Public Testimony
New York City Council, Committee on Environmental Protection
Re: Int. No. 1346 - Water pollution control, including provisions relating to stormwater management and control of discharges into storm sewers

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The Waterfront Alliance is a non-profit civic organization and coalition of more than 900 community and recreational groups, educational institutions, businesses, and other stakeholders committed to restoring and revitalizing New York Harbor and the surrounding waterways.

Clean water is a critical concern not only for the members of our Alliance but for millions of people who inhabit our island metropolis. Over the last generation, thanks to progress spurred by the Clean Water Act and capital improvements made by the City and the State, many of New York’s waterways are clean enough for regular recreational use, as more people are boating, fishing and swimming in our shared waters. New York Harbor is also now a more conducive place for fish, shellfish, and marine bird populations, even as commercial shipping grows.

While toxins in the marine environment have been reduced considerably, significant problems persist, caused by generations of pollution and neglect. We still have a long way to go in order to meet the standards of “fishable and swimmable” waters. Our waterways must not only be protected but improved, as healthy habitats will foster the well-being of millions of residents and visitors, as well as improve the regional economy. Not surprisingly, as less pollution washes up on local shores, water-related tourism and recreation enjoy corresponding growth. Across our region, networks of civic groups and concerned citizens have contributed to improving our habitats through beach cleanups, oyster restoration programs, and citizen-based water quality testing.

Yet cooperation among government actors at the local, state, and federal levels is critical. The NYC Department of Environmental Protection, NYS Department of Environmental Conservation (DEC) and the Environmental Protection Agency (EPA) all have a role in the management of combined sewer outfall (CSO) discharges, and the preparation of long term control plans (LTCP) to mitigate these challenges. As this legislation acknowledges, the sanitary and storm sewer systems are separated in an area covering more than one-third of the City. The municipal separate storm sewer systems (MS4) also contribute pollution to our waterways, and should be held to the same standards as CSO discharge.

Earlier this year, we learned of a new draft enforcement order between the City and the State DEC regarding the development and review of LTCPs, CSO
permitting and other enforcement activities. We were co-signatories to a letter to DEC requesting greater public involvement and inclusion of civic groups, local elected officials, and independent experts in continued discussions of those plans. Beyond additional disclosure and stakeholder participation, the letter aired serious concerns about possible limitations on capital investment for clean water infrastructure, as the agreement was based on expenditure targets, rather than outcome-based targets using the latest and best standards.

Controlling stormwater at its source is essential to reducing combined sewer overflow and pollutant runoff into our waterways. This requires intervention on land as well as in the water. We recognize the City’s ongoing work to address these challenges through large-scale infrastructure projects, such as upgrading our sewage treatment plants, and smaller interventions to counteract the impermeability of streets and sidewalks through street-greening programs that absorb rainwater. We applaud the City’s efforts to introduce green infrastructure (GI) in certain “target” CSO areas, but encourage greater review and oversight by this Committee to ensure that DEP will meet its long-term goals for effective and widespread implementation, including not only MS4 areas but all CSO areas as well.

At the same time, we also acknowledge that incentives for property owners to make investments to their own buildings and land area can produce better outcomes. Our Waterfront Edge Design Guidelines program, or WEDG, incorporates points toward certification for applying best practices in stormwater management. The City should expand incentives for natural functions such as porous pavement and green rooftops through tax credits or lower usage fees, while at the same time rethinking how rate payments can accurately reflect a property’s contribution to discharge and pollution, rather than usage.

We also recognize that the challenges facing NYC DEP should not be borne by that agency alone, and that the Departments of Transportation (DOT), Buildings (DOB), and Design and Construction (DDC) must all have a responsibility to support green infrastructure development and stormwater management that contribute to clean waterways. A frequent concern among waterfront stakeholders is the absence of a centralized office within the City to advocate for water-dependent uses at the shoreline. A lead waterfront agency would provide a central actor for all policies and funding needs related to water-dependent uses citywide. We encourage the creation of a single local government body—such as a Mayor’s Office of the Waterfront—to serve as a lead actor to coordinate planning efforts, studies, funding, and technical assistance to waterfront users.

Taking care of the environment is the responsibility of everyone – developers, engineers, politicians, teachers, scientists – just as waterfront access is a right shared by all. We thank you for the opportunity to present this testimony, and look forward to working with you to protect our waterways for future generations.