

1 BEFORE THE NEW YORK STATE SENATE FINANCE  
AND ASSEMBLY WAYS AND MEANS COMMITTEES

2 -----

3 JOINT LEGISLATIVE HEARING

4 In the Matter of the  
2020-2021 EXECUTIVE BUDGET ON  
5 ENVIRONMENTAL CONSERVATION

6 -----

7 Hearing Room B  
Legislative Office Building  
8 Albany, New York

9 January 27, 2020  
11:04 a.m.

10

11 PRESIDING:

12 Senator Liz Krueger  
Chair, Senate Finance Committee

13 Assemblywoman Helene E. Weinstein  
14 Chair, Assembly Ways & Means Committee

15 PRESENT:

16 Senator James L. Seward  
Senate Finance Committee (RM)

17 Assemblyman Edward P. Ra  
18 Assembly Ways & Means Committee (RM)

19 Senator Todd Kaminsky  
Chair, Senate Committee on  
20 Environmental Conservation

21 Assemblyman Steve Englebright  
Chair, Assembly Committee on  
22 Environmental Conservation

23 Senator Jen Metzger  
Chair, Senate Committee on Agriculture

24

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3 PRESENT: (Continued)

4 Assemblywoman Donna A. Lupardo  
Chair, Assembly Committee on  
5 Agriculture

6 Senator José M. Serrano  
Chair, Senate Committee on Cultural  
7 Affairs, Tourism, Arts and Recreation

8 Assemblyman Daniel J. O'Donnell  
Chair, Assembly Committee on  
9 Tourism, Parks, Arts and  
Sports Development

10

Assemblyman Michael J. Cusick  
11 Chair, Assembly Committee on Energy

12 Assemblyman Harvey Epstein

13 Senator John Liu

14 Assemblywoman Patricia Fahy

15 Assemblyman Robert Carroll

16 Assemblyman Dan Stec

17 Senator Thomas F. O'Mara

18 Assemblyman Steven Otis

19 Assemblywoman Didi Barrett

20 Senator Joseph P. Addabbo, Jr.

21 Assemblywoman Barbara S. Lifton

22 Senator Anna M. Kaplan

23 Senator Elizabeth O'C. Little

24 Assemblywoman Deborah J. Glick

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3 PRESENT: (Continued)

4 Senator Brad Hoylman

5 Assemblyman Jeffrion L. Aubry

6 Senator Robert G. Ortt

7 Assemblywoman Carrie Woerner

8 Assemblyman William Colton

9 Assemblyman Anthony D'Urso

10 Senator Phil M. Boyle

11 Assemblyman Billy Jones

12 Assemblywoman Marianne Buttenschon

13 Senator Robert Jackson

14 Assemblyman Félix W. Ortiz

15 Assemblyman Philip A. Palmesano

16 Assemblyman John T. McDonald III

17 Senator George M. Borrello

18 Assemblyman Chris Tague

19 Assemblyman Charles D. Fall

20 Assemblyman Colin Schmitt

21 Senator Patty Ritchie

22 Assemblyman Mark Walczyk

23

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1                   CHAIRWOMAN KRUEGER:  If everybody  
2                   could take their seats, we're going to get  
3                   ready to started.

4                   Hi, good morning.  My name is Liz  
5                   Krueger.  I'm chair of the New York State  
6                   Senate Finance Committee.  And the Senate is  
7                   cochairing -- chairing this hearing today; we  
8                   take turns between the Assembly and the  
9                   Senate each hearing.

10                  Today is the first of 13 hearings  
11                  conducted by the joint fiscal committees of  
12                  the Legislature regarding the Governor's  
13                  proposed budget for state fiscal year 2021.  
14                  These hearings are conducted pursuant to the  
15                  New York State Constitution and Legislative  
16                  Law.

17                  Today the Senate Finance Committee and  
18                  Assembly Ways and Means Committee will hear  
19                  testimony concerning the Governor's proposed  
20                  budget for the Department of Environmental  
21                  Conservation; the Office of Parks, Recreation  
22                  and Historic Preservation; the Department of  
23                  Agriculture and Markets; the Public Service  
24                  Commission; and the New York State Energy

1 Research and Development Authority.

2 Following each testimony there will be  
3 some time for questions from the chairs of  
4 the fiscal committees -- which is Ways and  
5 Means in the Assembly, Finance in the  
6 Senate -- as well as other legislators who  
7 have joined us today.

8 I will next introduce members of the  
9 Senate, and Assemblymember Helene Weinstein,  
10 chair of the Assembly Ways and Means  
11 Committee, will introduce members of the  
12 Assembly. In addition, James Seward, ranking  
13 member of the Senate Finance Committee, will  
14 introduce members of his conference.

15 Before those introductions, I would  
16 like to welcome our testifiers today:  
17 Basil Seggos, commissioner of the Department  
18 of Environmental Conservation;  
19 Erik Kulleseid, commissioner of the Office of  
20 Parks, Recreation and Historic Preservation;  
21 Richard Ball, commissioner of the Department  
22 of Ag and Markets; John Rhodes, chair of the  
23 Public Service Commission; and Alicia Barton,  
24 president and CEO of the New York State

1 Energy Research and Development Authority.

2 I want to just highlight some of the  
3 rules for all of these hearings. Everybody  
4 staring at the dais, and those of us on the  
5 dais looking out, can all see these clocks  
6 that right now are marked 10 minutes.

7 Government representatives get 10 minutes to  
8 present their testimony. Others, members of  
9 the public, get five minutes. When we have  
10 panels, it's some combination, and we'll  
11 announce them and the clock will be set.

12 When the clock stops, please you stop,  
13 including my colleagues here. Because when  
14 you are asking questions where the chairs of  
15 the appropriate matching committee get  
16 10 minutes and the rest of the people get  
17 five minutes, that's for your question plus  
18 the answers.

19 So be succinct. Understand that what  
20 you may want to do is say "Perhaps you can't  
21 get me all the answers right now, you can  
22 follow up in writing."

23 So also for all government officials,  
24 we ask that any submissions in writing based

1 on answering questions go to both the people  
2 who ask and the Finance and Ways and Means  
3 chairs, so we can make sure that they are put  
4 up online with all of the testimony.

5 Testimony will all be up online, and  
6 we've made some improvements in the  
7 website that should make it easier to access  
8 and read. So even if you didn't get your  
9 request in to testify on time or -- hold on  
10 to your seats, the last train home is 5:00  
11 and we're going to be going until 8:00 and  
12 you realize, I can't stay -- that's okay,  
13 just let us know that you can't stay for your  
14 appointed testimony.

15 Your testimony is still being  
16 distributed to all members and still up  
17 online for anyone to follow up and read.

18 So I wish we could condense these  
19 hearings to a nine-to-five model, but that's  
20 not how life works. And we certainly  
21 understand many of you will sit here for many  
22 hours, and we appreciate that and appreciate  
23 your contributions. But every year somebody  
24 comes running up going, "Oh, my God, no, I

1 missed the last train." There are options  
2 for you if that's going to be the story.

3 Because we have such tight limits on  
4 time, do not read us your testimony.  
5 Highlight in bullet-point format the key  
6 issues you want to make sure we get. Every  
7 year we say this; every year somebody goes  
8 "Uh-huh" and then proceeds to attempt to read  
9 eight pages of testimony in five minutes.  
10 Trust me, it doesn't work. It doesn't work  
11 in 10 minutes, either.

12 So highlight. We all have your  
13 testimony. We all have been elected to our  
14 positions, and so I'm going to take the leap  
15 that means we can all read and will do so.

16 So you stay focused on the key points.  
17 You want to make sure you are using your time  
18 wisely. And please, please, please, even  
19 though you're hearing me and some of you are  
20 just going to say, "No, I'm just going to  
21 read anyway," Helene and I will cut you off  
22 at the time limit. And so if you made your  
23 most important point on page 8, no one's ever  
24 going to hear you say it.

1                   With that, I'm going to introduce my  
2                   colleagues who I see here from the Senate  
3                   Democrats and allow Senator Seward to  
4                   introduce his members.

5                   We have Joe Addabbo, John Liu, Brad  
6                   Hoylman, Jen Metzger, Anna Kaplan, Todd  
7                   Kaminsky.

8                   Senator Seward.

9                   SENATOR SEWARD: Thank you, Senator  
10                  Krueger.

11                  I'm pleased to introduce members of my  
12                  conference who are here today: Our ranking  
13                  member on the Environmental Conservation  
14                  Committee, Senator Phil Boyle, as well as  
15                  Senator Betty Little.

16                  And right at the outset, before our  
17                  hearings begin, I want to say very, very  
18                  briefly that I am pleased to participate on  
19                  behalf of my conference as the ranking member  
20                  of the Finance Committee in the Senate; I'm  
21                  pleased to participate in these budget  
22                  hearings again this year.

23                  I think it's important for us to  
24                  recognize the fact that as we put together

1           this year's State Budget, we do not do so in  
2           a vacuum. There are some storm clouds out  
3           there that I think we need to deal with as  
4           part of this budget, if not before: The  
5           \$6 billion deficit, the fact that the Census  
6           Bureau came out toward the end of last year  
7           with a report that says that New York State  
8           leads the nation in outmigration of people,  
9           and also the fact that, in my opinion, the  
10          bail reforms and other criminal justice  
11          reforms of last year went way too far in  
12          making our communities less safe.

13                        And I'm hoping that as we finalize a  
14          new State Budget, that we can close the  
15          deficit without simply resorting to new taxes  
16          and fees or cost shifts to local governments,  
17          that we can deal with this outmigration issue  
18          by finding ways to make our state a more  
19          affordable place to live with additional  
20          economic opportunities. And if we don't do  
21          it before the budget's passed, I'm hoping  
22          that it's very, very important that we have  
23          repeal and reworking of the bail reforms and  
24          the other criminal justice reforms.

1                   So that would be my goal through the  
2 process this year. I look forward to the  
3 testimony of not only our state officials,  
4 but various other stakeholders.

5                   CHAIRWOMAN KRUEGER: Ways and Means  
6 Chair Helene Weinstein.

7                   CHAIRWOMAN WEINSTEIN: Thank you, Liz.

8                   I would just reemphasize all of the  
9 information that Senator Krueger mentioned  
10 about the running of these hearings to the  
11 members. I would just remind members that we  
12 do not, as members, have props, and to remind  
13 people who are either witnessing the hearings  
14 by participating, sitting here or potentially  
15 being a witness, that we don't -- we prohibit  
16 the use of signs or demonstrations so we can  
17 get through the hearings as speedily as  
18 possible so that the people at the end of the  
19 hearing are able to have a full audience of  
20 members and to be able to listen and absorb  
21 your comments also.

22                   So I'm very pleased to be here to  
23 joint Senator Krueger and the other members  
24 of the Ways and Means Committee and the

1 Finance Committee for the beginning of our  
2 budget hearings on the Governor's Executive  
3 Budget.

4 I particularly want to welcome our new  
5 ranking member, Assemblyman Ed Ra, who's been  
6 a long-standing member of the Ways and Means  
7 Committee and has taken over now as the  
8 ranker and will be participating in the  
9 hearings.

10 Before he introduces the members of  
11 his conference who are here, let me just take  
12 a moment to introduce the members of the  
13 Assembly who have joined us. So we have  
14 Mr. Englebright, chair of our EnCon  
15 Committee; Mr. Cusick, chair of our Energy  
16 Committee; Assemblywoman Lifton, Assemblyman  
17 Otis, Assemblyman Epstein, Assemblywoman  
18 Fahy, Assemblyman Colton, and Assemblyman  
19 Carroll.

20 So with that, Mr. Ra, if you'd like to  
21 introduce your members.

22 ASSEMBLYMAN RA: Thank you very much.  
23 Happy to be here alongside Chair Weinstein  
24 and Chair Krueger.

1           It is my first hearing as the ranking  
2 member, so I thank the chair for her help,  
3 and I look forward to spending lots of  
4 quality time together in the next few weeks.

5           I just want to welcome our two members  
6 that are here right now, Dan Stec, who is the  
7 ranking member on the Environmental  
8 Conservation Committee, and Assemblyman Chris  
9 Tague.

10           CHAIRWOMAN KRUEGER: Okay, thank you.

11           So our first testifier is Basil  
12 Seggos, commissioner, New York State  
13 Department of Environmental Conservation.

14           COMMISSIONER SEGGOS: Good morning,  
15 Chairwoman Krueger, Chairwoman Weinstein, and  
16 other members of the Legislature. It's good  
17 to be with you again. My name is Basil  
18 Seggos. I'm the commissioner of the DEC.  
19 And with me today are Jeff Safranko, deputy  
20 commissioner for administration, and Jay  
21 McLaughlin, who is the director of  
22 legislative affairs at DEC.

23           And I heard your instructions last  
24 week, I submitted my testimony for the

1 record, so I just have a few bullet points  
2 for you here today.

3 First off, a bit of a mea culpa. I  
4 told you at this time last year it would be  
5 my last budget hearing. Well, I'm back at  
6 it. I decided I wanted to do another one,  
7 maybe more. So it's good to see you all  
8 again in this position.

9 Look, in all honesty, I decided to  
10 stay because I think I've got the best job in  
11 New York State government. I've got the best  
12 staff, the most committed environmental  
13 governor in America. And right now we have  
14 literally in front of us the most important  
15 time on our hands. And that was no time to  
16 leave the fight, so that's why I decided to  
17 stay.

18 The environment has become a pressing  
19 concern once again 50 years later, now  
20 globally. And now looking back on the  
21 actions of the last 12 months, I'm pretty  
22 confident I made the right decision.

23 So I'll just say this at the outset,  
24 and I'm entirely confident of this. There's

1 no state doing what New York is doing for the  
2 environment and for the climate crisis. And  
3 I look back over the nine years that I've  
4 been part of the administration, working for  
5 the Governor, and in partnership with you  
6 all, at some of our accomplishments on air  
7 quality, water quality, environmental  
8 infrastructure, renewable energy and  
9 addressing toxic waste -- and also, very  
10 importantly, responding forcefully to severe  
11 storms and saving lives.

12 All of what we've done over the last  
13 nine years, in partnership with you, has  
14 protected this state. And this aggressive  
15 and early action, really which we started in  
16 2011, set us up very well to protect against  
17 the trade winds coming out of Washington.  
18 And there's no secret now that Trump is in  
19 full retreat on environmental issues. I  
20 mean, look at the newspaper any day and  
21 there's a new change.

22 My view is that New York is the  
23 perfect contrast to that. And as the  
24 Governor led off his State of the State and

1 his budget address recognizing this, the  
2 planet is facing the most grave threat ever  
3 in climate change, and we must act.

4 You'll hear today from both me and all  
5 of my fellow commissioners about the year  
6 ahead and the years ahead. Last year we,  
7 with you, enacted the most ambitious climate  
8 law in the nation, and now it's incumbent  
9 upon us to accelerate all of our work to  
10 install renewable energy across the state,  
11 get off of fossil fuels, and restore our  
12 landscape -- and restore our landscape so  
13 that we can get ready for the effects of  
14 climate change.

15 And that's really the essence of what  
16 the Governor was talking about the other day,  
17 this \$33 billion, five-year commitment to  
18 fight the climate crisis. And part of that  
19 \$33 billion is the "Restore Mother Nature"  
20 Bond Act, \$3 billion bond act, which in my  
21 view is an investment in the future. We are  
22 projecting upwards of \$50 billion of damage  
23 to the state from severe weather over the  
24 next 10 years. So I think a \$3 billion down

1 payment in protecting the state, protecting  
2 landscapes, protecting communities from  
3 flooding, and rebuilding habitat, expanding  
4 parks, is a wise investment and will put us  
5 in a much better place.

6 We also, as part of our budget, as you  
7 know, have another year of \$300 million EPF,  
8 another \$500 million towards the \$3 billion  
9 Clean Water Infrastructure Act, a ban on  
10 polystyrene foam -- which are the packing  
11 peanuts and single-service food products -- a  
12 stronger wetlands law, and continuing our  
13 \$1 billion Superfund.

14 DEC's budget would increase to  
15 \$464.7 million, and our staffing would  
16 increase to 3,162. And that's very  
17 important. That's up 250 since my first year  
18 as commissioner. So --

19 (Interruption from protesters.)

20 CHAIRWOMAN KRUEGER: {Inaudible.}

21 (Interruption continuing.)

22 CHAIRWOMAN KRUEGER: Okay. Guys,  
23 you're welcome to take the protest outside --

24 (Interruption continuing).

1                   CHAIRWOMAN KRUEGER: Okay. Everybody,  
2                   you can go back to your seats and listen, or  
3                   you can leave. The folks protesting don't  
4                   get to testify later. Okay?

5                   (Interruption continuing.)

6                   CHAIRWOMAN KRUEGER: Guys, come on.  
7                   Okay, everybody agreed to stop, but you're  
8                   not stopping, so the State Police are coming.

9                   (Loud chanting continues as protesters  
10                  exit.)

11                  COMMISSIONER SEGGOS: I still have six  
12                  minutes left on my counter.

13                  (Laughter.)

14                  CHAIRWOMAN KRUEGER: We've been joined  
15                  by Senator Robert Jackson and Senator Julia  
16                  Salazar.

17                  And we've also been joined by  
18                  Assemblywoman Deborah Glick and Assemblywoman  
19                  Jo Anne Simon, so there's more people to  
20                  listen to the remainder of your testimony.  
21                  Thank you.

22                  (Loud chanting.)

23                  CHAIRWOMAN KRUEGER: All right, done.  
24                  Go. Bye. Go yell at the Governor.

1 (Laughter.)

2 COMMISSIONER SEGGOS: So I said I have  
3 six minutes left, Senator. I think I might  
4 take that -- I will not.

5 I am glad I came back. And listen,  
6 this is really a final note. This is our  
7 fiftieth year as an agency. We were founded  
8 the first Earth Day when people just like  
9 that were complaining about the damage done  
10 to our environment and the lack of action at  
11 the federal and state level and every level,  
12 for that matter.

13 So yes, this year I intend to fully  
14 celebrate that progress that we've made over  
15 the last 50 years. But my focus, the  
16 Governor's focus, frankly, is in looking  
17 forward. I don't begrudge the protesters and  
18 what they brought to the room today. I might  
19 quibble with some of their facts and their  
20 language. But they are voicing I think what  
21 we've all seen now internationally: Fear.  
22 Since their governments have let them down,  
23 they need an outlet for their voices.

24 I actually tend to stand with them in

1           some ways, that we need to completely rethink  
2           the way we are approaching the environment,  
3           approaching the world, and approaching our  
4           societies. Because you know what? It's been  
5           the 10 hottest years on record. There are  
6           fires burning in Australia, there's droughts  
7           all across the world, there's floods  
8           impacting communities. They're right. And  
9           we all should take that to heart.

10                         And I know the Governor is. And I  
11           know that to have the Governor do, in this  
12           budget and this State of the State, what he  
13           has done to prioritize environmental spending  
14           so that in the long run New York exists as a  
15           state, is exactly what should be done right  
16           now. So I think we use their energy, we  
17           clarify the facts, clarify the numbers and  
18           use some better language.

19                         But I'm looking forward to having a  
20           good exchange with you today, looking forward  
21           to your questions, and I turn it over to you.  
22           Thank you.

23                         CHAIRWOMAN KRUEGER: Thank you. Ready  
24           for questions?

1                   COMMISSIONER SEGGOS: Absolutely.

2                   Thank you.

3                   CHAIRWOMAN KRUEGER: Okay, we'll start  
4                   out with Senator Todd Kaminsky, the chair of  
5                   Environmental Conservation for the Senate.

6                   SENATOR KAMINSKY: Hi, Commissioner.  
7                   How are you?

8                   COMMISSIONER SEGGOS: Good, Senator.

9                   SENATOR KAMINSKY: I just want to ask  
10                  you about the Climate Action Council. We  
11                  obviously thought it was a priority enough to  
12                  want to do it before the end of last session,  
13                  and yet it has not taken shape. So can you  
14                  tell us where we are, what the future holds,  
15                  how soon they'll be meeting and getting their  
16                  work done?

17                  COMMISSIONER SEGGOS: Sure. And we'll  
18                  be making our appointments shortly on that.

19                  You know, when the Governor signed the  
20                  law last year, we actually began working  
21                  immediately. Both Co-Chair Alicia Barton and  
22                  I assembled our teams in the 10 other  
23                  agencies that are involved in the Climate  
24                  Action Council to begin putting a framework

1 in place to meet the law.

2 We know that once January 1st hit this  
3 year that 2020 is going to be an extremely  
4 busy year on the Climate Action Council. We  
5 intend to have our first meeting as soon as  
6 possible after the final appointments are  
7 made. We'll probably meet on a regular basis  
8 throughout the course of this year.

9 We have a very tight time frame to  
10 turn around a draft scoping plan and then  
11 obviously a final scoping plan in 2022.

12 You know, our efforts last year,  
13 primarily through NYSERDA, to make an  
14 offshore wind commitment, solar across the  
15 state -- and you see within this budget an  
16 extraordinary statement of the Governor's  
17 intent to keep investing in projects, not to  
18 wait for necessarily the scoping plan, but to  
19 begin that work immediately.

20 I, for one, am looking forward to this  
21 body convening. It's a fantastic body. The  
22 appointments have been very strong. And we  
23 will -- we'll be meeting and talking shortly.

24 SENATOR KAMINSKY: Do you know when

1           you'll have nominees -- do you know when  
2           you'll have appointees for the -- the  
3           Governor's office will have appointees?

4                   COMMISSIONER SEGGOS: Very shortly.

5                   SENATOR KAMINSKY: With respect to the  
6           bond act, I think there's a lot of excitement  
7           behind that, but I think there's a lot of  
8           questions about what is in and what is not  
9           in. Can you give us some guidance on  
10          projects you think fall into it, what  
11          projects would fall out of it, and how we go  
12          about thinking throughout the budget process  
13          how we tighten that up so voters have a good  
14          idea what their votes and what our state's  
15          money will be going toward?

16                   COMMISSIONER SEGGOS: Sure. The  
17          language that the Governor used in the budget  
18          was broad, but we specified some categories  
19          of projects that we think would address the  
20          core need. Right? The damage done from  
21          flooding, loss of habitat around the state,  
22          the need to improve our state and prepare for  
23          the future.

24                   So things like tidal wetland

1 restoration, increasing by thousands of acres  
2 tidal wetlands along Long Island and New York  
3 City. Freshwater wetlands upstate, in  
4 conjunction with the proposed freshwater  
5 wetlands line that we'll talk about today.  
6 Reconnecting streams. Right? So many  
7 streams around New York State that are  
8 horribly flooded are cut off because of  
9 either old dams or culverts. We'd like to  
10 remove as many of those as possible and  
11 restore thousands of miles of stream.

12 Our fish hatcheries are in a state  
13 of -- well, some of them are in relatively  
14 good shape, but some are not. And we need a  
15 long-term investment in our fish hatcheries.

16 And those are the kinds of  
17 categories -- you know, land acquisition.  
18 Obviously, putting a focus on land  
19 acquisition for the purpose of resiliency  
20 will be a core focus of this. And making  
21 sure that when we look at the bond act and  
22 what it can bring, what we're asking  
23 ultimately the voters to approve is  
24 integrating the bond act into all of our

1 other programs. And it's a very important  
2 point because we have a \$300 million EPF,  
3 we've got the Clean Water Infrastructure Act  
4 that we worked on together. We've got the  
5 Superfund law that we have. We have NY Works  
6 at DEC and other agencies.

7 So I think integrating all of those  
8 other programs into the bond act, really  
9 around the bond act, makes for a very  
10 comprehensive approach.

11 SENATOR KAMINSKY: And do you agree  
12 that in light of being on the front lines of  
13 climate change, storm surge, having issues  
14 with tidal wetlands, habitat restoration,  
15 et cetera, that Long Island will qualify --  
16 should qualify for a number of projects  
17 coming out of the bond act to help it deal  
18 with the very problems it's meant to address?

19 COMMISSIONER SEGGOS: Oh, no doubt  
20 about it, Senator. I mean, I joined right  
21 before Superstorm Sandy and saw the damage  
22 done down there, and now we've been  
23 rebuilding for the last eight years there.

24 You know, the water quality conditions

1 on Long Island, the loss of tidal habitat,  
2 the loss of some open space in some areas --  
3 I mean, those are all the kinds of things  
4 that we would look to focus on. And  
5 certainly Long Island, with the number of  
6 problems that it has environmentally and the  
7 population that is down there, we would be  
8 focusing significant attention down there.

9 SENATOR KAMINSKY: I appreciate that.

10 One of the things also mentioned in  
11 the language is a study about Nassau County  
12 studying the feasibility of having access to  
13 New York City water, in light of emerging  
14 contaminants and other things.

15 But many of us have searched for this  
16 study in the budget and have not found it.  
17 So I'm hoping you'll be able to tell us what  
18 funding might be available for the study, how  
19 long you think it should take, and what it  
20 involves. Because there's a lot of interest  
21 on Long Island, but it's kind of hard to find  
22 details on it.

23 COMMISSIONER SEGGOS: Right. So this  
24 is something that DEC and DOH will jointly

1 work on. There's no specific preparation in  
2 the budget for it, but we have the resources  
3 within our existing Clean Water  
4 Infrastructure Act and other pots that we  
5 would draw upon to conduct the study.

6 I agree it's an important study. At a  
7 bare minimum, looking at the possibility, the  
8 long-term possibility of tapping into the  
9 New York City system would provide great  
10 redundancy for Long Island, and also solving  
11 some issues with contamination in certain  
12 water districts. But that will be a good  
13 study, and we'll get that going very quickly,  
14 understanding that it's a priority for  
15 Long Islanders.

16 SENATOR KAMINSKY: Thank you. I hope  
17 we can get more clarity, as the budget  
18 process develops, over that.

19 With respect to Styrofoam and the  
20 polystyrene ban in the budget, there's also  
21 language in there that I had concern with  
22 that says we're going to ban this and future  
23 studies and bans, depending on what DEC  
24 believes needs to be banned.

1                   Can you tell us what authority you're  
2                   seeking in the budget and what that would  
3                   mean? Would that mean that if that is  
4                   granted, that anything DEC decides and  
5                   studies is a product that is dangerous to  
6                   New York, you could just ban it without  
7                   legislative authority?

8                   COMMISSIONER SEGGOS: Well, as the  
9                   polystyrene being, yes, banned, we're looking  
10                  at authority through the Legislature to be  
11                  able to treat -- to ban single-use  
12                  polystyrenes -- you know, cups, plates and so  
13                  forth -- as well as packaging materials.

14                 And seeking broader authority to be  
15                 able to ban other items that may present a  
16                 challenge for us from a landfill perspective,  
17                 human health perspective, or pollution in the  
18                 long term. It wouldn't be something that DEC  
19                 would do without any kind of -- on its own  
20                 administrative authority. We would look  
21                 obviously through the regulatory process to  
22                 make a very public process through any future  
23                 items that we would like to get out of the  
24                 waste stream.

1                   And I think in a way it's designed to  
2                   accelerate our efforts to reduce the impacts  
3                   of waste here in New York State and allow us  
4                   to be a little more nimble with how we  
5                   approach things like the plastic bag ban last  
6                   year, this year it's polystyrene, but there  
7                   may be other issues in the future where we  
8                   need to move quickly and more effectively.

9                   SENATOR KAMINSKY: Okay. With respect  
10                  to extended producer responsibility, I was  
11                  personally happy to see the carpets and  
12                  mattresses in here. But I do believe that in  
13                  light of issues that we are having with  
14                  glass, with our MRFs having financial strain,  
15                  that we could do a lot more of a robust EPR  
16                  effort like they're done in other countries  
17                  and beginning in other parts of the state.  
18                  So I'd like to get your thoughts on your  
19                  willingness to do that or your openness to  
20                  working with the Legislature to establish a  
21                  more robust form of extended producer  
22                  responsibility.

23                  COMMISSIONER SEGGOS: Well, listen,  
24                  thank you, Senator. And I think we're

1 obviously more than willing to work with you  
2 on any ideas that you have.

3           The idea of extended producer  
4 responsibility approaching waste streams like  
5 that is a really important one. We know that  
6 it works with carpets and mattresses, for  
7 example. California, Rhode Island,  
8 Connecticut do that very effectively, and  
9 they put the burden really back on the  
10 manufacturer as opposed to on the consumer,  
11 which has a very important function of  
12 incentivizing reduction of waste and using  
13 recycled material.

14           So if we can get that done this year  
15 and obviously get that massive amount of  
16 waste out of the waste stream --  
17 surprisingly, it's a million mattresses a  
18 year and like 120,000 pounds of carpet that's  
19 going to our overly taxed landfills already.  
20 So any work we can do to reduce those streams  
21 and others, we would be appreciative of that  
22 authority.

23           SENATOR KAMINSKY: Okay, I appreciate  
24 that.

1                   And with respect to some issues  
2                   surrounding the Bottle Bill, do you agree  
3                   with the statement that there's massive fraud  
4                   surrounding the Bottle Bill that New York can  
5                   do more to combat?

6                   COMMISSIONER SEGGOS:  There's no  
7                   question that there's fraud surrounding the  
8                   Bottle Bill.  We've got I think something  
9                   upwards of a thousand investigations over the  
10                  last five years on the Bottle Bill --  
11                  71 consent orders, \$1.2 million in fines and  
12                  penalties.

13                  So it is a significant issue.  We have  
14                  our Environmental Conservation Police  
15                  Officers, both uniformed and undercover, on a  
16                  number of investigations as we speak.  And I  
17                  need to treat that significantly.  That's  
18                  money that should be going to New Yorkers and  
19                  it's not.  Fraud is -- I wouldn't  
20                  characterize it as rampant, but it's there  
21                  and we have to deal with it.

22                  SENATOR KAMINSKY:  Okay.  And lastly,  
23                  a last question surrounding the Adirondacks.  
24                  Can you give us assurances that the

1           stewardship money for rebuilding and  
2           reconstituting trails is going to be there at  
3           the end of the day to help those repairs in  
4           light of the overuse, as opposed to being  
5           swept up in the budget process into other  
6           areas?

7                    COMMISSIONER SEGGOS: Absolutely. One  
8           of my top priorities. I mean, you see the  
9           Adirondacks getting this incredible amount of  
10          use right now. And it's a good thing; I'd  
11          like to say publicly it's a good thing for  
12          the Adirondacks to get that use, but we have  
13          to make sure that when people get there it's  
14          safe for them and the trails aren't being  
15          damaged.

16                   So yes, that's the purpose of the  
17          increase in stewardship. I want to get  
18          sustainable trail crews out there. We think  
19          by -- through this proposal we have the  
20          opportunity to triple our effectiveness on  
21          trail building this coming year, when you  
22          match up the new crews that we're proposing  
23          with existing crews we have and some of the  
24          student crews that are out there.

1                   It's something we have to do. We've  
2                   got to meet this challenge of increased use  
3                   and make sure people have safe trips up in  
4                   the woods and they want to come back because  
5                   the trails are in good shape. And that's  
6                   a -- it's a top priority of mine.

7                   SENATOR KAMINSKY: Thank you. I look  
8                   forward to working with Chairman Englebright  
9                   and you during this budget process to get  
10                  good things done for our state.

11                  COMMISSIONER SEGGOS: Thank you.

12                  CHAIRWOMAN KRUEGER: Thank you.  
13                  Assembly.

14                  CHAIRWOMAN WEINSTEIN: Thank you.

15                  We're going to go to the chair of our  
16                  EnCon Committee, Assemblyman Steve  
17                  Englebright.

18                  ASSEMBLYMAN ENGLEBRIGHT: Thank you,  
19                  Madam Chair.

20                  Good morning, Commissioner.

21                  COMMISSIONER SEGGOS: Good morning,  
22                  sir.

23                  ASSEMBLYMAN ENGLEBRIGHT: I have a  
24                  number of questions that come from your

1 testimony and the budget. But the first  
2 question, does your agency have the staffing  
3 resources that it needs to fulfill all of its  
4 permitting and oversight obligations and to  
5 carry out this budget?

6 COMMISSIONER SEGGOS: Absolutely. I  
7 mean, since I came into this job in 2015,  
8 late 2015, we're actually up by 250 staff.

9 Those increases the Governor tied to  
10 the evolution of this job, that DEC in 2015  
11 is much different than DEC in 2020. We've  
12 taken on the Climate Leadership Act; the REDI  
13 Commission up on Lake Ontario, which is  
14 rebuilding the shorelines up there; the Clean  
15 Water Infrastructure Act; Superfund.

16 I mean, we have been making increases  
17 to match the changes in the agency, the  
18 changes in the field. And I have no doubt  
19 that we have the staff right now to carry out  
20 this mission.

21 ASSEMBLYMAN ENGLEBRIGHT: I'm looking  
22 at an optimist.

23 COMMISSIONER SEGGOS: You have to be.

24 ASSEMBLYMAN ENGLEBRIGHT: I would note

1           that you've lost almost a third of the  
2           personnel in your agency over the last  
3           decade, and your obligations have increased,  
4           and as you rightly just pointed out. And  
5           we're now looking at taking on the world,  
6           literally, in the sense of the climate change  
7           challenge.

8                         So I would just urge you to take  
9           another look at that aspect of the budget,  
10          the personnel aspect. I believe we would be  
11          receptive to a conversation to add personnel,  
12          but I don't believe that we can do that if  
13          you tell us that you don't need anybody,  
14          everything is just swell.

15                        COMMISSIONER SEGGOS: Well, I don't  
16          want to say we don't need anybody. In fact,  
17          this budget does have an increase of 47  
18          staff, and that's to be applied to the  
19          Climate Leadership Act work, which will be  
20          significant on this agency, as well as the  
21          REDI Commission. Again, these are natural  
22          resource folks, attorneys and whatnot, to  
23          help us rebuild the shoreline in a  
24          sustainable way on the north coast.

1                   So we do have an increase this year in  
2                   the budget. I'm grateful for that.

3                   ASSEMBLYMAN ENGLEBRIGHT: Thank you.

4                   Is there a reason to be concerned  
5                   about the long-term fiscal health of the EPF?  
6                   And within that context, why does language in  
7                   the Executive Budget again -- surprisingly,  
8                   after last year -- allow for EPF money to be  
9                   used for personnel services? Do we really  
10                  have to revisit this again?

11                  COMMISSIONER SEGGOS: Well, as to the  
12                  long-term financial health of the EPF, I  
13                  don't believe there's a reason to be  
14                  concerned at all about it. When I first came  
15                  in, it was -- we were celebrating a  
16                  \$5 million increase, from 134 to 139. Now we  
17                  have a \$300 million EPF; we've had that every  
18                  year. The Governor has talked about it  
19                  repeatedly. I understand that, you know,  
20                  this is really a top priority for the entire  
21                  environmental community, and we'll keep doing  
22                  that.

23                  As to the second part of your  
24                  question, personal services, I mean, we're

1           proposing a nominal application of personal  
2           services to the EPF for the purposes of staff  
3           that work on EPF issues. So, much in line  
4           with how we apply staff to the Clean Water  
5           Infrastructure Act, Superfund, NY Works,  
6           other capital pots, that helps us more  
7           effectively run those programs.

8                     ASSEMBLYMAN ENGLEBRIGHT: The CLCPA  
9           requires state agencies and authorities to  
10          invest no less than 35 percent of the overall  
11          benefits of certain spending to disadvantaged  
12          communities. How much funding does the  
13          Executive Budget contain for this purpose?

14                    COMMISSIONER SEGGOS: Well, as you  
15          know, moving forward, the Governor has said  
16          we have a \$33 billion five-year plan on  
17          climate. The Climate Leadership Act will  
18          require us to ensure that the benefits of our  
19          spending accrue at least 35 percent, with a  
20          goal of 40 percent in disadvantaged  
21          communities.

22                    Now, this year as we now convene as a  
23          climate council, we have a couple of jobs  
24          ahead of us: First, defining the

1           disadvantaged communities and, second, begin  
2           establishing a way to track how we spend  
3           those dollars so in fact that will be done in  
4           a transparent process through the CLCPA. And  
5           that will be a way in which we will meet  
6           those targets.

7                     Now, this budget, as you know, we  
8           through the Environmental Protection Fund  
9           have had an environmental justice line. That  
10          line has been very well subscribed for the  
11          last few years. That will be a \$7 million  
12          line, and we'll ensure that that spending  
13          gets done and gets integrated, frankly, with  
14          some of the work that will be coming out of  
15          the climate leadership -- the Climate Action  
16          Council.

17                    So it's a core component of the CLCPA,  
18          and we'll make sure that it gets done this  
19          year.

20                    ASSEMBLYMAN ENGLEBRIGHT: I'd like to  
21          follow up. Senator Kaminsky's first question  
22          was about how you are going to go about  
23          implementing the CLCPA in the larger sense.  
24          And I think that I'd just like to dovetail

1 with that a little bit.

2 You've mentioned that you have a  
3 five-year program. How does that fit into  
4 the CLCPA? What's the context, I guess, of  
5 your goal-setting within the context of the  
6 goals that are statutory?

7 And you have mentioned the \$33 billion  
8 for renewable energy, but the largest -- and  
9 of course that's a good start, but the  
10 largest sources of emissions are vehicles and  
11 buildings. Those two together are something  
12 approaching three-quarters of the problem.

13 It's convenient to go after renewable  
14 energy, because we regulate it very heavily  
15 and so we have a good handle on it. It's  
16 also a good place to start because the basis  
17 of everything really needs to be  
18 electricity-based. So I'm not questioning  
19 the wisdom of beginning there, but I am  
20 wondering whether you can give us some  
21 specifics as to how you're going to  
22 tactically and strategically approach  
23 knocking back these challenges that we have  
24 of air emissions.

1                   COMMISSIONER SEGGOS: Sure. Well, I  
2                   couldn't agree with you more. I use the term  
3                   "renewable energy" in a generic sense.  
4                   Obviously, if you unpack the \$33 billion in  
5                   the way the Governor did on the slide during  
6                   the State of the State, it recognizes that  
7                   front and center. The MTA is transitioning  
8                   its fleet towards renewables, the Governor --

9                   ASSEMBLYMAN ENGLEBRIGHT: They're  
10                  buying diesels.

11                  COMMISSIONER SEGGOS: The Governor  
12                  will be -- will be --

13                  ASSEMBLYMAN ENGLEBRIGHT: The MTA is  
14                  buying like 25 diesel locomotives.

15                  COMMISSIONER SEGGOS: Well, I'm  
16                  talking about buses. And --

17                  ASSEMBLYMAN ENGLEBRIGHT: I'm talking  
18                  about the diesel locomotives. I'm very  
19                  dismayed about that.

20                  COMMISSIONER SEGGOS: There's  
21                  \$1.5 billion for electric buses and charging  
22                  stations. That's what's being projected.  
23                  And a number of other really important  
24                  things -- EVolve NY. Again, my counterparts

1 will talk about that. That's upstate fleets,  
2 moving upstate bus fleets to renewables, it's  
3 the top five largest upstate bus fleets --  
4 25 percent by 2025, 100 percent by 2035.

5 I think the -- to get to the essence  
6 of your question at the outset was, you know,  
7 the \$33 billion, how will that dovetail  
8 nicely with the CLCPA. I think very  
9 importantly it gets us off immediately, while  
10 the work of the CAC is underway -- the  
11 calendar of the CAC is sort of a  
12 two-plus-year lifetime. We're talking about  
13 beginning the investments we need to make,  
14 transportation, renewables, and then have the  
15 CAC create this whole government scoping  
16 plan, whole economy scoping plan so that we  
17 can take into such things as, you know, how  
18 we keep our farms sustainable and how we keep  
19 our land sustainable. Really, the entire  
20 economy and how it looks and how it feels.

21 So that's the intersection between the  
22 two. To have the resources right away, as  
23 opposed to just be talking for two years, is  
24 an amazing place to be in right now. And to

1           have the Governor stand up and say  
2           \$33 billion will be set aside for this and  
3           directed towards this -- in this day and age,  
4           with a \$6 billion deficit and what's  
5           happening at the federal level, is an  
6           incredible statement of the state's  
7           commitments.

8                         ASSEMBLYMAN ENGLEBRIGHT: Thank you.

9           I just want to compliment the Governor  
10          for leading his budget presentation with the  
11          environment and compliment our legislative  
12          leaders for leading with the environment in  
13          our hearing here today.

14                        COMMISSIONER SEGGOS: Absolutely.

15                        ASSEMBLYMAN ENGLEBRIGHT: Mr. --  
16          President Trump has assaulted wetlands within  
17          the last week. Are you open to a  
18          conversation with legislative leaders to see  
19          what we can do to make sure that we don't  
20          slide backwards in wetlands protection and  
21          take action in that direction?

22                        COMMISSIONER SEGGOS: Absolutely. In  
23          fact we have a proposal in front of you now  
24          to amend the Environmental Conservation Law

1 to strengthen wetlands protections. In fact  
2 by removing the mapping obligation, that  
3 immediately gives rise to the possibility of  
4 about a million additional acres of wetlands  
5 that are larger wetlands, and gives us a  
6 chance to also add wetlands of unusual  
7 importance locally that are less than 12.4  
8 acres.

9 So yes, we are alarmed at what  
10 happened at the federal level and yes, we are  
11 very much open to a conversation with you as  
12 to how to plug that hole.

13 ASSEMBLYMAN ENGLEBRIGHT: I appreciate  
14 that, Commissioner. Thank you very much.

15 Thank you.

16 CHAIRWOMAN WEINSTEIN: Thank you.

17 We just have to --

18 CHAIRWOMAN KRUEGER: There was a  
19 little clock something, but you got your  
20 10 minutes all together.

21 CHAIRWOMAN WEINSTEIN: Right.

22 Before we move on to Senate  
23 questioners, we have a number of  
24 Assemblymembers that have joined us:

1 Assemblyman D'Urso, Assemblyman McDonald,  
2 Assemblywoman Buttenschon, Assemblywoman  
3 Griffin, Assemblywoman Barrett, and  
4 Assemblyman Fall.

5 So while they get the clock set, we'll  
6 move on to the Senate.

7 CHAIRWOMAN KRUEGER: And actually  
8 we've been joined by Senator May as well.

9 And when we get the clock set, which  
10 will be for five minutes, for Senator Boyle.

11 CHAIRWOMAN WEINSTEIN: Just a couple  
12 more members.

13 CHAIRWOMAN KRUEGER: Certainly.

14 CHAIRWOMAN WEINSTEIN: So a couple of  
15 members who have joined us. Assemblyman  
16 Schmitt, Assemblyman Walczyk, and Assemblyman  
17 Aubry I just saw walk in.

18 Thank you. So now on to the Senate.

19 CHAIRWOMAN KRUEGER: That's okay. So  
20 I want to give Senator Boyle back his  
21 11 seconds --

22 (Laughter.)

23 SENATOR BOYLE: That's okay. I won't  
24 take that long.

1                   CHAIRWOMAN KRUEGER: Thank you.

2                   Senator Phil Boyle --

3                   SENATOR BOYLE: Thank you, Madam  
4                   Chairwoman.

5                   CHAIRWOMAN KRUEGER: -- the ranker for  
6                   EnCon.

7                   SENATOR BOYLE: Thank you.

8                   Thank you, Commissioner, and thank you  
9                   for coming.

10                  COMMISSIONER SEGGOS: Thank you,  
11                  Senator. Good to see you.

12                  SENATOR BOYLE: I wasn't going to ask  
13                  this question, but in light of the recent  
14                  protests, are we looking at a Green New Deal  
15                  for New York State? Or how would you feel  
16                  about something on a state version of what  
17                  they're talking on the federal level?

18                  COMMISSIONER SEGGOS: Well, I think we  
19                  have that, frankly. I think -- we worked  
20                  last year with you very closely to pass the  
21                  nation's most aggressive climate law.  
22                  There's no doubt about it, that it puts the  
23                  state on a very ambitious course to reduce  
24                  our carbon emissions.

1                   And what we're talking about now is  
2 backing that up with substantial investments.  
3 So the exchange I just had with Assemblyman  
4 Englebright I think is part and parcel with  
5 that. We need to -- we need to have this, we  
6 need to have the Climate Action Council  
7 present an economy-wide plan for the state.  
8 But we don't need to wait for that to begin  
9 making those announcements.

10                   In fact, the very day that the  
11 Governor signed the law down in New York  
12 City, we also announced the offshore wind --  
13 the very exciting offshore wind announcement.

14                   So I think we do have a Green New Deal  
15 for New York. I think the Climate Leadership  
16 Act -- the CLCPA is appropriately ambitious,  
17 in that it requires us to look really  
18 economy-wide and really leave no sector  
19 behind.

20                   And also how do we capitalize on the  
21 opportunities of this movement. Right? This  
22 is an amazing jobs opportunity for New York  
23 State. There are working groups that we'll  
24 be forming under the Climate Action Council

1           that will advise us on that, how we protect  
2           jobs in New York, how we grow jobs in  
3           New York. And in my view that is a Green  
4           New Deal. When you can present to the people  
5           jobs and a healthy environment and lead the  
6           nation, that's a pretty good deal.

7                     SENATOR BOYLE: Thank you. And those  
8           of us on Long Island are very excited about  
9           the offshore wind initiative, so thank you  
10          very much for that.

11                    COMMISSIONER SEGGOS: Thank you.

12                    SENATOR BOYLE: Regarding the  
13          \$3 billion "Restore Mother Nature" Bond  
14          Act -- I know you talked a little bit about  
15          it -- have you had discussions about actual  
16          projects yet or -- can you speak to that, or  
17          is it still in the works?

18                    COMMISSIONER SEGGOS: Well, I mean,  
19          certainly aware of the kinds of projects that  
20          we could fund with this. Obviously the  
21          projects need to be bondable, so they need to  
22          be durable and they need to last.

23                    My view on this is the Governor has  
24          put some goalposts out there, right --

1 restoring habitat, protecting against  
2 flooding, putting shellfish in the water at a  
3 more aggressive rate. But we need to hear  
4 from the public as well. I think what's been  
5 really effective, under the Governor's  
6 leadership, has been such things like the  
7 REDI Commission, where we heard locally what  
8 the problems were, the REDC, that model of  
9 kind of bottoms-up thinking.

10 The idea for, again, approaching the  
11 voters with this in November is we need to be  
12 able to communicate what this bond act means  
13 for them. So talking locally about this will  
14 be very important for all of us. And I'm  
15 confident that the way that the language has  
16 been put in there in a somewhat general way  
17 gives us the flexibility to do an enormous  
18 amount of work with it.

19 SENATOR BOYLE: Okay. And a little  
20 bit of a parochial issue, my entire Senate  
21 district is within a couple of miles of the  
22 Great South Bay. And your initiative of  
23 200 million shellfish, do you have a time  
24 frame for that or what you're --

1                   COMMISSIONER SEGGOS: For the  
2 shellfish initiative?

3                   SENATOR BOYLE: Yeah, exactly.

4                   COMMISSIONER SEGGOS: Well, that's  
5 rolling. I mean, we had --

6                   SENATOR BOYLE: About ending it. Any  
7 idea when it would be finished or --

8                   COMMISSIONER SEGGOS: We are actually  
9 proposing to double the shellfish initiative.  
10 So we've done a significant amount of  
11 planting all across Long Island already,  
12 reaching 200 million plantings, and the  
13 Governor has said that he wants to reach  
14 400 now. And that would be part of the  
15 "Restore Mother Nature" Bond Act.

16                   SENATOR BOYLE: Okay, great, thank  
17 you.

18                   And lastly, obviously the Governor a  
19 number of years ago, five or six years ago,  
20 had a moratorium on fracking through  
21 executive order, and now it's in the  
22 legislative aspect through the budget. Is  
23 there a reason that you decided, after six  
24 years, to go through legislation?

1                   COMMISSIONER SEGGOS: Well, I think  
2                   hindsight has proven that we were right to do  
3                   this. If you look at the damage done to  
4                   other states and their watersheds, the  
5                   communities, and how disruptive fracking has  
6                   been, we decided back then to -- for a  
7                   variety of reasons, health and environmental,  
8                   to say no.

9                   And I think this is a statement of the  
10                  state's position that there is no place for  
11                  fracking in New York State, that gas should  
12                  be kept in the ground and we need to protect  
13                  our watersheds and our communities. So this  
14                  is an attempt to make this permanent.

15                 SENATOR BOYLE: Okay. Thank you,  
16                 Commissioner.

17                 COMMISSIONER SEGGOS: Thank you.

18                 SENATOR BOYLE: Thank you.

19                 CHAIRWOMAN KRUEGER: Assembly.

20                 CHAIRWOMAN WEINSTEIN: Assemblywoman  
21                 Lifton.

22                 ASSEMBLYWOMAN LIFTON: Thank you.

23                 Good morning, Commissioner.

24                 COMMISSIONER SEGGOS: Good morning.

1 ASSEMBLYWOMAN LIFTON: I'm going to  
2 have to talk to whoever runs the state  
3 government. The acoustics in here are still  
4 problematic, I think. I can understand my  
5 colleagues well, I -- I don't know whether  
6 it's whether you speak -- do you come from  
7 New York City, Mr. Seggos? -- whether you  
8 speak quickly, like many of my New York City  
9 colleagues do.

10 COMMISSIONER SEGGOS: I'll slow down.

11 ASSEMBLYWOMAN LIFTON: It's just that  
12 you're trying to say a lot quickly, so I'm  
13 missing some of your answers, so I apologize  
14 that I may be a bit redundant.

15 COMMISSIONER SEGGOS: There's more of  
16 an echo this year, yeah.

17 ASSEMBLYWOMAN LIFTON: And it could be  
18 my aging ears, of course, too. That's always  
19 an issue.

20 Mr. Commissioner, I'm sitting here,  
21 I'm not out there in front of you or in the  
22 aisles, but I share the deep concern and  
23 worry that was demonstrated by the  
24 New Yorkers who came to protest this morning

1 and let their voices be heard. And I'm a  
2 little frustrated that we're not already  
3 seeing appointments.

4 I know this was asked, but I didn't  
5 quite hear your answer. This bill got signed  
6 last year, in June. Is there some reason for  
7 the delay on appointments and getting this  
8 Climate Action Council actually meeting and  
9 working?

10 COMMISSIONER SEGGOS: We'll be  
11 making -- as I told the Senator, we'll be  
12 making those appointments very shortly. And  
13 as soon as --

14 ASSEMBLYWOMAN LIFTON: Like this week,  
15 maybe, we'll see some --

16 COMMISSIONER SEGGOS: I don't know  
17 whether it's going to be this week or next,  
18 but we'll be making the appointments very  
19 quickly and then, shortly thereafter,  
20 convening our first meeting. So that's my  
21 intent.

22 ASSEMBLYWOMAN LIFTON: Is there any  
23 date set yet for the first meeting?

24 COMMISSIONER SEGGOS: We don't have a

1 date set. Obviously we'll have to reach out  
2 to gauge the schedules of all the appointees,  
3 some of whom will be traveling from far away.

4 ASSEMBLYWOMAN LIFTON: Okay. Again,  
5 we all agree this is an urgent matter, and we  
6 want to take leadership here in New York and  
7 show that leadership in everything we do, I  
8 hope.

9 HABS. You know, I'm from the Finger  
10 Lakes. Cayuga Lake is my big lake there, and  
11 I'm hearing like a lot of concern still, I  
12 mean ongoing, about the HABS issue -- in  
13 fact, growing concern. We had severe  
14 outbreaks again this summer, we had to shut  
15 down beaches, waterways, recreational  
16 activities were interrupted, homeowners are  
17 very -- are unhappy and concerned.

18 And what I'm understanding is that we  
19 still -- the DEC keeps telling us they're  
20 going to have a TMDL for us, we were told end  
21 of October. It's my understanding, am I  
22 right, that we really can't go ahead, it's --  
23 we really don't have a plan in place, people  
24 aren't able to do specific, discrete,

1           concerted work until we have that TMDL for  
2           our lake. And I assume -- I don't know how  
3           many other lakes this applies to; many, I  
4           assume. Tell me -- can you tell me when  
5           we're going to get the TMDL for Cayuga Lake,  
6           first of all, and maybe speak to it a little  
7           more broadly in it -- maybe why it takes so  
8           long, apparently, to do these things.

9                    COMMISSIONER SEGGOS: Mm-hmm. And I  
10           did check with my staff last week about the  
11           TMDL in Cayuga Lake. We are probably a  
12           couple of weeks away from putting that out  
13           for comment. TMDLs are, by their nature,  
14           extraordinarily complicated and intensive, so  
15           they take a bit more than, say, a  
16           nine-element plan, which is another approach  
17           to a waterway.

18                   ASSEMBLYWOMAN LIFTON: I'm sorry, what  
19           did you call that?

20                   COMMISSIONER SEGGOS: The nine-element  
21           plans. For example, we have one of those  
22           underway on --

23                   ASSEMBLYWOMAN LIFTON: Skaneateles.

24                   COMMISSIONER SEGGOS: -- Skaneateles,

1 exactly.

2 A TMDL is far more intensive. It uses  
3 much more data and, you know, presents really  
4 a pollution budget for a waterway. That's  
5 not to say that we're not trying to get that  
6 out as quickly as possible. But really in  
7 the next couple of weeks you'll see something  
8 on that. We'll let you know.

9 ASSEMBLYWOMAN LIFTON: Is that data  
10 all stuff DEC is collecting or -- I know we  
11 have some people, some groups out there,  
12 not-for-profits, that are collecting data.  
13 Is that data coming into DEC, and is that  
14 being used at DEC?

15 COMMISSIONER SEGGOS: We would seek to  
16 bring in as much data as is possible. And  
17 ultimately if it passes quality assurance,  
18 quality controls in the way that it was  
19 collected and presented and analyzed, then it  
20 would meet our criteria for review.

21 I would say, just more generally on  
22 harmful algal blooms, it's something that  
23 we're taking extraordinarily seriously. We  
24 launched the harmful algal bloom summits a

1 couple of years ago, which guided our  
2 investments around the state.

3 We've now made \$187 million worth of  
4 watershed protection investments specifically  
5 for HABS across the state. We've also been  
6 pioneering some new technologies to use when  
7 a HAB happens, that we can quickly hit it and  
8 respond to it and reduce the threat.

9 This is not just a New York problem,  
10 it's a national issue. I don't think there's  
11 a state doing for HABS what we're doing at  
12 this stage. But, you know, until we address  
13 climate change and severe weather, I think  
14 we're still going to be behind the eightball  
15 on HABS. Getting these investments out there  
16 quickly, protecting watersheds, improving  
17 septic systems, wastewater, and working with  
18 farms -- all of that work is going to have to  
19 come into play in the coming year.

20 ASSEMBLYWOMAN LIFTON: We're going to  
21 have to put up with this problem for a lot  
22 longer, it sounds like you're saying.

23 COMMISSIONER SEGGOS: For the TMDLs?

24 ASSEMBLYWOMAN LIFTON: For the HABS.

1                   COMMISSIONER SEGGOS: Oh, no, I --  
2           listen, I think HABs are going to be a  
3           problem for many waterways nationally. I  
4           think that in New York we -- based on the  
5           monies that we've been able to get through  
6           the Legislature and the Clean Water  
7           Infrastructure Act, through the Environmental  
8           Protection Fund, that we're going to put  
9           these watersheds that have persistent  
10          problems in a much better place. The TMDL  
11          will help to get us there on Cayuga.  
12          Skaneateles, like the same problems that  
13          we're seeing there, I believe we can address  
14          more quickly because we have the strength of  
15          the Legislature and the budget behind us, not  
16          just the science on knowing where it happens  
17          and when it happens.

18                   ASSEMBLYWOMAN LIFTON: Thank you,  
19          Commissioner.

20                   COMMISSIONER SEGGOS: Thank you.

21                   CHAIRWOMAN WEINSTEIN: Thank you.  
22                   Senate?

23                   CHAIRWOMAN KRUEGER: Thank you.

24                   Senator John Liu.

1                   SENATOR LIU: Thank you, Madam Chair.

2                   Good morning, Commissioner.

3                   COMMISSIONER SEGGOS: Good morning,  
4                   Senator.

5                   SENATOR LIU: I remember a year ago  
6                   you did say it was going to be your last  
7                   hearing. And I was thankful for your  
8                   service.

9                   COMMISSIONER SEGGOS: Thank you.

10                  SENATOR LIU: Now you're back,  
11                  congratulations -- or should I offer you my  
12                  deepest condolences?

13                  COMMISSIONER SEGGOS: (Laughing.)  
14                  It's congratulations.

15                  SENATOR LIU: In any event, I do have  
16                  a few questions for you. By the way, I want  
17                  to say that your legislative affairs staff --  
18                  absolutely phenomenal.

19                  COMMISSIONER SEGGOS: Excellent.

20                  SENATOR LIU: So you should give them  
21                  a raise.

22                  COMMISSIONER SEGGOS: Okay, will do.

23                  SENATOR LIU: All right. With regard  
24                  to the EPF, I guess some of the money that

1           used to be for operating costs to pay staff,  
2           that's now been shifted into the capital  
3           fund. Is that a good idea? I mean, what's  
4           going on there?

5                    COMMISSIONER SEGGOS: So there are a  
6           number of capital funds that we have at DEC:  
7           Clean Water Infrastructure Act, NY Works,  
8           Superfund. And we apply the staff that work  
9           on those projects -- some of the staff -- to  
10          those funds.

11                   And the same approach would -- we're  
12          asking the authority to put the same approach  
13          in play here with the EPF to a nominal level.  
14          EPF, \$300 million, serves a number of  
15          functions around the state. Our staff are  
16          deeply invested in carrying out the mission  
17          of the EPF. And I think it's entirely  
18          appropriate to have those staff who are doing  
19          that work being paid for by the EPF.

20                   SENATOR LIU: All right. But the  
21          staff are doing the same -- they're doing the  
22          same thing they've been doing, it's just that  
23          now they're going to be paid for out of  
24          capital funds instead of operating expenses.

1                   COMMISSIONER SEGGOS: That's right.

2                   SENATOR LIU: So, I mean, some  
3                   skeptics would call that a budget gimmick.  
4                   Not necessarily of your doing, but just  
5                   overall, it's kind of a budget gimmick.

6                   COMMISSIONER SEGGOS: Well, listen,  
7                   I -- if it's appropriate for the other  
8                   capital pots, and I think that it is entirely  
9                   appropriate for the other capital pots, I  
10                  think it should be appropriate for the  
11                  Environmental Protection Fund. Which, again,  
12                  we've -- when I first started was  
13                  \$134 million, now 300 million. We're doing  
14                  more with it than ever, and those monies are  
15                  going out all across the state for really  
16                  important purposes down in Queens and really  
17                  everywhere.

18                  So -- so I think -- you know, I  
19                  understand what you're saying, but I  
20                  respectfully think it's a -- is a wise use of  
21                  those monies.

22                  SENATOR LIU: Okay. My colleagues  
23                  have already asked you about the adequacy of  
24                  the budget for your agency, and you've stated

1           that you're happy. I guess you can't really  
2           say anything else. I understand your  
3           situation there.

4                    COMMISSIONER SEGGOS: I am happy.

5                    SENATOR LIU: I mean, I -- look, I  
6           think many of us are concerned, myself  
7           included, that the charge for the DEC is  
8           growing, and rightfully so. We have -- you  
9           know, the new law is in my opinion ambitious,  
10          although, you know, not everybody is happy  
11          with the pace of progress so far. But  
12          nonetheless, it's a lot more for the DEC to  
13          deal with.

14                   So, I mean, is there really enough  
15          staffing even with the additional 47  
16          full-time equivalents?

17                   COMMISSIONER SEGGOS: Senator, I  
18          honestly couldn't be happier with this  
19          budget. I mean, to be --

20                   SENATOR LIU: You could not be  
21          happier.

22                   COMMISSIONER SEGGOS: I could not be  
23          happier. We have -- if this budget goes  
24          forward as is, we would be up almost

1           250 staff since the day I first took office.  
2           And our budget itself growing, you know,  
3           \$464 million this year now. Capital,  
4           \$7.3 billion. I mean, those -- unimaginable  
5           back in 2011 during the first fiscal crunch.

6                     And now we have another fiscal crunch,  
7           and yet the Governor has said this still  
8           means enough to him to put those dollars into  
9           this agency. That's a reflection, I think,  
10          of the priority that the Governor has put on  
11          the environment. It's a priority of mine for  
12          sure, to make sure that we have enough staff  
13          and enough money to carry out our programs.  
14          And we're doing it, frankly, better -- we  
15          just have a better approach, a more efficient  
16          approach.

17                    SENATOR LIU: Okay. I mean,  
18          \$1.8 billion is a significant chunk of  
19          change. Is -- does the \$1.8 billion include  
20          any money that your agency collects in fines  
21          and penalties?

22                    COMMISSIONER SEGGOS: You're talking  
23          about the \$1.8 billion that I mentioned  
24          earlier for climate?

1                   SENATOR LIU: Well, no, I'm talking  
2                   about your overall agency budget of  
3                   \$1.8 billion from the All Funds  
4                   appropriations. Does that include amounts  
5                   that DEC collects from fines?

6                   COMMISSIONER SEGGOS: It should be an  
7                   All Funds number, but -- I'm not sure I  
8                   entirely understand the question.

9                   SENATOR LIU: Well, okay. Let me ask  
10                  it a different way. The DEC levies  
11                  significant amounts of fines on businesses,  
12                  on homeowners as well.

13                  COMMISSIONER SEGGOS: We do have a  
14                  robust program to enforce the law, there's no  
15                  question about it.

16                  SENATOR LIU: And those fines that are  
17                  levied by the DEC, do they come back not to  
18                  the DEC or do they go into state coffers?

19                  COMMISSIONER SEGGOS: No, they go into  
20                  the General Fund.

21                  SENATOR LIU: All right. So they do  
22                  not contribute at all to DEC.

23                  COMMISSIONER SEGGOS: No.

24                  SENATOR LIU: Okay. Thank you, Madam

1 Chair. I'll come back for seconds.

2 CHAIRWOMAN KRUEGER: Thank you.

3 Assembly.

4 CHAIRWOMAN WEINSTEIN: We go now to  
5 the ranker on EnCon, Assemblyman Stec.

6 ASSEMBLYMAN STEC: Thank you, Chair.

7 Can you hear me, Commissioner?

8 COMMISSIONER SEGGOS: I can.

9 ASSEMBLYMAN STEC: I'm personally glad  
10 that you're back again.

11 COMMISSIONER SEGGOS: Thank you,  
12 Assemblyman.

13 ASSEMBLYMAN STEC: So thank you, thank  
14 you for your service. And I echo my  
15 colleague's sentiments; your staff is  
16 fantastic. So thank you.

