

# Citizens Campaign Report

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Citizens Campaign for the Environment

Fall 2004

## NEW YORK'S WETLANDS IN PERIL

By Dereth Glance  
CCE Program Coordinator

As one of Earth's "vital organs", wetlands provide habitat to wildlife, protect property by absorbing floodwaters and filter out pollutants like pesticides to protect fresh and coastal water ecosystems. As a result of recently weakened federal wetland protection measures, many of New York's smaller wetlands, once regulated by the U.S. Army Corps of Engineers, are now vulnerable to destruction with no legal consequences. Under current law, the New York State Department of Environmental Conservation regulates freshwater wetlands that are at least 12.4 acres in size. Compared to the states of New Jersey, Pennsylvania, New Hampshire, Maine, Vermont and Connecticut, New York is the only state to limit wetland protection by size threshold, and it completely fails to protect "isolated wetlands".

**New York stands to lose thousands of acres of irreplaceable wetlands if swift legislative action is not executed!**

To remedy this problem, Assemblyman Tom DiNapoli (D-Great Neck) and Senator Carl Marcellino (R-Syosset) introduced *The Wetlands Protection Act* (A07905-a/S4480-a), which would provide the necessary protection for all wetlands at least one acre in size statewide. It is important to note that passage

**In this issue:** Wetlands Protection, Pesticide Neighbor Notification, Protecting Long Island Sound, Renewable Energy, CCE News Corner, Green Choice, Drinking Water Reports, Citizens Environmental Research Institute (CERI) GREEN Project, and Great Lakes Water Quantity.

of *The Wetlands Protection Act* would not impose new regulations. It would simply provide a mechanism to enable New York State to regulate wetland protection activities formerly offered by the federal government.

CCE has made great progress in 2004 toward passage of this important legislation and is continuing the fight to protect New York's vulnerable wetlands from development, destruction and filling. CCE is actively engaged in an extensive public outreach program to educate the public on the importance of wetland protection and the need for legislation.



*CCE Executive Director Adrienne Esposito (table right) joins bill sponsor, Senator Carl Marcellino (table center), and others at a press conference in support of *The Wetlands Protection Act*.*

Not surprisingly, there has been overwhelming public support for the passage of this law. *The Wetlands Protection Act* was passed by the New York State Assembly and was also passed unanimously by the Senate Environmental Conservation Committee. However, due to the action of one individual, Senate Majority Leader Joseph Bruno (R-Troy), it failed to reach the floor for consideration by the full Senate in 2004. Nonetheless, this essential piece of legislation will be a top priority in the 2005 legislative session.

CCE urges all New York residents to contact Governor Pataki, Senate Majority Leader Joseph Bruno and your State Senate member. Tell them to protect our water quality, valuable wildlife habitat and property by enacting legislation that protects our most vulnerable wetlands from needless destruction.

For more information on wetlands and CCE's campaign for *The Wetlands Protection Act*, please visit [www.citizenscampaign.org/campaigns/wetlands.htm](http://www.citizenscampaign.org/campaigns/wetlands.htm).

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## **CITIZENS HAVE THE RIGHT TO KNOW: CCE Working to Make Pesticide Neighbor Notification Permanent in Erie County**

By Brian Smith  
CCE Program Coordinator

Every year, after a long winter winds down and spring arrives, Western New Yorkers relish the opportunity to spend more time outdoors. They can finally open the windows, spend time working on the garden, enjoy barbeques and watch their children and pets playing in their yards. However, spring also marks the beginning of the pesticide-spraying season, when commercial pesticide applicators assault residential communities with toxic chemicals on neighborhood lawns.

CCE believes that citizens have the right to know when pesticides are being sprayed near their homes. When residents are given advance notice that an applicator is spraying pesticides on an abutting property, they can keep children and pets inside, close windows and cover grills or gardens to minimize exposure from drifting pesticides. Peer reviewed science continues to show that pesticides are a threat to public health, especially to pregnant women and children. Pesticides can cause acute health impacts, such as asthma attacks, rashes, headaches and nausea, and increase the risk of cancer, birth defects and other serious long-term health problems.

