

INTERSTATE ENVIRONMENTAL COMMISSION

A TRI-STATE WATER AND AIR POLLUTION CONTROL AGENCY

2800 Victory Boulevard, Building 6S, Room 106 • Staten Island, New York 10314

PHONE: (718) 982-3792 WEB SITE: www.iec-nynjct.org

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Testimony of the Interstate Environmental Commission Before the New York State Joint Legislative Hearing on 2020-2021 Executive Budget Proposal

Environmental Conservation

January 27th, 2020

Thank You Senator Krueger, Assemblywoman Weinstein, Senator Kaminsky, Assemblyman Englebright, members of the Legislative Fiscal and Environmental Conservation Committees. Thank you for this opportunity to offer testimony on behalf of the Interstate Environmental Commission in regards to the Governor's proposed budget for State Fiscal Year 2020-2021.

The Interstate Environmental Commission commends Governor Cuomo for continuing to demonstrate, through the Executive Budget, his commitment to protecting New York's environment. The funding appropriated through these budget actions, in particular the Governor's marine habitat restoration program, demonstrates New York's understanding of the need to invest resources in order to protect and restore New York's environment.

The Interstate Environmental Commission (or IEC) is a tri-state water and air pollution control agency similarly committed to protecting, conserving, and restoring New York's environment, particularly in the area of water quality.

In brief, the Interstate Environmental Commission's District runs west from a line between Port Jefferson, New York, and New Haven, Connecticut, on Long Island Sound; south from Bear Mountain on the Hudson River to Sandy Hook, New Jersey (including Upper and Lower New York Bays, Newark Bay, Arthur Kill and Kill Van Kull); and embraces a portion of the Atlantic Ocean out to Fire Island Inlet on the southern shore of Long Island and the waters abutting all five boroughs of New York City. Our entire district is either New York water, or water that is shared by New York and its neighboring states of New Jersey and Connecticut. Just as water knows no state borders, the IEC is committed to taking a regional approach to water quality management, yet recognizes that water quality protection needs vary across our member states and in fact across different regions within the state.

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The IEC's mission is to protect and enhance environmental quality in the Interstate Environmental District through monitoring, cooperation, regulation, coordination and mutual dialogue between government agencies and citizens. The IEC fulfills this mission through a number of strategies developed to meet regional water quality needs:

The IEC strategically fills geographical, temporal, or analytical gaps in regional monitoring programs in coordination with the states, EPA, and regional partners:

- *Long Island Sound Monitoring:* In response to the increasingly critical need to document summer hypoxic conditions in western Long Island Sound and its embayments, IEC has monitored dissolved oxygen, as well as key water quality parameters relevant to hypoxia, in far western Long Island Sound every summer since 1991. IEC continues to expand this monitoring, with monthly "winter" surveys added, resulting in a year-round monitoring program.
- *Harmful Algal Blooms (HABs):* IEC is committed to assisting with the growing need to track the occurrence of and assess the impact of Harmful Algal Blooms. Through federal funds awarded in 2019, IEC is expanding its laboratory capabilities to include the ELISA method for detecting Microcystins and other toxins produced by cyanobacteria using toxin-specific kits, including the procurement of required equipment and development of standard operating procedures (SOPs). This will enable IEC to help NYSDEC and other regional partners assess HABs. Additional funding would allow IEC to upgrade and expand its instrumentation to allow for the analysis of a broader scope of cyanotoxins.
- *Pathogens:* IEC performs pathogen analyses throughout New York Harbor to assess recreational water quality. Some recent projects include monitoring the Harlem River and Bronx River in partnership with USGS, as well as the Hudson River in partnership with the Hudson River Park Trust. IEC is capable of performing expanded pathogen monitoring for indicators such as fecal coliform and enterococcus to help assess the impact on water quality of oyster deployment in New York Harbor and the Hudson River. Further, these analyses may be helpful to assess the suitability of other waters for shellfish restoration efforts.
- IEC's laboratory is NYSDOH ELAP certified to perform a wide scope of parameters including pathogen indicators and nutrients in surface water. IEC currently performs surface water monitoring throughout the year in western Long Island Sound for a suite of nutrients including nitrogen and phosphorus. Additional funding would allow IEC to procure additional instruments to expand nutrient analytical capabilities and capacity.

In addition, IEC has the capability to perform short-notice inspections—sampling, monitoring, and analyses— in response to regional environmental emergencies, concerns, or natural

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disasters. In the past, IEC has assisted local environmental agencies to determine environmental impacts after natural or manmade events.

- IEC's ability to mobilize quickly and perform sampling and associated analyses quickly at the request of local, state and federal agencies makes IEC a valuable resource.
- Since October 1994, the Commission's laboratory has been located on CUNY's College of Staten Island (CSI) campus in Staten Island, New York. Since 2000, the laboratory has held accreditation through the National Environmental Laboratory Approval Program (NELAP). The IEC laboratory holds primary NELAP accreditation through the New York State Department of Health's Environmental Laboratory Approval Program (ELAP). The Commission's laboratory is dedicated to producing technically defensible environmental data, through sound science and a comprehensive quality control and quality assurance (QA/QC) program.