17 Last fall the Republican Assembly  
18 Conference held hearings around the state  
19 regarding our Task Force on Clean Water, and  
20 one of the complaints that we consistently  
21 heard in these hearings is that the  
22 application process for clean water  
23 infrastructure is too long and too  
24 complicated for a lot of the smaller

1 municipalities, and also expensive.

2 So we'd like to see this streamlined.  
3 But I was wondering if you'd heard any  
4 similar complaints and what you might suggest  
5 could be done to improve the process and what  
6 your office could do to help make that an  
7 easier process for these smaller  
8 municipalities.

9 COMMISSIONER SEGGOS: Sure.  
10 Assemblyman, I think we have -- it's not the  
11 first time we've heard that. And I think  
12 when we hear about issues in smaller  
13 municipalities that they're having with the  
14 application process -- whether it's DEC, DOH,  
15 for that matter, or it's the Environmental  
16 Facilities Corporation, which processes most  
17 of those applications -- we try to lean  
18 forward and make the call, not wait for the  
19 application. It can be in a meeting. Find  
20 ways to speed things up, make sure that the  
21 application we get is complete, which  
22 historically we'd get incomplete applications  
23 that would delay things.

24 We're trying to be customer-centric in

1           this, in that, you know, they are the  
2           customer looking to us for help and we want  
3           to make sure we get that money out the door  
4           that we -- that you have made available to  
5           us. So if there are creative ways in which  
6           we can do that more effectively, I'd be all  
7           ears. I believe it would be an operational  
8           thing within DEC.

9                         We also have been putting out  
10           engineering planning grants more effectively  
11           through our WQIP line in the EPF. Those  
12           planning grants, frankly, are perfect for  
13           smaller municipalities, right? Because to  
14           get the big dollars for a big upgrade, you  
15           need the engineering designs for it. So the  
16           planning grants actually are a good chance  
17           for the smaller ones to get into a pipeline,  
18           get a good plan prepared by a consultant, and  
19           ultimately get the physical construction  
20           grant at the end of the day.

21                        So please work -- tell me, you know,  
22           which one -- it doesn't have to be here, but  
23           you can tell me which ones are in need of  
24           more assistance, and we can get them into a

1 better pipeline.

2 ASSEMBLYMAN STEC: Well, thank you for  
3 that. And I certainly will, but I also  
4 suspect that, you know, for every one that  
5 I'm aware of, there's dozens more that -- you  
6 know, that are asking similar questions. But  
7 I appreciate your answer.

8 In that same vein, we've seen reports  
9 that call for the need in capital investment  
10 for water and wastewater over the next decade  
11 to be approximately \$40 billion each, water  
12 and wastewater. Certainly that doesn't all  
13 need to be state dollars. But there's been a  
14 migration, since the Clean Water Act in 1972,  
15 where the federal government initially had  
16 been funding 75 percent of a lot of this, and  
17 now over the course of the years there's been  
18 fewer federal dollars, fewer state dollars  
19 available, and now all this infrastructure  
20 that was constructed in the '70s and '80s is  
21 aging out and in need of major upgrade.

22 What steps do you think that we can do  
23 at the state and perhaps at the federal level  
24 to try to secure more dollars, as I mean,

1           \$80 billion of capital improvements to  
2           critical infrastructure like water and  
3           wastewater is an awful lot to -- for small  
4           local municipalities to be looking at without  
5           help.

6                    COMMISSIONER SEGGOS:  Yup, no doubt.  
7           No doubt that the burden has shifted to the  
8           states, all states, to carry that forward.

9                    But we have a good story to tell in  
10          New York.  I mean, we worked together on the  
11          Clean Water Infrastructure Act.  Those  
12          dollars never existed in the past -- it was  
13          all loans for 20 or -- for almost 30 years,  
14          we were saying to all municipalities, go  
15          apply for low-interest loans at EFC.  And  
16          many of them did.  Many of them could not.  
17          But now the grant program has opened that up  
18          significantly.

19                   I mean, I've got, over the last five  
20          years, \$1.5 billion in grants have gone out,  
21          with total project costs of \$4.7 billion --  
22          and that's in addition to another \$11 billion  
23          in loans.  So we've got almost 15 -- almost  
24          \$16 billion in the last five years that have

1           gone out for wastewater infrastructure. You  
2           keep carrying that forward, as we intend to  
3           do, that's going to make a significant dent  
4           in the overall delta, right, between total  
5           project needs and what we're able to provide.  
6           If you're doing that over 10 or 20 years, I  
7           think we're going to modernize New York's  
8           wastewater infrastructure in that process.

9                     ASSEMBLYMAN STEC: Well, thank you for  
10           that.

11                    One last question I'll try to get in.  
12           I want to ask about -- I would view it as a  
13           contradiction in policy on the one hand  
14           regarding fuel, transported fuel in the  
15           state. Certainly trucking fuel is expensive  
16           and has a large carbon footprint compared to  
17           pipelines that would move fuel a lot more  
18           efficiently and a lot more environmentally  
19           friendly. But there's a contradiction there  
20           that we're not embracing pipelines.

21                    Can you comment on that or explain  
22           that? And that's my last question. Thank  
23           you.

24                    CHAIRWOMAN WEINSTEIN: If you just

1 want to -- a short answer.

2 COMMISSIONER SEGGOS: Sure. Okay.

3 I think they're two very different  
4 things. First of all, our need to address  
5 emissions from the trucking -- really, the  
6 transportation industry, is very high. You  
7 know, it is, as one of the commentators  
8 mentioned, the largest source of emissions in  
9 New York State. And we've been putting  
10 monies behind that and certainly, as part of  
11 the \$33 billion that some of the other  
12 commissioners can talk about today, directing  
13 those dollars into modernizing fleets, making  
14 trucks more efficient or getting trucks,  
15 frankly, off of those kinds of fuels.

16 And pipelines are an entirely  
17 different situation. I mean, our authority  
18 to look at a pipeline is narrowly constrained  
19 to the wetlands, water quality impact in  
20 trenching through rivers and streams. I  
21 mean, that's literally all we look at.

22 We take that very seriously. I mean,  
23 for a state that has endured significant  
24 legacy contamination issues in drinking

1 water, that's how we -- we apply our  
2 authority very aggressively on all projects  
3 that could impact water quality.

4 ASSEMBLYMAN STEC: Thank you.

5 COMMISSIONER SEGGOS: Thank you.

6 CHAIRWOMAN WEINSTEIN: Thank you.

7 Senate.

8 CHAIRWOMAN KRUEGER: Thank you.

9 Senator Seward.

10 SENATOR SEWARD: Thank you, Madam  
11 Chair.

12 Commissioner, good to see you again,  
13 and your team.

14 COMMISSIONER SEGGOS: Good to see you.

15 SENATOR SEWARD: I wanted just to  
16 drill down a bit further on the \$3 billion  
17 bond act, the "Restore Mother Nature" Bond  
18 Act. I know you've talked about some broad  
19 outlines in terms of types of projects, and  
20 also a process of seeking public input in  
21 terms of important projects.

22 But would you anticipate at some time,  
23 prior to going before the voters asking their  
24 approval in the November elections, that we

1 will have and the voters will have some  
2 specific projects that they know what they're  
3 going to get for this \$3 billion in  
4 borrowing?

5 COMMISSIONER SEGGOS: Senator, yes. I  
6 think that will probably be how we end up  
7 talking to the voters about this. Right?  
8 You need to put these in real terms, and real  
9 terms that people can understand, either the  
10 lack of green space, the lack of  
11 environmental protections, or, in the case of  
12 Irene and Lee, you know, these valleys that  
13 were heavily damaged and how perhaps Restore  
14 Mother Nature can help to restore those  
15 functions.

16 So I'll leave the campaigning to a  
17 different time, because I think it is a --  
18 it's a good question. Obviously we need to  
19 work with you to get it done in the budget;  
20 then, beyond that, working with the Governor  
21 on how an effective campaign could then be  
22 communicated to the voters so that they say  
23 yes come November.

24 SENATOR SEWARD: I am encouraged with

1 the flood mitigation efforts in terms of  
2 stream work to avoid some of the flooding  
3 we've seen, to clean the upstate region due  
4 to streams. I know right in Schoharie  
5 County, for example -- it goes back to 2011,  
6 and I know there's a meeting, I think on  
7 Friday, with some of the Schoharie County  
8 officials with some members of your staff to  
9 discuss further ways that the state could be  
10 helpful there. That's been an ongoing  
11 problem and issue.

12 But that was nine years ago, and we're  
13 hoping that we can get some help either --  
14 even before or as part of this bond act.  
15 That would be encouraging. Because Mother  
16 Nature did a job on some of these communities  
17 and these streams --

18 COMMISSIONER SEGGOS: She did, yup.

19 SENATOR SEWARD: -- and we need to  
20 help restore Mother Nature in the Schoharie  
21 Valley.

22 I just wanted to also follow up on the  
23 Climate Action Council. Would you  
24 anticipate -- are there going to be business

1           representatives, private-sector business  
2           representatives on the council to help  
3           provide -- and also, would there be some  
4           cost-benefit analysis? And would you  
5           anticipate coming back to the Legislature for  
6           any additional consideration by the  
7           Legislature in some of these recommendations  
8           of the council?

9                        COMMISSIONER SEGGOS: Thank you for  
10           asking that.

11                       So absolutely. Even on the Climate  
12           Council itself, we believe that some of the  
13           appointments made thus far actually have  
14           represented certain industries in the past.

15                       There are various workgroups  
16           underneath the Climate Action Council --  
17           agriculture and forestry, power generation,  
18           energy-intensive and trade-exposed  
19           industries. All of those workgroups, as  
20           they're going to be appointed by the Climate  
21           Action Council, would represent exactly what  
22           you're talking about: The impacts to  
23           businesses, the opportunities for businesses,  
24           the chance to bring in, you know, new

1 business into New York State, new sectors  
2 into New York State.

3 So I think the economy and business  
4 and jobs will factor in very extensively into  
5 what we talk about -- a just transition  
6 workforce as well -- just to make sure that  
7 we are, when we transition the economy,  
8 taking into account the potential impacts to  
9 existing jobs and industries.

10 SENATOR SEWARD: Yes, I couldn't agree  
11 more. Their input is I think critical --

12 COMMISSIONER SEGGOS: Agreed.

13 SENATOR SEWARD: -- to the future and  
14 also to help with the change in the economy  
15 and the new jobs and opportunities that would  
16 be out there.

17 One final question, and this is on the  
18 polystyrene single-use plastic container ban  
19 that's in the budget. Following up on -- in  
20 terms of businesses, has the department met  
21 with business groups to discuss this in terms  
22 of how many businesses would be impacted? Is  
23 there a workable way to go about doing this?

24 COMMISSIONER SEGGOS: We have started

1 early engagement with the stakeholder groups,  
2 businesses on one side, other businesses that  
3 have an interest in filling the void with  
4 alternatives to polystyrene, as well as some  
5 of the groups out there that want to see this  
6 ban go into effect and appreciate the  
7 environmental and health benefits of that.

8 And that's something we would  
9 continue -- as we get through the legislative  
10 session with this and go into regulations,  
11 we'd be doing even more intensive outreach.

12 CHAIRWOMAN KRUEGER: Assembly.

13 CHAIRWOMAN WEINSTEIN: Assemblywoman  
14 Glick.

15 ASSEMBLYWOMAN GLICK: Thank you,  
16 Commissioner. A few questions.

17 Number one the forests in New York are  
18 under tremendous stress. Part of it is  
19 climate change; species of certain trees are  
20 feeling those effects. In addition, there  
21 are invasive species. Around the New York  
22 City Watershed, there are a lot of hemlocks.  
23 They are being attacked by an invasive  
24 species. If they die, we will see more

1 sedimentation of the New York City  
2 reservoirs.

3 What is the agency doing to deal with  
4 this threat, not just there, but further  
5 north that are going to impact lakes,  
6 et cetera?

7 COMMISSIONER SEGGOS: I couldn't agree  
8 with you more, Assemblywoman, about the  
9 threats. The hemlock woolly adelgid, a pest  
10 that will undoubtedly look to the trees in  
11 the New York City Watershed.

12 The New York City Watershed is the  
13 gold standard in watershed protection and has  
14 very well funded protective measures that  
15 have been taken into account there over the  
16 last 20 years.

17 My view is these are -- would be smart  
18 investments from the city to prioritize --  
19 the City of New York to prioritize the  
20 protection of those trees. Because they've  
21 spent all this money in protecting the actual  
22 water itself and buying land and setting  
23 aside land. If the trees go, you're right,  
24 the sedimentation then increases and the

1 water quality goes down. We want to avoid  
2 this filtration issue of -- you know, the  
3 multi-billion-dollar filtration plant that  
4 EPA would force the city to put in place.

5 This would fit right into it, in my  
6 view, and we stand ready to provide technical  
7 expertise. And we've been looking at this  
8 very closely, our natural resource folks,  
9 over the last few years as this threat has  
10 begun to materialize even more.

11 ASSEMBLYWOMAN GLICK: Well, I look  
12 forward to getting more detailed information  
13 from your staff on what you're doing.

14 I think today you're having a hearing  
15 in the city on the regulations for the  
16 plastic bag ban. I would just like to point  
17 out to you that it seems like there's the  
18 thought of a thickness standard. That is  
19 very problematic. What we'll wind up with  
20 aren't the elimination of plastic bags, we'll  
21 wind up with thicker bags that are more  
22 problematic to the environment. So I would  
23 hope we would not go down that route.

24 Forty percent of the state-owned

1 buildings are SUNY buildings. If we're going  
2 to attack climate change and try to upgrade  
3 facilities, what is the department  
4 recommending to the Governor in terms of  
5 providing support to SUNY in order for them  
6 to make improvements in their aging  
7 facilities, which obviously are not up to  
8 snuff in terms of trying to be as renewable  
9 as possible?

10 COMMISSIONER SEGGOS: We certainly  
11 recognize that buildings, as someone  
12 mentioned earlier, are a significant source  
13 of energy demand and an opportunity for us to  
14 do better.

15 Respectfully, I'll let NYSERDA and the  
16 other energy agencies discuss those plans on  
17 buildings, green buildings, and the interplay  
18 with the SUNY system. No question they have  
19 a huge footprint, and a big opportunity for  
20 all of us to chip away at it. I have a  
21 meeting scheduled actually with Chancellor  
22 Johnson to talk about a number of issues, and  
23 this will be one of the things that we talk  
24 about.

1 ASSEMBLYWOMAN GLICK: Well, I would  
2 hope when we eventually get folks on this  
3 advisory board that they would take into  
4 consideration all of the aspects of the state  
5 facilities that could in fact help us move  
6 more quickly to address climate change.

7 Finally, there are the recent reports  
8 that out-of-state brine from fracked sources  
9 is being used on our roads when we need to do  
10 weather-related protection for vehicles.  
11 What's the story, and are we allowing that to  
12 be used in our state?

13 COMMISSIONER SEGGOS: Thank you for  
14 raising that.

15 I can say definitively that no brine  
16 is coming into New York State from any  
17 fracking and being used on our roads. I know  
18 that that's been said, but for the record,  
19 it's not happening.

20 ASSEMBLYWOMAN GLICK: Thank you. I  
21 have to run to a meeting; I hope to be back  
22 while you're still answering questions.

23 (Laughter).

24 ASSEMBLYWOMAN GLICK: Thank you very

1 much.

2 CHAIRWOMAN WEINSTEIN: Senate?

3 CHAIRWOMAN KRUEGER: Thank you.

4 Senator Jen Metzger.

5 SENATOR METZGER: Thank you, Madam

6 Chair.

7 And thank you, Commissioner, for  
8 answering -- being here to answer all these  
9 questions.

10 COMMISSIONER SEGGOS: Sure, thank you.

11 SENATOR METZGER: So just starting out  
12 wearing my Agriculture Committee chair hat,  
13 the farmland protection funding was reduced  
14 by a million dollars. From my perspective,  
15 it should be going in the other direction.  
16 Farmers are under -- or just land is under  
17 intense pressure, development pressure -- can  
18 you guys hear me? So farmland is under  
19 intense development pressure. Agriculture  
20 also has a huge role to play in sequestering  
21 greenhouse gas emissions, and it's very  
22 important from a climate perspective to  
23 protect farmland.

24 So could you please give us some

1 information about the reasoning behind that  
2 cut? And do you expect increased funding  
3 under the "Restore Mother Nature" Bond Act?

4 COMMISSIONER SEGGOS: Sure. I'll let  
5 Commissioner Ball maybe answer specifically  
6 about the specific EPF number.

7 No question about it that farmlands  
8 play a huge role not just for carbon  
9 sequestration, but in and of themselves, the  
10 economy. We are losing our farmland in  
11 New York State, unfortunately, as we are  
12 really nationwide. The Clean Water  
13 Infrastructure Act -- just a couple of  
14 programs to bring your attention to -- has  
15 actually directed significant monies, I don't  
16 know the number offhand right now, but into  
17 buffering around farms, farmland protection,  
18 manure storage, lagoon upgrades and things  
19 along those regards.

20 And then the Restore Mother Nature,  
21 you've heard the Governor talk about the  
22 landscape, protecting the landscape. And  
23 certainly farms are on the landscape and have  
24 not just a carbon footprint but an

1 opportunity to remain as-is and not lose  
2 their status and become, you know, shopping  
3 malls or development projects.

4 So, you know, the EPF is a very  
5 important tool, but there are other very  
6 effective tools to also protect farms. And  
7 thankfully the Legislature gave us those  
8 tools over the last few years.

9 SENATOR METZGER: Okay, thank you.  
10 I'm going to put on what I like to call my  
11 climate commonsense hat for a moment. I  
12 appreciate your comments that we really need  
13 to rethink everything in light of the climate  
14 crisis that we face. I was absolutely  
15 thrilled with the passage of the CLCPA and  
16 that your department is going to be playing  
17 the lead role in implementation.

18 My question is, would you agree that  
19 given the aggressive goals of the CLCPA to  
20 achieve a carbon-free energy system by 2040,  
21 with an interim goal of 70 percent, that it  
22 would be imprudent to approve permits for  
23 fossil fuel generation, including CPV and  
24 Danskammer, which have a useful life span of

1           50 years or more? And if you could use  
2           legislative tools to help your department  
3           deny such permits, feel free to share your  
4           thoughts about that.

5                    COMMISSIONER SEGGOS: I can't weigh in  
6           on the market incentive behind making those  
7           investments.

8                    What I can say is the state has  
9           clearly stepped out and said that by 2040  
10          those types of generation sources will not  
11          exist. So the law right now requires us to  
12          process permits, and we do so as aggressively  
13          as possible. And if something comes in front  
14          of us and they check every box, there are  
15          constraints for that. Right? And we also  
16          need to make sure that we are generating  
17          enough power until we make those changes over  
18          the next, you know, 20 years exactly.

19                   So our goals I don't believe are in  
20          conflict with the permitting underway. I  
21          think that the industry will be looking very  
22          closely at the work of the Climate Action  
23          Council and the scoping plan that's put  
24          together, to evaluate whether or not it makes

1 sense from a market perspective or if there  
2 are other directions that they as investors  
3 or developers should be heading, such as  
4 towards renewables.

5 SENATOR METZGER: Okay, thank you. I  
6 am concerned about exactly the market signal  
7 that's sent if such permits are approved, in  
8 addition to the impacts on health and the  
9 environment.

10 I think I'm out of time. Right?

11 Okay, thank you very much.

12 COMMISSIONER SEGGOS: Thank you.

13 CHAIRWOMAN KRUEGER: Assembly.

14 CHAIRWOMAN WEINSTEIN: We now go to  
15 our Ways and Means ranker, Assemblyman Ra.

16 ASSEMBLYMAN RA. Thank you.

17 Thank you, Commissioner. I just have  
18 a few questions about a few different areas,  
19 starting with the Mother Nature Bond Act and  
20 the provisions regarding money being  
21 allocated potentially for renewable energy  
22 projects, site preparation, construction.  
23 How would that work in terms of Article X  
24 provisions? Would they be fully applicable,

1           streamlined in any way, in terms of awarding  
2           those projects?

3                   COMMISSIONER SEGGOS:  I don't know  
4           that there's a deliberate connection between  
5           the language in the proposed environmental  
6           bond act and what the Governor had sketched  
7           out during the session -- the budget  
8           presentation on Article X.

9                   There's no question that the bond act  
10          can be helpful in setting aside some space  
11          that might be needed or otherwise, you know,  
12          improving infrastructure to help with the  
13          delivery of renewables into New York State.  
14          But I think those are two separate things.

15                   The Article X reform that the Governor  
16          sketched out very briefly recognizes that  
17          that permitting process right now is not  
18          working and we as a state need to do better  
19          to get projects through that pipeline much  
20          faster.  The five-to-ten-year period frankly  
21          is going to be a massive bottleneck for the  
22          state if we're going to meet our renewables  
23          goals.

24                   So finding a way to accelerate that --

1           again, my colleagues from the other agencies  
2           can speak about that more effectively. But  
3           from my view, I see the goals, I see the  
4           timeline, and I see a process that frankly is  
5           a bit broken.

6                         ASSEMBLYMAN RA: And I guess on a  
7           different topic, but along the same lines of  
8           streamlining, in terms of the Clean Water  
9           Infrastructure Act, you know, we're making  
10          continued increased investments in that,  
11          which I think we all think is a positive  
12          thing. You know, in these first few years of  
13          that, do you see the need for any changes in  
14          that process in terms of having things  
15          approved? I know we've -- our conference had  
16          a task force that we did around the state  
17          talking to, you know, municipalities and  
18          other stakeholders just in terms of what they  
19          see their needs going forward and, you know,  
20          what investments we need to make. And  
21          certainly making sure projects that come in  
22          that are going to meet the goals of the Clean  
23          Water Infrastructure Act, getting them  
24          approved in a timely fashion is certainly

1 part of that.

2 COMMISSIONER SEGGOS: Well, I will  
3 agree with you, it's been an extraordinary  
4 undertaking and a fantastic law itself, the  
5 fact that we have now this fund to provide,  
6 you know, necessary dollars for all these  
7 plants and systems across the state.

8 As Assemblyman Stec mentioned, you  
9 know, there are ways in which we can help  
10 some of the smaller municipalities through  
11 that process. In my view, that's an  
12 administrative issue on our end that we can  
13 find ways in which to help coach applicants  
14 through and provide grants, or at least steer  
15 them towards competitive pots of smaller  
16 grants that enable them to get engineering  
17 plans together. I think that is the sweet  
18 spot, perhaps, because the funding has been  
19 really extraordinary. And EFC, Environmental  
20 Facilities Corporation, has done just a  
21 fantastic job on the loan side in marrying up  
22 those grant pots with the loan pots so that  
23 you can present a complete opportunity for  
24 all these municipalities.

1                   So there may be some things we can do  
2                   around the edges, but we're extraordinarily  
3                   happy that again this year is another  
4                   \$500 million towards clean water. And I  
5                   imagine that will be carrying forward for a  
6                   while.

7                   ASSEMBLYMAN RA: Thank you. My last  
8                   question, and it relates to the Styrofoam  
9                   ban, I'm just wondering, in terms of the  
10                  language, how we would handle -- my  
11                  understanding is there are -- I've heard two,  
12                  then I heard four, possibly, manufacturers of  
13                  these type of products in New York State, and  
14                  how they would be impacted in terms of their  
15                  ability to do business in other states,  
16                  whether they would still be permitted to  
17                  manufacture those items and ship them out of  
18                  state or would the ban prevent them from  
19                  doing that?

20                  COMMISSIONER SEGGOS: Absolutely, the  
21                  businesses that are currently producing  
22                  polystyrene will be able to continue  
23                  producing that and sell it to outside  
24                  markets. There's also a two-year phase-in

1           that I'm hoping that over this phase-in  
2           period we can help to move these  
3           businesses -- and I don't have the exact  
4           number -- but move them towards alternatives  
5           that can be sold here in New York. Because  
6           there will be then a great demand here in  
7           New York State, a great business opportunity  
8           right here in New York, to produce the  
9           non-polystyrene alternative.

10                        So that's really the essence of the  
11           phase-in, is giving that ability for the  
12           market to adjust, but also for us to work  
13           with them directly on that.

14                        ASSEMBLYMAN RA: All right. Thank  
15           you, Commissioner.

16                        COMMISSIONER SEGGOS: Thank you.

17                        CHAIRWOMAN WEINSTEIN: Thank you.  
18           Senate?

19                        CHAIRWOMAN KRUEGER: Thank you.

20                        First off, we've been joined by  
21           Senator O'Mara.

22                        And the next up for questions is  
23           Senator Anna Kaplan.

24                        SENATOR KAPLAN: Thank you,

1 Chairwoman.

2 Commissioner, I want to thank you and  
3 also thank Governor Cuomo in our fight  
4 against climate change and wanting to make  
5 New York State a leader, and for also  
6 proposing the "Restore Mother Nature" Bond  
7 Act. As you said, this is really an  
8 important investment for all of us, and we  
9 need to do everything possible in our fight  
10 against climate change.

11 So my question to you is about  
12 beginning to invest in electric-vehicle  
13 charging infrastructure, and particularly for  
14 schools. We know that we need to transition  
15 private vehicles over to electric in pretty  
16 short order, but there just isn't  
17 infrastructure to support charging stations  
18 yet.

19 Will the bond funding include money to  
20 invest in our charging infrastructures for  
21 schools and for our residents?

22 COMMISSIONER SEGGOS: As is currently  
23 written, the bond act does not have a direct  
24 impact on that. But separately in the

1 budget, which NYSERDA and DPS can talk about  
2 later, there is an effort now to increase  
3 charging infrastructure as well as the  
4 incentives tied to the purchase of electric  
5 vehicles.

6 We've done a great job over the last  
7 eight years in pushing people towards EVs. I  
8 think we're in the top three states in the  
9 U.S. on that. The Governor, as you may have  
10 seen at the budget briefing, has now brought  
11 in a Nobel laureate to help us reshape the  
12 system from the EV -- the EV structure system  
13 as well as top to bottom how those these  
14 vehicles are purchased.

15 And the monies would ultimately come  
16 out of probably not the Restore Mother Nature  
17 Bond Act, but out of other energy funds that  
18 are being shaped now.

19 SENATOR KAPLAN: Okay. The second  
20 part of that is, the school buses are huge  
21 emitters of carbon, not to mention the diesel  
22 engines that produce a lot of noise and  
23 require a lot of maintenance, and the cost  
24 that is charged to our schools. I think this

1 would be really a good investment for our  
2 schools and for our residents.

3 There are countless benefits of  
4 switching our schools, so maybe you could  
5 really find some funding for this, for our  
6 schools to be able to make their transition  
7 to electrical vehicles. And also possibly  
8 making investment in our schools in the  
9 buildings, whether it's solar or thermal,  
10 whatever that we can do to help them make  
11 that transition.

12 COMMISSIONER SEGGOS: Agreed. There's  
13 so many reasons to treat our schools with  
14 some care here, because students are the most  
15 vulnerable populations of all. And in fact  
16 that was one of the reasons why we dedicated  
17 a significant portion of funding through the  
18 Volkswagen settlement towards the purchase of  
19 clean buses.

20 And again, there are a number of  
21 efforts underway at NYSERDA, DPS, and NYPA to  
22 provide money to schools to go solar,  
23 incentives to go geothermal. The work of the  
24 Climate Action Council will certainly look at

1           that sector and ways in which the state can  
2           be helpful in providing more funds for that  
3           very significant footprint statewide, all the  
4           schools.

5                     SENATOR KAPLAN: Thank you.

6                     COMMISSIONER SEGGOS: Thank you.

7                     CHAIRWOMAN KRUEGER: Assembly.

8                     CHAIRWOMAN WEINSTEIN: Assemblywoman  
9           Fahy.

10                    ASSEMBLYWOMAN FAHY: Thank you,  
11           Madam Chair.

12                    And good morning, Commissioner, thank  
13           you for -- or good afternoon, thank you for  
14           being here. Really appreciated a whole host  
15           of your comments, and I want to make a couple  
16           of comments on that and then I've got just a  
17           couple of questions.

18                    One, really appreciate that this is at  
19           the top of the State of the State and the  
20           budget and that the focus is very real and  
21           the multipronged approach that you are  
22           taking. Also very appreciative to see the  
23           staffing increases in the budget this year,  
24           it's very encouraging. Also want to mention

1 really appreciated the numbers that you've  
2 put in in the State of the State Book that  
3 you know I'm going to keep repeating, and  
4 that is the \$26 billion that this state has  
5 spent on weather-related disasters just since  
6 2011, and the 50 billion that you project.

7 Which will lead me into a couple of my  
8 questions, but prior to those couple of  
9 questions I also want to mention a couple of  
10 things. I want to keep working with you on  
11 this issue at the Coeymans -- in Coeymans  
12 regarding the LaFarge plant. I know we've  
13 had some good conversations. You'll be  
14 seeing a letter from me about these tires and  
15 how we -- the waste or the possible burning  
16 of these used tires. So we'll keep talking  
17 about how we can grow new markets for those  
18 used tires.

19 I also understand -- I was out when  
20 fracked gas came up, and I'd like to  
21 follow up with you. I understand there's  
22 some conflicting data or reports about  
23 whether fracked gas is still being  
24 imported -- the waste is being imported into

1 the state. So I'd welcome following up with  
2 you on that.

3 Back to the need and the disasters. I  
4 really am appreciative that the Governor has  
5 been out there with this \$3 billion bond  
6 proposal. And as you know, I had mentioned  
7 the need for a bond a couple of months ago in  
8 one of our last hearings on the environment.  
9 My only question is given some of the very  
10 serious needs, and given that we haven't had  
11 one in almost 25 years, is this enough?

12 I really appreciate the focus on  
13 resiliency and the Mother Nature, but  
14 wondering if we need -- I think, I would  
15 contend we need to go further and take full  
16 advantage of this opportunity with  
17 retrofitting and energy efficiency,  
18 electrification that we've heard mentioned.  
19 And as you know, I'm very focused on  
20 SUNY/CUNY.

21 Can you talk about what the need is  
22 and how we ended up with the \$3 billion?  
23 Again, putting my cards right out there that  
24 I'd like to go beyond that.

1                   COMMISSIONER SEGGOS: Well, thank you  
2                   for raising that. And, listen, I'll leave  
3                   the numbers to a higher level to sort out.

4                   I will say this, though. The fact  
5                   that, again, we're in a financial crunch  
6                   right now and we have the Governor proposing  
7                   not just hundreds of millions but \$3 billion  
8                   as a bond act is a representation of how  
9                   serious this is. And the fact that it's  
10                  additive to all of our other programs -- the  
11                  clean water programs, the Superfund, NY  
12                  Works, EPF -- again underscores how serious  
13                  this issue is for this administration.

14                  And as to whether it is enough, well,  
15                  I think there are no dollars now. And we're  
16                  doing quite a bit now. And I think with the  
17                  \$3 billion additional, we'll be able to  
18                  transform the state. I view it as an  
19                  investment. Right?

20                  I mean, again, you picked out of the  
21                  book those numbers -- \$26 billion of damage  
22                  that the state and feds have paid for here in  
23                  New York from severe weather over the last  
24                  few years, 50 billion we're projecting

1           looking forward over 10. You either make  
2           these investments now or you're going to pay  
3           a lot more in the future. And it's a  
4           testament to the Governor's commitment here  
5           and the fact that he's experienced those  
6           storms viscerally, and being able to  
7           translate that into actual policy here for  
8           the state is a great thing.

9                         ASSEMBLYWOMAN FAHY: Thank you,  
10           Commissioner. I appreciate that, and I  
11           agree, it's incredibly encouraging. I just  
12           want to make sure while we're going down this  
13           road we do as much as needed, especially with  
14           the extraordinary demand.

15                        And part of that demand is my last  
16           question: Water infrastructure. I know we  
17           haven't had any updated reports, but I do  
18           feel like every other day we're seeing a new  
19           report about water -- the contaminants in our  
20           water. So it seems as if the demand and the  
21           need is growing.

22                        Can you talk a little bit about what  
23           the established need is? And of course I too  
24           would like to see this as part of this

1 bonding, to go a little further. Not  
2 dismissing at all the great inroads that we  
3 have made with the investments -- I agree  
4 with your word, the investments that we have  
5 made in our water to date. But can you talk  
6 about what the need is going forward?

7 COMMISSIONER SEGGOS: Sure. Well,  
8 again, thanks to the Legislature and thanks  
9 to the Governor's foresight on this, I mean,  
10 we have a head start on this issue.

11 Several years ago we did the  
12 billion-dollar Superfund reauthorization,  
13 which helped us to address so many problems  
14 across the state as they emerged -- as the  
15 science became more apparent, as things like  
16 Hoosick Falls emerged, we were able to apply  
17 those dollars and to fix a real problem  
18 locally.

19 Wastewater infrastructure, neglected  
20 for 30 years in New York State -- we  
21 collectively made up our minds that we needed  
22 to fix that, so we got \$2.5 billion behind  
23 that. And again, as I mentioned earlier,  
24 \$15.8 billion in projects over the last

1 five years. I mean, we can point to that as  
2 a real success story. Moving forward, we've  
3 got \$500 million again this year as a  
4 proposal from the Governor into the  
5 Clean Water Infrastructure Act.

6 And the idea about all of these  
7 different funding sources is to try to do our  
8 best to integrate all of them into something  
9 cohesive, right? Not treat them as one-offs,  
10 but something cohesive.

11 The bond act, yes, has a focus on the  
12 environment, on clean water, on drinking  
13 water. But if you pay to restore habitat in  
14 a certain area, that has dual benefits. It's  
15 also restoring water quality. So we can make  
16 single investments that have multiple  
17 purposes, and that's really the idea behind  
18 having something that's well-crafted,  
19 well-envisioned, but also integrated to all  
20 the other pots.

21 ASSEMBLYWOMAN FAHY: Thank you,  
22 Commissioner, and thank you, Chair.

23 COMMISSIONER SEGGOS: Thank you.

24 CHAIRWOMAN KRUEGER: Thank you.

1 Senate, Betty Little.

2 SENATOR LITTLE: Thank you.

3 Thank you, Commissioner, for  
4 continuing to be commissioner. You do a  
5 great job, and I enjoy working with you,  
6 that's for sure.

7 (Audio interruption.)

8 SENATOR LITTLE: I too saw many things  
9 in the budget that are --

10 CHAIRWOMAN KRUEGER: We've been  
11 interrupted by the impeachment. Hold on one  
12 second, Betty.

13 (Discussion off the record.)

14 CHAIRWOMAN KRUEGER: Sorry, Betty.  
15 Yell at Senator Seward later.

16 SENATOR LITTLE: Thank you. There are  
17 many, many things in the budget that are good  
18 for the North Country, and I truly appreciate  
19 what the Governor has put forward here.

20 The additional positions that you  
21 have, I would hope some of them would go to  
22 my absolute favorite DEC people, the Forest  
23 Rangers. We have talked about the need for  
24 additional Forest Rangers for a number of

1           years, since we have so much more state land  
2           being added. But their work, as noted in the  
3           newspapers -- they seem to do a report week  
4           by week of the dangerous, risky work that  
5           they do in saving people, helping people find  
6           their way out and avoiding death. So really  
7           appreciate them.

8                     The one thing that they need -- I know  
9           we've combined them with the Environmental  
10          Conservation Officers, but what I hear from  
11          them is the need for an absolutely strict  
12          list of what they do differential from  
13          Environmental Conservation Officers. They do  
14          not want to be enforcement officers, they  
15          want to be the people who go to fires, who go  
16          to lost people, lost animals, all kinds of  
17          things that they have worked on. So I would  
18          ask you just to continue that.

19                    The tourism in the Adirondacks has  
20          increased greatly. There are more and more  
21          hikers. I hate the word "trail overuse."  
22          I'd rather see "trail popularity," it's more  
23          positive. But is there any money in this  
24          \$55.2 million capital that would help with

1 the hiking center that we have plans for and  
2 being proposed for at Marcy Field in Keene?  
3 Where people could go and find out, you know,  
4 you don't have to use the popular trails, let  
5 us tell you about some other trails in the  
6 Adirondacks -- how you get there, where you  
7 park your car, and all of that.

8 So hopefully -- you don't have to  
9 answer right now, but I'm putting in a plug  
10 for that money.

11 And then the second thing you have  
12 that I thought was good too is this  
13 partnership between Clarkson and SUNY ESF on  
14 the algae blooms, which is totally necessary.  
15 But one area of concern that has concerned me  
16 more lately is Lake Champlain. And I know,  
17 you know, we blame Vermont and Vermont blames  
18 New York and all of that. But is there  
19 anything real that's being done with Vermont?

20 Because boats -- we've worked so hard  
21 on invasive species and keeping the boats  
22 clean and all that, keeping it out of our  
23 lakes. But Lake Champlain has plenty of  
24 invasives as well as the algae blooms.

1                   COMMISSIONER SEGGOS: Well, I would  
2 blame Vermont.

3                   SENATOR LITTLE: I would too, but --

4                   COMMISSIONER SEGGOS: My former chief  
5 of staff is now over there running things,  
6 so --

7                   SENATOR LITTLE: Yeah, I see a lot of  
8 that.

9                   COMMISSIONER SEGGOS: But listen,  
10 we're talking on a regular basis with Vermont  
11 about the problem of Lake Champlain. I mean,  
12 in all truth, the amount of nutrients coming  
13 into that lake is far more from the Vermont  
14 side than from the New York side. They just  
15 have a different -- they have a different  
16 history of managing the watershed over there.

17                   And we work jointly on the issue of  
18 invasives. I mean, too many invasive species  
19 have gotten into that water body. There's  
20 some pockets on the lake where you have  
21 harmful algal blooms, also where we on our  
22 side have been spending a considerable amount  
23 of money. And it's a jewel of a lake; you  
24 want to see that there's a long-term future.

1                   From what I understand from the  
2 Vermont side, they are taking it seriously.  
3 They had a referendum, unfortunately not  
4 passed in a recent election. But, you know,  
5 we stand ready on our side to provide the  
6 funds we need to protect that watershed. It  
7 is quite a place.

8                   SENATOR LITTLE: Well, we have people  
9 on our side, along the shoreline, many  
10 beautiful homes, paying high taxes and all,  
11 that have put in swimming pools because they  
12 can't even swim in the lake, yet they're part  
13 of the lake. They can go in a boat and find  
14 someplace. But other than that, they have no  
15 use for it.

16                   Is there any idea of having a working  
17 group formed from New York and Vermont to  
18 really sit down and make some progress here?

19                   COMMISSIONER SEGGOS: We actually,  
20 thankfully, do have a working group, and we  
21 have regular communication with our partners  
22 in Vermont. Also with EPA Region 2, going  
23 back many years -- the region's got a role to  
24 play in this as well as Region 1.

1           So yes, there is a forum for us to  
2           work these issues out. Ultimately it comes  
3           down to money. And the Vermont side has  
4           indicated a willingness to do that. They've  
5           got to find the resources to do it, though.

6           SENATOR LITTLE: Thank you. It's  
7           something that really needs to be done. But  
8           thanks again for all your work.

9           COMMISSIONER SEGGOS: Thank you,  
10          Senator. And I'm going to miss you.  
11          Congratulations on a great career.

12          SENATOR LITTLE: Well, thank you. I'm  
13          going to miss this too, but it's time. So  
14          thank you.

15          CHAIRWOMAN KRUEGER: Maybe she'll do  
16          what you do. She said it was her last budget  
17          hearing, but who knows. Who knows in Albany.

18          (Laughter.)

19          COMMISSIONER SEGGOS: Come to DEC.

20          UNIDENTIFIED MEMBER: Don't tell Stec,  
21          though.

22          (Laughter.)

23          CHAIRWOMAN KRUEGER: Okay, sorry.

24          Assembly?

1                   CHAIRWOMAN WEINSTEIN: Thank you.  
2                   Assemblyman Epstein.

3                   ASSEMBLYMAN EPSTEIN: Thank you for  
4 being here. I just have a couple of quick  
5 questions. Sorry about my voice, it's the  
6 time of year, I guess, for all of us.

7                   I notice that we gave \$2.4 million in  
8 this past budget for composting, to expand  
9 composting statewide. And really most  
10 counties across the state have done an  
11 inadequate job doing that. I'm wondering,  
12 why don't we reprioritize that, make it a  
13 higher priority to get composting done  
14 statewide, because so much of our  
15 compostables go into landfills and it's  
16 really adding to greenhouse gases.

17                  COMMISSIONER SEGGOS: Couldn't agree  
18 more. And the Legislature did a great job  
19 last year passing that organics legislation,  
20 which we'll be rolling out over the next  
21 couple of years. And you see downstate  
22 communities doing a pretty good job of it,  
23 New York City and Long Island opening up  
24 markets. There's good talk upstate, places

1           like Rochester, where you have Wegmans on the  
2           front end on organics legislation.

3                       So agree with you, it's an important  
4           aspect of our work and will be over the next  
5           couple of years. And we'll ultimately have  
6           one of the most effective programs in the  
7           nation.

8                       ASSEMBLYMAN EPSTEIN: Well, we've  
9           heard from municipalities saying they don't  
10          have enough support from the state to roll  
11          them out.

12                      You mentioned Long Island, and we  
13          heard from counties on Long Island saying  
14          they just can't do it, they don't have the  
15          resources, they're already strapped for cash.  
16          I know where my mother lives in Nassau County  
17          there's no ability for her to compost  
18          anywhere.

19                      COMMISSIONER SEGGOS: Well, I would  
20          say that they should reach out to us for  
21          help. You know, Composting is a big  
22          opportunity, it's a huge waste stream. We've  
23          got a significant amount of money going to  
24          municipal recycling grants, waste reduction

1 grants. You know, we have the organics  
2 legislation coming up, we have reform of our  
3 solid waste law, which is known as Part 360,  
4 which we're constantly adapting to make  
5 composting and other waste streams done more  
6 effectively here in the state.

7 But the EPF provides good resources.  
8 There may be other resources that the  
9 municipalities could tap into. And I think  
10 just if you are hearing of any -- and to all  
11 of you, if you're hearing of any  
12 municipalities that need assistance, please  
13 have them reach out to me and my staff and  
14 we'll help them through it.

15 ASSEMBLYMAN EPSTEIN: Great.

16 I want to turn your attention to  
17 electric vehicles. We heard earlier about  
18 that. And so how many electric vehicles does  
19 the state have on its -- in its vehicle --  
20 like how many -- what percentage of vehicles  
21 do you have that are electric?

22 COMMISSIONER SEGGOS: You mean within  
23 the state fleet?

24 ASSEMBLYMAN EPSTEIN: The state fleet.

1                   COMMISSIONER SEGGOS: I don't have  
2                   that number, but I can get that for you.

3                   ASSEMBLYMAN EPSTEIN: Will you get the  
4                   number and the percentage of overall  
5                   vehicles, and the plan to move away from --  
6                   move towards electric vehicles.

7                   The other question is about charging  
8                   stations and making them publicly available.  
9                   So we -- like we have here in the LOB, we  
10                  have charging stations for electric vehicles.  
11                  But if you drive around Albany, there's no  
12                  place to charge your car. If you go to  
13                  New York City, there are no publicly  
14                  available charging stations.

15                  So we want to move people to using  
16                  electric vehicles, but they can't charge  
17                  their car in any publicly available -- I'm  
18                  wondering what the state's going to do to  
19                  encourage people to use electric vehicles  
20                  when they can't just charge their car  
21                  publicly.

22                  COMMISSIONER SEGGOS: Sure. And I'll  
23                  defer largely to my energy counterparts to  
24                  answer that question, because I know they

1           have programs underway right now, which is --  
2           you know, the Governor had talked about in  
3           brief during his address, which is to ensure  
4           that we've got charging stations in every  
5           county, we've got enough charging stations  
6           out there.

7                     ASSEMBLYMAN EPSTEIN:  But publicly  
8           available charging stations --

9                     COMMISSIONER SEGGOS:  Publicly  
10          available, that's right.

11                    ASSEMBLYMAN EPSTEIN:  -- Is different  
12          than charging stations.

13                    COMMISSIONER SEGGOS:  That's right,  
14          yup.  And I know -- listen, on the Thruway,  
15          at least, that's a big buildout.  NYPA's been  
16          helping the Thruway Authority with that and  
17          making sure that there are enough  
18          fast-charging stations there.

19                    So it's something we've certainly  
20          recognized is a crucial factor.  I don't want  
21          to call it a bottleneck because it isn't a  
22          bottleneck yet.  But we know we have to build  
23          out the infrastructure to be able to invite  
24          the number of EVs we want to sell in this

1 state.

2 ASSEMBLYMAN EPSTEIN: Yeah, thank you.

3 I want to turn you quickly to the bond  
4 act. And just -- we've heard a lot from --  
5 I'm from the city, we've heard from the city  
6 that while the \$3 billion is a good start, it  
7 really doesn't let the municipalities, like  
8 New York City, deal with the resiliency they  
9 believe their priorities are. I'm wondering  
10 how you'll work with municipalities like  
11 New York City. You know, we lived through  
12 Sandy and there are specific decisions  
13 they're making about what they need to do.  
14 Why not let the cities drive the resiliency  
15 that has to be done in those locations?

16 COMMISSIONER SEGGOS: Absolutely. I  
17 think, again, this is going to be a  
18 bottoms-up approach. We'll be working with  
19 the entire state, all communities, all  
20 stakeholder groups, to come up with a plan to  
21 increase resiliency, to reduce flood damage,  
22 to improve habitat.

23 New York City is a perfect example  
24 where you have a huge population and a

1 shoreline that is not built for sea level  
2 rise or extreme weather. So that would be  
3 one of our focal points for sure.

4 ASSEMBLYMAN EPSTEIN: Great, I  
5 appreciate that.

6 And lastly -- I know I'm running out  
7 of time -- just the cuts for capital for  
8 animal shelters. I mean, clearly, there's a  
9 need for it. We've been using the money  
10 every year. The need for expanded locations  
11 for animals. I'm a little concerned about  
12 the capital cut there.

13 COMMISSIONER SEGGOS: Okay. That -- I  
14 don't believe that's within DEC's budget at  
15 all. But we'll take the question and make  
16 sure that you get an answer on it. Okay,  
17 thanks.

18 CHAIRWOMAN WEINSTEIN: Thank you.

19 CHAIRWOMAN KRUEGER: Thank you.

20 Senator Brad Hoylman.

21 SENATOR HOYLMAN: Thank you. Thank  
22 you, Madam Chair. I believe this is on.

23 Nice to see you, Commissioner. Thank  
24 you.

1 COMMISSIONER SEGGOS: Senator.

2 SENATOR HOYLMAN: Is it on?

3 CHAIRWOMAN KRUEGER: Some of them work  
4 better than others.

5 Oh, we've been joined by Senator  
6 Borrello. Welcome to your first hearing.

7 Brad, did you get one that you think  
8 works?

9 SENATOR HOYLMAN: Yes, I think I got  
10 one that works. I can hear an echo. And  
11 just think, Senator Krueger, you only have  
12 two more weeks of these hearings.

13 I wanted to ask you, Commissioner,  
14 about the Diesel Emission Reduction Act.  
15 It's a question I've asked a number of years.  
16 You know, we as Legislature passed it  
17 13 years ago, but just last year we finally  
18 stopped delaying the implementation of it,  
19 which will mean that all state vehicles and  
20 vehicles operating under contract with state  
21 agencies will now have to be compliant with  
22 those guidelines.

23 Could you tell us what the current  
24 compliance rate is for these vehicles and

1           what your forecast is?

2                   COMMISSIONER SEGGOS:  Sure.  Good  
3           news.  We are over 98 percent, 99 percent  
4           right now for the state fleet.  The number is  
5           a bit less than that on the contractor side,  
6           but the number's been going up considerably.  
7           I mean, it really has been over the last  
8           three years, but more so over the last year.  
9           I can get you the exact number on the  
10          contractor fleets, but there's been a big  
11          spike in the last year.

12                   SENATOR HOYLMAN:  That's really good  
13          to hear.  I'm glad we finally got that  
14          implemented.

15                   I wanted to also ask you about the  
16          cleanup of the Hudson River.  And obviously  
17          the state has a lawsuit against the EPA  
18          regarding EPA's responsibility to finish  
19          cleaning up the PCB contamination.

20                   Are there other measures the state  
21          could be taking to require remediation in the  
22          meantime as that lawsuit winds its way  
23          through the courts?

24                   COMMISSIONER SEGGOS:  Good question.

1           So GE is on the hook really for this  
2           pollution. We needed the EPA, frankly years  
3           ago, to keep GE in the water. And  
4           unfortunately they were allowed to go, and  
5           then you had a change of administrations,  
6           which frankly I had held out some hope for in  
7           the beginning because of some of the public  
8           pronouncements about their commitment to  
9           holding GE accountable. Since then it's gone  
10          in the wrong direction, and we were forced to  
11          go to court to challenge the agency on their  
12          decision-making.

13                     I want to keep the burden on GE.  
14           They've got the deep pockets. What EPA has  
15           done is unforgivable. They're projecting,  
16           you know, 70-plus years before people can eat  
17           fish safely out of the river.

18                     SENATOR HOYLMAN: Seventy.

19                     COMMISSIONER SEGGOS: Seventy-plus  
20           years.

21                     And to the EPA, they believe that  
22           that's acceptable under federal law. We  
23           totally disagree, that they have the power to  
24           compel the company to get back in the water

1           if necessary. We believe it's necessary to  
2           address the remaining PCBs that are in the  
3           water in the Upper Hudson and to begin  
4           studying the Lower Hudson, so we know how far  
5           the contamination actually went.

6                     Did it go down as far as New York  
7           City? Well, possibly. We know that there  
8           are hot spots in the Upper Hudson and in this  
9           area of the Hudson River.

10                    But while we have the EPA on notice, I  
11           want to keep GE on the hook for that. And  
12           there may be things we can turn to beyond  
13           that. But our obligation is to make the  
14           polluter pay in this instance.

15                    SENATOR HOYLMAN: Is there testing  
16           done of the Lower Hudson for PCB  
17           contamination?

18                    COMMISSIONER SEGGOS: Some testing was  
19           done over the years, some inconsistent  
20           testing, that we were able to get it to --  
21           well, DEC did and others did, incidental to  
22           other cleanups. We had heard some positive  
23           indications of some willingness to look at  
24           the lower river, but we haven't seen any

1 results yet, certainly not out of the EPA.

2 SENATOR HOYLMAN: And finally, in my  
3 last seconds, I think the budget proposes to  
4 move \$5 million out of EPF and to supplant  
5 that with off-budget RGGI funds. Is that  
6 just a case of robbing Peter to pay Paul? It  
7 doesn't seem like there's an overall increase  
8 in environmental budget funds.

9 COMMISSIONER SEGGOS: Yeah, so there's  
10 actually a deposit from RGGI into the EPF of  
11 \$5 million for climate purposes within RGGI.  
12 And as you know, there are EPF programs,  
13 about \$20 million worth of EPF programs that  
14 fund climate work. And we would seek to have  
15 RGGI help to pay for that work.

16 SENATOR HOYLMAN: Thank you.

17 COMMISSIONER SEGGOS: Thank you.

18 CHAIRWOMAN KRUEGER: Thank you.  
19 Assembly.

20 CHAIRWOMAN WEINSTEIN: Assemblyman  
21 Carroll.

22 ASSEMBLYMAN CARROLL: Thank you,  
23 Madam Chair.

24 Good afternoon, Commissioner Seggos.

1                   COMMISSIONER SEGGOS: Afternoon.

2                   ASSEMBLYMAN CARROLL: My first set of  
3 questions revolve around the Williams  
4 Pipeline. I was very happy to see that the  
5 DEC rejected the permit for the Williams  
6 Pipeline last May. As you know, they have  
7 reapplied.

8                   And my question is, the DEC rejected  
9 the 401 quality permit last year. The fact  
10 that the company has reapplied, can you tell  
11 us if there's any reason to think the DEC  
12 won't once again permanently deny this  
13 permit?

14                   COMMISSIONER SEGGOS: Well, I won't  
15 get ahead of the final determination, which  
16 is due in May.

17                   I will tell you, as I mentioned  
18 earlier, that with any pipeline application  
19 that comes across, given their nature, how  
20 disruptive they can be to the natural  
21 environment -- again, noting that our water  
22 quality certificate is really our primary or  
23 sole jurisdiction over that review. We take  
24 those very seriously. And in this day and

1           age when you see damage to water quality  
2           impacting lives on a regular basis, we have  
3           to provide the strictest possible scrutiny of  
4           those applications.

5                        So twice denied, twice reapplied. We  
6           understand our obligations, and the clock is  
7           ticking on it.

8                        ASSEMBLYMAN CARROLL: Understanding  
9           that you don't want to get ahead of the  
10          application, but to your knowledge has  
11          anything changed about the project?

12                      COMMISSIONER SEGGOS: There may -- I'd  
13          have to check with my staff as to whether or  
14          not any modifications have been made. The  
15          reapplication -- I haven't seen the  
16          reapplication materials, but that's something  
17          that's now with us. And we'll be, obviously  
18          within the time period allotted, making sure  
19          the best experts at the agency have given it  
20          their hardest look.

21                      ASSEMBLYMAN CARROLL: Thank you.

22                      Switching gears, Senator Metzger had  
23          asked about this previously. Looking at the  
24          aggressive goals of the CLCPA, do you

1           agree -- in just your opinion -- that the  
2           state should stop permitting fossil fuel  
3           projects to meet those goals?

4                    COMMISSIONER SEGGOS: Well, listen,  
5           I'm in a unique position. Right? I'm the  
6           state's regulator when it comes to the  
7           environment. I can't supplant my personal  
8           opinion for my obligation to process permits.  
9           I mean, that's the bottom line.

10                   Do I believe that the state has to get  
11           off of fossil fuel? Absolutely. I firmly  
12           believe that we have an existential crisis on  
13           our hands. But I can't say that -- you know,  
14           that we won't process permits.

15                   ASSEMBLYMAN CARROLL: So if 2040 is  
16           the goal that's stated in the CLCPA, what do  
17           you think would be a reasonable goal for the  
18           DEC to stop accepting permits?

19                   COMMISSIONER SEGGOS: Well, I think  
20           this is going to come to the Climate Action  
21           Council. And the scope of work that the  
22           Climate Action Council develops will guide  
23           the state over the next 20 or 30 years. That  
24           is going to send market signals to developers

1 as to whether or not it makes sense to make  
2 those kinds of investments here in New York  
3 State.

4 ASSEMBLYMAN CARROLL: But don't you  
5 think a bright line would send the best  
6 market signal?

7 COMMISSIONER SEGGOS: Well, I think  
8 the brightest line would come out of the most  
9 thorough process, and that's what the  
10 Legislature gave us through the Climate  
11 Leadership Act.

12 ASSEMBLYMAN CARROLL: Well, why don't  
13 we flip it. Instead of approving permits,  
14 what about the decommissioning of current  
15 fossil fuel plants? When -- do you think  
16 there's a year that we need to decommission  
17 all of these plants by?

18 COMMISSIONER SEGGOS: Well, certainly  
19 by what the law laid out, 2040.

20 ASSEMBLYMAN CARROLL: 2040. So all  
21 will be decommissioned by 2040.

22 COMMISSIONER SEGGOS: All will be  
23 decommissioned by 2040.

24 ASSEMBLYMAN CARROLL: Thank you so

1 much, Commissioner.

2 COMMISSIONER SEGGOS: Thank you.

3 CHAIRWOMAN KRUEGER: All right?

4 CHAIRWOMAN WEINSTEIN: Yes. Senate.

5 CHAIRWOMAN KRUEGER: Thank you.

6 Senator Robert Jackson.

7 SENATOR JACKSON: Thank you.

8 Good morning, everyone.

9 COMMISSIONER SEGGOS: Morning,  
10 Senator.

11 SENATOR JACKSON: I mean good  
12 afternoon.

13 So, Commissioner, I was listening to  
14 your response to Brad regarding GE. And my  
15 question is, is it necessary for DEC or  
16 another agency to file a lawsuit against the  
17 federal government? Because based on the  
18 readings here that I have is that the  
19 information that the feds are having is not  
20 true. There's still an environmental  
21 situation there, so it's necessary to file a  
22 lawsuit. Am I right or am I wrong?

23 COMMISSIONER SEGGOS: You're  
24 absolutely right. In fact, we did file that

1 lawsuit. So we're in court now with the EPA  
2 over this very matter.

3 And yeah, you're absolutely right, the  
4 job was never done. They signed off on it  
5 and moved along before they had analyzed  
6 appropriately the data that's out there  
7 showing a continued problem.

8 SENATOR JACKSON: So where -- you feel  
9 that from an agency's point of view that the  
10 State of New York must file a lawsuit in  
11 order to protect the people of New York  
12 State, you feel that is an absolutely  
13 necessary part of the process?

14 COMMISSIONER SEGGOS: Certainly in  
15 this instance when we've exhausted all  
16 other avenues. Right? We made a --  
17 provided -- right before the change of  
18 administrations provided a mountain of data  
19 showing a continued problem. And now with  
20 the new administration for three years, I've  
21 worked hard to have science be the guide,  
22 have the data be the guide, and ultimately  
23 the EPA disregarded the data, went a  
24 different direction, and then forced us to

1           sue in court.

2                   SENATOR JACKSON: Okay. I expected  
3           your response, because that's clearly an  
4           appropriate response. And I thank you for  
5           doing that, because I'm just questioning some  
6           other things in other areas, which is not  
7           DEP, but dealing with education and lawsuits  
8           involved in that.

9                   But let me just say on that subject.  
10          I did not see anything in your presentation  
11          talking about education of our youth and the  
12          people of New York State in order so all of  
13          us will be engaged in the process of cleaning  
14          up our environment. Obviously the rally and  
15          march that occurred in New York City with  
16          Greta and New York, obviously it's extremely  
17          important.

18                   Do you plan on having a partnership  
19          with the State Education Department and other  
20          agencies in order to educate the populace of  
21          the necessity to move forward with this as  
22          quickly as possible?

23                   COMMISSIONER SEGGOS: Absolutely. I  
24          mean, I'm proud to say that we have one of

1 the biggest Facebook and Twitter and  
2 Instagram followings in all of state  
3 government.

4 Obviously that's not the only way to  
5 communicate with our youth. We have a great  
6 camp program, we're opening up nature centers  
7 around the state, getting kids out there on I  
8 Love My Park Day with the Parks Department.  
9 I mean, these are all the ways in which we  
10 will make stewards of the future.

11 And I think honestly, my view, the  
12 bond act -- and the Governor has said this as  
13 well -- the bond act is a chance to talk to  
14 the people and make sure that, you know, we  
15 are engaging everybody in this process of  
16 restoring Mother Nature and making people  
17 feel like even in their neighborhoods,  
18 wherever they are, they have a chance to  
19 weigh in and say, yeah, I've got some  
20 blighted area, I want it improved.

21 SENATOR JACKSON: So I was at the  
22 signing of the Climate Leadership and  
23 Community Protection Act, but there were  
24 people outside that were demonstrating. And

1 I went up to them and talked to them, and  
2 they said that the goal as set by the  
3 Governor was not aggressive enough or  
4 asserted enough, that we needed to reach that  
5 goal by 2030.

6 What's your opinion on that? Quickly,  
7 if you don't mind.

8 COMMISSIONER SEGGOS: Sure. Well,  
9 listen, I think the New York Times called it,  
10 right, the most ambitious climate law of any  
11 developed --

12 SENATOR JACKSON: In the country.

13 COMMISSIONER SEGGOS: -- state or  
14 nation, for that matter. So I think we  
15 collectively, with the Legislature, nailed it  
16 last year and now it's on us to put in place  
17 this really ambitious program to meet the  
18 goals.

19 I think what you hear is the  
20 sentiment, as I mentioned in the beginning,  
21 of people being afraid, being fearful of the  
22 future, seeing terrible leadership at the  
23 federal level and wanting to speak out. I  
24 don't begrudge them that. But I think we're

1 giving them real answers and actual real  
2 programs here in New York.

3 SENATOR JACKSON: And finally, you  
4 were here this morning when a demonstration  
5 occurred and they handed this out to all of  
6 the Senators at least up here, and  
7 Assemblymembers.

8 What did you think of the  
9 demonstration that they had here in front of  
10 you and in front of us this morning?

11 COMMISSIONER SEGGOS: Well, as I  
12 mentioned, right, when they cleared the room,  
13 I don't begrudge their protests. I feel for  
14 them. And I feel for where we are as a  
15 planet with the damage that's been done to  
16 the environment and the trend lines that  
17 we're on in terms of climate change.

18 Again, I would maybe use some  
19 different language in a public setting, but I  
20 think the sentiment, the voice that they have  
21 is a powerful one. And I hope that all folks  
22 in New York understand that New York  
23 completely agrees, this is an issue that has  
24 to be dealt with, is being dealt with, and

1           you have a Governor that has leaned forward  
2           unlike any governor in the U.S., certainly  
3           any governor ever in New York.

4                        So I'm optimistic for the future.

5                        SENATOR JACKSON: Thank you.

6                        COMMISSIONER SEGGOS: Thank you.

7                        CHAIRWOMAN KRUEGER: Thank you.

8                        Assembly.

9                        CHAIRWOMAN WEINSTEIN: Assemblyman  
10           Schmitt.

11                       ASSEMBLYMAN SCHMITT: Thank you.

12                       Thank you, Commissioner, for being  
13           here today.

14                       COMMISSIONER SEGGOS: Thank you.

15                       ASSEMBLYMAN SCHMITT: I represent New  
16           Windsor and the area around Stewart, which  
17           has faced PFOS/PFOA contamination. I mean,  
18           obviously, you know, there's been a great  
19           working relationship with DEC, DOH and a lot  
20           of the local communities in combating that  
21           within my district and my region.

