



LONG ISLAND WATER CONFERENCE 2023 LEGISLATIVE AGENDA

March 10, 2023



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Overview:

A vast system of groundwater aquifers provides virtually all of the drinking water consumed on Long Island. More than 1,000 wells serve the area's community water supply systems, tapping one of the nation's most critical sole-source aquifers. Three major water-bearing segments provide 375 million gallons of water per day to Long Island residents and businesses.

The Long Island Water Conference (LIWC) is an alliance of 50 public and private drinking water purveyors and other industry professionals within Nassau and Suffolk Counties that supply potable water to more than three million people. The organization, founded 70 years ago, is dedicated to ensuring that a clean, safe and abundant water supply is maintained for all Long Islanders. Since its inception in 1951, the LIWC has been involved in all phases of water supply and management in Nassau and Suffolk. Members include large and small water suppliers, both public and private, all across Long Island. Together they serve approximately 90 percent of the bi-county area, which has a population greater than 20 states.

We would like to thank the Governor and our state legislators for their past commitment to partially fund wellhead treatment for emerging contaminant removal. Total island-wide capital cost for treating 1,4-dioxane, PFOS and PFOA is estimated to be \$840 million and rising. Water suppliers who have been impacted by emerging compound contamination have taken swift and determined action to implement wellhead treatment as quick as possible. These actions have included passing emergency resolutions to order long lead time equipment, secure bond funding to finance treatment costs and commence construction to facilitate interim treatment. Despite the enormous challenges of the pandemic and daunting supply chain issues more than 40 wellhead treatment systems for 1,4 dioxane removal have been placed into operation as of February 2023.

We appreciate the actions taken by the Governor and legislature for passing and signing the 'Polluter's Pay' bill A2620 (Thiele) /S0956 (Gaughran) into law last year. This law will be critical to water suppliers holding responsible parties accountable for drinking water contamination.

The LIWC also appreciates the efforts of the Nassau and Suffolk County Legislatures for their continued support of the Long Island Commission for Aquifer Protection (LICAP) and commitment to bi-county cooperation for aquifer protection and management. Since it was established in 2014, LICAP has brought local water professionals and stakeholders together to develop a coordinated approach to managing groundwater issues and concerns facing Nassau and Suffolk. LICAP made significant progress and must receive sufficient funding on an annual basis to provide further recommendations on issues concerning the sole-source aquifer, including saltwater intrusion, plume monitoring and water table levels. It is vital that the facts and science be obtained by proactively working with the USGS and NYSDEC concerning our water supply be obtained and objectively considered when assessing the Long Island groundwater system.

The Legislative Committee of the Long Island Water Conference has adopted the following positions for the consideration of our elected officials:



1. Drinking Water Infrastructure Funding

In New York State, 10,147 regulated water systems provide clean water to 20 million New York residents. On Long Island, more than 50 public and private water systems provide potable water to a population of more than three million people. Nearly 95 percent of New York's population receives water from the state's public water supply systems. Unfortunately, 95 percent of the submitted improvement projects to the Drinking Water State Revolving Fund (DWSRF) program remain unfunded due to the overwhelming demand. The latest estimate for repairing, replacing, and updating statewide drinking water infrastructure add up to \$38.7 billion over 20 years. This amount does not include the treatment for emerging contaminants which is further discussed below. From frequent pipe breaks to large system upgrades to rebuilding from storm damage, our aging drinking water network has no shortage of challenges.

Although the DWSRF program has been very successful in providing funding for approved water system improvement projects, the 95 percent rate of unfunded projects makes it clear that the financial need is significantly higher than the DWSRF alone can provide. Additional revenues are urgently needed. Drinking water regulations have increased significantly over the past 30 years, and such regulations apply to systems of every size and water source. As research and technologies change and improve, additional regulations may be enacted as new potential health effects of various contaminants are discovered. The cost of complying with new and increasingly stringent regulations is a challenge that all water systems face.

