



Testimony of Paul Gally, Hudson Riverkeeper

New York State Assembly - Public Hearing on the Impacts of the 2013-14 State Budget on the Department of Environmental Conservation (DEC) and the Need for a New Environmental Bond Act

September 6th, 2013

Good morning and thank you for the opportunity to submit testimony on behalf of Riverkeeper. [Riverkeeper](#) is dedicated to defending the Hudson River and its tributaries and protecting the drinking water supply of nine million New York City and Hudson Valley Residents.

Today's hearing touches on matters which Riverkeeper is far from alone in characterizing as public health and environmental crises. They're also economic and quality of life crises, too.

The state's own estimate of our growing water treatment infrastructure problems shows that a staggering \$36 billion will be needed over the next 20 years to address wastewater treatment needs, alone.

Disturbingly, this dire challenge faces New Yorkers at the very moment when DEC has roughly 30 percent fewer employees than it did in the 1990s [despite an 11% population rise during those years]. Currently, New York State Department of Environmental Conservation has 2,983 staff. In 1992, staffing was over 4,200. Between 2008 and 2010 alone, DEC [lost 849 of its scientists, engineers, and enforcement officials](#) – one-quarter of its total workforce.

The impacts of these deep and disproportionate cuts are reflected by the shocking decline in actions to enforce environmental laws along the mid- and upper-Hudson [DEC Region 4 - Albany, Columbia, Greene, Montgomery, Otsego, Rensselaer, Schenectady, Schoharie counties]. According to DEC data, Region 4 enforcement "orders on consent" in this region declined every year between [2009](#) and [2012](#), from 143 in 2009 to 122 in 2010 to 94 in 2011 to 80 in 2012.

Another example of the impact of these prolonged, disproportionate budget cuts, from someone who should know: Robert Withers, PE, Section Chief of the "SPDES" water pollution control/compliance information section in DEC's Division of Water, wrote in the Fall 2012 issue of [Clear Waters](#) magazine that:

"Declining Resources and a reduction of professional staff has [strongly impacted NYSDEC programs](#). Eight staff in the agency's Division of Water implemented the

certification and technical assistance program as recently as 2007. During 2010, the number of staff ***declined to two*** as a result of retirements and re-assignments.”

The parade of horrors, just on water pollution issues, continues: DEC budget cuts have led to the ***complete elimination of routine water pollution permit compliance monitoring***. This means that permit holders are now completely on their own recognizance. That’s okay for the vast majority of businesses and municipalities which test properly and accurately report their data. When it comes to the handful of bad actors DEC must always watch out for, our environmental agency is in the dark.

Indeed, all of New York State’s water quality monitoring has faced major cuts and the bleeding is only getting worse. DEC’s overall budget for Water Quality Monitoring and Assessment, presented at a recent meeting of the agency’s Water Management Advisory Committee, is ***set to decline by one third, just this year***, due to the effects of the federal “sequester.”

This will require ***elimination of coliform bacteria testing*** and PCB/pesticide analysis in our rivers and streams and similarly deep cuts in sampling in lakes, ponds and reservoirs. These and other cuts will make it virtually impossible to update the inventory of impaired waterbodies, control invasive species, set limits on pollution in at-risk waterways or identify areas requiring the most urgent remedial and enforcement action, in an era of declining staff capabilities.

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As bad as DEC’s operating budget woes are, the story is even worse, when it comes to the state of New York’s water treatment infrastructure. Don’t take my word for it; here’s how DEC characterizes the situation:

[A Gathering Storm - New York Wastewater Infrastructure in Crisis](#)

DEC effectively makes the case that this “gathering storm” is on the verge of causing a flood: again, the department estimates a price tag of \$36 billion over the next 20 years to address our state’s wastewater infrastructure needs. According to the DEC’s 2008 report, **[“Wastewater Infrastructure Needs of New York,”](#)** many wastewater facilities in NY are past their expected useful lives. Maintenance and upgrades at these facilities are far behind where they need to be to keep up with increasing demand. **Statewide, more than 30% of these facilities are in excess of 60 years old, though they were designed to only last 30 to 40 years.**

Trust me, I’ve been a clean water advocate for nearly thirty years, and you don’t want to be anywhere near it, when this storm finally does become a flood. *Communities who let their infrastructure continue to slide will face the collective equivalent of what happens to a homeowner who lets his or her septic system fail: they will find that the value of their properties has gone south, while the cost of repairs has become overwhelming.*

What makes our failure to invest in water treatment infrastructure even more astonishing is that investing in New York's water infrastructure creates jobs at all skill levels. In fact, an estimated **47,500 jobs** are created by each billion dollars of infrastructure funding spent. And, while we're on the subject of jobs: failing to invest in clean water will have marked negative impacts on tourism [a \$4.5 billion dollar annual industry in the Hudson Valley, alone], given the close connection between water quality and recreational safety, highlighted below.