The New York State *Pesticide Neighbor Notification Law* gives people this right to know. It allows counties to voluntarily adopt the state law, which requires commercial pesticide applicators to give residents 48-hour written notice when neighbors' properties within 150 feet of their home, to the street line, will be sprayed with pesticides. The law also requires

pesticide retailers to post signage near their pesticide products, informing consumers who purchase and personally apply certain pesticides that they are required to post warning signs on their lawns.



*The Pesticide Neighbor Notification Law requires pesticide applicators to give residents 48-hour written notice when their neighbors are having pesticides sprayed on their lawns.*

After three years of debate, the Erie County Legislature finally adopted the New York State *Pesticide Neighbor Notification Law* in December of 2003. This was a victory for the families of Erie County, but there was a catch. The law, which took effect on January 1, 2004, will sunset, or expire, on December 31, 2004 unless the Erie County Legislature votes to make it permanent. CCE is actively working to ensure that it is made permanent. For more information on the law and how to contact your Erie County legislator about making the law permanent, contact CCE's Buffalo office at (716) 831-3206.

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## ***SENSIBLE SOLUTIONS: Protecting Long Island Sound From Toxic Dredged Materials***

By Maureen Dolan  
CCE Program Coordinator

In the spring of 2004, CCE launched a public education campaign to stop the dumping of dredged materials in the Long Island Sound (LIS). The U.S. Environmental Protection Agency (EPA) released a plan to designate two locations in LIS as "long-term dumpsites" for receipt of 20 million cubic yards of dredged material for the next 20 years! This plan would jeopardize the health of LIS and provides no

incentives for New York and Connecticut to invest in upland disposal or beneficial re-use technology - *technology that is currently in use nationwide!*

During a 45-day comment period, the EPA received over 3,000 public comments, most *against* the EPA's plan! The EPA plan called for dumping in LIS to begin in August 2004, but as of November 2004, the EPA has yet to determine whether it would still designate long-term dumpsites in LIS. CCE would like to thank all of its members who wrote letters and submitted comments to the EPA on this crucial issue!

In August of 2004, CCE began a second phase of its public education campaign – to educate members of the public and policymakers of the realistic alternatives to open water disposal. In a joint effort, CCE and its sister organization, *Citizens Environmental Research Institute*, hosted three public symposia entitled “Sensible Solutions for Long Island Sound”, two of which were co-sponsored by the New York State Department of State. These symposia brought together numerous experts to discuss successful projects in which dredged material had been beneficially reused and NOT dumped in open water disposal sites.



*CCE Executive Director Adrienne Esposito speaks at a press conference with Senator Hillary Rodham Clinton and other officials opposed to the EPA-proposed plan*

Some of the projects highlighted at the symposia utilized dredged material to cap landfills, re-create wetlands and stabilize abandoned mines. The symposia stressed that beneficial re-use of dredged material is a realistic option and is continually decreasing in cost. Such beneficial re-use also provides other additional benefits to the community and local economy.

For example, in New Jersey, dredged material was used to cap an abandoned brownfield site where a mall was subsequently built, providing local jobs and tax revenue for the community. When dredged material was used to stabilize an abandoned mine in Pennsylvania, habitat was recreated and acidic leachate was stopped from entering the surrounding waterways and aquifers. In New York, dredged material was used to cap two landfills totaling 381 acres. Known as the Pennsylvania and Fountain Avenue Landfill Restoration Project, this site will eventually be turned into a park area for public use.

CCE urges New York and Connecticut to work together to develop a comprehensive Dredged Material Management Plan (DMMP) for LIS that addresses the needs of all stakeholder groups, citizens, and the LIS ecosystem. DMMPs identify four major objectives: reduce the need to dredge, reduce contamination, beneficially re-use as much material as possible and only dispose of material which cannot be used. Once this plan is in place, LIS will no longer be viewed as a dumpsite and thus will become a healthier, more productive ecosystem.

