



**Department of  
Environmental  
Conservation**

**Testimony of  
Basil Seggos  
Commissioner**

**New York State Department of Environmental Conservation**

**Joint—Senate Standing Committee on Health  
Chair: Senator Kemp Hannon**

**Senate Standing Committee on Environmental Conservation  
Chair: Senator Thomas F. O'Mara**

**Assembly Standing Committee on Health  
Chair: Assemblymember Richard Gottfried**

**and Assembly Standing Committee on Environmental Conservation  
Chair: Assemblymember Steven Englebright**

**Hearing:**

**Water Contamination**

**September 7, 2016**

Good morning, Senator Hannon, Senator O'Mara, Assemblymember Gottfried, Assemblymember Englebright, members of the Senate and Assembly Health and Environmental Conservation Committees. My name is Basil Seggos, and I am the Commissioner of the New York State Department of Environmental Conservation (DEC). I'm here today with my colleague Martin Brand, Deputy Commissioner for Remediation. Thank you for the opportunity to discuss the critical water quality issues facing New York State today.

As my colleague Commissioner Zucker just discussed, 6.5 million people in this state—nearly one-third of all New Yorkers—get their drinking water from public water systems untested for unregulated contaminants, like PFOA, or from unregulated private wells. That is why our departments are taking aggressive action. As my colleague described earlier, we are calling on the Environmental Protection Agency (EPA) to remedy serious flaws in their Unregulated Contaminant Monitoring Rule (UCMR) program. This program does not require testing of unregulated contaminants, like PFOA, for the public water systems that serve less than 10,000 people. In New York State alone, this arbitrary threshold leaves 2.5 million people at risk. We are therefore calling on the EPA to expand the UCMR program to require sampling of all public water systems regardless of size. If testing were required in all of these cases, PFOA in the Village of Hoosick Falls water system could have been detected earlier. If the EPA fails to act, we will be advancing legislation to require all public water systems not covered by the UCMR program to test for unregulated contaminants.

Approximately four million people get their drinking water from private wells that are completely unregulated. And as we've seen in communities from the North Country to Long Island, private wells are often vulnerable to contamination. Therefore, we will also be advancing legislation to require the testing of private wells upon construction or upon sale of the property. Landlords will also be required to test private wells and notify tenants of the results. The party selling or renting the property will be expected to cover the expense of the required sampling, which currently costs about \$400, but is expected to drop to \$200-300 due to increased demand.

Both bills will include the provision of hardship exemptions for individuals and communities where the state will help with the testing. We thank you for your leadership on these issues and many of you here today have supported these reforms. We hope you join us in moving these proposals forward.

Clean water is crucial for public health, our economy, and the environment. There are many threats to clean water, including nutrient pollution, storm water and industrial wastes. New York has a rich industrial legacy that is a source of pride. However, the aftermath of that legacy has negatively impacted public health and the environment. We often do not learn about the full impact of industrial chemicals until well after they are dumped into the environment. We also have aging infrastructure that has not been maintained or simply needs to be upgraded in order to properly treat these chemicals and other pollutants before they enter the environment.

Ensuring that our surface and groundwater is clean is one of DEC's most important responsibilities. First and foremost, DEC uses its statutory authority to prevent pollution from entering New York's environment. We have many tools at our disposal, including the federal

support projects to disinfect wastewater, address runoff and improve aquatic habitats. New York is home to an impressive network of 7,500 lakes and ponds and 70,000 miles of rivers, streams and coastline habitats that we protected by the millions of acres of forest and open spaces we have conserved with your partnership. Through the record-setting EPF, we look forward to further advancing open space protection across the state. Open space protection is essential for protecting water at its source.

In Long Island, where the drinking water supply is below the surface, DEC has a number of specific initiatives in process. First, in partnership with the Long Island Regional Planning Council, we have started work on the Long Island Nitrogen Action Plan you funded. Second, we have started work with the U.S. Geologic Survey on the comprehensive Long Island Groundwater study Governor Cuomo announced earlier this year. Third, we have been implementing the Long Island Pesticide Pollution Prevention Plan and are in the midst of a groundwater study on mulch piles. Lastly, we are working with Nassau and Suffolk counties to reduce nitrogen pollution by dedicating hundreds of millions of dollars to sewerage projects and plant upgrades. I look forward to discussing these with you in greater detail next Monday.

When water contamination is caused by hazardous materials, such as PCBs, the state Superfund and Brownfield Cleanup (BCP) programs are our primary tools for cleaning-up the contamination. Last year, working with you, we assured the viability of these programs by reauthorizing Superfund with another \$1 billion for the next 10 years. We also extended the BCP tax credits through 2025. These programs are key to addressing contamination caused by our industrial past. They also encourage the private sector to cleanup impacted sites and put them back to productive use.

A prime example of the success of our Superfund program is the cleanup of Onondaga Lake. Once considered the most polluted lake in the nation, it is now making a heralded comeback. We've achieved this through Superfund by holding Honeywell and other responsible parties accountable for the mess they made—and by working in partnership with the Onondaga Nation, Onondaga County, local municipalities and citizens groups. The collaborative efforts to improve water quality and restore degraded habitat have borne fruit for the local community. I saw that first-hand this past weekend during the second BASS Master event of the year that we hosted, which we combined with a free fishing event for local kids. This is proof positive that Superfund can transform the fortunes of a community.

No issue has been more front and center than the recent finding of PFOA in drinking water. PFOA is one of over 80,000 contaminants not regulated by the EPA in drinking water. Through the Governor's Water Quality Rapid Response Team, which I co-chair with Commissioner Zucker, DEC is actively responding to PFOA and PFOS contamination in several communities: Hoosick Falls, Petersburg, Newburgh, and in Suffolk County near Gabreski Air National Guard Base.

In the Hoosick Falls area, we have accomplished much in just a few short months. Since November 2015, DEC has undertaken the following actions:

- we became the first state in the nation to list PFOA as a hazardous substance;

In closing, I want to leave you with this. DEC's mission is broad and vital, and our 3,000 dedicated professionals are among the best in the business. We are charged with protecting the state's environment and all of its residents. Under my watch, I intend to carry out my duties by leaning forward, bringing polluters to justice, and ensuring that every community in the state has the clean air, water and land they deserve.

Thank you for the invitation to testify today. I am happy to answer your questions.