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Joint Legislative Hearing: Environmental Conservation

Testimony by Adrienne Esposito, Executive Director,

Citizens Campaign for the Environment (CCE)

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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 2026-2027 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 (AT LEAST \$500 MILLION IN SFY 2026-27, AS PART OF A LONG-TERM COMMITMENT \$4.5 BILLION FOR CLEAN WATER)

New York State made history when it enacted the Clean Water Infrastructure Act (CWIA) of 2017, which has since invested a nation-leading \$6 billion in upgrading wastewater and drinking water infrastructure, protecting source water, implementing septic system replacement programs, replacing lead pipes, removing PFAS and other emerging contaminants from drinking water, preventing sewage overflows, and several other provisions to protect treasured water resources in every region of the state—from its source to our taps. This program helps 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.

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 \$6 billion appropriated in the CWIA thus far is estimated to create 102,000 jobs. The most recent round of grants issued in December of 2025 is estimated by the Hochul administration to create 20,000 jobs alone.

New York has earned the recognition as a national leader—investing more than any other state—in protecting clean water. Furthermore, the Hochul administration has demonstrated that it can get this funding out the door efficiently to where it is needed in our communities. In December of 2025 alone, \$453 million was awarded to 83 water infrastructure projects across New York State through critical Clean Water Infrastructure Act programs—the Water Infrastructure Improvement and Intermunicipal Water Infrastructure Grant programs. Throughout SFY 2025, leveraging federal and state funding, which includes the CWIA, New York made an historic \$3.8 billion investment in local water infrastructure projects, including \$1.1 billion in water quality grants in a single fiscal year, significantly reducing costs for local governments, families and businesses.

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), it's 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 significant new clean water needs resulting from the implementation of federal regulations (e.g. EPA drinking water standards for PFOA and PFOS, EPA requirement to replace New York State's estimated 555,696 lead drinking water pipes) or other needs currently being assessed.

Failing to act will threaten drinking water quality, cause community flooding, closed beaches, and degraded public health. The need is urgent. The longer we wait, the worse the problem gets, and the more expensive solutions become.

Our Asks for the Clean Water Infrastructure Act for 2026-27:

- **Provide at least \$500 million for the CWIA in the SFY 2026-27 budget, as part of a long-term commitment of \$4.5 billion over 5 years.** To that end, we are thankful that the Governor proposed to maintain funding for the CWIA at \$500 million in her 2026-27 executive budget proposal and urge the legislature's support.
- **Invest in onsite treatment of leachate at municipal landfills.** Landfill leachate, the toxic liquid that is created as water percolates through landfills, is contained and typically sent to municipal wastewater treatment plants, which are not designed to remove many harmful PFAS chemicals—resulting in pollution of receiving waterbodies. Additional resources are needed to provide effective onsite treatment of toxic leachate at municipal landfills. While the Governor identified this need in her state of the state, additional resources were not specifically provided for this purpose in her executive budget proposal. We urge the legislature to work with the Governor to line-out a funding category for this critical need.

- **Continue a burgeoning program, established in last year’s budget, that provides funding for testing and treatment of private drinking water wells contaminated with PFAS and other emerging contaminants.** There are 1.1 million private wells in New York State, serving nearly four million residents. Unfortunately, limited testing has shown that many of the state’s private wells are contaminated with emerging contaminants. 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 protection measure. We are grateful that the Governor again included this program to tackle private well contamination testing and treatment in her executive budget proposal and urge the legislature to do the same.
- **Provide at least \$100 million to make more progress in replacing New York’s estimated 555,696 lead drinking water pipes.** Per EPA regulations, all lead pipes must be replaced by 2037. There is safe level of exposure to lead, especially for our children.
- **Line out funding category allocations in the CWIA.** Lining out funding will help ensure all our clean water needs are being adequately met.
- **Require annual reporting on spending.** Reporting is critical to ensure program transparency.
- **Require at least 35% of CWIA funds to go to disadvantaged communities.** Similar to what is required in the CLCPA and Environmental Bond Act, the CWIA should ensure that sufficient funding—at least 35%—is being invested in disadvantaged communities.

