



**Save the Sound**<sup>®</sup>  
Action for our region's environment.



FOR IMMEDIATE RELEASE  
October 11, 2023

Contact:

David Seigerman, [dseigerman@savethesound.org](mailto:dseigerman@savethesound.org), (917) 796-6076

Roger Reynolds, [rreynolds@savethesound.org](mailto:rreynolds@savethesound.org), (860) 997-3223

Robert S. DeLuca, [bdeluca@eastendenvironment.org](mailto:bdeluca@eastendenvironment.org), (631) 495-0601

Pete Topping, [pete@peconicbaykeeper.org](mailto:pete@peconicbaykeeper.org), (631) 653-4804

## **Save the Sound, Group for the East End, and Peconic Baykeeper Notify Suffolk County Legislature of its Obligation under the Green Amendment to Address Nitrogen Pollution**

*Continued failure to act jeopardizes public and environmental health and violates NY Constitution*

Larchmont, NY — Nonprofit environmental organizations Save the Sound, Group for the East End, and Peconic Baykeeper have notified the Suffolk County Legislature that its failure to take meaningful action to address nitrogen pollution resulting primarily from outdated and inadequate septic systems violates the Green Amendment of New York's Constitution. The letter, [prepared by PACE Environmental Litigation Clinic](#), was delivered via email to Presiding Officer Kevin McCaffrey on Tuesday and introduced during the public portion of a general meeting of the Legislature on Wednesday morning.

The Green Amendment, originally known as the Environmental Rights Amendment, was adopted by 70 percent of New York voters in November 2021, ensuring "each person shall have a right to clean air and water, and a healthful environment." The Green Amendment does not dictate what actions should be taken, only that action must be taken to prevent the degradation, diminution, or depletion of public natural resources, such as clean water. The environmental groups consider the Legislature's inaction a failure to comply with the state Constitution.

"Nitrogen from failing and inadequate septic systems in Suffolk County is violating New York's Green Amendment guarantee of clean water and a healthy environment for Suffolk County residents both by contaminating drinking water and by causing low oxygen dead zones and dangerous algal blooms in surface water," said **Save the Sound Senior Legal Director Roger Reynolds**. "The problem and solutions are well documented in the County's own Subwatersheds Wastewater Plan. Moreover, the State Legislature recently passed a law allowing Suffolk County to raise money to fund the solution at minimal cost to individual County residents, yet the County Legislature is failing even to put the matter on the ballot to allow voters to decide – a necessary step toward implementation. The failure to take this incentive approach could leave banning traditional septic systems as the only solution. The wastewater district is a better approach from an environmental, social, and economic perspective and should be implemented immediately to protect Suffolk County residents' Constitutional right to clean water and a healthy environment."

Suffolk County has been plagued by widespread nitrogen pollution for decades. Nitrogen released from leaky septic systems threatens Suffolk County's groundwater, which serves as the only source of drinking water for County residents. Contaminated groundwater has detrimental effects on the County's most prominent surface water bodies – Long Island Sound, Peconic Bay, and Great South Bay – as well as the tributaries that feed them.

The Legislature has long been aware of its large-scale nitrogen problem. In 2015, the Long Island Nitrogen Action Plan was enacted by Suffolk County, Nassau County, the New York State Department of Environmental Conservation, and the Long Island Regional Planning Council. The stated priorities of this multi-year initiative include an assessment of nitrogen pollution in Long Island water and the development of an implementation plan to achieve reductions. The Suffolk County Septic Improvement Program clearly states that “nitrogen pollution from cesspools and septic systems has been identified as the largest single cause of degraded water quality contributing to beach closures, restrictions on shellfishing, toxic algae blooms, and massive fish kills.”

The very first sentence of the Introduction to the Suffolk County Subwatersheds Wastewater Plan, adopted in 2020, asserts that “. . . Suffolk County is pursuing proactive measures to reduce nitrogen pollution to the County's surface waters and groundwater.”

Most recently, the Legislature was given an opportunity to act to address the problem through the Suffolk County Water Quality Restoration Act. IR-1512 would establish a wastewater district for the county's 27 sewer districts; IR-1573 would establish a fund from a 1/8 percent county sales tax to support the expansion of sewer systems and replacement of the County's 380,000 septic systems. The Legislature did not adopt either measure, and no public referendum related to water quality will be on the ballot for Suffolk County voters this Election Day.

**Robert S. DeLuca, president of Group for the East End**, said, “After a decade of unprecedented effort, Suffolk County is finally ready to launch its most comprehensive wastewater management program in more than 40 years. Unfortunately, the Legislature's ongoing failure to let voters authorize and fund this critical program is now standing in the way of widely supported environmental progress, and violating every county resident's established right to clean water and a healthy environment.”

“Peconic Baykeeper was founded on the principle that every resident of Suffolk County has the right to swimmable, drinkable, and fishable water,” said **Pete Topping, executive director and Baykeeper at Peconic Baykeeper**. “New York's electorate echoed this sentiment when they voted to include the Green Amendment in the state's Constitution, guaranteeing their right to clean water and a healthy environment. Despite the Suffolk County Legislature's unanimous support for the Suffolk County Subwatersheds Wastewater Management Plan, which identifies nitrogen pollution from conventional septic systems as the largest threat to the region's water quality, efforts to effectively fund this critical plan have been stalled by the Legislature's inaction to allow the public to vote for the sustainable funding that this plan needs. In addition to allowing for the further degradation of our drinking water and aquatic ecosystems with each passing day, the county's failure to act deprives the county's residents of their constitutional right to clean water.”

\*\*\*