



**Testimony of Jeremy Cherson
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**Joint Legislative Public Hearing on SFY 2026-27 Executive Budget Proposal:
Environmental Conservation**

Thank you to the chairs and members of the Senate and Assembly committees 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, 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.

Riverkeeper is pleased to offer the following analysis of Governor Hochul's SFY 2026-2027 Executive Budget Proposal. While there are many positive elements we support in the proposal, we believe there are elements that warrant thoughtful amendments to ensure we balance the demands of the current moment with preserving clean water and a healthy environment now and into the future.

State Environmental Quality Review Act

Enacted in 1975, the State Environmental Quality Review Act ("SEQRA") requires all local, regional and state government agencies to equally examine environmental impacts along with social and economic considerations for certain actions. SEQRA compels agencies to identify and assess environmental impacts early in the planning process, giving them the opportunity to avoid or mitigate significant adverse effects before taking action. This encourages more thoughtful, balanced, and sustainable development across New York. SEQRA is squarely aimed at protecting land, air, water, wildlife, natural resources, historic and cultural resources, community character, agricultural resources, and aesthetic resources.

The Executive Budget proposal includes revisions to SEQRA to speed up the building of housing. Riverkeeper shares the State's goal of addressing New York's affordable housing shortage and acknowledges the need to accelerate certain infrastructure projects, but is concerned that the proposed legislative amendments sacrifice environmental protections and jeopardize public health and safety. SEQRA is New York's primary tool to ensure that development is sustainable, safe and equitable. Eliminating SEQRA review for major housing projects without necessary protections and limitations could have devastating impacts on communities.

Riverkeeper is supportive of the following changes to SEQRA, including:

- A clear statute of limitations to guide practitioners and reduce untimely legal action;

- Time limits to move the SEQRA process forward, so long as there are no automatic approvals;
- Generally expanding the list of exempt actions to include certain limited housing developments;
- Exempting certain projects in previously disturbed areas to include public parks, multi-use bicycle and pedestrian trails.
- Promoting the development and incorporation of green infrastructure.

However, the legislation fails to include critical safeguards to preserve key environmental protections and promote affordable and sustainable development. Taken together, these gaps could encourage sprawled development, strain existing water and sewer infrastructure, and result in irreversible environmental impacts. The areas of most concern include:

- **Overbroad definition of “previously disturbed site.”** The current definition of “previously disturbed site” is over broad and risks incentivizing development on land that currently provides critical ecosystem services, including habitat, stormwater management, flood mitigation and carbon sequestration.
- **No limitations on project footprint or site design.** The legislation does not require dwelling units to be constructed within a single building, allowing large developments to be dispersed across acres of land- permitting low-density, sprawling developments inconsistent with climate and sustainable development goals.
- **Unrestricted mixed-use development.** Mixed-use projects are permitted without limits on the types of non-residential uses allowed or any requirement that residential and non-residential uses be co-located within the same structure. Without clarification, a developer could propose any type of commercial use in one building and housing in separate structures all incorporated as one project exempt from SEQRA.
- **Excessive size of exempt projects.** Outside New York City, the SEQRA exemption threshold would increase from three residential units to up to 100 units. This represents an extraordinary expansion of exempt development. Such exemption should be substantially reduced to reflect local conditions and infrastructure capacity.
- **No requirement for affordable housing development.** Although the State of the State frames these amendments as addressing affordable housing, the proposal applies to housing stock generally and includes no affordability requirements. Without affordability requirements, exemptions may simply accelerate market-rate development, particularly in communities already facing displacement pressures, without solving the underlying crisis.
- **Lack of protections for sensitive resources.** The proposal fails to protect historic resources, designated scenic viewsheds, or critical water resources from expedited approval without environmental review.
- **No consideration of capacity restraints for existing water and sewer systems.** The legislation does not require evaluation of existing community or public water and sewer system capacity

before permitting new connections, despite many systems already operating at or beyond capacity.

- **No environmental review required for projects on contaminated sites.** Projects located on or near contaminated lands may proceed without environmental review, posing avoidable public health risks and potential long-term liability for communities.
- **Inappropriate exemptions in flood-risk areas in New York City.** Projects located in New York City and within FEMA-designated 100-year flood zones should not be automatically exempt from SEQRA review. By mid-century, hundreds of thousands of New Yorkers are projected to live in high-risk floodplains, and by 2100, more than two million residents could be affected. Exempting projects in these areas disregards known climate risks and undermines long-term resilience planning. Limiting exemptions to properties located within the Coastal Flood Zone is insufficient to address concerns and plan for the future.