Additional funding for clean water infrastructure in the state budget:

In the Governor’s executive budget proposal, she proposed \$750 million for water infrastructure in 2026-27 as part of a five-year commitment of \$3.75 billion. While \$500 million of this is for the aforementioned Clean Water Infrastructure Act—strongly supported by CCE—we have significant concerns about the proposal for the additional \$250 million, which will support housing-related water infrastructure, including \$200 million “allocated to support water infrastructure projects necessary to promote housing preservation and development in regions throughout state” and \$50 million “allocated to support water infrastructure projects necessary to promote housing preservation in rural communities.”

While there are legitimate uses of housing-related water infrastructure funding (e.g. redevelopment projects that support affordable housing, certain projects in low-income rural communities, etc), we have significant concerns about the lack of clarification in the executive budget proposal:

The current wording seems to support “developer welfare” for projects not in the best interest of the public or our environment: Developers are typically responsible for the cost of installing water and sewer for their projects—this would push that developer cost on to taxpayers. Over the course of the 5-year capital plan, this would add up to a \$1.25 billion giveaway to developers.

Does not address affordable housing: The language in the bill makes no mention of affordable housing, and in practice, may support the opposite—high end housing developments driven by developer profits.

Subsidizes unsustainable sprawl development: The language is vague, without explicit guardrails on how the funding can be spent, thus giving developers carte blanche to pursue housing developments that are unsustainable and sprawl into green spaces. The language does not include any language requiring proposal to be a redevelopment project or developing on previously disturbed land.

Takes resources away from where it is needed most: New York State already has a \$90 billion need to upgrade and replace existing wastewater and drinking water infrastructure. This need is urgent—failing to address it leads to unsafe drinking water, polluted waterways, closed beaches, community flooding, sink holes, street collapses, and higher costs in the long run. Our wastewater and drinking water pipes will not fix themselves.

We urge the legislature to work with the Governor to make important improvements to this provision in the final budget. We recommend:

- **Shift *some* of this housing-related water infrastructure funding (at least \$100 million) to the Clean Water Infrastructure Act in the final budget.** New York State has a \$90 billion need to replace and upgrade existing wastewater and drinking water infrastructure, while the CWIA is funding meaningful projects it is consistently and significantly oversubscribed. Investing more funding into the CWIA would help to meet those needs, while further safeguarding our drinking water, protecting our treasured waterways, creating jobs, and helping to keep water affordable for all New Yorkers.
- **Put restrictions on funding that is allocated to housing-related water infrastructure.** For the remaining funding that is allocated to support housing related water infrastructure, it should be acutely focused on affordable housing, while restricting how the money is spent in order to avoid subsidizing sprawl development that ultimately harms our state’s water resources.

REJECT THE FALSE CHOICE OF PROTECTING THE HEALTH OF OUR ENVIRONMENT VS. BUILDING MORE AFFORDABLE HOUSING; WE CAN AND MUST DO BOTH

The State Environmental Quality Review Act (SEQRA) was enacted in New York State to ensure state and local government agencies evaluate environmental impacts, alongside social and economic factors, in their decision-making for projects, requiring them to identify, assess, and mitigate potential harm to the environment early in the planning process. For decades, SEQRA has demonstrated great success in providing meaningful environmental review of projects—including housing projects—that would otherwise have caused significant adverse harm to our land, air, water, public health, quality of life, and more.

In Governor Hochul’s executive budget, she proposes changes to SEQRA to facilitate the buildout of more housing and other infrastructure throughout the State of New York. We understand the need for more *affordable* housing in New York State; however, we strongly reject the notion that

SEQR is the major roadblock that is preventing the buildout of affordable housing. While tweaks to SEQR may improve efficiencies, any changes that are made to SEQR to help facilitate the laudable goal of more affordable housing should be narrow and targeted to the task at hand. Regrettably, the changes proposed by the Governor are not squarely focused on affordable housing, but rather, would potentially enable developers to push forward with unsustainable, costly sprawl development that harms our environment while doing little to address affordable housing. Essentially, instead of using a scalpel to help build affordable housing, we would be using a machete to create an open season for developers.

