



# Croton Watershed Clean Water Coalition



## On Pharmaceuticals in Drinking Water et al

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### Nationwide are many water problems

The Colorado River reservoirs continue to sit half-empty, Idaho's overtapped aquifers spur conflicts, Texas' Rio Grande cannot reach the sea and California's wildland firefighters ran dangerously short of water. As inflows diminish due to global warming there is a 6 percent loss per decade in the Cascades, and Seattle will lose 24 million gallons per day by 2040. 57 rivers nationwide are desiccated to record lows. The Great Lakes fell 7 inches below historic levels. Southeast drought cut Tennessee Valley Authority hydropower production in half, exposed Lake Okeechobee's bare bottom in Florida, dried \$787 million of Georgia's crops and left Atlanta with 60 days of water. In addition, California citizens are fighting a tug-of-water with corporations and the city officials re privatization, residents in Lexington, Ky., have been organizing to regain control of their water from *Rheinisch-Westfälisches Elektrizitätswerk*, and the city of Indianapolis is investigating the company Veolia Water for mismanaging its water supply.

Our grassroots organization is working to ensure the high quality of NY water remains undiminished for the future. Our focus is primarily on the Croton Watershed, East of the Hudson River because we realize this watershed is the default system for the City. It supplies 10% of the water; however, in times of drought, 30% - i.e., more water when we need it most. The repairs needed on the Delaware Aqueduct and the siltation of the Catskill Watershed from **storm events, which are more prevalent with climate change, brings the Croton Watershed to the**



Fay Muir

**forefront as the one reliable source water system.** The Croton Watershed has unique, resilient, qualities because 70% of wetlands in the entire 2000 square mile system are located there, even though it is only 380 square miles in size. The Croton wetlands have the ability to control floods and naturally filter water because of their rich alluvial soils and diversity of plants and wildlife. **Also, the thick regrowth of forests since the demise of farming in the Croton Watershed has contributed significantly to the high quality of the water entering the streams and reservoirs.**

### Media

We applaud the good media coverage on water issues concerning bottled water so think this pharmaceutical scare is probably a response from the bottled water industry.

However we are puzzled as to how widespread this press coverage is on pharmaceuticals since these constitute, in some cases only one part per billion or, in others - one part per trillion found. There is possibly more risk from placing our hand on a stair rail. We wonder where has been the coverage on phosphorus and nitrogen found in concentrations that are



dangerous to our health and well being. Why has there been favorable coverage on the \$2.8 billion (and rising) Chemical Treatment Plant when spending \$200 million on source water protection by purchasing land in the Croton Watershed would be the permanent solution. The critical water infrastructure problems get little media

**\$2.8 billion, the cost of the treatment plant, would pay the taxes on the land for 200 years or more**

attention while a costly treatment plant is featured; more infrastructure, whose useful

(cont'd on page 2)

**On Pharmaceuticals...** (cont'd from page 1)

life will be 20 years and would need expensive maintenance. **The purchase of land in the Croton Watershed would need minor maintenance and \$2.8 billion, the cost of the treatment plant, would pay the taxes on the land for 200 years or more.** In addition we could get the benefit of clean air, clean water and good health - not the destruction of a neighborhood, fine particulate air pollution and bad tasting water because of the treatment chemicals. In addition, the precedent set by building in Van Cortlandt Park has caused the loss of parks and open space all over the city. I encourage continued coverage of NY water; it is an ugly story of the failure of three levels of government to protect the great quality of NY water.



**Membrane Filtration Alternative**

It is not too late to switch to the water treatment technology of choice in the 21st century, membranes, instead of the Dissolved Air Flotation Plant (DAF) being built by the City. A membrane filtration plant can remove pharmaceuticals as well as being one thousand times more effective at removing pathogens such as cryptosporidium. In addition, it uses one-third less electrical power. The city would save a great deal of money and the small size of a membrane filtration plant makes it possible for it to be placed anywhere, not a public park. The Memorandum of Agreement (MOA) deadlines, the legal settlement between Department of Environmental Protection (DEP), Department of Health (DOH) and Environmental Protection Agency (EPA), would be met regardless of the switch to membranes. **The technology is modular so the plant can be built and/or upgraded quickly and more economically than DAF.**



