

THE DAILY RECORD

WESTERN NEW YORK'S SOURCE FOR LAW, REAL ESTATE, FINANCE AND GENERAL INTELLIGENCE SINCE 1908

Environmental **LAW**

Governor, senators back clean water and spending to improve infrastructure

For years, grassroots organizations such as Genesee RiverWatch, Hudson Riverkeeper, Buffalo Niagara Riverkeeper, the Nature Conservancy and others have advocated for improvements in water and wastewater infrastructure and watershed protection. Contaminated drinking water events in Hoosick Falls, Newburgh, Petersburg and on Long Island; the appearance of harmful algae blooms in the Finger Lakes and elsewhere; and ongoing challenges of combined sewer overflows and chemical runoff into rivers and streams appear to have convinced political leaders in Albany that the time has come to heed the grassroots' calls and make significant new investments in water quality restoration and protection.

On Jan. 9, in one of Gov. Cuomo's State of the State addresses, he delighted environmentalists by proposing a \$2 billion Clean Water Infrastructure Act to pay for some of the improvements those groups have urged be done. The governor proposes to invest the money in drinking water infrastructure, wastewater infrastructure and watershed protection. His plan would provide funds for capital improvements to municipal drinking water and wastewater systems and promote open space conservation, wetland protection and enhancement, and proper management of common contaminants like manure, fertilizer and road salt to prevent runoff.

Under the governor's plan, the State Superfund will also be increased to expedite the cleanup of hazardous waste sites that may impact sources of drinking water. Additionally, in keeping with the regional, de-centralized model that has been used



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for economic development, communities would be invited to recommend projects to protect water resources and promote conservation and green infrastructure. The governor's press release promised funding will "prioritize bottom-up, community-based planning at the regional and watershed level."

Other than the initial press release, however, no details have been revealed on how the plan would be carried out or funded.

On a separate track, a week earlier the Senate Committees on Health and Environmental Conservation released a joint report on "Water Quality and Contamination," drawn from Senate hearings in Hoosick Falls, Albany and on Long Island in response to those highly publicized incidents of drinking water contamination. Within a few weeks, Sens. Hannon and O'Mara, the chairs of those committees, introduced the Clean Water Bond Act of 2017, to authorize the sale of \$5 billion in bonds "for the preservation, enhancement, restoration and improvement of the quality of the state's water." Because it's a bond act, voters would have to approve the legislation in a referendum on Election Day.

The Senate bill proposes allocating \$1.5 billion to the protection of the state's watersheds and natural resources, water quality research and development, and water quality restoration. The bulk of the

money, \$3.5 billion, would be allocated to clean water infrastructure (for stormwater, wastewater and drinking water), updating and replacing septic systems, and for water testing and filtration and "other measures" for communities that have a known or suspected contamination issue, but are not on the State Superfund registry.

Sens. Hannon and O'Mara introduced separate legislation to establish a Drinking Water Quality Institute composed of public health experts, scientists, water purveyors and the Commissioners of Environmental Conservation and Health. The Institute would be charged with, among other things, setting New York state-specific requirements for presently unregulated contaminants "that are more stringent than those under federal law," establishing a clear notification process for municipalities and state agencies to inform and guide the public regarding water quality and "actual or potential" threats, and ensuring state officials and the public are educated and aware of the most up-to-date scientific research.

The proposals have excited environmental organizations concerned with water quality and watershed protection. Mike Haugh, president of Genesee RiverWatch, released this statement: "Genesee RiverWatch is excited by these two measures. The Finger Lakes Region's greatest asset is its water resources. These proposals focus attention and money on preservation of water quality at its source, upgrading aging wastewater treatment systems, and controlling pollutants entering our rivers

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and lakes. Water that is safe for people to drink and for fishing, boating and swimming is vital. These measures are particularly welcome on the 45th anniversary of the Clean Water Act, which marked the beginning of today's focus on water stewardship."

Similar sentiments have been expressed by Buffalo Niagara Riverkeeper, the Nature Conservancy, and others. Some also ex-

pressed a note of caution that "[w]e need our elected officials to be water champions to make these initiatives a reality." And others have noted that the estimated cost of repairing and updating New York's aging drinking water infrastructure is closer to \$40 billion.

Still, the real question is whether voters care enough about the problem for a bond act to gain approval in a general election. New Yorkers have approved seven bond acts to finance environmental initiatives

since 1960, but the last was 21 years ago with the 1996 Clean Water/Clean Air Bond Act. Are voters willing to make it eight in a row?

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