



**The New York Water Environment Association, Inc.**  
*The Water Quality Management Professionals*

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April 27, 2012

Senator Mark Grisanti  
NY State Senate - Legislative Office Building, Room 902  
Albany, NY 12247

Assemblyman Robert Sweeney  
NY State Assembly, Legislative Office Building, Room 625  
Albany, NY 12248

**RE: Senate Bill No. S5403A-2011 and Assembly Bill No. A7137A-2011 –  
Requires that bottle deposits retained by the state shall be allocated to  
the environmental protection fund – NYWEA’s Comments**

Dear Senator Grisanti and Assemblyman Sweeney,

As you know, the New York Water Environment Association (NYWEA) is a statewide nonprofit organization of approximately 2,500 water and wastewater professionals, environmental engineers and scientists, and water quality management professionals dedicated to protecting and enhancing the waters of New York. NYWEA is primarily an educational organization dedicated to educating not only our members but also those who are charged with setting policy and practices intended to protect the water environment here in New York.

NYWEA has reviewed proposed Bill S5403A-2011/A7137A-2011 and would like to offer the following comments for your consideration.

As a long-time supporter of the original New York’s “Bottle Bill” of 1982 and its expanded version “Bigger, Better Bottle Bill” passed in 2009 (requiring beverage companies to remit 80% of unclaimed bottles and cans deposits to the State), NYWEA commends your and your colleagues’ leadership in developing the proposed Bill S5403A/A7137A providing much needed funding for the Environmental Protection Fund. We believe that the proposed funding of the Environmental Protection Fund in annually increasing increments starting in Fiscal Year 2013-14, without impact on

the portion of the total unclaimed deposits allowed to be retained by the beverage deposit initiators, is an excellent and a well thought through approach and should be adopted.

However, NYWEA would also like to recommend one additional element to the proposed Bill that would further benefit the New York State environment without adding any extra cost to retailers or consumers. We strongly believe that this amendment will allow the New York State to further revitalize the economy, create jobs and improve and protect the vital New York State infrastructure and environment at no additional cost to the taxpayers.

Because most of the New York's water and wastewater existing infrastructure (collection and distribution piping, pump stations and treatment systems) needs to be repaired, replaced or modernized in order to continue to protect the public health and the environment or to meet new requirements, NYWEA recommends that the Bill allow a portion of the unreturned deposits to be used solely for these critical water and wastewater infrastructure projects. This portion of the collected fees should be deposited in a dedicated fund for water/wastewater related infrastructure. Dedicating a portion of the unclaimed deposits to water and wastewater infrastructure is a logical use of this money, as both the manufacture and consumption of bottled liquids places additional stress on our water and wastewater infrastructure.

Based on estimates by NYS DEC and NYS DOH, the conservative costs of upgrading State's aging and deteriorating wastewater and drinking water infrastructure is \$36.2 billion and \$38.7 billion, respectively, over the next 20 years. In addition to creating a dedicated fund which can be drawn upon to help underwrite the huge water and wastewater infrastructure needs within the State, the establishment of this fund will promote and support's New York's return to a sound fiscal state. According to the U.S. Conference of Mayors, the US Department of Commerce estimates that each public dollar invested in water infrastructure increases private long-term GDP output by \$6.35 and every job created in water infrastructure leads to the creation of 3.68 jobs elsewhere.<sup>1</sup>

NYWEA, therefore, recommends that the Bill include the following revised language (changes in red and underlined):

“After reserving the amount to pay refunds, the comptroller must by the 10th day of each month pay into the state treasury to the credit of the general fund or into the environmental protection fund and a dedicated fund to be used solely for water and wastewater infrastructure projects, in accordance with schedule listed below:

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<sup>1</sup> Source: *Mayors Water Infrastructure Report Shows Investment Yields High Returns*, available at [http://www.usmayors.org/urbanwater/documents/NYWATERREPORTRELEASE\\_081408.pdf](http://www.usmayors.org/urbanwater/documents/NYWATERREPORTRELEASE_081408.pdf)

The portion of the revenue to be deposited into the environmental protection fund and a dedicated fund to be used solely for water and wastewater infrastructure projects after the amount to pay refunds has been reserved shall be:

- (i) 15% of monies received by the State placed in the EPF and 10% placed into a dedicated fund to be used solely for water and wastewater infrastructure projects in FY 2013-14;
- (ii) 30% of monies received by the State placed in the EPF and 20% placed into a dedicated fund to be used solely for water and wastewater infrastructure projects in FY 2014-15
- (iii) 45% of monies received by the State placed in the EPF and 30% placed into a dedicated fund to be used solely for water and wastewater infrastructure projects in FY 2015-16
- (iv) 60% of monies received by the State placed in the EPF and 40% placed into a dedicated fund to be used solely for water and wastewater infrastructure projects in FY 2016-17 and every year thereafter. The legislation ensures that there will be no corresponding reduction in monies to fund the EPF and the dedicated fund to be used solely for water and wastewater infrastructure projects from any other State source.”

As an organization with a strong educational component, NYWEA is ready to work with both the Senate and Assembly Environmental Conservation Committees as well as the DEC to advise our elected officials at every level of government and the general public on the benefits of this Bill.

On behalf of NYWEA, I commend your and your colleagues’ leadership on this important topic. Please don’t hesitate to contact either me at 518-447-1617 or [rl Lyons@albanycounty.com](mailto:rl Lyons@albanycounty.com) or NYWEA’s Executive Director Patricia Cerro-Reehil at 315-422-7811, or [pcr@nywea.org](mailto:pcr@nywea.org), if you would like to discuss our comments or believe that we can be of further assistance.

Respectfully,



Richard Lyons  
President

cc: Commissioner Joe Martens, NYS DEC  
Assistant Commissioner James Tierney, NYS DEC  
NYWEA Board  
NYWEA Government Affairs Committee