22                       Is there any further update that you  
23           can provide, any further funding mechanisms  
24           that we should be expecting? Obviously we

1 have a lot of communities with water crises,  
2 pressures. The Intermunicipal Water  
3 Infrastructure Grant program was very helpful  
4 to several of my communities. We've gone  
5 over some of the concerns already with other  
6 questions regarding the process. But if you  
7 could just elaborate on some of those things.

8 COMMISSIONER SEGGOS: Sure, I'd be  
9 happy to.

10 And one of the things I'm really proud  
11 of, actually, is the way we responded in New  
12 Windsor and Newburgh to that PFAS crisis.

13 As you know right now, obviously the  
14 communities are drinking clean water.  
15 There's water coming out of the Catskill  
16 Aqueduct when it's operating that the state's  
17 paying for -- and, when it's not, out of the  
18 redundant ponds and lakes in the area that  
19 are PFOS-free.

20 We put in place a  
21 multi-million-dollars, tens of millions of  
22 dollars system to provide a long -- well,  
23 let's call it an intermediate to long-term  
24 treatment option for Lake Washington. And we

1 know that system is going to work, we've been  
2 testing it online. It was really  
3 well-designed, unlike anything that I've  
4 seen, certainly, in the U.S. And it's --  
5 really right now we're going to have to talk  
6 to the communities to put them at ease about  
7 drinking the water out of a treated system,  
8 which is in my view a perfectly acceptable  
9 way to operate.

10 My view long-term is we've got to  
11 prevent this material coming off the air base  
12 in the first place. DOD has been incredibly  
13 slow to the ball -- not just here,  
14 nationwide. They've got a huge problem  
15 nationally on PFOS in drinking water. And,  
16 you know, they did put in place some measures  
17 to prevent ongoing discharges into one of the  
18 holding ponds below the base. They've been  
19 just slow to the ball.

20 Their scope of work is limited. You  
21 know, they don't -- they're not as aggressive  
22 as -- frankly, as we are. And that's  
23 surprising, because it's their pollution,  
24 it's not ours. But we understand our role.

1           And in New Windsor installing lines to  
2           connect folks in their houses -- or private  
3           treatment systems in their own houses has  
4           been very effective. And I appreciate your  
5           partnership in that area as well.

6                     ASSEMBLYMAN SCHMITT: Absolutely.

7                     Getting to that point, the  
8           preservation and conservation of critical  
9           land, water recharge areas, et cetera, is of  
10          paramount concern to those communities and  
11          communities across my district.

12                    Unfortunately, the Governor vetoed PDR  
13          legislation for the Town of Chester this past  
14          year, which really devastated the community.  
15          They're very upset by that. We've also had  
16          countywide legislation that's passed the  
17          Assembly, it's been held up in the Senate.

18                    Would we be able to get a commitment  
19          from you to work with the Legislature and the  
20          Governor's office to not veto these items in  
21          the future, and whether a stopgap measure  
22          between future legislative resolution --  
23          maybe we can open up a little bit more stream  
24          of funding given we have the increased

1 development pressures and these water  
2 contamination concerns.

3 COMMISSIONER SEGGOS: Listen,  
4 absolutely -- I would suggest this. Why  
5 don't we set up a talk and go through the  
6 funds, the sources of funding that are  
7 available for watershed protection.

8 Because that was one of the elements  
9 of the Clean Water Infrastructure Act when we  
10 passed it, setting aside enough money so that  
11 we do source-water protection programs and  
12 actual acquisition of land. We spent  
13 \$36 million I think through the Clean Water  
14 Infrastructure Act over the last three years  
15 on land preservation, and that's to protect  
16 water quality.

17 So if there's particularly vulnerable  
18 watersheds in your district and they're not  
19 getting the funding they need, please have  
20 them reach out to us -- and that certainly  
21 goes for all folks in the room here -- reach  
22 out to us and we'll help coach them through  
23 the application process.

24 ASSEMBLYMAN SCHMITT: Great.

1           And real quick, before time is up,  
2           hunting and the outdoor sporting enthusiast  
3           activities in the Hudson Valley, a very  
4           passionate part of life for many people.  
5           New York State has had great R3 success, I  
6           believe, especially compared to other states.

7           You know, one thing I see is access is  
8           regularly cited as one of the primary reasons  
9           that lapsed hunters no longer participate or  
10          do not look to be reactivated. Do you have  
11          any ongoing -- we've had some positive news  
12          with announcements this year, the last  
13          hunting system, with some additional state  
14          lands. Are there any additional programs  
15          that we should expect announcements on or  
16          ways that we can collaborate going forward on  
17          the access piece of R3?

18          COMMISSIONER SEGGOS: Certainly. And  
19          the "Restore Mother Nature" Bond Act would be  
20          a fantastic funding source for open space and  
21          lands -- again, making those single  
22          investments that have dual purposes. Setting  
23          aside watersheds to protect water may also be  
24          fantastic hunting spots.

1                   We do have an access improvement  
2                   program, both through NY Works and EPF, to  
3                   improve access to our back country. As  
4                   somebody who went out eight times this year  
5                   and got nothing, I'm looking forward to what  
6                   access might come in the future. But it's a  
7                   top priority of mine, top priority of the  
8                   agency's, and certainly the Governor.

9                   ASSEMBLYMAN SCHMITT: Thank you,  
10                   Commissioner. And look forward to having you  
11                   down in Orange County next season with me.

12                   CHAIRWOMAN WEINSTEIN: Thank you.  
13                   Senate?

14                   COMMISSIONER SEGGOS: Thank you.

15                   CHAIRWOMAN KRUEGER: Thank you.  
16                   Senator May is next.

17                   I'm just trying to coordinate. When  
18                   are you scheduled to protest?

19                   (Laughter.)

20                   CHAIRWOMAN KRUEGER: Because you take  
21                   time away from everyone else, so I don't want  
22                   you to interrupt Senator May.

23                   UNIDENTIFIED SPEAKER: We're not here  
24                   to protest. We're here to enforce and

1 reinforce that we need money in the budget --

2 CHAIRWOMAN KRUEGER: I appreciate  
3 that. That's why people come to testify.  
4 Okay? Okay. But the other folks took a  
5 couple of minutes, so I was just trying to  
6 estimate.

7 Senator May, do you want to get  
8 started?

9 SENATOR MAY: Yes, thank you,  
10 Madam Chair.

11 And thank you, Commissioner.

12 I do want to turn back to waste  
13 issues, and starting with fracking waste.  
14 You talked about that there's not fracking  
15 waste coming in to be used in place of road  
16 salt. But my information is 635,000 tons of  
17 fracking waste have been brought in from  
18 Pennsylvania and sent to landfills,  
19 especially upstate, where I represent. And  
20 Rolling Stone just did an expose about just  
21 how toxic fracking waste can be and how  
22 radioactive it is. But DEC has so far not  
23 chosen to regulate it as hazardous waste.

24 Is that on your radar? Is that

1 something that you're planning to do?

2 COMMISSIONER SEGGOS: It is,  
3 absolutely.

4 And let me make sure I clarify  
5 something here. There is no toxic fracking  
6 waste coming into New York State from any  
7 state. What Pennsylvania had been sending in  
8 to New York State to a few landfills was  
9 drill cuttings, which is rock and dirt.

10 And I know those numbers have gone  
11 down significantly. As fracking has started  
12 to dry up in Pennsylvania, there are fewer  
13 wells being drilled. I don't have the most  
14 recent numbers.

15 But again, just to clarify, this is  
16 not anything but rock and dirt from when the  
17 wells themselves are drilled.

18 SENATOR MAY: Okay, I have different  
19 information, but I'll follow up with you  
20 about that later.

21 COMMISSIONER SEGGOS: Please.

22 SENATOR MAY: Let me ask also about  
23 the waste tire fee. We all pay a couple of  
24 dollars every time we buy a new tire; it must

1           have mounted up to billions of dollars at  
2           this point.  Where does that money go?

3                    COMMISSIONER SEGGOS:  Well, it goes  
4           primarily into remediating waste tire piles.  
5           And there originally was at least 60 million  
6           tires known.  And over the years, we've been  
7           chipping away at the piles that are out  
8           there.

9                    I'm not sure how many tires are left.  
10          We estimate something in the range of 2 to  
11          4 million.  And that's what that money goes  
12          towards, is remediating those really  
13          complicated piles, which in some cases are  
14          way out in the woods, grown over, and present  
15          a public health problem when it comes to, you  
16          know, water ponding within the tires.

17                   And there's also -- we also have staff  
18          that are on that fund that are implementing  
19          the fund itself.

20                   SENATOR MAY:  Is there a fund that is  
21          transparent that, you know, we can sort of  
22          check up on and see where that money has --

23                    COMMISSIONER SEGGOS:  Sure, we'd be  
24          happy -- I think somebody asked me this last

1 year, and we presented some data on that. Be  
2 happy to share that with you.

3 SENATOR MAY: Okay, great. Thank you.

4 Now, upstate we have a lot of flooding  
5 issues; we've talked about that a little bit  
6 so far. But can you just say where in the  
7 budget money is for addressing flooding, say  
8 in the Mohawk Valley? Is that -- I don't  
9 think it's the Clean Water Infrastructure  
10 fund. Are you estimating the bond act would  
11 partly go to that.

12 COMMISSIONER SEGGOS: Sure. We --  
13 following Hurricanes Irene and Lee, we  
14 started to conduct these engineering analyses  
15 of some priority water bodies in the  
16 Mohawk Valley and found -- you know, based on  
17 that engineering, we were able to front-load  
18 projects. Right? We had ready, on the  
19 shelf, engineering that a project -- and  
20 Utica, Whitesboro, is a perfect example of  
21 that.

22 Since then, we've done -- we are in  
23 the midst of 41 other priority water bodies  
24 around the state. We're studying engineering

1 issues surrounding flooding on those. The  
2 "Restore Mother Nature" Bond Act would  
3 absolutely be designed to address those  
4 persistent flooding problems. And we would  
5 look to the Mohawk Valley, which has had  
6 problems for years with flooding.

7 Now, we also -- separately, NYPA, as  
8 you know, New York Power Authority, has  
9 proposed a reimagining of the canal system.  
10 One of the big changes would be the reduction  
11 in flooding of the Mohawk Valley.

12 So between what we're prepared to do  
13 through our funding -- EPF, Clean Water  
14 Infrastructure Act, Restore Mother Nature --  
15 and what NYPA is going to do, I think you'll  
16 see some significant changes within the next  
17 few years on the Mohawk.

18 SENATOR MAY: Great. And the last  
19 lightning-round question. So one of the -- a  
20 lot of the municipalities want to be able to  
21 dredge waterways that run through them and  
22 tend to flood. And I hear all kinds of  
23 conflicting information about whether that's  
24 a good idea.

1 Does DEC have a position on that?

2 COMMISSIONER SEGGOS: Well, listen, I  
3 think anytime you dredge a stream, it's  
4 usually not a good thing because what you do  
5 is you take away the natural function of the  
6 stream to slow the water down by spreading it  
7 out, and you create a flume. And we saw some  
8 municipalities doing that right before Irene  
9 and Lee, and that actually exacerbated the  
10 damage downstream.

11 So what we've been saying is don't  
12 trench streams. You can remove material from  
13 streams, like logs. Don't trench a stream.  
14 Don't remove the rocks, don't straighten it  
15 out, because you're inviting disaster.

16 And that's in fact what we're trying  
17 to do in Whitesboro, which was take a flume  
18 stream and restore the flood plain so that  
19 you're slowing the flow of water coming  
20 through there.

21 We do plenty of dredging projects in  
22 calm water, whether it's lakes -- Lake  
23 Ontario, we're -- the Governor mentioned,  
24 through the REDI program, we're doing a big

1 dredging initiative to deepen some of the  
2 harbors that had silted in over the years.  
3 And that's common-sense economics and  
4 environment.

5 SENATOR MAY: Thank you.

6 CHAIRWOMAN KRUEGER: Thank you.

7 COMMISSIONER SEGGOS: Thanks.

8 CHAIRWOMAN KRUEGER: Assembly.

9 CHAIRWOMAN WEINSTEIN: Assemblyman  
10 Tague.

11 ASSEMBLYMAN TAGUE: Good morning,  
12 Commissioner. Good afternoon.

13 First of all, I just want to thank you  
14 for your dedicated service, not just to our  
15 state but our country.

16 COMMISSIONER SEGGOS: Thank you.

17 ASSEMBLYMAN TAGUE: And I want to  
18 thank you for being a man of your word. Last  
19 year at this hearing I asked you for an  
20 in-person meeting, and you came to my office  
21 and we had a great discussion.

22 So I'm going to put you on the spot  
23 and ask you if we can do the same thing again  
24 in the future.

1                   COMMISSIONER SEGGOS: Absolutely.

2                   ASSEMBLYMAN TAGUE: And I appreciate  
3 that.

4                   And I want to thank you for your  
5 staff, too, for doing an awesome job working  
6 together with my staff. So thank you.

7                   My first question is -- well, actually  
8 not a question, but a statement. I want to  
9 reiterate the same comments that  
10 Senator Seward made with regards to the  
11 Schoharie Valley stream-bank project. And I  
12 appreciate our discussions that we had last  
13 year. As you know, the county is still  
14 struggling with that project. And as we move  
15 forward, I would say that Schoharie County  
16 was probably the hardest hit county during  
17 Irene and Lee.

18                   And, you know, it's a very touchy  
19 situation in that community, and whatever you  
20 folks can do to continue to work with us to  
21 help get that problem taken care of.

22                   Secondly, in your remarks earlier you  
23 discussed a measure, \$33 billion being thrown  
24 into the state. I'm just wondering, do we

1           have a system in place or a process in place  
2           that's going to hold this accountable, to  
3           make sure that the money that we're spending  
4           is going in the right place and that we're  
5           being successful?

6                        COMMISSIONER SEGGOS: The short answer  
7           is yes, we have to. I mean, those projects,  
8           the projects we envision through that  
9           incredible down payment -- I mean, offshore  
10          wind, 9 billion of the 33 billion dollars,  
11          that's a very public process.

12                      And, you know, you're going to see  
13          over the course of the next few years an  
14          incredible buildout of that. I'll let  
15          NYSERDA address some of the specifics with  
16          it.

17                      Same things on land-based renewables.  
18          You know, \$6 million in land-based  
19          renewables. Some of those projects being  
20          constrained by that existing Article X  
21          process, which needs reform. We need to be  
22          able to get those projects, solar and wind,  
23          through much more quickly.

24                      The Green Bank, as you know, is a

1 public process as well. And the work that we  
2 do through the "Restore Mother Nature" Bond  
3 Act will absolutely be transparent. It would  
4 involve, frankly, everyone here and all the  
5 voters in the state.

6 ASSEMBLYMAN TAGUE: Okay, thank you  
7 very much. I appreciate that.

8 I also just wanted to touch base with  
9 you again in the budget. I did not notice  
10 whether we increased our maintenance budget  
11 with capital projects that have been done in  
12 the past. And we discussed this in our  
13 meeting. You know, just in my district  
14 alone, Kaaterskill Falls, DEC did a wonderful  
15 job up in the park with the trails. But as  
16 you know, outdoor projects, maintenance is  
17 needed.

18 So I'm hoping that if extra money has  
19 not been put in the budget for that  
20 maintenance, then I think that it would --  
21 also, my friends from the Adirondacks would  
22 also be happy with making sure that we have  
23 enough maintenance money in our budget to  
24 take care of these places that are frequented

1 by other New Yorkers and, by the way, people  
2 from other states and other countries.

3 And that also brings me to there was a  
4 lot of discussion by Senator Little and my  
5 good friend Assemblyman Stec with regards to  
6 the Adirondacks. I just want to put a throw  
7 in for the Catskills, where I represent. And  
8 the Catskills are a great place, and  
9 hopefully we will get some funding in that  
10 area too for tourism with regards to nature.

11 And lastly, Assemblywoman Fahy had  
12 brought up the issue with tires, and I just  
13 wanted to touch on that. I want to commend  
14 you, and I continue to support the  
15 department's robust permitting process with  
16 use of alternative fuels. Many states across  
17 our nation and even other countries have  
18 approved alternative fuels, including tires,  
19 and it may be a way to get rid of different  
20 items that we're still holding onto that  
21 we're not quite sure what to do with.

22 So I want to commend you, I want to  
23 thank you for your time this morning. And I  
24 too am glad that you're back, and looking

1 forward to having our meeting again. Thank  
2 you.

3 COMMISSIONER SEGGOS: Great. I look  
4 forward to the meeting as well.

5 Certainly the Catskills, a big  
6 priority. We're putting money into the  
7 visitor center right there on Route 28, or  
8 proposing to through the budget. Our  
9 stewardship numbers are up as well. Within  
10 the EPF, we have NY Works funds going into  
11 the Catskills, so that's a significant  
12 portion of what we do.

13 And on to maintenance as well, it's  
14 also an EPF stewardship and NY Works  
15 function, and we've gotten good support from  
16 the Governor and the Division of Budget now  
17 for the last five years on that front.

18 ASSEMBLYMAN TAGUE: Thank you.

19 COMMISSIONER SEGGOS: Thank you.

20 CHAIRWOMAN WEINSTEIN: Senate.

21 CHAIRWOMAN KRUEGER: Thank you.

22 Senator Tom O'Mara.

23 SENATOR O'MARA: Thank you,

24 Senator Krueger.

1                   Good afternoon, Commissioner.

2                   COMMISSIONER SEGGOS:  Senator.

3                   SENATOR O'MARA:  Thank you for your  
4                   patience and your diligence in testifying  
5                   here today.  Thank you for coming to meet  
6                   with me last week and discussing some issues  
7                   in general.

8                   I've got a few questions for you with  
9                   regards to the polystyrene ban.  And  
10                  basically, have you looked at the  
11                  manufacturers that are in New York State and  
12                  the roughly 2,000 manufacturing jobs in  
13                  New York State, between food service  
14                  containers and Styrofoam packing peanuts?  
15                  And you've mentioned in your testimony about  
16                  repurposing these facilities.  Where are you  
17                  in that process?

18                  COMMISSIONER SEGGOS:  Well, very early  
19                  on.  The proposed ban has just been set forth  
20                  by the Governor.

21                  And again, it's not so much we would  
22                  repurpose the facilities but ultimately help  
23                  them open up new product lines that would be  
24                  acceptable here in New York State.  Again,

1           they would still be able to sell polystyrene  
2           foam out of state, they're still capable of  
3           producing polystyrene foam for non-single-use  
4           purposes, such as in building materials and  
5           whatnot.

6                         But if there are alternatives -- and  
7           we know there are, compostable materials that  
8           can be used for single use that don't need to  
9           be thrown into landfills or cause health  
10          problems -- we will help those businesses  
11          over the next two years. I mean, if this  
12          goes into effect -- if this gets through the  
13          budget and then becomes law, it doesn't go  
14          into effect for two years. And that two-year  
15          period will be a significant amount of time  
16          for us to help to transition the industry.

17                         SENATOR O'MARA: There's additional  
18          language that I think Senator Kaminsky  
19          mentioned earlier about giving the department  
20          authority to review and limit or ban other  
21          alternative products to the polystyrene food  
22          containers or peanuts.

23                         Why would one of these manufacturers  
24          want to get into another product line that

1           you may ban down the road on them? And this  
2           language gives you authority to promulgate  
3           these regulations without coming back to the  
4           Legislature.

5                    COMMISSIONER SEGGOS: Well, we would  
6           never do that. Let me tell you why. Because  
7           banning polystyrene is for a variety of very  
8           important reasons. First of all, it contains  
9           benzene. Polystyrene itself, styrene, is a  
10          health hazard, a known carcinogen.

11                   Secondly, they're single-use. They  
12          clog the waste stream. New York City itself,  
13          29,000 tons I believe last year of  
14          polystyrene, single-use, disposed of in  
15          landfills. Incredibly expensive.

16                   Those are the kinds of public health  
17          and environmental products that we need to  
18          get out of our waste stream. That would be  
19          the -- where we would turn within that  
20          authority in the future, to the extent that  
21          we see other types of products that are  
22          presenting with similar kinds of problems.

23                   And again, it would be done through  
24          regulation, a very public process, public

1 hearing, public comment. And, you know, we  
2 know that by running these types of  
3 initiatives through a very robust regulatory  
4 process, it's an effective way to engage the  
5 public on it.

6 SENATOR O'MARA: Who in the industry,  
7 of the companies that are here in New York,  
8 has the department consulted with in this  
9 process?

10 COMMISSIONER SEGGOS: I couldn't tell  
11 you firsthand. I know my staff has been  
12 doing outreach. And we will be doing  
13 significantly more outreach over the coming  
14 weeks and months as we start to put the  
15 goalposts around this proposal.

16 SENATOR O'MARA: I want to, you know,  
17 applaud the Governor here on his effort on  
18 product stewardship and what you mentioned,  
19 product stewardship on mattresses and  
20 carpeting, which is a great step and I think  
21 builds upon what we've done with e-waste and  
22 last year with paint stewardship.

23 Why wouldn't a stewardship program for  
24 polystyrene be pursued? My understanding is

1 the industry would have interest in setting  
2 something up similar to a paint stewardship  
3 program to recycle and reuse this, rather  
4 than put it into the waste stream.

5 COMMISSIONER SEGGOS: Right. Well, my  
6 understanding is that polystyrene is very  
7 difficult to recycle, unlike carpets or  
8 mattresses or any of the other products like  
9 e-waste that we worked on together a few  
10 years ago, which are more easily recyclable  
11 and have greater value.

12 It's much more difficult to put that  
13 kind of value on things like packaging  
14 peanuts and other types of polystyrene, which  
15 just inherently are usually dirtier and  
16 harder to handle when they get back, much  
17 more contaminated.

18 SENATOR O'MARA: I'm out of time, but  
19 I would just encourage the department's  
20 caution in moving forward when we're dealing  
21 with 2,000 manufacturing jobs in the state  
22 that are extremely important to our economy  
23 in making these decisions of, you know,  
24 totally banning a certain product. But

1           thank you.

2                   COMMISSIONER SEGGOS: Thank you,  
3           Senator.

4                   CHAIRWOMAN KRUEGER: Thank you.  
5           Assembly.

6                   CHAIRWOMAN WEINSTEIN: Thank you.

7                   We've been joined by Assemblyman  
8           O'Donnell, chair of our Tourism Committee.

9                   And for a question, we go to  
10          Assemblyman Colton.

11                   ASSEMBLYMAN COLTON: Thank you,  
12          Commissioner, for your perseverance in  
13          answering questions throughout the morning  
14          and now the early afternoon.

15                   COMMISSIONER SEGGOS: Thank you,  
16          Assemblyman.

17                   ASSEMBLYMAN COLTON: I was pleased to  
18          note how the Governor clearly did state the  
19          graveness of the climate change problem and  
20          did talk about it right up-front in his  
21          budget. But there's a lot of frustrations,  
22          especially by those who have been working on  
23          the issue, as we saw at the beginning of this  
24          hearing, because it's such an enormous

1 challenge and we really are so -- at the  
2 early stages of dealing with it. It's a  
3 worldwide challenge, really.

4 I think one of the things that, you  
5 know, is important is that we come up with as  
6 much specifics as possible. Now, last year  
7 we passed the CLCPA, which I think gives us a  
8 good foundation.

9 (Loud applause from audience.)

10 ASSEMBLYMAN COLTON: I think that  
11 gives us a good foundation for dealing with  
12 it. But it's important that we begin to get  
13 that up and running as quickly as possible.  
14 I understand it has to be done properly, but  
15 we do need to get it up and running.

16 (Loud applause from audience.)

17 CHAIRWOMAN KRUEGER: We're on a time  
18 limit, so we're asking people not to applaud.  
19 You know (gesturing). Thank you.

20 (Laughter.)

21 ASSEMBLYMAN COLTON: Now, there's a  
22 couple of specific things that I just would  
23 like to question on. One of them is the  
24 whole issue of charging stations. In order

1 to be able to really get to 100 percent  
2 renewable energy, cars and transportation are  
3 going to be a critical part of that.

4 Has there been some -- and, you know,  
5 there has been some -- the Thruway proposal I  
6 think is very good, but I think we have to go  
7 much beyond that. Has there been any thought  
8 of ways to develop a private/public  
9 partnership in terms of encouraging charging  
10 stations and fast-charging stations to be  
11 implemented in as many parking lots as  
12 possible and to get everyone's cooperation?  
13 And what incentives might be needed in order  
14 to accomplish that?

15 COMMISSIONER SEGGOS: Yes. I mean,  
16 absolutely. I'll have NYSERDA and DPS get  
17 into that more after me, because it's more in  
18 their wheelhouse than it is in mine.

19 But the Governor has noted, you know,  
20 the extreme increase in EVs here in New York  
21 State. We're in the top three states. But  
22 we've got to do more to build out the  
23 infrastructure, because I think we see a  
24 future where everyone is driving an EV. I

1           expect that to be part of what the Climate  
2           Action Council comes up with.  If we don't  
3           start making these investments now in the  
4           infrastructure, obviously we'll be behind the  
5           eightball.

6                         But this is a great growth opportunity  
7           for New York State.  The NYPA-Thruway  
8           Authority investment is a good one.  We've  
9           started to do it more.  As you note, here in  
10          this building, in this parking lot, there are  
11          now charging stations.  My office parking lot  
12          has a charging station as well.  Those are  
13          great for state facilities, but we need to  
14          make them available to the general public.  
15          And I encourage you to ask my counterparts  
16          from NYSERDA and NYPA and DPS some of the  
17          specifics on what they're up to on that.

18                         ASSEMBLYMAN COLTON:  Yeah.  Because I  
19          think one of the things is we have to get out  
20          in front of the ball on this issue, and on  
21          many of the environmental issues.  So thank  
22          you for that answer.

23                         Also, in terms of the Williams  
24          Pipeline, I also was pleased with the way DEC

1 has handled this issue and the way the  
2 Governor has handled it in terms of  
3 National Grid. Many of my constituents were  
4 very badly impacted by the denial of service  
5 to new accounts.

6 Is there any legislation that may be  
7 needed or any way that we can change the  
8 process so that one of the things that should  
9 be considered in permitting or in approving  
10 permits is the issue of the state's target of  
11 renewable energy by -- you know, I was one of  
12 the ones who think we should do it by 2030 --  
13 but 2045 -- 2040, 2045. Is there any changes  
14 that we might make to the authority of the  
15 agency to be able to consider the state's  
16 energy policy in terms of converting to  
17 renewable energy?

18 COMMISSIONER SEGGOS: Well, listen, I  
19 think what you all did last year with the  
20 Governor to enact the world-known climate law  
21 is going to be a fantastic opportunity for us  
22 to chart out what we need to do  
23 legislatively, regulatorily and  
24 administratively to meet those goals.

1                   So I think you've already done that.  
2                   What we need to do is get the meetings going  
3                   this year as quickly as possible and begin  
4                   pumping out ideas to both the Executive, the  
5                   agencies and the Legislature as to how we can  
6                   meet these goals.

7                   ASSEMBLYMAN COLTON: And I appreciate  
8                   that. My time is up. But as I said, this is  
9                   very urgent and I appreciate your answers and  
10                  the Governor's comments on this.

11                  COMMISSIONER SEGGOS: Thank you, sir.

12                  CHAIRWOMAN KRUEGER: Thank you. And  
13                  do me a favor, just turn around so everyone  
14                  will see that you saw.

15                  (Laughter.)

16                  COMMISSIONER SEGGOS: (Turning.)

17                  (Audience waving signs.)

18                  COMMISSIONER SEGGOS: Hi, everybody.

19                  Thanks for coming.

20                  CHAIRWOMAN KRUEGER: Thank you.

21                  And, I'm sorry, I'm just going to bat  
22                  cleanup a little bit for the Senate. Is this  
23                  on? I think it is. Yes, thank you. Thank  
24                  you, everyone, for their patience.

1                   I know there were some questions by  
2                   Senator May about the fracking and that the  
3                   Governor wants to make the moratorium  
4                   permanent, which we're very excited about.  
5                   But why did he not include gel fracking as  
6                   well as liquid fracking in the language? Gel  
7                   propane fracking. Thank you,  
8                   Senator Metzger.

9                   COMMISSIONER SEGGOS: Yeah, good  
10                  question. I mean, we're proposing to ban  
11                  fracking permanently. Whether or not that  
12                  should extend to propane gel, I can't comment  
13                  at this time. But there are I don't believe  
14                  any pending applications of propane gel  
15                  fracking in front of the agency. There was  
16                  at one point, I think it -- I'd have to check  
17                  with my team to see whether or not it exists  
18                  any longer.

19                  But we would have concerns with  
20                  putting propane gel in the ground for the  
21                  purposes of fracking.

22                  CHAIRWOMAN KRUEGER: So I would  
23                  suggest you take a look at the bill  
24                  Senator Metzger and I have introduced, and

1 the language in it. Because we think that is  
2 the language that should be in Article VII  
3 language. It would -- it just seems common  
4 sense, why would we want to inject petroleum  
5 products into the ground to bring natural gas  
6 out? The whole thing is sort of a double  
7 whammy for us, so to speak.

8 COMMISSIONER SEGGOS: Be happy to take  
9 a look at it.

10 CHAIRWOMAN KRUEGER: Thank you.

11 COMMISSIONER SEGGOS: Thanks.

12 CHAIRWOMAN KRUEGER: So sometime in  
13 the next -- let's see, how much time do you  
14 have. Under the CLCPA, DEC has until the end  
15 of the year to conduct a rulemaking to  
16 establish a social cost of carbon for the  
17 state. When do you expect the regulatory  
18 process to commence, and what models will DEC  
19 be using to look at to inform the process?

20 COMMISSIONER SEGGOS: Well, the  
21 regulatory process is underway at DEC right  
22 now. It has been for some time. So we hit  
23 the ground running right when the law passed  
24 so we can turn that around to the public

1 through the regulatory rulemaking process.

2 And I expect at some point, probably  
3 in the spring, summer, that will be out in  
4 draft form and folks will have a chance to  
5 see how we've come up with the various  
6 numbers we do.

7 CHAIRWOMAN KRUEGER: How much money do  
8 you think the state needs to invest on an  
9 annual basis to make sure that we're meeting  
10 our Climate Action Plan targets over the next  
11 several years?

12 COMMISSIONER SEGGOS: It's a good  
13 question. I mean, I think the number that's  
14 been put out there, again, is a number that  
15 didn't exist at all -- certainly not five  
16 years ago, not a year ago. We're talking  
17 about making those investments in a strategic  
18 way, building into it the bond act monies,  
19 integrating all the spending that's going on  
20 at NYPA, NYSERDA, DPS, all the private  
21 investments.

22 I don't think we know the number yet,  
23 what is needed on an annual basis. But I  
24 think what we have in front of us now is a

1 significant down payment towards what we know  
2 we will need. We need the Climate Action  
3 Council to do its work, present us with the  
4 scoping plan, present us with the vision for  
5 the future for the economy-wide investments.  
6 And I think that will inform really what's  
7 needed on an annual basis.

8 We want to get ahead of that by  
9 tapping into the offshore wind movement,  
10 getting those turbines built. Same thing  
11 upstate on solar and on on-shore wind. So  
12 this is a -- it's an exciting time to be part  
13 of an administration that is leading so  
14 boldly on this.

15 CHAIRWOMAN WEINSTEIN: Thank you. And  
16 then last, so I'm from New York City, so  
17 we're particularly concerned downstate about  
18 the fact that there is a study going on, a  
19 New York/New Jersey harbor and tributary  
20 study. The state has to pick up 25 percent  
21 of the \$20 million cost for the Army Corps of  
22 Engineers. There are any number of people  
23 who have been concerned that various  
24 proposals being made by that group might

1 flood one section of the region to save  
2 another section.

3 So how is DEC engaging in this  
4 process, considering I think most of us think  
5 none of New York ought to flood?

6 COMMISSIONER SEGGOS: I would agree.

7 CHAIRWOMAN KRUEGER: Particularly if  
8 you're spending that kind of money to try to  
9 come up with a plan to avoid that.

10 COMMISSIONER SEGGOS: I would agree.  
11 And listen, that's an Army Corps process. We  
12 are the local sponsor for the study itself.  
13 I don't think anyone would disagree that we  
14 need to study alternatives to the current  
15 system, which right now leaves all of lower  
16 New York really exposed -- Long Island,  
17 New York City -- to storm surges. We see in  
18 Sandy our sea level rise.

19 So we clearly need to think big. You  
20 know, the one that got the most attention  
21 last week at the presidential level with, you  
22 know, the proposal for a huge storm wall that  
23 costs \$119 billion -- listen, that's one of  
24 five alternatives, maybe there's more than

1 five alternatives out there. We've got to  
2 throw everything against the wall and see  
3 what makes sense.

4 And ultimately, you're absolutely  
5 right, no section of New York City, no  
6 section of New York should be allowed to  
7 flood. But we have to take, you know, the  
8 most aggressive steps to understand what our  
9 options are. And I'm not sure we've weighed  
10 in specifically on one alternative or  
11 another.

12 I happen to think that \$119 billion  
13 for a wall doesn't make a lot of sense if  
14 there are better alternatives. But I need to  
15 see all those alternatives and then, you  
16 know, we'd be coming back, you know, to the  
17 Army Corps with our preferred alternative.

18 CHAIRWOMAN KRUEGER: And so is DEC  
19 participating?

20 COMMISSIONER SEGGOS: Oh, absolutely.

21 CHAIRWOMAN KRUEGER: Because I don't  
22 want New Jersey to win because they went to  
23 the meetings.

24 COMMISSIONER SEGGOS: New York always

1 beats New Jersey, come on.

2 (Laughter.)

3 COMMISSIONER SEGGOS: We are  
4 absolutely at the table. I mean, we're at  
5 the table with our New Jersey counterparts.  
6 They flooded during Sandy as well. They lost  
7 lives during Sandy as well. We have a  
8 shared -- a harbor, shared waterfront. We  
9 need to work jointly with them, with the  
10 Army Corps, on solutions.

11 So whatever system is put in place,  
12 whatever system we agree on is going to be  
13 something that protects lives in both states.

14 CHAIRWOMAN KRUEGER: Thank you very  
15 much.

16 COMMISSIONER SEGGOS: Thank you,  
17 Senator.

18 CHAIRWOMAN KRUEGER: Assembly.

19 CHAIRWOMAN WEINSTEIN: Assemblyman  
20 Otis.

21 ASSEMBLYMAN OTIS: Hi, Commissioner,  
22 how are you doing?

23 COMMISSIONER SEGGOS: Good. Good to  
24 see you.

1 ASSEMBLYMAN OTIS: Nice to see you.

2 There were a lot of comments today  
3 about the water infrastructure spending,  
4 which is tremendous. And people -- you  
5 didn't have an opportunity to mention, but  
6 that 2019 was a watershed year because it was  
7 the first year that the municipal water  
8 grants amount exceeded the EPF, 300 million.  
9 And so that is testimony to how the program  
10 has grown.

11 And so the two things I'd like to  
12 share today and ask you a question about is,  
13 number one, what we're hearing is the need is  
14 going to continue. And the need is out  
15 there, municipalities are getting their  
16 projects together. And so the fact that  
17 there's funding going forward is great.

18 It's also a model -- when I look at  
19 the language in the bond act proposal and the  
20 different kinds of things we're trying to  
21 protect, there is a thread and maybe an  
22 opportunity to grow a different kind of water  
23 funding, and that is stormwater funding.  
24 Because a lot of the things we're trying to

1 protect in the bond act are impacted by the  
2 quantity of stormwater and the quality of  
3 stormwater.

4 So your thoughts about using the bond  
5 act as an opportunity to grow some of our  
6 existing programs or create new programs to  
7 deal with the stormwater needs of  
8 municipalities. One program that is a small  
9 program that maybe we could grow is the Green  
10 Innovation Grant Program, which has been at  
11 15 million for a few years. Great innovative  
12 projects come out of that. And maybe that is  
13 one vehicle by which we can -- like we grew  
14 the wastewater and drinking water programs in  
15 the last few years, maybe we can grow some  
16 assistance to municipalities for stormwater  
17 through that or other things that we come up  
18 with.

19 So your thoughts about that and  
20 feeding the bond act money in that direction.

21 COMMISSIONER SEGGOS: Sure. Thank you  
22 for raising that. Absolutely. I think it's  
23 central to the bond act concept, is the idea  
24 of better controlling water. Right? That's

1 the problem that we sustain with climate  
2 change and severe storms, is flooding,  
3 primarily.

4 So how do we slow the flow of water  
5 off the landscape, how do we contain more of  
6 it? And it's not typically through creating  
7 lots of huge concrete structures, it's by  
8 creating more green space and being smarter  
9 about how we channel stormwater.

10 So I think absolutely, all of these  
11 things that we're talking about with habitat,  
12 reconnecting streams, dams, even shellfish,  
13 restoring some of the natural functions of  
14 the planet here in New York, would involve  
15 stormwater controls.

16 And we would look to where the  
17 problems are locally across the state --  
18 Westchester or anywhere else where you have  
19 lots of runoff problems -- and see what we  
20 can do to put those public monies towards  
21 that public purpose of -- and then you  
22 benefit from all the habitat improvements as  
23 well, so it's really -- it's an all-in  
24 approach.

1                   ASSEMBLYMAN OTIS: Thank you for the  
2                   good work of DEC and EFC on these matters.  
3                   And I also thank you that in the Governor's  
4                   budget is a proposal to give you more  
5                   flexibility for lending to higher-needs  
6                   communities for water projects. I have a  
7                   bill on that, so I'm happy that I have one  
8                   less bill I have to pass because it's in the  
9                   budget. So thank you.

10                   COMMISSIONER SEGGOS: Great. Thank  
11                   you.

12                   CHAIRWOMAN WEINSTEIN: Senate.  
13                   Senator Ortt.

14                   CHAIRWOMAN KRUEGER: Thank you.  
15                   Senator Ortt.

16                   SENATOR ORTT: Thank you,  
17                   Commissioner.

18                   I just have two quick questions. One  
19                   is a point of clarification on the ban on  
20                   Styrofoam. Does that extend to incoming  
21                   shipments, whether they be from outside of  
22                   New York, wherever it was, or does that only  
23                   extend to New York-based companies and things  
24                   originating from the state?

1                   COMMISSIONER SEGGOS: So you get a  
2 package from Amazon or something that comes  
3 from another state that contains polystyrene,  
4 that would not be banned. It would be banned  
5 only if it's being generated here in the  
6 state. Right?

7                   So a product being sent for shipment  
8 from, you know, Buffalo-Niagara to Albany  
9 couldn't put polystyrene into it.

10                  SENATOR ORTT: And if somebody from  
11 Buffalo is shipping something to Ohio, it  
12 also would apply, though; correct?

13                  COMMISSIONER SEGGOS: That would  
14 apply, yes.

15                  SENATOR ORTT: Okay. And the only  
16 reason I raise it, of course, is because  
17 invariably it adds a potential burden, cost,  
18 onto New York State companies that they do  
19 not, you know, have to share with  
20 competitors. So that's just a concern of  
21 mine.

22                  And then on Lake Ontario, I know  
23 you're very well aware of the flooding and  
24 such that has occurred the last several

1 years. Forgetting, you know, the Plan 2014  
2 for a second and the IJC and sort of, you  
3 know, the debate over the impact of rainfall  
4 versus Plan 2014, what is the DEC doing, I  
5 guess in the short term, to assist homeowners  
6 who live along Lake Ontario when it comes to  
7 permits, when it comes to work, when it comes  
8 to, you know, a shoreline stabilization,  
9 things of that nature?

10 Obviously there's been a lot of focus  
11 on the money that the state has put in there,  
12 emergency management personnel. You know,  
13 ESD has been involved. I mean, a lot of  
14 other agencies, clearly. But, you know,  
15 obviously from a day-to-day, the DEC has a  
16 lot of impact and oversight over that  
17 shoreline.

18 What is your department or your agency  
19 doing in the short term to assist homeowners  
20 as we go forward, if this is the new normal?  
21 If this is the new normal, what can we do  
22 together with our homeowners to make it  
23 easier for them to protect their properties?

24 COMMISSIONER SEGGOS: Right. And

1 before I go there, I gave you the wrong  
2 information. If the product is going out of  
3 state, polystyrene, we can't regulate state  
4 to state, interstate commerce issues. So  
5 just to be clear.

6 SENATOR ORTT: Okay.

7 COMMISSIONER SEGGOS: So if it was  
8 going into another state.

9 SENATOR ORTT: So it would be  
10 interstate.

11 COMMISSIONER SEGGOS: Interstate,  
12 right. Correct.

13 SENATOR ORTT: Okay, got it. Okay,  
14 thank you.

15 COMMISSIONER SEGGOS: Okay. So yeah,  
16 flooding on Lake Ontario, the St. Lawrence  
17 River, has been something that we have -- as  
18 you know, we've spent time with you on this.  
19 A significant issue the last two out of three  
20 years. High water right now, I'm looking at  
21 potential high water again in the coming  
22 months. So something that's honestly on the  
23 front of my mind as we start to pivot  
24 towards, in these calm winter months, towards

1           what we have to do in the summer.

2                       On the permitting side, I put in place  
3           a general permit last year, an expedited  
4           permitting review to get all the shoreline  
5           work done quickly. Not just the big projects  
6           that we are looking at through the REDI  
7           Commission, which I know you are well aware  
8           of and a part of, but all of the little  
9           projects along the way. How do we, you know,  
10          incentivize fast reviews and get things done  
11          on a more comprehensive basis.

12                      And honestly, over the last two flood  
13          cycles we've got thousands of permits through  
14          DEC in, you know, as little as 24 to 48 hours  
15          for rebuilding in kind.

16                      What the Governor talked about last  
17          year, last summer in particular, and then  
18          into the fall when we made the REDI  
19          announcements -- was preparing for the  
20          future. Because I think what we're seeing  
21          now is an enormous amount of water in the  
22          whole system, not just Lake Ontario.  
23          Lake Erie is higher than ever. And then if  
24          you keep going up the Great Lakes, there's

1 more and more water.

2 So we're expecting that this is going  
3 to be maybe the new normal. We've got to  
4 rebuild the entire shoreline over time. The  
5 projects that the Governor announced in the  
6 spring set us towards some significant  
7 success -- \$300 million on I think  
8 113 projects. Municipal projects getting,  
9 you know, critical infrastructure out of the  
10 floods' ways and then getting, you know,  
11 other public infrastructure protected and  
12 rebuilt.

13 Homeowners, you know, right now my  
14 focus is on ensuring with either Homeland  
15 Security or other agencies that we have the  
16 materials in place right now, or will before  
17 the next floodwaters rise, to protect those  
18 houses again. And people are going to need  
19 to make assessments as to, you know, what  
20 kinds of improvements they need on their  
21 houses. I know there are other agencies that  
22 can answer the housing questions.

23 But we're leaning forward on this,  
24 Senator. We don't want permitting to be a

1 barrier to someone improving one's house.  
2 And honestly it's all I think about come May  
3 when we're going to be having --

4 SENATOR ORTT: Me too.

5 COMMISSIONER SEGGOS: I know, you  
6 think that too. And a lot of us are, you  
7 know, fully engaged in this really until the  
8 floods subside.

9 SENATOR ORTT: Thank you very much for  
10 your answers, Commissioner.

11 COMMISSIONER SEGGOS: Thank you so  
12 much.

13 CHAIRWOMAN KRUEGER: Thank you.  
14 Assembly.

15 CHAIRWOMAN WEINSTEIN: Assemblyman  
16 O'Donnell.

17 ASSEMBLYMAN O'DONNELL: Good  
18 afternoon.

19 As we've learned in my lifetime, it's  
20 not nice to fool Mother Nature. And I'm very  
21 curious about the "Restore Mother Nature"  
22 Bond Act. It's rather grandly named. And  
23 included in that is the creation of two new  
24 parks along Hudson River.

1                   So how did you come up with the idea  
2                   on the locations for those, and what is the  
3                   time frame that you imagine?

4                   COMMISSIONER SEGGOS: Great question.  
5                   If I could have you ask that to my friend  
6                   Erik Kulleseid, commissioner of Parks, who  
7                   will be helping to build those projects out.  
8                   He has served as the ideas behind that. I  
9                   know it came out of the communities as well.

10                  ASSEMBLYMAN O'DONNELL: So are you  
11                  just delivering the money to them and they're  
12                  going to be the people who put the park  
13                  together?

14                  COMMISSIONER SEGGOS: Well, the money  
15                  would come obviously from the voters through  
16                  the budget to all state agencies for projects  
17                  or to municipalities, however -- you know,  
18                  however it ends up getting finalized.

19                  But in that case the acquisition of  
20                  land, the preparation of land to become a  
21                  state park, that would be, if it was -- if it  
22                  gets through, would be at the direction of  
23                  the Parks Department.

24                  ASSEMBLYMAN O'DONNELL: And what is

1 the price tag for that?

2 COMMISSIONER SEGGOS: I'm not sure. I  
3 know that certainly Erik would have a better  
4 sense of it.

5 ASSEMBLYMAN O'DONNELL: Okay. Would  
6 the Parks Department have access to other  
7 resources from the "Restore Mother Nature"  
8 Bond Act other than the creation of these two  
9 parks?

10 COMMISSIONER SEGGOS: Absolutely. And  
11 in fact both DEC and Parks, as well as many  
12 other agencies, we all have our existing  
13 funding sources, some of which have been  
14 well-developed over the years. This new one  
15 would be additive to our existing funding  
16 sources and frankly would allow, to the  
17 extent that the funds are appropriated for  
18 any purposes at our agencies, would allow us  
19 to do far more than ever to ensure that our  
20 open spaces are protected and the habitats  
21 restored and there's access opportunities for  
22 communities that have been cut off for so  
23 many years from nature.

24 ASSEMBLYMAN O'DONNELL: So there's a

1 lot of focus on moving away, on reducing  
2 New York State's carbon footprint, obviously.  
3 The people who were standing up before would  
4 probably say we're way behind on that. And  
5 so the question I have is, do you have plans  
6 to expand -- let's just use as an example  
7 solar on state lands, whether they be  
8 parklands or, more importantly, when I was  
9 Corrections chair, I went to 38 prisons, and  
10 there's a lot of open land there where you  
11 could easily put solar panels.

12 And the other benefit would be you  
13 could then create a training program for  
14 inmates to learn how to install them and fix  
15 them so when they get out of prison they have  
16 a skill that's much more 21st-century  
17 marketable than other skills and would work  
18 better for many of the people who are there.

19 So is there any plans to try to get  
20 correctional facilities, state parks and  
21 other state lands to increase the solar  
22 footprint?

23 COMMISSIONER SEGGOS: Well, that's a  
24 great idea about using our prisons for these

1 reasons and these purposes.

2 Absolutely. We would think, you know,  
3 what lands are the most appropriate for the  
4 buildout of this expanded network of  
5 renewable solar and wind. There's an  
6 enormous amount of land out there -- whether  
7 it's in state hands or not, I can't say --  
8 but brownfields, Superfund sites, industrial  
9 sites, former industrial sites, quarries, you  
10 know, on and on and on. Impacted land that  
11 we will look to build out and prioritize.

12 We'd look to the Climate Action  
13 Council for some advice on this, but this is  
14 absolutely one of the things we would be  
15 looking at. You know, at certainly some  
16 parks. Parks have good administrative  
17 buildings and other spaces that we can use  
18 for renewables, solar.

19 I would prefer not to get into the  
20 business of, you know, putting renewables on  
21 truly virgin space, green space, because I  
22 think we have a significant portion of land  
23 that's already heavily impacted.

24 And your concept of working with DOCCS

1 to both do some job training, on-the-site job  
2 training there, as well as using the roof  
3 space and open space, is a good idea.

4 ASSEMBLYMAN O'DONNELL: Well, I thank  
5 you for that compliment. Maybe if you were  
6 to go across the street and not tell anyone I  
7 came up with it, maybe it has a chance on  
8 making it happen. Okay?

9 COMMISSIONER SEGGOS: Nobody's here  
10 right now. No one's watching.

11 ASSEMBLYMAN O'DONNELL: Okay. Thank  
12 you very much.

13 COMMISSIONER SEGGOS: Thanks.

14 CHAIRWOMAN WEINSTEIN: Thank you.

15 I just have a couple of questions that  
16 amazingly haven't yet been gotten to. And  
17 really just to follow up maybe in a little  
18 detail of some of the members that did raise  
19 questions about the Clean Water  
20 Infrastructure Act of 2017.

21 I know that 200 million was set aside  
22 for projects in the New York City watershed,  
23 north of New York City, and that projects  
24 were identified. Has the funding gone out to

1           those projects? And if not, when can we  
2           expect it?

3                    COMMISSIONER SEGGOS: I don't believe  
4           the funding has gone out yet. I know there's  
5           been communications between the city and  
6           state about those monies.

7                    My understanding is that they're  
8           nearing a point at which the funds will be  
9           released. I can give you some specifics on  
10          that probably this week and let you know what  
11          the latest is. But I think there's been  
12          positive back-and-forth.

13                   CHAIRWOMAN WEINSTEIN: And then maybe  
14          just a quick update on the status of the  
15          other various components of the Clean Water  
16          Act, the obligations, other disbursements  
17          made so far, and how much remains unobligated  
18          of the original \$2.5 billion.

19                   COMMISSIONER SEGGOS: I did not bring  
20          the detailed numbers. I'd be happy to get  
21          that to you. You know, there are a number of  
22          specific pots, obviously, that were set aside  
23          for specific purposes, and I can get that to  
24          you this week also.

1                   By and large, the funding sources are  
2 heavily subscribed. We have great  
3 competition for those dollars, and usually  
4 oversubscription. So I would venture to say  
5 at this point that most of those funds are  
6 either out the door or are allocated already  
7 toward specific projects. But I can get you  
8 the actual breakdown.

9                   CHAIRWOMAN WEINSTEIN: That would be  
10 great.

11                   And is there a spending plan for the  
12 new 500 million that's in this year's  
13 Executive Budget?

14                   COMMISSIONER SEGGOS: I think we would  
15 look to continue certainly the municipal  
16 grants, the grants that have been going out  
17 the door -- you know, continue  
18 proportionally, as we have the last five  
19 years.

20                   So that the -- we don't envision  
21 changing any of the language within the law.  
22 It's been very effective. It's -- whether  
23 it's intermunicipal or whether it's just  
24 straight-up WIIA grants, again, all very

1 popular programs. And we talked earlier  
2 today, obviously, about some of the ways in  
3 which we can help some of the smaller  
4 municipalities tap into those pots, and I  
5 think that might be more of my focus in the  
6 short term.

7 CHAIRWOMAN WEINSTEIN: Thank you.  
8 That concludes the Assembly's questions.

9 Oh, I am mistaken. Mr. Palmesano, who  
10 has joined us, had a question.

11 ASSEMBLYMAN PALMESANO: Thank you,  
12 Madam Chairwoman.

13 Thank you, Commissioner, for your  
14 time. I know it's been a long day --

15 COMMISSIONER SEGGOS: Thank you.

16 ASSEMBLYMAN PALMESANO: -- I kind of  
17 got here on the back end, and so I had a  
18 couple of questions to ask you regarding the  
19 CLCPA. I've had plenty of discussion with my  
20 friend and colleague back here  
21 Mr. Englebright over the past years on the  
22 issue.

23 Thirty-three -- I'm going to try to  
24 get a couple of questions in one because of

1 the time. Thirty-three billion is certainly  
2 an ambitious and costly spending, investment,  
3 however you want to refer to it. This is  
4 going to be picked up by the taxpayers,  
5 ratepayers, the farmers, the manufacturers,  
6 who are going to be assessed with higher  
7 utility costs and taxes along the way,  
8 correct?

9 COMMISSIONER SEGGOS: Well,  
10 Assemblyman, I'll have you, if you can, raise  
11 the ratepayer question to either the  
12 Department of Public Service or NYSERDA.

13 ASSEMBLYMAN PALMESANO: I'll do that.

14 COMMISSIONER SEGGOS: My understanding  
15 is that they have answers for how those  
16 particular funds, those pots of funds, would  
17 be applied and paid for.

18 Part of the \$33 billion, as we've  
19 talked about today, is the "Restore Mother  
20 Nature" Bond Act, which again is more within  
21 DEC's purview. Those are -- or those  
22 ultimately, if the voters say yes, it would  
23 be coming out of -- it would be, yes, from  
24 the taxpayer.

1                   ASSEMBLYMAN PALMESANO: I do have a  
2                   question on that too. Given that the CLCPA  
3                   only affects New York State and given that  
4                   New York State only contributes 0.5 percent  
5                   of the total carbon emissions in the world  
6                   and only 3.3 percent of the total carbon  
7                   emissions in the United States, what  
8                   significant impact is this really going to  
9                   have on the total carbon emissions that we're  
10                  having going out in the world when Russia,  
11                  China, India, Pennsylvania, Ohio,  
12                  North Carolina aren't participating?

13                  And how will we also deal with the  
14                  impact of carbon leakage when these  
15                  businesses, manufacturers, farmers leave  
16                  New York -- because there's no place for them  
17                  to do business here anymore because of the  
18                  costs that we talked about that you've  
19                  acknowledged -- are going to be going to  
20                  other states, and then if you don't have  
21                  strict regulations, the carbon leakage is  
22                  going to get up.

23                  So what have we actually accomplished?  
24                  Is it that you just think that we're going

1 to -- the Governor thinks we're just going to  
2 lead the country and the world in this and  
3 that other places are going to keep following  
4 suit and follow us right along the way? And  
5 if your answer to that question is yes, I  
6 have a bridge to sell you a little further  
7 south from here that's only going to cost no  
8 more than \$4 billion.

9 COMMISSIONER SEGGOS: Well,  
10 respectfully, I think if we don't step out,  
11 no one's going to. I mean, we have a federal  
12 government that's in full retreat. They  
13 walked away from the Paris Accords, which  
14 would have frankly done internationally  
15 what -- the problem that you're tapping into.

16 And I think the Governor saw this  
17 coming a few years ago when the President  
18 pulled out of the Paris Climate Accords,  
19 starting the U.S. Climate Alliance with  
20 California and other states. Now it's more  
21 than half the U.S. population subject to the  
22 U.S. Climate Alliance, and all states having  
23 made a commitment to do perhaps not as much  
24 as New York has proposed to do or committed

1 to do, but nonetheless picking up and working  
2 collaboratively on that.

3 There are other programs that we do  
4 multistate that address that exact problem.  
5 One of them is RGGI, the Regional Greenhouse  
6 Gas Initiative. The CLCPA, the Climate  
7 Action Council is going to look at issues of  
8 carbon leakage, issues of collaboration with  
9 other states. I mean, there are a lot of  
10 initiatives underway, multistate initiatives,  
11 that the Climate Action Council will probably  
12 take up and recommend thumbs up or down for  
13 New York.

14 We are entirely mindful of carbon  
15 leakage creating problems here in New York  
16 that ultimately push carbon elsewhere or push  
17 jobs out of the state. The way that the law  
18 was drafted, in my view, was really effective  
19 in recognizing the coming problems if you  
20 don't do this right.

21 So bringing in a workforce component,  
22 bringing in a jobs components, recognizing  
23 all sectors of the economy needed to be part  
24 of putting this scoping plan together, I

1 think ultimately is going to put the state  
2 out in a leadership position, but we're not  
3 going to be alone because other states see  
4 that we're going to start tapping into a  
5 massive jobs opportunity here. And that's  
6 really, for me, what I think the big legacy  
7 of this is going to be, is yes, we're leading  
8 the state towards a green economy, a green --  
9 fewer emissions, but we're moving it towards  
10 a greener economy, which I think is going to  
11 be sustainable for decades to come.

12 ASSEMBLYMAN PALMESANO: Thank you.

13 And on the issue of carbon emissions,  
14 I'm not here saying that we shouldn't be  
15 doing something. My concern was that it  
16 seems like we're doing it alone and the  
17 impact it's going to have.

18 But when we talk about carbon  
19 emissions, the New York Independent System  
20 Operator puts out a report annually. And is  
21 it not a fact from the reports, and it's been  
22 documented, over the past 20 years carbon  
23 emissions have decreased because of natural  
24 gas replacing coal and oil and dirtier

1 burning fuels by -- you know, with New York  
2 City replacing all the oil boilers and  
3 dirtier burning fuels? Because of natural  
4 gas, carbon emissions have actually went down  
5 in the state, but now it seems like this  
6 administration is trying to push away from  
7 natural gas altogether, and it just seems  
8 like the wrong approach to me.

9 COMMISSIONER SEGGOS: No question that  
10 carbon emissions have gone down. Our mass  
11 transit infrastructure has been more  
12 effective. The recent Greenhouse Gas  
13 Initiative has produced incredible results on  
14 lowering emissions.

15 We need to think a lot bigger than  
16 that. Obviously, that's what we've done with  
17 the climate law from last year, which looks  
18 at challenging us to go even farther on the  
19 issue of renewable power but also looks  
20 economy-wide. Again, we talked earlier about  
21 transportation being the largest source of  
22 emissions in the state. That's something we  
23 clearly have to focus on.

24 We also have to look at our lands,

1 look at our farmlands to make sure that  
2 they're part of the solution as well and  
3 benefiting from wherever we end up.

4 So that's -- to me, I feel like we are  
5 more than on the right track and we've got  
6 the Governor behind us with an incredible  
7 commitment of money. Thank you.

8 ASSEMBLYMAN PALMESANO: Thank you,  
9 Commissioner.

10 CHAIRWOMAN KRUEGER: Thank you. I  
11 believe that ends your required appearance  
12 before us. Only three hours, that's not so  
13 bad.

14 COMMISSIONER SEGGOS: Not too bad.

15 CHAIRWOMAN KRUEGER: Right?

16 COMMISSIONER SEGGOS: Yeah. Thank you  
17 very much.

18 CHAIRWOMAN KRUEGER: Right. Three  
19 hours plus two demonstrations. Thank you  
20 very much all for your attendance. And as  
21 you get up and move along, we're going to  
22 invite Erik Kulleseid, who is the  
23 commissioner of the New York State Office of  
24 Parks, Recreation and Historic Preservation,

1 to replace you.

2 And for those on the panel, it might  
3 be a good time to stretch your legs for a few  
4 minutes.

5 (Brief recess taken.)

6 CHAIRWOMAN KRUEGER: All right,  
7 everybody, if you would take your seats. I  
8 know it's hard to imagine anything more  
9 exciting than Basil Seggos for three hours,  
10 but I am convinced that Erik Kulleseid can be  
11 just as exciting in less than three hours.

12 (Laughter.)

13 COMMISSIONER KULLESEID: That would be  
14 good.

15 CHAIRWOMAN KRUEGER: So please.

16 Hello, welcome.

17 COMMISSIONER KULLESEID: Good  
18 morning -- good afternoon.

19 CHAIRWOMAN KRUEGER: No, it's not  
20 morning, it's afternoon. And those of you  
21 who have the schedule, you see that we have a  
22 very full agenda through the night, so get  
23 comfortable. Get popcorn.

24 Okay.

1                   COMMISSIONER KULLESEID: Thank you.

2                   Good afternoon, Chairwoman Krueger,  
3                   Chairwoman Weinstein, Senator Serrano,  
4                   Assemblyman O'Donnell, and distinguished  
5                   members of the State Legislature. Thank you  
6                   for inviting me to discuss Governor Cuomo's  
7                   Executive Budget proposal.

8                   I'm honored to be here today  
9                   representing Governor Cuomo on behalf of the  
10                  Office of Parks, Recreation and Historic  
11                  Preservation. And mind you, it's no small  
12                  perk to be here during the daylight hours  
13                  this year, in contrast to past years when  
14                  doing lonely evening testimony in front of  
15                  you all.

16                  I believe I have the best job in state  
17                  government, overseeing New York's 250 state  
18                  parks, historic sites, golf courses, boat  
19                  launches and recreational trails, visited by  
20                  more than 74 million people each year. In a  
21                  time of too much division, parks and public  
22                  lands are our common ground. They are the  
23                  lands, refuges, open spaces that belong to us  
24                  all.

1           The Executive Budget provides for  
2           excellent stewardship for the lands entrusted  
3           to our care. It provides stable funding to  
4           maintain core agency functions, including  
5           22 new park-level staff for maintenance and  
6           safety, continues the Environmental  
7           Protection Fund at its historic high,  
8           proposes a \$3 billion bond act for  
9           environmental projects, and provides  
10          \$110 million for our capital budget.

11           The capital allocation will continue  
12          the Governor's NY Parks 2020 initiative to  
13          reverse decades of decline and neglect in our  
14          parks, and to transform and modernize them  
15          for the 21st century. While there is still  
16          much more to do, we've made amazing progress.  
17          Since the Governor launched this historic  
18          investment with your support, we have  
19          initiated more than 900 improvement projects  
20          across the state, completed more than  
21          \$1 billion in work with public and private  
22          funds, and built visitorship by 35 percent.

23           Highlights from the last year include  
24          completing the \$100 million transformation of

1 Roberto Clemente State Park in the South  
2 Bronx; opening the largest state park in  
3 New York City, in Brooklyn, named after civil  
4 rights pioneer Shirley Chisholm; opening  
5 Camp Junior in Harriman State Park; and then  
6 others like revitalizing the marina at  
7 Sampson State Park, opening a new visitor  
8 center at Walkway Over the Hudson, and  
9 revitalizing the amphitheater at the  
10 Saratoga Performing Arts Center.

11           This year, New York will also launch  
12 Restore Mother Nature, the nation's most  
13 aggressive program for habitat restoration,  
14 open space protection and flood reduction,  
15 funded in part by a \$3 billion environmental  
16 bond act. This initiative is crucial to our  
17 state park system, which encompasses more  
18 than 300 miles of shoreline along the  
19 Great Lakes, Atlantic Ocean and tidal  
20 estuaries. Significantly, the bond act would  
21 fund two new state parks: A 508-acre former  
22 quarry in Kingston offering dramatic Hudson  
23 River views and an extraordinary restoration  
24 opportunity; and a Hudson Eagles State

1           Recreation Area that would upgrade five state  
2           boat launches to create better water access  
3           between Albany and Hudson. If you've ever  
4           spotted eagles out the river side of a  
5           New York City to Albany train, you've seen  
6           this area.

