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**WATER QUALITY & CONTAMINATION TESTIMONY
NYS ASSEMBLY STANDING COMMITTEE ON HEALTH
NYS ASSEMBLY STANDING COMMITTEE ON ENVIRONMENTAL CONSERVATION
NYS SENATE STANDING COMMITTEE ON HEALTH
NYS SENATE STANDING COMMITTEE ON ENVIRONMENTAL CONSERVATION**

Legislative Auditorium, William H. Rogers Building, 725 Veterans Memorial Highway, Smithtown, Monday,
09/12/2016, 11am 631 853 4070

Monica Miller

Ashley Drake; General Assembly Public Hearings Coordinator

Live streamed and archived at www.NYSAssembly.gov, (upper right) watch live.

...Let the drop of water that is you become a hundred mighty seas.
But do not think that the drop alone becomes the ocean. The ocean,
too, becomes the drop.
(Rumi 13th Century)

Litter: Designing garbage...

to fuel planned obsolescence. 'New'-ness, a.k.a. new-mess, became a national obsession preempting quality or durability. From disposable coffee cups to shavers, to cameras. Meanwhile, so called "improved hygiene" justified replacement of glass or ceramic dishware and metal or wooden flatware and the labor of dishwashers. Garbage, rats and the pests they attract increased to plague our neighborhood bays and open spaces as litter or the less visible insidious dumps and transfer stations and incinerators.

Now we are routinely *encouraged* to employ one of the five unrestricted pesticides (profit leading pharmaceutical company product) to clean our hands rather than washing them using water as we:

1. Foul our water used for drinking, bathing, and crop irrigation with garbage leachate, *synthetic chemicals and pharmaceuticals*.
2. Pollute our air by incinerating *garbage*.
3. Place broken down, small particles, strands, and bags into the food stream of animal life, thereby contaminating their flesh which we consume from some point along the food chain. *We then ingest those toxins*.

PHOTO MONTAGE

Litter propagation. Photo- Along Long Islands thousands of miles of roadway, litter collection begins in May when mowers mince it into many more pieces; LIE Service Road West and South Oyster Bay, Northeast corner.
231.07KB.

#1/1 Litter propagation at a significant cost. Taxpayers have financed this for at least three years. Materials often contain toxic substances (petroleum based, paints). As litter, this solid waste stream bypasses extensive Federal, State, and Town regulations governing the handling of waste and toxic substances. Police rarely witness the act of violation; which is required for the issuance of a ticket.

#2 Litter: Solution at the consumer level is hardly effective! Why not require all takeout food containers, disposable items, and packaging be compostable? While we address the tremendous waste of precious natural resources, water, and fuel used to manufacture this garbage that is encouraged by a policy of planned obsolescence fouling our environment at our own expense. All this is permitted despite Federal Clean Air, Clean Water Acts, and The Toxic Substances Act. Is this civilized, philistine, or barbaric? Photo-Litter: Fine. 216.66KB.

#3 Litter: Where are these signs in Oyster Bay? Do they make any difference? Request specifics and monetary penalties collected by the County since 2002. Photo- Litter: Fine. 189.83KB.

#1/5 Solid Waste problems escalate exponentially as tiny pieces of litter increase in number while decreasing in size, visibility, and ease of collection: Toxic material spreads across all jurisdictional boundaries, contaminating the entire water system and food chain. Photo- Litter: ground by lawn equipment rather than being picked up. 237.41KB.

#2/5 Mower chopped litter. Photo- Litter: Seated mower chews up garbage and spreads it into lawn and under trees along with grass clippings. Explanation: "There is no garbage contract in place." 262.06KB.

#3/5 Lawn mowers work over littered landscape areas. Solid waste is the incessant problem... Valuable, growing, cultivated landscapes and wild habitats are often blamed and eliminated instead. Photo- Litter: Penalties for landscape contract shredding and spreading garbage in their path (Automat, Hicksville, NY). 253.19KB.

#4/5 Frequently found Federal cases of litter; e.g. Plainview and Great Neck Post Offices. Photo-Litter at U.S. Post Office 1662 Old Country Road, Plainview and west of Manetto Hill Road along beautiful, Oak tree lined green stretch of Old Country Road, 234.34KB.

#5/5 Magnolia; fragrant flower petals composting are an essential part of a desirable, landscaped area. Photo- Brick arbor C. W. Post, Long Island University, 234.01KB.

INTRO

"Of 31.75 million tons of post-consumer plastic waste produced each year, less than 9% is recycled or incinerated. Worldwide, far less than 1/2 of the discarded plastic even makes it to a landfill, let alone gets recycled according to a U.N. study. The situation is worse in poorer countries- Even though the use less plastic, most have not yet developed recycling and landfill facilities to secure all those flimsy pieces of plastic." ("Hey Mr. Green!" Sierra, Sept/Oct 2016, p 154, col 3.)

