



May 5, 2023

Senator Pete Harckham  
188 State Street, Legislative Office Building  
Room 315  
Albany, NY 12247

Senator Nathalia Fernandez  
188 State Street, Legislative Office Building  
Room 905  
Albany, NY 12247

Senator Brad Hoylman-Sigal  
188 State Street, Legislative Office Building  
Room 310  
Albany, NY 12247

Assemblymember Dr. Anna Kelles  
NYS Assembly – LOB 833  
Albany, NY 12248

Also via email: [harckham@nysenate.gov](mailto:harckham@nysenate.gov); [fernandez@nysenate.gov](mailto:fernandez@nysenate.gov); [hoylman@nysenate.gov](mailto:hoylman@nysenate.gov);  
[kellesa@nyassembly.gov](mailto:kellesa@nyassembly.gov)

Re: Amendment of Environmental Conservation Law to Protect Class C Waterways: S1725/A4601

Dear Senators Harckham, Fernandez, and Hoylman-Sigal and Assemblymember Kelles,

The New York Water Environment Association (NYWEA) and the New York Rural Water Association (NYRWA) represent wastewater which includes stormwater interests of New York State. Our members include the owners and operators of these critical infrastructure systems in NY, the consultants who design and manage their construction, scientists that study key water issues, as well as the manufacturers who supply the highly specialized equipment and technologies used in treatment and collection. Together our over 5,000 members work to serve the best interest of the public by promoting sustainable clean water quality management through science, education and training.

Both NYWEA and NYRWA, support your goals of protecting our State's waterways. We want to make you aware, however, of what we believe would be unintended negative consequences of passing this proposed amendment to the Environmental Conservation Law without a requested exclusion.

There are sections of Class C waterways that are currently culverted/enclosed in cities like Buffalo that were culverted in the distant past and are part of the city's stormwater conveyance. In the City of Buffalo, these culverted/enclosed waterways also convey combined sewer overflows. The Buffalo Sewer Authority is spending significant money to reduce combined sewer overflows in accordance with directives and a plan approved by the New York State Department of Environmental Conservation (NYSDEC). However, the infrastructure within certain sections of Class C waterways will remain and need to be maintained. Because of this, both NYWEA and NYRWA are requesting that an exclusion for culverted/enclosed sections of Class C waterways be added to this proposed bill.

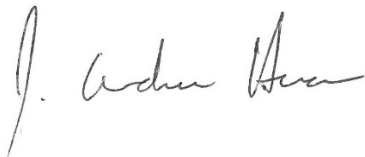
Without an exclusion, we are concerned that repairs that become necessary to pipes, manholes, or catch basins that are located within these sections of waterways will be delayed due to the need for filing a Joint Application for Permit with the NYSDEC and United States Army Corps of Engineers for work within a protected stream. Such permit application process will significantly delay repairs to this critical infrastructure, which can have a negative effect on water quality. This is something none of us want and we are sure this is not your intent with this proposed bill.

Thank you for your consideration. We would welcome the opportunity to meet and discuss the matter further at your request. Please reach out to the NYWEA Executive Director, Patricia Cerro-Reehil at 315-422-7811 x1.

Sincerely,

A handwritten signature in black ink that reads "Donna Grudier". The signature is fluid and cursive, with the first name being more prominent.

Donna Grudier, President  
NY Water Environment Association

A handwritten signature in black ink that reads "J. Arthur Herman". The signature is cursive and somewhat stylized.

Jamie Herman, Chief Executive Officer  
NY Rural Water Association