ENVIRONMENT AND PUBLIC HEALTH (DEC, EFC, AND DOH)

New York's state agencies are working to implement growing mandates, including the Climate Leadership and Community Protection Act, Clean Water Infrastructure Act, and Freshwater Wetlands Protection, while continuing to provide critical permitting, public safety, and enforcement services on day-to-day basis. Despite the significant increase in responsibilities, staff levels are far lower than they were decades ago. Agencies cannot do more with less; they

are doing less with less. **CCE strongly supports staff increases at the NYS Department of Environmental Conservation (DEC) and Environmental Facilities Corporation (EFC), however, we must put a particular emphasis on the need to increase staff levels at the NYS Department of Health, given historic and unprecedented need:**

The NYSDOH Bureau of Public Water Supply Protection has a vital role in drinking water public health protection. Despite stagnant staffing levels, DOH is now tasked with an *unprecedented level of responsibility* to implement a host of state and federal regulations, including EPA's PFAS MCLs, Lead and Copper Rule, and several others. To ensure that these critical public health protection regulations are implemented in a timely manner and NYS DOH has primacy in overseeing implementation and enforcement, more DOH agency staffing is urgently needed.

INCREASE FUNDING FOR THE ENVIRONMENTAL PROTECTION FUND (\$500 MILLION)

Since 1993, the New York State Environmental Protection Fund (EPF) has invested in projects to protect and restore our land, air, and water resources in every community across the state, from small villages in WNY to all five boroughs of New York City. EPF programs help to create jobs, support tourism, protect clean water, conserve open space, save family farms, bolster recycling programs, revitalize waterfronts, build community parks, and so much more. The EPF supports 350,000 jobs across the state, and EPF-supported industries generate approximately \$40 billion in economic activity every year. CCE is grateful that the legislature and Governor worked to maintain funding levels for the EPF in last year's final budget, with no raids to pay for agency staffing.

While the EPF has been very successful in every region in the state, needs continually outpace available resources, and it is time to increase the funding level of this program. Many EPF programs have years-long waiting lists for funding or need that far outpaces current appropriations. Continuing to effectively move these programs forward and scale up their impact will complement the Bond Act and other environmental programs that protect clean water and create jobs. ***CCE strongly supports an increase of the EPF to \$500 million in the final 2025-26 state budget.*** Within a fully funded \$500 million EPF, CCE supports increases to the following line items:

- **Ocean and Great Lakes Program (\$25 million)**

The Ocean and Great Lakes Program is the state's primary source of funding for scientific research, management planning, and restoration projects to improve the coastal health along both our Great Lakes and the Atlantic Ocean. It helps advance the ambitious agendas found in the state's publicly-vetted New York Ocean Action Plan and Great Lakes Action Agenda 2023, and to plan for new uses. Increased funding through this line would help leverage cleanup of Great Lakes' toxic hot spots, known as Areas of Concern

(AOCs), in addition to other important restoration actions identified in the federal Great Lakes Action Plan; implement the Ocean Acidification Task Force actions identified in their final report, help advance responsibility sited offshore wind, and more.

Governor Hochul has proposed to maintain funding at \$22.5 million in this year's executive budget proposal. *Given the massive needs associated with protecting and restoring our Great Lakes and Ocean resources, we respectfully urge the legislature to support an increase to the Ocean and Great Lakes line, up to \$25 million in SFY 2025-26.*

- **South Shore Estuary Reserve (SSER) Program (\$7 million)**

The SSER program was created by state legislation in 1993. Since that time, the SSER program had been woefully underfunded by the EPF to support implementation of the SSER Comprehensive Management Plan (CMP). In 2021, the program updated its CMP and additional funding is needed to accomplish new priorities and goals aimed at protecting and restoring this critical natural resource.

