



Delaware River Basin Commission

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Testimony of Steve Tambini, Executive Director, Delaware River Basin Commission for the Joint Legislative Hearing February 7, 2024, on the Fiscal Year (FY) 2024-25 Executive Budget Proposal Environmental Conservation

Presented to Chair Liz Krueger, Senate Finance Committee, Chair Helene E. Weinstein, Assembly Ways and Means Committee and Respective Committee Members

February 7, 2024

On behalf of the Delaware River Basin Commission (DRBC or Commission), thank you for the opportunity to submit testimony to outline the benefits DRBC provides to the residents of New York, and our funding needs to ensure continued success. **We respectfully request that your joint Capital Projects Budget appropriations bill include full funding of \$626,000 in support of the DRBC's critical work on behalf of New York.**

In 1961 President John F. Kennedy and the governors of New York, New Jersey, Pennsylvania and Delaware created a regional body with the force of law to oversee a unified approach to managing a river system without regard to political boundaries. The resulting Delaware River Basin Commission is a federal-interstate agency charged with managing, protecting, and improving the water resources of the Delaware River Basin. The terms of the agreement are set forth in the Delaware River Basin Compact (Compact), which is concurrent legislation enacted by the United States and each of the four Basin states. The Compact empowers the Commission's five members to exercise their sovereignty jointly to manage the water resources of the Basin to meet immediate and long-range needs.

To carry out its mission to manage water quantity and water quality, the DRBC is staffed by water resource planners, engineers, hydrologists, modelers, and biologists. The staff are responsible for day-to-day planning and execution of the water resource management activities described in the Commission's Water Resources Program, which the Compact requires the Commissioners to adopt annually.

Our Basin provides drinking water to over 4.8 million New Yorkers (approximately 24% of the state's population) living in New York City and within the Basin. In fact, New York City's drinking water system is the largest unfiltered water supply in the United States. An estimated 525 million gallons per day are exported from the Delaware River Basin to supply New York City with tap water, which has been heralded as the "champagne of drinking water" – a feat achievable through the high-quality source waters in the Upper Delaware Basin. This amount is approximately half of the City's daily drinking water supply.

The Basin's pristine headwaters and New York City public water supply reservoirs also support an exceptional outdoor economy with world-class fishing, boating and other water-based recreation.

Our activities as a regulatory government agency are wide ranging, and I have attached to this testimony an expanded list of DRBC activities that benefit the state of New York as an appendix. I would like to highlight two specific projects that are benefitting the State of New York.

Managing Flow for Fishing: DRBC has long played a role in supporting the Decree Parties' development of conservation release programs within New York to support, among other things, recreational fishing in the region. In addition to providing a venue for public input into the fisheries release programs, DRBC provides the Decree Parties with extensive technical analyses and modeling. As an example, DRBC recently significantly revised and recoded a tool used to evaluate modifications to conservation releases (known as Decision Support System) to provide a more user-friendly and powerful interface in a modern platform.

Scenic Rivers Monitoring Program: DRBC and the National Park Service partner in this effort to monitor and manage the water quality in the Special Protection Waters and National Wild and Scenic River segments of the non-tidal Delaware River. The goal is to assess whether the exceptional water quality of both the main stem and tributaries to the river are being maintained. Close to 60 sites are sampled between May and September and analyzed for nutrients, dissolved oxygen, and other conventional pollutants.

These activities – like all DRBC activities – are designed to integrate with, but not duplicate, state and federal regulatory programs. We coordinate closely with the water resource agencies of all four Basin states, including the New York State Department of Environmental Conservation, and we continually work with our Commissioners and state agencies to improve and streamline the regulatory process. In 2015, we initiated a program called “One Process One Permit,” whereby the DRBC works with each state agency that elects to participate to ensure that DRBC standards are included in the agency’s permits. Regulated entities can apply to just one agency and receive a single approval that contains all state and DRBC requirements. This program has been implemented in New York and the applicant pays just one application fee – the state fee.

As expressed in the state and federal law that formed the Commission 60 years ago, Commission members are responsible, in part, to financially support the DRBC’s operations. New York’s agreed-to share of this signatory member funding is \$626,000, representing 17.5% of the total member request. This percentage is based upon an equitable agreement between the Commission members, and the funding request of all members has not changed since 2008. For the past ten fiscal years, the New York Governor’s Executive Budget and the legislatively approved budget have included only \$359,500 for the DRBC.