7                     The Governor's response to climate  
8           change also includes a proposed Solar Energy  
9           Corps to train young New Yorkers to build  
10          solar energy arrays and install solar energy  
11          equipment at State Park and DEC facilities.  
12          This will not only save operating dollars,  
13          but it will provide green training to young  
14          students from underserved communities and  
15          support our goal of making our parks  
16          50 percent electric-energy-neutral by 2025.

17                    By fully funding the EPF, the  
18          Executive Budget will enhance our stewardship  
19          and protection of the state's natural and  
20          cultural resources and connect parks and  
21          people with more education and access. This  
22          year's budget increases EPF funding for the  
23          very successful "Connect Kids" program, an  
24          initiative to bring more youth to our parks

1 and create the next generation of  
2 environmental stewards. Since 2016,  
3 approximately 300,000 students have visited  
4 state parks, historic sites and DEC  
5 facilities thanks to the program, with a  
6 30 percent increase in 2019.

7 The budget also includes EPF funding  
8 to continue the successful Friends Groups  
9 Capacity Grants program, providing grants to  
10 friends groups that support state parks,  
11 historic sites and DEC lands. A survey by  
12 Parks & Trails New York found that our  
13 76 friends groups in one year raised more  
14 than \$17 million for the state park system  
15 through individual and corporate  
16 contributions, grants, programs and more;  
17 attracted an estimated \$3.2 million in  
18 volunteer labor; and hosted, on average,  
19 35 programs annually which brought in nearly  
20 700,000 visitors.

21 We are nearing completion of the  
22 Empire State Trail, a 750-mile biking and  
23 walking trail spanning New York State. State  
24 Parks, the Hudson River Valley Greenway, and

1 many state and local government partners are  
2 undertaking 60 construction projects to  
3 complete the trail by this coming December,  
4 2020.

5 Our Division for Historic Preservation  
6 leads the nation in the number and diversity  
7 of historic preservation listings. In 2019,  
8 we added nearly 4800 properties across  
9 28 counties to the National Register of  
10 Historic Places, qualifying them for the  
11 New York State Rehabilitation Tax Credit  
12 Program and state and federal grant programs.

13 New York State leads the nation in  
14 encouraging private investment in  
15 revitalization of historic buildings. In  
16 total, since 2011 the program has  
17 incentivized more than \$6.5 billion in  
18 historic resource redevelopment, upstate and  
19 downstate alike.

20 State Parks is looking forward to a  
21 momentous year in 2020. We will complete the  
22 second phases of Shirley Chisholm State Park  
23 and Camp Junior; we will open new visitor  
24 centers at Minnewaska State Park Preserve and

1 the Purple Heart Hall of Honor; we will cut  
2 the ribbon on the Jones Beach Energy and  
3 Nature Center; and we will open the  
4 reconfigured main entrance to Niagara Falls  
5 State Park connecting it much better to the  
6 center city of Niagara Falls.

7 I do encourage you to come out and  
8 visit our parks in the coming year and to see  
9 in person the amazing public service we  
10 provide. On summer weekends many of our  
11 parks fill to capacity with family picnics,  
12 high spirits on the playgrounds, splashing in  
13 the waves, and laughter beside the campfire.

14 Thank you for your support for  
15 New York's magnificent natural and historic  
16 places and the millions of people who benefit  
17 from them. I look forward to working with  
18 you in the coming year to make the park  
19 system the best it can be.

20 Thank you.

21 CHAIRWOMAN KRUEGER: Thank you.

22 And I neglected to say this was your  
23 first time testifying before us as the  
24 commissioner, and so welcome.

1                   COMMISSIONER KULLESEID: Thank you.

2                   CHAIRWOMAN KRUEGER: And I didn't even  
3 point out that you read your testimony --  
4 which I told everyone not to do -- because it  
5 was clear you were going to make it in the  
6 10 minutes. So if you actually write short  
7 testimony, you can pull that off.

8                   Our first questioner will be Senator  
9 Serrano, who's the chair of the Committee on  
10 Tourism, Parks, et cetera, et cetera. He  
11 will get 10 minutes. Assemblymember Danny  
12 O'Donnell will also get 10 minutes. Then  
13 everyone else after that will get five  
14 minutes.

15                   Senator Serrano.

16                   SENATOR SERRANO: Thank you very much,  
17 Chairwoman.

18                   And Commissioner, it's great to be  
19 with you and all of our colleagues here  
20 talking about an issue that I'm very excited  
21 about, as you are, and all of us who care  
22 about parks and open spaces and the wonderful  
23 things that it brings to our community  
24 throughout New York State.

1           I was listening to your testimony and  
2           I'm excited to learn of -- you know, I've  
3           heard in the Governor's budget presentation  
4           about the bond act and a large acquisition of  
5           additional land for the purpose of expanding  
6           parks. And I just want a little bit of  
7           clarity on this issue. Public access being  
8           so important, overcrowding being such an  
9           issue, sort of a good problem to have that  
10          there is such excitement and continued  
11          increase in park usership year over year.

12                 Do you see this bond act and this  
13          acquisition as creating more public access?  
14          And how will that work out between DEC lands  
15          and parklands to address public access?

16                 COMMISSIONER KULLESEID: First of all,  
17          the Kingston acquisition is in the city of  
18          Kingston, 500 acres with a mile of Hudson  
19          River waterfront. Obviously that's a rarity;  
20          it's actually a mile of riverfront without  
21          the train tracks, so it provides a rare  
22          opportunity to increase public access. That  
23          is indeed one of our objectives, as with a  
24          35 percent increase in visitorship we need to

1 keep figuring out how to receive more people  
2 with the visitors that are coming.

3 And I think, you know, as an agency we  
4 are very well positioned to deal with large  
5 numbers. A lot of our parks are destinations  
6 with facilities that draw large numbers. I  
7 think we've done a good job of, if we need  
8 to, hardening trails at Bear Mountain. If  
9 you've been up the new trail at the front of  
10 Bear Mountain, it's magnificent and it was  
11 really hardened in response to high, high  
12 visitation. So I see us as really receiving  
13 a lot of that population and figuring out how  
14 to do it.

15 SENATOR SERRANO: That's good. Thank  
16 you.

17 A couple of other items I wanted to  
18 mention. The proposed Park Police merger  
19 with State Police, how do you envision that  
20 sort of working out? And, you know, how will  
21 that continue to address public safety in the  
22 parks?

23 COMMISSIONER KULLESEID: So I think  
24 your last point is where we are. This is

1 really about public safety. You know, as we  
2 welcome 74 million people to our parks, we  
3 have more events, our events are getting  
4 larger, we have concert venues, policing in  
5 the 21st century has obviously become much  
6 more complicated. So merging our force into  
7 the State Police force really makes a lot of  
8 sense for providing public safety in this day  
9 and age.

10 We already have a strong relationship  
11 with State Police, we partner with them an  
12 awful lot. They help us at some of our big  
13 events. So I'm optimistic that we will come  
14 up with a great solution that takes care of  
15 our force and that also takes care of public  
16 safety.

17 SENATOR SERRANO: Thank you.

18 And one final item, Commissioner.  
19 You've heard me speak often about the  
20 transformative effect that parks had on my  
21 life. And as a youngster growing up in  
22 New York City, in the South Bronx, being  
23 fortunate enough to be able to go to summer  
24 camp in the summer gave me a level of

1 exposure and things that I carry with me to  
2 this day. You know, really good things were  
3 set in motion from that experience.

4 I know that not all kids get that  
5 opportunity, and my fear is that over the  
6 years we see less and less of these  
7 group-style summer camps, that the  
8 opportunities -- which is a very finite  
9 window of opportunity with children at a  
10 certain age -- to give them that level of  
11 exposure to all the wonders of nature and the  
12 great outdoors, I fear that we're not able to  
13 do that because of the loss of summer camps  
14 as I knew them back in the late '70s, early  
15 '80s.

16 And I know that there's a lot of  
17 different reasons why that has happened. I  
18 think Camp Junior at Harriman State Park is a  
19 shining example of sort of reversing that  
20 trend. And I know you were very instrumental  
21 in making that happen, doing exactly what I  
22 think these summer camps -- they are the  
23 remedy for a lot of what is problematic about  
24 summer in the city at times.

1                   Connect Kids to Parks I know is a very  
2                   successful program. Can you speak to  
3                   additional ways or, using that as a vehicle,  
4                   to get more youth from the inner city or from  
5                   any part of New York State to have that  
6                   immersion that they need?

7                   COMMISSIONER KULLESEID: So I would  
8                   say on the one hand -- so as you know, in the  
9                   Governor's proposed budget we propose to  
10                  double Connect Kids, to really enable us to  
11                  reach more people, to continue to get those  
12                  funds out and get more kids into the parks.

13                  I think yes, Camp Junior is exactly  
14                  that. We are going to double the capacity of  
15                  that camp this year, so it's going -- we're  
16                  going to be much great capacity for kids from  
17                  the Bronx to get up to that area. We're also  
18                  working with foundations in the Buffalo area  
19                  to buy sports equipment to be able to have  
20                  programs in the ring parks around Buffalo.

21                  So we are constantly looking at this,  
22                  and we'd love to partner with you and keep  
23                  really looking forward to figure out how can  
24                  we create partnerships in other ways to

1 receive more and more kids into the parks.  
2 And a lot of that obviously is continuing our  
3 capital investment, particularly in those  
4 parks around New York City, which are  
5 destinations. Right? The places where you  
6 went as a kid, to make sure that they are as  
7 good as they can be for receiving urban  
8 dwellers.

9 SENATOR SERRANO: I can imagine a lot  
10 of the infrastructure is aging. The camps in  
11 and around places like Harriman State Park  
12 are probably very, very old, built a very  
13 long time ago. And, you know, all of  
14 these -- Camp Junior, obviously, being a good  
15 example of being able to renovate and do all  
16 the things needed to bring these places up to  
17 code so that they're effective.

18 But again, I appreciate what you say.  
19 I think that, you know, any opportunity that  
20 we can get to get more and more kids  
21 involved, to get them involved in a real way  
22 in our parks, is wonderful. And again, I  
23 appreciate all that you're doing, and I thank  
24 you for your testimony today, commissioner.

1 COMMISSIONER KULLESEID: Thank you.

2 CHAIRWOMAN KRUEGER: Thank you.

3 Assembly.

4 CHAIRWOMAN WEINSTEIN: Assemblyman  
5 O'Donnell.

6 ASSEMBLYMAN O'DONNELL: Good  
7 afternoon, Commissioner. Nice to see you  
8 again.

9 This "Restore Mother Nature" Bond Act,  
10 which is creating two new state parks, how  
11 were those locations chosen?

12 COMMISSIONER KULLESEID: In the case  
13 of the Kingston site, an opportunity  
14 presented to acquire a 500-acre quarry. And  
15 in this case it really was something where,  
16 you know, it was an opportunity -- one of  
17 those opportunities that comes along very  
18 rarely.

19 In the case of Hudson Eagles, it's  
20 actually been a concept that's been punted  
21 around, kicked around for actually a decade,  
22 probably, now. But we have an opportunity  
23 through this to create access -- to enhance  
24 access, water-based access, to what is a

1           pretty special stretch of the river, as you  
2           know yourself, I think. I think I don't need  
3           to tell you the --

4                     ASSEMBLYMAN O'DONNELL: I'm a little  
5           downriver from there, but yes, I do  
6           appreciate the river.

7                     Did you consult with the local  
8           electeds about making these decisions?

9                     COMMISSIONER KULLESEID: In both of  
10          those cases, yes.

11                    ASSEMBLYMAN O'DONNELL: Okay. And  
12          this Executive likes to have different  
13          regions compete against each other -- Buffalo  
14          against Long Island. So was there any  
15          thought given to whether or not this is an  
16          appropriate balanced use to the money, that  
17          they're going right there? I mean, everybody  
18          up here will tell you that wherever they  
19          represent or wherever they live is  
20          underserved in a certain kind of way. I'm  
21          not against this, I'm just wondering whether  
22          or not that was in your thought process.

23                    COMMISSIONER KULLESEID: I think you  
24          look at these as exemplars, right, that these

1 are examples of where this bond act money can  
2 go. They happen to be projects that were  
3 teed up and ready to go.

4 But I imagine that as we go over the  
5 course of this -- of the development of the  
6 bond act that many other deserving projects  
7 will be identified statewide, and I think  
8 there obviously is every intent of having  
9 that money spent statewide.

10 ASSEMBLYMAN O'DONNELL: And what is  
11 your expectation for what it will take to --  
12 the cost, excuse me, of this?

13 COMMISSIONER KULLESEID: We have --  
14 it's too early to speculate. We've got  
15 appraisals pending on the property, and then  
16 it will be -- you know, really depending on  
17 the bond act, will be determined whether  
18 there's funding to actually build it out.

19 ASSEMBLYMAN O'DONNELL: So the  
20 possibility exists that there's not enough  
21 money in the bond act to build it out?

22 COMMISSIONER KULLESEID: No, that's  
23 not true --

24 ASSEMBLYMAN O'DONNELL: No, that's not

1 the possibility?

2 COMMISSIONER KULLESEID: No. There's  
3 plenty of money in the bond act to build it  
4 out, yes.

5 ASSEMBLYMAN O'DONNELL: Right. But --

6 COMMISSIONER KULLESEID: We will  
7 tailor to it -- you know, we --

8 ASSEMBLYMAN O'DONNELL: Yeah, but when  
9 we read words like "dedicated," that kind of  
10 means like nothing, right? I mean, so what  
11 exactly -- what is the commitment that the  
12 money is going to be used for this individual  
13 purpose?

14 COMMISSIONER KULLESEID: An exact  
15 amount has not been committed to either the  
16 Kingston project or the boat launch project.  
17 We have -- there are some ranges in it. You  
18 know, it really depends on, you know, what  
19 level of amenities you build into these  
20 places, do you keep it a passive park.  
21 There's a lot of decisions that haven't been  
22 made yet.

23 ASSEMBLYMAN O'DONNELL: Unlike Senator  
24 Serrano, I never went to summer camp, but I

1 did learn to swim at Robert Moses State Park,  
2 which I'm eternally grateful for, although I  
3 think they should change the name.

4 But I'm curious about the namings of  
5 these parks. So how is that going to happen,  
6 and who is going to be involved?

7 COMMISSIONER KULLESEID: The naming --  
8 you mean for the Hudson Eagles and for the  
9 park in Kingston?

10 ASSEMBLYMAN O'DONNELL: The new -- the  
11 new Kingston one, yes.

12 COMMISSIONER KULLESEID: Yeah, yeah,  
13 yeah, yeah, yeah. You know, we've opened a  
14 number of parks in the last few years, right?  
15 We have Buffalo Harbor State Park, which kind  
16 of suggests where it is. We've opened  
17 Shirley Chisholm -- obviously was named after  
18 a leading figure from Brooklyn and from  
19 really national -- of national stature.

20 You know, names have not been chosen.  
21 It could be named after natural features, it  
22 could be named after people, but none of that  
23 has really been determined yet.

24 ASSEMBLYMAN O'DONNELL: Well, I would

1 really hope that the naming would be  
2 connected to where it is and the locality of  
3 there, not, you know, a rich donor who sends  
4 some checks. Do you understand?

5 COMMISSIONER KULLESEID: Yup.  
6 Exactly.

7 ASSEMBLYMAN O'DONNELL: The solar  
8 electricity by 2030 was supposed to be  
9 receiving 50 percent under you. What is  
10 happening with that?

11 COMMISSIONER KULLESEID: So we have  
12 already taken a number of parks off the grid  
13 on Long Island, and we are now pending --  
14 looking at a whole -- taking our entire  
15 Taconic region off the grid sometime in the  
16 next year. We actually have contracts to  
17 move ahead with that. And we will continue  
18 to aggressively pursue that.

19 And we find that these Solar  
20 Conservation Corps is a neat way to do it.  
21 It's great training. We put it in our parks  
22 and it's actually been -- they've been  
23 fantastic, you know, learning projects and  
24 have really done a great job of putting us in

1 the forefront of this, getting off the grid.

2 ASSEMBLYMAN O'DONNELL: And is it your  
3 intention going forward when you build new  
4 parks that they be off the grid as well?

5 COMMISSIONER KULLESEID: The agency  
6 would -- we would like to be off the grid,  
7 yes.

8 ASSEMBLYMAN O'DONNELL: Okay. I just  
9 want to thank you. I think parks are very  
10 important, and your work is terrific. I  
11 would like to encourage you and the second  
12 floor to invite the local elected officials  
13 and the chairs of the relevant committees to  
14 events that occur in them. And certainly --  
15 I'm not certain who represents Kingston, but  
16 if he or she were not -- the Assemblymember  
17 were not to be consulted or not to be invited  
18 to participate in the ribbon-cutting, that  
19 would make me very angry.

20 COMMISSIONER KULLESEID: We will make  
21 sure that happens.

22 ASSEMBLYMAN O'DONNELL: Thank you very  
23 much.

24 CHAIRWOMAN WEINSTEIN: Thank you.

1                   Senator Seward.

2                   SENATOR SEWARD: Thank you.

3                   And Commissioner, it's good to see you  
4 again.

5                   COMMISSIONER KULLESEID: Good to see  
6 you. Thank you.

7                   SENATOR SEWARD: As I read the  
8 Executive's budget proposal, it calls for the  
9 hiring of 22 traders, generalists and scalers  
10 for the park system. What would the duties  
11 of these workers be under those titles, and  
12 what is the need for these 22 new slots?

13                  COMMISSIONER KULLESEID: Well,  
14 obviously you're familiar with our parks.  
15 Our parks, especially in Western New York,  
16 are characterized by these dramatic,  
17 beautiful gorges, some of the most beautiful  
18 gorges -- Robert Treman and Letchworth,  
19 Niagara Gorge. And all those gorges are made  
20 of rock that gets loose in the freeze-thaw of  
21 winter, and so every year we send crews out  
22 to just dislodge the loose rock and make the  
23 place -- make sure the places are safe for  
24 the public. And that happens every year.

1                   So it's scalers, really allowing us to  
2                   do that effectively statewide, because that's  
3                   what a scaler does. And then, you know, we  
4                   have a -- it's a large system, it's got a lot  
5                   of use, and we are -- now we've been  
6                   investing in it, it really makes sense to  
7                   build our trades capacity to maintain the  
8                   investment that the state has made in these  
9                   parks over the last eight years.

10                   SENATOR SEWARD: Well, that second  
11                   point is a good problem to have. You're  
12                   popular.

13                   COMMISSIONER KULLESEID: Yes.

14                   SENATOR SEWARD: Which is great.

15                   There is a proposed -- another round  
16                   of NY Works infrastructure program, I think  
17                   it's \$112.5 million.

18                   COMMISSIONER KULLESEID: Correct.

19                   SENATOR SEWARD: What projects will  
20                   these funds be going towards?

21                   COMMISSIONER KULLESEID: Those are the  
22                   lists we're developing now, you know, we will  
23                   be developing through the budget process, and  
24                   by the spring season we'll be able to sort of

1 release those. But right now that project is  
2 in development.

3 SENATOR SEWARD: I noted -- and we've  
4 had a discussion about the funds from the  
5 proposed bond act, the Restore Mother Earth  
6 Bond Act, going toward two new state parks.  
7 And I would just take this opportunity to  
8 point out right in my home area we have the  
9 Robert Riddell State Park, which is close to  
10 2,000 acres that were donated by this family  
11 to the state for a new state park -- this was  
12 a number of years ago. And it's located  
13 right at the Cooperstown exit of I-88. So  
14 particularly in the summer months it's a very  
15 highly visible and traveled area.

16 And I have -- even though there have  
17 been some minimal investments at the Riddell  
18 State Park, I would just urge you to take a  
19 look at how we could as a state do more there  
20 at that particular park. It could -- it's --  
21 it could be -- it's exposed to so many  
22 visitors and New Yorkers that visit  
23 Cooperstown and that area. We expect a big  
24 crowd this year with Derek Jeter going into

1 the Hall of Fame.

2 And I just think we just have not, as  
3 a state, given enough attention to this park  
4 to help it reach its full potential on behalf  
5 of the people of the state. But now we're  
6 going out and purchasing additional land for  
7 two new state parks when my point is perhaps  
8 we have not invested in what we already have  
9 in terms of parks.

10 So I'd be very, very happy to work  
11 with you. It's in the central region, this  
12 particular park. I'd be very happy to work  
13 with you on ways that we could better utilize  
14 those close to 2,000 acres on behalf of the  
15 people of the State of New York and those  
16 that visit our state.

17 COMMISSIONER KULLESEID: Thank you for  
18 that comment. And we'd be more than happy to  
19 sit down and talk to you. As you know, we  
20 think -- we want to do some improvements  
21 there, certainly to make it a little bit  
22 better for the public to get in there.

23 SENATOR SEWARD: Okay, thank you.

24 CHAIRWOMAN WEINSTEIN: Assemblyman

1 Englebright.

2 ASSEMBLYMAN ENGLEBRIGHT: Thank you.

3 Thank you, Madam Chair.

4 Commissioner, first, I just want to  
5 say congratulations, I know that you have  
6 dedicated your life to the parks. And it's  
7 gratifying that the Governor had the wisdom  
8 to take that lifetime of commitment and to  
9 recognize it and to appoint you.

10 COMMISSIONER KULLESEID: Thank you.

11 ASSEMBLYMAN ENGLEBRIGHT: I just have  
12 two questions today.

13 You mentioned the Empire State Trail.  
14 The portion that has not been really  
15 scheduled for completion within the time  
16 frame that you mentioned is the Long Island  
17 section. Are you, first, aware of that? And  
18 are you willing to roll up your sleeves and  
19 find a way to include coastal New York and  
20 the coastal plain province within the Empire  
21 State Trail?

22 COMMISSIONER KULLESEID: I am aware of  
23 the Long Island initiative, and I believe we  
24 gave the Trust for Public Land a grant this

1 past cycle to help them really finish out the  
2 plan, the conceptual planning for an  
3 extension of the Empire State Trail into  
4 Long Island. So I think we were -- we're  
5 supporting sort of advancing work on that.

6 ASSEMBLYMAN ENGLEBRIGHT: So you're  
7 already doing some of the advanced work?

8 COMMISSIONER KULLESEID: I believe  
9 that we gave them a grant in December. I'll  
10 get back to you, but I believe that we gave  
11 them a grant in December.

12 ASSEMBLYMAN ENGLEBRIGHT: Okay, thank  
13 you.

14 And my second question, there are two  
15 great state park systems in the state that  
16 the state is intimately involved with. One  
17 is obviously directly in your control. The  
18 second is the zoos, botanical gardens and  
19 aquariums galaxy of parks.

20 They're not officially state parks;  
21 they are, however, all not-for-profit  
22 organizations and they work in many ways in  
23 parallel to what State Parks does. And the  
24 ZBGA program, funded through the EPF, largely

1 comes through your agency.

2 I've always wondered if it's possible  
3 for those two parallel in the universe park  
4 systems to coordinate more closely in terms  
5 of marketing, in terms of the common history.  
6 I know that you're already sort of moving in  
7 that direction in some places, such as  
8 Sonnenberg Gardens, which is now a state  
9 park. But I'm just wondering if you're open  
10 to exploring ways to have an even stronger  
11 alliance with the zoos, botanical gardens and  
12 aquariums of the state.

13 COMMISSIONER KULLESEID: Very much so.  
14 And I think that obviously they are -- the  
15 support for them in the EPF is a great --  
16 shows great state confidence in those  
17 institutions and their importance to  
18 environmental programming and education in  
19 the state. And we actually host a couple of  
20 them.

21 But I think very much we are -- we  
22 would love to have those close conversations  
23 and improve those relationships. Always  
24 looking for those. We need our partners to

1 do things, and our partners are great assets  
2 for us.

3 ASSEMBLYMAN ENGLEBRIGHT: My Speaker  
4 represents where the two largest institutions  
5 in the state are, in the Bronx.

6 COMMISSIONER KULLESEID: They're big.

7 ASSEMBLYMAN ENGLEBRIGHT: They occupy  
8 the heart of the Bronx. So I'm -- I share  
9 with him a concern about those two  
10 organizations.

11 Thank you for your answers.

12 CHAIRWOMAN WEINSTEIN: Thank you.

13 Senator Metzger.

14 SENATOR METZGER: Thank you, Madam  
15 Chairwoman.

16 Can you hear me?

17 COMMISSIONER KULLESEID: I can hear  
18 you, but I'm not sure anyone else can.

19 SENATOR METZGER: I have the worst  
20 time with these things.

21 First, I just want to thank you and  
22 really thank the State Parks Commission,  
23 because my district benefits hugely from the  
24 state parks we have. We feel very rich in

1           that department. It's great for our economy,  
2           great for our quality of life, and great for  
3           the environment.

4                        I wanted to just ask you -- we started  
5           a conversation last year about electric  
6           vehicle charging infrastructure at parks. I  
7           love to see that you have this renewable  
8           program, I think it's great. It would be  
9           great to integrate that with charging  
10          infrastructure. It will bring more visitors  
11          to the parks. It's kind of a perfect  
12          marriage, because people are looking for  
13          things to do while they're charging their  
14          electric vehicles. And we need this  
15          infrastructure across the state, and you have  
16          parks across the state. So I wanted to see  
17          if there's been any more thought given to  
18          that.

19                      COMMISSIONER KULLESEID: You know, we  
20          are doing that -- we just did the parking  
21          lots at Niagara Falls, I believe, where we  
22          had electric charging stations.

23                      Clearly, as this program gets rolled  
24          out and we're building these EV stations all

1 across the state, our parks are where they  
2 should be. I'm hoping we have them at  
3 Minnewaska coming up. But they're huge  
4 opportunities, yes.

5 SENATOR METZGER: Okay. All right.  
6 Thank you very much.

7 CHAIRWOMAN WEINSTEIN: Thank you.  
8 Assemblywoman Glick.

9 ASSEMBLYWOMAN GLICK: Nice to see you  
10 here. Thank you.

11 I know that there has been this  
12 attempt to add some additional resources to  
13 State Parks and do more capital  
14 infrastructure. The -- there is a lake in  
15 Harriman Park that was very highly used and  
16 it's -- since Sandy, it's been unusable. So  
17 I'm just wondering where that is. I mean,  
18 it's a -- for people who live in the City of  
19 New York, it's a great retreat, but it has  
20 been closed, primarily, for the last several  
21 years.

22 So (A) what is the timeline on that?  
23 I realize you have a lot of parks all over.  
24 But this was one of those, and one would

1 think that maybe some of the federal dollars  
2 could have been used to rebuild that.

3 COMMISSIONER KULLESEID: I think  
4 you're talking about Lake Sebago.

5 ASSEMBLYWOMAN GLICK: Yeah, yeah.

6 COMMISSIONER KULLESEID: Yeah. So  
7 Sebago has been closed since Irene and Lee; I  
8 think there were some drainage problems  
9 there. It will take quite a significant  
10 amount of capital. We are actually looking  
11 at that as a potential place to expand  
12 capacity -- to restore capacity in the Lower  
13 Hudson Valley. But we also have an enormous  
14 pool at FDR, in Yorktown, that is also very  
15 heavily used by people from New York City.  
16 We have to restore it, we have to redo it.

17 But it actually is very much one of  
18 the places I'm very interested in looking at  
19 closely to rebuild the capacity in the  
20 State Parks system.

21 ASSEMBLYWOMAN GLICK: Well, it used to  
22 be -- it wasn't just people who could drive,  
23 it was like groups that would take  
24 schoolkids. And, you know, so it was to get

1           them out of the city entirely, to actually  
2           see a different type of expansive nature. So  
3           it was sort of a key area.

4                     And the only other thing I would ask  
5           is I know DEC has what look like -- I guess  
6           it's DEC management areas; they look like  
7           parks. And I'm just wondering what the  
8           connection is to -- there are places like  
9           Bear Spring, in Delaware County. It's a  
10          camping site. I used to camp in state parks  
11          in the Adirondacks, so this looked the same.

12                    And I'm just wondering, how is it  
13          decided that some are DEC and some are Parks,  
14          and what synergy is there between the two?

15                    COMMISSIONER KULLESEID: So for  
16          camping in particular, obviously, we put out  
17          a joint camping guide every year, right? And  
18          when you make reservations, it's through the  
19          same program. So for camping, it is pretty  
20          seamless.

21                    It is true that outside the Blue Line  
22          they tend to be run by State Parks, and  
23          inside the Blue Line they tend to be run by  
24          DEC. That's really the only distinction

1           between them.

2                   ASSEMBLYWOMAN GLICK:   Okay, thank you.

3                   CHAIRWOMAN WEINSTEIN:   I have one I  
4           think final question on behalf of the -- from  
5           the panel.

6                   In your testimony you note that  
7           visitorship in the state parks is up by  
8           35 percent since -- I guess 2013, right?

9                   COMMISSIONER KULLESEID:   2011, yeah.

10                   CHAIRWOMAN WEINSTEIN:   So during that  
11           same time, if I'm not mistaken, the operating  
12           funding for the agency has remained  
13           relatively flat.  Have you been able -- does  
14           that allow you to deal with this new third  
15           increase of visitors?  Should you have -- do  
16           you need more?  Is that adequate funding?  Do  
17           you need more, and what would you do if there  
18           was more support?

19                   COMMISSIONER KULLESEID:   We have  
20           adequate funding.  One of the things we've  
21           been doing with this capital is we are  
22           investing in ways to reduce our expenses.  So  
23           the solar initiative obviously is great for  
24           the planet, but it's also good for us because

1           it reduces our expenses. A lot of our new  
2           facilities, we are being -- we are building  
3           them, we're restoring them at much more  
4           sustainable levels, replacing light fixtures  
5           and then restructuring.

6                     But we are -- it's -- you know,  
7           obviously we are -- it's -- we are lean, but  
8           we've really found there are opportunities  
9           within the agency to make improvements to  
10          management that we've been able to make it  
11          work and really welcome, you know, 20 million  
12          more people than we used to with the same  
13          staff. And we are also happy to have the  
14          extra 22 employees proposed to be added to  
15          our force.

16                    CHAIRWOMAN WEINSTEIN: Thank you  
17          for -- thank you for your testimony, being  
18          here today.

19                    COMMISSIONER KULLESEID: Thank you.  
20          Thank you.

21                    CHAIRWOMAN WEINSTEIN: Next we will be  
22          hearing from Richard Ball, commissioner,  
23          New York State Department of Agriculture and  
24          Markets.

1                   We were joined a short while ago by  
2                   Assemblywoman Lupardo, chair of the  
3                   Assembly's Agriculture Committee.

4                   CHAIRWOMAN KRUEGER: Is Commissioner  
5                   Ball here? Ah, there he is up there. Our  
6                   eyes aren't that good. Walk carefully.

7                   (Pause.)

8                   CHAIRWOMAN KRUEGER: Good afternoon.

9                   COMMISSIONER BALL: Good afternoon.

10                  CHAIRWOMAN KRUEGER: Hello,  
11                  Commissioner Ball. Welcome today.

12                  COMMISSIONER BALL: Good to be here.

13                  CHAIRWOMAN KRUEGER: We tell everyone  
14                  you have 10 minutes. If you can avoid  
15                  actually reading the testimony and just  
16                  giving us your highlights -- but you have  
17                  very short testimony, so I'd bet money you  
18                  could get through it in the 10 minutes  
19                  anyway.

20                  COMMISSIONER BALL: I'll get it done  
21                  in five, how does that sound?

22                  (Laughter.)

23                  CHAIRWOMAN KRUEGER: Gives us more  
24                  time to question you.

1 COMMISSIONER BALL: Are you prepared?

2 CHAIRWOMAN KRUEGER: Mm-hmm.

3 COMMISSIONER BALL: Okay.

4 Good afternoon, Chairwoman Krueger,  
5 Chairwoman Weinstein, Senator Metzger,  
6 Assemblywoman Lupardo, members of the  
7 Agricultural Committees, and elected  
8 officials. I am honored to present my  
9 testimony on the fiscal year '21 Executive  
10 Budget for the Department of Agriculture and  
11 Markets.

12 Despite continued uncertainties at the  
13 federal level and in the marketplace, the  
14 state's agricultural community is making  
15 progress, thanks to the Governor's dedication  
16 to the industry and to our partnerships with  
17 all of you.

18 The Executive Budget recommends  
19 \$190 million for the department, an increase  
20 from last year, showing strong commitment to  
21 the agricultural industry. These funds will  
22 allow us to execute our essential functions  
23 while implementing innovative programs that  
24 promote agriculture in New York.

1                   Importantly, this year's Executive  
2                   Budget addresses our industry's concerns and  
3                   provides clarity on the Farm Laborers Fair  
4                   Labor Practices Act by expanding the  
5                   definition of "extended family."

6                   It also confronts climate change,  
7                   continuing Environmental Protection Fund  
8                   funding at \$300 million. For our department,  
9                   that means \$55 million to support farmland  
10                  protection, climate change mitigation, water  
11                  quality improvement, and invasive species  
12                  programs.

13                  Building on that, the Executive Budget  
14                  proposes the \$3 billion "Restore Mother  
15                  Nature" Bond Act, which will also expand  
16                  on-farm best practices and agricultural  
17                  nutrient management programs.

18                  We're pleased that the Executive  
19                  Budget proposes \$27.4 million in local  
20                  assistance, to ensure the future of New York  
21                  agriculture. These dollars will support key  
22                  programs that provide specialized technical  
23                  assistance, research, agricultural education,  
24                  workforce development, and marketing

1 initiatives for agriculture.

2 For example, we are continuing to fund  
3 historic investments in the New York FFA  
4 program. The results have been very  
5 impressive. New York FFA had the highest  
6 membership increase in the country in 2019.

7 To expand opportunities for new  
8 farmers, the department will also be  
9 convening a workgroup this year committed to  
10 increasing diversity in the farming community  
11 of New York State.

12 Through the Taste NY and NYS Grown &  
13 Certified programs, Governor Cuomo continues  
14 to prioritize the promotion of locally grown  
15 and produced foods. New York State Grown &  
16 Certified has done a tremendous job of  
17 helping farmers and small businesses answer  
18 the demand from consumers for fresh, local  
19 food. In three years, we have seen the  
20 program grow to over 3,000 farms on over  
21 775,000 acres of farmland.

22 A proposed blue-ribbon task force will  
23 build on the New York State Grown & Certified  
24 program and look at produce traceability to

1 provide consumers with more information about  
2 the source of the food that they eat.

3 The Executive Budget also provides  
4 \$1.5 million for our Farm to School program,  
5 bringing more fresh local food to children  
6 and connecting our farmers to new markets.

7 The department performs crucial  
8 regulatory functions that help safeguard our  
9 plants and animals and ensure the safety of  
10 New York's food supply. The number of  
11 establishments requiring our inspection is  
12 ever-increasing. The Executive Budget  
13 provides a much-needed boost of support with  
14 the addition of staff, including inspectors  
15 for the Industrial Hemp Agricultural Research  
16 Pilot Program, who will be on the front lines  
17 of our food safety, public health and plant  
18 health efforts.

19 Finally, the New York State Fair has  
20 shattered attendance records for four years  
21 straight. In 2019, the fair welcomed over  
22 1.3 million guests. This year's budget  
23 proposes \$5 million to extend the fair's run,  
24 allowing more visitors than ever to

1           experience New York agriculture. In  
2           addition, \$15 million will be used to  
3           continue to modernize the grounds and  
4           encourage year-round use.

5                     The proposed fiscal year 2021  
6           Executive Budget moves our agricultural  
7           industry forward. As the development of a  
8           State Budget is a partnership with you in the  
9           Legislature, we look forward to hearing your  
10          priorities and working with you in the year  
11          to come.

12                    So thank you. How'd I do?

13                    CHAIRWOMAN KRUEGER: Thank you. That  
14          was less than five.

15                    Senator Metzger, the chair of the  
16          Agriculture Committee.

17                    SENATOR METZGER: Thank you,  
18          Madam Chairwoman.

19                    And thank you so much, Commissioner  
20          Ball. And I just want to express my  
21          appreciation for all that you do for  
22          New York's farms. You are a real champion of  
23          our agricultural sector.

24                    The importance of agriculture in

1 New York cannot be overstated. It generates  
2 5.7 billion in gross income, it employs  
3 55,000 workers. And when you consider the  
4 multiplier effects, its economic impact is  
5 upwards of \$45 billion. And beyond the  
6 economics, it is so important to the quality  
7 of life of all New Yorkers. Agriculture is  
8 critical to our food security, to addressing  
9 climate change and preserving the environment  
10 and open spaces, and to preserving thriving  
11 rural communities.

12 There are a lot of good things in this  
13 budget that you've drawn attention to. I'm  
14 also concerned that there's close to  
15 \$5 million in proposed cuts from the previous  
16 year that I think is going to be very  
17 important to restore.

18 I'd like to ask -- focus on a few  
19 questions. I want to start off first with  
20 the -- a welcome addition to the budget,  
21 which is 40 new full-time positions, which I  
22 think is fantastic. If you could just talk  
23 about where this new staff will be deployed,  
24 what they'll be working on.

1                   COMMISSIONER BALL: Sure. Yeah,  
2                   they're various parts of the agency. Fifteen  
3                   will be at the State Fairgrounds, because  
4                   we're moving that into a year-round  
5                   enterprise more and more, and we've had a lot  
6                   of attrition over there in the last five  
7                   years. So some of those people are going  
8                   there.

9                   Some of the new FTEs are going to be  
10                  in our lab, as we need to do more lab  
11                  testing -- for example, industrial hemp  
12                  issues. We've got some in dairy. As you  
13                  know, we inspect all the dairy processing  
14                  plants. We have over 400 plants in New York  
15                  State right now. And we've got some going in  
16                  plant as well.

17                  SENATOR METZGER: Okay. Now, you  
18                  know, we have a wonderful and growing hemp  
19                  industry, which I just put the legislation in  
20                  place to really facilitate some really  
21                  dynamic growth in that area. And I want to  
22                  just make sure that we'll have staffing  
23                  levels that are adequate to support that  
24                  growth in that.

1 COMMISSIONER BALL: You bet.

2 SENATOR METZGER: You feel confident  
3 that we do.

4 COMMISSIONER BALL: I do. I do.

5 SENATOR METZGER: Okay. I want to  
6 turn now just to the "Restore Mother Nature"  
7 Bond Act and ask you, you know, in your dream  
8 world for agriculture, what would you like to  
9 see some of that funding go toward for  
10 agriculture? I can think of many needs  
11 personally; I would like to hear what you  
12 think it should be used for.

13 COMMISSIONER BALL: Well, we're just  
14 getting started on all these. But I want to  
15 make very clear that we're going to look very  
16 closely at nutrient management on farms.  
17 That's going to be the lion's share of what  
18 we hope to get out in agriculture from this  
19 bond act. And I think our soil health  
20 initiatives are going to complement very well  
21 that theory and those acts.

22 So we're just getting started on this.  
23 There's going to be a lot of time for input  
24 from you and from us. But that's where I see

1           that going.

2                       SENATOR METZGER: I expressed concern  
3 earlier to Commissioner Seggos about the  
4 proposed cut of a million dollars to the  
5 Farmland Protection Program. I think that's  
6 a very bad idea. I feel that, if anything,  
7 that that funding should be increased. And I  
8 wanted to see if you saw any opportunities in  
9 this bond act to make up for that loss and  
10 even perhaps increase that funding.

11                      COMMISSIONER BALL: Sure. And I  
12 appreciate that concern very much. We've had  
13 a great record of continued funding for  
14 farmland preservation, and we're now ranked  
15 in the top five in the country in that  
16 regard. In fact, last year we hit a  
17 milestone with 175,000 acres that have been  
18 preserved.

19                      But if you look beneath the surface --  
20 number one, we do have some reappropriations  
21 available to us that we'll utilize. But I  
22 think, more importantly, if you look beneath  
23 the surface you'll notice that we did a Dairy  
24 Transitions Program last year. In addition

1 to the funding for farmland preservation, we  
2 did a specialized \$30 million dedication of  
3 dairy transition, targeting dairy farms  
4 looking to transition to the next generation,  
5 looking to transition to a different crop,  
6 looking to transition to more efficient  
7 methods on their farm. We awarded those  
8 within a year.

9 On top of that, we redid the Dairy  
10 Transitions Program, put out a second round,  
11 and we also, looking around at other types of  
12 farms, non-dairy farms that were suffering  
13 from some of the trade, you know, challenges  
14 that the industry broad has faced with  
15 Canada, Mexico, China, et cetera. And we  
16 looked at non-dairy farms also transitioning  
17 to a different crop, different way of doing  
18 business. And we put \$14 million into that  
19 program.

20 So yeah, we did cut 1 million, but  
21 we've added 34 million.

22 SENATOR METZGER: Okay. And then I  
23 think I have time for another question.

24 You've been a real champion of Farm to

1 School, which is just such an enormous  
2 opportunity for our farmers. I know  
3 Harvest New York has played an important role  
4 there. It's now been moved out of the  
5 budget. If you could just talk about what's  
6 happening with the Harvest New York program a  
7 little bit. It looks like it's out of the ag  
8 budget, correct? And --

9 COMMISSIONER BALL: That's a great  
10 program. As I mentioned earlier, though, I  
11 have to say that this budget for agriculture  
12 is a process. The Executive gets to put  
13 forward his Executive Budget, and then the  
14 Senate and the Assembly come together with  
15 their table money and we work out a budget  
16 for all of agriculture.

17 I remember as a farmer coming here to  
18 Albany in 2012, for example. The Executive  
19 Budget for Agriculture Aid to Localities was  
20 \$5 million. Last year we got, in the  
21 Department of Agriculture, the biggest budget  
22 for agriculture we have ever gotten in the  
23 history of New York State. And this year  
24 it's essentially the same. We're talking



1 much.

2 Well, greetings.

3 COMMISSIONER BALL: Greetings. Good  
4 to see you.

5 ASSEMBLYWOMAN LUPARDO: Good to see  
6 you and everyone who's working with you.

7 I'm glad you mentioned what a banner  
8 year we had last year, because we worked very  
9 hard to raise the importance of agriculture  
10 and raise the profile. I think we're going  
11 to have an even better year this year because  
12 of the understanding about how integrated  
13 agriculture is really into not only the  
14 economic health of upstate, but throughout  
15 the whole state.

16 And I want to just point out that last  
17 year the Legislature passed -- I think it may  
18 have been unanimously -- the creation of an  
19 agricultural investment task force. And I  
20 think what we were trying to say there, even  
21 though the bill was vetoed, what we were  
22 trying to say is that the discussion of  
23 agriculture should be integrated in with some  
24 of the other departments where we are

1 typically siloed -- State Ed; Empire State  
2 Development; DOT, even; DEC. And some of the  
3 topics that I think we would have gotten into  
4 with that really I think is where we are now,  
5 a turning point.

6 And I was hoping you could maybe  
7 briefly explain to my colleagues who are very  
8 interested in reaching our climate goals, how  
9 agriculture might play a role in developing  
10 more specific ecological farming practices.  
11 I think people would be very inspired to know  
12 what we could deliver if we were more  
13 actively engaged in the conversation.

14 COMMISSIONER BALL: Well, thank you.  
15 That's a big subject. It's a great one,  
16 though.

17 I have to say that when I first was  
18 asked by the Governor to take this role on,  
19 he asked me to be a part of a team. That was  
20 the word he used: "I want you to join the  
21 team." And I have to say that I've always  
22 felt like a team member when I meet with the  
23 rest of the cabinet, talk to the other  
24 agencies, the other commissioners.

1           As a matter of fact, the first thing  
2           we undertook at the Department of Agriculture  
3           that very first year was something we called  
4           the silo workgroup. And I invited in all the  
5           commissioners from every department in state  
6           government that regulated agriculture in any  
7           way. So it was a lot of people, and it was  
8           great. But we all sat at the same table and  
9           I think formed a great relationship with our  
10          farm community, made some progress at  
11          breaking down those silos.

12           So today, as we look at the challenges  
13          ahead of us, particularly with regards to  
14          climate, I would say our relationship with  
15          DEC, our relationship with NYSERDA, our  
16          relationship with the Public Service  
17          Commission has never been better than it is  
18          today. And so when we look at the climate  
19          challenges, we talk to each other and we are  
20          actually meeting on a regular basis with each  
21          other to look at those opportunities.

22           I'm particularly excited about  
23          climate, because every day, you know, for  
24          farming, since I was 18 years old, I've seen

1 the changes and the evolution and the way we  
2 take care of our soils, the way we manage the  
3 issues around climate. We've had  
4 unfortunately, just in the last few years,  
5 the worst drought in the history of New York  
6 State, one of the worst wet years in the  
7 history of New York State, flooding in  
8 various parts of our state. And so I think  
9 our opportunity is to make sure that as we go  
10 forward with regards to climate resiliency,  
11 agriculture is at the table and we advantage  
12 our farmers.

13 ASSEMBLYWOMAN LUPARDO: Let me ask you  
14 a couple of quick budget questions and then  
15 we might go back and talk about this a little  
16 bit further.

17 COMMISSIONER BALL: Okay.

18 ASSEMBLYWOMAN LUPARDO: So in the new  
19 positions, has anyone ever recently requested  
20 an additional position in the animal industry  
21 section? We are faced with a lot of public  
22 demand for increased inspections, pet store  
23 awareness, breeders. Is that something that  
24 is a need in your agency that should be

1 addressed potentially in new positions?

2 COMMISSIONER BALL: Right now, in  
3 Animal, we're in pretty good shape. We have  
4 probably the best vet in the country,  
5 Dr. Smith, and he's got a great team of  
6 people there.

7 The concerns I have there are more  
8 in-house, in the office, managing the  
9 requests of documents. But we've got an  
10 excellent team out in the field,  
11 veterinarians. They're able to keep up with  
12 the job as it's currently subscribed to us.

13 But the challenges we've had have been  
14 internal and processing licenses and things  
15 like that. So we've dealt with that.

16 ASSEMBLYWOMAN LUPARDO: Thanks.

17 On the farm labor law, so I see the  
18 Governor has put in a change regarding the  
19 definition of "family member." I'm sure  
20 you're aware that there are some other  
21 definitions that we would also like looked at  
22 regarding some of the other categories --  
23 salaried worker, managerial, secretarial. Is  
24 that something we might be able to achieve in

1 the 30-day amendments, or are you optimistic  
2 that's part of the conversation?

3 COMMISSIONER BALL: I am. And I  
4 believe we can get there on that. Going to  
5 the third level of consanguinity is an  
6 important fix initially. I think some more  
7 additional discussions need to be held around  
8 the salaried workers, et cetera. But I'm  
9 quite confident that we can get there. It's  
10 important to us at the department, obviously  
11 important to the industry. I would have to  
12 add it's very important to the Governor's  
13 office and also to the Commissioner of Labor.  
14 We're going to get there.

15 ASSEMBLYWOMAN LUPARDO: Right. And of  
16 course there are some other issues under  
17 discussion as well --

18 COMMISSIONER BALL: Yeah.

19 ASSEMBLYWOMAN LUPARDO: -- that we can  
20 talk about another time.

21 On the State Fair, the appropriation  
22 of additional capital funding. I've been  
23 approached by some groups who aren't  
24 typically in the conversation about

1 improvements. And I was wondering how will  
2 you solicit feedback or how might someone  
3 who's not necessarily at the table be a  
4 voice? How might I, how might we better  
5 communicate with you about some of the needs  
6 of -- capital needs at the fair? I mean,  
7 what's our best route?

8 COMMISSIONER BALL: Sure. That  
9 appropriation is going to be obviously  
10 ongoing maintenance. We've grown the fair,  
11 we've grown the building site, we've improved  
12 a tremendous number of things. We've got  
13 electrical upgrades, safety upgrades that  
14 continue to happen. And so that's where that  
15 funding's going to go.

16 But you have my email address, and you  
17 have the record for sending the most number  
18 of emails to me in a day.

19 ASSEMBLYWOMAN LUPARDO: Usually around  
20 midnight.

21 COMMISSIONER BALL: Yes. And that's  
22 okay. Please do that, avail yourself of  
23 that. So --

24 ASSEMBLYWOMAN LUPARDO: I will do

1           that.

2                     The Childhood Nutrition Program, your  
3 notes said that -- an additional 1.5 million  
4 for the Farm to School Program. Did you mean  
5 new money, or that's the appropriation split  
6 between two agencies?

7                     COMMISSIONER BALL: It's \$1.5 million  
8 for Farm to School. So half of that comes  
9 from State Ed, half of that comes from us.

10                    ASSEMBLYWOMAN LUPARDO: Obviously a  
11 big passion -- for you, for me. It's  
12 something we would like to see ramped up.

13                    Do you think there would be some  
14 willingness to -- again, on the silo side of  
15 the conversation -- bring the two main  
16 agencies together to potentially address some  
17 of the bureaucratic difficulties that  
18 sometimes emerge when you have two agencies  
19 co-managing a program? I was hoping we could  
20 work out a way of perhaps streamlining some  
21 of the challenges people have told us about.  
22 And I'm sure you know what I'm talking about.

23                    COMMISSIONER BALL: Sure. We'd be  
24 very open to that. You know, bureaucracies

1           tend to be very much about process.  But  
2           we're trying to actually look at what we do  
3           at the Department of Agriculture in terms of  
4           how do we change somebody's life in New York  
5           every day for the better, not just continuing  
6           the process.

7                        So that's a challenge the Governor  
8           gives to all commissioners, I know, not just  
9           me, but that we actually move the ball  
10          forward.  We'd be happy to do that.

11                       ASSEMBLYWOMAN LUPARDO:  I have a  
12          little bit of time left.  I want to talk  
13          about industrial hemp.

14                       We have -- surprising -- we have an  
15          oversupply.  I think we may have issued a few  
16          too many permits, or people didn't have  
17          correct markets set up in advance.  The price  
18          has plummeted, people have a lot of material  
19          that they can't sell.  I think this  
20          underscores the need to get Empire State  
21          Development a little bit more in the loop.

22                       To that end, I see Grow-NY is a  
23          potential vehicle to have that conversation  
24          or, in some other place, to bring that group

1           together. Because I think some unwise  
2           decisions are being made or, on the other  
3           hand, funding is not being released because,  
4           again, the silo between Ag & Markets and SED  
5           may not have been there as well as it might  
6           have been at the beginning stages of what  
7           we've done.

8                     But now we've got farmers in crisis,  
9           products being held back, projects falling  
10          through. So I was just wondering if hemp  
11          industry might get in on the Grow-NY or if  
12          you have a vastly different plan for those  
13          funds.

14                    COMMISSIONER BALL: Well, I think this  
15          is an evolving issue, as you know. We  
16          have -- the market is very exciting, as you  
17          know, but it's in a rough patch right now, I  
18          think, without solid markets. So we had  
19          quite a lot of industrial hemp grown without  
20          a market, without a consumer, on speculation,  
21          which is challenging.

22                    We've had some regulatory uncertainty.  
23          We went from one version of regulation and  
24          licensing to another version of regulation

1 and licensing, and now we're looking at an  
2 interim final rule. And so we've had a  
3 moving target with regards to how we operate  
4 here.

5 But I think in New York State we have  
6 an excellent plan. In New York our pilot  
7 research program I think is correct. We've  
8 got a good hemp bill now to work from. I  
9 think we're setting up for the long haul,  
10 with the appropriate amount of research and  
11 dedication to the varieties we're going to  
12 need. So I think we're in a good place going  
13 forward.

14 I'm going to Washington tomorrow, I'll  
15 meet with FDA tomorrow, and I'll be back  
16 there a couple of weeks later to continue  
17 this conversation. We need USDA and FDA on  
18 the same page with us.

19 ASSEMBLYWOMAN LUPARDO: Thanks a lot.  
20 Thanks for your work.

21 COMMISSIONER BALL: Thank you.

22 CHAIRWOMAN WEINSTEIN: Thank you.

23 Senate?

24 CHAIRWOMAN KRUEGER: Senator Seward.

1                   SENATOR SEWARD: Thank you, Madam  
2                   Chair.

3                   And Commissioner and constituent, it's  
4                   good to see you once again.

5                   COMMISSIONER BALL: Good to see you,  
6                   neighbor.

7                   SENATOR SEWARD: I wanted to return to  
8                   a discussion on the State Fair and the  
9                   proposed additional five days of the fair.  
10                  And I'm sure you're aware by now of some of  
11                  the concerns of our county fairs where there  
12                  is overlap. I'm aware of Erie County  
13                  objecting. Over the weekend one of my local  
14                  counties, Delaware County, is very concerned  
15                  about the overlap.

16                  The overlap does complicate life for,  
17                  you know, the exhibitors, 4Hers and others.  
18                  Usually if they do well at the county fair,  
19                  they can go on to the State Fair, that type  
20                  of thing. As well as vendors and others that  
21                  are involved in the county fairs and also the  
22                  State Fair, which usually sort of rounds out  
23                  the season for us in terms of fairs in  
24                  New York State.

1                   Was there any consideration of this  
2                   overlap and what that would mean in  
3                   unintended consequences? And is there a way  
4                   that that can be mitigated in some way?

5                   COMMISSIONER BALL: Yes, thanks,  
6                   appreciate the question. And obviously  
7                   there's -- it generated some concern. But  
8                   yes, our director of the State Fair, Troy  
9                   Waffner, has already reached out to every one  
10                  of the county fairs that are affected here,  
11                  and to the vendors. And to the livestock  
12                  folks who are showing. They're actually  
13                  meeting together on Friday. We're going to  
14                  accommodate all their needs. If someone is a  
15                  vendor who typically has been, for example,  
16                  in two fairs, the county fair and the  
17                  State Fair, we're going to allow them -- save  
18                  them space and move them in. At the  
19                  appropriate time, we're going to let them  
20                  come in. Things like that.

21                  We're not rearranging livestock shows  
22                  so the children who are -- or young people  
23                  who are exhibiting at a county fair don't  
24                  have to stop and run off to the county fair



1 the activities of the department are now and  
2 will be in terms of helping to cultivate and  
3 enhance this -- I think it could be described  
4 as an emerging opportunity for us here in  
5 New York State.

6 COMMISSIONER BALL: Yeah, I think it  
7 still has a lot of excitement and a lot of  
8 potential. I don't think we've really  
9 touched it all yet, so I'm still optimistic  
10 about it.

11 But at the Department of Agriculture  
12 we're going to retain the licensing of  
13 growing industrial hemp in New York State.  
14 We'll stay in that role; that's what we do  
15 well and understand. When it comes to CBD  
16 and processing, that is going to be moving  
17 over to Department of Health, where it  
18 belongs, and eventually to the Office of  
19 Cannabis Management, which I think is the  
20 Governor's plan ultimately and I think a good  
21 one.

22 So we're going to retain our interest  
23 in the growers and the farming and the seed  
24 production and the research, et cetera, to

1 keep this crop viable. When you get to the  
2 health side of things and daily recommended  
3 allowances and that sort of thing, that  
4 rightfully belongs somewhere else.

5 SENATOR SEWARD: Thank you.

6 CHAIRWOMAN KRUEGER: Thank you.

7 Assembly.

8 CHAIRWOMAN WEINSTEIN: Assemblyman  
9 O'Donnell.

10 ASSEMBLYMAN O'DONNELL: Good  
11 afternoon, Commissioner. Very nice to meet  
12 you.

13 I'm going to confine my questions to  
14 the two areas of the budget that relate to  
15 where my committee is. The first has to do  
16 with Taste NY.

17 So I have to admit to you I was a  
18 great skeptic of that program, but I have to  
19 assure you that every time I drive here on  
20 the Taconic I stop there and get my ginger  
21 yogurt from the Old Chatham Shepherding  
22 Company. And I really like it. I really,  
23 really like it.

24 So there seems to be a limited cost to

1           it, though, right? The properties are  
2           generally owned by us. So is it profitable,  
3           Taste NY.

4           COMMISSIONER BALL: Yes. But it's a  
5           startup, of course. It's a marketing  
6           program. But last year I think we sold  
7           \$18 million worth of New York agricultural  
8           products from 1200 producers, roughly, around  
9           the state.

10          So it's working out really well. It's  
11          been an unqualified success in my book. You  
12          stopped at our number-one store, Todd Hill.  
13          Well-run, well-managed and, for the amount of  
14          square footage in that store, it amazes me  
15          how much product they move.

16          ASSEMBLYMAN O'DONNELL: Well, the  
17          people who work there are lovely. But that's  
18          the only real expense is employees, right?  
19          Other than electricity.

20          So who has control over the buildings?  
21          Is that you or is that somebody else?

22          COMMISSIONER BALL: It depends on the  
23          location. You know, we've got welcome  
24          centers as well around the state. Some are

1           operated through DOT, some are operated  
2           through other entities. But it depends on  
3           who's there.

4                     Our role in those stores and welcome  
5           centers is frankly getting the product there  
6           with the growers and getting someone to  
7           operate those facilities. Which has largely  
8           been done, so far, through Cornell  
9           Cooperative Extension.

10                    ASSEMBLYMAN O'DONNELL: So I'm  
11           concerned about moving that out of your  
12           jurisdiction. I mean, the economic  
13           development is the place where things are  
14           sent so we can no longer find out what goes  
15           on.

16                    And that's what my experience is, and  
17           I am troubled by the constantly moving things  
18           that are important that are working into  
19           someone else's pool so they get to play with  
20           the money, rather than the Legislature  
21           getting to do its job. That's just a  
22           commentary.

23                    The State Fair. I went a couple of  
24           years ago, I had a great time. I'd never

1           been there before. I mean, for a Long Island  
2           kid, the State Fair is kind of far away. I  
3           went for Gay Day. It was a lot of fun. They  
4           had a marching band and a parade.

5                     And all I want to say is I'm happy  
6           capital money is being put in. I think you  
7           need to get to work with the tourism folks  
8           because LGBT tourism is a billion-dollar  
9           industry.

10                    COMMISSIONER BALL: Billion, with a B?

11                    ASSEMBLYMAN O'DONNELL: Billion.

12           Okay? And so they like to show up at things.  
13           And so if you can really amp that up, you may  
14           actually get more people at the State Fair  
15           for whenever those events are. And I'd be  
16           more than happy to assist you with drag  
17           queens and other things should you need to do  
18           that to make Gay Day a more popular  
19           destination. Thank you.

20                    COMMISSIONER BALL: Thanks for the  
21           offer. Appreciate it.

22                    CHAIRWOMAN KRUEGER: Senator Ortt.

23                    SENATOR ORTT: Good afternoon,  
24           Commissioner.

1           Changing gears -- I only have five  
2 minutes, so I'm going to ask both my  
3 questions, and then I would just ask that you  
4 answer them in whatever order you would like.

5           One is -- and we've talked about this  
6 briefly in my office, but I would like to ask  
7 you and get your answer before the committee  
8 here on the record -- if you can provide just  
9 an update on the Wage Board, specifically,  
10 the component of the Farm Fair Labor Act last  
11 year, and where the department is with the  
12 rollout of that law. Because obviously  
13 there's a significant impact to the budgets  
14 of a lot of our farmers, as you well know.

15           And then the other question I had,  
16 under the Governor's proposed recreational  
17 marijuana plan, who would be able to grow --  
18 and, you know, there's always been a concern  
19 that if the state decided who it would be, it  
20 would be limited and that it would be  
21 basically replacing Big Tobacco with Big  
22 Corporate Marijuana, so to speak, and that  
23 there wouldn't be an opportunity for small  
24 family farms -- which make up the bulk of my

1 district -- to, you know, be able to be a  
2 part of whatever comes out of this process.

3 So if you could comment on that as  
4 well.

5 COMMISSIONER BALL: Sure. I'll tackle  
6 that one first since it's right in front of  
7 my mind.

8 Technically, who would be responsible  
9 for that would be initially Department of  
10 Health and then the Office of Cannabis  
11 Management, which is the ultimate end goal, I  
12 think, of the Governor.

13 So I'll just -- in talking about that,  
14 the Governor pulled together all of the  
15 agencies that had any piece, any interest in  
16 adult use marijuana, medical, however it was.  
17 So I'm talking, you know, the State Police,  
18 Ag & Markets, Health, but also the Office of  
19 Child and Family Services and Addiction. So  
20 there was quite a gang of us around the  
21 table.

22 And the charge to all of us was how  
23 to -- if New York was going to go down this  
24 route, let's make sure we think of every

1 perspective from every agency about how this  
2 would work properly. So having said that it  
3 would be the responsibility of the Department  
4 of Health and the responsibility of the  
5 Office of Cannabis Management, ultimately, we  
6 all will have input into how that happens,  
7 how that happens in the neighborhood.

8 And from my standpoint, making sure  
9 this is an opportunity for our growers, not  
10 just foreign growers or foreign suppliers,  
11 but for New York State growers, is going to  
12 be on the top of my list.

13 With regards to the Wage Board, that  
14 is up to the Commissioner of Labor to decide  
15 the third person on the Wage Board. In the  
16 current law as it stands, that happens very  
17 soon, in March. We talk daily. It is her  
18 decision. We have great input there, we have  
19 a great conversation, and getting this right  
20 is important to her, it's important to me,  
21 it's important to the Governor's office as  
22 well.

23 So I really don't know the answer. I  
24 can't give you an answer today about the

1 Wage Board except to say that it's of great  
2 sensitivity to the grower community and to  
3 us.

4 SENATOR ORTT: Do you see it -- is it  
5 on-track to make a determination in March?

6 COMMISSIONER BALL: I'm very satisfied  
7 with the conversations that we're having at  
8 this point.

9 SENATOR ORTT: And so on the other  
10 question on the -- so obviously I guess my  
11 take-away, though, is that as of right now,  
12 we don't have the final details on who would  
13 be able to be growing or not growing -- we  
14 don't have those specifics, is that a  
15 fair --

16 COMMISSIONER BALL: That's correct,  
17 yes.

18 SENATOR ORTT: Okay. Thank you very  
19 much, Commissioner.

20 COMMISSIONER BALL: Thank you.

21 CHAIRWOMAN KRUEGER: Assembly.

22 CHAIRWOMAN WEINSTEIN: Assemblywoman  
23 Woerner.

24 ASSEMBLYWOMAN WOERNER: Thank you.

1                   Commissioner, always a pleasure to see  
2                   you.

3                   COMMISSIONER BALL: Great to see you,  
4                   thank you.

5                   ASSEMBLYWOMAN WOERNER: I have a  
6                   number of questions. I'll go through them  
7                   one at a time, though.