Revisions to the legislation are necessary to ensure that the proposed SEQRA exemptions function as a true streamlining tool rather than an overbroad waiver of environmental and land-use protections. Exemptions should be limited to projects that are consistent with local planning objectives and conditioned on basic safeguards, including water and sewer capacity certification, exclusions for sensitive environmental, historic, and scenic resources, and targeted contamination screening. In addition, modest, flexible affordable housing requirements would better align with the State's housing priorities while preserving local governments' ability to apply their own programmatic standards. Together, these guardrails would reduce litigation risk, improve implementation certainty, and maintain public confidence in the SEQRA process. SEQRA reform can and should be part of New York's housing strategy—but exempting large housing developments without clear limits shifts risk from developers to communities and taxpayers, with lasting consequences for public health, infrastructure, and the environment.

Clean Water Infrastructure Act

Support \$500 million for clean water. Place guardrails around the new \$250 million housing development fund.

Since 2017, this oversubscribed program has been funded at \$500 million a year, supporting critical wastewater and drinking water projects that reduce pollution into our waterways and protect drinking water quality. Across New York State, these funds have assisted communities through acute drinking water crises and upgrades big and small to an aging water infrastructure system. While we still have great hopes for Governor Hochul's multi-year announcement for a new \$3.75 billion commitment to clean water infrastructure, additional language must be added to ensure smart growth principles are a condition of funding. We acknowledge that there is a housing crisis in New York and elected officials must respond to the concerns of constituents regarding affordability.

We are pleased to see the Executive Budget include at least \$500 million in continued funding for the Water Infrastructure Improvement Act. We strongly support the five-year commitment to funding these valuable programs that have become a lifeline to communities across New York State. Up to date numbers are hard to locate but a 2022 EPA Clean Watersheds Needs Survey Report to Congress estimated

that total reported needs for New York’s clean water investment exceeds \$53.9 billion dollars with a per capita need of \$2,669 per person.¹ An additional \$35.1 billion is needed for known drinking water infrastructure investments,² for a total need of approximately \$90 billion. We know that the state has made great strides in getting water infrastructure funding out the door and greatly appreciate the commitment. We also know that the funding is not enough which is why we have asked for increased funding year after year. In 2025, more than 200 shovel-ready projects seeking \$685 million in support from the state’s grant and loan programs went unfunded.

\$200 Million for Housing Preservation and Development Lacks Guardrails

Riverkeeper welcomes the proposal to boost investments in water infrastructure further. However, the Executive Budget proposal’s additional \$200 million for water infrastructure to support housing development and preservation lacks key guardrails to ensure taxpayer funds are spent wisely. We strongly recommend that smart growth principles be included as parameters for this funding to ensure environmentally damaging sprawl is prevented and the funds support affordable housing first and foremost. Funding should support community goals for affordable housing and smart growth, and should not be a giveaway to private developers, but a well-designed program can support desired housing and development in existing cities, villages and town centers, where existing public water and sewer service is absent or inadequate. Given the overwhelming demand for water infrastructure from local governments to support existing infrastructure – including over \$600 million in unmet demand just last year, the funds could clearly be spent on shovel-ready projects through the existing Clean Water Infrastructure Act programs.

Riverkeeper also shares the concerns of many of our partner environmental groups about how this unconstrained funding intersects with the Governor’s proposed changes to SEQRA. For example, proposed SEQRA changes proposed for jurisdictions outside of New York City would exempt developments from SEQRA review if they are connected to existing water and sewer systems prior to habitation. In essence, this is a taxpayer subsidy to developers and an incentive for urban sprawl. As proposed, this initiative could expand water and sewer connections, which has previously been the responsibility of developers to pay for, then allow large development projects to expand outward, increasing the costs of operations and maintenance for municipalities. Many communities around the state struggle with failing septic systems and limited access to funding to expand sewerage services in downtown areas. The additional funds should be limited to infill development and urban center development to help expand opportunities for development within the context of existing hamlets, villages, and towns while discouraging sprawl and impacts to water resources.

