

Testimony of the Adirondack Council at  
the Clean Water Hearing  
Wednesday, October 1, 2009  
OGS Meeting Room  
Albany, NY  
11:00 am

My name is Alanah Keddell and I am the Legislative Associate for The Adirondack Council. The Adirondack Council is a member based, not-for-profit organization, founded in 1975, and is dedicated to ensuring the ecological integrity and wild character of the Adirondack Park, the largest park in the contiguous United States. The Adirondack Council does not receive any government funding and does not make political endorsements.

I would like to begin by thanking the Senate Standing Committee on Environmental Conservation and its chair, Senator Antoine Thompson for the opportunity to testify here today on the need for clean water here in New York. The Adirondack Council has demonstrated its commitment to protecting and improving the waters of the Adirondack Park through informing and educating citizens and policy makers in New York State.

In 2005 the Adirondack Council launched its Water Initiative to raise awareness of the need to protect the water resources of the Adirondack Park. Since its inception, the initiative has successfully advocated for new policies and increased funding to strengthen the ability of Park communities and citizens to safeguard the future of the 2,800 lakes and ponds, 1,500 miles of rivers, and 30,000 miles of brooks and streams.

In 2008 the Adirondack Council released a water publication titled: *Adirondack Waters: A Resource At Risk*. This publication highlights several threats to waters in the Adirondacks including acid rain, mercury contamination, climate change, invasive species, exurban development, inadequate water treatment, water diversion, and road salts. These persistent pressures damage the quality of drinking water sources and aquatic resources across New York and especially in special places like the Adirondack Park. While each is important, in the interests of time, I will limit my comments to inadequate water treatment, road salt and deicing, and water diversion and extraction.

In 2004 the Resident's Committee to Protect the Adirondacks (RCPA) issued a report titled: *Bottom of the Class: The Case for Reform of New York's Septic System Regulations*. The report stated that New York ranked 33<sup>rd</sup> in the nation in the regulation and maintenance of onsite wastewater treatment systems (OWTS) or septic systems.

The report went on to say that New York's ranking stemmed from a lack of regulation. Many locations along New York's rivers, ponds, and coastal areas are heavily populated. According to the 2000 US Census, 71% of Long Island utilizes septic systems. New York does not mandate the inspection of septic systems at the time of installation and currently, has no plan for

homeowners and small business in places like Long Island, the Southern Tier, and the Adirondack Park, to upgrade failing systems.

According to the report, while New York requires that all wastewater systems be designed by design professionals, there is no system in place to ensure proper design, installation, and operation of wastewater systems. There is no definition of what constitutes a failing system and there are no guidelines with regards to upgrades. The New York State Department of Health (DOH), which manages all wastewater treatment systems that produce less than 1,000 gallons per day (gpd) has no obligation to review manufacturer products.

In many of the Adirondack Park's small towns and villages, sewage treatment systems are aging or inadequate. Some Park municipalities have centralized systems with aging sewers carrying effluent from homes and businesses to a plant where it is treated before being released into the environment. One example of a failing municipal system occurred in 2003 when the Town of Wilmington's public beach had to be closed due to high levels of bacteria, blamed in part on Lake Placid's aging sewer system. After Lake Placid invested \$14 million in upgrades, Wilmington's beach, located about 14 miles downstream along the West Branch of the AuSable River, was once again able to be used.

Others have no public treatment systems, forcing homeowners to treat effluent with on-site wastewater treatment or septic systems. These systems may be effective in providing water quality but New York State lacks regulations for inspection or upgrade.

Wastewater pollution threatens our health, our drinking water, and creates an environment conducive to invasive species. The integrity of our drinking water and aquatic resources are crucial. New York can not afford to risk the health and safety of its citizens. The State must take the necessary steps to make wastewater treatment a priority.

The Adirondack Council believes that regulatory programs are critical to maintaining our waters. Regular inspections, certified installers, and overall improvements on design as well as other key elements are necessary if New York is, in fact, dedicated to preserving the health of its citizens and the integrity of our drinking water and aquatic resources.

Earlier this year, the town of Inlet in the Adirondack Park revised chapter 129-16 of their town code to include and onsite wastewater treatment local law. This revision requires the inspection of any existing on-site wastewater systems prior to any sale or conveyance of property. Legislation like this is needed on a statewide level.

The New York State Legislature needs to pass a bill which would require the inspection of septic systems throughout the state at the time of installation and at each transfer of property, when other important inspections are performed. Assemblyman Sweeney introduced such a bill in 2007 (A. 7495). The Senate should take a look at this bill, as well as Inlet's local law and work with Assemblyman Sweeney to refine and pass such legislation.

New York State received \$21 billion in stimulus funding. It would behoove the state to dedicate a portion of those funds to providing adequate wastewater infrastructure in at risk areas.

Approximately \$250 million is needed to repair and upgrade wastewater treatment facilities throughout the Adirondack Park.

One example of this need is the Town of Essex. After a multi-year struggle for funding, Essex, the last community on the New York side of Lake Champlain without a wastewater treatment system, succeeded in gaining \$4 million federal grant of the total \$9 million needed to build a sewage treatment plan in the hamlet along Lake Champlain.

Clean water and waterways are essential to our welfare. Road salts and other deicing compounds threaten New York's waters, ecosystems and the public health. In 2003, the Adirondack Council found 52 municipalities across the state had reported high levels of sodium in their drinking water to the Department of Health. Deicing compounds are essentially non-toxic at lower applications, however, higher concentrations of these chemicals place stress on plants and animals. Ultimately, long term use of harmful deicers will eliminate salt intolerant species and promotes salt tolerant classes, including invasive land and aquatic species.

