

## **“Water Issues and Inter-Municipal Collaboration in Ulster County: A Preliminary Look”**

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Water is NY's next and best chance, for the region and for the state, as long as we do right by our resource. Note, I said the region – that is the scale at which we need to consider water resources. Yet we also need to consider our decidedly non-regional status quo: public policy, built environment, highly decentralized governmental structure, and economic system.

Another key consideration when considering how to best address water issues is based upon wise counsel given by my Rabbi William Strongin (just celebrated his 25<sup>th</sup> anniversary in our community last week). Humans are not the problem – Humans are part of the system – to be nurtured and sustained by it – but with an obligation to be present in it thoughtfully and intelligently.

### **I. New York City, its charter and its water**

A friend gave me a 1925 edition of the New York City Charter (5<sup>th</sup> edition). Bound in with the historic 1898 charter that created the city in its current form (and its ancient antecedents) were a few key state laws – apparently regarded as just as fundamental. One such law was the 1905 legislation authorizing the construction of the Catskill portion of the NYC Water system. Apparently, this piece of legislation was then regarded by the editors of this volume as important as the charter in terms of defining a city. We often forget that when this law was passed, the city as we know it was only 7 years old. The water system there was assembled from a myriad of systems or at least arrangements – including parts of systems from four cities (including Williamsburg) and all or parts of 20 towns. **This was a great regional water system to support a great regional government.**

I find it interesting that the city still maintains a groundwater-based system in Queens. There are 69 wells not currently in use, but reserved for backup. This integrated system – including water and sewer services – was just completed this year: *111 years after the creation of our great city*. The last portion of the Queens was just connected to the city water sewer system. In a sense, the consolidation of New York City which began 111 years ago is just being completed now.

<http://cityroom.blogs.nytimes.com/2010/02/17/sewer-hookup-brings-queens-hamlet-into-20th-century/>

The system was and remains **intergovernmental**, by law. In a painful way, building the water system, like creating the greater city, made some localities disappear – literally, not governmentally. More familiarly, in return for our being good, thoughtful protective custodians of greater New York's supply, the 1905 legislation gave us access to water, but perhaps under conditions that are more demanding now than they might have been then. In fact, our interests were regularly neglected early on, until new national regulatory regimens required the city to pay renewed attention to its water custodians to avoid great costs. Self interest in the city and the good offices of Governor Pataki gathered additional accommodation and some resources for us.

## II. New York City Watershed Today

**Today, the region is no longer served by the system.** The downstate region has grown beyond even the most ambitious boundaries envisioned in 1898, to now include parts of three (or perhaps four) states. Yet our capacity to adjust our local boundaries to govern disappeared. We did not further extend regional boundaries of greater New York within our state, as anticipated in 1898. And of course we are constrained by the U.S. constitution regarding state boundaries.

Even though the NYC system was based upon large-scale regional thinking, growth has outstripped our best plans. There remain serious water issues in the now densely settled metropolitan region bordering greater New York. Development pressures and patterns continue to threaten Long Island aquifers and the Pine Barrens ecosystem. So there is a lesson in this for us today, about how to think big, and the need for a certain humility even as we think as regionally as we can. **The NYC Water system may be regarded as a grand but ultimately failed attempt to act regionally. There are inevitable limits of a regional approach, because the ground shifts beneath us.**

## III. Considering the Scale of Water Resource Management

**We can't hope soon for a newly created regional government through which to deal with Hudson Valley regional water issues.** The very creation of the city led to the closure of this door in NYS. The creation of constitutional "home rule" has resulted in a largely inflexible web of general purpose local governments of various degrees of functionality. We have a discussion brief on regional water issues in preparation at CRREO. It suggests, I think ideally without any real expectation of action, the reorganization of local government on a watershed (geographic feature) basis. Absent such an opportunity we have to deal with and accommodate the disjunction between the regional thinking – Watershed thinking – that is required when we consider how to be good custodians and good consumers of water resources, and the persistence of the very local way we are organized for governance. This is especially true in NY, and our Hudson Valley part of New York, where we have a munificence of localities.

Interestingly, we have passed recent legislation to address our jurisdictional complexities. The number of local jurisdictions and the appropriate scale at which to perform functions is a major current public policy concern. Nowhere is this debate more evident than in regard to water. The "Watershed" defines the appropriate scale, but we have hundreds of jurisdictions in which we are making decisions about this water, its use, the protection of its quality. Not all of them are governments or districts linked to governments: Ulster County has 105 systems, according to the *New York Times*, ranging from City of Kingston (listed as 24,000) to Woodcrest Mobile Park in Plattekill (serving 25 people) <http://projects.nytimes.com/toxic-waters/contaminants/ny/ulster> . We cannot do away with complexity, but we can plan for collaborative action and coordination. This is a step toward right sizing.