**Source Water Protection**

Most important however, is protection at the source and this means purchasing land in the watershed or negotiating conservation easements. The Croton Watershed's wetlands are valuable resources in the watershed since they purify the water by absorbing pollutants, controlling floodwaters, and recharging the groundwater aquifers that, in turn, are connected to the streams and reservoirs. Wetlands act as sponges that are capable of absorbing large volumes of stormwater and then releasing it slowly to the environment. **Wetlands purify our drinking water by trapping harmful pollutants such as pesticides, heavy metals (lead and mercury), sediments and chemicals including pharmaceuticals.** Their hydric soils bind pollutants and promote the degradation of bacteria. Wetlands also serve as incomparable habitats for a large variety of wildlife ranging from fish and amphibians to reptiles, birds and four-footed creatures. This natural filtration of our water is unparalleled, the web of life that keeps the planet healthy and continues to keep the Croton Watershed viable.

**Sustainable Economics**

There are responsible economic choices such as organic farming that can be done within a watershed. Organic farming builds soil, provides habitat, and eliminates pesticide and other stormwater runoff. Organically produced foods are grown without toxic pesticides or fertilizers, antibiotics, synthetic hormones, genetic engineering, sewage sludge, or irradiation. **Organically grown produce has considerably more antioxidants, and higher levels of vitamins.** Build the market for organic food and products by buying them for your family as an investment in clean water and a healthier food system thereby less need for pharmaceuticals.

(cont'd on page 3)

**On Pharmaceuticals...** (cont'd from page 2)

Also, the lure of open space beauty will forever attract visitors and be an economic boon. Eco-tourism travel to natural areas conserves the environment and improves the welfare of the local people. Green travel packages allow you to combine unforgettable nature destinations with enriching experiences offering stylish and sustainable ways to experience the best of a unique locale, making it easier than ever to conserve and remain solvent.

According to the Center For Ecological Economics, government intervention will have to change significantly to actively protect natural capital. The approach to ecological economics will have to shift to achieve sustainability. The economy is a sub system of the environment therefore must include biophysical and ecological relationships and the maintenance and enhancement of stocks of natural capital. Economies based on restoration, regeneration, and adding value to natural resources will yield unrivaled monetary and biophysical values.

***The approach to ecological economics will have to shift to achieve sustainability. The economy is a sub system of the environment.***

**NYC Council Hearing**

CWCWC has long advocated for a NYC Council Hearing on the water issues of concern to the public that consume Croton water but has been stonewalled. However there was a Hearing held on April 8 on the subject of pharmaceuticals in water. Three panels testified, USGS; DOH/DEP/DEC; and NRDC/ NYPIRG

/CWCWC. This should reasonably have taken an hour - at most one and one-half hours. With what can be adequately described as delaying theatrics, the Chair ummed and aa-aa-ed his way through four hours. In addition **CWCWC testimony (largely reproduced here) was interrupted and described as "off the subject" and condescendingly allowed.**

As always, we were the last to present testimony and all except the intrepid supporters had left the hearing room. CWCWC hopes that public officials will connect the dots and see the need to think global, act local. The vital supply of clean water, of which NY has an abundance, will suffer the severe problems that much of the nation faces as well as the rest of the world, unless we act now to prevent it.



# The Clean Water State Revolving Fund

Unless there is a dramatic increase in federal funding, municipalities will be unable to maintain their aging water and sewage infrastructures. Various studies all agree that a serious shortfall in funding lies ahead, one study citing a figure of \$500 billion over the next two decades. The Congressional Budget Office estimates that close to \$20 billion is needed on an annual basis to provide clean, safe water.

However, funding for the water systems repair and maintenance has steadily declined under the Bush administration. From an appropriation of \$1,350 billion in 2001, appropriations were down to \$887 million in 2006. Unable to provide funding for necessary repairs and maintenance for failing water infrastructure, municipalities have been turning to private enterprise to solve their water problems.

**The Clean Water State Revolving Fund's (CWSRF) purpose is to provide low interest**



*Marian Rose  
President Emeritus*

**loans to municipalities for maintenance and repair of drinking water systems and sewer projects.**

However, authorization for the CWSRF expired in 1994 and it was not until March 9, 2007 that House bill, HR 720, the Water Quality Financing Act of 2007, was passed reauthorizing the CWSRF.