\$50 Million Water Infrastructure For Rural Housing Preservation

Riverkeeper strongly supports this initiative to help address clean water challenges in rural communities. Many communities in the Hudson Valley have septic systems in dire need of repair as well as main streets that need a sewage system created to improve water quality and increase economic opportunities for residents. Similar guardrails against sprawl and in support of affordable housing should apply to this initiative.

Legislature Needs Greater Say in Water Infrastructure Spending

¹ <https://www.epa.gov/system/files/documents/2024-05/2022-cwns-report-to-congress.pdf>

² <https://www.epa.gov/dwsrf/epas-7th-drinking-water-infrastructure-needs-survey-and-assessment>

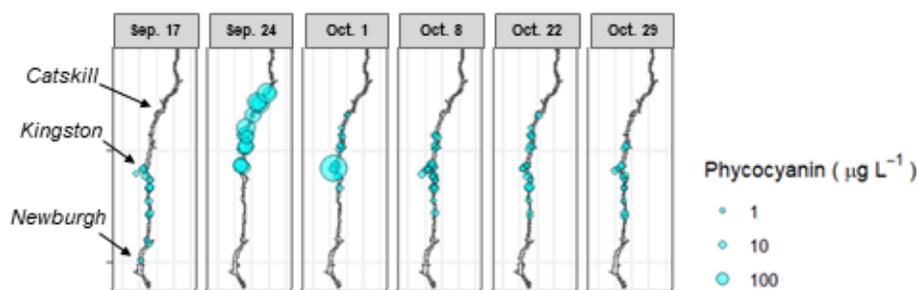
We join many of our colleagues in strongly urging the Legislature to delineate specific line items for the CWIA. Most of the CWIA is a lump sum allocation at the discretion of the Governor. We believe that the Legislature should lay out funding levels for programs to ensure all initiatives in the CWIA receive the resources they need.

2025 Harmful Algal Bloom on the Hudson River and Tributaries

A key reason to continue supporting the essential work of the Clean Water Infrastructure Act

In the Hudson River watershed, we experienced an unprecedented harmful algal bloom (HAB) event over the course of six-weeks from September through mid-October spanning from approximate Poughkeepsie to Catskill. During the most intense period in mid-to late September 2025, concentrations of the HAB toxin microcystin were often above the New York State Department of Health (DOH) thresholds for safe drinking water and

recreation. Some samples taken from the Rondout Creek and Hudson River were ~60-75 times higher than DOH's recreational thresholds and drinking water thresholds were exceeded before



treatment at the five facilities in mid-Hudson serving 100,000 people. The underlying causes of the event was a combination of a large amount of phosphorus and nitrogen from sewage, stormwater runoff and agriculture, as well as relatively stagnant warm water. Prolonged drought and a warmer than usual summer contributed to slower river currents and such conditions are consistent with climate change projects and portent HAB events in our future.

This HAB had direct impacts on the communities that rely on the Hudson River as a source of drinking water. The Hudson River Drinking Water Intermunicipal Council, known as the “Hudson 7,” is made up of the City and Town of Poughkeepsie, the Village and Town of Rhinebeck, and the Towns of Esopus, Highland, and Lloyd. More than 100,000 people in these municipalities rely on treated drinking water from the Hudson River. Upon witnessing what looked like cyanobacteria in their drinking water treatment plant, a plant operator contacted staff at Riverkeeper for support. Riverkeeper deployed its science team to collect samples and measure the bacteria, and helped the operator coordinate with the state DOH. For the first time, drinking water plant operators, with guidance from the state and county DOH, responded to the HAB by altering existing treatment processes to prevent toxins from entering tap water. During the HAB, toxins exceeded U.S. Environmental Protection Agency Health Advisory levels in “raw” water prior to treatment in the Hudson 7 treatment plants, but were reduced to safe levels due to the response.

Another water quality parameter associated with HABs are disinfection byproducts (DBPs), which are regulated in drinking water. DBPs are caused when disinfectants that enter the water supply react with organic matter to form harmful compounds that cause cancer. HABs increase the risk of DBP formation both because they increase organic matter in untreated water, and because the altered treatment process to eliminate toxins involves greater use of disinfectants. Several Hudson River drinking water treatment

plants reported increases in DBPs concurrent with the HAB. HABs can also produce non-harmful compounds that change the taste and odor of tap water, and some treatment plants received complaints concurrent with the HAB. Enhanced treatment of drinking water alone can't therefore be the sole response to future HABs. Water quality improvements in the river itself are critical for maintaining the resilience of this system.