Recycling (down cycling) adds more toxics and fungicides than the original product. Mixed copper and steel are materially less vigorous. Mixed inseparable materials e.g. rare metals, are lost. Dioxin is emitted from recycling furnaces. These solutions to badly designed materials not designed for recycle e.g. regulations, dilution, are license to harm. Monstrous hybrids vs. garbage separated into biological nutrients, technical nutrients, and unmarketable (hazardous)

Litter, disposables, no-return containers, mixed materials, excessive mixed packaging, non-standardized volume glass containers used in food industry are all disincentive to recycling and reuse/repurposing.

GDP/prosperity is judged by what we want? Versus what can nature give? Willful blindness? Ignorance becomes negligence, once aware of consequences

Mining refuse resulting from raw material extractions for manufacture of materials

- Non sustainably sourced, polluting energy is required to operate manufacturing equipment

- Solid waste in the form of litter or off shore dumping directly contaminates water bodies

- Hauling and stockpiling solid waste require unsustainable fuel, space and man power

- Solid waste seepage from litter and land fill

- Rainfall carries toxic chemical form polluted air into remote water bodies and percolates through soils into aquifers and wells

Recycling (Down cycling) adds more toxics and fungicides than the original product, mixed copper and steel are materially less vigorous, mixed inseparable materials e.g. rare metals, are lost. Dioxin emitted from recycling furnaces. These solutions to badly designed materials, not designed for recycle e.g. regulations, dilution, are license to harm.

Chemicals that enter the country via materials from unregulated countries i.e. Benzene in Chinese rubber.

RESOURCES

McDonough, William, and Braungart, Michael, Cradle to Cradle, 2002. P.28...

"Our Common Future", United Nations, 1987.

"Hey Mr. Green!" Sierra, Sept/Oct 20016, p 154, col 3.

Beyond Pesticides.org posted quarterly magazine, "Pesticides and You."
Proactive pesticide actions including their "Bee Protective Brochure". Among others, helpful back issue articles include;
W 2013 Vol 33 #4, S 2013 V33

Schacker, Michael, A Spring without Bees. How Colony Collapse Disorder Has Endangered Our Food Supply,

"NOLS Stirs the Waters", Evan Reimondo; Stewardship Coordinator, the Leader Magazine, Wyoming: National Outdoor Leadership School.

"The Environmental Causes and Effects of Extreme Weather Events", Testimony submitted 01/30/2013 to the NYS Assembly Committee on Environmental Conservation, Babylon, NY

- DEP Police: Threatened to issue violation to citizen (adjacent, downstream deedholder of NYC Water Conservation Eased property), for trespassing without permit on property open to the Public after the
- DEP was unable to locate or identify reported outflow pipe on its own Putnam County Property - repeated!
- Plainview Water District: guarantees safe water to the residential, multifamily-building; what happens within is outside the purview of Building Dept., Health Dept. or any other agency.
- Bethpage: contaminated public water well is being redug following admission of contamination following decades old human activities that contributed to the problem.
- Jericho - Death & prolonged financial and emotional suffering of family resulting from Jericho Water contamination directly causal to Cancer.

09/12/2016

As a highly skilled employee of the Queens Botanical Garden, the majority of my time was spent collecting daily litter and cigarette butts rather than contributing to garden design, maintenance or educational activities. I had by then studied Horticulture at Smith College and Landscape Architecture at Rhode Island School of Design.

Volunteering with Operation Splash, Inceport, years of weekends were spent collecting flotsam and litter from the South Shore Bays.

Ladies and gentlemen, let me begin by saying that it is truly a great honor to appear before so eminent a body as your selves. I greatly appreciate this opportunity and am substantially humbled by it. For you to listen to the simple words that I wish to share today is a chance I might never have imagined would occur and I thank you.

Potential action to mitigate climate change

Primary to coping with inevitable changes are the maintenance of safe, clean soils, air and water. Key to enable this approach to safety, are precautionary principles and sustainable energy production.

As a member of Food and Water Watch I submit to you that thousands of Long Islanders petitioned to ban fracking permanently. One hundred business leaders across Long Island have signed on to support a permanent ban and dozens of faith leaders have expressed their support of a ban.

In general, it is imperative that in proximity to wetlands, estuaries, surface water, and ground water, increased setbacks be adopted (see: "We all Live in a Watershed," and "Atlantic Ocean/LI Watershed," DEC). We live among 522 rivers, 6728 A of lakes, ponds, and reservoirs, 905.934 A of estuaries and 118 miles of ocean coastline. These waters interact with the four Long Island aquifers; Upper Glacial Aquifer, Magothy, Raritan, and Lloyd. Their function as erosion control devices, flood barriers, water purification systems, and animal breeding grounds are inviolable (see: Design with Nature, McHarg, 1967). It seems they are incongruously paved over and walled in. Distance limits proposed to protect contamination of drinking water are unreasonably negligent- disregarding contamination that may routinely be carried long distances through surface water, rain, and upon air currents.