HR 720, introduced by James Oberstar (D-MN), provides \$20 billion in loans over the next five years for water and sewer projects. It also provides a flexible loan package from which states can select those loans that are most favorable for their local municipalities.

So far, there is no Senate bill. We ask our readers to please sign on to our letter to Senators Schumer and Clinton (see "Take Action"), urging them to introduce the parallel Senate bill, so necessary to protect the nation's vital water resources and the health of our citizens.

## Support the Clean Water Restoration Act (H.R.2421/S.1870)

The following is a very brief outline explaining how the Clean Water Restoration Act (CWRA), introduced by Representative Oberstar in the House, and Senator Feingold in the Senate, would restore some badly needed protection to our water resources.

If you wish, you can skip the following brief explanation of what the bill would do and go directly to "Take Action" on our website to sign on. Thank you!

Or else, you can read the following and then sign on. Thank you!



*(cont'd on page 5)*

Under the Federal Water Pollution Control Act (Clean Water Act). 33U.S.C. §§1251-1387, October 18, 1972 + amendments), the primary authority for implementation and enforcement of the CWA rests with the Environmental Protection Agency (EPA). Permits are issued by the Army Corps of Engineers (ACOE) under EPA guidelines. In particular, under Section 404, the ACOE issues permits pertaining to wetlands.

§1362 of the CWA states, in part: "...Among the national goals stated in the Act are the elimination of the discharge of pollutants into navigable waters by 1985 and, where

attainable, the achievement by mid-1983 of an interim goal of water quality sufficient to provide for the protection and propagation of fish, shellfish, and wildlife and for recreation in and on the water."

The critical point is the meaning of "navigable." CFR Part 328 (Definition of Waters of the United States) defines the jurisdictional limits of the ACOE under Section 404 of the CWA. For "navigable waters", it uses the definition under Section 502(7) of the CWA which reads as follows: "The term 'navigable waters' means the waters of the United States, including the territorial seas."

### **Going back to CFR Part 328, Section 3 defines "waters of the United States":**

- All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;
- All interstate waters including interstate wetlands;
- All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce....;
- Tributaries of waters identified in the above categories;
- Wetlands adjacent to those waters identified above that are not themselves wetlands.

Clearly, many of these waters are not navigable. The intent of Congress appears to have been far less restrictive at the time the CWA was enacted. Nonetheless, the wording is extremely confusing since "navigable" clearly does not include those waterbodies that are listed to be protected.

### **The Clean Water Restoration Act would recapture the original intent of Congress by**

- (1) Eliminating §7 in Section 502 of the CWA;
- (2) Eliminating the reference to interstate and foreign commerce;
- (3) Striking "navigable waters of the United States" or simply "navigable waters" wherever these terms appear.

This bill is being vigorously opposed by Republican members of the committee. and some Democrats.

Subsequent to the hearing on April 16th, Rep Rick Larson (D-WA) claimed that the "consensus" that emerged was that the law should only regulate "navigable waters."

Interestingly, the committee's ranking Republican, Rep. John Mica (R-FL), saw the bill as undermining land rights and economic development.

CWCWC continues vigorously to support this bill. There should be no compromise on the striking of "navigable waters". Particularly in these times of widespread droughts throughout the US (see U.S. Drought Monitor, April 15, 2008), this bill would give our irreplaceable and sorely-stressed water resources the protection that they so desperately need.



# Review of THIRST

Fighting the Corporate Theft of Our Water by Alan Snitow & Deborah Kaufman with Michael Fox

(published by Jossey-Bass, A Wiley Imprint  
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Who should own our water supplies and control their use and distribution - large, powerful corporations with world-wide subsidiaries - or publicly-owned and controlled water companies?

Such is the subject of this book that describes the struggles of ordinary citizens in various parts of the US to keep their local water systems from being taken over by private corporations beholden to their investors rather than to the general public.

A continuation of the authors' PBS documentary Thirst, this book tells a convincing and chilling story of how powerful, multinational corporations are seizing upon the world's increasing need for a dwindling resource - water - to buy control of its sources and distribution systems.