The IEC performs coordinated, tailored inspections and projects designed to assist, rather than duplicate, compliance efforts of the New York State DEC:

- IEC has a robust, coordinated, and tailored inspection program which includes inspections at SPDES-permitted wastewater treatment plants (water resource recovery facilities), industrial dischargers, pump stations, combined sewer systems as well as municipal separate storm sewer (MS4) systems focusing on state priorities designed to complement efforts of regulatory authorities. IEC's staff conducts inspections with sampling at industrial facilities and municipal wastewater treatment plants year-round. These inspections, which are planned in coordination with regional NYSDEC staff, include effluent sampling and an inspection of processes, equipment, and plant records. Samples collected at these facilities are analyzed in the IEC's certified laboratory to determine compliance with the IEC's Water Quality Regulations and with each facility's specific SPDES permit. In New York State, IEC is frequently the only agency performing effluent compliance monitoring at SPDES permitted discharges. Thus, IEC's compliance monitoring is, in many cases, the only verification of data reported by permittees on discharge monitoring reports.

The IEC facilitates, coordinates, and supports new and existing citizen science monitoring and outreach efforts:

- IEC has continued its Coordinated Volunteer Pathogen Monitoring Program in the shared marine waters of the Interstate Environmental District (IED). The effort recognizes state and EPA priorities, is modeled on existing state volunteer programs already in place, and emphasizes synergies, efficiencies, and the desire of the public for consistent efforts in these waters. The program targets areas, such as the near-shore areas of Staten Island, which are not routinely monitored by regulatory agencies or other established monitoring

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programs and focuses on parameters such as pathogens, which are of particular concern to the public as they relate to recreational water quality in near-shore marine waters. Again, having an ELAP and NELAP certified laboratory located in Staten Island, IEC is uniquely positioned to assist citizen scientists with the analyses and quality assurance oversight needed for their data to be used to inform monitoring and actions performed by local, state and federal agencies. In 2019, through this program, IEC continued its partnership with the Freshkills Park Alliance, performing monitoring and analyses on water samples collected in tidal creeks that flow through the former landfill, which is being restored and remediated into parkland.

- IEC has partnered with the Hudson River Park Trust to participate in Citizen Science and education initiatives such as City of Water Day (<https://waterfrontalliance.org/what-we-do/city-of-water-day/about/#in-your-neighborhood>), the SubMerge Marine Science Festival (<https://hudsonriverpark.org/special-events/view/submerge>), and The River Project's *Release of the Fishes* (<https://www.riverprojectnyc.org/>). IEC also performed monitoring of pathogen indicators along Hudson River in conjunction with Hudson River Park Trust. Increased funding would allow IEC to continue and expand these initiatives.

IEC is exploring opportunities to participate in and promote Habitat Restoration efforts along the south shore of Long Island and New York Harbor:

- IEC is exploring a partnership with the NY-NJ Harbor & Estuary Program and the Cornell Cooperative Extension to perform monitoring of a proposed eelgrass restoration site in Raritan Bay, off the shore of Staten Island near Conference House Park. This would be the second eelgrass restoration site in New York Harbor, joining an existing site in Jamaica Bay.
- IEC is also exploring a partnership with the Town of Hempstead and its proposed Mid-Atlantic Coastal Consortium, which has an analytical laboratory and shellfish hatchery and nursery on Hempstead Bay on the south shore of Long Island.

While the majority of the IEC's funding comes from other sources—primarily federal Clean Water Act Section 106 grants—state funding is critical to enable the Commission to implement the work plan of the grants and to meet the match requirement for federal grants. In federal fiscal year 2019, IEC was awarded over \$1,000,000 (\$1,123,303) in federal funds from CWA Section 106 and Long Island Sound appropriations. IEC is only eligible to apply and receive this annual federal funding if it can demonstrate and document non-federal matching support in the amount of \$214,051.

In 2008, IEC had a staff of 19. Today, we have four full-time staff members. Despite the reductions in resources and staff, IEC has persevered, and actually expanded its scope of environmental monitoring. We tightened our belts, consolidated and focused available resources

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to accomplish what was most important— maintaining the ability to address the most pressing water quality needs in our District and of our member states.

New York had a long history of supporting the work of the IEC until 2009 when financial stresses caused the state to cut previous appropriations of over \$300,000 to the statutory minimum level of funding—\$15,000—as set forth in the *Tri-State Compact of 1936*. Going forward, IEC is requesting that the annual non-federal match of \$214,051 be provided by our three member states in accordance with the structure set forth in the *Tri-State Compact*—45% support from New York and New Jersey and 10% support from Connecticut. **While IEC recognizes and appreciates the Environmental Protection Fund appropriation of \$41,600 in the Executive Budget released January 21, 2020, we respectfully ask the Legislature to increase the appropriation in the New York State FY2020-2021 for the Interstate Environmental Commission to 45 percent of the required \$214,051 matching funds—\$96,323.** This level of funding is critical to ensure IEC's continued eligibility to apply for and receive federal funding of almost \$1,000,000 annually, yielding New York State a significant return on its investment.

On behalf of the IEC, I would like to thank the Legislature and, in particular, the legislative committees on environmental conservation, for their continued leadership and diligent oversight of State environmental policy. The IEC genuinely appreciates this opportunity to testify at the budget hearing, is hopeful that the Legislature will consider our request, and looks forward to continuing our important water quality work in support of New York State.

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