

INTERSTATE ENVIRONMENTAL COMMISSION

A TRI-STATE WATER AND AIR POLLUTION CONTROL AGENCY

Brooklyn Army Terminal, 140 58th Street, Building A, Box 202 • Brooklyn, New York 11220

PHONE: (646) 222-9616 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 2023-2024 Executive Budget Proposal

Environmental Conservation

February 14th, 2023

Thank You Senator Krueger, Assemblymember Weinstein, Senator Harckham, Assemblymember Glick, members of the Legislative Fiscal and Environmental Conservation Committees. Thank you for this opportunity to offer written testimony on behalf of the Interstate Environmental Commission regarding the Governor's proposed budget for State Fiscal Year 2023-2024.

The Interstate Environmental Commission commends Governor Hochul for continuing to demonstrate, through the Executive Budget, her commitment to protecting New York's environment. The funding appropriated through these budget actions, 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.

The IEC's mission is to protect and enhance environmental quality in

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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. In 2022, IEC expanded this monitoring further to include additional parameters to assess coastal acidification. IEC also partners with Save the Sound to perform monitoring in support of the Unified Water Study, a comprehensive project to assess and compare the ecological health in over 30 Long Island sound embayments using consistent methodologies and schedules. IEC has received expanded funding from EPA’s Long Island Sound office to perform pathogen trackdown surveys in areas adjacent to shellfish harvesting waters to mitigate pathogen sources and ultimately reduce the size and duration of these closures. IEC has also received supplemental funding through EPA’s Long Island Sound office to build a regional volunteer pathogen monitoring network in the Long Island Sound watershed.
- *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 in Lower Hudson and New York Harbor:* IEC performs pathogen analyses in the lower Hudson River throughout New York Harbor to assess recreational water quality. Recent projects include monitoring the Harlem River and Bronx River through a partnership with USGS and the Federal Urban Waters Program, a partnership which is continuing in 2023.
- 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.

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In addition, IEC has the capability to perform short-notice inspections—sampling, monitoring, and analyses— in response to regional environmental emergencies, concerns, or natural 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.
- In October 2022, the Commission opened a new laboratory and headquarters at the Brooklyn Army Terminal. The newly constructed facility was made possible through funding provided by BioBAT, Inc, IEC and the EPA. BioBAT, Inc is a partnership created by the Research Foundation for SUNY, on behalf of Downstate Health Sciences University, and the New York City Economic Development Corporation. The 2800 square-foot, state of the art facility has enabled IEC to expand its analytical capabilities and regional monitoring efforts. 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.

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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 tidal creeks of Freshkills park, which are not routinely monitored by regulatory agencies or other established monitoring programs. Again, having an ELAP and NELAP certified laboratory, 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 2022, IEC expanded this program to include as partners the Hudson River Park Trust, Gowanus Canal Conservancy, Billion Oyster Project and other community groups.
- 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 has begun partnering in Habitat Restoration efforts in New York Harbor:

- Since 2020, IEC partnered with NYC Parks and the Cornell Cooperative Extension to pilot an eelgrass restoration project at a site in Raritan Bay, off the shore of Staten Island near Conference House Park. This would be the second eelgrass restoration pilot site joins others sites in the Harbor adjacent to Bush Terminal Park in Brooklyn. Increased funding would allow IEC to continue and expand these initiatives.

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 2022, IEC was awarded over \$1,000,000 in federal funds from CWA Section 106 and Long Island Sound appropriations. IEC expects to be awarded over \$1,500,000 in federal funds from these sources in SFY2024. 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 seven 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 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.

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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 "Aid to Localities" appropriation of \$41,600 in the Executive Budget released February 1, 2023, we respectfully ask the Legislature to increase the appropriation in the New York State FY2023-2024 for the Interstate Environmental Commission (located in *Aid to Localities*) 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 over \$1,500,000 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 present testimony 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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INTERSTATE ENVIRONMENTAL COMMISSION

Working for New York

January 2023

The Interstate Environmental Commission (IEC) is a tri-state agency committed to protecting, conserving, and restoring New York's environment, particularly in the area of water quality. One of IEC's most valuable resources is its independent, accredited environmental laboratory. IEC's laboratory primarily analyzes non-potable water samples collected throughout the tri-state area in conjunction with coordinated projects designed to support IEC's mission. The laboratory holds primary National Environmental Laboratory Approval Program (NELAP) accreditation through the Environmental Laboratory Approval Program (ELAP) of the New York State Department of Health (NYSDOH).



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Commission**

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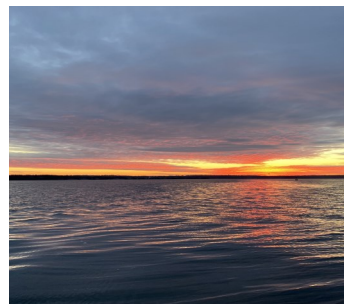


SCAN ME

How We Are Funded

According to IEC's Tri-State Compact, each member state must appropriate funds to support the IEC. In federal fiscal year 2022, New York's contribution was \$41,600, or 2.5% of the total funds directed to IEC during the year. While the majority of IEC's funding comes from other sources—primarily federal grants—state appropriations are critical to enable IEC to meet its Clean Water Act Section 106 grant non-federal match requirement. The following highlights are just a few of the recent achievements that illustrate the significant return on New York's contribution to IEC.