Alongside the acquisition of municipal water systems, the bottled-water industry has also been exploding. Today, that industry is worth \$10 billion per year income. Nestle, based in Vevey, Switzerland together with US multi-nationals, Coca-Cola and Pepsico, dominate this industry.

"Water is fast becoming a commodity to be bought and sold, rather than the medium through which a community maintains its identity and asserts its values."

The authors are clearly sympathetic to those citizens who resist having their water sucked out of the ground and their way of life disrupted by companies whose primary duty is to make a profit for their investors rather than provide the community with a vital resource - clean, safe and affordable water. The authors provide examples from various regions of the US where local citizen groups have attempted to oppose outside control of their water resources - with varying degrees of success.

85% of Americans are served by publicly or locally operated water systems. In the US, for the most part, water is a public trust. By

contrast 80% of France gets its water from private water companies, which may account for why bottled water, from world-renowned sources, has been and remains such a large industry in France.

Giant French companies such as Veolia and Suez are now acquiring rights to operate US-based systems. "Between 1997 and 2002, the number of municipal water contracts with private industry tripled ... Private companies provided service to 50 million people in 1990. By 2002, they were servicing more than 300 million."

**private corporations do not have an incentive to support water conservation even though there are already dire, world-wide water shortages.**

The authors raise the question: who can provide safer, more affordable, less environmentally destructive drinking water - private or publicly-owned corporations? **Private companies are beholden to their shareholders; they can increase their dividends by cutting costs and/or raising rates. Thus, private corporations do not have an incentive to support water conservation even though there are already dire, world-wide water shortages.**

Also, supporting large-scale real estate development will help to increase sales and profits. Public systems are less dependent on increasing sales in order to maximize profits. Also, their aim is different. As expressed by a former worker at the Stockton, CA water system, now taken over by OMI/Thames: "We don't have to think about how we are going to make a profit. All we have to think about is how we are going to provide a good service for the citizens".

The federal government has been cutting back on subsidies to maintain the infrastructure of drinking water treatment plants and sewage treatment systems. As a result, "In many cases, the urge to privatize is based on desperation. More than twenty-five years of anti-tax crusades and conservative hegemony in Washington have decimated local government finances. The possibility of pushing an entire municipal department and its workers off the books and under an outside company's purview seems like

## Review of THIRST *(cont'd from page 6)*

man from heaven."

In Atlanta, Georgia, the Chattahoochee River, the source of drinking water for 70% of Atlanta's 3.5 million residents was overwhelmed with chemical pollutants and untreated sewage overflows. Under the Federal Clean Water Act, the state and city were required to clean up the river by 12/31/1993 or face a \$100,000 daily fine. In January, 1997, with the case still in the courts, the Clinton administration changed the regulations so as to allow cities to enter long-term contracts with private investors for up to 20 years. In mid-October, 1998, the City Council approved a \$428 million, 20-year contract with United Waters of NJ, owned by Suez. United Waters took charge on January 1st, 1999. By January, 2003, **United Waters performance was so bad that the City decided to terminate the contract.**

Even small towns are under pressure of privatization. An example was Lee, MA, in the Berkshires, with 6,000 inhabitants. The Massachusetts Department of Environmental Protection required Lee to upgrade its Wastewater Treatment Plan within four years. The lone bidder was a North American subsidiary of Veolia, the giant French corporation. But Veolia did not succeed. Opposition by concerned citizens was near-unanimous and the contract was voted down. As one citizen described it: "...It was quite a thing to see that, a bunch of regular people defeat a mammoth giant like Veolia."

This was a clear cut victory for a group of citizens from a small town, defending their turf and finally overcoming the attempt by a large, multinational to control their most vital resource. Unhappily, this is often not the case - most opposition to privatization is still ongoing. In many of these cases, the takeover companies avoid the word "privatization" and call the contracts "public-private partnerships" or PPPs. These contracts allow municipalities to remain the owners of the infrastructure but in name only. Over the 20-year period of a privately ownership of the water system, it becomes increasingly difficult for the town to reclaim control, in case that were needed.