8                   The first one is related to farmland  
9                   conservation, I notice that there's a slight  
10                  decrease in the amount of money allocated to  
11                  farmland conservation. And I'm just curious  
12                  in terms of is there -- it was such a small  
13                  decrease that I'm just curious whether that's  
14                  a sign that you're seeing less of a demand  
15                  for farmland conservation or it was a  
16                  budget-balancing activity.

17                  COMMISSIONER BALL: Yeah, there's not  
18                  less demand at all.

19                  And I think -- I don't see this as a  
20                  retreat. Please don't see that as a retreat  
21                  either. We actually had substantial  
22                  increases last year. We've consistently been  
23                  at this level. I'm confident we'll stay in  
24                  this neighborhood. We've got some

1 reappropriations that I'm comfortable with.

2           And if you look back -- lift a layer  
3 up, the Dairy Transitions Program was, you  
4 know, a great addition to farmland  
5 preservation. We put out \$30 million and  
6 then put out a second round. And we also  
7 added an additional non-dairy round for other  
8 farms that were affected by trade, the  
9 economy, debt, things of that nature, to open  
10 it up to a broader audience, \$14 million.

11           So I think we still take farmland  
12 preservation very seriously in New York  
13 State.

14           ASSEMBLYWOMAN WOERNER: Okay, thank  
15 you.

16           When we were here in October or  
17 November for the budget oversight hearing,  
18 the Cornell veterinarian highlighted that  
19 Salmonella Dublin is still a critical threat  
20 to the dairy herds. And I notice that in the  
21 Executive Budget Salmonella Dublin is not  
22 included in what the Executive Budget funds.

23           Again, is that -- is the state's  
24 veterinarian in concurrence with Cornell's

1           veterinarian that we do need to fund the  
2           Salmonella Dublin work, or is there some  
3           disagreement about that?

4                    COMMISSIONER BALL:  No, we're going to  
5           need your help on that one.  That's a  
6           critically important issue from my  
7           perspective.  I think we did well with the  
8           Executive Budget to get everything funded  
9           that we did, but we're going to need some  
10          help from the Assembly and the Senate to get  
11          everything across the finish line.  It is a  
12          partnership and a process, and, you know,  
13          it's a great point.

14                   That diagnostic lab at Cornell is one  
15          of the best in the country, and Dr. Elvinger  
16          works very closely with Dr. Smith.  And  
17          they're both, in my estimation, the top two.

18                   ASSEMBLYWOMAN WOERNER:  Great, thank  
19          you.

20                   I notice that the Taste of NY funding,  
21          which last year was 1.1 million, and the  
22          agriculture economic development promotion  
23          dollars, which were I think a million dollars  
24          last year, those two line items appear to

1           have been combined into a single  
2           appropriation for agriculture promotion. Is  
3           that -- am I correct in understanding that?

4                   COMMISSIONER BALL: I don't think so.  
5           Am I missing something? Did we just  
6           simply -- we had some funding for Taste, for  
7           example, at ESD last year. We had 1.1 on our  
8           line. That's been moved to ESD. They have  
9           the wallet, and that made sense, they're  
10          still the funder.

11                   ASSEMBLYWOMAN WOERNER: Okay. So  
12          we're then increasing the appropriation for  
13          promotion?

14                   COMMISSIONER BALL: For Grow-NY?

15                   ASSEMBLYWOMAN WOERNER: Well, I'm  
16          looking at the one that says services and  
17          expenses of programs to promote agriculture  
18          economic development.

19                   COMMISSIONER BALL: Okay. That's  
20          Grow-NY.

21                   ASSEMBLYWOMAN WOERNER: Okay.

22                   COMMISSIONER BALL: So Grow-NY is a  
23          fund that we've been managing for many years  
24          that helps in off-cycles between budgets. We



1           what's -- tractor rollover has -- is not  
2           there, but now we have on-farm health and  
3           safety programs. Can you tell me what you  
4           envision there?

5                    COMMISSIONER BALL: Yeah, it's just a  
6           bigger scope right there. That's NYCAM. We  
7           work particularly closely with NYCAM, they're  
8           the leaders in the country, as far as I'm  
9           concerned, in on-farm health and training for  
10          farmers, training for farmworkers, fitting of  
11          respirators and the rollover project is under  
12          there. We're just making it a bigger  
13          program.

14                   ASSEMBLYWOMAN WOERNER: Okay. Great,  
15          thank you so much.

16                   COMMISSIONER BALL: Oh, gosh, thank  
17          you.

18                   CHAIRWOMAN WEINSTEIN: Senate?

19                   CHAIRWOMAN KRUEGER: Thank you.

20                   Hi, Commissioner. Just a couple of  
21          questions.

22                   So I like the State Fair also. I had  
23          a great time this summer. Will you please  
24          stop telling those children they can get the

1 pigs to go in a straight line? It doesn't  
2 matter how many hours they try to get them in  
3 a straight line, they're just not going to do  
4 it.

5 (Laughter.)

6 CHAIRWOMAN KRUEGER: It was quite  
7 amusing to me to watch that.

8 But that wasn't my really serious  
9 question. So we know that we are a state of  
10 small family farms and we have been losing  
11 them over the years. Are we steady now, are  
12 we continuing to lose? Are we actually  
13 seeing anyone new coming into farming? Where  
14 is the future going?

15 COMMISSIONER BALL: If you look at the  
16 national ag statistics numbers, I don't think  
17 there's anything that leapt off the page at  
18 me that we didn't see coming. We know that  
19 farms tend to be getting a little bit larger  
20 in size. We know that many -- actually,  
21 statistically, about 23 percent of our farms  
22 do not have a next generation identified on  
23 the farm.

24 And we further know that with regards

1 to the recent trade challenges between the  
2 United States and our foreign consumers --  
3 China and Mexico, Canada and European Union,  
4 to name a few specifics -- we lost 3,000  
5 dairy farms in the U.S. in 2018 because of  
6 those trade issues, period.

7 So we're seeing some right-sizing, I  
8 think. We have -- that's a challenge. On  
9 the other hand, I see a huge interest in  
10 agriculture. I've been able to speak to  
11 groups at SUNY Cobleskill and SUNY  
12 Morrisville and Cornell. The number of young  
13 people interested in agriculture is amazing.

14 And I was talking this morning with a  
15 group. You know, 1 percent of us are engaged  
16 in production agriculture in the country. In  
17 New York, 1 percent of us feed the other  
18 99 percent. But if you think about the food  
19 system, we think a little bigger. We think  
20 about logistics, transportation, food safety,  
21 blockchain technology, drone technology.  
22 Then suddenly we're talking about 23 percent  
23 of the jobs in the country. Suddenly you're  
24 talking about 43 million people that work in

1 the food system. And suddenly we're not a  
2 minority. Suddenly we're thinking a little  
3 bit differently.

4 So I think identifying, in my mind, as  
5 I get around farms in the state, I see we  
6 don't have enough workers on the farms. I  
7 see we don't have enough middle management,  
8 enough senior management, enough young  
9 ownership in our food and beverage processing  
10 industries, dairy plants. We need more  
11 skills. So I think our challenge really,  
12 then, is to connect career paths in the food  
13 system to not just college kids, where we do  
14 a great job of educating them when we get  
15 them to Cornell or our land grant system, but  
16 in junior high school, grade school,  
17 connecting the dots towards a defined career  
18 path that will bring you to an opportunity.

19 So having said all of that, I'm  
20 excited about the number of small farms. I  
21 see that growing. I'm excited about the  
22 number of women on farms. And frankly,  
23 that's only because nationally they figured  
24 out how to count women. They have been on

1 farms, but now we're getting credit for that.

2 I see the number of Hispanic farmers  
3 growing. One I'm very concerned about and we  
4 highlighted it in the Governor's State of the  
5 State and budget, is minorities on farms,  
6 particularly black farmers. And so we're  
7 going to put together a workgroup to increase  
8 the diversity and the opportunities for them  
9 to be involved in agriculture. We have  
10 nationally, unfortunately, a checkered past  
11 with regards to federal programs that have  
12 actually worked to their detriment. But  
13 we've already been listening, we've already  
14 had several meetings with farmers in those  
15 categories, and I'm excited about working  
16 together. And we will probably reach out to  
17 you for some help.

18 CHAIRWOMAN KRUEGER: Thank you.

19 So I was reading a report that said  
20 that because of the trade policies of the  
21 Trump administration, there had been real  
22 harm done to farms, but that programs of the  
23 USDA that apparently didn't even go through  
24 Congress doubled the amount that American

1 farms were getting compared to what they've  
2 lost. So they were getting two for one from  
3 the federal government for dollars they lost  
4 in being able to sell because of our foreign  
5 trade policies.

6 Are we seeing any of those wins in  
7 New York? Even though personally that's not  
8 how I would like to see agriculture economics  
9 growing, with non-proven, non even perhaps  
10 legal federal subsidy programs. Are we  
11 getting our share of what apparently  
12 Washington is currently handing out all over  
13 the place?

14 COMMISSIONER BALL: I'm going to give  
15 a thoughtful answer, I hope. No, we're not  
16 getting our share.

17 And I would say frankly, from the  
18 New York growers' standpoint, and I suspect  
19 nationally, farmers would much rather have a  
20 customer than a subsidy from taxpayers --

21 CHAIRWOMAN KRUEGER: I agree.

22 COMMISSIONER BALL: -- because they  
23 lost a customer.

24 So particularly with regards to us in

1 New York, Canada and Mexico, Mexico buys  
2 25 percent of our dairy exports and Canada is  
3 our biggest trading partner. And China  
4 occupies the headlines in all of this because  
5 they're so large. But for us in New York,  
6 what we do in trade with Canada and Mexico  
7 dwarfs what we do with China.

8 So building a relationship with  
9 another country, with a buyer in another  
10 country, takes many years in just that, the  
11 building of a relationship. And when it's  
12 severed, many times it's hard to put that  
13 back together again because they find other  
14 sources, and so you're cultivating  
15 relationships and beginning anew.

16 We would much rather have the  
17 customers than the small amount of trade  
18 mitigation money. By and large the largest  
19 portion of the trade mitigation money --  
20 we've seen two rounds, they're talking about  
21 a third round -- went to five states in the  
22 Midwest, largely to commodity crops.

23 We saw some in dairy here, and it was  
24 helpful. But at a time when they were losing

1 a dollar a hundredweight because of the trade  
2 challenges, they were getting back about  
3 11 cents. So clearly, much better to have  
4 the customer than have a small amount of  
5 return.

6 So this is something that's ongoing,  
7 and I think being able to be involved and  
8 represent New York State at the tri-national  
9 accord, since I've been commissioner, where  
10 those conversations happen about ironing out  
11 so-called irritants between the countries --  
12 tariffs, et cetera -- I feel like the new  
13 USMCA program is a step forward for  
14 agriculture and fixes some of the challenges  
15 that NAFTA had for us in agriculture. So I  
16 think optimistically, with that regard,  
17 agriculture, in mind, I think that's a step  
18 forward. The sooner it gets ratified and  
19 implemented and we get rid of those tariffs,  
20 the better off we're going to be.

21 CHAIRWOMAN KRUEGER: Thank you.

22 Assembly?

23 CHAIRWOMAN WEINSTEIN: Assemblywoman  
24 Glick.

1 COMMISSIONER BALL: Hi.

2 ASSEMBLYWOMAN GLICK: Hi,

3 Commissioner.

4 COMMISSIONER BALL: Great to see you.

5 ASSEMBLYWOMAN GLICK: Good to see you.

6 I think you said that there are some  
7 areas in which we're seeing some new forms  
8 coming on board. Are they in a particular  
9 sector? Are they doing more vegetables  
10 rather than dairy, or is there a mix?

11 COMMISSIONER BALL: I think dairy is  
12 in a rightsizing. We are seeing, you know, a  
13 lot of farmers exit because of the impact of  
14 four very difficult years for them, and  
15 perhaps not another generation there. But  
16 there's still optimism in dairy, there's  
17 still young people starting out in dairy.

18 But I think the largest growth we've  
19 seen is in small farms and vegetables, small  
20 fruits, the farm-to-table movement, the  
21 growth of CSAs, farmer markets, those kinds  
22 of things. It's a sober market, it's a  
23 mature market, but there's optimism there.  
24 And we're seeing innovative niche marketing

1           happening in a lot of places.

2                   ASSEMBLYWOMAN GLICK: Green markets in  
3           New York City, is that a program that the  
4           department interfaces with the city on, and  
5           is there expansion? Ten years ago we had one  
6           big market; now we've got, in my district,  
7           three. The biggest one is actually there  
8           Monday, Wednesday, Friday and Saturday;  
9           that's at Union Square. That's the biggest  
10          one. But we now have one down in Tribeca on  
11          the weekend and one in the West Village on  
12          the weekend, and I think there's a small one  
13          by City Hall, which is also in my district,  
14          during the week.

15                   So I'm just wondering, is that  
16          something that either Taste of NY or Grow is  
17          interfacing with to help the city figure out  
18          who they can connect with to expand the  
19          offerings at these markets?

20                   COMMISSIONER BALL: Yeah, that's been  
21          a -- you know, we've got more farmers'  
22          markets in New York than anywhere in the  
23          country. So that's not going to change, I  
24          don't think. It's going to adjust itself a

1           little bit, but I think we have over 150 in  
2           New York City.

3                        So we work very closely with GrowNYC;  
4           they're the largest manager of farmers'  
5           markets in New York City. There are other  
6           groups that manage farmers' markets there.  
7           But I see that as a very direct-to-consumer,  
8           exciting -- it's very good for those growers,  
9           who are largely not really large growers but,  
10          you know, family farms doing a good job  
11          there.

12                       Grown & Certified I think is a way to  
13          highlight, you know, what they're doing and  
14          add more clarity to that. At the same time  
15          we're seeing growth in aggregators, not just  
16          CSAs, not just farmers' markets. We're  
17          seeing growth in food boxes, people  
18          interested in -- this is a particular  
19          interest of ours at the Department of Health,  
20          Department of Agriculture, is we have  
21          neighborhoods that don't have farmers'  
22          markets or even grocery stores -- South  
23          Bronx, for example. Ironically, home to the  
24          Hunts Point market, the biggest terminal

1 market in the world. But people there don't  
2 have access to all the things that we grow.

3 So we're actually putting a shovel in  
4 the ground this spring on a 120,000-square-  
5 foot food hub in the South Bronx, to be that  
6 place where New York product can be  
7 distributed through food boxes with GrowNYC's  
8 help, and get to some of those other  
9 neighborhoods.

10 As you know, every borough in New York  
11 is bigger than any city we have upstate. And  
12 so figuring out how to distribute the food,  
13 get it to the people who want it -- the good  
14 news is that there's more interest in  
15 New York food today. The Grown &  
16 Certified program is highlighting good things  
17 about New York agriculture, and people want  
18 to find it. And so I think we're driving  
19 people to those markets.

20 So this past December, I was in  
21 New York City at the Javits Center. I cut  
22 the ribbon on the largest -- second-largest  
23 produce show in the country. We had the  
24 biggest presence of buyers from all over the

1 world and the biggest presence of growers  
2 from New York ever. And -- so there's not  
3 just one avenue for this, there's many  
4 avenues. But I see it growing.

5 ASSEMBLYWOMAN GLICK: Just quickly,  
6 there continues to be the concern, obviously,  
7 of having to deal with pests and therefore  
8 pesticides, but also the damage to the bee  
9 and pollinator. What's the position of the  
10 department on how those are balanced? There  
11 are some types of pesticides that seem to be  
12 disrupting pollinators more than others.

13 COMMISSIONER BALL: I got a chance as  
14 commissioner to go to Washington a few years  
15 ago, for my first trip there, and I met with  
16 EPA and I met with the administration at that  
17 time about pollinator plans and how we  
18 correctly deal with the challenge in  
19 pollinators that the whole country and the  
20 whole world is seeing. And came back and  
21 talked to the commissioner at DEC, and  
22 together we cochaired a pollinator workgroup,  
23 because we wanted to dive into this.

24 There was a lot of knee-jerk reactions

1 to the challenges of pollinators -- you know,  
2 ban this, ban that, stop doing this, stop  
3 doing that. But we actually assembled quite  
4 a group of people from all the communities,  
5 environmental groups, grower groups, and  
6 decided that in New York we would dive into  
7 this problem in a big way. We created a  
8 pollinator task force, we created a  
9 pollinator plan for New York State, what's  
10 going on in New York State.

11 So half a million dollars from  
12 New York State went to -- through us --  
13 300,000 to Cornell to establish a tech team  
14 to actually dive into what is the issue. We  
15 know we have forage issues, we know we have  
16 pesticide issues, we know we have insect  
17 virus stress, climate change issues. What is  
18 it that's going on here?

19 And they're doing great work, we've  
20 learned great things. And we've been able to  
21 identify -- it's not as simple as banning a  
22 particular pesticide -- as a matter of fact,  
23 I would say very calmly and with great  
24 confidence that public enemy number one for

1 pollinators is the Varroa mite, which is  
2 growing like crazy.

3 CHAIRWOMAN WEINSTEIN: Thank you.

4 CHAIRWOMAN KRUEGER: Assembly.

5 CHAIRWOMAN WEINSTEIN: We have  
6 Assemblyman Jones.

7 ASSEMBLYMAN JONES: Commissioner, how  
8 are you.

9 COMMISSIONER BALL: Assemblyman, good  
10 to see you.

11 ASSEMBLYMAN JONES: Good to see you  
12 again. I'm sure it's good to see me as well,  
13 yes.

14 (Laughter.)

15 ASSEMBLYMAN JONES: He says that with  
16 a little bit of a smirk, but we're actually  
17 very good friends, and I thank you for  
18 everything that you've done for the farming  
19 industry.

20 A few things as regarding the budget,  
21 some things that weren't in there. And I'm  
22 going to go in particular with our dairy  
23 farmers. And I'm going to make a statement,  
24 and I want you to elaborate on what is in

1           this budget in particular to help our dairy  
2           farmers. Because for reasons that you've  
3           stated, and we've all stated in the past,  
4           they're really suffering right now. We have  
5           this new farm labor bill that's putting the  
6           crunch on more and more of our dairy farmers,  
7           our farmers all over, but in particular dairy  
8           as well.

9                     What do you see here in the budget  
10           that will be of a benefit to our dairy  
11           farmers? I know we've talked about the USMCA  
12           agreement, and although that's an encouraging  
13           sign for our dairy industry, I think everyone  
14           can agree that it's not going to be a total  
15           fix-all.

16                    Also, there are other areas we're  
17           talking about. Even in our own state we're  
18           not expanding markets for milk and dairy  
19           products. When we talk about flavored bans  
20           in New York City and other areas of the  
21           state, I honestly can't understand that, but  
22           that's another issue that I would ask your  
23           department to help us out with as well.

24                    But what do you see in this budget,

1 moving forward, in particular that helps our  
2 dairy farmers and helps the dairy industry?

3 COMMISSIONER BALL: Well, thanks for  
4 that question. That's a big question, of  
5 course. That's more than a five-minute job,  
6 but I'll do my best.

7 First of all, with USMCA, we are  
8 fixing the Class 6/Class 7 challenge with  
9 Canada. That's going to enable dry powder to  
10 be sold fairly around the world, and  
11 currently they've been undercutting us in a  
12 very difficult way. Probably Class 6/Class 7  
13 pricing instituted by Canada a few years ago  
14 affected probably \$60 million of milk, over  
15 300 trailerloads that went in that direction,  
16 which is not going there now. So that's big.

17 A couple of things. As you know, we  
18 have a Milk Marketing Advisory Council. It's  
19 our dairy cooperatives, Cornell University  
20 with their dairy economists, dairy farmers.  
21 And we're in the same room, and we throw all  
22 these issues out and say what can we do.

23 A couple of things we're focusing on.  
24 One is Farm to School and school milk. In

1 the budget, you know, we have the No Student  
2 Goes Hungry program, the Farm to School  
3 programs. But we officially recognize, this  
4 year, NY Thursdays. We started this program  
5 in New York City school food, 1200 schools in  
6 New York City, where we celebrate what's on  
7 the plate from New York.

8           And so we're pulling together a group,  
9 very successful, every Thursday they  
10 celebrate New York -- obviously, the question  
11 is why not Friday, why not Monday, why not  
12 Tuesday. But we're taking this around the  
13 state, pulling together a group to look at  
14 projects that will increase the share of  
15 New York products, particularly dairy, in our  
16 schools.

17           We're going to put a pilot program out  
18 about getting rid of the half-pints that you  
19 and I grew up with -- very little imagination  
20 in the creation of that half-pint; looks  
21 pretty much the same as it did when we were  
22 in school -- and looking at bulk milk  
23 dispensers, keeping it colder, keeping it  
24 fresher, saving money for the schools, things

1           like that.

2                       So school milk and getting more school  
3           milk, not less school milk. We've seen a  
4           decline in fluid milk consumption. So I  
5           think that's, you know, something we're going  
6           to continue to look at.

7                       We still continue to work with Empire  
8           State Development on our processing plants.  
9           We're doing a good job with cheese, we're  
10          doing a good job with yogurt, we're doing a  
11          good job with cottage cheese, et cetera. So  
12          as our plants age in New York, we need to  
13          continue to upgrade them, keep them  
14          competitive. So those are things we look at  
15          with both the Dairy Promotion Order Board and  
16          our partners at Empire State Development, and  
17          we've been able to put \$50 million into dairy  
18          plants in the last two years.

19                      ASSEMBLYMAN JONES: I would -- I have  
20           to put a plug in for a few programs that I  
21           didn't see in the budget.

22                      COMMISSIONER BALL: Okay.

23                      ASSEMBLYMAN JONES: One, the Northern  
24           New York Agricultural Development Program,

1 helps farmers, helps all farmers and dairy  
2 farmers as well, with the best land  
3 practices, helps them operate in the most  
4 efficient manner possible now. So I have to  
5 put in a plug for that program.

6 COMMISSIONER BALL: Great program.

7 ASSEMBLYMAN JONES: And I will say,  
8 going back to the flavored milk ban, I think  
9 I can name 1,000 things right now that are  
10 worse for our children than flavored milk. I  
11 cannot see that that is a good thing. It's  
12 certainly not a good thing for the dairy  
13 industry. And chocolate milk actually is  
14 good for our kids. Thank you.

15 CHAIRWOMAN WEINSTEIN: Senate?

16 CHAIRWOMAN KRUEGER: Thank you.

17 We have one additional Senator,  
18 Senator Ritchie, who showed up just in time  
19 to ask you a question, Commissioner Ball.

20 COMMISSIONER BALL: Senator.

21 SENATOR RITCHIE: Good afternoon,  
22 Commissioner.

23 I just wanted to follow up on  
24 Assemblyman Jones's question on Northern

1 New York Ag Development. That and Harvest NY  
2 are two programs that have really helped the  
3 North Country and two programs that were not  
4 funded. So I'm just wondering, in the final  
5 hours, if you and your department will be  
6 looking for some kind of regional balance to  
7 make sure, at a time when our farmers are  
8 just hanging on, to make sure those programs  
9 like Northern New York Ag Development and  
10 Harvest NY are somehow included in the final  
11 budget.

12 COMMISSIONER BALL: You bet. Let's  
13 continue that conversation. Look forward to  
14 working with both of you to get those in  
15 there, absolutely. Good programs.

16 SENATOR RITCHIE: Thank you.

17 CHAIRWOMAN KRUEGER: Thank you.  
18 Assemblymember.

19 CHAIRWOMAN WEINSTEIN: Assemblyman  
20 Palmesano.

21 ASSEMBLYMAN PALMESANO: Thank you,  
22 Commissioner, for being here. Sorry, I  
23 didn't mean to startle you.

24 A number of us have cited a lot of

1 concerns with the Farm Labor Act that was  
2 passed last year, the impact it's going to  
3 have on our agricultural community,  
4 especially those of us who represent rural  
5 upstate areas. I know it's still kind of  
6 early, but are you getting any initial  
7 feedback with the 60 hours overtime and the  
8 impact that's already having on our  
9 agricultural community whatsoever?

10 COMMISSIONER BALL: We had, as you  
11 know, as this was being contemplated in the  
12 last session, I think we saw a tremendous  
13 effort by the entire agricultural community.  
14 They pulled themselves together, the veg  
15 growers, the fruit growers, dairy farmers,  
16 Farm Bureau, into Grow-NY.

17 They lobbied all of you, and we spent  
18 a lot of time together. And I think they got  
19 comfortable with the notion of an overtime at  
20 60 hours, they got comfortable with the idea  
21 of some of the other issues that were coming  
22 forward in that bill. They're uncomfortable  
23 with some of the last-minute changes to the  
24 bill and some of the language issues. But by

1 and large I think the industry benefited from  
2 coming together and having those real  
3 conversations with all of you.

4 We continue to have conversations with  
5 the Department of Labor and the Governor's  
6 office and the industry. I'm encouraged that  
7 we're going to get the details of this  
8 correct.

9 ASSEMBLYMAN PALMESANO: I was  
10 encouraged you're saying that you have  
11 consistent input with the Department of Labor  
12 commissioner relative to the Farm Labor Wage  
13 Board. Do you expect that to continue as we  
14 move forward in more of an official -- will  
15 they have hearings, as far as the department  
16 actually testifying, or will it be more just  
17 a consulting with them along the way?

18 COMMISSIONER BALL: I think we've  
19 cultivated an excellent relationship there,  
20 and I just can't see in the crystal ball, you  
21 know, what the exact details are going to be  
22 like, but I know that our opinions are  
23 welcome and we're going to continue to work  
24 towards getting this right.

1                   ASSEMBLYMAN PALMESANO: Commissioner,  
2                   as you know, agriculture is the number-one  
3                   industry in our state. Ninety-eight percent  
4                   of the farms in New York State are  
5                   family-owned farms. Over the past five  
6                   years, we lost 20 percent of our dairy farms.  
7                   Farm labor costs as a percentage of that  
8                   farming continues to be a very big challenge  
9                   for our agriculture community.

10                   Even prior -- before passing the  
11                   minimum wage bill several years ago, farm  
12                   labor costs as a percentage of net farm  
13                   income in the country was 36 percent, but in  
14                   New York State it was 63 percent. And we've  
15                   continued to see net farm income decline as  
16                   farm labor costs rise and then with the  
17                   legislation we passed.

18                   Obviously -- you have to agree that  
19                   obviously New York State is at a very  
20                   competitive disadvantage to our neighboring  
21                   states who don't have the regulations and  
22                   challenges that we have. And when you throw  
23                   into play the property tax burden, especially  
24                   the proposal the Governor has made this year,

1 in his budget this year, which would look to  
2 shift Medicaid costs to counties and lifting  
3 that cap, which would be a devastating burden  
4 to our agricultural community, to our  
5 farmers, as property taxes are a very high  
6 cost to our agricultural community -- as my  
7 colleague mentioned, what do you see bold --  
8 is there anything bold coming from the  
9 administration, from the Governor that's  
10 going to help our agricultural community?  
11 Because all's I see is things that continue  
12 to hurt our agriculture industry.

13 And I know many of my colleagues are  
14 very supportive of this, I get it. The only  
15 thing I want to just reiterate, with no  
16 farms --

17 COMMISSIONER BALL: No food.

18 ASSEMBLYMAN PALMESANO: -- there's no  
19 farm labor. With no farms, there's no food.  
20 And I just wish we could be really cognizant  
21 of that and see some more bold policies,  
22 because I am concerned with what's happened  
23 over the past few years.

24 And, again, the Governor's proposal on

1 the Medicaid issue that will lift that cap  
2 and shift that cost directly to counties,  
3 which is going to be borne by the property  
4 tax burden, which will be devastating to the  
5 agricultural community and our farmers as  
6 well, our family farmers, 98 percent of which  
7 are family-owned farms.

8 I just wonder if you have any comments  
9 on that.

10 COMMISSIONER BALL: Well, obviously I  
11 live in a rural community, and so rural  
12 development is a personal issue for us.  
13 Agriculture occupies all the space in rural  
14 communities, so.

15 I understand your concerns. I can't  
16 speak too directly to the Medicaid issues,  
17 other than there is a need for the local  
18 people to be involved in the whole process,  
19 not just the state. So I think that's the  
20 effort and the point of the Governor's  
21 Medicaid re-look there.

22 With regards to the agricultural  
23 industry, I think, you know, our job is to  
24 look at connecting the dots. You know, we



1           you won't get follow-up questions from every  
2           member here, and you'll be happy to answer  
3           them, I'm sure.

4                     I'm going to call up together, as a  
5           panel, the New York State Public Service  
6           Commission, Chair John Rhodes, and NYSERDA,  
7           Alicia Barton, president and CEO, because  
8           we've decided that the kinds of questions  
9           that will be asked pretty much go to both of  
10          you, and that way you will each be able to  
11          testify and then, when questions come at you,  
12          you'll figure out who's the best person to  
13          answer.

14                     (Discussion off the record.)

15                     CHAIRWOMAN KRUEGER: Good afternoon.

16                     Since we called you up as a panel, you  
17          can flip a coin to decide which of you wishes  
18          to testify first.

19                     PSC CHAIR RHODES: Do you want to go?

20                     NYSERDA PRESIDENT BARTON: Sure, I'd  
21          be happy to.

22                     CHAIRWOMAN KRUEGER: Okay. Make sure  
23          that the microphone is turned on, and get it  
24          as close as you can. Because unfortunately

1 the microphone system sort of fades in and  
2 out in here, so sometimes we're having  
3 trouble understanding the people -- and  
4 sometimes people are having trouble  
5 understanding us. So we're doing our best  
6 with trying to adjust it.

7 NYSERDA PRESIDENT BARTON: How do I  
8 sound?

9 CHAIRWOMAN KRUEGER: I think that's  
10 good. Great.

11 NYSERDA PRESIDENT BARTON: Let me know  
12 if I need to adjust.

13 And -- well, good afternoon, Chair  
14 Krueger, Chair Weinstein, all the members of  
15 the committees. Thank you for the  
16 opportunity to be here today. And I know  
17 you're focused on keeping opening remarks  
18 brief, and I'll be sure to do that.

19 Again, I'm Alicia Barton, president  
20 and CEO of NYSERDA, and I look forward to  
21 continuing to work with the Legislature on  
22 the many critical climate and energy issues  
23 facing our state and nation.

24 Governor Cuomo's unprecedented

1           commitment to fighting climate change has  
2           fundamentally reshaped how we think about the  
3           climate crisis in New York. We have set our  
4           sights on long-term targets to decarbonize  
5           our economy, coupled with immediate actions  
6           to tackle climate change and grow a clean  
7           energy economy.

8                         The Executive Budget will continue  
9           New York's record as the most aggressive  
10          climate leader in the nation through a  
11          \$33 billion, five-year plan to tackle climate  
12          change head-on. As you know, the Climate  
13          Leadership and Community Protection Act is  
14          now our law of the land, and it sets the  
15          standard for other states to follow. The act  
16          codifies Governor Cuomo's nation-leading  
17          targets, including a major ramp-up of  
18          renewable energy and a mandate to  
19          dramatically reduce emissions.

20                        Thank you for your partnership in  
21          putting New York on this path, which will  
22          drive continued investment and clean energy  
23          and ensure that the benefits of clean energy  
24          accrue to disadvantaged communities, create

1           tens of thousands of new jobs, improve public  
2           health and the environment, and attract  
3           billions of dollars in private investment.

4                        NYSERDA is already rapidly advancing  
5           the pathways that will grow our clean energy  
6           economy in every region of the state. For  
7           example, critical to achieving our 70 percent  
8           renewable energy goal is the development of  
9           9,000 megawatts of offshore wind, which will  
10          generate clean energy while creating a  
11          once-in-a-generation new industry that will  
12          generate economic benefits throughout the  
13          state.

14                      Our work took a giant step forward  
15          last year with the announcement of NYSERDA's  
16          first offshore wind awards that will generate  
17          nearly 1700 megawatts of clean renewable  
18          electricity and represent the nation's  
19          largest offshore wind awards to date. During  
20          this year's State of the State address,  
21          Governor Cuomo announced that NYSERDA will  
22          issue its second solicitation for offshore  
23          wind in 2020, which is expected to yield an  
24          additional 1,000 megawatts of clean power.

1                   On land, NYSERDA's work to advance  
2                   New York's renewable energy market continues  
3                   to grow, with over 2700 megawatts of solar,  
4                   wind and storage installed since 2011 and  
5                   more than 6,000 megawatts contracted and  
6                   under development. The Governor recently  
7                   announced that NYSERDA has selected an  
8                   additional 21 large-scale renewable projects  
9                   for contracts, which will create over 2,000  
10                  short- and long-term jobs.

11                  In total, NYSERDA has now awarded  
12                  contracts to 67 land-based wind and solar  
13                  projects, creating \$9.5 billion in direct  
14                  investment all over the state. Through pilot  
15                  and host community agreements, these projects  
16                  will also directly benefit host communities  
17                  upstate and downstate.

18                  But we also acknowledge that we must  
19                  accelerate our progress towards getting these  
20                  projects built. As the Governor stated in  
21                  his 2021 budget address, we can and will do  
22                  better when it comes to construction  
23                  timelines for renewable energy projects. We  
24                  are committed to not only setting goals but

1 to actually achieving them and achieving them  
2 faster than any other state.

3 We have made great progress on  
4 distributed solar. Our NY-Sun program has  
5 made New York a national leader, and 2019 was  
6 our most productive year yet. We are well on  
7 our way to achieving our target of  
8 6,000 megawatts, and we recently crossed the  
9 2,000-megawatt mark for installed projects.  
10 Since 2011, NY-Sun has spurred incredible  
11 growth while cutting the costs of solar in  
12 half, leveraging \$4 billion in private  
13 investment, and creating nearly 12,000 jobs.

14 We are similarly proud of our work to  
15 support the increased deployment of energy  
16 efficiency and clean heating and cooling  
17 solutions, and NYSERDA plans to invest  
18 approximately \$200 million to complement  
19 utility incentive programs and create a  
20 statewide clean heating and cooling market  
21 framework. This initiative will save  
22 consumers more than \$13 billion on energy  
23 bills and reduce 3 million metric tons of  
24 carbon pollution. We will also commit to an

1 additional \$30 million for heat pumps for  
2 low- and moderate-income New Yorkers to help  
3 ensure healthy and affordable energy  
4 solutions for those New Yorkers.

5 Finally, we must continue to address  
6 emissions from the transportation sector,  
7 which is the largest producer of greenhouse  
8 gas emissions in our state. In the State of  
9 the State, the Governor announced that we  
10 will convene a blue ribbon task force to grow  
11 the electric vehicle sector. This will  
12 complement NYSERDA's Drive Clean rebate  
13 program and the state's Charge Ready program  
14 as critical components to transform our  
15 transportation sector.

16 So as you can see, clean energy is  
17 already increasing on a rapid trajectory  
18 across our state. The Executive Budget  
19 recommends up to \$22.7 million for NYSERDA to  
20 support critical research and development and  
21 new clean energy businesses. This funding  
22 also supports the state's energy planning  
23 functions, such as the state greenhouse gas  
24 inventory and other purposes authorized in

1 the enabling legislation.

2 In conclusion, I am extraordinarily  
3 proud of NYSERDA's leadership in advancing  
4 clean energy solutions on behalf of the  
5 Governor and on behalf of the people of this  
6 great state. We know the nation and the  
7 world will be watching, and our actions will  
8 serve to cement New York's position as a  
9 leader in clean energy, environmental  
10 protection, and the fight against climate  
11 change.

12 This concludes my opening remarks.  
13 Thank you very much.

14 CHAIRWOMAN KRUEGER: Thank you.

15 Now John Rhodes will testify, and then  
16 we will ask you both questions together.

17 PSC CHAIR RHODES: Well, thank you.

18 Good afternoon, Chair Krueger, Chair  
19 Weinstein, and other distinguished members.  
20 My name is John Rhodes, and I am CEO of the  
21 Department of Public Service and chair of the  
22 Public Service Commission.

23 The commission's jurisdiction extends  
24 over investor-owned utilities, including six

1 major electric/gas utilities, five major gas  
2 utilities, and three major private water  
3 companies. It also has jurisdiction over  
4 small telephone companies, hundreds of water  
5 companies, municipal electric utilities,  
6 cable companies, power generators and energy  
7 service companies. The department, which is  
8 the staff arm of the commission, also  
9 provides regulatory oversight and review of  
10 LIPA and its service provider  
11 PSEG-Long Island.

12 Our top priorities in fiscal year  
13 '20-'21 include continuing Governor Cuomo's  
14 nation-leading climate plan, which includes a  
15 mandate for a carbon-free electric system;  
16 modernizing our utility systems; and ensuring  
17 affordable energy for all New Yorkers,  
18 especially for our most vulnerable citizens.  
19 This plan is putting the state on a path to  
20 economy-wide carbon neutrality.

21 This year the commission expects to  
22 decide several major rate cases. This  
23 important review will be informed by the  
24 in-depth analysis of department professional

1 staff, including engineers, accountants,  
2 economists, and analysts, to ensure a clear  
3 and transparent assessment of the benefits  
4 and costs of utility investments. It's our  
5 job, and I can't stress this enough, to  
6 protect customers over the short and the long  
7 term, and thus ensure safe and reliable  
8 service at just and reasonable rates while  
9 protecting the environment.

10 The recent Con Ed decision provides a  
11 good example of this process. In that  
12 decision, backed by strong stakeholder  
13 support, the commission significantly reduced  
14 the original rate request, protected  
15 low-income consumers, strengthened energy  
16 efficiency efforts, and advanced important  
17 climate change initiatives, and ensured  
18 stronger enforcement of the liability  
19 commitments.

20 There are many issues that will be  
21 addressed by the department in the coming  
22 fiscal year. Reliability is paramount. The  
23 department's investigation into last summer's  
24 Con Ed service interruptions in Manhattan and

1 Brooklyn that left more than 106,000 electric  
2 customers without power is nearing  
3 completion. If we determine that Con Ed  
4 failed to provide safe and adequate service,  
5 we will hold their shareholders responsible  
6 to compensate customers.

7 Since we last met, the department has  
8 created two new offices to focus on emergency  
9 preparedness and regulatory enforcement.  
10 Given past experiences of severe-weather  
11 events and their impact on the electric  
12 system, the commission established the Office  
13 of Resiliency and Emergency Preparedness,  
14 dedicated to ensuring that the state's  
15 utilities prepare for and respond  
16 appropriately to severe weather and other  
17 emergency events.

18 The department has also added a new  
19 Enforcement Unit dedicated to ensuring  
20 compliance with the Public Service Law and  
21 regulations. These efforts have borne fruit.  
22 Last month, the department secured a  
23 \$10.5 million settlement with New York State  
24 Electric & Gas Corp. and Rochester Gas &

1 Electric Corp., following those companies'  
2 failures to adequately prepare for and  
3 restore service after storms in 2018, our  
4 largest ever for a utility failing to follow  
5 procedures related to an emergency response.

6 At my direction, department staff will  
7 build on our landmark energy affordability  
8 proceeding to ensure that we reach every  
9 New Yorker in need. This initiative today  
10 provides nearly 2 million low-income  
11 New Yorkers with \$248 million in direct cost  
12 relief each year, and limits energy costs for  
13 low-income New Yorkers to no more than  
14 6 percent of household income -- half of what  
15 many of these New Yorkers had been paying.

16 We will build on the state's success  
17 in driving record investment in large-scale  
18 renewable energy development by working with  
19 NYSERDA to obtain at least 9 gigawatts of  
20 offshore wind power and continue the annual  
21 Renewable Energy Standard solicitations for  
22 onshore resources to achieve the 70 percent  
23 renewable electricity by 2030 and 100 percent  
24 clean electricity by 2040 goals that are

1 mandated by the CLCPA.

2 As called for in the Governor's State  
3 of the State proposal, the department, in  
4 conjunction with the Department of State,  
5 will develop new rules to make clear what  
6 regulated telecom companies need to do to  
7 ensure consumers using landline phones are  
8 not harassed by robocalls. These new rules  
9 will include penalties for landline phone  
10 companies that fail to protect consumers from  
11 this scourge.

12 In the telecom sector, we continue to  
13 focus on infrastructure modernization and  
14 oversee investment in broadband buildout to  
15 help achieve Governor Cuomo's vision for  
16 universally available high-speed broadband.

17 We are positioned to deliver on our  
18 core mission and to meet the Governor's  
19 ambitious agenda.

20 This concludes my remarks. I welcome  
21 your questions.

22 CHAIRWOMAN KRUEGER: Thank you.

23 All right. Senator Todd Kaminsky.

24 SENATOR KAMINSKY: Thank you.

1                   Chairman Rhodes, I'd like to first  
2                   direct your attention to a critical issue on  
3                   Long Island -- that is American Water.  
4                   American Water has failed the customers on  
5                   Long Island who have seen skyrocketing bills  
6                   and, in comparison to those receiving  
7                   municipal water sometimes down the block or  
8                   in the next town, find it incomprehensible  
9                   that the Public Service Commission approved  
10                  rate hikes so high, especially without the  
11                  information to let them know when a certain  
12                  amount of water they're using will trigger a  
13                  much higher rate.

14                  People are incredulous, they're  
15                  dumfounded, and they want to know how this  
16                  could be -- especially since in many cases  
17                  the water is still brown, still causes lots  
18                  of problems for them, and they're having a  
19                  really difficult time with this company.  
20                  Some have suggested municipalization; others  
21                  want to know whether Liberty, the new company  
22                  coming in, is going to do any better.

23                  But I would like to begin with you and  
24                  to just ask whether the Public Service

1 Commission, which you chair, wants to show an  
2 interest in providing relief and helping the  
3 customers on Long Island who are beleaguered  
4 by American Water.

5 PSC CHAIR RHODES: Absolutely. That's  
6 our mission. We agree with you that the  
7 experience over the past couple of years has  
8 been not what it needs to be. And we've been  
9 working with the company to make things  
10 better.

11 That said, the proposed acquisition  
12 that you mention of American Water's assets  
13 in New York by Liberty, presents an  
14 opportunity for a reset. A transaction of  
15 that nature has to be approved by the  
16 Public Service Commission to go forward. The  
17 standard for us to say yes is, is it in the  
18 public interest? The parameters of what the  
19 public interest looks like are pretty clear  
20 from the facts that you know. They have to  
21 include better rates for customers. They  
22 have to include better engagement with  
23 customers, just the interaction with the  
24 utility. They have to include preservation

1 of the conservation policy, which we think  
2 are -- which we know are important long-term.

3 And you mentioned information.

4 Clearly there's a need, if we're going to  
5 have customers be able to manage their water  
6 bills and usage, they need an information  
7 infrastructure, advanced water metering. And  
8 we expect this transaction to be an  
9 opportunity to reset things in those  
10 directions.

11 You mentioned municipalization.

12 Should I go there for a minute or --

13 SENATOR KAMINSKY: Look, I -- if you'd  
14 like, of course. Look, I'm certainly  
15 heartened to hear that you want to be part of  
16 the solution in helping give people financial  
17 relief who have been, you know, the victims  
18 of American Water practices. So that's  
19 certainly good to hear.

20 PSC CHAIR RHODES: So on  
21 municipalization, we don't take a position on  
22 specific situations like this. We simply  
23 note that these are questions that come up  
24 from time to time. They're complicated. And

1 the one thing we do urge is that there's a  
2 carefully study of the costs and the benefits  
3 of such a move. And to the extent that  
4 there's -- whatever technical assistance that  
5 we can contribute, of course we'll do that.

6 SENATOR KAMINSKY: Okay. Well, I look  
7 forward to working with you on this. The  
8 days of seniors receiving \$250, \$300 water  
9 bills on -- who have fixed incomes -- needs  
10 to be behind us. And I'm heartened by your  
11 words today, and I'll hold you to it, and I  
12 look forward to working with you on this.

13 PSC CHAIR RHODES: Thank you, sir.

14 SENATOR KAMINSKY: I'd like to now  
15 turn to the issue of the Long Island Power  
16 Authority tax certiorari proceedings,  
17 especially with the community I represent,  
18 Island Park, with respect to the Barrett  
19 Power Plant. The deal that LIPA has on the  
20 table now I think would be devastating to the  
21 residents. It would skyrocket their school  
22 taxes and leave their community in an  
23 extremely crippled position after having been  
24 exposed to this polluting, you know, fossil

1 fuel plant for many decades.

2 I can't imagine in a budget of our  
3 size, especially when we're talking about  
4 transitioning plants to a new green economy,  
5 and with all the money going into that, that  
6 we can't do better and have LIPA want to help  
7 this community more, a community that is full  
8 of good people who were devastated by Sandy,  
9 a hardscrabble town where people are trying  
10 to get by. A tax increase of this size would  
11 be devastating, and we cannot just let it  
12 happen.

13 As somebody who is -- you know, who  
14 oversees so much of this process, I think we  
15 cannot just write off these plants and these  
16 communities as something of a bygone era.  
17 We've got to work together to help them. And  
18 with all the money in the budget and all the  
19 regulatory power you possess, I'd like to ask  
20 you to be part of the solution and help us  
21 move to a better place.

22 PSC CHAIR RHODES: So thanks. Again,  
23 this is a tough issue. You know, I, like  
24 you, I think see two issues here. One

1 relates to the local tax funding and the  
2 future of that. That's one where we don't  
3 weigh in. It's a litigated matter, it's in  
4 settlement now. And we're also not in a  
5 position to really weigh in on budget  
6 discussions.

7 The second issue is one about solution  
8 finding, and particularly as it relates to is  
9 there a future for the plant, which if I were  
10 in your constituents' shoes, I'd have some  
11 question marks about, you know, where is that  
12 going.

13 And we know that part of the  
14 settlement under discussion is the creation  
15 of a community advisory board, if I have the  
16 name right. That is an obvious vehicle for  
17 dealing with just these kind of issues and --  
18 I can speak for, you know, for my agency and,  
19 you know, the good officers of LIPA -- have  
20 them be part of the solution in trying to  
21 come up with answers for that future.

22 But maybe my colleague has something  
23 also to offer.

24 NYSERDA PRESIDENT BARTON: Sure.

1 Well, thank you for raising these very good  
2 questions, Chairman Kaminsky. And, you know,  
3 this is obviously a critically important  
4 issue in your district; I imagine other  
5 colleagues of yours have similar questions.

6 And we believe that thinking  
7 thoroughly and proactively about the future  
8 of these facilities is a central part of the  
9 work we need to do in implementing the  
10 Climate Leadership and Community Protection  
11 Act. As you know, Mr. Chairman, the law does  
12 create a just transition working group, for  
13 example, so that communities, labor, workers,  
14 others have a direct seat at the table to  
15 participate in crafting solutions as we look  
16 forward to this energy transition that,  
17 again, will be impacting this facility in  
18 your district but facilities across the state  
19 as well.

20 Already, not waiting for that work to  
21 start, in this year's State of the State  
22 address Governor Cuomo directed NYSERDA to  
23 make available direct grant assistance to  
24 communities that are grappling with trying to

1 understand reuse options and what can be the  
2 future of these facilities.

3 I know in the case of Barrett there  
4 have been discussions about potentially  
5 energy storage or offshore wind injection,  
6 and we believe those are issues we really  
7 should get to the bottom of and we should be  
8 looking for every opportunity as we go  
9 through this transition to find those types  
10 of solutions where we can seek to repower  
11 facilities with renewable energy where  
12 possible -- but in any event, where it may  
13 not be possible, to work directly with the  
14 communities and the impacted workers to help  
15 them understand their options and think about  
16 the future.

17 SENATOR KAMINSKY: Okay. I think it's  
18 important that nobody gets left behind. And  
19 I have tremendous concerns that that -- of  
20 what the settlement would do to Island Park,  
21 and I think this budget, the next few months  
22 we have, we should use as an opportunity to  
23 address that. And I appreciate your  
24 willingness to work with me on that.



1 open to discussing those issues with you.

2 Again, obviously, that would involve  
3 the houses and the Executive coming together.  
4 But from our perspective, we're very open to  
5 that conversation.

6 SENATOR KAMINSKY: Thank you very  
7 much.

8 CHAIRWOMAN KRUEGER: Thank you.

9 Now we turn to Assemblymember Michael  
10 Cusick, the chair of the Energy Committee.

11 ASSEMBLYMAN CUSICK: Thank you.

12 Thank you, Chair Rhodes,  
13 President Barton. Thank you for being here  
14 today. And also it's been a pleasure working  
15 with you in the last year or so on energy  
16 issues throughout the state. So again, thank  
17 you for your service.

18 Chair Rhodes, I'll start with the PSC.  
19 I have a couple of questions on the budget  
20 proposal given by the Governor last week. In  
21 the presentation the Governor made a proposal  
22 about revamping Article X. I know there's  
23 nothing specific yet, but there's talk of  
24 maybe 30-day amendments and all.

1                   But would you be able to just talk to  
2                   us a little bit about what do you see as the  
3                   primary problems that exist currently that  
4                   might be getting addressed in this budget?

5                   PSC CHAIR RHODES: The simple answer  
6                   is that the ambitions that we as a state have  
7                   and the Governor has require us to be more  
8                   certain and swifter in getting large-scale  
9                   renewable energy projects and associated  
10                  energy transmission upgrades through the  
11                  siting process.

12                  We've got ambitions, and we're not  
13                  fast enough to meet those ambitions, and  
14                  that's the job.

15                  ASSEMBLYMAN CUSICK: Okay. But as of  
16                  right now, is it safe to say there are no  
17                  specifics yet to be -- that you could  
18                  announce here today at the hearing?

19                  PSC CHAIR RHODES: There are none. I  
20                  can assure you the Governor has the state's  
21                  energy team and other agencies working  
22                  full-out on the issue.

23                  ASSEMBLYMAN CUSICK: Okay. And we can  
24                  expect something in the next 30 days?

1                   PSC CHAIR RHODES: I believe that's  
2                   the commitment that you heard from the  
3                   Governor's office.

4                   ASSEMBLYMAN CUSICK: Okay. Thank you.

5                   In November, Chair, you and I had  
6                   spoken and we spoke about the issue of  
7                   staffing and that DPS has 10 employees  
8                   exclusively focused on the Article X issues.  
9                   Can you provide an update on the specific  
10                  staffing at DPS on these issues, the  
11                  Article X issues?

12                  PSC CHAIR RHODES: I'll have to get  
13                  back to you. The numbers I recall are a  
14                  little bit higher.

15                  I think we have 14 full-time and  
16                  28 folks all in that are working on this, and  
17                  that's not including the folks at other  
18                  agencies, principally Environmental  
19                  Conservation, that are also engaged in this  
20                  task. But we'll get you those numbers.

21                  ASSEMBLYMAN CUSICK: Okay, I'd  
22                  appreciate that.

23                  Also in the language of the budget  
24                  there was a Part C -- a Part Z, I'm sorry, Z

1 as in zebra. This new language would allow  
2 DPS staff to undertake administrative  
3 investigations and commence enforcement  
4 proceedings against regulated public utility  
5 corporations. Can the PSC point to specific  
6 examples now that this language would be  
7 needed for?

8 PSC CHAIR RHODES: Well, in general  
9 it's a fact that the PSC has been faced with  
10 increased opportunities for enforcement in  
11 recent years. I can go through the litany of  
12 incidents -- East Harlem, Riley/Quinn storms,  
13 the Rochester windstorm, Charter, a series of  
14 operator qualification and other gas safety  
15 issues and multiple gas utilities, New York  
16 American Water.

17 And the pace of severity of those have  
18 put -- have drawn our attention to the fact  
19 that we in fact lack some of the enforcement  
20 mechanisms that other agencies have as  
21 standard practice. And this text basically  
22 aligns us with the practice at other  
23 enforcement agencies and allows us to  
24 initiate and get going on these

1 investigations in a much more straightforward  
2 manner.

3 ASSEMBLYMAN CUSICK: And in this plan,  
4 is there specifics on how DPS would keep the  
5 public informed? Is there a mechanism in  
6 place --

7 PSC CHAIR RHODES: These are public --  
8 these are publicly transparent processes.  
9 It's really going -- you know, it's path of  
10 going through -- issuing a notice of  
11 violation, which can be done by staff rather  
12 than a more intricate staff prepares  
13 commission to develop an order to show cause  
14 and the like.

15 But the transparency with the public  
16 and the ability to get to the truth, you  
17 know, in an open way is in fact enhanced.

18 ASSEMBLYMAN CUSICK: Thank you. Thank  
19 you, Chair.

20 President Barton, in the language of  
21 the budget on the bond act, the "Restore  
22 Mother Nature," there is language in there  
23 that expands the use -- it says that -- along  
24 with other examples, it says expand the use

1 of renewable energy to mitigate climate  
2 change.

3 Can you -- how would renewable energy  
4 be expanded, in your words? What would be  
5 some of the specifics that it would be  
6 expanded, based on this language?

7 NYSERDA PRESIDENT BARTON: Sure.  
8 Well, you know, as I think my colleague  
9 Commissioner Seggos testified a little  
10 earlier today, there is a lot in development  
11 in regards to the specifics of how the bond  
12 act will be presented to voters and  
13 identifying the projects that would be  
14 funded.

15 Certainly we can think of no shortage  
16 of needs for investments in renewable energy  
17 and other types of clean energy solutions --  
18 energy efficiency and the like. And so all  
19 of that is within the purview of what the  
20 Governor's office and, you know, my  
21 colleagues in the various agencies that will  
22 be working on the bond act will be looking  
23 at.

24 You know, again, that's against the

1 context of course of the entire Executive  
2 Budget commitment to \$33 billion over five  
3 years, which I just have to say stands as an  
4 extraordinary commitment to investing in  
5 renewable energy. I am not aware of another  
6 state that is making these types of  
7 significant investments. New York clearly is  
8 standing out as a leader in investing in  
9 renewable energy and clean energy solutions  
10 of all kinds, and in investing in  
11 climate-related investments like those that  
12 could be supported under the "Restore Mother  
13 Nature" Bond Act.

14 So, you know, again, happy to talk  
15 about the details of what NYSERDA is  
16 planning, and we do look forward to working  
17 with many of you to see that bond act passed.

18 ASSEMBLYMAN CUSICK: Great. You  
19 brought up the commissioner of DEC, who  
20 testified earlier. My colleague Assemblyman  
21 Englebright asked the question about staff,  
22 and there was language in this budget that  
23 would have NYSERDA authorized to transfer up  
24 to \$4 million to the General Fund for

1 climate-change-related services. Which we in  
2 the Assembly understand that would include  
3 27 new DEC employees that would specifically  
4 be going towards these climate change  
5 services.

6 We didn't get specifics from the  
7 commissioner then. Do you have any specifics  
8 as to what these employees would be working  
9 on?

10 NYSERDA PRESIDENT BARTON: Well,  
11 again, I can confirm, yes, that's the  
12 Executive Budget proposes that \$4 million  
13 transfer, and it would support the work of --

14 ASSEMBLYMAN CUSICK: And 27 employees,  
15 is that the correct number?

16 NYSERDA PRESIDENT BARTON: I don't  
17 believe it was tied to a specific head count.  
18 And actually I would have to defer to DEC on  
19 how that funding happens. NYSERDA is  
20 essentially a pass-through for that  
21 collection from utility bills and then  
22 transfer to the General Fund.

23 But I do understand that it would  
24 support the Climate Office's work. We

1 obviously have a lot to do and not a lot of  
2 time to do it in, in order to start making  
3 the ambitions of the Climate Leadership and  
4 Community Protection Act a reality. But I do  
5 have to defer the specific questions about  
6 the head count and what those individuals  
7 will be working on to DEC as the agency that  
8 would be, you know, overseeing those  
9 individuals.

10 ASSEMBLYMAN CUSICK: Okay. Thank you.  
11 Thank you.

12 CHAIRWOMAN KRUEGER: Thank you. Thank  
13 you very much.

14 Senator Little -- welcome back,  
15 Senator Little. But Senator Seward I think  
16 had some questions first.

17 SENATOR SEWARD: Thank you,  
18 Madam Chair.

19 And speaking of chairs, Chair Rhodes  
20 and Ms. Barton, thank you for being here.

21 I wanted to return to the --  
22 Mr. Rhodes, the discussion on the expanded  
23 administrative investigations on the part of  
24 your agency. Can you kind of run through

1 the -- more specifically, I mean, what would  
2 change under these proposed rules? What  
3 additional powers would you have?

4 PSC CHAIR RHODES: So the principal  
5 change is really the initiation of the  
6 investigations. Right? So it would -- the  
7 basis for all this is that regulated  
8 companies have an obligation, unqualified, to  
9 comply with the regulations and the orders of  
10 the commission.

11 So the scope of the enforcement is  
12 unchanged. Have they done that, and have  
13 they done that to protect the consumers  
14 and -- just and reasonable rates, and safe  
15 and adequate service, and all that stuff.

16 At issue is do we -- how do we  
17 initiate those investigations. And the  
18 process that we currently have in place is  
19 slow and takes a set of steps -- requires us  
20 to go through a set of steps that other  
21 agencies do not have. And it just is more  
22 efficacious to have staff, which are the  
23 knowledgeable folks that are able to judge  
24 whether there's a reasonable chance that a

1 gas safety violation has occurred, to  
2 initiate the investigation in a very  
3 straightforward manner, not losing anything  
4 in the way of transparency and due process  
5 and the like, but simply to get going on the  
6 investigation rather than having a  
7 multi-month cycle before that can happen.

8 SENATOR SEWARD: Okay. Thank you.

9 I wanted to hear your reaction to the  
10 proposal on the net neutrality rules for  
11 internet providers. If large users like  
12 these movie-streaming services no longer have  
13 the ability to purchase faster service, will  
14 this slow down the streaming for the average  
15 user who subscribes to those types of  
16 services? This seems to be an expanding part  
17 of the market.

18 PSC CHAIR RHODES: So net neutrality  
19 is an interesting and complicated topic --

20 SENATOR SEWARD: We've got less than  
21 two minutes.

22 PSC CHAIR RHODES: Pardon?

23 SENATOR SEWARD: We've got less than  
24 two minutes for your reply.

1                   PSC CHAIR RHODES: The bedrock of  
2                   progress that we've seen in all of these  
3                   industries, including these fast-moving  
4                   technology ones, is that competition is the  
5                   friend of consumer service.

6                   And net neutrality is a way of  
7                   leveling the playing field and enhancing  
8                   competition, which over the long run, across  
9                   classes of consumers, is the best way to  
10                  drive competition, which then in turn is the  
11                  best way to drive cost down and value up for  
12                  customers. That's the fundamental policy  
13                  proposition that's behind this policy, and it  
14                  makes sense.

15                  SENATOR SEWARD: Have your staff at  
16                  the PSC or anyone else, for that matter,  
17                  looked at that issue of whether it's going to  
18                  slow down the streaming for the average user?

19                  PSC CHAIR RHODES: We have, but we can  
20                  take another look and report back to you on  
21                  that issue.

22                  SENATOR SEWARD: Okay, thank you.

23                  One quick question on the broadband  
24                  expansion that was cited here. That is

1           certainly a critical issue, particularly in  
2           the more rural areas of our state. We  
3           continue to hear complaints that people do  
4           not have broadband yet. And can you describe  
5           what this broadband expansion is going to  
6           look like? Are we going to have another  
7           round of funding or require these other  
8           servers to reach more customers?

9                   PSC CHAIR RHODES: So the agreement  
10           with Charter calls for Charter to fully serve  
11           the originally committed 145,000. So -- may  
12           I continue? So that's -- so that's in  
13           process.

14                   It requires the company to make a  
15           contribution to some funding that could  
16           further serve additional customers. And ESD  
17           and the BPO is constantly in the business of  
18           assessing the completeness of its side of the  
19           bargain -- of the program.

20                   I do note that one of the frequent  
21           complaints is that townships, municipalities,  
22           you know, have a hard time or say they have a  
23           hard time on finding out whether they're even  
24           in the plan. There's a process for doing

1           that. It does call for the township to sign  
2           a confidentiality agreement with the company,  
3           because it is competitive information. That  
4           doesn't need to be a burden, and we can help  
5           with that.

6                     SENATOR SEWARD: Thank you. Thank  
7           you.

8                     CHAIRWOMAN KRUEGER: Thank you.  
9           Assembly.

10                    ASSEMBLYMAN CUSICK: Yes.  
11           Assemblyman Ra.

12                    ASSEMBLYMAN RA: Thank you.

13                    I want to go back to the topic that my  
14           colleague Senator Kaminsky had brought up,  
15           New York American Water.

16                    I represent a portion of the Sea Cliff  
17           service area up on the North Shore. And  
18           certainly many of the same issues that  
19           Senator Kaminsky's constituents have dealt  
20           with, mine have as well, as well as my  
21           colleagues that represent the rest of that  
22           service area.

23                    I know that there are a few community  
24           groups now and a few elected officials,

1 including myself, who have written to the PSC  
2 asking for, you know, enhanced opportunities  
3 for public comment on this sale. I think  
4 everybody would be very happy to have that  
5 entity out of their lives, but by the same  
6 token as Senator Kaminsky mentioned, they  
7 want to hopefully move towards municipal  
8 water in the future. I know that's not, you  
9 know, something that you can take a position  
10 on at this point.

11 But how is the PSC approaching getting  
12 adequate public comment on this sale to  
13 ensure that these ratepayers are protected?  
14 Because they've been through this before, as  
15 these service areas have turned over in the  
16 past.

17 PSC CHAIR RHODES: The basic  
18 architecture of the process starts with a  
19 petition or an application by the company for  
20 this transaction. And that then opens up the  
21 season for public comment.

22 And the always available mode for  
23 public comment is for written comment into a  
24 docket on this proceeding, and it's our

1           experience that concerned stakeholders have  
2           found that a very effective method.