When he was asked "Why do you rob banks?" Willie Sutton famously replied: "Because this is where the money is." **And so, why did NYC come here for water – Because this is where the water is.** In the aforementioned paper prepared for our discussion brief series, Scott Cuppett and Russell Urban Mead note that we have an enormous and renewable supply of water – something that makes us near unique in the world. (It is symbolic, perhaps ironic, that this conference was delayed due to a munificence of precipitation in February.) Precipitation is expected to increase in the Hudson Valley as

a result of global warming. In fact it is tempting, they mention, to consider us the Saudi Arabia of Water for this century.

Water is our future, if we use it intelligently. It is an area of action – if not unique, then special – where there is a potential joining of interest between those who want to preserve and those who want to develop. Despoiled, ruined or over tapped water is not an economic resource. Wasted water is not such a resource. With consequences of development actions for its quality and availability unconsidered, water will not only fail to be a resource but may become a liability, even a destructive force in our region.

#### **IV. So Much, Yet Scarce**

Isn't it interesting – we have so much water in our region, and yet our headlines about water are about scarcity, about insufficient supply:

- The Village of New Paltz needs \$1.5 million for water system improvements and at the same time, the Town of New Paltz is contemplating creating its own system, which is essential for economic development and to accommodate growth.
- There has been a contentious debate for the last decade over Kiryas Joel's long effort to establish additional water resource, and also regarding its wastewater management.
- Rockland County is considering a desalination plant in the Hudson River.

Simply put, within the region, the water is not where we need it. We have to move it. This costs a lot. Scarcity of supply is linked to scarcity of capital. For example, the cost of acting may mitigate against planning. Plans create expectations. Mitigating planning is not a good idea. Plans, thoughtful plans, are necessary predicates to necessary action.

Orange County has a Water Authority that has created a plan to address future water supplies for the projected population growth. <http://waterauthority.orangecountygov.com/>. Ulster County has no such authority and has no interest in creating one. They do however have a long standing plan that needs updating. In a recent CRREO assessment of intergovernmental collaboration in Ulster County we noted:

“A 1970 study proposed the development of six integrated water supply areas to meet projected needs for Ulster County. In a 1989 study, the prospect was raised of integrating existing water systems in two sub-regions of the county, the southeast (New Paltz, Lloyd, Marlborough, Newburgh) and along the Thruway corridor (Kingston, Ulster and Saugerties). Additionally, the 1989 study identified potential long-term water supply issues in Gardiner, Shawangunk and Plattekill. Action is very costly, and has not been taken. The availability of ample water and sewer capacity is an essential economic development resource. “

There is also concern about the reliance on groundwater in increasingly densely populated areas, while smaller water supply systems are being abandoned. Is county the right scale at which to plan? It is the best alternative. And in some places we see collaboration across county borders, for example between Marlboro and Newburgh, in anticipation of a scheduled shutdown by New York City of a major water tunnel upon which they rely for repairs.

But even better would be a regional planning effort that would be invested in as a regional entity, and advised and supported by all the jurisdictions. We need to know what resources we have. We need to know what we have to do to assure water quantity and quality along with a range of dimensions going

forward. And we need to understand what we can use and what needs to be left untouched to balance the system.

## **V. Building Current Intergovernmental Coordination Efforts within a Watershed Framework**

There are current efforts to collaborate on water resource issues linked to the depopulation of cities and the opportunity it presents. The City of Kingston and the Town of Ulster is one such example. There is also intergovernmental agreement regarding storm water management in Ulster County in response to federal mandates, which is better than the alternative model of creating a new government entity, as happened in Westchester County. Also in Ulster the new Kingston wastewater treatment facility is being used collaboratively by other jurisdictions, and there is room for additional partners.

How do we build these efforts within a watershed based, regional framework? What is the role of the State? Some would suggest that harnessing existing law, specifically Article 15, Title 29 of the Environmental Conservation Law, which created the Water Resources Planning Council to develop regional water resource management plans, is the answer. Then there are regional entities like the Hudson Valley Regional Council that could play a role in coordinating water resource management programs.

What is the constituency? Groups are organized regionally, across local jurisdictional boundaries including groups focused on the environment, as well as business and development. Can these interests work together? Within each sphere, are there too many players, too diversely active? Persistent viability is needed, but there is also a need for a balanced approach that considers a range of values – quality, supply, fisheries, habitat preservation, biodiversity, flood control. When these issues and concerns are integrated, the self-interest advocacy role then diminishes. Carmen Sirianni recently authored a book entitled *Investing in Democracy: Engaging Citizens in Collaborative Governance*. She describes how the EPA and other Federal Environmental Agencies are demonstrating collaborative governance and working across sectors. Yet the Hudson Valley is not mentioned as an example in NYS.

## **VI. What Next?**

There is a gubernatorial election upon us. Do we have an agenda? Can inter-municipal collaboration and governance be a priority? To ask these questions is to answer them. We must. And it must.