One of the best ways to further reduce the conditions that create HABs is to continue robust funding for the Environmental Protection Fund and the Clean Water Infrastructure Act. This critical funding does so by decreasing nutrient pollution through wastewater treatment upgrades, reducing sewage leaks and overflows, and watershed management practices that keep fertilizer and erosion out of our waterways

Riverkeeper strongly encourages the Legislature to support \$500 million over 5 years and place parameters around additional \$250 million to ensure smart growth principles are applied.

\$425 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 \$425 million. The Legislature is a strong champion of the EPF, and we urge you to continue your commitment to this important source of funding. The EPF

\$8 million Hudson River Estuary Program (HREP) and Mohawk River Basin Program (MRBP)

\$500,000 overall increase – \$500,000 million increase for the HREP and maintain FY26 increase for the MRBP

The Hudson River Estuary Program is one of New York's most effective, science-based partnerships for protecting clean water, restoring habitat, expanding public access, and strengthening climate resilience from Troy to Manhattan. Established by the Legislature in 1987, the Program brings together state agencies, local governments, scientists, and community partners to deliver measurable benefits on the ground.

In the coming year, the Program will be essential to addressing urgent challenges, including harmful algal blooms that threaten drinking water supplies, concerns about striped bass populations, the spread of invasive species through the canal system, and increasing risks from sea-level rise and extreme precipitation. As federal support for climate and environmental programs becomes less reliable, state leadership through the Estuary Program is more important than ever.

Through competitive grants, the Program delivers direct benefits to local communities—expanding public access to the river, removing obsolete dams, restoring aquatic habitat, supporting environmental education, and advancing waterfront resilience. In the past year alone, \$2.85 million in Hudson River Estuary grants leveraged more than \$4.5 million in additional funding and supported projects in communities large and small, including environmental justice communities.

As you consider the SFY 2027 budget, we also note that although the Hudson River Estuary Program line item appears unchanged, available funding was effectively reduced in SFY 2026 due to an internal suballocation shift. To ensure continuity and allow the Program to fully deliver on its mission, we respectfully request a total allocation of \$8 million—\$6.5 million for the Hudson River Estuary Program and \$1.5 million for the Mohawk River Basin Program.

This modest restoration to the Hudson River Estuary Program will allow these proven programs to continue protecting water quality, supporting local communities, and building resilience for the Hudson and Mohawk Valleys and beyond.

We strongly urge the legislature to increase the Hudson and Mohawk Program line to a total of \$8.

Inactive Landfill Initiative - \$10 million (EPF)

Riverkeeper supports the \$5 million increase to the ILI from SFY2025-26. We are grateful that the Governor has recognized the importance of finalizing regulations to provide onsite treatment of landfill leachate. As we continue to engage in the regulatory process we recognize the importance of providing funding to assist compliance with any future treatment requirements. While \$5 million is a good start, treatment of leachate is expensive and additional funds will need to be made available to ensure we address toxic leachate entering waterways across New York State. The Legislature should ensure that existing CWIA authorizations can support investments that will be needed to implement anticipated DEC regulations requiring the treatment of landfill leachate.

We support the \$5 million increase to the Inactive Landfill Initiative.

Oceans and Great Lakes Initiative - \$24.6 Million (EPF)

The Oceans and Great Lakes Initiative supports vital scientific research and management of fisheries in New York. We anticipate that analogous funding from the federal government will be rescinded and this funding will provide a critical backstop to protect our water resources and wildlife. Increasing the allocation to the program will support ongoing research and monitoring of fish populations in the Hudson River, including the ability of state agencies to upgrade technology such as the tags used to monitor the endangered Atlantic Sturgeon. Riverkeeper strongly supports the Governor's \$24.6 million appropriation for the Oceans and Grate Lakes Initiative.

Water Quality Improvement Program (EPF): Support \$25.1 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 the Governor's proposal for the Water Quality Improvement Program funding at \$25.1 million.***

Source Water Assessments (EPF - WQIP): \$5 Million

The EPF is a critical funding source for implementing the Drinking Water Source Protection Program (DWSP2) which provides critical support for communities to develop drinking water source protection

plans.³ Communities across the state will benefit both from new plans , which identify risks to their water supplies, and plans to mitigate or eliminate 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.