3                         In issues like this, there is also  
4           often a case to be made for public hearings  
5           in the relevant geography. Literally  
6           speaking, it's too early for us to have an  
7           opinion on that, but I understand that that  
8           would be a very welcome approach in this  
9           case, and we will think about it very  
10          seriously.

11                        ASSEMBLYMAN RA:   Okay, thank you.

12                        And I would certainly again  
13          encourage the department to consider that,  
14          because there's a lot of -- obviously, as  
15          you're aware, there are a number of groups  
16          that have been very involved, they've done a  
17          good job of notifying the public of what's  
18          going on. But I still think many -- you  
19          know, as we've gone through the rate  
20          proceedings and stuff like that in the past,  
21          didn't necessarily -- weren't necessarily  
22          aware of what was going on and felt like they  
23          missed an opportunity for public comment.

24                        So thank you for that.

1                   PSC CHAIR RHODES: Thank you for the  
2 reminder, yeah.

3                   ASSEMBLYMAN RA: One other question I  
4 had. The provisions regarding 5G and the  
5 siting or the permitting process, really --  
6 any thoughts on how does this look in other  
7 states? Have other states done this to  
8 streamline this process? Has it cut out the  
9 opportunity locally for input and  
10 participation in siting of these facilities?

11                   PSC CHAIR RHODES: So the department  
12 pays attention to where its jurisdiction  
13 goes, which is really related to the assets  
14 owned by the local utilities, telephone and  
15 power. And think of a pole, and you've  
16 pretty much got it right.

17                   ASSEMBLYMAN RA: Sure.

18                   PSC CHAIR RHODES: And we have  
19 implemented a set of practices that are at --  
20 kind of leading edge nationally in terms of  
21 speeding the process, more definite cost  
22 estimates, time certain for simple  
23 attachments of the small cells to the tower.

24                   We don't reach into where the

1 structures are municipally owned; that's  
2 something where we don't go. But we could  
3 work with a municipal that's interested in  
4 it. And we can certainly -- if your question  
5 is about kind of talking about when 5G will  
6 get to which zip code, we can engage with you  
7 on that.

8 ASSEMBLYMAN RA: No, it's more so that  
9 I have many villages, towns who have I think  
10 taken a very different approach with the  
11 companies into how they've worked with them  
12 in addressing constituent concerns and  
13 things.

14 PSC CHAIR RHODES: Can we engage with  
15 you on that?

16 ASSEMBLYMAN RA: Yes, that would be  
17 great. Thank you.

18 CHAIRWOMAN KRUEGER: Thank you.

19 Senator Ortt.

20 SENATOR ORTT: Good afternoon to you  
21 both.

22 I think this is more directed towards  
23 you, Mr. Rhodes, but obviously either one can  
24 jump in. I have two questions. The first

1           revolves around Article X.

2                       As I'm sure you're both aware, there  
3           have been more projects -- which is by design  
4           with the Governor's energy policy and the  
5           policies of this administration -- to drive  
6           more renewable projects, and as a result more  
7           projects in the Article X pipeline. To my  
8           knowledge, though, the intervenor funds,  
9           which are set aside -- I think it's 350 per  
10          megawatt -- I don't believe that number has  
11          gone up, meaning the amount of money set  
12          aside for those funds has not increased, even  
13          though the projects, the number of projects  
14          where you would have to dip into your  
15          intervenor funds, could be increasing.

16                     Is there any change in this year's --  
17          in the Governor's budget proposed to the  
18          intervenor funds?

19                     NYSERDA PRESIDENT BARTON: So thank  
20          you for raising that issue. And, you know,  
21          as has been discussed, the Governor's made  
22          clear there's a number of things that need to  
23          be fixed about that process, and that's the  
24          proposal that we will anticipate to come.

1           I think questions like the ones you're  
2           asking are ones that we'd certainly be  
3           willing to follow up with you and understand,  
4           you know, how that works in terms of --  
5           particularly if you've seen certain  
6           communities that have not been able to get  
7           the funds that they need to participate. I  
8           think it's a good time to put a lot of  
9           different solutions on the table, and so be  
10          happy to follow up with you on that.

11           SENATOR ORTT: Thank you. That would  
12          be great.

13           Because there are -- I have a number  
14          of these projects that are being proposed,  
15          and there is one community specifically I've  
16          already spoken to that those funds have been  
17          exhausted. Or, you know, that that was  
18          their -- what they were told, so -- and we  
19          can follow up, you know, through my office  
20          directly as far as the specifics on that,  
21          but --

22           NYSERDA PRESIDENT BARTON: We'll do  
23          that, yes.

24           SENATOR ORTT: That would be great.

1                   And then the other question I had, the  
2                   Climate Leadership and Community Protection  
3                   Act does not define nuclear energy as a  
4                   renewable source. Which means that under  
5                   that act, nuclear would be, you know, removed  
6                   from the New York energy portfolio going  
7                   forward.

8                   I guess my question is -- and I know  
9                   this question has been asked in regard to  
10                  other forms of energy. But what -- without  
11                  nuclear in the portfolio, what is the amount  
12                  of solar or wind or other types of renewable  
13                  that we would need to replace, you know, that  
14                  source of energy? And what do we lose from  
15                  the grid -- you know, how much does nuclear  
16                  contribute today, and how much -- I guess how  
17                  much do we lose and then how many other types  
18                  of -- you know, whether it's wind or solar --  
19                  will be needed to replace that loss of  
20                  energy?

21                  NYSERDA PRESIDENT BARTON: So thank  
22                  you for raising an important issue about how  
23                  do we -- how do we go about the important  
24                  business of actually hitting these targets.

1           They are very ambitious. And, you know, we  
2           certainly have given a lot of thought to  
3           that.

4                         And I want to also highlight that the  
5           law directs the Public Service Commission to  
6           undertake proceedings to look at how do we  
7           meet these targets, 70 percent renewable  
8           energy by 2030. And I would want to draw a  
9           distinction where the law also requires a  
10          hundred percent zero emissions energy by  
11          2040. Which I think that's, you know, to the  
12          heart of the question you're asking about the  
13          role of nuclear.

14                        And, you know, we do anticipate that  
15          NYSERDA will be bringing, you know, these  
16          matters to the Public Service Commission, as  
17          directed under the law, to make these, you  
18          know, very specific types of determinations  
19          about what do we anticipate for the role of  
20          various resources.

21                        I want to also point out that as I  
22          think you're probably aware, NYSERDA  
23          currently administers the state Zero Emission  
24          Credit program, which has long recognized

1 nuclear as a source of zero emissions  
2 electricity and in recognition of the  
3 important contribution to the state's overall  
4 portfolio.

5 When we look ahead to those numbers,  
6 you know, we do see that, you know, we I  
7 think are blessed as a state to have a  
8 significant head start on zero emissions  
9 energy. We have, in addition to the nuclear  
10 fleet, a significant installed base of  
11 hydroelectricity, and we have recently  
12 embarked in the last few years on, again,  
13 what I think is an unprecedented and  
14 unmatched nationally campaign to spur the  
15 development of new renewable energy.

16 We will need all of those resources  
17 available over the long term in order to hit  
18 these targets that are called out in the act.

19 SENATOR ORTT: Thank you very much,  
20 Commissioner.

21 CHAIRWOMAN KRUEGER: Thank you.  
22 Assembly.

23 ASSEMBLYMAN CUSICK: Assemblymember  
24 Carroll.

1 ASSEMBLYMAN CARROLL: Thank you,  
2 Chair.

3 Good afternoon. Following up on the  
4 Senator's question. So last year the  
5 Governor signed the CLCPA, and in that of  
6 course there is the benchmark to get  
7 70 percent of our energy from renewable  
8 sources by 2030.

9 If we exclude hydro, how much energy  
10 are we currently getting from wind and solar?

11 PSC CHAIR RHODES: About four and a  
12 half.

13 ASSEMBLYMAN CARROLL: And that's our  
14 only renewable source, is that correct, if  
15 you exclude hydro?

16 PSC CHAIR RHODES: That's generating  
17 as of today, that's right.

18 ASSEMBLYMAN CARROLL: So what do we  
19 have to do in the next 10 years to actually  
20 hit 70 percent if we're not going to build  
21 any more hydroelectric dams because they  
22 destroy rivers, if we're not going to build  
23 any more nuclear power plants because they're  
24 too expensive, and only 4 percent of our

1 energy currently comes from wind and solar?

2 NYSERDA PRESIDENT BARTON: John?

3 PSC CHAIR RHODES: We can both answer.

4 The quick answer is we are on the  
5 ramp -- sorry, NYSERDA is on the ramp to  
6 building the level of renewables that we  
7 need. Alicia can take you through the track  
8 record of the last three years of  
9 solicitations and how they are building to  
10 it.

11 And I will just go on the record as  
12 touting the virtues of energy efficiency in  
13 terms of bringing -- you know, bringing the  
14 amount of electricity that we need down. The  
15 new Efficiency NY order that we did in  
16 January calls for a 3 percent annual  
17 reduction, which is a meaningful bringing in  
18 of the targets.

19 So this is doable and --

20 ASSEMBLYMAN CARROLL: So what are the  
21 benchmarks? So let's say -- let's pretend we  
22 reduce consumption by 3 percent over 10 years  
23 and that saves -- you're saying that would  
24 save about 30 percent of our energy costs?

1           And then what would be the benchmark so every  
2           year when we come to this hearing and we ask  
3           how much more solar and wind have we actually  
4           produced, what are the benchmarks we should  
5           be looking at?

6                        NYSERDA PRESIDENT BARTON:  So I'd say  
7           a couple of things.  And I appreciate the  
8           rigorous focus on how we're doing and how  
9           fast we're going to get there.  It's  
10          critically important.  And that's the work  
11          that we're doing each and every day at  
12          NYSERDA.  And I think we're making very  
13          strong progress.  I'll give you a couple of  
14          examples.

15                      So I know you're thinking about, you  
16          know, 2030, 70 percent, how do you hit that.  
17          Obviously we are starting from a smaller base  
18          of wind and solar, but hydroelectricity will  
19          contribute to that 70 percent.

20                      In addition --

21                      ASSEMBLYMAN CARROLL:  It's about  
22          20 percent, right?

23                      NYSERDA PRESIDENT BARTON:  No, it's  
24          actually -- it's actually more than that.

1 It's probably about 23.

2 ASSEMBLYMAN CARROLL: Twenty-three,  
3 okay.

4 NYSERDA PRESIDENT BARTON: And again,  
5 my colleague's comments about energy  
6 efficiency are important. We do believe that  
7 with energy efficiency efforts we will be  
8 reducing the overall load.

9 If you look at the procurements --

10 ASSEMBLYMAN CARROLL: How much will we  
11 reduce the overall load?

12 NYSERDA PRESIDENT BARTON: Well, there  
13 are a range of projections for that, for  
14 example. But if we fast-forward from today  
15 to that hypothetical 2030 mix, the current  
16 generating renewable electricity -- so that's  
17 the hydro plus wind and solar and other  
18 forms -- we believe that will be at about  
19 30 percent. So again, that's the -- that's  
20 how we get from, you know, a little bit less  
21 than that today to 30 percent then, because  
22 load will be coming in.

23 If you look at the procurements that  
24 NYSERDA has --

1 ASSEMBLYMAN CARROLL: That's by 2030.

2 NYSERDA PRESIDENT BARTON: By 2030.

3 ASSEMBLYMAN CARROLL: So you're saying  
4 that we're going to only double the amount of  
5 wind and solar we currently have, if we have  
6 20 --

7 NYSERDA PRESIDENT BARTON: No, no, no,  
8 I'm sorry --

9 ASSEMBLYMAN CARROLL: No?

10 NYSERDA PRESIDENT BARTON: Please  
11 excuse me, let me correct that if I misspoke.  
12 That's only what's existing, those numbers  
13 that you were asking about before.

14 In terms of what's in the pipeline and  
15 already under development, already under  
16 contract to NYSERDA, that is an additional  
17 15 percent on top of that 30 percent that I  
18 just indicated. Which means we do have to go  
19 out and get another 25 percent in order to  
20 hit the 70 percent target.

21 The procurements that we've undertaken  
22 are truly historic and we have put under  
23 contract --

24 ASSEMBLYMAN CARROLL: I don't mean to

1 cut you off, but I have 45 seconds.

2 So just so I know, currently under  
3 construction -- not in the pipeline, not  
4 permitted, but shovels in the ground, people  
5 working on wind or solar sites today, how  
6 many wind and solar sites that are under  
7 construction right now are over 25 megawatts?

8 NYSERDA PRESIDENT BARTON: So there  
9 are two wind farms upstate that have started  
10 site preparations, have broken ground in that  
11 way and they are under construction. We  
12 anticipate more of those large-scale projects  
13 will go to construction later this year.

14 In addition, we --

15 ASSEMBLYMAN CARROLL: How many  
16 megawatts are those two projects?

17 NYSERDA PRESIDENT BARTON: They are  
18 approximately, all together, about 200  
19 megawatts.

20 And we also anticipate another  
21 approximately 500 megawatts of solar to go  
22 forward to construction during the year  
23 ahead. And as we've said already, we are  
24 committed as a state to undertaking the

1 changes needed to make sure we accelerate  
2 those projects through the pipeline to  
3 construction to completion and generation.

4 ASSEMBLYMAN CARROLL: Will either of  
5 you be able to get us those benchmark  
6 numbers?

7 PSC CHAIR RHODES: Yes.

8 ASSEMBLYMAN CARROLL: Okay. Thank  
9 you.

10 ASSEMBLYMAN CUSICK: Thank you. Thank  
11 you, Mr. Carroll.

12 CHAIRWOMAN KRUEGER: Thank you.

13 I'm actually going to take chair  
14 privilege to jump in here, because I actually  
15 thought that Assemblymember Carroll's  
16 questions were really getting to the meat of  
17 what I also was interested in.

18 And again, I don't think anybody wants  
19 to play gotcha. We know what we have to do  
20 in this state. Right? We have to  
21 exponentially speed up our movement to  
22 renewable energy. We've mandated it in law,  
23 but more relevantly, we all know what the  
24 data is if we and everybody else don't

1 exponentially speed up what we're doing.

2           So we talked about -- somebody else  
3 raised the question about siting barriers,  
4 and the Governor's budget language allows you  
5 more flexibility to deal with siting power  
6 plants. Now, I've been here for 18 years,  
7 and most of the problems with siting power  
8 plants is communities didn't want polluting  
9 power plants in their neighborhoods. So now  
10 we're talking about needing to site  
11 non-polluting power plants.

12           So do you think there are specific  
13 changes we need to make that will actually  
14 ensure we can get new renewable energy plants  
15 sited and built much faster than our current  
16 schedule?

17           NYSERDA PRESIDENT BARTON: Well, yes.  
18 I mean, the Governor has made clear that we  
19 have to make a number of changes. And he has  
20 directed us that we need to think big and  
21 move fast and really put solutions on the  
22 table to make sure that we can follow through  
23 on converting, again, the pipeline of  
24 renewable energy projects -- which is

1 extremely large, and there are projects in  
2 development all over the state that have been  
3 awarded contracts to go forward, and now we  
4 need to figure out how to get them through  
5 the siting process to construction.

6 That's the proposal that will come  
7 forward with additional details.

8 CHAIRWOMAN KRUEGER: And siting is not  
9 just about power plants, it's also about a  
10 modern energy grid that can ensure that  
11 siting -- more likely in upstate New York,  
12 where there's more land and more renewable  
13 options, but then getting it onto a grid that  
14 brings it down to New York City and  
15 Long Island where there's fewer giant open  
16 fields and spaces to build energy.

17 So are we also moving forward with  
18 modernization and expansion of our grid,  
19 preparing for transmission of renewable  
20 energy from north to south?

21 NYSERDA PRESIDENT BARTON: Yes,  
22 absolutely.

23 PSC CHAIR RHODES: Yeah. I mean, the  
24 Governor mentioned a couple of things in his

1           remarks really relating to existing rights of  
2           way, which is really the first place you'd go  
3           look to expand the transmission capacity.  
4           That's also, obviously, a lesser siting  
5           challenge because a lot of the prework has  
6           already been done. So that's the first place  
7           to go look.

8                         Related to that, there's a set of work  
9           that he's asked us to take on that relates to  
10          working with utilities, because not all of  
11          the release of renewable energy comes from  
12          the bulk transmission, there are lesser  
13          levels of the transmission grid that also can  
14          be de-bottlenecked, if you will. And so  
15          we're looking at that. And, you know,  
16          that's -- those are the action items that we  
17          know right now.

18                        NYSERDA PRESIDENT BARTON: May I just  
19          add a brief addendum to also say that while  
20          certainly we will need to look at all of  
21          those solutions, when we think about, you  
22          know, what a -- what this new future grid  
23          state looks like with all of this renewable  
24          energy and the historic challenges that we

1 still continue to have and need to tackle  
2 about moving energy upstate to downstate, I  
3 can't help but point out, you know, the  
4 significant solution that offshore wind  
5 provides in bringing a substantial portion of  
6 the potential new electricity load directly  
7 into the downstate load centers, as well as  
8 some of the historic investments we are  
9 making in energy storage projects, which will  
10 help really just remake how the grid  
11 operates, much more flexibly and much more  
12 resiliently, over time.

13 CHAIRWOMAN KRUEGER: So when utilities  
14 decide what they're going to invest in for  
15 their infrastructure and to sell us fuel,  
16 they look at what's likely to happen in a PSC  
17 rate case and how much money they'll be able  
18 to charge or get reimbursed back over time.

19 So considering we know we need to  
20 charge forward on green energy and walk away  
21 from our old failed models, are we ensuring  
22 now, through PSC policy, that when somebody  
23 comes to you for a rate case involving  
24 expenditures on new gas-fired power plants

1 and infrastructure that a utility rate case  
2 for them won't incentivize them to think, oh,  
3 I can get this money back over 40 years?

4 Because we don't want them in business  
5 for 40 years with old models of energy, so  
6 why would we lead them to believe that the  
7 Public Service Commission is going to provide  
8 them with the rate increases to pay their  
9 costs over 40 years? I may have said that  
10 question backwards, but I think you  
11 understood.

12 PSC CHAIR RHODES: So on the renewable  
13 electricity front, I -- I'll just state that  
14 I don't think it's workable for the utilities  
15 one by one to identify the grid upgrades that  
16 they see that could be good for that  
17 renewable energy grid.

18 I think they need to be responding to  
19 information that is coming from state  
20 agencies, from statewide plans, based on an  
21 understanding of where the renewable energy  
22 pipeline is and where it's going to be and  
23 how it's going to come on-stream. So we need  
24 to lead the utilities in some of their

1 capital planning around the renewable  
2 electricity.

3 I'm sorry, the acoustic issues that  
4 you promised showed up, but I believe you  
5 also talked about gas infrastructure and kind  
6 of a 40-year asset life. That's -- it's hard  
7 to see how that squares with the CLCPA. And  
8 we are aware of the discrepancy and would  
9 like to work on -- with you on how to deal  
10 with that.

11 CHAIRWOMAN KRUEGER: So you agree that  
12 we do have a problem out there to deal with.

13 PSC CHAIR RHODES: We have work to be  
14 done, yes, ma'am.

15 CHAIRWOMAN KRUEGER: Okay, thank you.  
16 I have two minutes left, sorry.

17 Changing to RGGI, so in 2018 the  
18 Governor announced amendments to New York's  
19 RGGI that would lower and tighten the  
20 emissions caps by 2030, eliminate the  
21 loophole that allows certain peaking power  
22 plants to avoid compliance with RGGI. New  
23 York State has until the end of this year to  
24 update RGGI regulations to reflect the 2017

1 multi-state agreement in order to remain in  
2 the program.

3 So given all of that, what's the  
4 timeline for us to adopt our new RGGI  
5 regulations? Will the amended regulations be  
6 aligned and consistent with CLCPA? And since  
7 NYSERDA has not updated its RGGI regulations  
8 in over a decade, is there a plan to do so  
9 anytime soon, given we have all these other  
10 deadlines for RGGI?

11 NYSERDA PRESIDENT BARTON: Well, yes.  
12 We will meet the requirement to meet the  
13 plant program revision by the end of the  
14 year. And that will require NYSERDA to  
15 update our regulations. I don't have a  
16 specific timeline in terms of a month, but we  
17 will -- you know, of when that will go  
18 public, but we will -- we are advancing that  
19 and we will certainly do it in time to meet  
20 the public input requirements and then put  
21 the plans in place by the deadline.

22 In addition, yes, the Climate  
23 Leadership and Community Protection Act is  
24 the law of the land, so the revisions will

1           certainly need to comport with the  
2           requirements of the CLCPA.

3                   CHAIRWOMAN KRUEGER: Great. Thank you  
4           both very much. And I give it back to the  
5           Assembly.

6                   ASSEMBLYMAN CUSICK: Assemblymember  
7           Palmesano.

8                   ASSEMBLYMAN PALMESANO: Yes, thank  
9           you.

10                   The first thing -- I had a couple of  
11           questions. The first thing I want to do is I  
12           want to comment on something that was brought  
13           up; I don't really need you to address it  
14           right away. And then I'll get to the  
15           question that I really want to get to.

16                   Regarding Article X, in the discussion  
17           it was talked -- I know you mentioned,  
18           Chairman Rhodes, about wanting to hurry to  
19           get these projects moving in the pipeline. I  
20           hope this is not done at the cost of local  
21           input and local voices being part of that  
22           process, because Article X was to ensure  
23           local input as members of that board.

24                   Because I'm aware of a number of

1 examples where -- in my district and around  
2 my district where the local people who were  
3 recommended to our leadership in the Senate  
4 and the Assembly were not appointed to those  
5 boards, were not part of those decisions and  
6 basically removed. So I hope this going  
7 forward does not take that away, and we hope  
8 we work to ensure there is local  
9 representation and their voices are part of  
10 that process because to do so would be an  
11 insult and be wrong, especially when all  
12 these projects are being built upstate. And  
13 not every community welcomes solar farms and  
14 windmills, they can be divisive, and  
15 especially when that power is being provided  
16 to provide energy downstate.

17 So you don't have to address that  
18 right now, I just want to make sure we have  
19 improved local input.

20 One thing I wanted to get to is with  
21 the PSC. And I know Part Z expands the PSC's  
22 authority to penalize the utility by giving  
23 PSC the ability to impose, quote, unquote,  
24 other required relief in addition to

1 financial penalties. It also removes PSC's  
2 obligation to hold a hearing before the  
3 imposition of a civil penalty, and instead  
4 gives the PSC authority to review and approve  
5 any penalties recommended by the DPS. So  
6 instead of the PSC holding a hearing and  
7 undertaking the investigatory actions itself,  
8 now DPS performs these duties and makes  
9 recommendations to the PSC.

10 Another area that I have concern about  
11 is the removal of the word, quote, unquote,  
12 reasonably, in relation to the imposition of  
13 financial penalties when PSC determines a gas  
14 or electric corporation has failed to  
15 reasonably comply with a statute, regulation,  
16 or PSC orders. To me, it seems like that  
17 allows no room for flexibility in compliance  
18 where it might be needed, especially in the  
19 case of a storm or a natural disaster or an  
20 act of God.

21 So my question, I'll just wrap it up,  
22 what is the rationale for transferring the  
23 authority from the PSC to the DPS? Secondly,  
24 what other -- what is meant by "other

1 required relief" in the form of penalties  
2 compared to the current penalties that are  
3 set forth in Public Service Law 25A? So who  
4 pays these penalties, and is the scope of  
5 business impacted by that broadened as well?

6 And then the final question is, what  
7 is the intent and reasons for striking the  
8 word "reasonably" from the statute to take  
9 away that flexibility?

10 PSC CHAIR RHODES: So the purpose of  
11 these changes is really efficacy. It's not  
12 any diminishment of process. You know,  
13 that's a point I made earlier, and I still  
14 think it's important.

15 You asked another question, then you  
16 asked about reasonably. But I've lost track  
17 of the second --

18 ASSEMBLYMAN PALMESANO: About other  
19 required relief than the penalties. Because  
20 it says now they can impose other required  
21 relief in addition to the current penalties  
22 that are set forth under Public Service Law.

23 What additional other required relief  
24 are we talking about? More penalties or

1 fines? What are we talking about?

2 PSC CHAIR RHODES: I believe we're  
3 talking about remedial actions by the utility  
4 in order to -- you know, really more in the  
5 nature of if you had inadequate protocols for  
6 operator qualifications in a gas safety  
7 circumstance, what are you doing to remedy  
8 those?

9 ASSEMBLYMAN PALMESANO: Okay.

10 PSC CHAIR RHODES: But I can get you  
11 more detail on it.

12 On the point of "reasonably," a  
13 regulated utility has an unambiguous duty to  
14 comply with the regulations, particularly as  
15 they pertain to, you know, the protection of  
16 customer safety. And that's just a standard  
17 that other agencies have, and this is -- this  
18 is a removal of unnecessary ambiguity.

19 Finally, the point of who pays, it's  
20 the shareholder. It's not the customer.  
21 That's the very essence of an enforcement  
22 action or of a penalty action.

23 ASSEMBLYMAN PALMESANO: Well, I think  
24 ultimately the customer does pay.

1                   If you want to talk about paying real  
2                   quick, \$33 billion Climate Action Plan --  
3                   will not that \$33 billion be borne by the  
4                   taxpayer, the ratepayer, the farmer, the  
5                   manufacturer, with the subsidies that are  
6                   going to be put in place for the development  
7                   of all these new policies and plans? That  
8                   will be borne by the taxpayer and ratepayer  
9                   of the state, correct?

10                  PSC CHAIR RHODES: They -- they are  
11                  investments in a system that's better, and  
12                  they are investments that take the place of  
13                  business-as-usual investments. The status  
14                  quo is not free.

15                  So I just -- I don't agree that the  
16                  \$33 billion is somehow an additional cost on  
17                  consumers that wouldn't have happened  
18                  otherwise. And in fact it's foundational to  
19                  our policies that we bring in new technology,  
20                  that we bring in competition and that we  
21                  bring in other people's money, investors that  
22                  are besides the utilities, in order to get  
23                  the resources deployed and the cost down and  
24                  the speed up.

1                   That's -- that's foundational to what  
2 we're doing.

3                   CHAIRWOMAN KRUEGER: Thank you.

4                   We're jumping to the Senate. Senator  
5 Betty Little.

6                   SENATOR LITTLE: Thank you. Thank  
7 you, Mr. Chairman.

8                   (Mic problems; off the record.)

9                   SENATOR LITTLE: Chairman Rhodes,  
10 thank you.

11                   We're talking about getting all  
12 renewables, 70 percent by 2030. In the  
13 North Country we have a lot of wind towers  
14 and we have a lot of really big solar  
15 projects that are taking place now, but  
16 transmission lines we don't have. And some  
17 of that power, to my understanding, is even  
18 going to New England -- going east, rather --  
19 because there's no way for it to come down.

20                   And the Governor mentioned  
21 transmission lines in his address. Is there  
22 an actual plan to bring it down on the  
23 eastern side and -- from the area where we  
24 have these things?

1 (Pause.)

2 SENATOR LITTLE: That sounds like a  
3 no.

4 PSC CHAIR RHODES: Alicia's agency and  
5 my agency are working together on a study  
6 that's identifying the needed transmission to  
7 bring the renewable energy generation from  
8 where it is generated to where it's needed to  
9 be.

10 So the plan is in the making. The  
11 study is going to address just those kinds of  
12 questions that you're posing to us, which are  
13 absolutely appropriate and right.

14 SENATOR LITTLE: Thank you. I look  
15 forward to working on that.

16 My favorite renewable is hydro, and it  
17 doesn't get much respect, truthfully. And  
18 yet it is probably the oldest renewable, the  
19 most renewable and cleanest. And yet we  
20 don't offer any incentives to improve these  
21 small hydro plants. I have a number of them  
22 in my district, and they could be doing so  
23 much more for our area and for the energy  
24 that we need.

1           Do you have a plan for that, or is  
2           there a way to incentivize them to become  
3           more efficient, even, and improve some of  
4           their things, their equipment?

5           NYSERDA PRESIDENT BARTON: Yes. Thank  
6           you for the question, Senator, and thank you  
7           also for your service and your longstanding  
8           support of renewable energy like these  
9           hydroelectric facilities.

10          There's a few things. One is that  
11          through the current NYSERDA solicitations,  
12          where hydroelectric facilities want to  
13          increase their capacity, they are eligible to  
14          participate and we have awarded projects in  
15          the past to upgrade hydro facilities to get  
16          additional output.

17          Beyond that, and a quite recent  
18          development, NYSERDA actually filed a  
19          petition at the Public Service Commission  
20          today to also look at -- to request that the  
21          commission consider a mechanism to allow  
22          existing renewables to participate in an  
23          auction for contracts, similar to what we  
24          have offered for new renewables or so-called

1 Tier 1 renewables.

2 So we'd certainly be happy to follow  
3 up with your office and explain the proposal  
4 that we've made, which of course will be  
5 taken under consideration by the Public  
6 Service Commission, and the public will have  
7 an opportunity to weigh in.

8 And as I said before, I think, you  
9 know, the ambition of the act means we have  
10 to look hard at all solutions, and that's  
11 what we're committed to doing.

12 SENATOR LITTLE: Thank you.

13 Just in the past year we had a bill  
14 that would have given some incentive for  
15 hydro, and yet it was vetoed. Is there a way  
16 or do you have ideas how we could improve on  
17 that to make it so that it could become  
18 effective?

19 NYSERDA PRESIDENT BARTON: Yes. And  
20 my apologies, Senator, if I wasn't quite  
21 clear.

22 So the bill that you're referring to  
23 that was vetoed was sent with a message,  
24 actually, for agencies like NYSERDA to

1           develop other solutions. And our response to  
2           that was filed today at the Public Service  
3           Commission with this proposal that would  
4           essentially allow for existing projects to  
5           bid into a NYSERDA auction to get a contract.

6                     SENATOR LITTLE: But I didn't realize  
7           that was a result of the veto.

8                     NYSERDA PRESIDENT BARTON: It is a  
9           result.

10                    SENATOR LITTLE: Thank you.

11                    NYSERDA PRESIDENT BARTON: And again,  
12           I'd be happy to walk you through the  
13           proposal.

14                    SENATOR LITTLE: Okay, good. I just  
15           did want to talk to you particularly about a  
16           NYSERDA program that helped private ski  
17           areas, and they were allowed to buy new  
18           equipment, better equipment, more efficient  
19           equipment -- used less water, did all kinds  
20           of great things. And thank goodness we did  
21           that, with the lack of snow this year, that  
22           the ski areas are able to really function.  
23           So many of them appreciated that. And it  
24           wasn't an awful lot of money, but I think it

1 started out at 5 and they ended up spending  
2 more than 5 million because you had so many  
3 applications.

4 I would just like to see if we could  
5 do that again.

6 NYSERDA PRESIDENT BARTON: Well, I  
7 appreciate your positive comments on the  
8 success of that funding program, and of  
9 course it's --

10 SENATOR LITTLE: It started with John  
11 Rhodes, though. That's why he's smiling.

12 (Laughter.)

13 NYSERDA PRESIDENT BARTON: I'm sorry,  
14 we couldn't hear you --

15 SENATOR LITTLE: I'm sorry, I said I  
16 started that idea with John when he was at  
17 NYSERDA, that's why.

18 PSC CHAIR RHODES: I think it's a  
19 great program, but I want you to take all the  
20 credit, Senator.

21 (Laughter.)

22 CHAIRWOMAN KRUEGER: Thank you.

23 SENATOR LITTLE: Thank you.

24 CHAIRWOMAN KRUEGER: The Assembly's

1 done, so Senator Rachel May to close.

2 SENATOR MAY: Thank you, Madam Chair,  
3 and thank you both for your testimony.

4 I apologize I was late coming in. So  
5 I have three questions; if any of them has  
6 been covered already, just tell me to move  
7 on.

8 So the first one is about VDER --  
9 Darth Vader -- the value of distributed  
10 energy resources that was used to replace net  
11 metering. I understand there were some  
12 tweaks to it. Can you tell me, is net  
13 metering going to come back? What is the  
14 status of VDER?

15 PSC CHAIR RHODES: So what there is  
16 now -- and I'm just going to get processy for  
17 just a second. But what there is now is  
18 there's a white paper that's out for comment,  
19 and it's a proposal that tries to develop  
20 next-generation VDER. The main thing about a  
21 white paper is that it's an opportunity for  
22 comment, so this is -- this is something  
23 that's still in the oven and being baked  
24 rather than already baked.

1           The white paper, which was done  
2           jointly between Alicia's agency and mine,  
3           tried to strike the smartest balance it could  
4           between a couple of objectives. One is to  
5           make sure that the really welcome increase of  
6           solar, including rooftop solar, didn't create  
7           undue burdens on other households. And the  
8           other was to make sure that we did not impede  
9           but rather reinforced the momentum in the  
10          market for solar.

11           And the proposal that's out there was  
12          one that was worked with all parties, and the  
13          solar industry backed the issuance of the  
14          white paper. You know, they used -- you  
15          know, they kind of commend where we ended up  
16          as a proposal. I don't like to predict the  
17          future, but I'm sure they'll have comments in  
18          this cycle and suggest some improvements.

19           But this is a balanced, reasonable  
20          proposal that moves us towards a more  
21          sustainable future for solar, one that I  
22          think is going to -- I don't know what the  
23          growth has been in the past year, but it's  
24          not slowing down.

1                   SENATOR MAY:   Okay.  Thank you.

2                   The second question is about broadband  
3                   and the broadband buildout.  I was glad to  
4                   see there was money for that in the budget,  
5                   has been my understanding.  But is that going  
6                   to be done without using satellite access?  
7                   Because people are really unhappy with the  
8                   satellite internet option.

9                   PSC CHAIR RHODES:  So we understand  
10                  that the customer read that HughesNet, the  
11                  satellite solution, is not at the speed,  
12                  et cetera, of broadband.  You know, the  
13                  priority is to get some kind of service to  
14                  everybody but then of course to really keep  
15                  the whole state moving towards the Governor's  
16                  vision of high-speed broadband for everybody.

17                  So that's -- we'd be happy to engage  
18                  with you on that.

19                  SENATOR MAY:  Great.

20                  PSC CHAIR RHODES:  But we're aware --  
21                  we, together with our colleagues at ESD and  
22                  the Broadband Program Office, are aware of  
23                  that issue.

24                  SENATOR MAY:  I appreciated your

1 testimony at our hearing about rural  
2 broadband.

3 And my last question is about green  
4 jobs. So we all want to create green jobs,  
5 but what are you doing to steer those jobs  
6 toward people of color, toward communities  
7 that have been hurt by climate change already  
8 or otherwise don't typically get access?

9 NYSERDA PRESIDENT BARTON: Yes, thank  
10 you for raising such a critically important  
11 issue. And that is a significant priority  
12 for our efforts. I'll say, you know, a  
13 couple of things.

14 One is that we are making historic  
15 investments in workforce training to allow  
16 workers to enter the clean energy industry.  
17 Already we have 160,000 workers in that  
18 industry in New York State, and it's one of  
19 the fastest-growing parts of our state's  
20 economy. That's a bright spot.

21 But as you say, we can't be unaware of  
22 the need to be proactive in reaching out to  
23 particularly historically disadvantaged  
24 communities of many different kinds. So

1 through NYSERDA's workforce solicitations, we  
2 do give preference to projects that will  
3 directly support priority populations. And  
4 that's not only disadvantaged communities and  
5 minorities, but also previously incarcerated  
6 or displaced power plant workers. There's a  
7 relatively long list of workers that would  
8 fit that definition.

9           It's -- it's something that we have  
10 made a central priority under the Governor's  
11 leadership, and we would welcome the  
12 opportunity to continue to work with you to  
13 make sure we have all the best ideas on how  
14 to go about that.

15           SENATOR MAY: Thank you. And are you  
16 tracking the success of that? Is that  
17 something that's transparent that we can look  
18 up or find out about?

19           NYSERDA PRESIDENT BARTON: Yes, so  
20 some of the data is early. You know, these  
21 programs are offered on a rolling basis. But  
22 my understanding is that through, for  
23 example, the programs that we'd offered over  
24 the last year, which are going to

1           dramatically ramp up in the next year and the  
2           years after, that we did see relatively good  
3           success.

4                        In one of our programs I believe we  
5           were approaching close to 50 percent of the  
6           applications supporting in some way, shape or  
7           form, you know, these priority populations.

8                        SENATOR MAY: Terrific. Thank you.

9                        NYSERDA PRESIDENT BARTON: I'd be  
10          happy to follow up with more information.

11                       CHAIRWOMAN KRUEGER: We would love you  
12          to follow up with her afterwards.

13                       NYSERDA PRESIDENT BARTON: Thank you.

14                       CHAIRWOMAN KRUEGER: Senator Seward is  
15          going to walk you out and ask you one more  
16          question --

17                       SENATOR SEWARD: I'll call your  
18          office.

19                       (Laughter.)

20                       CHAIRWOMAN KRUEGER: Okay. We want to  
21          thank you for your time here with us this  
22          afternoon.

23                       NYSERDA PRESIDENT BARTON: Thank you  
24          for everyone's cooperation.

1 PSC CHAIR RHODES: Thank you.

2 CHAIRWOMAN KRUEGER: Thank you.

3 And for those of you following along  
4 on the TV Guide, we are now still on page 1,  
5 but we are finished with our government  
6 representatives, which means each person or  
7 group of people will be called down for  
8 five minutes' testimony maximum. We tend to  
9 keep questions shorter at this time of the  
10 evening.

11 And we will call up several so other  
12 people can get in line. So the first up is  
13 Alliance for Clean Energy, Anne Reynolds,  
14 executive director.

15 But if Peter Iwanowicz from  
16 Environmental Advocates wants to get closer  
17 to the front so he's ready -- I think he  
18 might have his deputy with him. And then  
19 Jessica Mahar from The Nature Conservancy,  
20 also to be in the room and ready to move  
21 along.

22 And I know everyone has sat here all  
23 day, and I appreciate it. We have too. And  
24 everyone's testimony will go up online. And

1           again, we really start to urge you, if you  
2           start to read, I'm going to take the paper  
3           away from you and say do it on your own,  
4           because you can.

5                        So welcome.

6                        MS. REYNOLDS: Thank you. Is this on?

7                        Hi. My name is Anne Reynolds. I'm  
8           with a group called Alliance for Clean Energy  
9           of New York. If you're not familiar --

10                      CHAIRWOMAN KRUEGER: Bring the  
11           microphone a little closer to your mouth,  
12           sorry. Thanks.

13                      MS. REYNOLDS: How's this?

14                      CHAIRWOMAN KRUEGER: Better.

15                      MS. REYNOLDS: Hello again. My name  
16           is Anne Reynolds. I'm with the Alliance for  
17           Clean Energy of New York. We are an  
18           organization made up of both environmental  
19           organizations and companies that are engaged  
20           in renewable energy development and energy  
21           efficiency in New York State.

22                      So we have companies, for example,  
23           that own existing hydro or existing wind or  
24           are attempting to invest and build projects

1 in New York, distributed and community-sized  
2 and grid-sized solar, offshore wind and  
3 land-based wind, fuel cells, sustainable  
4 biomass, energy efficiency.

5 So I really do appreciate the  
6 opportunity to speak to you for five minutes.  
7 And I realized I forgot to start the timer.

8 So on January 21st the Governor did  
9 his budget speech and started with energy and  
10 environment and climate and mentioned  
11 something that ACE has been working on, which  
12 is the difficulty in the permitting process  
13 for renewable energy projects. And we heard  
14 today Commissioner Seggos I believe used the  
15 term "The process is broken," which I was  
16 heartened to hear because as renewable energy  
17 developers, we have been trying to make that  
18 point to our partners in state government.

19 We absolutely need to have projects  
20 reviewed and permitted faster, and we need to  
21 have additional planning and permitting for  
22 transmission to move the new clean energy  
23 around the state to the places where it's  
24 needed. We really can't, in our view,

1           achieve the goals of the law that you passed  
2           last year without that happening.

3                       I do note that there were not, as was  
4           said, amendments to Article X or specific  
5           language submitting to the Governor's  
6           Executive Proposal, so we are waiting on the  
7           edge of our seats to see -- and I'm basing  
8           this on a tweet from Rich Azzopardi that  
9           there will be amendments to the law submitted  
10          in the 30-day period.

11                      So since I don't know what is  
12          proposed, it's difficult for me to comment on  
13          it. But I will say simply that if the  
14          process is dramatically redesigned, that  
15          would be a positive thing if it results in  
16          additional projects, but it would be very  
17          important not to undermine the projects that  
18          have been under development in New York.  
19          Some of these companies have spent five, six,  
20          seven, eight, nine years and invested  
21          millions of dollars in the sites that they've  
22          chosen.

23                      So we would hope and expect that the  
24          process could be improved to speed up those

1 projects and bring those to fruition. You  
2 heard from the president of NYSERDA how many  
3 are under contract with NYSERDA now, and  
4 those are the projects that I'm talking  
5 about. So we would want to keep those moving  
6 even as we get some creative ideas for how we  
7 could get projects certified, permitted,  
8 reviewed faster.

9 The Governor also described a total  
10 five-year commitment to climate change of  
11 \$33 billion, and that figure as I understand  
12 it is a combination of the proposed bond act  
13 and previously announced funds. But many of  
14 them are not part of the General Fund, so are  
15 off-budget. But it is still important for us  
16 to mention how important they are, how  
17 important those programs are.

18 It is, for example, the contracts with  
19 NYSERDA, the 20-year contracts with NYSERDA  
20 to sell the renewable energy credits that  
21 allow projects to get financed and allow  
22 projects to get built. So those programs  
23 funded by the RGGI money and through  
24 ratepayers through the Green Bank, the Clean

1 Energy Fund, and the recent energy efficiency  
2 commitments that were made via issuance of  
3 the Public Service Commission order just this  
4 month, are all very important. They're  
5 programs that ACE supports. And they're  
6 important pieces of the overall strategy to  
7 reach the greenhouse gas emission goals in  
8 the new law and to transition New York to a  
9 100 percent clean energy future.

10 I want to mention that ACE New York  
11 enthusiastically supports the proposal to  
12 increase staffing at the Department of  
13 Environmental Conservation -- by my reading,  
14 at least 47 positions -- to implement the  
15 Climate Leadership and Community Protection  
16 Act. We hope that some of those  
17 positions are dedicated to processing  
18 applications for renewable energy projects.  
19 Of course we don't know. But then even a  
20 cursory reading of the law that you all  
21 passed last year shows that DEC has a lot of  
22 work to do, so we hope that those new  
23 positions are supported.

24 (Timeclock sounds.)

1                   CHAIRWOMAN KRUEGER: And in  
2 closing ...

3                   (Laughter.)

4                   MS. REYNOLDS: Okay. So in closing,  
5 I'm happy to talk about specific changes to  
6 Article X, but I know I don't have time. I  
7 think my main point is there should be some.  
8 And if we are to meet the goals in the  
9 exciting law that you passed last year, we  
10 need to build wind and solar projects.

11                  CHAIRWOMAN KRUEGER: Thank you.

12                  Any questions? We've all done our job  
13 well here. Thank you very much.

14                  MS. REYNOLDS: Thank you.

15                  CHAIRWOMAN KRUEGER: Okay, next up.

16                  And again, please, everyone, you can  
17 reach out to the advocates afterwards and  
18 follow up with them. They, trust me, will be  
19 reaching out to us.

20                  Peter Iwanowicz, from Environmental  
21 Advocates of New York.

22                  MR. IWANOWICZ: So great, so thank you  
23 for being here so late into the evening. And  
24 thank you for doing what you do every week.

1 I'm looking around the dais, and most of you  
2 travel at least two hours every week to get  
3 here and two hours to get back. So thanks  
4 for your service. Thanks for what you do for  
5 the people of New York State.

6 So this year we marked the  
7 50th anniversary of the first Earth Day. The  
8 people are marching, they're protesting, as  
9 we saw earlier, and they're marching and  
10 protesting because the cost of inaction on  
11 climate change is enormous.

12 Let me just give you a simple figure.  
13 When we look at climate change, the social  
14 cost to us here in New York State alone each  
15 year is \$10.2 billion. This flows directly  
16 from the social cost of climate analysis, and  
17 that has actually been around since 2012. So  
18 I know there was talk about it earlier; the  
19 social cost of carbon is not a new figure,  
20 and for New York State it's \$10.2 billion a  
21 year.

22 It's staggering when you think of  
23 this. And a good way to address this is a  
24 good state budget. So here's -- really

1 quickly -- all the things we'd like you to  
2 address in the Executive's proposal, and to  
3 change.

4 First, we call on the State Budget to  
5 establish a \$1 billion climate fund. And if  
6 you're paying a lot of attention to math,  
7 that's just 10 percent of what our annual  
8 costs are, the social costs of carbon. This  
9 fund will build the necessary infrastructure  
10 for clean energy, it will enhance access to  
11 clean transportation, and it would deliver  
12 resources to help communities in the state's  
13 workforce transition completely off of fossil  
14 fuels.

15 We also call on you to reject the  
16 Executive proposed transfer of 23 billion in  
17 RGGI funds to support general tax credits.  
18 Some of these have been around way before  
19 RGGI was even conceived or implemented.

20 We also ask you to reject the  
21 5 million in additional RGGI funds that are  
22 going to support the Environmental Protection  
23 Fund. As Senator Hoylman rightly pointed out  
24 earlier, and we agree, this is really robbing

1 Peter to pay Paul.

2 And also one thing you can do in this  
3 budget is to end the RGGI raids once and for  
4 all. We actually call on the Legislature to  
5 include language in the budget that will  
6 direct NYSERDA to amend its RGGI regulations  
7 to align with the equity goals and mandates  
8 of the CLCPA. We heard from Alicia Barton  
9 that they are heading down that direction;  
10 let's mandate it in law.

11 I'm going to move ahead quickly to the  
12 environmental bond act, because there are  
13 other items in our climate testimony, but in  
14 the interests of time, I'm going to focus on  
15 the bond act next.

16 So first, it's been nearly a quarter  
17 of a century since we did an environmental  
18 bond act. It's time to put one before the  
19 voters again. I actually want to ask you to  
20 pull the bond act out of the budget  
21 discussions and do it outside. You did that  
22 last year with climate, and it was a good  
23 result because you had more time and energy  
24 to focus on the bond act, and you should do

1           that again. It's important to do a bond act,  
2           but it's not a requirement to do it within  
3           the context of a budget negotiation.

4                     Also a \$3 billion bond act should go  
5           for restoring habitat, reducing flood risk  
6           and other key clean water programs. If you  
7           find that you want to advance a \$5 billion  
8           bond act, well, we won't oppose that at  
9           all -- in fact, we encourage you to do it.  
10          You could include an additional billion  
11          dollars that would go into clean water  
12          programs, particularly to fund the  
13          replacement of lead water pipes, which is a  
14          huge problem for New York. And you could  
15          also spend an additional billion dollars  
16          quite simply on electrification for electric  
17          vehicles, setting up that publicly charging  
18          infrastructure.

19                    So there's two key ways to get to a  
20          \$5 billion bond act after you address the  
21          \$3 billion one.

22                    Clean water programs, as we heard  
23          earlier today, there's a huge demand. And  
24          while the \$500 million last year was a great

1           addition, and the \$500 million this year is  
2           going to be great, you could literally spend  
3           {snapping fingers} like that a billion  
4           dollars on shovel-ready projects that could  
5           put New Yorkers to work and clean our water.  
6           So we encourage you to do that.

7                        On the issue of solid waste, we  
8           support the Executive's proposal to ban  
9           polystyrene containers in packaging. And we  
10          also urge the Legislature to consider broader  
11          policies that will expand efforts to reduce  
12          plastic pollution such as a ban on other  
13          single-use plastics.

14                       We applaud the Governor's inclusion of  
15          stewardship programs for carpet and  
16          mattresses. But at least when you look at  
17          these stewardship programs, we encourage you  
18          to reduce the front-end toxicity. Make  
19          products that are cleaner; it will make them  
20          easier to recycle. So reduce the toxins in  
21          mattresses and carpets to begin with.

22                       And then finally let me close by just  
23          reiterating our position on the EPF. We urge  
24          you to support the Governor's proposed

1           \$300 million level, but urge you to look  
2           forward to expanding that, so in five years  
3           from now we have a \$500 million EPF.

4                     Please reject the staffing offloads  
5           into the APPF. That doesn't belong in a  
6           capital program. That's what operation  
7           budgets are for. And also reject the RGGI  
8           transfer of \$5 million. We're not expanding  
9           the EPF; we shouldn't nickel-and-dime other  
10          important programs.

11                    And finally, the DEC needs more staff.  
12          I think that's plain. You know it, I know  
13          it, the commissioner probably knows it but he  
14          can't say so.

15                    CHAIRWOMAN KRUEGER: Thank you. And  
16          thank you for staying within the five  
17          minutes.

18                    Any questions? Thank you very much.

19                    MR. IWANOWICZ: My pleasure.

20                    CHAIRWOMAN KRUEGER: Next we have  
21          Jessica Ottney Mahar from The Nature  
22          Conservation.

23                    And up on deck, if they want to come  
24          closer to the front, League of Conservation

1 Voters and Resource Recycling Systems.

2 MS. OTTNEY MAHAR: Thank you,  
3 everyone, for the time here today. I'm  
4 Jessica Ottney Mahar. I'm the director of  
5 policy and strategy with The Nature  
6 Conservancy here in New York.

7 And I want to start out by saying  
8 thank you because last year was a really  
9 historic year for our environment. We were  
10 thrilled to work with you on so many  
11 things -- thank you -- including the passage  
12 of nation-leading climate legislation. And  
13 we're ready to get back to work again this  
14 year.

15 I sent in a really long written  
16 testimony which I'm not even going to attempt  
17 to read from, but happy to talk to you in  
18 more detail later on.

19 I wanted to start out with the  
20 Environmental Protection Fund. We have been  
21 grateful for bipartisan legislative support  
22 for this program for the entire time it's  
23 existed, and we really appreciate how much  
24 legislators support all of the different

1 programs within the EPF.

2 Last year you all worked really hard  
3 to fight back against a proposal to offload  
4 agency staff costs into the EPF.  
5 Unfortunately, that fight is going to have to  
6 happen again. The Governor's budget proposes  
7 unlimited use of the EPF for agency staff  
8 costs. Despite what has been said today,  
9 there's absolutely no limitation on the  
10 amount of money that could be removed from  
11 capital funds and projects in communities to  
12 pay for agency staffing.

13 Now, The Nature Conservancy really  
14 supports the addition of staffing at our  
15 environmental agencies, but we shouldn't have  
16 to take money out of the EPF and open the EPF  
17 to unlimited spending for that purpose in  
18 order to refill our agency staffing levels.  
19 So we ask that you once again push back and  
20 oppose that proposal.

21 We do support the \$300 million  
22 appropriation again this year. That's a  
23 historic high for the EPF. And again, we  
24 really support the Legislature's support for

1           that and want to make sure that the funding  
2           continues to grow in the future.

3                       As Peter mentioned, there's a proposed  
4           transfer of \$5 million from RGGI into the  
5           EPF. We oppose that. And we're also  
6           concerned at The Nature Conservancy about  
7           cuts to the Land Conservation Program, which  
8           used to be a \$60 million program in New York  
9           State and is now being cut down to 30, just  
10          half of what it once was when the EPF was  
11          \$255 million. So we have concerns over that  
12          cut as well as the cut to the Zoos, Botanical  
13          Gardens and Aquaria program.

14                      And I wanted to voice some support for  
15          a new program within the land conservation  
16          line, which is for land trusts to work with  
17          private forest landowners to do permanent  
18          protection through conservation easements on  
19          their land. The Nature Conservancy is really  
20          supportive of land trusts having those grants  
21          to support that work. They're on the ground  
22          in communities working with landowners, and  
23          that will be permanent forest conservation,  
24          which is really important going forward.

1           I also wanted to just call your  
2           attention to the New York Protected Areas  
3           Database, which is a really geeky thing that  
4           we need to make sure things like renewable  
5           energy siting happen right. That's in the  
6           state land stewardship line.

7           And then I also want to talk about the  
8           bond act, which The Nature Conservancy  
9           strongly supports. It's been almost a  
10          quarter-century since we had one. We really  
11          agree with the intent around a bond act to  
12          support issues like flooding and flood  
13          prevention in our communities and protecting  
14          natural resources that our communities and  
15          future generations depend on.

16          So really appreciate the fact that  
17          we're talking about this finally, the first  
18          time since 1996. And we've been working on  
19          these in other states around the country, so  
20          we believe the voter support will be there,  
21          based both on public opinion research and our  
22          experience working with voters.

23          We would just ask that you think about  
24          framing it in a way that will compel voters

1           and that will be understandable to voters.  
2           In particular, the ballot question that  
3           voters are going to have to look at is going  
4           to be very important. So as you write that,  
5           which will be legislated, we really need to  
6           be careful about how that's worded.

7                         And then lastly, I'll just say that  
8           The Nature Conservancy is excited about the  
9           proposal to further protect our wetlands in  
10          New York State. We're concerned about the  
11          "Waters of the U.S." ruling at the federal  
12          level and the implications it has for clean  
13          water and habitat. And we believe that the  
14          proposal in the budget, while it's different  
15          than some of the legislation that has been  
16          proposed in the past, deserves a serious look  
17          and we hope that you give it consideration  
18          and conversation.

19                        And with that, I'll leave 30 seconds  
20          on the clock and open it up to questions.

21                        CHAIRWOMAN KRUEGER: Great.

22                        Senate? Assembly.

23                        ASSEMBLYMAN CUSICK: Yes.

24          Assemblymember Glick.

1 ASSEMBLYWOMAN GLICK: Thank you very  
2 much for your testimony. I have one  
3 question.

4 In how many locales are you working  
5 with landowners, property owners who are  
6 facing flooding? I see that you reference  
7 Mastic Beach, but clearly there are lots of  
8 places on the South Shore of Staten Island  
9 and obviously other places. So in how many  
10 locales are you actually working?

11 MS. OTTNEY MAHAR: So yeah, thank you  
12 for that question.

13 So we have teams working on the ground  
14 in a number of places, both actively and in  
15 the past, and it's in different functions.  
16 So in places like Mastic Beach we've done  
17 work where we've actually worked with willing  
18 sellers to buy out properties and return  
19 those properties to a functioning wetland,  
20 for example. We're doing some work like that  
21 in Staten Island right now as well.

22 And then in other areas, like on the  
23 shoreline of Lake Ontario or in the  
24 Southern Tier -- and in the Southern Tier, in

1 fact, we did so with support through the  
2 Environmental Protection Fund -- we've been  
3 working with communities to do planning so  
4 that they can think about the problems that  
5 are causing their flooding, especially at a  
6 regional level beyond their own municipal  
7 borders, and then work together on plans and  
8 actually come up with lists of projects that  
9 might be fundable through something like a  
10 bond act.

11 So we've had a number of projects in  
12 different places throughout the state, and  
13 it's kind of ebbed and flowed. In the  
14 Adirondacks we're working with communities on  
15 replacing culverts. There are a lot of  
16 culverts that blew out during Hurricane Irene  
17 and really destroyed the only roadway that  
18 got people from one place to another. It was  
19 a serious public health and safety concern.

20 What we've learned in a lot of the  
21 state is a lot of these culverts, where they  
22 create pinch points and blow out during  
23 storms, they're also ripe for opening up  
24 hundreds of miles of fish habitat, which is

1 great for the fish and great for the  
2 fishermen.

3 So we've been working in communities  
4 in the Adirondacks and in the Hudson Valley  
5 on that, and we're now prioritizing culverts  
6 that need to be replaced in places like Long  
7 Island. And then our partners, like soil and  
8 water conservation districts, are doing  
9 similar prioritizations in other areas of the  
10 state.

11 ASSEMBLYWOMAN GLICK: Thanks very  
12 much.

13 MS. OTTNEY MAHAR: I'd be happy to  
14 follow up with your office as well if you  
15 have more questions on that.

16 CHAIRWOMAN KRUEGER: Great. Thank  
17 you. And we also have a question by  
18 Senator May.

19 SENATOR MAY: Thank you. Yeah, that  
20 pretty much answered my question, but I was  
21 wondering, just to extend it, have you done  
22 watershed-level planning or facilitated,  
23 helped groups get started to do that?

24 MS. OTTNEY MAHAR: Yeah, so we had a

1 program called Flood Smart Communities, and  
2 the goal of that program -- and I talk a  
3 little bit about it in the testimony. And,  
4 Senator, I can come in and give you a fuller  
5 briefing. One of the examples of this was  
6 along the shoreline of Lake Ontario in  
7 Greece, Parma and Hilton, and we did a second  
8 phase with support from the EPF which  
9 Senator O'Mara secured several years ago in  
10 Southern Tier communities.

11 So kind of watershed-level planning in  
12 these areas that are flooding. Again,  
13 thinking about both the problems and the  
14 solutions and how strategies both within and  
15 beyond the municipal boundaries could  
16 contribute to solving those problems.

17 And, you know, the issue with flooding  
18 is it's really -- the cause is different in  
19 all these areas. And so really taking a look  
20 and figuring out at the community level what  
21 both the problem is and kind of what that  
22 community, what they want their future to  
23 look like is really important.

24 And I think as we think about the bond

1 act, we also have to be thinking about how to  
2 leverage programs in the EPF and other  
3 programs that exist to ensure that  
4 communities are able to do that planning  
5 prior to just throwing projects out there, so  
6 that we really understand what the impact of  
7 the projects that we'll be funding will be  
8 down the road.

9 SENATOR MAY: One thing I've heard  
10 about is kind of the shift to larger-scale  
11 corn farming has been one of the real  
12 problems with causing more erosion and more  
13 runoff from the land. And I don't know if  
14 you've worked with farmers at all.

15 MS. OTTNEY MAHAR: We haven't worked  
16 on corn, but we are working in the  
17 Finger Lakes right now on some ag projects  
18 with farmers in reducing nutrients and  
19 thinking how, you know, we can work with them  
20 on projects that they support and also can  
21 reduce some of the nutrient inputs into the  
22 Finger Lakes.

23 SENATOR MAY: Great. Thank you.

24 CHAIRWOMAN KRUEGER: Okay, thank you

1 very much. Appreciate it.

2 MS. OTTNEY MAHAR: Thank you.

3 CHAIRWOMAN KRUEGER: Our next  
4 testifier, New York League of Conservation  
5 Voters, followed by Resource Recycling  
6 Systems, followed by Center for Creative Land  
7 Recycling.

8 MR. McCLELLAN: Thank you. And thank  
9 you to all the members who are still here.

10 My name is Pat McClellan, and I'm the  
11 state policy director for the New York League  
12 of Conservation Voters.

13 We strongly support the \$3 billion  
14 environmental bond act. Investments in  
15 nature-based resiliency serve a dual purpose  
16 of mitigating the impact of climate change on  
17 our communities while also protecting  
18 wildlife and natural spaces.

19 It's been almost 25 years since the  
20 last environmental bond act, and the focus on  
21 flood protection and climate mitigation here  
22 is clear value for money because every  
23 one dollar spent on mitigation saves the  
24 state about \$6 down the road in responding to

1 floods and other natural disasters.

2 We do hope that as the budget is  
3 discussed and developed over the next two  
4 months that the Legislature and the Governor  
5 can work together on some more specific  
6 language and dollar figures for what the bond  
7 act can go towards.

8 While it's not directly connected to  
9 the bond act, we do also support Part TT of  
10 the TED Article VII legislation relating to  
11 wetlands. This would eliminate some costly  
12 and outdated red tape that prevents DEC from  
13 protecting vulnerable wetlands. If we're  
14 going to spend \$3 billion on natural  
15 restoration projects through this bond act,  
16 including wetlands restoration, we really  
17 should make sure that DEC has the appropriate  
18 tools that they need to protect the wetlands  
19 that we already have before they're  
20 endangered in the first place.

21 On funding, I'll just echo what  
22 Jessica and Peter said about the EPF, that  
23 we're thrilled that it's at \$300 million for  
24 a fifth year in a year, but that using any

1           portion of the EPF for staffing needs is not  
2           an appropriate use of a capital fund.

3                     And we recognize that it's a tight  
4           year in the budget, but we do think that the  
5           state should start moving in the direction  
6           of, over the next five years, gradually  
7           increasing the EPF to \$500 million in size.

8                     Outside of the EPF, and hopefully paid  
9           for out of the General Fund, we are thrilled  
10          that the Governor has proposed new staff for  
11          DEC and for the Parks Department. It's long  
12          overdue.

13                    We're also pleased that the Executive  
14          Budget is continuing to allocate more funding  
15          for clean water, and we support Part KK of  
16          the Article VII legislation which would help  
17          communities that are receiving zero interest  
18          loans have a longer payback period so that  
19          it's easier to access.

20                    On recycling and waste issues, there  
21          are a number of things we wanted to weigh in  
22          on. First, we need to get rid of materials  
23          that can't be recycled or responsibly  
24          disposed of. That's why we supported the

1 plastic bag ban last year, and that's why we  
2 support the proposal to ban polystyrene foam  
3 containers and packaging this year.

4 But we also need to shift  
5 responsibility for recycling and safe  
6 disposal of materials that are difficult and  
7 expensive from local governments and  
8 taxpayers to the manufacturers of those  
9 products. So we support the proposals in the  
10 Executive Budget to create extended producer  
11 responsibility laws that cover mattresses and  
12 carpeting.

13 We're happy that there's also a  
14 proposal to charge DEC with identifying other  
15 product types that could be covered by EPR,  
16 but the Legislature shouldn't wait for that  
17 process to take place. There are actions  
18 that can be taken this year, including EPR  
19 legislation for packaging, for instance. So  
20 we'd urge you to move forward with that even  
21 as we wait for DEC to hopefully identify some  
22 other material types where it makes sense to  
23 apply this model.

24 And finally, we need to make our

1 existing recycling programs work better,  
2 which in part means developing markets that  
3 are worth it for local governments to  
4 participate in.