Deteriorated water and sewer/storm water infrastructure demonstrates their lag behind the current pace of land development and uncontrolled population growth. Consequent are water bodies spoiled by elevated pathogens, sewer overflow, industrial runoff, and toxic discharges. There is no liability settlement or trucked in supply of potable water sufficient to replace one's health or the continued destruction of the environment, one's homeland, and natural fertility. Only when excesses and failures are perspicuously acknowledged, may alternatives fill the gap. Futilely furthering fast track models of business development, increasingly energy intensive architecture and over-engineered landscape solutions, must capitulate to *crises intervention that is vital and instrumental in redirecting efforts and investment*: Launching clinics to support reporting resulting impacts of illness, loss of drinking water and clean recreation resources, dying livestock and residential displacement. Attention to these conditions is the essence of adaptation. We witnessed the rapidity with which corner solar businesses sprang up as one piece of a multifaceted resolution; recharging phones during Hurricane Sandy.

Reducing Impacts

Implementation of education around the transitional energy conservation must precede investment in sustainable energy generation. This would serve to speed the associated supply and demand for alternative designs and improved life styles. Necessity is the mother of invention. Recognition of the serious degradation to our quality of life has been denied, as planned obsolescence and unbridled profit making, at the expense of all other priorities, is rationalized, justified and slavishly pursued. *The price is ultimately paid* in polluted air, ongoing nuclear catastrophes, unspeakable losses of mountain tops, peace, quiet, deep space, tree canopy, and *the freedom* to enjoy them. Young children now suffer from disease conditions imposed by technological processes rather than those brought by "Nature." Intensive conservation measures, adopted until such time as sustainable energy production methods are instituted in transportation, institutional operations, manufacturing and in dwellings, population control, and reduced settlement densities, would all alleviate resource contamination. Maintaining safe landscapes- soils, air and waterways that sustain wild as well as organic, cultivated food sources is essential to maximize abundance. *Clean and swimmable waters are the revenue, floodplains are productive.*

Because we all live in a watershed

While well intentioned, Water Withdrawal Reporting alone (Chapter 401 of the Laws of 2011) will be too little, too late. The precedents from other U.S. states provide sufficient and definitive grounds and documentation to direct our water conservation action. Funds to cover the effective oversight of timely, complete and thorough Federal, State, and Local coordination, enforcement, and remediation measures remain unavailable. (This predicament has become all too clear regarding directives for pharmaceuticals entering the water supply.) Recorded violations and backlogged remediation sites evidence an overwhelming, unaddressed burden while they are ostensibly only a fraction of those unsighted.

A.10091-A/Sweeny Fracking rules and regulations, A.10092. Suspension of fracking permits, A.11443-b Moratorium on issuance of new permits, A.10490-A, and A.7013 Sweeny Treatment of drilling waste as hazardous waste are again, well intentioned yet leave huge loopholes open (see: "Summary of Federal Regulations, Regulatory Gaps and Proposed Legislation," The Network for Public Health Law). While I applaud explicit local authority to regulate road use, tax assessment and enforcement of zoning laws *that comply with clean water and clean air acts of 1972, Federal drinking water standards*, violations must be met with significant penalties and loss of license or permit revocation. In this manner, excellent performance is rewarded and there exist built in flexibility for improvement. Presently, repeated offenses are overlooked and absorbed as merely a cost of doing business. A referendum on the common ownership of water and air, as resources held in common by all citizens would be in order. (See: "Water for the Public, Not for Profit," Food and Water Watch, June 2012, pp 3). Once again, thank you for your time, attention, and consideration.

The following was delivered informally following the reading of the above.

Beyond politics

Microcosms:

1. Trash inside stomachs of animals (photo)
2. Insensitivity of energy demand/supply to natural systems we cherish (x-mas photo of street tree and wires on Searington Road)

Macrocosm:

1. Hurricane Sandy toxic debris washing into ocean and onto shores (oil barrels, spray cans, toxic building material and contents of homes is symptomatic of 'Consumerism'; the products marketed to the public.
2. Greenhouse gas and water pollution are by products of current methods of energy generation.