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. State support for communities to plan for protection and restoration of water quality in public water supplies is essential, and should be continued.*Riverkeeper urges the Legislature to continue allocating \$5 million for Source Water Assessments to ensure the program is utilized to its maximum potential.*

Waterfront Revitalization Program 14.275 million

Local Waterfront Revitalization Plans play an important role in ensuring municipalities have funds to envision public access to their waterfronts and make meaningful investments in climate resiliency. We strongly support continued funding for the Waterfront Revitalization Program as a tool that is invaluable to our local partners and DEC staff at the Hudson River Estuary Program.

Interstate Environmental Commission (IEC) - Restore Funding -Aid to Localities

The Interstate Environmental Commission (IEC) is a tri-state water and air pollution control agency protecting water quality in New York, New Jersey, and Connecticut. As set forth in the funding structure of Tri-State Compact of 1936, New York State’s portion of support to the IEC should be 45 percent– and the 2024-25 budget reached this target after years of under investment. For the IEC to receive annual CWA Section 106 funding of \$900,000 from EPA Region 2, a non-federal match of \$214,051 must be provided, which the IEC is requesting be provided by its three member states. Two years ago, the state appropriated approximately \$96,000 in its budget, allowing the IEC to unlock their federal match.

However, in the Executive Budget proposal , the Governor short changed IEC’s appropriation to \$41,600, which, if included in the final budget, would bar the IEC from being eligible to receive \$900,000 in federal funding. **For a modest investment New York gains significant federal funding at a time when many sources of federal funds are in limbo.** This funding not only supports IEC’s work, but also benefits NYS agencies through their collaborative projects with the IEC. For example, since 2017, the IEC has worked with NYSDEC to expand their water quality monitoring volunteer collaborative for waters in the New York Harbor. This program supplements NYS DEC’s work by targeting areas which are not routinely monitored by regulatory agencies and other existing monitoring programs.

In addition to its work in New York Harbor, IEC continues to expand its monitoring initiatives in the Long Island Sound watershed, including pathogen monitoring, pathogen source trackdowns, and support for citizen science. Much of this work is made possible through additional federal funding provided by the Long Island Sound office of the EPA.

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

State appropriations are essential to enable the IEC to receive federal funding, which supplements the important work of NYSDEC, and yields New York a significant return on its investment. We genuinely appreciate your consideration of this request and your continued support of clean water programs in New York State.

We urge the legislature to restore funding to the IEC to \$96,323.

Road Salt Pollution: NYS Must Do More

Implement statewide road salt reduction policies to prevent drinking water contamination and protect public health.

Excessive laying of road salt during the winter season exposes our environment to dangerous levels of sodium that could eventually poison our drinking water supplies. Already, more than half of New Yorkers on public water supplies in the Hudson River Watershed live in an area where tap water should not be consumed by those on very low sodium diets.⁴ Data from private wells indicate a similar rate of impact.⁵ Increased salt concentrations in water can also lead to the degradation of pipes, exacerbation of nutrient pollution in soil, and contribute to harmful algal blooms, posing risks to both human and ecological health.⁶ Riverkeeper submitted detailed testimony on the impacts of road salt on Hudson Valley water quality for the Joint Legislative Hearing on Transportation. Legislators and staff should take action in this session to slow and stop the continued degradation of drinking water from excessive road salt.

Riverkeeper urges members of the New York State Legislature to advance statewide legislation like S6976a (Harckham) that builds on the strongest aspects of the Adirondack Road Salt Task Force Report.

State Agency Staffing

The Department of Environmental Conservation has made great strides in the past few years at building up staff capacity after the reductions in the aftermath of the Great Recession. We support the Executive Budget proposal to add 45 full time equivalent staff to DEC. However, we know that demands on DEC are enormous, particularly with new wetland regulations in effect DEC staff have been inundated with jurisdictional requests. We also know that reductions in Federal agency staff and reassignments have reduced enforcement of environmental laws. We strongly urge the Legislature to increase DEC staffing levels.

Thank you for your consideration and for the opportunity to submit testimony.

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<https://www.riverkeeper.org/wp-content/uploads/2024/02/Riverkeeper-Testimony-Executive-Budget-for-Transportation-20240124.pdf>

⁵ <https://access.onlinelibrary.wiley.com/doi/10.2134/jeq2017.03.0124>

⁶ <https://www.epa.gov/sciencematters/epa-researching-impacts-freshwater-salinization-syndrome>