While we are still analyzing the specifics of the changes proposed by the Governor, our initial review raises significant concerns. Concerning changes to SEQR for housing in towns, villages, and cities outside of New York City include, but are not limited to:

- The increase in housing units that would be exempt from SEQR, which is proposed up to 100 units, is a significant increase that has the potential to have a significant impact.
- Includes a definition of “previously disturbed” lands, which:
 - Could potentially allow for inappropriate development of valuable agricultural areas
 - Includes “maintained lawns,” potentially opening a work around for developers to target areas inappropriate for housing development
 - Raises questions on how this would be enforced, including how *accurate* records of previously disturbed lands would be kept across the state
- While development would be restricted to areas that are connected to existing water and sewer, there is no indication that a capacity analysis would be required to ensure that these systems, which are often antiquated and at their max capacity, can handle the additional capacity of a new housing development. Substantial new housing also increases maintenance costs – how is that accounted for in this process?

We urge the legislature to work with the Governor to answer these questions and others, and work to develop a proposal that specifically targets affordable housing, while protecting the health of our waterways and environment.

FUND THE ENVIRONMENTAL PROTECTION FUND (AT LEAST \$425 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. Many EPF programs have year-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 providing at least \$425 million in the final 2026-27 state budget.*** Within an EPF of at least \$425 million, CCE supports:

- **Ocean and Great Lakes Program (at least \$24.6 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 responsibly sited offshore wind, and more.

Governor Hochul has proposed to maintain funding at \$24.6 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 at least \$24.6 million for the Ocean and Great Lakes line in SFY 2026-27.***

- **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, and we need to do just that. This estuary has extensive Harmful Algae Blooms including Brown Tide, Rust Tide, Mahogany Tide and 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 make progress in the restoration effort, however, much more needs to be done and

additional funding is needed. The Governor proposed a minor increase in funding of \$2.1 million in her 2026-27 executive budget proposal. We have a unique opportunity in the 2026-2027 budget to significantly increase SSER funding within the EPF, without impacting other categories. NY can do this by reallocating the \$5 million in funding currently going to the completed Bay Park Conveyance Project. This \$5 million dollar allocation in the EPF 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 was 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

PROVIDE \$1 BILLION FOR THE SUSTAINABLE FUTURE PROGRAM

Last year, Governor Hochul worked with the legislature to provide \$1 billion for the Sustainable Future Program (SFP) in the final state budget, which is the single largest investment in fighting climate change in our state's history and is playing a critical role in reducing climate emissions, protecting public health, lowering energy costs for households, and creating good jobs. Additional funding is needed to continue progress with advancing renewable energy projects, decarbonizing buildings, supporting clean transportation, and more.

Regrettably, the Governor did not include any additional funding for the SFP in her SFY 2026-27 executive budget proposal. Without adequate resources, New York State will fall short in meeting the legally mandated requirements of the Climate Leadership and Community Protection Act, further threatening our health and environment, and failing to protect ratepayers suffering from high energy bills.

We strongly urge the legislature to work with the Governor to provide another \$1 billion for the SFP in the final 2026-27 budget. Continued investment in the SFP serves as a critical down payment for the kinds of investments that can be scaled and sustained through the Clean Air Initiative – New York's emerging cap-and-invest program.

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

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 maintaining staff at the NYS Department of Environmental Conservation (DEC) and Environmental Facilities Corporation (EFC), and NYS Department of Health (DOH)**

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, DOH agency staffing is urgently needed.

INCLUDE THE ACCELERATE SOLAR FOR AFFORDABLE POWER (ASAP) ACT IN THE STATE BUDGET

By streamlining the utility interconnection process and setting clear targets for distributed solar development (20GW by 2035), this policy will help bring down the upfront and long-term costs of solar projects across the state. It is estimated that the policy will provide \$50 billion in gross utility bill savings for families, businesses, and institutions that install solar or subscribe to community solar (with billions more in savings for non-participating ratepayers through wholesale market impacts), create 15,000 jobs, and significantly reduce greenhouse gas emissions.

Thank you for your consideration of our testimony.