

ULSTER COUNTY OFFICE OF THE COMPTROLLER

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Via e-mail: fadcomments@health.ny.gov

Patrick M. Palmer NYS DOH - NYC Watershed Section
Bureau of Water Supply Protection
Corning Tower Room 1110
Empire State Plaza Albany NY 12237

RE: Comments re: Draft Revised 2017 Filtration Avoidance Determination

Dear Mr. Palmer:

I am writing on behalf of the 181,000 people of Ulster County regarding the Draft Revised 2017 Filtration Avoidance Determination (FAD). As the fiscal watchdog for Ulster County, I have concerns about how the City of New York's Watershed operations financially impact Ulster County local governments, businesses, and people.

The purpose of the FAD is to ensure the cleanest water possible to NYC water customers while avoiding the costly implementation of filtration. While our communities are honored to host such a vital resource for our friends, family, and neighbors in the economic engine of New York City, the result is an extractive economy that burdens local taxpayers and residents to subsidize NYC water ratepayers. The host communities have been burdened with negative environmental impacts, limited economic development opportunities, declining populations, insufficient infrastructure (including clean water, transportation, and communications infrastructure), a lack of basic services (including healthcare, homecare, childcare, retail, recreation and more), as well as the burden of NYC tax assessment challenges which shift tax burdens to other local residents and businesses. The current Draft FAD does little to address these concerns. My comments on the Draft FAD fall into three main categories:

- 1) **The FAD must address downstream, Hudson Seven and aqueduct communities.** These communities are impacted by operations to control turbidity. Programs and governance for Watershed programs should be expanded to include downstream communities affected from discharges from the Ashokan Release Channel, the Hudson Seven communities that draw water from the Hudson River, and aqueduct communities that host New York City infrastructure within their municipal boundaries. These communities must be included in impact assessment, funding mechanisms, and governance of program implementation. The Catskill Watershed Corporation structure, envisioned in the Catskills Memorandum of Agreement, does not include counties or downstream and aqueduct communities in their governing body. Whether that means expanding the current CWC, or establishing a new structure to address downstream impacts, these communities cannot be left aside. Furthermore, failure to include counties in the governance,

means that the level of local government with the most expertise on planning and environmental issues is not at the table.

- Expand the communities included in program implementation and funding.
- Create new governance structures that include counties, downstream, Hudson Seven, and aqueduct communities.

2) **FAD program implementation should be well-funded, locally driven, geographically inclusive, and responsive to climate change impacts.** FAD Program implementation and administration has shifted over the last decade from a well-funded set of programs implemented by a local organization, CWC, with local governance, to a NYC micro-managed, resource starved, bureaucratically burdened implementation. The Catskills Fund for the Future, originally capitalized at \$59.7 million in 1997, is insufficient for the needs of today which go well beyond stream bank stabilization and septic systems. The region is starved for capacity to implement the programs that have been identified as protective of the water quality especially considering the increased rain frequency, duration and volume resulting from climate change. For example, stream bank stabilization and suspended-sediment turbidity reduction project capacity should be expanded so the goals of these programs can be achieved more quickly. The FAD identifies studies and modelling to review for potential impacts of climate change yet fails to identify what programs and funding are being stepped up *now* to address the climate impacts already occurring. To that end, NYC DEP should plan for regional growth during the coming period of climate change by planning for and building sewer plant capacity at any of the systems they own and manage.

- Make a historically significant capital infusion to buttress and complement the Catskills Fund for the Future that goes beyond current programs to include support for other economic drivers such as recreation and healthcare.
- Fund program expansion to downstream and aqueduct communities.
- Invest in capacity to implement stream bank stabilization, SSTR and other programs directly impacted by current and future climate change impacts.
- Build capacity at NYC DEP owned and managed sewer plants to accommodate local needs.

3) **Local economic and social impacts must be studied *and addressed*.** The 1999 economic study underlying the current Catskills Fund for the Future programming is outdated and too narrow. I applaud the NASEM WPP Expert Panel's recommendation for an economic and social impact study for Watershed communities and agree that this kind of work is sorely overdue. However, I have concerns that unless this is done with the full involvement of stakeholders, and independent from the heavy hand of NYC DEP, it will have limited value. Furthermore, we cannot wait 23 years between such studies. The study conducted should be updated periodically and funding to do so with an anticipated schedule for updates must be identified now. Impacts such as transportation, which are vital to the economy of Watershed communities, are under-emphasized through the current structure. To avoid this problem, a new model of stakeholders should be convened that goes beyond CWC itself to include counties, downstream communities, Hudson Seven, and aqueduct communities. Not only must the geography and the stakeholder participation be expanded, but the impacts covered must go beyond traditional economic impact study topics to include items such as transportation, food security, healthcare and mental healthcare access, education, infrastructure (including transportation, sewer, stormwater, broadband and cellular) and other topics identified and deemed relevant by stakeholders.

- Fund economic and social impact studies that are progressively updated.
- Fully engage the wider stakeholder community to scope the economic and social impact study, choose the consultants, conduct outreach, and oversee consultant relationship.
- Broaden the impacts considered to address all quality-of-life areas.

I appreciate the opportunity to comment on this phase of the FAD revision process. Yet, I must once again raise the issue of transparency and access for local communities. Although the deadline for FAD comments was extended, the Department of Health's FAD page on the DOH website was never updated.

New York City's Filtration Avoidance Determination (FAD)

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Draft Revised 2017 FAD

The New York State Department of Health is considering revisions to some components of the 2017 FAD. The revisions were motivated, in part, by the recommendations of the National Academies of Science, Engineering, and Medicine Expert Panel that reviewed NYC's watershed protection programs.

- [Draft Revised 2017 FAD \(April 2022\)](#) (PDF)

Public comments on the Draft Revised 2017 FAD will be accepted through June 3, 2022. Comments should be submitted to: fadcomments@health.ny.gov or mailed to:

NYSDOH – BWSP
Corning Tower Room 119B
Empire State Plaza
Albany, NY 12237

No doubt individuals, businesses and local governments searching for information on where to submit comments over the last month were dissuaded from participating because they *erroneously believed the deadline had passed*.

In addition to difficulties in obtaining information on current regulatory matters, it is very challenging for local governments, citizens, and businesses to have a sense of NYC's watershed infrastructure maintenance and improvements plans over time. Major upgrades and investments in water supply infrastructure have direct and concrete impacts on local communities, yet our local communities are not made aware of these major construction activities far enough in advance to incorporate them into our own planning processes.

While things like this may seem trivial to those "in the know," regular citizens, businesses, and local governments deserve better. Watershed issues are complex and require specific expertise. Community members impacted by NYC Watershed operations should not have to hunt and peck for access to strategic planning materials or the comment deadlines for something this significant.

Yours truly,



March Gallagher
Ulster County Comptroller

cc: Mary Bassett, NYSDOH
Basil Seggos, NYSDEC
Jason Merwin, CWC
Patrick Ryan, Ulster County Executive