5           You know, I'm sure you know that many  
6 municipalities in the state are considering  
7 dropping glass from their recycling programs  
8 entirely because it's become so expensive.  
9 So we are pleased that the Governor announced  
10 in the State of the State a Center of Glass  
11 Innovation to research some new ways to  
12 reduce and recycle glass.

13           But we think that the state should  
14 also move forward with a minimum  
15 post-recycled content requirement for new  
16 packaging. And that is similar to a proposal  
17 that was put forward last year as part of an  
18 Expanded Bottle Bill proposal by  
19 Senator Kaminsky and Assemblymember  
20 Englebright. We think that that  
21 post-recycled content requirement can be  
22 pursued independently.

23           We're enthusiastic about potential  
24 reforms to Article X. As others have said,

1 if the current process is not working, it's  
2 not going to let us get where we want to go  
3 on energy. So we eagerly await further  
4 details of what the Governor is proposing.

5 And then, finally, I wanted to touch  
6 on transportation. There's a lot of  
7 low-hanging fruit here that the state should  
8 pursue. So legalizing e-bikes and  
9 e-scooters, which, you know, it seems like  
10 everyone is finally in agreement on now.

11 And there are two other programs to  
12 raise revenue to decarbonize transportation  
13 that the state should pursue. One is the  
14 Transportation and Climate Initiative. The  
15 other is a low carbon fuel standard, which I  
16 would be happy to discuss in greater detail,  
17 and it is discussed in greater detail in my  
18 written testimony that I submitted.

19 Thank you.

20 CHAIRWOMAN KRUEGER: Thank you.

21 Senate, any questions? Assembly?

22 Harvey Epstein.

23 ASSEMBLYMAN EPSTEIN: Sorry for my  
24 voice. But thank you for your testimony.

1                   I want to know more about -- I know,  
2                   I'm sorry. Just where are you on the  
3                   composting? It seems like we haven't moved  
4                   forward enough on composing statewide. And  
5                   what do you think we need to do to get  
6                   municipalities -- like New York City, we're  
7                   moving forward, but the rest of the state is  
8                   really far behind in getting a real  
9                   composting program off the ground. And what  
10                  do you think about how we do that in a more  
11                  productive way?

12                 MR. McCLELLAN: Yeah, I think the one  
13                 thing that I would like to see DEC kind of  
14                 report out on -- or actually I believe it's  
15                 NYSERDA who had conducted a study on this in  
16                 2017 in advance of the first time that that  
17                 food mandate had been proposed -- is looking  
18                 at what the capacity in the state is, how  
19                 many anaerobic digesters and other facilities  
20                 that are capable of accepting organic waste  
21                 are there really. Because that's the big  
22                 hindrance to doing mandates.

23                 And while it's great that, you know,  
24                 so many individuals and individual nonprofits

1           in this state are committed to recycling  
2           their food waste, we're not really going to  
3           move the needle until we have curbside  
4           collection in more municipalities and  
5           mandates covering more institutional  
6           generators of waste.

7                     But you can't really put those  
8           mandates in place and you can't really do  
9           curbside pickup unless the capacity is there.  
10          And so the state needs to be reporting  
11          regularly on whether or not that capacity is  
12          there.

13                    And, you know, I think that a  
14          low-carbon fuel standard as well, which would  
15          basically require that the dirtiest fuel  
16          importers in the state -- so gasoline and  
17          diesel, basically -- to purchase credits from  
18          clean-fuel providers. That would include  
19          renewable biofuels, which is one of the  
20          possible uses of an anaerobic digester.

21                    And we think that a program like that  
22          would also help to spur the development of  
23          more digesters in the state. Which, by the  
24          way, on a kind of side note, would have a lot

1 of benefit for dairy farmers.

2 ASSEMBLYMAN EPSTEIN: And then just  
3 one other question around -- you know, with  
4 diesel and car fumes and trying to move to  
5 electric vehicles, it seems like we are  
6 starting or seem to be behind in our state  
7 fleet of vehicles as well as trying to get  
8 people privately to be able to get  
9 rechargeable cars -- there are tax credits in  
10 place, but not publicly available charging  
11 stations. How do we move forward on that?

12 MR. McCLELLAN: Yeah, I mean -- so I  
13 think that the question of getting it to  
14 scale is one of funding. You know, I do  
15 think that private markets are beginning to  
16 step in, but certainly not at the speed or  
17 scale that they need to to hit the aggressive  
18 targets that we need to.

19 So again, the Transportation and  
20 Climate Initiative, which would be an  
21 interstate compact that New York has actively  
22 participated in conversations on but has not  
23 committed to joining -- that could raise  
24 potentially over a billion dollars a year for

1 clean transportation projects, including mass  
2 transit and electric vehicle charging  
3 stations.

4 And then similarly, we think it would  
5 be complementary to also pursue an LCFS, in  
6 which case, you know, one of the eligible  
7 participants in the market that would sell  
8 credits to dirty fuel providers would be  
9 electric charging installers. So that, you  
10 know, functionally Exxon is paying for the  
11 installation of electric vehicle charging  
12 stations.

13 CHAIRWOMAN KRUEGER: Okay. Thank you  
14 very much for your testimony tonight.

15 MR. McCLELLAN: Thank you.

16 CHAIRWOMAN KRUEGER: Next up we have  
17 Resource Recycling Systems, followed by  
18 Center for Creative Land Recycling, followed  
19 by Citizens Campaign for the Environment.

20 And again, I think some people got on  
21 the train already. We'll see.

22 Hi.

23 MS. DIMINO: Hi. My name is Resa  
24 Dimino. I'm with Resource Recycling Systems.

1           We are a mission-driven recycling  
2           consultancy. And I'm here today on behalf of  
3           a consortium of companies that collect,  
4           process and recycle carpet.

5                     We're very pleased to see the  
6           Governor's Executive Budget including  
7           language to create an extended producer  
8           responsibility program for carpet, and we're  
9           here to support that.

10                    According to the DEC, less than  
11           1 percent of the carpet in New York State is  
12           recycled every year. And sending all that  
13           carpet to landfill or waste-to-energy  
14           facilities is not only a waste of money, in  
15           that local governments and businesses are  
16           paying to dispose of it, but also squanders  
17           valuable natural resources.

18                    Carpet recycling offers a good  
19           opportunity to reduce greenhouse gases,  
20           create jobs, and keep materials circulating  
21           in the economy to improve sustainability.  
22           Unfortunately, though, the economics of  
23           carpet recycling are not self-sustaining, so  
24           in order for carpet recycling to work in

1 New York, we need EPR policy for financing.

2 EPR programs require carpet producers  
3 to pay the cost of collection and processing  
4 of carpeting. It's sort of like the  
5 "polluter pays" principle applied to carpet;  
6 the producers pay those costs. Those costs  
7 essentially get passed on to consumers, so  
8 the people who use carpet ultimately pay for  
9 its recovery at the end of its life.

10 Despite the fact that carpet has some  
11 value and there's real environmental benefit  
12 in recovering it, nationally only about  
13 5 percent is recovered -- and as I said, in  
14 New York, only 1 percent. The only place  
15 that's got a reasonably decent carpet  
16 recycling rate is California, where they have  
17 California EPR legislation. Their rate has  
18 gone up to about 24 percent and is still  
19 moving up, and there's a demand for all the  
20 carpet that's being collected and processed  
21 in that program.

22 We estimate that within about  
23 four years, New York could get to 25 percent  
24 carpet recycling. And if we did that, we

1 would be able to reduce greenhouse gas  
2 emissions by 33,000 metric tons of carbon  
3 equivalent, create about a thousand jobs, and  
4 save more than \$4 million a year in waste  
5 disposal costs. And we think those benefits  
6 will only go up over time.

7           It's important to understand why we  
8 can't recycle carpet in New York today and  
9 why we need this EPR policy. Even though  
10 there's a demand for the carpet that's  
11 collected -- more than 90 percent of the  
12 materials in carpet are currently recyclable  
13 and have end markets, but the prices paid for  
14 that material aren't enough to cover the cost  
15 of collection and processing and  
16 transportation.

17           And so these materials have to compete  
18 with virgin plastics, which are very low  
19 priced, and other commodities that are very  
20 inexpensive. The incentive that EPR provides  
21 levels the playing field so that we can  
22 offset the higher processing costs that these  
23 carpet recyclers face and allow them to  
24 compete for markets and keep this material in

1           circulation.

2                     The carpet recyclers are private  
3 businesses. They'd love a market-based  
4 solution. Unfortunately, there's none on the  
5 horizon. Several of the carpet companies are  
6 ready to come to New York, they're ready to  
7 build facilities here, create jobs here, and  
8 help the state meet greenhouse gas reduction  
9 and waste reduction goals. And we hope that  
10 you will work with us to take advantage of  
11 the policy opportunity here to bring these  
12 businesses to New York State. It's really a  
13 win/win.

14                   CHAIRWOMAN KRUEGER: Thank you.

15                   Senate? Assembly? We appreciate your  
16 testimony.

17                   MS. DIMINO: Thank you.

18                   CHAIRWOMAN KRUEGER: And you'll be the  
19 first person to testify on carpet recycling  
20 ever. Thank you.

21                   (Laughter.)

22                   CHAIRWOMAN KRUEGER: Center for  
23 Creative Land Recycling. Hello, Jeff Jones.

24                   Next up, for people tracking, Citizens

1 Campaign for the Environment. And then we  
2 have the Sierra Club and the New York  
3 Farm Bureau, if people want to get closer to  
4 the front.

5 MR. JONES: Good evening,  
6 Senator Krueger and other Senators and  
7 Assemblymembers. My name is Jeff Jones.

8 Jean Hamerman, the director of  
9 strategic initiatives for the Center for  
10 Creative Land Recycling, could not be here  
11 today, and I am happy to step in.

12 I appreciate very much, as someone who  
13 has spent the day with you, your endurance  
14 and your commitment. And appreciate this  
15 opportunity to say a few words.

16 I may be about to set a record. We  
17 have been talking all day about very big  
18 issues, billions of dollars -- at least  
19 hundreds of millions of dollars -- and I ask  
20 to speak to you today about \$2 million. So  
21 I'll be quick.

22 The Brownfield Opportunity Areas  
23 program is one line in the Environmental  
24 Protection Fund. It is proposed this year at

1           \$2 million, which is where it has spent most  
2           of the last six or seven years, which is a  
3           reasonable amount for the -- we call it BOA,  
4           the Brownfield Opportunity Areas program.

5                     I just want to call it to your  
6           attention because it's been such a successful  
7           program in New York but it's so little known.  
8           It was created in 2003, when the Legislature  
9           created its package of brownfield cleanup  
10          laws. And although we are not talking about  
11          urban revitalization of brownfield cleanups  
12          to the extent that we did some years ago, the  
13          fact that the Brownfield Cleanup Program --  
14          the BCP, the big gorilla in the brownfield  
15          cleanup room -- is expiring at the end of  
16          2022 makes me think that we'll probably be  
17          having this conversation a few more times.

18                    But specifically to BOA. There was a  
19          problem in the way that urban redevelopment  
20          was being conducted in New York, and that was  
21          that the communities that were most impacted  
22          by contaminated lands, especially urban  
23          lands, did not have a seat at the table about  
24          what the future of their neighborhoods was

1 going to be.

2 This is in some ways similar to the  
3 conversation we're having about impacted  
4 neighborhoods in relation to the climate  
5 crisis. So the Brownfield Opportunity Areas  
6 program put money in the hands of local  
7 community members to have a say in the future  
8 of their communities.

9 And if you take a look at the  
10 testimony and the communities that today are  
11 benefiting from the Brownfield Opportunity  
12 Areas program, you'll see how it has  
13 actually, although it was an idea that was  
14 created and championed in the environmental  
15 justice movement, it has become a major tool  
16 for economic development across the state,  
17 with -- I would say particularly in some of  
18 the upstate municipal areas.

19 The way the program was set up, there  
20 were stages, and eventually the final stage  
21 was the creation of a plan which was then to  
22 be designated by the Secretary of State. And  
23 in 2009 there were amendments that allow BOA  
24 projects that have been designated -- when a

1 developer develops consistent with that  
2 program, they get a tax credit, an additional  
3 tax credit.

4 And I want to call your attention to  
5 that because there are now 57 designated BOAs  
6 across the state. In every regional economic  
7 development -- REDC region, there are  
8 designated BOAs. Six of them have reached  
9 the stage where the Secretary of State has  
10 said, Okay, you qualify for these tax  
11 credits.

12 Revitalizing downtowns is critical on  
13 a number of different levels. And if there's  
14 any question about this -- and this is sort  
15 of the main point I wanted to make. You as a  
16 legislature have supported the Governor's  
17 proposal for the Downtown Revitalization  
18 Initiative, DRI, a much bigger program,  
19 \$100 million a year. It's in this year's  
20 budget too. And what happens -- that's where  
21 the "Hunger Games" meme comes from,  
22 competition between different communities.

23 Nevertheless, we are now ready to  
24 start the fifth round of DRI. That means a

1           number of urban projects will qualify for a  
2           \$10 million redevelopment grant. In the  
3           first year of the program, the first  
4           10 projects that won DRIs, half of them  
5           started out as BOAs. Why was that? Because  
6           that's what allowed communities that didn't  
7           necessarily have the resources to hire  
8           planners or developers to actually compete  
9           successfully. And so now, now that we've had  
10          four complete rounds, with another one to go,  
11          a quarter of all DRI awards have gone to  
12          projects that started as BOAs.

13                   And with my 15 seconds that I have, I  
14          would just say it's a very valuable  
15          \$2 million that's embedded within the  
16          Environmental Protection Fund, and the Center  
17          for Creative Land Recycling and many of our  
18          allies hope that you will support it when the  
19          time comes. Thank you.

20                   (Timeclock chimes.)

21                   CHAIRWOMAN KRUEGER: Perfect timing.  
22          Thank you.

23                   So you got it, everybody? Two million  
24          dollars, they want to keep it, they'd love to

1 get more -- we're probably not giving them  
2 more.

3 Thank you for coming and testifying,  
4 Jeff.

5 Any other questions? All right --

6 MR. JONES: Can I take these paper  
7 clips and recycle them?

8 (Laughter.)

9 MR. JONES: Thank you.

10 CHAIRWOMAN KRUEGER: Goodbye.

11 Citizens Campaign for the Environment,  
12 the indubitable Adrienne Esposito, executive  
13 director.

14 Followed by, again, Sierra Club,  
15 Roger Downs, and New York Farm Bureau,  
16 Jeff Williams.

17 Good evening.

18 MS. ESPOSITO: Good evening. And  
19 thank you to all of you who are sticking it  
20 out, your endurance and fortitude is  
21 well-appreciated.

22 My name is Adrienne Esposito. I'm the  
23 executive director of Citizens Campaign for  
24 the Environment. We are a 120,000 member

1 organization throughout all of New York State  
2 and also Connecticut.

3 I'm going to make a couple of quick  
4 points, and I'm going to talk quickly because  
5 the clock literally is ticking.

6 The first thing is water. Thank you.  
7 I just want to say I know you don't hear this  
8 often enough, but thank you for the Water  
9 Infrastructure Improvement Act. When you  
10 opened up that act as a line item in the  
11 New York State Budget back in 2015, it really  
12 started something big. It started out small  
13 with \$50 million, then it inched up to  
14 \$75 million, and before we know it, in 2017  
15 you allocated \$2.5 billion -- 500 million  
16 last year, and another proposal of adding  
17 500 million this year.

18 That has been a huge success. Right?  
19 The sewer infrastructure, drinking water  
20 infrastructure, the pipes don't fix  
21 themselves. We have to do it. So I want to  
22 urge you to continue and build on that  
23 success.

24 It's my job to say thank you but also

1 to ask you for more, and so I shall. We're  
2 asking for \$1 billion for water  
3 infrastructure in that line item this year.

4 When the previous estimate of how much  
5 it would cost New York State to upgrade  
6 sewage treatment plants and drinking water  
7 was crafted, that was before we even knew  
8 about emerging contaminants -- 1,4-dioxane,  
9 PFOA, PFOS. Now we have the added burden and  
10 will be looking at more emerging contaminants  
11 this year that will be right around the  
12 corner for us to filter out.

13 So we can't sit back and rest on this  
14 success; we have to keep pushing forward.  
15 Clean water protection, public health  
16 protection, we ask that you please give it  
17 the highest priority, as you have. Thank  
18 you.

19 The second thing is wetlands. We're  
20 thrilled to see in the Governor's budget the  
21 12.4 acres for mapping will now be only  
22 educational, not jurisdictional. Which means  
23 all wetlands, 12.4 acres, will be protected.  
24 That's great.

1                   But members of the Senate and the  
2                   Assembly, this could actually be the year  
3                   that we actually protect wetlands one acre or  
4                   more. Because 12.4 acres is not an  
5                   ecological threshold, it's a political  
6                   compromise.

7                   So on the one hand I have gone to I  
8                   don't even know how many meetings where we're  
9                   talking about nature-based solutions to  
10                  flooding, flood control, preserving wetlands,  
11                  restoring wetlands, reconstructing wetlands.  
12                  That's great. On the other hand, we have a  
13                  policy that only protects wetlands  
14                  12.4 acres. So if it's 11 acres, ah, we  
15                  don't care. That doesn't make sense. That  
16                  actually is counterproductive.

17                  So if we want nature-based solutions  
18                  and we want to protect communities from  
19                  flooding, let's not allow wetlands to be  
20                  developed upon.

21                  The third thing I want to mention is  
22                  glass recycling, just very quickly. We've  
23                  heard over and over again that we cannot  
24                  recycle glass, we don't recycle glass. The

1 truth be known, where I live they don't pick  
2 it up anymore. You bring it to a special  
3 drop-off. You wash your cans, then you drop  
4 it off -- then you know what they do with it?  
5 They grind it up and put it in the landfill  
6 as a liner. That's not recycling.

7 So until we actually have a glass  
8 market, a glass recycling center in New York,  
9 that's when we'll recycle glass. That's  
10 something that could be put into the  
11 environmental bond act. That would be a good  
12 capital expense, as I'm being told what's  
13 being looked for in the bond act. Helps  
14 solve one of the key municipal waste  
15 challenges that we have right now.

16 Another thing is the EPF. I just want  
17 to reiterate we stand with our colleagues in  
18 the environmental community. Please again,  
19 Senate and Assemblymembers, let's fight  
20 against offloading DEC staff into the EPF.  
21 Once that door is open, it's not going to  
22 close. We need to keep the EPF as solid as  
23 it is. It's our only area where we protected  
24 the environment and we need to keep it as

1           such.

2                   Two other quick things. Please stand  
3 strong with the Styrofoam ban. I know those  
4 jobs that are in New York State are  
5 important, but jobs must transition. Just  
6 like when we used to produce phone books and  
7 now we don't, or rotary phones, or even  
8 typewriters, and now we don't. Those jobs  
9 transition. As society changes and evolves,  
10 the jobs must change and evolve. We don't  
11 stunt the evolution of society, but rather we  
12 change the jobs to meet new societal needs.

13                   I live in a county that bans  
14 Styrofoam. We're all good, we're all fine.  
15 We can do it as a state.

16                   And last but definitely not least --  
17 this relates to what Senator Kaminsky had  
18 asked earlier -- there's supposed to be, but  
19 there isn't, a small tiny little literally  
20 drop in the bucket in the budget of \$200,000  
21 to study water sharing between New York City  
22 and Nassau County. New York City has a  
23 surplus of 1 billion gallons per day that  
24 they would like to share; Nassau County has a

1 deficit in the county. Sharing water would  
2 allow us to fight saltwater intrusion and  
3 have a more sustainable water supply.

4 Please, if we could put the \$200,000  
5 in the budget where it belongs, it would mean  
6 a lot to 1.5 million people.

7 Thank you very much.

8 CHAIRWOMAN KRUEGER: Thank you,  
9 Adrienne.

10 Questions from the Senate? From the  
11 Assembly?

12 ASSEMBLYMAN CUSICK: Yes.  
13 Assemblymember Ra.

14 ASSEMBLYMAN RA: Thank you, Adrienne.  
15 Good to have you here.

16 MS. ESPOSITO: Hi, Assemblyman.

17 ASSEMBLYMAN RA: Thank you for  
18 sticking it out with us.

19 MS. ESPOSITO: It was close, but I did  
20 it.

21 ASSEMBLYMAN RA: Just a quick  
22 question. Back in the fall you had come out  
23 and testified when we had our Water Quality  
24 Task Force, and one of the things we were

1 obviously talking about that night was  
2 1,4-dioxane and treatment and costs and all  
3 that.

4 And obviously there's been some  
5 developments in the situation since then,  
6 both in terms of some additional funding  
7 going to our local water districts and also  
8 the regulation and time that the water  
9 districts were asking for in terms of putting  
10 new technologies online to deal with that  
11 issue.

12 So any thoughts as to where we are now  
13 versus then? Obviously funding is going to  
14 continue to be an issue, to make sure that  
15 districts can, you know, comply with the new  
16 regulations. But any further thoughts on  
17 where we ended up with the regulations?

18 MS. ESPOSITO: Well, I have to say,  
19 you know, funding and technology will mean --  
20 will be a challenge. But I have to  
21 compliment the New York State Department of  
22 Health and the Drinking Water Task Force for  
23 their solution, which is to give a two-year  
24 extension for some water suppliers who can

1           prove that they're doing due diligence in  
2           being able to filter 1,4-dioxane but they  
3           still need two more years to comply. And  
4           then if really they need it, they can do one  
5           more year.

6                         So water suppliers asked for a  
7           seven-year leeway or grace period, and the  
8           Department of Health said no, gave them two  
9           years and a potential three years. So I  
10          thought that the system that was crafted, as  
11          best as my knowledge about it, is reasonable  
12          and I think is good enough for the water  
13          suppliers. It helps the public feel more  
14          secure that we're aggressively seeking clean,  
15          safe, healthy water for them.

16                        ASSEMBLYMAN RA: Thank you.

17                        CHAIRWOMAN KRUEGER: Thank you.

18                        I want to thank you for pointing out  
19          the correlation between our need to change  
20          our business practices in order for the  
21          planet to survive.

22                        And again, the assurance that I think  
23          got lost sometimes today, that people will  
24          have new jobs in a new green sector. So just

1           because you might find yourselves no longer  
2           working in a polluting industry, it doesn't  
3           mean there won't be new jobs you've never  
4           heard of yet in the industries we are  
5           creating at breakneck speed if we think we're  
6           going to last.

7                       MS. ESPOSITO: That's exactly right.  
8           I mean, we need to change. We're supposed to  
9           change as a species, and our jobs have to  
10          change with those -- you know, with our  
11          ability to evolve.

12                      CHAIRWOMAN KRUEGER: Thank you.

13                      MS. ESPOSITO: Thank you.

14                      CHAIRWOMAN KRUEGER: Thank you very  
15          much.

16                      Okay, we are now up to Roger Downs,  
17          the Sierra Club, followed by the Farm Bureau,  
18          followed by the Farm Viability Institute.

19                      Hi, Roger.

20                      MR. DOWNS: Hi, how are you.

21                      Senator Krueger, esteemed committee  
22          members, thank you for allowing the Sierra  
23          Club at this time to provide testimony.

24                      Last year the New York State

1           Legislature and Governor Cuomo made history  
2           by passing the strongest climate change  
3           legislation in the country, putting the  
4           Empire State on a path to a carbon-neutral  
5           society by 2050. This ambitious vision of  
6           reaching 100 percent renewable energy by 2040  
7           in a way that prioritizes and uplifts  
8           disadvantaged communities now has to be met  
9           with the even more daunting task of  
10          implementation.

11                         These next few months and years will  
12          test whether we have the resolve to make  
13          transformative change out of our ambitious  
14          goals. The Sierra Club finds a lot to be  
15          optimistic about in the 2020 Executive  
16          Budget, and has great confidence that the  
17          Senate and Assembly can build upon these  
18          commitments to methodically reduce greenhouse  
19          gas emissions, build equity and resiliency in  
20          our communities, and clean up our  
21          environment.

22                         I'd like to quickly touch upon a few  
23          priority issues. We celebrate a continued  
24          fully funded EPF at 300 million but express

1 concern, along with everyone else, for the  
2 appropriations language that opens the door  
3 to unlimited offloads from the General Fund  
4 to pay for staffing costs.

5 We support augmenting DEC staff by at  
6 least 47 to accommodate new climate law  
7 responsibilities, but we'd like to see a  
8 five-year plan to see that number rise to 250  
9 by 2025.

10 We herald codifying the historic  
11 fracking ban but hope the final Article VII  
12 language will mirror the Metzger-Krueger  
13 language to include oil wells and a ban on  
14 fracking that also includes gel propane as a  
15 fracking fluid.

16 We applaud Governor Cuomo's off-budget  
17 commitments to grow electric vehicle  
18 infrastructure, but feel that the Legislature  
19 should enact a sales tax exemption for EVs  
20 and augment the \$2,000 EV rebate to fill the  
21 gap left by the Trump administration's  
22 unwillingness to renew sunseting federal tax  
23 credits.

24 And we'd also really like to see the

1           Legislature get more involved in the  
2           Transportation Climate Initiative. I think  
3           we really need your voices on that agreement.

4                     Certainly we support the ban on  
5           polystyrene -- this is something of course  
6           that Senator Krueger started -- and the EPA  
7           for carpets and mattresses.

8                     But with my time, I would like to just  
9           dig into the issue of reforming and  
10          strengthening wetland protections. It's an  
11          understated yet significant environmental  
12          offering in the Executive Budget.

13                    For the past two decades New York has  
14          been entangled in the federal legal debate  
15          over what constitutes a wetland and who has  
16          the authority to protect them. Recently  
17          efforts by the Trump administration to roll  
18          back Obama-era clean water rules has only  
19          intensified the need for New York to clarify  
20          how we as a state regulate freshwater  
21          wetlands, one of our most valuable and  
22          misunderstood resources.

23                    New Yorkers rely on swamps, fens, bogs  
24          and wet meadows to filter pollutants from our

1 waterways, recharge our aquifers, and absorb  
2 catastrophic floods. Yet there often appears  
3 to be little public awareness that we are  
4 filling, dredging and draining wetlands at an  
5 alarming rate -- at least until we find our  
6 neighborhoods underwater and our public water  
7 supplies contaminated.

8           Currently, as Adrienne said, for a  
9 wetland to be subject to regulations under  
10 New York State law, it must be delineated on  
11 existing freshwater wetland maps prepared by  
12 DEC after lengthy public comment. But most  
13 of these maps haven't been updated in over  
14 20 years, making them woefully incomplete,  
15 and the amendment process can be  
16 time-consuming and overly burdensome in  
17 administrative costs.

18           There are hundreds of thousands of  
19 acres of wetlands in high-development areas  
20 in New York that are not on official maps but  
21 desperately require protection. Governor  
22 Cuomo's proposal would remove the  
23 jurisdictional barriers that these maps have  
24 created and allow DEC to immediately protect

1 and regulate wetlands if they meet the basic  
2 scientific definition of these critical  
3 habitats, featuring hydrophilic plants and  
4 hydric soils.

5 And as Commissioner Seggos said  
6 earlier, this could amount to more than a  
7 million acres more than what we're regulating  
8 now.

9 And I just, you know, want to conclude  
10 that, you know, for years the Sierra Club has  
11 campaigned to pass the Clean Water  
12 Protection/Flood Prevention Act. This  
13 legislation would move the jurisdictional  
14 wetland barrier down to one acre. And I  
15 really encourage the Legislature to move in  
16 that direction to see what we can do in  
17 negotiation, but don't let this opportunity  
18 pass us by.

19 And I think this is a really nice  
20 complement to the bond act. And I think that  
21 clean water and healthy ecosystems are a  
22 cornerstone of any thriving economy. And we  
23 hope you support inclusion of this essential  
24 reform to wetlands in the budget.

1 Thank you.

2 CHAIRWOMAN KRUEGER: Thank you.

3 Everybody's got it perfectly timed tonight.

4 MR. DOWNS: I was a little over.

5 CHAIRWOMAN KRUEGER: That was pretty  
6 good.

7 Any Senate questions? Any Assembly  
8 questions?

9 Thank you very much, Roger.  
10 Appreciate it.

11 MR. DOWNS: Thank you.

12 CHAIRWOMAN KRUEGER: Okay. All right,  
13 now we have the Farm Bureau, the New York  
14 Farm Viability Institute, New York Wine and  
15 Grape Foundation, American Farmland Trust --  
16 we've got a theme going here.

17 Hello.

18 MR. WILLIAMS: Good evening. I'm Jeff  
19 Williams, the director of public policy at  
20 New York Farm Bureau. We're going to switch  
21 this to the agricultural portion of the  
22 budget hearing.

23 New York Farm Bureau, for those who  
24 don't know, is a trade association that

1 represents farmers in the state. We have a  
2 extremely diverse industry in New York. We  
3 are not like the Midwest with just corn and  
4 soybean; we have a tremendously diverse  
5 industry, which you'll hear from the speakers  
6 behind me.

7 What you'll probably also hear is the  
8 fact that farming in this state -- and  
9 frankly globally -- is depressed. New York  
10 farmers in the last couple of years have lost  
11 about a billion dollars in farm revenue. The  
12 dairy industry particularly is hurting  
13 greatly after five years of pricing  
14 downturns. And part of that, frankly, is the  
15 high labor costs in New York State. Last  
16 year with the Farm Labor Bill being passed,  
17 that only contributed to the problems that we  
18 have with paying workers in this state.

19 But that said, the budget for  
20 agriculture is quite widespread and matches  
21 our diverse industry. We really depend on  
22 funding for animal health and animal health  
23 research -- public health, frankly, that  
24 stems from that -- workforce development,

1 farm safety, migrant childcare, and research  
2 and promotion on a whole host of agricultural  
3 commodities.

4 Those research and promotion programs  
5 are housed in the Ag & Markets budget, in the  
6 Aid to Localities. That section really is  
7 our Empire State development. Other  
8 businesses go to ESDC for support; we go to  
9 the Ag & Markets, in that budget, for  
10 economic support.

11 We're really pleased that the Governor  
12 has primed the pump for the second straight  
13 year for funding many of these programs,  
14 either fully or partially, and we're very  
15 thankful for that. Last year, if you recall,  
16 that was all in a lump sum. This year he  
17 actually broke it out to make it easier for  
18 you all, hopefully, to restore program  
19 funding.

20 And I'm just going to name a few  
21 programs that we really care about that need  
22 funding in the final budget: North Country  
23 Agricultural Research; Christmas Tree  
24 Research; Turf Grass; Farm Viability;

1 Harvest NY; Vegetable Research; PRO-DAIRY,  
2 with an expansion of funding for  
3 environmental projects. Those are programs  
4 that our industry really depends upon.

5 You heard a lot about the EPF, and we  
6 too rely on the EPF for farmland protection  
7 and non-source-point water pollution  
8 programming, pollinator protection, climate  
9 research. So we are aligned with our  
10 environmental brothers and sisters on making  
11 sure that we have a fully funded EPF and  
12 staffing is not paid for out of the EPF.

13 I mentioned the Farm Labor Bill that  
14 was passed into statute last year. We are  
15 desperately seeking some clarification in  
16 language and, frankly, funding to help  
17 farmers offset the costs. And the Governor  
18 has heard our plea and has included a number  
19 of our requests in his proposed budget,  
20 especially expanding the definition of family  
21 to be included in the bill to the third  
22 degree of consanguinity. He also included a  
23 refundable tax credit for investment in  
24 farms, to bring them up to 21st-century

1 standards of efficiency, and increasing  
2 funding for farmworker housing and the  
3 revolving loan fund through DHCR.

4 We're still looking for some other  
5 fixes and changes in funding investments, for  
6 a change in law to allow salaried workers in  
7 agriculture who meet the salary tests for  
8 management to continue to be paid salary, in  
9 salary. And also doubling the farmworker  
10 retention tax credit that was implemented as  
11 part of the minimum wage increase for farms,  
12 to help again offset the costs of paying  
13 workers an added amount starting this year.

14 That is my testimony. I'd be happy to  
15 answer any questions if you wish.

16 CHAIRWOMAN WEINSTEIN: Thank you.

17 Any questions?

18 Senator Seward.

19 SENATOR SEWARD: Yes, thank you.

20 Mr. Williams, you opened the door a  
21 bit on the farmworkers bill from last year.  
22 Could you -- by the way, I just want to start  
23 by saying that our farmers are I think one of  
24 our first and most ardent protectors of the

1 environment, and very great environmental  
2 stewards. And I think it's good for the  
3 environment if we keep our farmers farming.

4 MR. WILLIAMS: Amen.

5 SENATOR SEWARD: But can you describe  
6 what kind of effects are you hearing from  
7 your members in your industry that the  
8 Farmworkers Fair Labor Act has had on your  
9 members?

10 MR. WILLIAMS: Yeah, we actually  
11 canvassed a number of different farm owners,  
12 at the request of the Division of Budget and  
13 the Governor's office, talking about the  
14 impact of the bill or the law on farms, in  
15 order to make the case for some of the  
16 inclusions he has in his budget.

17 And of the vegetable growers, apple  
18 growers and dairy producers, the cost impact  
19 has added -- it ranges, but between 50,000  
20 and \$100,000 per year per farm. And when  
21 farmers, especially dairy farmers, aren't  
22 making any money, that's obviously very  
23 concerning.

24 I know of one extremely prominent

1 long-time farm family who of course is  
2 complying with these regulations and the law,  
3 but they themselves are on food stamps  
4 because they can't afford anything else.

5 SENATOR SEWARD: So what measures have  
6 some of them taken, you know, to compensate  
7 for the effects of the law?

8 MR. WILLIAMS: It's still early. We  
9 haven't, obviously, gotten to the summer  
10 growing season. But they're looking at  
11 trying to add workers, if they can, to keep  
12 people below the overtime threshold. But the  
13 labor is so tight in New York State and  
14 across the country for farmworkers, it's very  
15 hard to do.

16 They're looking at transitioning to  
17 less labor-intensive crops. And I know apple  
18 growers are thinking about getting out of the  
19 business and doing something else. They can  
20 use mechanized machinery to harvest. There's  
21 really -- that's really what I've been  
22 hearing lately. And some, frankly, are  
23 considering exiting the business.

24 SENATOR SEWARD: If I heard you

1           correctly, it appears you anticipate that a  
2           farm laborer will be working fewer hours in  
3           2020 than they did in 2019. I mean, is that  
4           a correct assessment of one of the impacts?

5                     MR. WILLIAMS: Much to the chagrin of  
6           the actual farm employees. It's gotten  
7           around the country that really you don't want  
8           to go to New York because your hours will be  
9           limited, and they're looking for jobs  
10          elsewhere.

11                    SENATOR SEWARD: So that could very  
12          well lead this year to fewer migrant workers  
13          coming to New York to service our farmers?

14                    MR. WILLIAMS: Correct.

15                    SENATOR SEWARD: One final question.

16                    You know, when we get into the  
17          collective bargaining parts of that act from  
18          last year, do you think that the average  
19          lifelong farmer is prepared to handle  
20          collective bargaining, particularly when they  
21          may be up against, you know, career labor  
22          union lawyers and organizers?

23                    MR. WILLIAMS: We've done our honest  
24          best to try to educate as many people as

1 possible by doing road shows, meetings,  
2 training sessions with lawyers. But we touch  
3 probably 20 percent of the farms out there.

4 Farms don't have HR departments, they  
5 don't have counsel's office. This is a whole  
6 new environment to them. They are more  
7 equipped than they were last year, but they  
8 are still poorly equipped in order to deal  
9 with negotiating or having a labor union on  
10 the farm.

11 SENATOR SEWARD: Well, I appreciate  
12 your candor in answering my questions. And  
13 as I said earlier, we've got to keep our  
14 farmers farming. That's good for the  
15 environment.

16 MR. WILLIAMS: Thank you.

17 CHAIRWOMAN WEINSTEIN: Thank you.  
18 Thank you. Thank you for your testimony  
19 here.

20 Before we call the -- I'm going to ask  
21 the New York Farm Viability Institute to come  
22 down, David Grusenmeyer, executive director.

23 And I wanted to acknowledge that  
24 Assistant Speaker Félix Ortiz joined the

1 committee some time ago.

2 MR. GRUSENMEYER: Thank you. I want  
3 to thank the Senate and Assembly for this  
4 opportunity.

5 I'm David Grusenmeyer, executive  
6 director of the Farm Viability Institute. We  
7 are an independent nonprofit dedicated to  
8 helping farmers become more profitable and  
9 improve the long-term economic viability and  
10 sustainability of our state's farms, the food  
11 system, and the communities which they serve.

12 Since 2005 the institute has received  
13 a legislative appropriation to fund a  
14 competitive grant program serving all  
15 agricultural production sectors in geographic  
16 regions of the state. We appreciate the  
17 Legislature's confidence in the organization  
18 and have worked hard to meet the  
19 highest-priority needs as well as emerging  
20 threats and opportunities of New York  
21 agriculture.

22 The NYFVI board is happy to say that  
23 we have not disappointed. As a conservative  
24 estimate, we have documented a more than

1           \$7 return to farm businesses for every dollar  
2           reimbursed to our projects. Much of this  
3           success is attributed to our rigorous  
4           proposal review and selection process that is  
5           focused on farmer involvement. We currently  
6           have over 100 farmers reviewing 56 proposals  
7           submitted this year from 25 different  
8           organizations requesting over \$5.5 million.

9                     In the past, these review panels have  
10           guided the institute to fund many innovative  
11           and high-priority projects. We funded  
12           pollinator work before there was a Pollinator  
13           Protection Plan for New York. We have funded  
14           soil health projects since 2005, our first  
15           year in operation. And over the years we  
16           have invested over \$3.6 million in  
17           41 projects that had soil health components.

18                     In 2017 we supported research to help  
19           develop alternatives to chlorpyrifos for  
20           cabbage maggot control.

21                     In a project also started in 2017 that  
22           was recently completed, we funded the  
23           development of an algorithm to reduce the use  
24           of antimicrobials in dairy. The result was a

1           60 percent reduction in antibiotic use on the  
2           demonstration farms. Now we are following up  
3           with three demonstration projects to roll the  
4           practice out to more farms. By the end of  
5           2020 we hope to have 40,000 cows being  
6           managed using this protocol.

7                     We are currently funding projects  
8           studying the use of ultraviolet light as a  
9           nonchemical control for diseases and insects  
10          in vegetables and hops.

11                    I wanted to cite just a few examples;  
12          there are many more.

13                    We're also prioritizing building  
14          connections and collaboration between  
15          researchers in different institutions,  
16          including Cornell, University at Buffalo,  
17          RIT, RPI, University at Albany, to more  
18          effectively address ag research needs.  
19          Currently the farmers on our review panels  
20          and our board of directors have commented on  
21          the high quality of the 2020 pool of  
22          proposals. It's shaping up to be a very  
23          competitive year.

24                    With level funding from last year, we

1 will only able to fund 15 or 16 of the  
2 proposals submitted, leaving on the table  
3 lots of important high-priority work that  
4 would help farmers in their struggles to  
5 produce the high-quality food we've become  
6 accustomed to.

7 This concludes my remarks. I'm happy  
8 to answer any additional questions or provide  
9 additional information.

10 CHAIRWOMAN WEINSTEIN: Questions?

11 Questions? There are no questions.

12 Thank you for being here. And your  
13 testimony, as is all of the testimony that's  
14 provided to the members, is circulated not  
15 only to the members who are here but to all  
16 the members of the relevant committees.

17 Thank you for being here.

18 MR. GRUSENMEYER: Thank you.

19 CHAIRWOMAN WEINSTEIN: Is the  
20 New York Wine and Grape Foundation here? I  
21 heard they may have left. I guess not.

22 American Farmland Trust, Samantha  
23 Levy, New York policy manager.

24 MS. LEVY: Good evening. Thank you

1 all very much for still being here, and thank  
2 you for the opportunity to testify.

3 My name is Samantha Levy. I am  
4 New York policy manager for American Farmland  
5 Trust. For those of you that don't know us,  
6 we're a national nonprofit working to save  
7 the land that sustains us.

8 So we've heard a little bit about the  
9 challenges that our farmers are facing. In  
10 New York we've lost the equivalent of  
11 5,000 farms since 1980. But we've taken a  
12 lot of really important actions to stem that  
13 tide in past budgets, and I'd like to thank  
14 you so much for your support for those  
15 programs.

16 I'm going to speak about a few  
17 programs now in this year's State Budget,  
18 just to help address some of the challenges  
19 that we're facing. I'm sure you've heard me  
20 say before that our farmers are aging. About  
21 a third of our farmers are over the age of  
22 65, and that represents just under 2 million  
23 acres of farmland that will change hands over  
24 the next decade as our senior farmers retire.

1 And when that farmland changes hands, it  
2 becomes vulnerable to being lost to  
3 development.

4 So some of the important programs that  
5 we fund here in the State Budget, like the  
6 Farmland Protection Program and the EPF, and  
7 Farmland for a New Generation in the  
8 agriculture budget, have been very important  
9 and will continue to be important in the  
10 future.

11 So first I'll talk about the Farmland  
12 Protection Program. This is an immensely  
13 popular program that permanently protects  
14 farmland while investing in farm businesses,  
15 securing our local food supply for folks in  
16 New York City and elsewhere, while also  
17 helping to pass farms to the next  
18 generation and helping to combat climate  
19 change.

20 We just celebrated a milestone of  
21 75,000 acres protected, but it's not nearly  
22 enough. And on page 4 of my testimony --  
23 which is quite long, so I'm not reading it --  
24 but on page 4 of my testimony you'll see a

1 list there of hundreds of farmers across  
2 New York interested in protecting their  
3 farmland and competing for a limited amount  
4 of funds.

5 Now, earlier Senator Metzger and  
6 Assemblywoman Woerner asked questions of the  
7 commissioners about a \$1 million proposed cut  
8 to the Farmland Protection Program. Given  
9 the high level of demand for this program and  
10 the important actions that it takes to help  
11 our farmers, we're really hoping that that  
12 funding will be restored to \$20 million from  
13 17, where it was proposed by the Governor.  
14 It was at \$20 million a couple of years back.

15 We think this is really important. We  
16 also, like many of our partners, don't  
17 support the language. And thank you so much  
18 for your work last year to ensure that the  
19 EPF funds all go towards these projects and  
20 not towards agency expenses.

21 And then finally, the bond act. We do  
22 think that farmland protection is an  
23 opportunity that we should explore in the  
24 bond act. Right now it's not included in the

1 language. So we just wanted to bring that to  
2 your attention, given the high level of  
3 demand for these funds.

4 Second, Farmland for a New Generation.  
5 I'd like to thank so many of you for your  
6 support -- Senator May, Assemblywoman Fahy --  
7 for your support for this program. This is a  
8 partnership between AFT, the Department of Ag  
9 & Markets, and many organizations across the  
10 state to help diverse farmers find land in  
11 New York and senior farmers to pass their  
12 land to the next generation.

13 It has two components, a resource  
14 center and land-linking website, and then a  
15 network of organizations across the state  
16 called regional navigators, who are there to  
17 give one-on-one help to farmers to find land  
18 or to senior farmers to plan to pass their  
19 land on to the next generation.

20 And within one year we've had immense  
21 success with this program. Over 13,000 have  
22 visited the website, over 1500 have received  
23 one-on-one support, and we've produced  
24 36 matches so far, spanning nearly 900 acres.

1 And that includes GrowNYC as a regional  
2 navigator in New York City, and they're  
3 helping farmers establish new businesses in  
4 the city and in upstate New York as well.

5 We're relying on your support again  
6 this year. We're asking for \$600,000 --  
7 200,000 for the resource center and then  
8 400,000 to support increased demand for  
9 regional navigators. We now have 27 -- we  
10 had 20 -- and they're instrumental in making  
11 matches.

12 Finally, Farm to School. I know I  
13 only have 30 seconds left, but it's so  
14 important. Today we released a big report.  
15 We've been evaluating the 30 percent  
16 initiative and we've been doing a lot of  
17 research on that. I won't go into what the  
18 program does, and there are findings in my  
19 testimony on page 8-12. You can find the  
20 full report online.

21 But essentially, if we provide schools  
22 with the right support this year, our  
23 research shows that 72 percent of schools  
24 feel confident they'll increase their

1 purchases of New York food to 30 percent by  
2 2024. And that would cause \$150 million  
3 spent at the farm gate by schools and  
4 increase access to healthy local food for  
5 over 700,000 students. And there are  
6 recommendations in my budget for how we can  
7 achieve that right support this year.

8 Thank you.

9 CHAIRWOMAN WEINSTEIN: Thank you.  
10 Assemblyman Ortiz.

11 ASSEMBLYMAN ORTIZ: Thank you, Madam  
12 Chairwoman.

13 I just would like to really commend  
14 you because finally I'm hearing talk about  
15 Farm to School. I happen to be the  
16 legislator who passed that bill, Farm to  
17 School, and I'm very proud of that bill. I  
18 do believe that we need to do more.

19 And I see the progress of the piece of  
20 legislation and I think that schools have  
21 managed to begin to do their own farming,  
22 which I'm very proud. My own district, in  
23 Sunset Park and Red Hook and Park Slope, we  
24 do have some of the gardens that we began to

1 put together. And it's as a result of the  
2 Farm to School bill that I passed many years  
3 ago.

4 So it's great to see the fruit of the  
5 seed that we put in the ground, and I commend  
6 you for continuing to do this work and the  
7 vision to make sure our children continue to  
8 be healthy.

9 Thank you very much.

10 MS. LEVY: Yeah, thank you. And may I  
11 just quickly say that school gardens are so  
12 helpful when it comes to Farm to School and  
13 teaching kids about where their food comes  
14 from, not just the supermarket, but from the  
15 ground and from farms.

16 And this report really does  
17 research the new 30 percent initiative which  
18 builds on the actions that you've taken, and  
19 really helps unlock the potential for our  
20 schools to spend more money on food from  
21 New York farms and feed kids with that  
22 healthy local food.

23 ASSEMBLYMAN ORTIZ: Thank you very  
24 much.

1                   CHAIRWOMAN WEINSTEIN: Thank you.

2                   Senator May.

3                   SENATOR MAY: Oh, yeah, thank you.

4                   Thank you, Sam. So I'm sure you're  
5 aware of the research that shows that certain  
6 food choices have outsized impact on carbon  
7 emissions and climate change. And I'm  
8 wondering if -- because I hear this from --  
9 especially from young people a lot about  
10 this, so I wonder if that is translating into  
11 changes in consumer behavior in terms of what  
12 commodities people are buying.

13                   And do you think about helping, say,  
14 beef or pork or even dairy farmers transition  
15 into lower-carbon options if the demand is  
16 shifting?

17                   MS. LEVY: Yeah, there are a lot of  
18 questions there. Certainly we are working to  
19 help our farmers adopt soil health practices  
20 and more regenerative farming practices --  
21 things like planting cover crops, reducing  
22 their tillage in the field to reduce the  
23 release of carbon into the atmosphere -- and  
24 continuing to help farmers with rotational

1 grazing projects.

2 I can't speak too much on consumer  
3 demand. I know that there are shifts  
4 happening in consumption of food based on  
5 some of these concerns. When I look at  
6 Farm to School, because that's what I can  
7 speak to at this moment -- you know, for  
8 instance, Buffalo Public Schools, while they  
9 did increase their purchasing of ground beef  
10 to make the 30 percent for burgers, they also  
11 increased their purchasing of fresh fruits  
12 and vegetables. They doubled their  
13 purchasing from -- jeez, now I'm going to say  
14 maybe 10,000 off. But I think that they  
15 increased their purchasing to \$700,000 from  
16 \$300,000 as part of this initiative.

17 So I think that because in New York we  
18 grow the full plate -- you know, in addition  
19 to meat and dairy we also grow fruits and  
20 vegetables -- that these types of  
21 initiatives, Buy New York initiatives, can  
22 help in that direction.

23 SENATOR MAY: Great. And can you also  
24 comment -- you know that we're -- the Rural

1 Resources Commission is working on Farm to  
2 Institution, so going beyond the schools to  
3 SUNY campuses and state hospitals and nursing  
4 homes and other institutions. Is that  
5 something that you see the capacity to  
6 support?

7 MS. LEVY: Yeah, absolutely. We're  
8 really excited that you're interested in  
9 looking at SUNYs and to other institutions to  
10 purchase more New York-grown food.

11 In my testimony I mention that we lead  
12 the collaborative initiative Farm to  
13 Institution-New York State. We've done a lot  
14 of research on what institutions are spending  
15 on New York-grown food, and particularly our  
16 SUNYs.

17 So we think that one of the main  
18 things we can do is to set up a network of  
19 farm-to-institution coordinators. We're  
20 focusing on farm-to-school, but they really  
21 can serve to help other institutions too,  
22 across the state, who have really helped  
23 schools become so successful in Farm to  
24 School.

1                   And so building -- creating that  
2                   support network, but then building off of  
3                   that network to increase farm-to-institution  
4                   purchases to hospitals and SUNYs and others  
5                   will be really important in future years.  
6                   But a first step is to build on this  
7                   initiative and create that support network  
8                   across the state to start making those  
9                   connections.

10                   SENATOR MAY: Great, thank you.

11                   MS. LEVY: Yeah, thank you.

12                   CHAIRWOMAN WEINSTEIN: Assemblywoman  
13                   Fahy.

14                   ASSEMBLYWOMAN FAHY: Thank you. Thank  
15                   you, Madam Chair.

16                   You covered a lot in your short  
17                   testimony. I just have a quick question.  
18                   We've read a lot these last few days about  
19                   the Trump administration proposing some -- it  
20                   sounds like rather serious changes in the  
21                   school lunch program. And I'm wondering if  
22                   that impacts any of the Farm to School  
23                   programs that you've made -- that we've made  
24                   such tremendous progress on, not only with

1 healthier food but certainly food that is  
2 locally grown.

3 Are you impacted by any of these  
4 proposed changes at the federal level?

5 MS. LEVY: Yeah, undoubtedly we are a  
6 national leader in this, in farm-to-school  
7 and then also, in that way, helping to  
8 increase healthy food for kids and schools.

9 I don't think -- to answer your  
10 question directly, I don't think that those  
11 proposed changes will have a real impact on  
12 our schools' ability to purchase  
13 New York-grown food. But I do -- you know,  
14 because of course, like I said, we grow the  
15 full plate in New York State. So I think  
16 schools will still be able to buy  
17 New York-grown food even with those proposed  
18 changes.

19 However, you know, we do want our  
20 schools to purchase more fresh and minimally  
21 processed foods. So anything that we can do  
22 there to help them either in this proposal or  
23 thinking to future proposals will be really  
24 important.

1                   But one of the most important things  
2                   that we can look at from a state law  
3                   perspective, from a federal law perspective,  
4                   is really the procurement regulations. And  
5                   this is going to get a little weedy. But our  
6                   schools really need to follow an immense  
7                   amount of regulations when it comes to how  
8                   they procure their food -- federal, state and  
9                   local. And that was one of the main things  
10                  we found in this report was following this  
11                  patchwork of regulations really hamstringing  
12                  them to be able to spend their food dollars  
13                  at New York State farms.

14                  So I didn't get to say this in my  
15                  testimony, but the Governor did propose  
16                  language in the TED bill, on page 262, to  
17                  increase the flexibility schools have to  
18                  spend food dollars at local farms. I won't  
19                  go into all the details, but basically it  
20                  increases the small-purchase threshold, which  
21                  is lower in New York than the federal  
22                  threshold at \$250,000. Schools can spend  
23                  more dollars on food from New York farms that  
24                  way.

1 ASSEMBLYWOMAN FAHY: Thank you.

2 I just would appreciate it if you'd  
3 keep us posted on this, because of the  
4 weakening of the standards at the federal  
5 level on the quality of the school lunch  
6 program. I want to make sure that it doesn't  
7 lead to any rollback in the momentum that you  
8 have on the Farm to School. Thank you.

9 MS. LEVY: We'll keep our eye on it.

10 ASSEMBLYWOMAN FAHY: Thank you.

11 Thank you, Madam Chair.

12 CHAIRWOMAN WEINSTEIN: Thank you for  
13 being here.

14 MS. LEVY: Thank you.

15 CHAIRWOMAN KRUEGER: Thank you.

16 CHAIRWOMAN WEINSTEIN: So next we have  
17 Elizabeth Moran, environmental policy  
18 director, New York Public Interest Research  
19 Group.

20 CHAIRWOMAN KRUEGER: And then for  
21 people who want to move up front, Riverkeeper  
22 and Scenic Hudson will be a panel after  
23 Elizabeth Moran.

24 CHAIRWOMAN WEINSTEIN: And whoever

1 else is with Elizabeth. So just identify  
2 yourself first.

3 MS. MORAN: Yes, absolutely.

4 So my name is Liz Moran. Thank you.  
5 Good evening. Pleased to be testifying  
6 today. My name is Liz Moran, I'm the  
7 environmental policy director for NYPIRG, the  
8 New York Public Interest Research Group, and  
9 I am joined by --

10 MS. OLVER: Charlie Olver, a policy  
11 associate from NYPIRG as well as a student  
12 from SUNY New Paltz.

13 MS. MORAN: Great.

14 So this year will mark the  
15 50th anniversary of Earth Day, making this  
16 year's budget and legislative session a  
17 particularly critical one to show New Yorkers  
18 as well as the rest of the country what it  
19 means to truly lead on protecting public  
20 health and the environment. And this is  
21 especially important as we're in the midst of  
22 a global climate crisis. As we speak,  
23 Australia is seeing wildfires that are  
24 unparalleled. And additionally, recently we

1 found that the past decade was the hottest on  
2 record. Which is why it's so important that  
3 we now make record investments in our  
4 environment.

5 So the proposed "Restore Mother  
6 Nature" Bond Act is a very important  
7 proposal, but we are strongly recommending  
8 that funding is increased to this proposal.  
9 We concur with some of our colleagues that a  
10 minimum of a \$5 billion investment should be  
11 bonded for the purposes of protecting our  
12 wetlands, fighting climate change.

13 Additionally, like the 1986 bond act,  
14 we think that there should be more  
15 specificity in terms of how the program is  
16 delineated.

17 And we also are strongly encouraging  
18 that the Legislature consider a "polluter  
19 pays" approach to this. The bond act should  
20 not be paid back by the public, it should  
21 fall upon the polluters responsible for our  
22 climate crisis: The fossil fuel industry.  
23 There's legislation that is carried by  
24 Senator Krueger and Assemblyman Cahill that

1 would end fossil fuel subsidies in New York  
2 State. And that's just one way that this  
3 could be done, amongst a number of ways we  
4 could hold polluters accountable, the payback  
5 for this bond act.

6 There are several other issues in the  
7 budget related to fighting climate change and  
8 protecting water quality and fighting plastic  
9 pollution. One of these is the ban on  
10 fracking in statute. We made the right move  
11 in 2015 to ban this dangerous practice and  
12 have since affirmed our decision that it was  
13 the right one to make.

14 But we think that this ban could be  
15 strengthened. We do think the volume that's  
16 listed should be lowered from 300,000 to  
17 80,000 gallons. And we need to make sure  
18 that it's not just water fracking that is  
19 included in this ban; it should also apply  
20 towards propane gel.

21 But not only does that need to be  
22 addressed. New York State still has a  
23 problem with fracking waste. Fracking waste  
24 was one of the many reasons why here in

1 New York we banned fracking, and yet we still  
2 accept hundreds of thousands of tons of  
3 fracking waste every year.

4 CHAIRWOMAN KRUEGER: I just want to  
5 make sure you know it's five minutes for the  
6 two of you, so you want to make sure you  
7 leave her some time.

8 MS. MORAN: Yes, I got it.

9 CHAIRWOMAN KRUEGER: Okay, thank you.

10 MS. MORAN: Thank you.

11 So despite this, we still accept  
12 fracking waste from Pennsylvania. And  
13 there's a way that we can address this, and  
14 that's by closing a loophole known as the  
15 hazardous waste loophole. Legislation to do  
16 this passed with broad support in the Senate  
17 last year, and we strongly encourage the  
18 Assembly to do so this year.

19 I'd be happy to address some of the  
20 comments made by Commissioner Basil Seggos  
21 today at another time.

22 And to conclude my portion, we  
23 strongly support addressing polystyrene, and  
24 we think that also could be strengthened to

1 include rigid polystyrene, prepackaged food,  
2 and we don't believe there should be hardship  
3 exemptions. We also think it could go into  
4 effect faster by 2021.

5 And I'm concluding by turning this  
6 over to Charlie to talk about why we are  
7 advocating for \$1 billion to be invested in  
8 the Clean Water Infrastructure Act.

9 MS. OLVER: So 20 billion gallons of  
10 raw sewage and polluted stormwater overflows  
11 into the New York Harbor every year --  
12 1.2 billion gallons are discharged into the  
13 Hudson from the Capital Region alone  
14 annually. And last year 7.2 million gallons  
15 of sewage overflowed from Newburgh in one  
16 instance, in a 48-hour period.

17 As a Westchester native my summers  
18 revolved around swimming in the Hudson. I  
19 was in that river no less than 20 times a  
20 year. How many accidental gulps must I have  
21 taken, you know?

22 Sewage overflows have been regarded as  
23 just that thing that happens every year, but  
24 this cannot remain as just that thing that

1 happens. Safe drinking water is one of our  
2 most fundamental needs, and a new \$1 billion  
3 allotment towards water quality is necessary  
4 to not only protect our rivers but to protect  
5 citizens from harmful contaminants, algal  
6 blooms and sewage overflows, as New York  
7 consistently faces these issues statewide.

8 CHAIRWOMAN KRUEGER: Thank you. Thank  
9 you both very much.

10 MS. MORAN: Thank you.

11 CHAIRWOMAN KRUEGER: Thank you. Any  
12 questions? Appreciate it.

13 CHAIRWOMAN WEINSTEIN: Assemblyman  
14 Englebright has a question.

15 CHAIRWOMAN KRUEGER: Oh, excuse me.

16 ASSEMBLYMAN ENGLEBRIGHT: So thank you  
17 for your testimony.

18 I agree that the ballot question on  
19 the environment is too small at 3 billion.  
20 Are you planning on issuing a statement  
21 calling for the larger amount?

22 MS. MORAN: Yes. We as part of our  
23 testimony have called for a minimum of  
24 5 billion to go into the "Restore Mother

1 Nature" Bond Act.

2 ASSEMBLYMAN ENGLEBRIGHT: I think it  
3 would be very helpful, because you play the  
4 role of a very important third-party  
5 validator. So I hope that you do that. I  
6 hope you bring the conversation into  
7 conjunction with your fellow environmental  
8 organizations, and that we have a consensus  
9 emerge.

10 The Nature Conservancy has shown us  
11 that the \$5 billion, with their poll, is  
12 viable. So I look forward to seeing the  
13 paper that you're going to issue on that.

14 Thank you.

15 MS. MORAN: Thank you.

16 CHAIRWOMAN WEINSTEIN: Thank you.

17 CHAIRWOMAN KRUEGER: Thank you.

18 Next we have New York Riverkeeper and  
19 Scenic Hudson in a panel.

20 Evening.

21 MR. CHERSON: Good evening.

22 CHAIRWOMAN KRUEGER: You get to choose  
23 who goes first.

24 MR. BICKING: I've never met this guy

1 before --

2 MR. CHERSON: Never.

3 MR. BICKING: -- but I like to be nice  
4 to strangers.

5 (Laughter.)

6 MR. CHERSON: Never heard of Scenic  
7 Hudson.

8 (Laughter.)

9 CHAIRWOMAN KRUEGER: All right.

10 MR. CHERSON: My name is Jeremy  
11 Cherson. I am the legislative advocacy  
12 manager for Riverkeeper. And thank you so  
13 much for the opportunity to present here  
14 today.

15 Riverkeeper protects the Hudson River  
16 and the drinking water supply for millions of  
17 New Yorkers. And I agree with so much of  
18 what my colleagues in the environmental  
19 community have said here today. We are very  
20 supportive of the bond act and the goals and  
21 categories laid out in the Governor's  
22 proposal.

23 To answer Mr. Englebright's question  
24 from earlier, I think Riverkeeper would be

1 fully supportive of an increased bond act,  
2 given some of the needs that we face.

3 One of the issues that you'll see in  
4 the appendices of our testimony is a look at  
5 the species decline in the Hudson River. We  
6 looked at 19 species, and almost all of them  
7 are in decline, one of which is extirpated  
8 from the Hudson. The only species that we  
9 looked at that is doing somewhat well is the  
10 Atlantic sturgeon, and that's it. All the  
11 other ones are declining due to overharvest,  
12 climate change. And even the striped bass is  
13 suffering, one of the most important fishes  
14 for the sportsmen community.

15 So one of the things that we really  
16 agree with our allies within the  
17 environmental community is the need to  
18 understand how the money is going to be spent  
19 in the different categories. I think that's  
20 going to be very important in order to sell  
21 the public on the need for this bond act, and  
22 the importance of natural solutions to  
23 flooding and future climate impacts.

24 And we're also very supportive -- like

1 Roger Downs gave a very deep dive into  
2 Part TT of the TED Article VII on the  
3 wetlands change. We've been very supportive  
4 for years on Mr. Englebright's bill to reduce  
5 the threshold to one acre, and we still call  
6 for that change. It is needed, particularly  
7 with what the Trump administration has done  
8 just last week with the "Waters of the U.S."  
9 rule.

10 We have no idea what the Army Corps is  
11 now going to have jurisdiction over in  
12 New York. Whereas, the Army Corps used to  
13 step in and protect smaller wetlands, they  
14 may no longer do so. And so it's going to be  
15 a challenge for New York to make sure we  
16 don't lose those acres of wetlands that are  
17 important -- because one acre of wetland can  
18 hold a million gallons of water. And so  
19 that's vital as storms get more intense and  
20 more rain falls.

21 I also want to get to a great question  
22 you asked, Senator Krueger, of Commissioner  
23 Seggos on the Army Corps HAT study. We have  
24 been calling for DEC to get more involved in

1           that study and to put their thumb on the  
2           scale in regards to the alternatives that the  
3           Army Corps has laid out, including that over  
4           \$100 billion sea gate that was proposed and  
5           President Trump tweeted about. It's deadly  
6           serious.