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## **RENEWABLE ENERGY: Victories Continue**

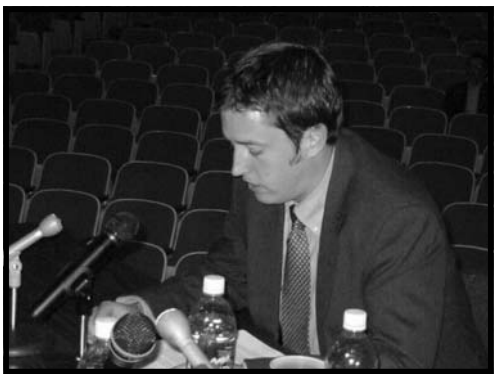
By Brian Smith  
CCE Program Coordinator

CCE continues to work at the local, state and federal levels to advance policies that promote the generation of clean, renewable energy. Renewable energy comes from clean and infinite domestic energy sources such as the sun, wind, the ocean, flowing water (hydro), plant matter (biomass) and landfill gas.

### **Government Purchasing of Renewable Energy**

In July of 2003, CCE kicked off its *America's Independence Depends on Energy Independence* campaign. CCE began calling on municipalities to follow the lead of the New York State (NYS) government and begin purchasing a significant portion of their electricity needs from clean, renewable energy sources. Investing in renewable energy supports an industry that helps to displace traditional polluting energy sources such as fossil fuels and nuclear energy.

As a result of CCE's work, the number of municipalities in NYS that have set goals to purchase non-hydro renewable energy jumped from three to thirty-one! Recently, in the fall of 2004, the Town of Southampton set a goal to purchase 100% wind power for its municipal electricity needs. Livingston County signed a contract to purchase 10% wind power, making it the first county in New York State to actually begin purchasing wind energy. CCE also made an impact in Connecticut, and earlier this year, the State set an unprecedented goal of 100% renewable energy for government operations by the year 2050!



*CCE Program Coordinator Brian Smith testifies at a state public hearing.*

### **New York State Renewable Portfolio Standard Adopted in September of 2004**

In 2003, Governor Pataki proposed a renewable portfolio standard, which requires 25% of the electricity produced in NYS to come from renewable sources by the year 2013. The NYS Public Service Commission (PSC) had to approve the standard before it could go into effect. CCE was active in ensuring that this new standard was adopted and that garbage incineration was excluded. Although garbage is abundant, it is not renewable, and its incineration ultimately causes pollution and discourages recycling.

### **Federal Production Tax Credit (PTC) for Wind Power Renewed in September of 2004**

CCE successfully pushed for a renewal of the PTC, which gives tax incentives to companies that produce electricity from wind. The PTC had expired in 2003, bringing development of wind farms to a standstill. The new extension of the PTC, through the end of 2005, will allow an estimated \$2 billion worth of wind energy projects to proceed!

## **CCE News Corner**

By Adrienne Esposito  
CCE Executive Director



CCE actively works on many campaigns to protect public health and the environment. The following is a brief compilation of campaigns in which CCE has recently been involved.

### **STOPPING POLLUTERS IN SYRACUSE**

CCE has been working to stop the use of local tax dollars to subsidize known corporate polluters in central New York State. CCE testified before the Onondaga County Industrial Development Authority, opposing tax breaks requested by Cintas, a Cincinnati-based industrial laundry facility. Currently being sued for *Clean Water Act* (CWA) violations by the Connecticut Attorney General, citizens in Louisiana, and the Pennsylvania Fish & Boat Commission, Cintas has made violating the CWA a part of doing business. CCE strongly believes that county tax dollars should not subsidize known CWA violators.

### **OFFSHORE WIND FARMS**

CCE successfully fought against an anti-offshore wind farm amendment, which was added to a federal defense appropriations bill by Senator John Warner of Virginia. The amendment would have prohibited the U.S. Army Corps of Engineers from acting on any offshore wind farm applications until a unified federal process is established. The amendment was designed to kill the proposed Long Island Offshore Wind Farm and the proposed Cape Cod Wind Farm. CCE credits Senator Clinton and Governor Pataki for their involvement in defeating this dangerous amendment.