Long Island Sound Water Quality Monitoring



Since 1991, the IEC has conducted water quality sampling surveys in support of the Long Island Sound Study (LISS). Staff monitor dissolved oxygen (DO), as well as parameters that may influence DO, in the New York waters of Long Island Sound, its embayments, and the upper East River. Over the years, the scope of the surveys has expanded to include additional stations and parameters to meet the needs and goals of Long Island Sound stakeholders. In 2018 IEC expanded these surveys year-round.

During each survey, measurements are taken for pH, temperature, salinity, DO, and water clarity. Surface samples are also collected bi-weekly for the analysis of chlorophyll a, TSS, BOD, and nutrients. In 2022, IEC expanded the survey to include additional parameters to assess coastal acidification. IEC continues to produce a season summary with the Connecticut Department of Energy and Environmental Protection.

Embayment Monitoring

Long Island Sound embayments are more prone to hypoxia and other impairments than open waters. With this in mind, the Unified Water Study, coordinated by Save the Sound, Inc., aims to compare water quality within and among Long Island Sound embayments. IEC has been a partner in this effort since 2017, performing water quality monitoring of dissolved oxygen, nutrients, turbidity and macrophytes (algae) in Little Neck Bay and Manhasset Bay. Learn more about the results of this study at :



<https://www.savethesound.org/what-we-do/healthy-waters/report-cards-grades/>

Compliance Monitoring

The IEC conducts inspections at industrial facilities and municipal wastewater treatment plants year-round. These inspections, which are frequently the only independent compliance monitoring performed at facilities, are planned in coordination with state and federal authorities and conducted under an EPA-approved QAPP. Staff inspect processes, equipment, and facility records. Samples collected at these facilities are analyzed to determine if the effluent is in compliance with each facility's specific NPDES permits and IEC's water quality regulations. The IEC reports results to the facility, the appropriate state environmental department, and EPA, and enters findings into EPA's ICIS database.



Support for Citizen Science and Education

IEC continues its Coordinated Volunteer Pathogen Monitoring Program in the shared marine waters of IEC’s district. The program targets public access areas not routinely monitored by regulatory agencies or other established monitoring programs and focuses on parameters that specifically relate to recreational water quality. Through the use of IEC’s laboratory and training provided by IEC staff, citizen scientists gain knowledge about water quality monitoring and sample collection protocols necessary for the generation of high-quality data. The samples are analyzed by IEC staff in IEC’s ELAP-certified laboratory.

In 2022, through this program, IEC continued its partnership with nine groups, including, in New York: Freshkills Park Alliance, Hudson River Park Trust, the Billion Oyster Project, Friends of +Pool, and the Gowanus Canal Conservancy.

New Laboratory and Headquarters!

In October 2022, IEC cut the ribbon on its new laboratory and headquarters, located at the Brooklyn Army Terminal, in Sunset Park, Brooklyn. The newly constructed facility was made possible through funding provided by BioBAT, IEC and the EPA. The 2800 square-foot, state of the art laboratory has enabled IEC expand its analytical capabilities for nutrients and cyanotoxins.



The waterfront location on New York Harbor is ideally situated adjacent to the waterbodies routinely monitored by IEC and its regional partners. IEC has the capability to perform short-notice sampling, monitoring and analyses in response to regional environmental emergencies or urgent concerns. The ability to mobilize and perform sampling quickly at the request of local agencies makes IEC a valuable resource in times of need.

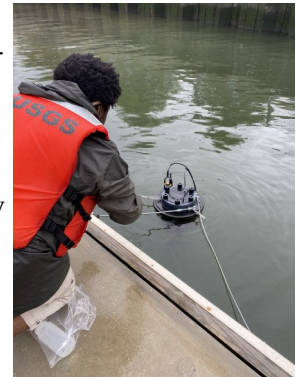


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Harlem River Monitoring to Promote Public Access

The Urban Waters Federal Partnership (UWFP) reconnects urban communities, particularly those that are overburdened or economically distressed, with their waterways. Since 2021, IEC has partnered with USGS and the UWFP to perform monitoring in the Harlem River, one of the first waterways to be designated under the UWFP. IEC performs pathogen and suspended solids analyses on samples collected by USGS adjacent to Roberto Clemente State Park (RCSP), one of the few public access points on the river, due to the prevalence of transportation infrastructure and bulkheading. A real-time continuous microbial analyzer is seasonally deployed at the sampling location to assess impacts of boat wakes and precipitation on recreational water quality.



Technical Advisory Committee and Partnerships

The goal of IEC’s Technical Advisory Committee (TAC) is to provide technical input and feedback to help evaluate IEC’s water quality projects, build upon and strengthen regional partnerships, and pursue new sources of funding. IEC also actively participates in many stakeholder initiatives, workgroups, and committees to enhance communication and coordination of water quality efforts within the region, including the NY-NJ HEP Management Committee and Water Quality Workgroup, the Long Island Sound Study (LISS) Management Committee, the LISS Science and Technical Advisory Committee, as well as several LISS workgroups.