7                     The Army Corps is only able to look at  
8           impacts on the environment directly at the  
9           building site of those gates. They cannot  
10          look at the environmental impacts beyond the  
11          building site. So all the fish that come up  
12          the Hudson River from the ocean -- the  
13          striped bass, the herring, the eels -- that  
14          impact to our economy isn't looked at. The  
15          backup of sewage from the 20 billion gallons  
16          that's released every year into New York  
17          Harbor, getting backed up behind those gates,  
18          they can't look at that.

19                    And so for DEC to not come out and say  
20          that they have a preferred alternative after  
21          the Army Corps has been looking at this for  
22          years, and the DEC is paying for 25 percent  
23          of a \$20 million study, that's just  
24          unacceptable. And we need to be calling on

1 DEC to get more involved and to alert the  
2 public in the state that these studies are  
3 happening and to get engaged and to make  
4 their voices heard.

5 I also want to thank the Legislature  
6 for the work on the Clean Water  
7 Infrastructure Act over the years. Adrienne  
8 was spot-on that it started with a trickle  
9 and now it's a flood. And we have to keep  
10 that going. We have so much need. We have  
11 communities in the Hudson River, the  
12 Hudson 7, which is seven communities in the  
13 Mid-Hudson Valley, 100,000 people that get  
14 their drinking water from the Hudson, that  
15 are working together and pooling resources to  
16 protect their water quality and using funds  
17 from the Clean Water Infrastructure Act to  
18 not only improve their wastewater systems,  
19 but also to improve their drinking water  
20 systems and the quality of drinking water to  
21 their residents. So thank you, and we urge  
22 you to supercharge that funding line.

23 Thank you.

24 CHAIRWOMAN KRUEGER: Thank you. Next?

1 We'll ask questions, if we have questions,  
2 after you both speak.

3 MR. BICKING: Sounds good.

4 Thank you for the opportunity to  
5 speak. And congratulations on making 2019 a  
6 banner year for the environment in so many  
7 ways. There's much to celebrate.

8 I think where we are with 2020 is  
9 we're kicking off with clear vision, and  
10 we're very excited. By way of introduction  
11 Scenic Hudson works across most sectors of  
12 the environment, including conservation,  
13 climate, energy development, contamination  
14 reduction, stormwater management,  
15 agriculture, habitat restoration, parks, and  
16 yes, even community and economic development.

17 But to keep things brief, I will focus  
18 my comments right now on the bond act and the  
19 Environmental Protection Fund.

20 The bond act is a huge opportunity for  
21 all of us to leave a legacy for our children,  
22 grandchildren and future generations. As  
23 you've heard, it's likely to have strong  
24 support provided your leadership, in

1 collaboration with the Governor, is in place.  
2 In your conversations with the Executive, we  
3 encourage you to clarify project types and  
4 allocations to major categories and final  
5 legislative language, but also be sensitive  
6 and understand we want to achieve some  
7 balance and some flexibility in the fund so  
8 we can respond to future challenges that we  
9 may not quite be aware of yet.

10 We also echo that it's important to  
11 get the messaging right and to make sure that  
12 the bond referendum language in particular  
13 can be easily understood by voters.

14 Two projects in the proposed bond act  
15 stand out that we have been in conversation  
16 with the Executive about, I'd like to talk  
17 about. First, the Hudson Eagles State  
18 Recreation Area, spanning from Hudson to  
19 Rensselaer linear park, reaching many  
20 underserved communities in this stretch of  
21 the Hudson Valley where we really need more  
22 public access. Old boat launches, old parks  
23 are literally crumbling. There's  
24 infrastructure there that really needs to be

1 updated, and the time has come for a  
2 coordinated, multi-agency approach to fixing  
3 that problem.

4 And second, habitat restoration. The  
5 Hudson River has been damaged in many ways  
6 over the years, and I'm glad to say that the  
7 DEC, working with partners, has developed a  
8 habitat restoration plan for the river that  
9 is ready to be implemented provided the  
10 capital is in place.

11 With respect to the Environmental  
12 Protection Fund, you know the difference  
13 \$300 million can make, and I thank you for  
14 previous years' appropriations and ask you to  
15 consider this the baseline investment in this  
16 year's budget to complement the bond act.

17 I also echo the request to reverse the  
18 proposal to use the capital fund in the EPF  
19 for staff and would like to note some of the  
20 cuts that do exist for the Open Space Land  
21 Acquisition line and Farmland Preservation  
22 lines and ask that you make restorations  
23 where appropriate.

24 We also would like to note that

1 ecosystem services in the Hudson Valley from  
2 open space are valued at \$3.5 billion alone,  
3 just in the Mid-Hudson region, but yet  
4 two-thirds of that land remains unprotected.  
5 So let's just think about that for a moment.  
6 What legacy would we be leaving for future  
7 generations if we leave two-thirds of our  
8 open space -- and the many benefits it  
9 brings -- unprotected?

10           Specific to the EPF, in conjunction  
11 with bond act funding, there is in the  
12 Executive Budget a proposed new 500-acre  
13 state park in Kingston, Ulster County. This  
14 land is currently owned by Scenic Hudson, and  
15 we are very excited for a collaboration with  
16 State Parks to protect over a mile of  
17 waterfront, really put it towards public use  
18 in State Parks' hands. And this is really a  
19 great opportunity. It's within walking  
20 distance of many residents of the City of  
21 Kingston, and really an incredible  
22 opportunity for the people who live there.

23           And second, the Governor has proposed  
24 in his State of the State book a State Park

1           Expansion and Upgrade Initiative that will  
2           target 4,000 acres of land in the Mid-Hudson  
3           region next to seven state parks. This  
4           includes the purchase of the 945-acre  
5           Scofield Ridge property in the Hudson  
6           Highlands in Putnam and Dutchess Counties,  
7           also owned by Scenic Hudson. State Parks'  
8           acquisition of this will add this land to the  
9           Hudson Highlands State Park and leverage  
10          federal dollars from the Highlands  
11          Conservation Act.

12                     In closing, I would also like to point  
13          out two new subcategories in the EPF that do  
14          not compete with existing funds that are very  
15          important. That is the new Land Trust  
16          Alliance Conservation Easement Program,  
17          largely focused on forests, as well as the  
18          State Land Stewardship/New York Natural  
19          Heritage Program Protected Area Database,  
20          very important baseline information and data  
21          to help conservation professionals around the  
22          state do their job.

23                     So with that, I appreciate your  
24          historic leadership and really look forward

1 to working with you this year on many issues.

2 Thank you.

3 CHAIRWOMAN KRUEGER: I have one Senate  
4 question, thank you.

5 I know it's not necessarily addressed  
6 in the budget, but what's happening with the  
7 polluted areas of the Hudson where GE pulled  
8 out before they completed the assignment? Is  
9 there any good news, anything happening?

10 MR. BICKING: That's a great question.  
11 I noted that that question was asked from  
12 Senator Hoylman earlier today to  
13 Commissioner Seggos. And there is  
14 contamination in hotspots that remain in the  
15 Upper Hudson. It remains a grave concern to  
16 Scenic Hudson and Riverkeeper and many of our  
17 partners. We continue to pressure the EPA to  
18 do something about it.

19 The state's Attorney General and  
20 Governor should be commended for the lawsuit  
21 that they have filed to try to reverse that.  
22 We do note that there may still be  
23 opportunities for the state to get involved  
24 and find ways to reduce contaminants in that

1 region through some targeted cleanup of their  
2 own. That's something we would very much  
3 like to explore, and we have chatted a little  
4 bit with the DEC about.

5 I'll also note that the natural  
6 resource damage claim and assessment has been  
7 ongoing with the -- between the DEC and the  
8 federal trustees. The timeline for coming  
9 out with kind of the next step in that  
10 process is not entirely clear, but we really  
11 look forward to that and we would expect that  
12 the trustees would identify a very large  
13 settlement dollar amount for the  
14 Upper Hudson, something on par with the  
15 Deepwater Horizon settlement in the Gulf.

16 MR. CHERSON: And we have also asked  
17 for over two years for the EPA Region 2 to  
18 initiate a full study of the Lower Hudson,  
19 because some data that we've collected has  
20 found that as you get farther away from the  
21 cleanup effort that was done north of the  
22 Capital Region, the effectiveness goes down  
23 as you move downriver.

24 CHAIRWOMAN KRUEGER: That's why we

1           should have addressed it at the time it  
2           happened, as opposed to still be dealing with  
3           it. And yes, it points to the obvious that  
4           this funny thing about air and water, it  
5           moves. It doesn't stick in one place for us  
6           to do something about it.

7                     Any Assembly questions?

8                     CHAIRWOMAN WEINSTEIN: No.

9                     CHAIRWOMAN KRUEGER: Thank you very  
10           much both for being here tonight. Appreciate  
11           it.

12                    MR. CHERSON: Thank you.

13                    MR. BICKING: Thank you.

14                    CHAIRWOMAN KRUEGER: Our next panel,  
15           the Land Trust Alliance and the Open Space  
16           Institute.

17                    And then if people are looking at  
18           their scorecard, that will be followed by a  
19           panel of three groups from the Adirondacks.

20                    MS. HANLEY: Good evening. My name is  
21           Meme Hanley. I'm the New York program  
22           manager for the Land Trust Alliance. On  
23           behalf of the state's land trusts and their  
24           champions, thank you for your leadership and

1           commitment to protecting open space.

2           I wanted to start with a little bit of  
3 background on who land trusts are and what  
4 they do. Land trusts are nonprofit  
5 organizations that as all of or part of their  
6 mission actively work to conservative land or  
7 steward land. We have about 85 in New York  
8 State, and they are making a sizable impact  
9 in our communities. They've helped to  
10 conserve 2.7 million acres. They have 10,000  
11 active volunteers. And they are serving more  
12 people in more places than ever before.

13           Today land trusts working in rural,  
14 suburban and urban areas and are identifying  
15 ways land trusts can have tangible benefits  
16 to their communities. Land trusts have the  
17 local knowledge, technical expertise and  
18 commitment to perpetuity that makes them  
19 excellent partners to the state and to  
20 municipalities.

21           So to ensure these gains continue, and  
22 to give all New Yorkers the best chance for a  
23 healthy environment, it is imperative that we  
24 adequately fund the EPF. Thank you for your

1           commitment to \$300 million -- or we hope for  
2           your commitment for \$300 million, and we hope  
3           you will work to increase this to 500 million  
4           by 2025.

5                       Now I'd like to highlight two  
6           important issues within the EPF:  
7           appropriations for open space and staffing.  
8           Appropriations for open space and land  
9           conservation are a cornerstone of the EPF.  
10          This funding should reflect the needs and the  
11          priorities of our state. We are concerned  
12          that the Executive Budget reduces this  
13          allocation from \$33 million to \$30 million.  
14          This action is building upon cuts from  
15          previous years, and the consequences are  
16          adding up. We hope you will work to restore  
17          this funding to its historic levels over  
18          time.

19                       Staffing at state agencies must also  
20          increase, but not as part of the EPF. These  
21          funds are intended and have always been used  
22          for capital expenditures, not for operating  
23          expenses of the state.

24                       So now to our specific requests.

1                   First, the Conservation Partnership  
2                   Program. Continued investment will advance  
3                   the state's conservation objectives with  
4                   projects that are developed locally and  
5                   supported broadly.

6                   The CPP is a model of efficiency. It  
7                   has tangible impacts for communities and  
8                   directly advances the Open Space Plan. And  
9                   it has awarded grants exceeding \$19 million,  
10                  but it has leveraged at least \$20 million in  
11                  local matching funds. It has supported the  
12                  protection of tens of thousands of acres and  
13                  touched probably as many lives.

14                  So knowing this, I hope you will  
15                  continue funding the CPP at \$2.5 million. In  
16                  addition to my written testimony, you'll find  
17                  a few recent project highlights and a full  
18                  list of the 90 organizations that have  
19                  participated over the years.

20                  So moving on to farmland, by working  
21                  with land trusts to conserve ag lands across  
22                  the state, the EPF has helped preserve an  
23                  important part of our economy and a way of  
24                  life for farm families. As farmers grow

1           older and issues of farm succession become  
2           even more acute, your work to ensure our  
3           farms stay in production is vitally  
4           important.

5                        So we urge you to ensure this work  
6           continues and ensure that it is well-funded  
7           at \$20 million.

8                        We also see the need to begin  
9           protecting forests as a complement to our  
10          farmland efforts. The reasons are  
11          straightforward. Forests store carbon  
12          dioxide, they filter water, they provide jobs  
13          and they provide important habitat for  
14          wildlife and recreation for people.

15                       And while we have large, publicly  
16          owned forests, 75 percent of forests in  
17          New York are privately owned. These lands  
18          are owned by families who are now facing some  
19          of the same challenges as farmers. Their  
20          lands are at risk for conversions at a time  
21          when New Yorkers need them most. Forests are  
22          our first line of defense in a changing  
23          climate, and these are risks not felt just by  
24          forest owners, these are risks for all

1 New Yorkers.

2 So the proposed Conservation Easement  
3 Program for land trusts would be a meaningful  
4 and efficient step in addressing this  
5 problem. We urge you to fund the  
6 Conservation Easement Program at \$3 million.

7 MS. MOSER: I'm going to cut in really  
8 quickly. I'm Kathy Moser. I'm senior vice  
9 president at the Open Space Institute for  
10 parks and policy.

11 One of the things that makes the  
12 Open Space Institute unique in our parks  
13 program is that we are going to invest  
14 \$10 million of private money on public lands  
15 in 2020. And we are incentivized, and our  
16 donors are as well, by some of the grant  
17 programs in the Environmental Protection  
18 Fund, so we appreciate it being at  
19 \$300 million.

20 We also are very supportive of the  
21 Mother Nature Bond Act. We'd like to see  
22 more details from the Governor's office  
23 before we can judge whether or not \$3 billion  
24 is enough money, and so we look forward to

1 working with the Legislature and the  
2 Governor's office to detail some of those  
3 issues.

4 And then of course, you know, in the  
5 budget there's 47 staff for DEC and 22 for  
6 State Parks. I'd like to hope that this is  
7 the beginning of an increase for those state  
8 agencies that are really desperate. People  
9 have been talking about the new wetlands laws  
10 and how many more staff are going to be  
11 needed to make sure that New York is  
12 protecting those wetlands.

13 So I'll stop there.

14 CHAIRWOMAN KRUEGER: I know I have at  
15 least one question. I think you were trying  
16 to answer it. So you believe that the  
17 Governor's bond act should provide funding  
18 for the conservation work you were discussing  
19 both for forestland and farmland. It seems  
20 to me a natural, with something you're  
21 calling the Mother Nature Bond Act.

22 But is it your understanding that  
23 these kinds of programs would be included and  
24 could be expanded under that funding?

1 MS. MOSER: That's our understanding,  
2 especially land that would help with  
3 mitigation of flooding with resiliency.

4 I think the thing that we all have to  
5 be careful about is a bond act is supposed to  
6 be used for anything that has a 10-year life  
7 span or more. You know, so there's been talk  
8 about things that don't qualify.

9 So I think that's one of the things  
10 that we're going to have to work on with the  
11 Governor's office, is what does qualify for a  
12 bond act. But land certainly would.

13 CHAIRWOMAN KRUEGER: Thank you.  
14 Assembly?

15 CHAIRWOMAN WEINSTEIN: Assemblyman  
16 Englebright.

17 ASSEMBLYMAN ENGLEBRIGHT: Yes, thank  
18 you.

19 Are -- I didn't see you actually  
20 mention this; I'm sure you're aware that the  
21 Executive Budget is proposing cuts to land  
22 preservation. I hope you take a strong  
23 position on that in your communications to  
24 the Executive.

1 MS. MOSER: Right, that's in our  
2 written testimony. But Meme mentioned it as  
3 well.

4 It's been as high as \$66 million  
5 annually, and now it's down to 30, and  
6 there's some programs put in that line item  
7 as well. So it's been reduced.

8 ASSEMBLYMAN ENGLEBRIGHT: It has, and  
9 it shouldn't. And we still have something to  
10 say about that if our third-party validators  
11 get active, so I'm urging you to do so.

12 And regarding state lands, I'm hoping  
13 that we can move toward a new category or  
14 subcategory of state land, possibly certain  
15 state forests, as designated pollinator  
16 preserves or reserves. Obviously we really  
17 have a need to do that, given the problems  
18 that our pollinators are experiencing. And  
19 so I'd love to work with you guys on that as  
20 we go forward.

21 MS. MOSER: I would just add, it's one  
22 thing to buy the land, but for pollinators  
23 you really need to do some stewardship on the  
24 land as well to make sure that you have the

1 right species that the pollinators need.

2 ASSEMBLYMAN ENGLEBRIGHT: Yes.

3 Absolutely. Thank you for your testimony.

4 CHAIRWOMAN WEINSTEIN: Thank you.

5 CHAIRWOMAN KRUEGER: Thank you both.

6 MS. HANLEY: Thank you.

7 CHAIRWOMAN KRUEGER: Thank you for

8 being with us this evening.

9 Our next panel, again as I mentioned,  
10 it's three organizations representing  
11 interests in the Adirondack Park -- the  
12 Adirondack Council, Protect the Adirondacks,  
13 and Adirondack Mountain Club. And you all  
14 can decide in what order you wish to go.

15 And for people who are still following  
16 the TV Guide version of our day, Preservation  
17 League of New York State will be next up  
18 after the panel, then Parks & Trails  
19 New York. I'll stop there for now.

20 Good evening.

21 MR. CHLAD: Okay, thanks so much.

22 I'll go first. Kevin Chlad, director of  
23 government relations for the Adirondack  
24 Council. Just a couple of points from our

1 written testimony.

2 The Governor's done great work  
3 promoting our Adirondack Park, with a  
4 25 percent increase in visitors since 2011.  
5 That's over 12.5 million visitors every year  
6 now. And as a result of that trend, we're  
7 seeing impacts to our natural resources, to  
8 visitor safety, and to the wilderness  
9 experience that people are driving long  
10 distances to have.

11 And so therefore we are challenged by  
12 success, and there are a few opportunities in  
13 this budget to address that. The Governor  
14 recently acknowledged that there are limits  
15 to what the resources can withstand, and  
16 there's a -- the DEC recently announced a  
17 High Peaks Strategic Advisory Group that will  
18 come up with comprehensive solutions to  
19 address the high use we're seeing in the  
20 High Peaks and elsewhere in the Adirondacks,  
21 but those solutions are going to require  
22 funding and staffing.

23 And so with that I'll just note that  
24 we support an EPF of at least \$300 million as

1 we work towards a \$500 million EPF in 2025.  
2 We do oppose the proposed language to offload  
3 staffing expenses under the EPF. We also  
4 similarly oppose the transfer of RGGI  
5 allowance proceeds, auction proceeds to the  
6 EPF for EPF purposes. Greenhouse gas  
7 reductions and climate resiliency work should  
8 go hand in hand and shouldn't go head to  
9 head.

10 And we support the state land  
11 stewardship line increase in there. There is  
12 a subcategory that we support, but we also  
13 want to support funding for wilderness  
14 preservation and stewardship under that  
15 category.

16 And with the bond act, we support the  
17 \$3 billion that have been proposed, but we  
18 believe that the Legislature should take a  
19 much closer look at adding specificity to the  
20 allocation of resources, and stewardship is  
21 where we should look to allocate some of  
22 those resources.

23 CHAIRWOMAN KRUEGER: Hi.

24 MR. BARRETT: Hi, good evening.

1 Michael Barrett, executive director for the  
2 Adirondack Mountain Club.

3 We too commend the Governor on the  
4 \$300 million proposed for the EPF. We would  
5 like to see dedicated funds for stewardship  
6 for trails in the High Peaks, that we think  
7 that is very important, particularly as we  
8 look at high-use issues.

9 We were very pleased to see 16  
10 proposed staff to DEC for enforcement. We  
11 really hope that some of those are for Forest  
12 Ranger positions. You know, the Forest  
13 Rangers, as you well know, provide for the  
14 care, custody and control of 5 million acres  
15 of DEC-administered public lands. They are  
16 responsible for twice the amount of acreage  
17 as they were 50 years ago. The Adirondacks,  
18 which they cover, is 6 million acres, but we  
19 only have 50 rangers. By comparison,  
20 Yellowstone is 2.2 million, a third of the  
21 Adirondacks, and they have 330 full-time  
22 rangers. So we really hope for an increase  
23 there.

24 The last issue I'm going to talk

1           about -- and Senator Krueger, you've been the  
2           leader on this last year -- is the issue of  
3           ticks. The Executive proposed budget does  
4           not include any funding. We're asking for  
5           \$1.5 million for education, prevention and  
6           treatment for ticks.

7                     Here's the issue. Twenty-five years  
8           ago it just used to be an issue for the Lower  
9           Hudson Valley. Now it's statewide. It's the  
10          perfect storm for ticks -- the seasons are  
11          longer, there's more ticks, there's more  
12          strains. And the reason why it's so urgent  
13          now is because of the prevalence in the  
14          Adirondacks.

15                    Paul Smith's College has found that  
16          85 percent of the ticks in the Adirondacks  
17          are now carrying Lyme and that the Lyme rate  
18          has increased twentyfold in the Adirondacks  
19          in just 13 years. As we continue to  
20          encourage people to get outdoors,  
21          particularly in our North Country, we have to  
22          protect them. We can protect them with more  
23          Forest Rangers and tick prevention.

24                    Thank you.

1 MR. BAUER: Thank you very much.

2 Peter Bauer, Protect the Adirondacks.

3 And I'd like to echo the comments of my  
4 colleagues. We are also supportive of the  
5 \$300 million EPF. We think the EPF should be  
6 expanded over the next several years.

7 We are supportive of the increase in  
8 state stewardship funds. As we've heard from  
9 many here today, use is at an all-time high  
10 in the High Peaks. Our trail system was  
11 built in the years and the decades right  
12 after the Civil War. Many of these trails  
13 have been in use for the last 150 years, and  
14 they're hammered.

15 We need to build a sustainable trail  
16 network in the High Peaks that are safe, that  
17 protect our environment and uphold our  
18 wilderness values. The state has begun to  
19 make an investment, a down payment in that  
20 respect, but there's much more that we need  
21 to do.

22 Just to echo some of the brief  
23 comments that we've heard today. We support  
24 the wetlands changes critical to the wetlands

1 systems in the Adirondack Park. We don't  
2 believe any state position should be funded  
3 out of the Environmental Protection Fund.

4 We oppose the RGGI raid. We agree  
5 that there needs to be more dollars for  
6 climate change.

7 In the bond act, we look for greater  
8 specificity as far as where this money is  
9 going. Open space protection, forest  
10 protection are vital and must be a major part  
11 of this bond act. And we certainly would  
12 look to expand the scope of this bond act  
13 well above \$3 billion because we think  
14 there's a solid case for money spent today  
15 will reap billions of dollars of savings and  
16 benefit down the road.

17 So thank you very much for your time  
18 today.

19 CHAIRWOMAN KRUEGER: Thank you.

20 Senate? Assembly? Is that a yes, Steve?

21 Steve Englebright from the Assembly.

22 ASSEMBLYMAN ENGLEBRIGHT: Thank you  
23 for your comments.

24 The bond act is one thing that I'm

1 particularly focused on. We've been waiting  
2 for an opportunity. The Governor is giving  
3 us an opportunity. I'm hoping that he will  
4 be open to some of the suggestions that you  
5 and others have made here today.

6 I'm hoping also that as we attempt to  
7 follow through on what you're suggesting in  
8 terms of the devil in the details, will  
9 you -- my question is will you provide us  
10 with some suggested project criteria and  
11 guidelines that we could review and hopefully  
12 help translate into some of the details that  
13 are not yet fully formed?

14 MR. CHLAD: Absolutely, Assemblyman.  
15 And you've heard a common theme here from all  
16 three of us that stewardship is a priority  
17 right now in the Adirondacks.

18 And one thing that I could point to --  
19 and my colleagues may have other things to  
20 recommend as well. But on page 2 of our  
21 testimony we have the six best management  
22 practices for wilderness management, and that  
23 presents a comprehensive vision for how we  
24 should be managing our wilderness lands. And

1           so there are lots of ideas, just thinking  
2           holistically about what we need to do, in  
3           those six best management practices from  
4           which we can draw a lot of different detailed  
5           proposals for the bond act.

6                     ASSEMBLYMAN ENGLEBRIGHT: We would  
7           welcome a chance to look over your  
8           suggestions.

9                     MR. BAUER: One of the best benefits  
10          for bond act spending we think is open space  
11          protection. And that will have enormous  
12          benefits for climate change down the road. A  
13          mature forest, a forest that is able to grow  
14          over the next 200, 300 years, you know, is a  
15          wonderful carbon sink. So we think an  
16          investment of \$500 million, \$600 million in  
17          open space protection in forest systems in  
18          New York is certainly merited.

19                    ASSEMBLYMAN ENGLEBRIGHT: Thank you  
20          very much.

21                    MR. BAUER: Thank you. Thank you,  
22          Chairman.

23                    CHAIRWOMAN KRUEGER: Thank you very  
24          much, gentlemen.

1                   Next we have Parks & Trails  
2                   New York -- I'm sorry, Preservation League of  
3                   New York State. Forgive me. Are you here?  
4                   All right.

5                   Then Parks & Trails get ready to come  
6                   up afterwards. Then we have the American  
7                   Chemistry Council for a change of theme.

8                   (Laughter.)

9                   MS. TOBIN: Good evening. Thank you  
10                  so much for allowing me an opportunity to  
11                  speak. My name is Erin Tobin. I'm vice  
12                  president for policy and preservation at the  
13                  Preservation League of New York State.

14                 Thank you, Chairwoman Krueger and  
15                 Chairwoman Weinstein and other members of the  
16                 Senate and Assembly who are here and may be  
17                 listening. The Preservation League is  
18                 New York's only statewide historic  
19                 preservation nonprofit organization, and I'm  
20                 here today to talk about historic  
21                 preservation, to support several of the  
22                 proposals in the Executive Budget, including  
23                 the budgets for the New York State Office of  
24                 Parks, Recreation and Historic Preservation

1 and the New York State Council on the Arts.  
2 Although I know their hearing is later, since  
3 I'm speaking now, I wanted to put in a good  
4 word for them.

5 Also echoing the many comments about  
6 the \$300 million allocation for the  
7 Environmental Protection Fund. And of course  
8 we also agree that funds should not be  
9 diverted for agency staff. And we would love  
10 to see that fund expanded to \$500 million by  
11 2025.

12 We're also supportive of the expansion  
13 of the prevailing wage regulations that's in  
14 the Governor's TED budget bill, with  
15 exemptions for historic preservation projects  
16 and small nonprofit organizations.

17 And I want to note with the prevailing  
18 wage that it's really the projects that are  
19 under \$5 million, the nonprofits with gross  
20 annual revenue under \$5 million, and most  
21 especially projects receiving tax benefits  
22 related to historic rehabilitation -- it's  
23 really important that they are able to retain  
24 their economic development momentum and

1 continue to revitalize our communities.

2 And then I want to voice our support  
3 for the legislatively proposed improvements  
4 to our State Historic Tax Credit. And my  
5 written testimony is missing one of the other  
6 bills, but I'll send revised testimony.

7 But the two improvements to the State  
8 Historic Tax Credit that we're seeking is the  
9 ability to directly transfer those credits,  
10 which is mirrored in the allowed  
11 transferability of the New York State  
12 Low Income Housing Tax Credit, and then also  
13 increasing the State Historic Tax Credit from  
14 20 percent to 30 percent for small projects,  
15 which are those under \$5 million. And those  
16 are both reflected in bills in the Assembly  
17 and Senate.

18 And we are so very appreciative to  
19 both the Assembly and the Senate for their  
20 support of those two improvements, as well as  
21 others which we achieved last year thanks to  
22 the Legislature and the Governor, and we hope  
23 that we can move forward on one or both of  
24 those in this next budget cycle.

1                   We also appreciate the increase of  
2                   capital funds for the Office of Parks,  
3                   Recreation and Historic Preservation. Our  
4                   State Parks also house many historic sites,  
5                   and those sites need a lot of restoration.  
6                   We're very encouraged that State Parks is  
7                   undertaking a survey of its buildings so that  
8                   there can be a focus on maintenance and  
9                   rehabilitation of the historic buildings  
10                  owned by Parks.

11                  The testimony we submitted also  
12                  includes comments on the Governor's proposed  
13                  Reimagine the Canals initiative reflected in  
14                  his budget presentation, and it notes how  
15                  historic preservation can and should play a  
16                  key role in the Clean Energy Fund and our  
17                  state's response to climate change.

18                  I'm going to again echo my nonprofit  
19                  colleagues here calling for more specificity  
20                  in the Governor's proposed \$3 billion bond  
21                  act. In particular, we believe that that  
22                  bond act should include funding for the  
23                  historic preservation as prior environmental  
24                  bonds have. If we are to save open space, if

1 we are to preserve wetlands, we also must  
2 promote and incentivize continued and  
3 adaptive use of our existing buildings. It's  
4 a missing piece in this bond act proposal.

5 Thank you for your time and attention  
6 today, and thank you for inviting the  
7 Preservation League to testify. We are happy  
8 to provide additional information on this  
9 testimony and any other historic preservation  
10 issue at the committee's request.

11 CHAIRWOMAN KRUEGER: Thank you.

12 So I do have one quick question -- or  
13 it's probably not quick, so you can get back  
14 to me. So you described in your testimony  
15 that there is a task force that had  
16 recommended changes to the canal system.

17 MS. TOBIN: Yes.

18 CHAIRWOMAN KRUEGER: And the Governor  
19 sort of swept it in with his announcement  
20 about something for the Erie Canal, but I  
21 don't understand. So apparently what that  
22 task force you referenced recommended and  
23 what the Governor recommended is not the  
24 same.

1                   But so perhaps not for tonight, but if  
2                   you could share with my office what you think  
3                   the right answers are for continuing and  
4                   finding new value for canal systems. Because  
5                   I think he talked about Power Authority  
6                   putting 30 million into the Erie Canal.  
7                   Which is a large sum of money and might be  
8                   justified, but I don't understand what he  
9                   intends to use it for.

10                   MS. TOBIN: We would be happy to share  
11                   that information. We think it's great to  
12                   invest in our canal. We think we can meet  
13                   the environmental goals while maintaining our  
14                   historic authentic canal system.

15                   CHAIRWOMAN KRUEGER: Thank you.

16                   Anyone else?

17                   CHAIRWOMAN WEINSTEIN: Assemblyman  
18                   Englebright.

19                   ASSEMBLYMAN ENGLEBRIGHT: Did you see  
20                   the opinion piece in today's New York Times  
21                   on historic preservation?

22                   MS. TOBIN: Yes, I sure did.

23                   ASSEMBLYMAN ENGLEBRIGHT: Did it light  
24                   your hair on fire? It did mine.

1 MS. TOBIN: (Laughing.) It felt a  
2 little bit like clickbait.

3 I would say that along with many of my  
4 preservation colleagues around the state and  
5 the nation, we've been preparing a response  
6 to that.

7 And indeed the Preservation League --  
8 that Times editorial notes the challenges  
9 with solar panels on historic buildings. We  
10 actually have on our website resources for  
11 owners of historic buildings who wish to  
12 place solar panels on their historic  
13 structures and do so in a sensitive way.

14 The preservation community is very  
15 supportive of renewable energy. We actually  
16 put together a panel for our statewide  
17 preservation conference that included Scenic  
18 Hudson. We've talked to NYSERDA. So we're  
19 very supportive of renewable energy. That  
20 editorial was -- presented one very extreme  
21 viewpoint which we take issue with.

22 ASSEMBLYMAN ENGLEBRIGHT: It's the  
23 lead editorial today.

24 MS. TOBIN: Yes.

1 ASSEMBLYMAN ENGLEBRIGHT: It is  
2 extreme. It says such things as historic  
3 preservation and practice is not about  
4 preserving history, it's about preserving the  
5 lifestyle of affluent urban elite.

6 That's not consistent with our tax  
7 program in this state, it's not consistent  
8 with the history of our preservation efforts.  
9 And it shouldn't be what shapes our  
10 commitment to historic preservation in this  
11 budget.

12 So thank you for your testimony today.

13 MS. TOBIN: Absolutely. Thank you.

14 CHAIRWOMAN WEINSTEIN: Thank you.

15 CHAIRWOMAN KRUEGER: Thank you.

16 Next up, New York Parks & Trails.

17 Again, followed by American Chemistry  
18 Council, followed by Green Education and  
19 Legal Fund.

20 MR. COTE: Good evening.

21 CHAIRWOMAN KRUEGER: Good evening.

22 MR. COTE: Thank you, distinguished  
23 members of the Senate and the Assembly, for  
24 giving me the opportunity to speak with you

1 all tonight on behalf of Parks & Trails  
2 New York.

3 My name is Will Cote. I'm the parks  
4 program director. And since 1985, Parks &  
5 Trails New York has been the state's leading  
6 organization working to preserve and enhance  
7 a network of parks, historic sites and  
8 greenways for New Yorkers to enjoy. Our  
9 network of dedicated park and trail  
10 supporters is nearly 40,000 strong.

11 And tonight I want to talk to you  
12 about supporting aspects of the Governor's  
13 Executive Budget, which does include  
14 important funding for New York's park system,  
15 trails system, and shared green spaces.

16 Specifically, we thank the Governor  
17 and encourage support from the Senate and  
18 Assembly for \$110 million in capital funding  
19 for state parks and historic sites, and  
20 \$300 million for the Environmental Protection  
21 Fund, which specifically includes \$1 million  
22 for the park and Trail Partnership Program  
23 Grant, a capacity-building grant program for  
24 grassroots friends groups.

1                   We encourage the Legislature to  
2                   include the \$110 million for New York Parks  
3                   2020 capital funding for the Office of Parks,  
4                   Recreation and Historic Preservation. This  
5                   investment in state parks infrastructure will  
6                   continue to tackle the backlog of needed  
7                   repairs and advance the revitalization of the  
8                   New York State parks system. And we  
9                   appreciate that OPRHP's operations budget has  
10                  held relatively steady despite difficult  
11                  fiscal situations.

12                  With visitation of more than  
13                  79 million, the commitment to protect our  
14                  parks and environment should be extended to  
15                  funding agency staff. Targeted increases to  
16                  support day-to-day operations will allow the  
17                  agency to better fulfill its mission to  
18                  provide safe and enjoyable recreational  
19                  opportunities for New Yorkers. We request  
20                  that the Senate and Assembly support the  
21                  Governor's call to add new staffing positions  
22                  at OPRHP, ensuring that residents and  
23                  visitors alike have access to quality  
24                  education and guidance and inspiration as to

1           how best protect and enjoy our environment  
2           for the future.

3                       We also ask that you support the  
4           Environmental Protection Fund at  
5           \$300 million. We do applaud the Governor's  
6           commitment to that and obviously would  
7           encourage future growth of that fund into the  
8           future.

9                       Within the EPF, the Executive Budget  
10          includes \$1 million for the New York State  
11          Park and Trail Partnership Program. This is  
12          a capacity-building grants program for  
13          grassroots organizations or friends groups  
14          that support, strengthen and improve the  
15          state's parks, trails, historic sites and  
16          public lands. Since 2015, 83 grants totaling  
17          \$1.8 million have been awarded, with funds  
18          going towards innovative educational  
19          programs, capital projects and  
20          capacity-building undertakings, enabling  
21          organizations to become more effective,  
22          leverage more volunteer power, and ultimately  
23          lead to even greater economic benefits,  
24          improved access to outdoor resources, and

1 healthier communities.

2 I'd also like to point out that this  
3 year, as we prepare to announce our fifth  
4 round of awardees in March, we recognize the  
5 value this opportunity has for our  
6 volunteer-led groups. We received 53  
7 applications requesting a total of \$2 million  
8 during this round of applications, double the  
9 available funding that is available.

10 This response confirms the  
11 effectiveness of the program, and we're proud  
12 to be administering this matching grant in  
13 partnership with OPRHP, DEC and grassroots  
14 groups across the state.

15 Also worth mentioning is that we're  
16 pleased to see increased funding for the  
17 Connect Kids initiative, which provides  
18 transportation to parks, nature and  
19 environmental education centers for children  
20 in K-12 education programs. This gives  
21 schoolkids a chance to experience nature and  
22 the environment as well as provide students  
23 an opportunity to share in the stewardship of  
24 our natural resources.

1           And we encourage the Legislature to  
2           approve this proposed funding expansion to  
3           \$2 million, ensuring that even more young  
4           people are exposed to the beauty of nature  
5           and the importance of conservation across the  
6           state.

7           The Governor's proposal includes  
8           language that would allow the use of EPF  
9           monies for agency staff salaries. Like my  
10          colleagues previously, this language -- I  
11          would like to reiterate that the Legislature  
12          has prevented this in the past, and we would  
13          continue to urge them to do this as well.

14          The "Restore Mother Nature" Bond Act.  
15          We encourage the Legislature to support the  
16          proposed "Restore Mother Nature" Bond Act,  
17          will fund environmental resource resiliency  
18          through the preservation of open space,  
19          restoring wetlands, waterways and wildlife  
20          habitats, as well as facilitate the creation  
21          of new recreational opportunities, many of  
22          which have been discussed tonight.

23          In conclusion, I'd like to thank you  
24          for the opportunity to testify today. Parks

1 and Trails New York looks forward to working  
2 with the Senate, the Assembly and the  
3 Governor to keep up the momentum for State  
4 Parks, solidifying New York's conservation  
5 legacy and strengthening the network of  
6 parks, trails and greenways across the state.

7 CHAIRWOMAN KRUEGER: Okay. Any  
8 questions? Thank you very much for your  
9 testimony tonight.

10 Okay, apparently the American  
11 Chemistry Council is not with us --

12 UNIDENTIFIED SPEAKER: Oh, no, yes, we  
13 are.

14 CHAIRWOMAN KRUEGER: Oh, excuse me. I  
15 just got a note saying not.

16 Well, come on down. Did you submit  
17 written testimony?

18 MS. GORMAN: We did.

19 CHAIRWOMAN KRUEGER: Okay. If we  
20 don't find it tonight, we'll get it to -- oh,  
21 they've got it with them. Very good.

22 Sorry about that. I had just been  
23 handed a note saying you weren't here.

24 MS. GORMAN: That's okay.

1                   Good evening. My name is Margaret  
2                   Gorman. I am the senior director for the  
3                   Northeast region for the American Chemistry  
4                   Council. And with me tonight is my colleague  
5                   Omar Terrie. He is the director of our  
6                   plastics and food packaging group at ACC.

7                   We are going to limit our testimony  
8                   tonight to the polystyrene ban language that  
9                   is in the budget proposal that proposes to  
10                  ban polystyrene in New York State.

11                  Because the language is so broad, our  
12                  first concern are the manufacturing industry  
13                  in New York State. We have identified almost  
14                  2,000 jobs that would be directly impacted by  
15                  this proposal, ranging across 10 sites in  
16                  New York, from Middletown, New York to  
17                  Buffalo, Albany, Rochester, Syracuse,  
18                  Canandaigua and more.

19                  Three sites alone produce over  
20                  1400 jobs and also produce polystyrene food  
21                  service. These three sites alone pay  
22                  \$2.3 million in state taxes and contribute  
23                  \$47 million in payroll.

24                  There's been a lot of discussion about

1 the job impact today, but one additional  
2 thing that I did want to bring to you is that  
3 the language is so broad in the budget it  
4 does bring in an impact to other public  
5 sectors. The language includes a ban on  
6 schools -- so your elementary schools, your  
7 high schools, your colleges, your community  
8 colleges and local governments.

9           There was a fiscal study previously  
10 done on how that impact would be on schools,  
11 for example, and elementary schools. Because  
12 the product is -- the alternative  
13 products are two to four times more, it would  
14 cost \$25 million to elementary schools alone.  
15 Municipalities, \$10 million.

16           So looking at that and going into  
17 alternative product, it is certainly going to  
18 impact the public sector and the private  
19 sector, ranging from hospitals to  
20 restaurants, not-for-profits, fraternal  
21 organizations and others.

22           Most food service packaging is not  
23 recycled or composted within New York State's  
24 existing recycling infrastructure. So what

1 is the solution? Instead of a ban, ACC is  
2 strongly supportive of solutions that finance  
3 infrastructure investment. We strongly  
4 support a food service packaging fee that  
5 would be paid by manufacturers that could  
6 fund these solutions as well as finance  
7 statewide recycling.

8 I want to stress that it will not just  
9 be on polystyrene, it will be on all the  
10 alternative food service products.

11 I'm going to conclude my testimony at  
12 this point and turn it over to Omar.

13 MR. TERRIE: Good afternoon, everyone.

14 Concerning the recyclability of  
15 polystyrene, polystyrene is being recycled in  
16 New York State. Right here in Albany County  
17 at a company in Cohoes, they are taking both  
18 packaging material as well as food service  
19 and recycling polystyrene into a polystyrene  
20 insulation foam to be used in homes. As we  
21 all know, on the building construction side  
22 polystyrene is an excellent insulator. And  
23 so we're looking to that as an example to be  
24 able to increase getting food service out of

1 the landfill and into a program where it can  
2 go to be recycled and help with insulating  
3 homes.

4 In addition, polystyrene is being  
5 recycled in Madison County as well.

6 Concerning the landfill issue, I know  
7 that that is a great deal of concern to  
8 everyone. I did take note earlier today that  
9 Commissioner Seggos stated that around  
10 29,000 pounds of polystyrene were going to  
11 landfill. When I looked on the DEC website,  
12 it says that has a capacity of 7.9 million  
13 pounds per year. So when you take the 29,000  
14 and divide it by the 7.9 million, that is  
15 0.3 percent of the waste stream that is  
16 polystyrene that, according to the  
17 commissioner, is going to the landfill.

18 So this legislation, it impacts jobs  
19 to divert 0.3 percent when it's (A) a  
20 recyclable product, and (B) all the  
21 alternatives are going to greatly increase  
22 the cost of -- to schools and to  
23 restaurateurs.

24 But at the same time alternatives --

1           like polystyrene itself, frankly -- need  
2           additional infrastructure in order to be  
3           recycled. A lot of the alternatives are  
4           going to be what is classified as compostable  
5           food service. And those compostable food  
6           service alternatives do need what's  
7           considered an industrial compostable facility  
8           in order to be recycled. New York currently  
9           lacks that infrastructure.

10                         With that, I'll close. I'm going to  
11           allow questions.

12                         CHAIRWOMAN WEINSTEIN: Assemblyman  
13           Englebright.

14                         ASSEMBLYMAN ENGLEBRIGHT: So you guys  
15           were probably still in elementary school when  
16           this issue came before the Suffolk County  
17           Legislature and when I was a member of that  
18           body. I had brown hair in those days, and I  
19           had bell bottoms. And I was the primary  
20           sponsor of the legislation that you're  
21           probably familiar with, which was the first  
22           in the nation on this topic.

23                         I don't want to go over the whole  
24           thing today, but it led to the longest

1 hearing in the history of the Suffolk  
2 Legislature. The hearing was more than  
3 two years. We finally got to a point where  
4 we took the vote, and then I was elected  
5 here.

6 And you guys went to my colleagues in  
7 my absence and successfully said the same  
8 things that you've just said today, and you  
9 promised them that if they would only make it  
10 a voluntary program instead of a compulsory  
11 law, that you would make sure that there was  
12 widespread recycling of polystyrene. And so  
13 they said, Oh, okay. And then you guys  
14 didn't follow through.

15 And so here we are quarter of a  
16 century later, and our landfills in fact, as  
17 Commissioner Seggos has properly said, are  
18 filling up, and we have a really chaotic  
19 situation. And you're back with the same old  
20 refrain: Trust us, let's recycle, oh, please  
21 don't do such a restrictive law.

22 So I'm going to enjoy this  
23 conversation, because I've been waiting for  
24 it for all of these years. I've been here



1           you can get us in terms of the percentage of  
2           the business that is done in New York State  
3           as opposed to, you know, sending the  
4           materials out of state?

5                   MS. GORMAN: That's a good question.  
6           I do know at least two. One that has a  
7           thousand jobs in Canandaigua, 90 percent of  
8           those sales are in New York State. Another  
9           one in Cohoes, about 75 jobs, 75 percent of  
10          the sales are in New York State. Just to  
11          give an example.

12                   ASSEMBLYMAN RA: Okay. And then the  
13          other --

14                   MS. GORMAN: I can follow up with the  
15          rest.

16                   ASSEMBLYMAN RA: Okay. Please do.

17                   And the other question is in terms of  
18          those manufacturers, what portion of their  
19          business is the sale of materials that would  
20          be banned by this?

21                   MS. GORMAN: The exact percentages we  
22          don't have. But I do know that, you know,  
23          some of these facilities, primarily  
24          polystyrene.

1                   MR. TERRIE: Yeah, the 10 facilities  
2                   that my colleague mentioned, they are  
3                   directly impacted by this ban if it were to  
4                   go into effect. Now, they do have other  
5                   facilities that make other materials, but the  
6                   10 that we listed are the ones that would be  
7                   impacted.

8                   ASSEMBLYMAN RA: Thank you.

9                   CHAIRWOMAN KRUEGER: Thank you. Thank  
10                  you very much.

11                  MS. GORMAN: Thank you.

12                  Our next testifier is Green Education  
13                  and Legal Fund, Mark Dunlea, followed by  
14                  Audubon New York, followed by the Interstate  
15                  Environmental Commission. Followed by  
16                  tomorrow.

17                  (Laughter.)

18                  MR. DUNLEA: Thank you for staying  
19                  here so late.

20                  I just wanted to follow up on the  
21                  comments made by Assemblymember Englebright.  
22                  I think the first joint protest that my wife  
23                  and I jointly organized was in 1981, two  
24                  blocks from here, when there used to be a

1 McDonald's. And it was against Styrofoam.  
2 Very glad that we've got rid of Styrofoam  
3 here in Albany County, and look forward to  
4 success at the state level.

5 I'm speaking today on behalf of the  
6 Green Education and Legal Fund. I'm also a  
7 member of the steering committee at  
8 350 New York City. I help coordinate  
9 legislative issues for the People of Albany  
10 United for Safe Energy. And I'm part of the  
11 Action Committee for Extinction Rebellion of  
12 the Capital District.

13 I've appreciated the comments made  
14 this evening which shows the serious level  
15 that the Legislature attaches to the climate  
16 change. Unfortunately, the situation is  
17 actually much worse. The IPCC has warned  
18 that we have 11 years left for unprecedented  
19 coordinated action on climate change. A few  
20 months ago a Harvard study said no, that  
21 timeline is probably closer to five years.  
22 And then right before the recent conference  
23 in Spain, a number of the most prominent  
24 climate scientists in Europe came out and

1           said, actually, we worry that we've already  
2           passed the tipping point.

3                       We need to act a whole lot faster than  
4           we're acting. I particularly responded to  
5           the comments made by Assemblymember Carroll  
6           that the reality is that New York State only  
7           has 4.5 percent of the state's electricity  
8           coming from wind and solar. That's  
9           4.5 percent 17 years after Governor Pataki  
10          set goals for renewable energy.

11                      In order to hit the 70 percent by  
12          2030, we're going to have to hit that  
13          4.5 percent -- that took us 17 years -- on an  
14          annual basis.

15                      I have a lot of skepticism about the  
16          pronouncement from the Governor that we're  
17          investing \$33 billion over the next  
18          five years on renewable energy. I'd like to  
19          see that documented. I had a consultant  
20          position this summer trying to document how  
21          much the state is spending on renewable  
22          energy. Talked to everybody -- the Governor,  
23          the State Comptroller, legislative staff,  
24          NYSERDA, Public Service Commission. No one

1           could give a firm answer.

2           The closest, most definitive answer  
3           was \$190 million. If you look at some of the  
4           financial audits of NYSERDA, maybe it's  
5           closer to 400 to 500 million. That's a lot  
6           different than the 6 billion that they're  
7           claiming they're spending on an annual basis.

8           We started off this hearing at 11 a.m.  
9           this morning with some of my colleagues from  
10          the Campaign for a Green New Deal doing a  
11          little chanting to get the excitement level  
12          up. They were calling for a \$10 billion  
13          investment in the Green New Deal. We hope  
14          you support that.

15          We also hope that you support the  
16          \$1 billion that a somewhat quieter group from  
17          New York Renews is encouraging.

18          On the \$33 billion, if that's true, we  
19          want to see how much of that complies with  
20          the goal of 35 percent of that \$33 billion  
21          being dedicated to disadvantaged communities.

22          Senator Krueger asked a question about  
23          how is RGGI complying with CLCPA. One of the  
24          things I was very curious about in the CLCPA

1           was the repeated reference to the social cost  
2           of carbon. The Governor used the social cost  
3           of carbon to provide the \$7.6 billion nuclear  
4           bailout. That's about -- I think \$45 a ton  
5           was the figure he's using. Right now RGGI is  
6           at \$6 a ton. So if now the state policy is  
7           \$45 a ton for carbon, how are we raising RGGI  
8           from \$6 a ton to \$45?

9                         Certainly applaud Senator Krueger and  
10           the rest of the Senate Democrats for their  
11           leadership on trying to divest the state  
12           pension funds from fossil fuels. We would  
13           recommend you include that in the  
14           State Budget. I started testifying 20 years  
15           ago about a state carbon tax when Senator  
16           Owen Johnson wanted to know why we thought  
17           carbon was bad, since trees like it so much.  
18           But we do hope we advance that.

19                        Expand the Bottle Bill. Do the ban on  
20           fracking, making it permanent. Deal with the  
21           issue of fracking waste.

22                        On Sheridan Avenue, we want to applaud  
23           you last year for stopping the new  
24           fracked-gas turbines that they were going to

1 use for a microgrid. However, we still have  
2 six gas boilers there. And we hope you'll go  
3 to the next step and actually move to make  
4 this whole system renewable energy, how we  
5 heat and cool the state energy complex --  
6 which they're presently continuing to -- we  
7 are requesting the \$600,000 for a feasibility  
8 study on how we can go to renewable energy to  
9 heat and cool these buildings, particularly  
10 looking at geothermal.

11 And I have a lot more to say, but my  
12 time is up. And thank you for staying so  
13 late to listen to us.

14 CHAIRWOMAN KRUEGER: Thank you.

15 CHAIRWOMAN WEINSTEIN: Thank you.

16 CHAIRWOMAN KRUEGER: Questions? Then  
17 thank you very much, Mark. Appreciate it.

18 All right, now we have the Audubon  
19 New York -- Society of New York, right? I  
20 thought "Society" was in there somewhere.  
21 And then followed by the Interstate  
22 Environmental Commission.

23 MS. McGRATH: Well, good evening, and  
24 thank you very much for the opportunity to

1           testify. I am Erin McGrath. I'm the policy  
2           manager for Audubon New York, which is the  
3           state program of the National Audubon  
4           Society. I am here testifying on behalf of  
5           our 85,000 members, our 27 chapters, and our  
6           seven centers and sanctuaries.

7                     Audubon's mission is to protect birds  
8           and the places they need, and we have enjoyed  
9           a longstanding and productive relationship  
10          with New York State. And we thank you all  
11          for supporting our mission.

12                    This year's budget is very exciting.  
13          We're very pleased to see the inclusion of  
14          3 billion for the "Restore Mother Nature"  
15          Bond Act. This funding supports projects  
16          that are very special to Audubon that promote  
17          habitat restoration, improve coastal  
18          resiliency, and aid climate adaptation  
19          efforts. These are good for birds and the  
20          places they need, as well as our local  
21          communities that depend on them.

22                    Investments in eco-based restoration  
23          provide multiple benefits, including  
24          increased habitat for wildlife, more

1 sustainable fisheries, opportunities for  
2 recreation and tourism, and increased  
3 resiliency in the face of climate change.

4 We ask that the Legislature support  
5 the creation of the bond act and dedicate a  
6 portion of the funding to protecting the  
7 habitat of endangered and threatened species,  
8 restoring our salt marshes, improving the  
9 resiliency of our Great Lakes, and managing  
10 our forests for improved water quality and  
11 flood control.

12 We are also interested to see the  
13 Executive Budget proposal that proposes to  
14 streamline the siting and development process  
15 for renewable energy. Wind and solar are  
16 clean sources of energy that have few  
17 negative impacts, and we're very supportive  
18 of their development, but we need to make  
19 sure that while we're developing these  
20 projects that we're making sure that we don't  
21 harm the environment and particularly  
22 endangered and threatened species.

23 These projects do have the potential  
24 to negatively affect wildlife through direct

1 mortality and habitat degradation, but there  
2 are a lot of things we can do to prevent  
3 that.

4 We recognize that identifying  
5 locations for renewable energy is very  
6 challenging. We have very few transmission  
7 lines coming from upstate to downstate, and  
8 we need to figure out how to get all of the  
9 renewable energy up there to down here. But  
10 we do recommend that while we're looking at  
11 that, that we do our part to protect  
12 endangered and threatened wildlife. We can  
13 minimize the negative impacts by doing  
14 thorough site inspections, avoiding high-risk  
15 areas, and committing to adequate mitigation  
16 for unavoidable risk.

17 So what this really means is that we  
18 need the state to partner with us and work  
19 with us from the beginning. We would ask the  
20 state to convene an environmental technical  
21 working group that can advise on the location  
22 of priority renewable energy sites and also  
23 the development of the associated  
24 procurements. We know this works because we

1           used it for the offshore wind procurements  
2           that are currently in place. That was a very  
3           successful partnership, and we believe that  
4           it would also benefit land-based renewable  
5           projects.

6                        We also recommend that the state  
7           develop a mitigation fund to address impacts  
8           on threatened and endangered species. We  
9           know that project developers are struggling  
10          with mitigation efforts, and we want to help  
11          them to make the best of that. So we believe  
12          if we set up this mitigation fund and connect  
13          project developers with groups like Audubon  
14          and other wildlife conservation societies, we  
15          can actually accelerate the deployment of  
16          renewable energy while protecting our  
17          wildlife as well.

18                       We were also very thrilled to see that  
19          New York State is stepping up to protect our  
20          wetlands. I know my colleagues spoke at  
21          length on this, but wetlands are really where  
22          you can get a lot of bang for your buck. You  
23          can protect threatened and endangered  
24          species, you can improve water quality, you

1 can control flooding -- it's a great place to  
2 spend your dollars.

3 But when we're doing that, especially  
4 under the bond act and other proposed  
5 initiatives, we need to make sure we're  
6 targeting all of the state's wetlands. And  
7 right now the DEC can't regulate the  
8 majority -- much of our wetlands because of  
9 the mapping requirement.

10 So we strongly support the effort to  
11 drop the maps and only use them for  
12 educational purposes. We think this is  
13 really important in light of the rollback of  
14 the "Waters of the United States" rule and  
15 will ensure that New York State remains a  
16 leader in protecting the environment.

17 And last but not least, we were  
18 pleased to see that there is still  
19 \$300 million for the EPF in light of the  
20 state's deficit. This funding supports  
21 really critical programs, and we think it  
22 will work hand in hand with the bond act as  
23 we work to support the environment.

24 In particular, we'd like to call out

1 the ZBGA line because it provides critical  
2 funding for our Audubon Centers and  
3 Sanctuaries. Without this funding, our  
4 educational programming would suffer and  
5 impact the communities that rely on us to  
6 educate their children about the environment  
7 and also get a few minutes off.

8           Within the EPF, we are also asking the  
9 Legislature to support the Regenerate  
10 New York program, funding for the Delaware  
11 River Basin Commission, and funding for the  
12 Ocean and Great Lakes Program.

13           And I'll close by echoing my  
14 colleagues in saying that we do oppose using  
15 the EPF for staffing. We believe that that's  
16 critically important and that the DEC and  
17 Parks have as much funding and staff as they  
18 need, but we don't believe that should be  
19 coming from dedicated capital funding. So we  
20 hope we can find an alternate solution to  
21 using the EPF for staffing.

22           CHAIRWOMAN KRUEGER: Thank you.

23           MS. McGRATH: Thank you.

24           CHAIRWOMAN KRUEGER: Any questions?

1                   Steve Englebright.

2                   ASSEMBLYMAN ENGLEBRIGHT: First I just  
3 want to say thank you for what you do every  
4 day, for not just the birds but the people of  
5 New York who benefit from your many programs  
6 and activities.

7                   I am very concerned about the ZBGA  
8 program and I'm pleased that you spoke to the  
9 this -- urging us to increase the line. The  
10 last time I looked, it was about \$16 million.  
11 The Executive is proposing to cut it, if I'm  
12 remembering correctly, by \$2 million.

13                   MS. McGRATH: That's correct.

14                   ASSEMBLYMAN ENGLEBRIGHT: That is a  
15 savage cut. And when Commissioner Kulleseid  
16 was here before, I pointed out the obvious,  
17 which is that there are two great parks  
18 systems in the state. One is the State Parks  
19 system by name itself, and the other is the  
20 galaxy of more than a hundred organizations  
21 that are zoos or botanical gardens,  
22 aquariums, nature preserves, including the  
23 Audubon -- Montezuma Audubon Center in  
24 Savannah, the Constitution Marsh in Garrison,

1 and next to Theodore Roosevelt's grave, the  
2 TR Sanctuary, the first bird sanctuary of  
3 National Audubon in America.

4 You don't protect those and make more  
5 available to the public by cutting. So  
6 please -- we're going to do what we can to  
7 reopen this question, but please communicate  
8 with your fellow organizations. We need a  
9 unified front in order to be successful in  
10 restoring this funding -- and, as you rightly  
11 suggest, increasing it.

12 MS. McGRATH: Of course. And we're  
13 definitely looking forward to working with  
14 the Legislature to restore that funding.  
15 It's very critical to us and critical to all  
16 of our partners. So we'll be working closely  
17 with you.

18 ASSEMBLYMAN ENGLEBRIGHT: Thank you  
19 again.

20 MS. McGRATH: Thank you.

21 CHAIRWOMAN KRUEGER: Thank you very  
22 much. Appreciate your staying all this time.

23 And last but not least, the Interstate  
24 Environmental Commission. I'm going to guess

1           you are Phillip as opposed to Evelyn.

2                   MR. DeGAETANO: I am.

3                   CHAIRWOMAN KRUEGER: Nice to see you  
4           tonight.

5                   That was a leap, thank you.

6                   MR. DeGAETANO: It's nice to be here,  
7           and thank you for staying so late.

8                   I'm Philip DeGaetano. I'm a recently  
9           appointed commissioner to the Interstate  
10          Environmental Commission. And obviously I  
11          have a lot to learn about how to get into an  
12          earlier slot on your testimony.

13                   And I want to thank you,  
14          Senator Krueger, Assemblywoman Weinstein,  
15          Senator Kaminsky, Assemblyman Englebright,  
16          and members of the Legislature for allowing  
17          me the opportunity to testify on behalf of  
18          the Interstate Environmental Commission.

19                   The IEC joins with others who have  
20          testified today in commending the Governor  
21          and the Legislature for continuing to  
22          demonstrate, through the budget, the  
23          commitment to protecting New York's  
24          environment. The funding appropriated

1 through the budget actions demonstrates  
2 New York's understanding of the need to  
3 invest in resources in order to protect and  
4 restore New York's environment.

5 The IEC is a tristate water pollution  
6 control agency similarly committed to  
7 protecting and conserving and restoring  
8 New York's environment, particularly in water  
9 quality. Our written testimony provides  
10 details of the diverse array of activities  
11 that the commission is involved in in the IEC  
12 district, which is centered in New York  
13 Harbor but includes Long Island Sound, the  
14 North Shore embayments, South Shore Estuary,  
15 the Hudson River, and portions of Connecticut  
16 and New Jersey.

17 Our capabilities are that we have and  
18 are developing and would hope to expand at  
19 the commission aligned with the priorities  
20 highlighted in the Governor's Revive Mother  
21 Nature initiatives. These include expanding  
22 our monitoring and analytical services  
23 capabilities at our laboratory for nutrients,  
24 cytotoxins associated with harmful algal

1 blooms, expanding continuous monitoring in  
2 New York Harbor and Long Island Sound,  
3 exploring eelgrass restoration sites, and  
4 developing microbial source tracking  
5 techniques to identify sources of pathogens  
6 entering and degrading our waterways.

7           The commission operates a certified  
8 lab at the College of Staten Island on  
9 Staten Island. The laboratory is fully  
10 certified by the New York State Health  
11 Department, and the laboratory is dedicated  
12 to producing technically defensible  
13 environmental data through sound science and  
14 a comprehensive quality assurance program.

15           While the majority of our funding  
16 comes from other sources, primarily federal  
17 Clean Water Act grants, state funding is  
18 critical to enable the commission to meet its  
19 level of effort funding state resources  
20 that's necessary to match these funds. In  
21 2019 the IEC was awarded just over a million  
22 dollars in federal funds for Section 106.  
23 And in order to maintain this eligibility, we  
24 have to maintain a state match of \$214,000 to

1 be funded through a cooperative agreement  
2 with each of the member states, of which  
3 New York's share is 45 percent.

4 So we're calling your attention today  
5 to the fact that the Executive Budget as  
6 proposed only includes \$41,600 for the  
7 Interstate Environmental Commission. And in  
8 order to meet the 45 percent share for  
9 New York, that would have to be increased to  
10 \$96,323. This level of funding is critical  
11 to ensure IEC's continued eligibility to  
12 receive the federal funds.

13 So on behalf of the IEC, I'd like to  
14 thank you for your attention and this  
15 opportunity to testify before you this  
16 evening. Thank you.

17 CHAIRWOMAN KRUEGER: Any questions?

18 We appreciate your staying this late  
19 for us. Thank you very much.

20 MR. DeGAETANO: Thank you, and good  
21 night.

22 CHAIRWOMAN KRUEGER: And this  
23 officially ends the first budget hearing of  
24 the 2020-'21 cycle. The EnCon hearing is

1 over, and we will be back in this room  
2 starting at 9:30 tomorrow morning, and we  
3 will get to Transportation and the MTA.

4 Thank you, everyone. Thank you for  
5 all staying.

6 ASSEMBLYMAN ENGLEBRIGHT: Thank you.

7 (Whereupon, at 7:56 p.m., the budget  
8 hearing concluded.)

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