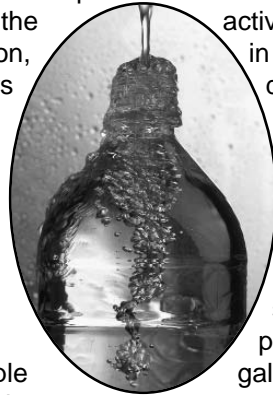
On another front, the bottled water industry "has been a driving force in shifting cultural attitudes towards the privatization of water." **Consumers of bottled water pay up to ten thousand times more than for tap water. Yet, tap water is far more strictly controlled and regulated than bottled water.** Over 40 million gallons of bottled water are consumed in the US, each day, of which the residue, 88% of the bottles, ends up in landfills.

The authors provide an informative story on how activists in two Wisconsin hamlets succeeded in preventing Perrier, the bottled water division of the giant food company, Nestle, from extracting about 260 million gallons per year from their aquifer.

In Michigan, in Mecosta County, a community group headed by a librarian, with the help of a local Indian tribe and student activists joined together to prevent Nestle from extracting 570,000 gallons per day from their local aquifer. The case resulted in dramatic court battles. The decision in the lower court, largely in favor of the activists, was rendered after pumping had started. Consequently, Nestle asked the Michigan Court of Appeals for a stay of the lower court's decision. The stay was supported by the Governor. Then, two years later, the Court of Appeals, although admitting that the pumping would result in negative environmental impacts, maintained that these could be ignored because jobs and the economy were more important. The initial victory was turned into a defeat.

"The outcome of the current conflict between corporations and citizens' movements to control this precious resource will be decided in the years to come. Whether clean and safe water will remain accessible to all, affordable and sustainable into the future, depends on all of us. The stakes could not be higher. The outcome will surely be a measure of our democracy in the twenty-first century."

This well-researched, well-documented book is highly recommended reading for activists concerned with and opposing the threat of private interests taking control of our most indispensable and vital resource - water.



# Peach Lake Update

An application from lead agency North Salem has been submitted to the NYS State Comptroller to form the Peach Lake sewer district. A revised Map Plan and Report (MPR) was completed by Stearns & Wheler Engineers. A wastewater treatment plant (WWTP) will be built on two acres at northern end of Vails Grove in Southeast with tertiary treated effluent discharging into a phosphorus-restricted basin and Lake outlet, Peach Brook (a NYS Department of Environmental Conservation regulated wetland BR-24), which flows north through Cedar Swamp to East Branch Reservoir. The collection system will service approximately 400 homes in Vails Grove, Peitsch Gardens, Northern Westchester Country Club and Bloomerside, and a small business district in North Salem at Bloomer Road and Route 121. Negotiations continue with NYC Department of Environmental Protection (DEP) about the permitted flow amount to be designed with a capacity between 165,000-180,000 gallons per day (gpd) and an expected average annual flow of approximately 140,000 gpd. Archeological resources on NYS Site Inventory must be carefully protected. Wetlands and buffers are still being flagged. Variances and permits need to be obtained from town, state and/or federal agency as may be required.

An Environmental Assessment Form (EAF) determined that no significant or adverse environmental impact will occur. Data reviewed by a limnologist calculates that the water to be diverted out of the Peach Lake watershed rather than recharging groundwater/aquifer and the Lake will not affect Lake water level or its ecology but makes no mention of the effect on the aquifer's depletion. Facing a future of global warming with a reduction of potable water even more critical to our survival than oil, a report was expected in an expanded EAF on the impact to our local aquifer especially in times of drought. Environmentalists are concerned that by skipping a full State Environmental Quality Review, this issue will be left unexamined.

A second petition was circulated to Peach Lake residents for an increased, realistic price of



Suzannah Glidden

\$1200/year versus the former \$800/year. The total project cost is \$24.1 million with DEP paying \$2.5 M for tertiary treatment. The remaining \$21.6 M will be paid by \$10 M from Westchester East of Hudson (EOH) funding, \$2.5 M from EOH Putnam funding, and a 30-year 1.5% loan from Environmental Facilities Corporation for Peach Lake individual homeowner cost of \$800/year for capital costs. Operation and Maintenance minus DEP's contribution for tertiary adds \$400 a year for the total homeowner expense of \$1200/year.