### **CLEAN AIR CAMPAIGN**

CCE staff members testified at a series of public hearings before the New York State Department of Environmental Conservation (DEC) on the adoption of a Nitrogen Oxides and Sulfur Dioxide Trading Program. CCE is calling on the DEC to clean up our dirty power plants and significantly reduce nitrogen oxides, sulfur dioxide, mercury and carbon dioxide emissions. Nitrogen oxides and sulfur dioxide are precursors to both smog and acid rain. Mercury is a

bioaccumulative toxic heavy metal. Eating mercury-tainted fish is the primary exposure route for humans and can cause developmental, reproductive and brain damage. Carbon dioxide is the leading greenhouse gas contributing to climate change.

### ENVIRONMENTAL BOND ACTS

On Election Day 2004, Long Islanders voted to preserve open space, protect drinking water, preserve wetlands, control stormwater runoff, and improve community parks. All four bond acts (Nassau County, Suffolk County, Town of Oyster Bay and Town of Brookhaven) passed with approximately 71% of balloters voting in favor of the bond acts. CCE launched an island-wide public awareness campaign in support of the bond acts, and would like to thank everyone who helped to make these important environmental bonds a reality.

### PROTECTING PIPING PLOVERS

CCE has a long history of protecting piping plovers, endangered shorebirds that utilize the south shore of Long Island as their breeding and nesting ground. CCE generated 20 volunteers on Memorial Day and over 60 volunteers on July 4<sup>th</sup> to protect plover nests at Jones Beach State Park.

### THE BUFFALO NIAGARA RIVER

CCE joined *Friends of the Buffalo Niagara River* and a coalition of environmental groups to negotiate how the New York Power Authority will mitigate its impact on the health of the Niagara River system in order to obtain a license for the Niagara Power Project over the next 50 years.

### ONONDAGA COUNTY REVERSE-911 SYSTEM FOR TOXIC PESTICIDE NOTIFICATION

In response to CCE action and public outcry, the Onondaga County Health Department implemented a toxic pesticide spray notification program that utilizes the reverse-911 phone system. The system directly contacts residents in the affected area with a recorded message that suggests precautionary measures to decrease exposure risk, includes the Health Department's phone number and directs the public to contact the Health Department for additional information. Onondaga County is the first county in New York State, and may be the first in the nation, to deploy the reverse-911 phone system to notify residents of pesticide spraying during a declared public health emergency!

### PECONIC RIVER CLEANUP PLAN

CCE's staff worked aggressively to help craft a cleanup plan for the Peconic River that removes the greatest amount of contaminants, without destroying key ecological components of the river, and provides for the maximum protection of public health. After four years of extensive work, a cleanup plan for the Peconic River was finally agreed upon and adopted. CCE is pleased that the remediation work is underway and will continue to monitor its progress.

### BROOKHAVEN NATIONAL LABORATORY (BNL) CLEANUP

CCE fought successfully against a plan proposed by the U.S. Department of Energy (DOE), which would have permanently left the radioactive remains of the Brookhaven Graphite Research Reactor on Long Island. The DOE proposed entombing the highly radioactive reactor and leaving it positioned over Long Island's sensitive aquifer system. CCE battled to stop this dangerous plan, the DOE withdrew it, and the new cleanup plan now calls for removing the decommissioned reactor.

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## Make the *Green Choice* for Your Electricity Needs

By Maureen Dolan  
CCE Program Coordinator

Renewable energy utilization is continuing to grow throughout New York State (NYS). As of this printing, there are 31 towns, villages and counties



throughout NYS that have made a commitment to utilize renewable energy. Today, it has become even easier for individual homeowners, as well, to ***make the greener choice*** in their energy purchases.

The advantages of clean energy sources, or what has come to be known as *green energy* (such as wind,

biomass, and small hydro), are well known. Clean energy resources are conflict-free, renewable and unlimited. Non-renewable sources, on the other hand, such as coal, oil and gas, will eventually be depleted in the coming years, and their legacy of pollution will live on, forever threatening public health and the environment. Pollution-causing energy sources contribute to acid rain, smog, asthma and higher rates of lung disease.