The water quality in the Long Island Sound is improving, however, the water quality in the South Shore Estuary is degrading. LI Sound waters have improved because the federal government provided funds to implement the Sound's restoration plan. We can do the same for the south shore estuary. This estuary has extensive Brown Tide, Rust Tide, Mahogany Tide and now a new one – Pink Tide outbreaks. Toxic tides kill shellfish, finfish, turtles and other sea life. The SSER is particularly vulnerable to the impacts of climate change, sea level rise, excessive nitrogen loading, and harmful algal blooms. It is critical that funds are available to support projects that advance resiliency and adaptability of the estuary and address the growing impairments from nitrogen pollution.

After being funded at \$900,000 since 1993, funding for the SSER program was increased to \$2 million in 2022. State agencies, local governments and stakeholders are working hard to achieve progress in the restoration effort, however, much more needs to be done and additional funding is needed. Regrettably, the Governor proposed stagnant funding of \$2 million in her 2025-26 executive budget proposal. We have a unique opportunity in the 2025-2026 budget to increase SSER funding within the EPF, without impacting other categories. We can reallocate the \$5 million in funding from the soon to be completed Bay Park Conveyance Project. This \$5 million dollar allocation for the Bay Park project was intended to assist with the efforts of restoring water quality into the SSER. Since the Bay Park Conveyance Project will be completed in 2025, those funds can be reallocated directly into the SSER program thereby allowing meaningful water quality restoration efforts in the SSER to continue. In addition, if the Legislature adds funds to the EPF, the

SSER should be prioritized. It has been woefully underfunded for decades and the estuary is languishing.

CCE supports increasing funding for the SSER program to \$7 million, which will help advance the identified restoration goals. Specific projects could include, but are not limited to:

- Increased monitoring within the tributaries of the Reserve
 - Implementation of green infrastructure projects to curb harmful stormwater run-off
 - Creation of new fish passage projects to increase habitats for migrating species
 - Rebuilding vital shellfish populations for improved habitat and water quality
 - Comprehensive public educational campaigns to reduce plastic pollution and marine debris
- **Stony Brook University Center for Clean Water Technology (\$1 million)**
The New York State Center for Clean Water Technology (CCWT) was founded by NYS in 2015 to address issues related to contamination of groundwater and surface waters by wastewater with a focus on domestic, onsite wastewater. The state requested the CCWT undergo an important 5-year study, which they are entering the 4th year of, for phosphorus, a pollutant that promotes harmful algal blooms and hypoxia in freshwater and marine ecosystems. There are **178** water bodies in NYS declared as ‘impaired’ by NYSDEC (on the 303d list) due to excessive phosphorus. Phosphorus is a priority pollutant for NY. In December, NYSDEC released its first ever draft guidance values for phosphorus to protect NYS waters; these values cannot be achieved without the means for mitigation.

CCWT has made significant progress addressing phosphorus pollution, having developed novel systems that remove more than 99% of phosphorus from wastewater and groundwater. CCWT has hired seven PhD scientists, and a complement of staff and graduate students focused on phosphorus contamination and remediation in water. The elimination of this funding will halt this program, ensuring these technologies are not advanced and will lead to the unemployment of more than a dozen graduate students and research scientists. **Funding needs to be returned to this program and placed back in the EPF budget for \$1 million.**

TAKE MEANINGFUL ACTION TO PROTECT HORSESHOE CRABS

Horseshoe crabs have existed for over 350 million years, having shared this planet with the dinosaurs. Horseshoe crabs act as a keystone species in the food web. Many migratory birds depend on the horseshoe crab eggs for survival, including threatened birds, such as the Red Knot. Unfortunately, horseshoe crab populations have been drastically depleted, largely due to commercial fishermen who catch these crabs for use as bait. If action isn’t taken to protect horseshoe crabs, they will be vulnerable to local extinction.