All WWTPs in the Croton Watershed are required to include certain advanced treatment technologies (membrane filtration) for removal of Giardia and

**All WWTPs in the Croton Watershed are required to include certain advanced treatment technologies (membrane filtration) for removal of Giardia and Ammonia removal, sand and membrane filtration and ultra violet disinfection will satisfy Ten-State Standards.**

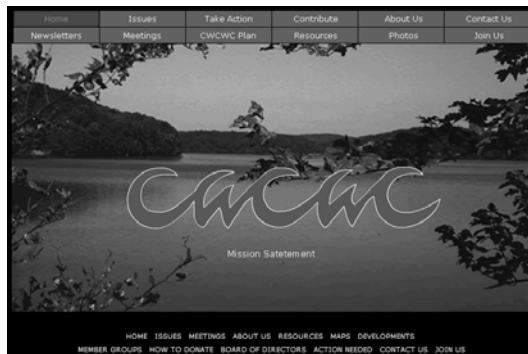
Cryptosporidium. Ammonia removal, sand and membrane filtration and ultra violet disinfection will satisfy Ten-State Standards. WWTPs between 50,000 and 500,000 gpd also required to discharge less than or equal to 0.5 milligrams/liter (mg/L) phosphorus and must further reduce the phosphorus from new sources at a rate of 2 pounds removal for every one pound discharged. DEP wishes for the Lake to meet the same value as the Total Maximum Daily Load for the East Branch Reservoir Basin which is 20 micrograms/liter (ug/L) for phosphorus. At this concentration, lakes are considered to be free of nuisance algal blooms and generally attractive for recreational use. Further explanation of processes is contained in the MPR on file at North Salem Town Hall.

The State Comptroller is expected to quickly approve the sewer district formation to advance the loan financing before June 15th. Stearns & Wheler is interviewing households

to determine locations of water pipe exit from house and septic tank, and discussing best grinder pump locations. A bid package will be put out for construction proposals at the end of June. Grants for stormwater abatement have been secured and remediation will probably take place during construction of the WWTP and collection system which is expected to begin next year. Blasting, sediment and erosion control, groundwater control, protecting in-ground water and drainage systems, and traffic rerouting will make living along narrow streets difficult during construction but worth the trouble to save the lake. It is hoped by residents that there'll be no cost overruns or future increases above \$1200 per year.



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Packed with information on our resilient  
and beautiful watershed

CWCWC, Inc.  
The Croton Watershed's  
last line of defense  
Stay tuned and give us feedback by Email at

[crotonwshed@aol.com](mailto:crotonwshed@aol.com)

or Fax: 914-234-6139

or write to  
CWCWC, Inc.  
9 Old Corner Road,  
Bedford, NY 10506

The Croton Watershed Clean Water Coalition strives to protect and improve the waters of New York City's Croton Watershed, a critical component of the water supply for over half the population of New York State. We are an alliance of individuals and groups who believe that safe, clean and affordable drinking water is a basic human right.

Send in your membership and receive membership mailings and a subscription to CWCWC newsletter "Our Water, Our Future." Most importantly, your membership will help you get involved with the preservation of one of our most precious resources, our water.

### Croton Watershed Clean Water Coalition Membership Application

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: \_\_\_\_\_

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|---|-----------|--|-----------|
| <input type="checkbox"/> Group/Coalition Membership | \$50/year | <input type="checkbox"/> Students/Seniors        | \$10/year |
| <input type="checkbox"/> Family Membership          | \$25/year | <input type="checkbox"/> Other                   | \$ _____  |
| <input type="checkbox"/> Individual Membership      | \$20/year | <input type="checkbox"/> Additional Contribution | \$ _____  |
| <input type="checkbox"/> Renewal                    |           | <input type="checkbox"/> New Membership          |           |

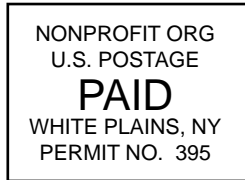
CWCWC, Inc. is a tax exempt, charitable organization under section 501 (c)(3) of the Internal Revenue Code. Your membership contribution is fully tax deductible.

Make checks payable to Croton Watershed Clean Water Coalition, Inc. and mail along with your membership form to:

Treasurer, CWCWC, Inc., PO Box 484, Bedford NY 10506



**Our Water, Our Future**  
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MAY JUNE 2008