To illustrate this point further the promulgation of a maximum contaminant level (MCL) of 1 part per billion (ppb) for 1,4 dioxane and 10 parts per trillion (ppt) for PFOA and PFOS during 2020 places a significant financial burden on water suppliers and their ratepayers. The New York State Department of Health (NYSDOH) has estimated the total statewide capital cost for 1,4 - dioxane treatment to be \$317,700,000 and an annual operating cost of \$13,000,000 based on a 1 ppb MCL. It is estimated that 89 public water facilities will require treatment with the clear majority located on Long Island. However, it should be noted that the planning and implementation for 1,4-dioxane treatment starts at half of the MCL or 0.5 ppb. Therefore, the LIWC estimates that approximately 200 wells will be impacted yielding a total estimated capital cost of \$840,000,000 and annual operating cost of \$30,000,000. NYSDOH estimates that 645 community water systems will be required to implement treatment for PFOA. / PFOS based on a 10 ppt MCL. This translates into an estimated capital cost of \$855,000,000 and an annual operating cost of \$45,000,000 according to NYSDOH data. The combined capital cost for removing the aforementioned emerging contaminants will be an astonishing \$1,569,000,000. This brings the total estimated statewide drinking water infrastructure to over \$40 billion over the next 20 years. It should be noted that costs are projected to continue to escalate in the foreseeable future due to inflation, supply chain issues and interest rate increases making funding vital. Based aging infrastructure such as water mains, storage tanks and supply facilities must also be considered for funding.

Water rates, property taxes (where applicable) and fees could more than double and in some cases impact affordability, therefore we request that the Governor and state legislature to continue to provide sufficient funding for treating emerging compounds and replacement of aging critical drinking water infrastructure.



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At present, investor-owned water utilities in New York State are not eligible for public grant funding. Therefore, the 124,000+ customer connections served by an investor-owned water system on Long Island is currently not eligible for state or federal monies and other public funding opportunities that would provide much needed relief to rate payers. As water infrastructure grants are being funded, and promoted at the Federal and State level, it is critical to allow privately held water systems the same ability to access to these funding streams as public water systems. Taxpayer dollars from residents who have a private water utility are partially funding the grant programs so it is only right that they too have access to grant monies they are contributing to.

Water Suppliers need flexibility and realistic deadlines to meet new regulations based on supply chain and available engineering, equipment and contractor resources. Unrealistic deadlines significantly increase capital costs. It is critical that water quality standards are developed that are based on sound science and provide meaningful public health protection. New regulations must also consider affordability and sustainability impacts. Therefore, to keep costs reasonable and minimize ratepayer impact, more practical implementation, timing and funding is needed in advance of the promulgation of MCLs for future emerging contaminants.

2. Provide adequate funding to the NYS Department of Health (NYSDOH) Bureau of Public Water Supply Protection and New York State Department of Environmental Conservation (NYSDEC) Region 1 Water Division

We thank the Governor's office and the State Legislature for providing additional funding for the New York State Department of Environmental Conservation (NYSDEC) Region 1 Water Division during the last budget cycle. The heightened public awareness about unregulated contaminants and the threat such contaminants pose to the groundwater supply makes it very important to maintain needed funding to address spills and protect our vital groundwater resource. Especially in light of the recent promulgation of drinking water quality regulations for 1,4 dioxane, PFOA and PFOS. Source water protection is the first line of defense for public water suppliers.

While the NYSDEC has an important role in managing and protecting our groundwater resource, the New York State Department of Health (NYSDOH) Bureau of Public Water Supply Protection has an equally vital role in drinking water public health protection. Sufficient funding is needed to support the existing regulatory framework under Part 5 of the State Sanitary Code to address the health effects and regulatory limits for emerging compounds such as 1,4-dioxane and perfluorinated compounds (PFOA and PFOS). It is important to note that when sufficient funding and resources have been provided in the past, the NYSDOH was successful in establishing clear regulatory guidance for past emerging contaminants including Methyl tert-butyl ether (MTBE) and perchlorate. Failure to properly fund the NYSDOH will delay wellhead treatment implementation and adversely impact water supply operations.

We understand that the Governor is looking to reduce the state workforce significantly to address budget deficit concerns. However, we cannot undermine the progress the state has made with environmental and public health protection. Therefore, we urge our legislators to continue to make funding of these vitally important programs a priority for the upcoming state budget.