Several utility companies in New York have realized the public support and benefits of cleaner, more sustainable energy. They have developed "green choice" programs, which allow their customers to decide what kind of renewable energy they want delivered to their homes. By participating in a green choice program, one contributes to cleaner air, better health and a sustainable environment, all while investing in the development of renewable energy technologies.

Long Island Power Authority (LIPA) introduced its "Green Choice" Program in the fall of 2004. It is very similar to the Niagara Mohawk (NiMo) "Green-up" Program, which has operated for over two years. Both of these programs allow customers to choose wind, biomass and/or hydro for all or half of their electricity needs. Customers are given a variety of combinations from which to choose, ranging in cost from 1-2 cents more per kilowatt-hour. An average customer uses between 500-770 kilowatt-hours of electricity per month, resulting in an additional cost of just \$3-10 each month for green energy options. This promotes a cleaner, healthier environment.

Rochester Gas and Electric (RG&E) and New York State Electric and Gas (NYSEG) have launched similar programs entitled "Catch the Wind". Customers are given the option of purchasing wind energy for their electricity needs. Customers can now purchase wind energy in a "block" form. Each block is equivalent to 100 kilowatt-hours of electricity and costs an additional \$2.50 per month. A minimum of 2 blocks must be purchased.

So, whether you live in Buffalo or Montauk, there is a green energy plan for you. Choosing green energy is one way to say YES to cleaner air for New York. For more information on green choice options in your area or to obtain a copy of CCE's *Green Choice* brochure, visit the CCE website at [www.citizenscampaign.org](http://www.citizenscampaign.org).

## CCE Continues its Watchdog Role on Drinking Water Supply Reporting

By Dereth Glance  
CCE Program Coordinator

Commemorating the 30<sup>th</sup> anniversary of the *Safe Drinking Water Protection Act*, CCE issued its fifth annual "report card" evaluation of how selected water suppliers in New York State comply with state and federal **consumer reporting requirements**. Every public water supplier in the state must report on the status and condition of drinking water. CCE analyzes these reports for readability, factual statements and overall public information on drinking water supplies.



*CCE succeeded in passing landmark drinking water right-to-know legislation in 1986.*

Under state and federal law, public water suppliers must provide customers with specific information on drinking water supply, including detected contaminants, methods of treatment, sources of water, health advisories, conservation information and system operating statistics. The public gained the right to know about community drinking water as a result of CCE's grassroots organizing and advocacy efforts. In 1986, CCE succeeded in lobbying the New York State Legislature to enact landmark legislation requiring water suppliers to produce and make available an annual water supply statement report for Long Islanders. This legislation was later expanded in 1996 to benefit all residents of New York State.

The evaluation report, entitled *Annual Water Supply Statement Reports: A Report Card for the 2003 New York State Annual Water Supply Statements*, is available online at [www.citizenscampaign.org](http://www.citizenscampaign.org) under "Drinking Water Report Card".



# CERI

Citizens Environmental Research Institute

*CERI is CCE's sister organization, established in 1989 to advance and promote environmental education, increase citizen involvement, and expand environmental and public health protection and research utilizing sound and progressive science.*

*As an incorporated 501(c)(3) tax-exempt organization, CERI shares CCE's program objectives but does not engage in lobbying activities.*

## In Their Own Words: GREEN 2004

For the sixth consecutive year, CERI Project Manager Veronica King has successfully run what has now become an annual summertime environmental enrichment and gender equity program for young girls living in underserved communities on Long Island. The *GREEN Project*, which stands for *Girls Ready for Environmental Education Now*, seeks to increase girls' interest in math, science and technology, while providing positive female role models. We frequently ask participants what they think of the program, and here is what they had to say this year:

***"No one cares about how you look or stuff like that."***

***"I loved how everyone always is nice and interacts with the campers."***

***"I had a blast!"***

***"I was surprised by the ease of some of the experiences that I thought were going to be hard."***

***"I did not know that the campers were going to get a hands-on experience in everything."***

***"How nice everyone was!"***

***"It was the best summer I ever had!"***

***"It is fun, and you get to learn and do different things."***

***"The people are really cool!"***

***"It was scary, but I made it through."***



***"It wasn't long enough!"***

***"Words cannot explain how much fun I had. I loved the counselors!"***

***"A lot of people treated me nice."***

***"The number one thing I liked about this camp was that it was all girls, and we learned from our experiences."***

***"I had the best time ever!"***

***"I feel much more educated."***

***"I thought it was the most fun I had all summer."***

***"It was better than my science class."***

***"I feel good that my mind is now filled with science."***

***"I had the best week of my life!"***



## **KEEPING THE GREAT LAKES GREAT: The Need to Protect Great Lakes Water Quantity**

By Dereth Glance  
CCE Program Coordinator

More than a quadrillion gallons of water is contained within the Great Lakes of Superior, Michigan, Huron, Erie and Ontario, and the St. Lawrence Seaway. Comprising one-fifth of the world's freshwater resources, this amazing system encompasses over 700 miles of New York's shoreline and shapes our economy, recreation and character. While seemingly



abundant, the Great Lakes are truly a gift of glaciers, as rainfall and snowmelt only replenish about one percent of its waters annually.

In response to a growing interest in shipping, piping and diverting Great Lakes water out of the Great Lakes basin, a process was begun to develop strict standards by which all proposed large water withdrawals would be scrutinized. *The Draft Great Lakes Basin Water Resources Compact* (draft compact) is an interstate document developed by the eight Great Lakes governors. *The Draft Great Lakes Basin Water Resources Agreement* is an international good-faith agreement between Canada and the United States. Both documents require that all proposed water withdrawal projects meet the following criteria:

- a reasonable alternative water supply is unavailable;
- the quantity requested is reasonable for the stated purpose;
- diverted water would be returned to the Great Lakes basin, save for consumptive use;
- the water withdrawal will have no adverse impacts; and
- the proposals would implement conservation measures.

Overall, CCE is very supportive of the draft documents. However, we believe the draft compact could be improved to strengthen water quantity protection. Through hearings, public meetings and

direct member outreach, CCE has worked to improve the draft compact, which builds on century-old interstate and international Great Lakes protections.

### **CCE believes that:**

1. **All Great Lakes water should be returned to its originating watershed.**

The draft compact exempts Great Lakes water diversions less than 250,000 gallons per day. Because 99% of Great Lakes water is non-renewable, exempting out-of-basin diversions of any amount will have cumulative adverse impacts on the health of the Great Lakes.

2. **All water withdrawal permits should have reasonable expiration dates.**

All Great Lakes water withdrawal permits must be regularly evaluated so that cumulative impacts, climatic change and previously unforeseen occurrences can be assessed.

3. **The legal integrity of the draft compact must be protected.**

Currently, the water withdrawal review process is inconsistent. Continuing to allow a variation between watershed regions potentially undermines the legal durability of the draft compact. CCE believes that there should be a standard by which all water withdrawals are reviewed.

During a public comment period that closed on October 18, 2004, CCE and many of its members submitted comments in support of an improved draft compact. Once agreed upon by the Great Lakes states' legislatures, the compact will be sent to Congress and the President for final ratification.

For additional information on CCE's Great Lakes campaign, please visit the CCE website at: [www.citizenscampaign.org/campaigns/great\\_lakes.htm](http://www.citizenscampaign.org/campaigns/great_lakes.htm)

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*Citizens Campaign Report* is published by Citizens Campaign for the Environment (CCE) with information and support from Citizens Environmental Research Institute (CERI). CERI is an education and research organization that shares CCE's program objectives. Copies of CCE and CERI annual financial reports are available by contacting the Farmingdale office (225A Main Street, Farmingdale, New York, 11735, Phone: 516-390-7150; Fax: 516-390-7160) or by writing the NYS Department of State, Office of Charities Registration, Albany, New York 12213.