

Testimony H. 559 – January 18, 2017

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- DEC appreciates the Committee's attention to this bill. These are minor statutory changes that we hope that you agree increase efficiency, alleviate minor reporting issues, or provide additional certainty to landowners or municipalities.
- DEC supports this bill, and only recommends two proposals for minor amendments, involving dates.
- With respect to the mercury auto switch recycling provisions, Cathy Jamieson, DEC Solid Waste Program Manager, can provide additional background. As she will explain, we are requesting a minor change to the 1/15/2022 date. **The Date should be 12/31/2021 to be consistent with the national sunset date.**
- On the topic of the stormwater deferral, the Committee has approved this request previously. The intent is to provide clean title to landowners buying/selling property.
 - Applies in stormwater-impaired waters, and to holders of expired permits
 - These permits have not been renewed to date because of uncertainty in standards
 - Title deferral allows the holder of an expired permit to ensure clean title to the land in question
 - Upon adoption of the new stormwater rule, holders of expired permits will have a clear path to permit renewal
 - DEC will notify owners that it is time to renew, and will provide time for renewal applications.
 - Approximately 150 permits involved.
 - Process - Owner files notice in local land records, and notifies the Agency – buyers and lenders are then aware
 - **We are requesting the Committee consider modifying the proposed date of 6/30/2018 to 6/30/2019 to allow for issuance of the Stormwater Rule we have been discussing pursuant to H576, and provide time for notification to affected landowners.**
- Regarding the Environmental Enforcement Report, we simply request an additional month to the annual deadline in order to accurately capture all enforcement activities occurring during the month of December. The current 1/15 deadline gives us only two weeks to complete a report.
- Regarding the Clean Water Investment Report, we request an adjustment to our annual reporting cycle, to move from Calendar to Fiscal year. As all agencies track expenditures by fiscal year, reporting on the implementation by calendar year creates an administrative inefficiency.

- Regarding the State Revolving Fund, we are requesting this change in consideration of the loss of paper records during tropical storm Irene, and the administrative difficulties reconstructing required reimbursements from municipalities.
 - Planning advances used to be provided to municipalities interested in pursuing infrastructure projects, as part of the capital bill.
 - Upon advancement of the planned project, the amount of the planning advance is folded into the municipalities loan from the Revolving Fund. Some funds would be repayed under loan repayment, and some may be absorbed as part of the pollution control grants portion of the total funding package.
 - It has become increasingly difficult to piece together the information necessary to accurately quantify costs of old planning advances, due to the loss of files.
 - Fifty four municipalities are involved for the Drinking Water Revolving Funds; 49 in the Clean Water SRF.
 - The recaptured funds average ~\$14K for DW advances, and ~7K for CW advances. Total ~\$1.1M.
 - In most instances, the projects go back many years. All but one drinking water advance dates to 1996 or prior. All but two clean water projects date to 2008 or before.