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The Governor's proposed budget also includes an important proposal to revise the state finance law to allow funding for lead service line replacements in private residences. Lead Service Line Replacement Protecting children from exposure to lead is a key public health priority, as even low levels of lead in blood have been shown to affect IQ, ability to pay attention, and academic achievement. Water suppliers strongly support and are encouraged by legislation within the Executive Budget that amends Local Finance Law to allow New York State to use federal Bipartisan Infrastructure Law (BIL) funding to replace entire lead service lines. This would include portions of lines that may cross private property boundaries, a requirement of BIL funding. New York State is anticipated to receive \$115 million annually for the next five years in BIL funding to inventory and replace lead service lines in public water systems. Municipalities, school districts, and district corporations will be able to access low-cost financing options through the Environmental Facilities Corporation (EFC).

3. In Support of S.4350 Hinchey /A.3133 Steck calling for the enacting of the "Safe Water Infrastructure Action Program Act"

The proposed bipartisan Safe Water infrastructure Action Program (S.W.A.P.) is for drinking water, storm water, sanitary sewer and gas line infrastructure and is modeled on the popular and successful CHIPS program for local roads and bridges. S.W.A.P. would provide annual funding to all municipalities in the state to allow them to identify and swap out old, deteriorating pipes, water mains and gas lines to better maintain the state's infrastructure. Much of the underground water infrastructure under New York State is aging, and in some cases on Long Island, dates back more than 100 years.

Similar to the success of the Consolidated Local Street and Highway Improvement Program (CHIPS), S.W.A.P. will allow local governments to proactively replace deteriorating drinking water, storm water, gas lines and sanitary sewer infrastructure. In too many instances, our state could be throwing good money after bad to maintain our roadways without regard to what dangers lay beneath the surface.

An aging infrastructure is not only costly to our localities and a threat to public safety; it is also an impediment to economic development. Communities facing severe fiscal constraints cannot absorb the financial burden of the frequent and disruptive breaks associated with an aged and deteriorating water and sewer infrastructure.

For the reasons stated above, we urge our state legislators to take action and pass this legislation.

4. In Support of A2996 (Thiele) /S2927 (Cleare) - Adds a definition for maximum contaminant level goal (MCLG)

The US Environmental Protection Agency (EPA) considers several important factors when considering a maximum contaminant level (MCL) for a compound. These factors include known health effects, scientific feasibility, and the economic impact of treating to certain levels. When promulgating an MCL, the EPA also establishes a Maximum Contaminant Level Goal (MCLG) that considers only the known health effects. MCL's serve as the enforceable standards that water suppliers must meet. MCLGs provide guidance on the appropriate levels that suppliers should aim to treat to. The New York State Department of Health (NYSDOH) does not promulgate MCLGs and water suppliers rely on EPA MCLGs for guidance.



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New York has led the nation by setting strict standards for emerging contaminants like PFAS and 1,4-dioxane. For this class of compounds, no MCLGs exist which leave water suppliers without critical information needed on what levels they should be treating to avoid any known health effects. A2996/S2927 remedies this problem by directing the NYSDOH to establish MCLGs for all current and future emerging contaminants. Thus, providing the public and water suppliers important direction for the preservation of public health.

5. Water conservation legislation required for improving lawn irrigation efficiency

Water utilities provide potable water that undergoes rigorous treatment and testing to ensure that it meets state and federal standards. Significant amounts of that water will be used for irrigation purposes, especially during times of drought. Spray sprinkler bodies without pressure regulators will use as much water pressure as is available to a home or business, putting additional strain on water systems to meet demand. This places a burden on water utilities but also on the states limited water resources.

States across the country have begun requiring that all spray sprinkler bodies meet EPA WaterSense standards and come equipped with a pressure regulator. This ensures that the sprinkler limits on the amount water it uses, providing consistent coverage and saving water. This bill extends that standard to New York and requires that all future spray sprinkler bodies meet EPA WaterSense standards.

Long Island is fortunate to have abundant water resources with our sole-source aquifer. However, the aquifer is not infinite and without careful stewardship, Long Island water suppliers could face a future where the ability to meet demand without straining the aquifer is at risk. It is estimated that as much as 70% of potable water will be used for lawn and garden watering on Long Island during the summer. Water conservation needs to become a significant part of the conversation to ensure that Long Island continues to have abundant water resources.

In closing, we urge our legislators to continue to support our legislative program and to make funding of the vitally important programs discussed in our agenda a priority for the upcoming state budget.

For additional information concerning LIWC legislative issues, please contact our legislative committee co-chairs:

Paul J. Granger, P.E.
516.931.0184
pgranger@hicksvillewater.org

Tyrand Fuller, P.G.
631.563.0381
tfuller@scwa.com