In 2009, the Council released its road salt report titled: *Low Sodium Diet: Curbing New York's Appetite for Damaging Road Salt*. Currently, sodium chloride, or road salt, along with sand, are the most widely used tools in winter weather management, primarily due to their low cost. However, the widespread use of road salts have been linked to encouraging invasive species, tree deaths, adversely affecting annual cycling in waterways, tainting drinking water supplies, and increasing erosion. While each is important, salt's most damaging and pervasive effect is on the quality of water near roadways and the aquatic ecology within them.

Elevated levels of salinity increase the density of water and quite possibly leading to resistance to annual mixing. In the mixing process the surface water and its abundance of oxygen is transferred to deeper areas of a lake. If the process does not take place, the deep water may become anoxic and cause severe death and trauma amongst plant and animal species.

The United States Geological Survey recently reported that road deicing contributes to high chloride levels in streams. The study, released a few weeks ago, found that in more than 40 percent of tested urban streams, chloride levels tested above the recommended federal criteria set to protect aquatic life. Chloride introduced into relatively stagnant bodies of water can remain at elevated levels for long spans of time. While death is the most obvious side effect of salt toxicity in aquatic wildlife, concentration levels can affect numerous bodily functions such as inhibiting aquatic life reproduction and reduce the diversity of organisms in streams.

Currently, the exact correlation between drinking water salinity and hypertension is uncertain. However, the broad consensus is that it can potentially increase the number of cases by lifting those with borderline status over the threshold. The Environmental Protection Agency recommends a chloride concentration of 25 parts per million (ppm) and wards that a maximum concentration should be no higher than 250 ppm. In addition to changes in the taste of water, increases in salt intake are troublesome for those with high blood pressure or on salt restricted diets.

It is important that the legislature work with DEC and the Department of Transportation (DOT) to further research and develop alternatives for road salt use that are less corrosive to roads and vehicles and more environmentally friendly. Less harmful chemical compounds such as calcium chloride and magnesium chloride, while more expensive than road salt, are less corrosive, work very quickly and work at very low temperatures.

Runoff from the weatherization of roadways is the most obvious way chlorides to enter our waters. Mismanagement of salt supplies also contaminates our lakes, rivers and streams. Earlier this year, the Adirondack Council filed a notice of intent to sue to the Village of Saranac Lake for failing to provide adequate cover for their salt pile, which was seeping into Colby Brook and then into Lake Colby, a violation of the Clean Water Act.

Fortunately, the suit was never filed as the Department of Environmental Conservation (DEC) decided to take action. The fact that the Adirondack Council had to threaten legal action before substantial steps were taken to protect the water supply highlights the severity of the problem. Again, this is an area where the legislature should work in conjunction with DOT and DEC to develop best management practices for maintaining salt supplies and ensuring the integrity of our waters.

Another issue bordering on severity in the Adirondack Park is that of water diversion and extraction. The Adirondack Park is unique in that it contains an abundance of fresh water both above and below the surface, shares resources with a wider region of the United States and Canada. The Adirondacks include the headwaters of five major drainage basins. Lake Champlain, along with the Hudson, Black, St. Lawrence and Mohawk Rivers all draw water from the Adirondack Park. Out-of basin water diversions, exports, or expropriations have become a point of major concern in the Park.

A recent example can be found in the Town of Greig in Lewis County. While the site of the proposed extraction is about two miles outside of the Adirondack Park's Blue Line, it may affect the Park. DEC is currently working with the project sponsor to develop an Environmental Impact Statement for the proposed collection of 288,000 gallons per day of water, to be piped through wetland and underneath the Black River to a facility in a neighboring town. At a recent public meeting, the sponsor made it clear the intention to circumvent the Great Lakes Compact. The sponsor plans to have the water shipped within the basin and put into 5.7 gallon (water cooler sized) containers. Those cooler-sized containers can then be sent anywhere in the world without violating the compact.

In a warming world, fresh water bodies in the Adirondack Park and throughout New York State must defend against attempts by corporations or governments outside the region to gain control over waterways for private profit or public demands in drier or more densely populated areas.

Water bottling and export are profitable business investments for some of the world's largest corporations. There is no new water. The water this planet has is all it will ever have. Large scale water diversions are ecologically harmful in that they reduce water and endanger aquatic and wildlife habitats. Diversions alter natural patterns of flood and fluctuation to the detriment of species and communities dependent on water flow for food and recreation.

New York State must enact measures to prohibit large scale commercial diversion or export of our regional waters. The authority to prevent out of basin diversions must be clearly established within the DEC and the APA.

The quality of bottled water is strictly regulated, however the water extracted is not so strictly regulated. Currently, there are no laws in place to prevent underground waters in the Adirondack Park from being exported from private lands and the authority to prevent diversion on public lands and surface waters is limited.

The Legislature should pass bills like A. 8806 sponsored by Assemblyman Sweeney which establish a water permitting process allowing the Department of Environmental Conservation to regulate the use of the New York State's water resources more efficiently. A similar piece of legislation A. 8434, sponsored by Assemblywoman Scozzafava would direct the commissioner of environmental conservation to approve or deny adequacy of source evaluations as well as amend the public health law in relation to regulating the business of selling bottled drinking water.

Pure water is the most valuable commodity on this planet. Without it, life as we know it would not exist. Around the world, fresh water sources are growing scarce and the implications of that fact are devastating. For the Adirondacks, whether for drinking or recreation, it is the lifeblood of the region and New York State must do more to protect this resource.

Again, I would like to thank the Senate Standing Committee on Environmental Conservation and its chair, Senator Thompson. The Adirondack Council appreciates the opportunity to express our concerns and offer suggestions to these very serious problems.