Ban Hydraulic Fracturing

- **Climate change:** leaks of methane, a potent greenhouse, would speed the rise in sea levels that endanger our coastal communities.
- **Accelerated development** – well spacing in 40 Acre units, or 16 wells per square mile. An average town could contain up to 1500 wells (see photo, Drilling 101, p.2). Depending on how many well heads it contains, a large industrial pad site may require 5-15 Acres. Industrialization may legally proceed without permission and/or agreement when obligatory participation results from compulsory integration or in cases of split-estates (where sub-surface mineral rights are owned by parties other than the landowner).
- **Air pollution:** pollutants from drilling sites and truck traffic – which can travel great distances – would contribute to asthma, cancer, and other health problems in our region. Each well site emits air pollution. In addition to pollution from diesel generators, drill rigs, trucks and other equipment, condensate tanks and the flaring of wells are significant sources of VOC's and nitrogen oxide, which react with sunlight to form ozone. Proposed Marcellus Shale drilling in New York will be high density. In high density drilling areas in Colorado and Wyoming, rural communities that were once pristine now have ozone levels higher than Los Angeles. Ozone can cause a range of respiratory health problems and lung disease.
- **Radon:** gas from the Marcellus Shale region contains high levels of radon, the second leading cause of lung cancer.
- **Noise pollution:** 24/7 active rigs and delivery trucks. One month of drilling for each well. Permanent and extremely noisy compressors running 24/7 bring gas pressures in the gathering lines up to those in larger pipelines.
- **Wastewater:** each fracking produces 1,000,000 – 4,000,000 gallons of highly toxic wastewater which cannot be safely treated and is often disposed of to outlying municipalities in need of revenue i.e. sold as dust suppression or road deicing. These so called “beneficial uses” of the high salt, toxic wastewater continue without solid waste permits as does illegal disposal of wastewater into rivers. Storage methods pose air and water pollution risks. The most common method of disposal will be Deep Well Injection Disposal, where the waste is forced underground at high pressure into dry gas wells.
- **Water contamination:** the risk is long term; 40 years or more. In each fracking, 2-9 million gallons of water mixed with sand and chemicals are forced through the well into the formation. Roughly half the fracking fluid remains in the ground. The produced waste water picks up hydrocarbons, heavy metals like arsenic, and radioactivity from the shale.
- **Water usage:** fracking the Marcellus will require many billions of gallons of water over the next 15 years. This water can be withdrawn from lakes, rivers, stems, wetlands, ponds, and wells. Because the water becomes contaminated, it may never be returned to the watershed.
- **Food safety:** much of the Marcellus region is farmland, with our food at risk from air and water pollution and soil contamination.
- **Environmental degradation:** the despoiling of some of our state's greatest natural landscapes is a concern for all New Yorkers. Property values are devalued by as much as 75%.
- **Delaying sustainable energy policy:** The 83 member Natural Gas Caucus (after receiving combined \$1,742,572 in campaign contributions from oil and gas industry between 2009 and 2010) opposed U.S. Department of Interior

rules to disclose fracking chemicals used on public lands'. More than \$370 million was spent in lobbying by the 10 largest gas producers between 2005 and 2010."

- **Accidents:** Along with advances, 152 year history exists of operating violations, spills, leaks, and fatal accidents both at the site, to storage tanks, along pipelines and during transport. The 2004 EPA study minimizing risk that led to congressional exemptions from regulation (Halliburton loophole) has since been discredited by the EPA.
- **Job loss:** 98% of employment is associated with pre-production stages.
- **Health effects:** from incessant noise disturbance, air pollution, water contamination, tainted livestock and produce. Samples from well blowouts and fluid pits found fluids to contain diesel fuel and more than 200 different kinds of chemicals, over 95% of which have adverse side effects including brain damage, birth defects and cancer.
- **Traffic:** Tanker trucks hauling fresh and waste water. DEP estimates that one well requires 1.000 truck trips during drilling and fracking."
- **Economic burdens:** declining property values, negative impacts on agriculture, real estate, and tourism, and damage to infrastructure are among the many costs that all New Yorkers would bear.

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"Out of Sight, Out of Mind," Environmental Advocates of New York, pp 12.

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"Summary of Federal Regulations, Regulatory Gaps and Proposed Legislation," The Network for Public Health Law, 10/01/2011, pp 9.

"The Impact of Hydraulic Fracturing on Communities," The Network for Public Health Law, 11/2011.

The Case for a Ban on Gas Fracking, Wash, D.C.: Food and Water Watch, 2011, pp 15.

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"Fracking New York's Food, Agriculture and Farms", Wash, D.C.: Food and Water Watch, Dec 2012, pp 4.

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MAPS

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Marcellus Shale Gas Play, Appalachian Basin, 01/27/2013, [http://dolphinresourcesllc.com/wp-content/upload/2012/03/Marcellus Shale.jpg](http://dolphinresourcesllc.com/wp-content/upload/2012/03/Marcellus%20Shale.jpg)

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