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State, City Announce Landmark Agreement To Safeguard New York City Drinking Water

New 15-Year Water Supply Permit Allows New York City to Continue Acquisition of Sensitive Watershed Land to Protect Largest Unfiltered Drinking Water Supply in the World; Broad Agreement Resolves Numerous Issues to Assist with Economic Vitality of Watershed Communities

The New York State Department of Environmental Conservation (DEC) and the New York City Department of Environmental Protection (DEP) today announced a new 15-year Water Supply Permit for New York City that continues the successful Land Acquisition Program in the New York City Watershed, which provides safe drinking water to more than nine million New Yorkers, including one million upstate residents in Ulster, Orange, Putnam and Westchester counties. The agreement provides more than \$100 million in funding toward an array of programs to limit water pollution. Agreement was also achieved on a number of taxation assessment and hamlet growth areas to assist with the economic health of the watershed towns. Last year, roughly 12,000 acres (some 18.75 square miles) were protected by the New York City DEP and its partner, the Watershed Agricultural Council, making 2010 the most successful year since the inception of Land Acquisition Program in 1997. Since the start of the program, New York City has protected more than 116,000 acres of watershed land that supply more than one billion gallons of drinking water to New York City and upstate residents each day. Prior to the start of the land acquisition program in 1997, the City owned 44,600 acres surrounding its reservoirs. The new permit will allow New York City to continue to acquire undeveloped, environmentally-sensitive lands that are important to the long-term protection of the watershed from willing sellers at fair market value. New York State owns and protects over 200,000 acres of watershed lands.

"Protecting New York City water at its source is the single most effective way to maintain high-quality water," said Environmental Protection Commissioner Cas Holloway. "The new 15-year Water Supply Permit will do just that, continuing the highly successful Land Acquisition Program that has been instrumental in maintaining New York City's

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status as one of only five large cities to receive the majority of its water from unfiltered sources. Since its inception in 1997, the city has invested \$541 million in the Land Acquisition Program; in 2010, we acquired 11,978 acres of watershed lands — the most acreage of any year to date. I want to thank the State Department of Environmental Conservation and many other stakeholders for working with the city to extend this vital program. Our cooperation and collaboration with our neighbors upstate will continue as we work together to protect water quality, and at the same time, contribute to the economic vitality of watershed communities."

"There is no substitute for clean water, and through this permit, we enhance safe drinking water protections for over nine million New Yorkers and dramatically expand recreational opportunities throughout the watershed," said DEC Acting Commissioner Joe Martens. "This milestone agreement is the national model for watershed protection, exemplifying the collaborative partnerships we need to make progress. By working together, the State, the City, Towns, farmers and environmentalists have taken a major step forward for our public health, our economy and our future."

"The New York City watershed provides a clean source of drinking water for millions of New Yorkers, and its continued protection is critical to their health," said EPA Regional Administrator Judith Enck. "The renewed water supply agreement limits water pollution in the watershed and provides additional protection through the acquisition of sensitive watershed land. EPA applauds the work of New York City, communities in the Catskills and New York State to safeguard this huge unfiltered drinking water supply for years to come."

This action updates the 1997 Water Supply Permit issued by DEC, when the Memorandum of Agreement was signed by New York City, New York State, EPA, environmental groups, and 77 counties and municipalities in the watershed.

The new Water Supply Permit includes the core provisions of the original 1997 permit. In addition to the city's purchase of land, the Watershed Agricultural Council will continue to purchase conservation easements on farms. Once the land has been purchased, New York City will continue to allow certain recreational uses of the land it acquires. To date, more than 71,000 acres of watershed lands have been opened for such activities as hunting, fishing, hiking and trapping. New York City pays taxes on all lands and easements acquired. The Land Acquisition Program has been a fundamental component of New York City's ability to secure and maintain the Filtration Avoidance Determination, last issued in 2007 by the EPA and now overseen by the New York State Department of Health, which saves New York City at least \$10 billion in filtration plant construction costs alone.

The new permit also reflects agreements reached by a large stakeholder group regarding a number of important refinements to the Land Acquisition Program to focus acquisition on properties that contain wetlands, water courses, steep slopes and other land features important to the protection of water quality. Communities west of the Hudson River were given the opportunity to modestly expand their existing hamlet areas to limit New York City's acquisition of land in areas that towns deem essential for future economic growth. Other program refinements include provisions for pilot riparian buffer acquisitions, which allows

New York City or a partner land trust to purchase small corridors of land along sensitive streams or rivers that feed upstate reservoirs; and an enhanced land trust program to support efforts to buy special properties in the watershed.