Governor Hochul included TED legislation in her 2025-26 executive budget proposal to extend DEC’s authority to manage crabs, including horseshoe crabs. CCE appreciates and supports the need to renew the NYSDEC’s authority to manage crabs, however, this alone is not sufficient to protect horseshoe crabs. The NYSDEC has had the authority to manage this species and unfortunately their efforts have not been successful. The renewal of their authority is necessary to fill the gap while the NYS Legislature works to advance meaningful legislation that will ensure the survival of horseshoe crabs. While it is necessary for the NYSDEC to maintain their authority to manage crabs, there are additional actions New York State can take to aid in the recovery of horseshoe crab populations.

Legislation passed by the legislature in 2024—the Horseshoe Crab Protection Act—which would have banned harvesting of horseshoe crabs for commercial bait and biomedical purposes (similar to what other states in the region have already done), was regrettably vetoed by Governor Hochul in late 2024. Simply reauthorizing the DEC authority to manage horseshoe crabs, which has not helped to save the horseshoe crabs, will not solve our problem. CCE strongly supports reintroduction and passage of the Horseshoe Crab Protection Act to ensure the local survival of this critical species.

SUPPORT THE \$1 BILLION SUSTAINABLE FUTURE FUND TO FIGHT CLIMATE CHANGE (WITH ACCELERATED SPENDING)

Governor Hochul proposed \$1 billion for the Sustainable Future Fund in her executive budget proposal, which would support programs to transition to renewable energy, including thermal energy networks on State University of New York (SUNY) campuses, retrofit homes with clean devices like heat pumps, support building decarbonization, enhance sustainable transportation initiatives, and other activities to support implementation of the State’s Climate Scoping Plan. This funding will help fight climate change, protect clean air and water, create jobs, and save New Yorkers money—helping to make the clean energy transition affordable for all New Yorkers.

The five-year capital program and financing plan indicates that this funding will be spent over the course of five years—\$200 million annually from FY26 – FY30. *CCE strongly supports this program and its goals, however, given the urgency and need to act on climate and the massive needs outlined in the State’s Climate Scoping Plan, we urge the state to spend this funding in a much more accelerated timeframe.*

Furthermore, the Sustainable Future Fund should be seen as a complement, not a replacement, to Cap and Invest. NYS simply cannot implement the CLCPA without Cap and Invest. CCE is disappointed with the current timeline announced by the Governor in her SOTS and strongly urges the Hochul administration to accelerate the process to implement Cap and Invest.

SUPPORT NY HEAT

While included in previous executive budgets, the Governor's 2025-26 executive budget proposal does not include NY HEAT. CCE urges the legislature to work with the Governor to include the HEAT Act in the final 2025-26 state budget.

Fossil fuels burned in New York's building stock for heating, hot water, and cooking account for nearly 1/3 of all greenhouse gas emissions in NYS. Burning these fossil fuels adversely impacts public health, which includes impacts on indoor air quality and contributes to adverse health impacts, such as asthma and heart disease. Currently the Public Service Law promotes gas system expansion by establishing a gas utility obligation to serve any customer upon request while requiring existing customers to subsidize new service connections. This is in contrast to the CLCPA and the goals set under the final scoping plan.

In order for New York to fight the climate crisis, meet mandated CLCPA targets, save utility customers money, and protect public health, we must reduce our reliance on gas, transition to more sustainable utilities, and update regulations. This policy would help to achieve this by eliminating the 100-foot rule, which obligates utilities to serve customers with gas hook ups, at a cost of approximately \$200 a year to ratepayers; and sets up a process for PSC to update regulations and guidelines to move away from gas and meet the goals of the CLCPA. Furthermore, the policy helps to achieve the state goal to protect low-to-moderate income customers from bearing energy burdens greater than 6% of their income, including those burdens imposed by the cost to purchase and operate electric equipment.

SUPPORT OTHER BUDGET PROPOSALS IN THE EXECUTIVE BUDGET

In addition to the budget items listed above, CCE also supports the Governor's proposals to:

- Invest \$108 million to build climate resiliency, including \$78 million for coastal resiliency and \$30 million in Green Resiliency Grants
- Reauthorize Hazardous Waste Superfund and Waste Tires Programs