Again, for Fiscal Year 2024-2025, we respectfully request that your joint Capital Projects Budget appropriations bill include full funding of \$626,000 in support of the DRBC’s critical work on behalf of New York.

As outlined, DRBC consistently ensures water security in the Delaware River Basin by managing water availability, water quality, water resiliency, and water equity. However, funding shortfalls from our signatory parties do have an adverse effect on our operations. Since signatory funding is generally operating funds for the Commission, lapses in member funding have concrete impacts on day-to-day work and long-term planning used to address critical issues such as: climate change; drought resiliency; source water protection; emerging contaminants; water equity; and outreach.

Some impacts have included:

- Delays in hiring and filling critical staff positions, such as floodplain manager, leading to a 9% vacancy rate.
- Underinvestment in public-facing systems and technologies, posing challenges to knowledge transfer to the public and partners.
- Increased reliance on third-party grants, which often have geographic, topical and/or temporal limits, and require additional administrative effort, diverting staff resources from foundational, cross-state DRBC activities.

Signatory member funding to support the DRBC is leveraged by like support from the other Commission members, from reasonable water withdrawal and discharge fees and charges, and from a growing grant portfolio.

In closing, the DRBC has worked successfully with New York and the other Basin states since 1961 to address interstate water resource issues of joint concern. We have delivered significant and tangible benefits for Basin residents and the environment in New York, through integrated planning, science, engineering, and regulation. DRBC has provided, and continues to provide, an invaluable mechanism for the Basin states and federal government to cooperatively manage the region's shared water resources. Water does not know political boundaries, and we must continue to work together as stewards of these shared resources to preserve our region's economy, ecology, and quality of life.

If you or your staff have any questions about this request or about DRBC's mission-driven activities, we would be pleased to meet. Thank you in advance for your engagement and support.

Respectfully Submitted,



Steven J. Tambini
Executive Director

Appendix A

Additional DRBC activities that benefit the State of New York include:

- **1954 Supreme Court Technical Support:** DRBC provides collaborative technical support for the adaptive management of water resources under the 1954 U.S. Supreme Court Decree that governs diversion of water outside the Basin, including diversions by the City of New York and releases from the City of New York's Delaware Basin Reservoirs to maintain river flows.
- **Special Protection Waters Program:** Regulations designed to prevent degradation and "keep the clean waters clean": in the 197-mile stretch of non-tidal main stem from Hancock, NY to Trenton, NJ were first created by DRBC in the 1990s. Implementation of these regulations included the development of a Water Quality Model for the Neversink River – allowing DRBC to assess the impacts of proposed development in the Neversink drainage area. Based on this expertise, DRBC staff are advising partners developing a Watershed Management Plan for the Neversink.
- **Biennial Water Quality Assessment:** DRBC performs an assessment of the interstate Delaware River and Bay, the results of which are provided to the Basin states to help them meet Clean Water Act requirements. DRBC's interstate water quality monitoring program, which is essential to resource management in the Basin, includes assessments of biological health, traditional pollutants from wastewater discharges and non-point source runoff, and contaminants of emerging concern that have been known to impact drinking water supplies, such as Per- and Polyfluoroalkyl substances (PFAS) and 1,4-Dioxane, as well as microplastics.
- **Biomonitoring Program:** a DRBC program used to evaluate the ecosystem health of the non-tidal Delaware River. Samples collected allow for analysis on the diversity and health of aquatic life, and if the aquatic life uses of the river are being impaired.
- **Annual Lost-Water Audit:** DRBC's leadership has ensured that every public water supply system in all four Basin states performs an annual audit of lost water, based upon national standards set by the American Water Works Association. Reducing lost water not only benefits the resource, but it helps to reduce the cost of energy and treatment at drinking water treatment plants.
- **Climate Change Planning:** Our planning and operations staff are analyzing how future drought conditions may change water demand and management needs in the Basin, an issue of significance in New York. An estimated 525 million gallons per day are exported from the Delaware River Basin to New York City.