In addition, as part of the agreement, the city and the west of Hudson watershed communities have reached agreement on a program to resolve and avoid tax assessment lawsuits associated with the valuation of the City's wastewater treatment plants, reservoirs, dams, and other city-owned infrastructure. This agreement will help ensure that New York City facilities are taxed appropriately and minimize the potential for future disagreements over assessments, removing a major obstacle to partnership efforts.

The agreement also includes more than \$100 million in additional funding commitments to extend or expand protection programs to limit farm runoff, repair residential and commercial septic systems, and assist with stormwater retrofits to preserve water quality by reducing polluted runoff. Funding includes:

- ▶ Septic Remediation and Replacement: An estimated \$44 million for the remediation and replacement of a minimum of 300 septic systems annually.
- ▶ Small Business and Cluster System Program: \$4 million to fund repair or replacement of commercial septic systems for small businesses; \$2 million to identify and install wastewater treatment and disposal systems for small groupings of residences.
- ▶ Polluted Runoff: Up to \$15.5 million in new funding to improve water quality by reducing phosphorus runoff into reservoirs located in Putnam and Westchester counties.
- ▶ Septic Maintenance: \$1.5 million to provide 50% matching funds to pump out residential septic systems.
- ▶ Watershed Agricultural Program: \$32 million to install water quality best management practices on farms throughout the watershed.

"The Water Supply Permit is a tangible example of a strengthened partnership," said Coalition of Watershed Towns Chair Dennis Lucas. "The collaboration that took place among the parties that constructed the permit — the watershed communities, the Catskill Watershed Corporation, DEP, NYS DEC, DOH, DOS, the EPA and the environmental communities — has provided for the continuation of water quality programs, expanded areas for future growth and created additional tools to address the concerns of all involved. I am pleased to have been part of the group that produced this new agreement and proud of the accomplishment of those who came together to meet the challenges of a 'Living Watershed' going forward with the new Water Supply Permit. Thank you to everyone for your efforts in problem solving and for giving life to the intent of the Memorandum of Agreement."

"The issuance of this permit represents a major watershed protection milestone; it should help protect the quality and cost of the downstate water supply for decades to come," said Eric A. Goldstein, senior attorney with the Natural Resources Defense Council. "We commend DEP Commissioner Holloway and his staff, and New York State and watershed community officials, for their vision and commitment and for reaching an agreement that will truly advance the region's best long term interests."

"This water supply permit will allow the land acquisition program and other vital 1997 Watershed Memorandum of Agreement programs to continue protecting New York City's critical drinking water supplies while providing important economic stability for watershed towns," said Cathleen Breen, Watershed Protection Coordinator for the New York Public Interest Research Group.

"This agreement assures continued funding for CWC programs that benefit both water quality and people in the Catskill-Delaware Watershed," said Catskill Watershed Corporation Executive Director Alan Rosa. "Since its formation 13 years ago, the CWC has worked hard on behalf of member towns and villages, and the residents and businesses of the watershed, and we're pleased that the agreement will allow us to continue this work for many years to come."

"The City's new water supply permit represents yet another major step forward for the cooperative upstate-downstate partnership that took shape in the 1990s, when stakeholders and regulators agreed that the City should avoid the billion-dollar price tag of filtration and instead focus on protecting land and keeping pollutants out of our drinking water," said Paul Gallay, Executive Director for Riverkeeper. "By establishing programs for upstate economic development, infrastructure improvements, conservation, and agricultural and forest easements, this permit maintains the essential ingredients that make the New York City Watershed an international model for ecosystem protection and sustainable development."

"The Delaware County Board approved the Water Supply Permit," said Delaware County Board of Supervisors Chair Jim Eisel. "The changes introduced by our involvement reflect significant improvement over the originally proposed permit language by introducing measures to secure important economic protections for the towns of Delaware County."

New York City's Watershed Protection Program has been so successful at protecting the integrity of the city's water supply that the United States Environmental Protection Agency awarded the City a 10-year Filtration Avoidance Determination (FAD) in 2007. The 2007 FAD requires the city to continue an active land acquisition program, focusing on properties selected for their water quality protection benefits. The success of the City's Watershed Protection Program overall is one of the main reasons why New York City remains one of only five large cities in the United States that is not required to filter its drinking water. The other cities are Boston, Portland, San Francisco, and Seattle.

Since the beginning of the 1997 FAD, the city has committed \$541 million to purchase land to protect its unfiltered drinking water which supplies roughly half the population of New York State. DEP has also made unprecedented efforts to balance water quality preservation with the interests and economic vitality of watershed communities. Most properties acquired by the City will be available for public access for compatible activities such as hunting, hiking, trapping and fishing; other land will be opened for economic activity such as timber management, maple syrup harvests, and hay cropping that helps local community businesses.

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