One final quote from DEC sums up the scale and surpassing urgency of the water treatment infrastructure crisis, and the need for a new funding mechanism to solve it:

The importance of modern, reliable, and efficient wastewater treatment systems is self-evident. The health of our communities, the protection of our waterbodies, and the prospects for future economic growth and development, are linked to our ability to maintain, and as necessary, upgrade these facilities.

... however, aged systems are failing, and municipalities do not have the funds to adequately repair and replace the necessary infrastructure. There is no disputing that the cost of ensuring proper wastewater treatment is larger than what local governments and the state can address on their own. **Clearly, there is a compelling need for a sustainable wastewater infrastructure funding program**, yet no mechanism presently exists for that funding, and the federal government has largely turned its back on the needs of the states and local governments for this purpose.

The preceding statements from *Wastewater Infrastructure Needs of New York* are now five years old. Since then [other than short-term stimulus funding that can no longer be counted on], funding for water treatment infrastructure has continued to decline. In fact, over the last 20 years, federal funding has been reduced by 70%, from \$2.4 billion in 1987 to \$687 million in 2008 and the US House of Representatives recently proposed to cut this last remnant by another 70%, in 2014.

And, what about the healthcare costs of failing to control bacteria and other sewage-borne pollution? Nationally, hospitalizations for three common waterborne diseases cost the health care system as much as \$539 million annually, according to [research](#) presented at the Center for Disease Control's [International Conference on Emerging Infectious Diseases](#). [Other research](#) has shown that children under the age of nine have more reports of diarrhea and vomiting from exposure to waterborne pathogens than any other age group, with at least a twofold increase occurring over the summer swimming months.

These are not abstract problems happening in some far off corner of the U.S. Riverkeeper has taken thousands of water quality samples since 2006 and our data reveals locations where sewage contamination levels are unsafe for primary contact in all kinds of weather, wet and dry. Shoreline locations where the public is known to come into contact with contaminated water include the [public dock in Kingston](#), the [boat launch ramp in Newburgh](#) and the [rowing dock right here in Albany](#).

Astonishingly, cities across the state, like Albany, are investing millions of dollars in waterfront revitalization to bring the public into contact with water that ***fails the EPA guideline for safe swimming more than 50% of the time***, with contamination levels that are often 20 times safe swimming levels.

Clearly, the stakes could not be higher, when it comes to New York's mounting water treatment "crisis."

Conclusion

Since 2006, clean water act enforcement and water quality monitoring in our waterways have steadily declined, due to DEC budget cuts, and agency officials warn that more such cuts are on the way. In a climate where 30 percent of our wastewater facilities are over 60 years old and operating up to 30 years past when they were designed to, with further cuts to DEC's water quality programs planned, it's time to stop the slide, which DEC frankly calls a "[crisis](#)," and secure the funding necessary to prevent the deep and permanent degradation of our waterways.

If we do not reverse this trend of declining operational spending for DEC and insufficient investment in our wastewater infrastructure, then New York State's new catchphrase – '*Open for Business*' – might as well become '*Open for Pollution*' and we'll face a future in which our quality of life declines, impacts to our health worsen and our natural heritage is squandered.

There are answers to the urgent problems caused by failing to invest in water infrastructure and our other environmental programs. Bills introduced in the assembly and senate last month would give voters the opportunity to approve \$5 billion in bonds to pay for projects that could improve our environment, with \$4 billion going toward initiatives to improve clean water resources and sewage infrastructure repair.

Finally, the administration of Governor Andrew M. Cuomo, working with legislative leaders, must reverse the disproportionate decline in staffing and other budget expenditures suffered by DEC over the past seven years.

Every dollar New Yorkers spend on economic growth, on tourism, on roads or on any other public good is threatened when our water resources are at such a heightened risk.

New York City Mayor Michael Bloomberg has observed that one of the small handful of things that could shut New York City down would be the loss of its access to clean water. This is no less true for the State as a whole. We would do well to remember that during the coming budget cycle.

On behalf of the tens of thousands of Riverkeeper members and supporters throughout New York, thank you again for taking up the extraordinarily important issues that are the subjects of your hearing today. And thank you, also, for the opportunity you've given us to offer this testimony on our members' behalf.