



LONG ISLAND ROAD WARRIORS

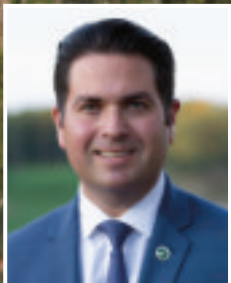
A PUBLICATION OF THE LONG ISLAND CONTRACTORS' ASSOCIATION

KEVIN McDONALD

The Business of Nature and how Suffolk County has the unprecedented opportunity to change the trajectory of Long Island's nitrogen pollution problems.



INSIDE:



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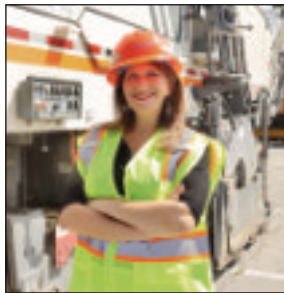
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Long Island ROAD WARRIORS is the official magazine of the Long Island Contractors' Association, Inc. (LICA). LICA represents the interests of the region's premier heavy construction general contractors, subcontractors, suppliers and industry supporters. Focused primarily in the transportation infrastructure construction industry such as highways, bridges, rail, sewers and other public works, LICA's member companies play a significant role within Long Island's Nassau and Suffolk Counties. The economic impact of the industry contributes \$4 billion to the area's local gross regional product. © LICA 2023 Long Island ROAD WARRIORS is copyrighted but portions may be reprinted with permission of LICA.

WELCOME TO THE SUMMER EDITION OF ROAD WARRIORS!

BY JAIME FRANCHI



In early July, the summer weather was off to a slow start. The temps were hanging onto the spring chill and every few weeks or so, we saw clouds of smoke from Canada. Then we were thrust into a record-breaking heat wave with little relief from passing rainstorms. Nevertheless, this island opens its arms to the summer crowds at our beaches on both the Sound and on the ocean, the farm scene on the North Fork, the concerts at Jones Beach and throughout our downtowns. Development is in full swing; megaprojects are being negotiated and shovels are in the ground. It's difficult to forget our groundwater, as we are surrounded. While we enjoy the touristy spoils of our home, the delicate ecosystem of our environment should be top of mind.

On November 8, 2022, New Yorkers overwhelmingly approved a ballot proposition to make \$4.2 billion available for environmental and community projects. State agencies, local governments, and partners will have the opportunity to access funding to protect water quality, help communities adapt to climate change, improve resiliency and create green jobs.

Bond Act Funding will support new and expanded projects across the State to safeguard drinking water sources, reduce pollution, and protect communities and natural resources from climate change. As we have come together as a state and a region to approve the Environmental Bond Act, we know that the next few years will be critical in shaping how we apply these funds. This issue of Road Warriors outlines exactly why Long Island needs its fair share of this funding with key projects that will restore and protect the Great South Bay so that future generations can enjoy the summers we have come to know and love.

In this issue of *Road Warriors*, we delve deeply into the environmental issues that plague our region and bring together the stakeholders who understand the long-term implications of our current environmental practices and have the vision and the tenacity to bring new ideas. In our cover article, meet the venerable **Kevin McDonald**, who directs political policy for the Nature Conservancy. Kevin will discuss the three major accomplishments of his 40+ year career as an environmental advocate as he pushes his fourth over the finish line. You will learn about innovative wash pant technology and the art of recycling concrete and asphalt from **Todd Ruttura** of Our Recycling, Inc. and **Robert Tasse** of Posillico, Inc. **Kyle Strober**, Executive Director of Association for a Better Long Island, weighs in on how the funding from the Environmental Bond Act should be best spent on Long Island. **Christopher Weiss**, Director of Wastewater Engineering at H2M Architects and Engineers talks about vital projects his firm is working on in Riverhead and Patchogue that are eligible for funding under the Environmental Bond Act guidelines. **Vinny Albanese** of the New York State Laborers' Organizing Fund comes at the issue from a labor perspective and finally, **Assemblywoman Gina Sillitti**, discusses sewer project initiatives she was able to implement in Manhasset.

As always, we thank you for the work you do to keep Long Island running. We look forward to this summer season and remind everyone to stay safe out there.

Thank you,

Jaime

DON'T RAP HEAVY CONSTRUCTION INDUSTRY AS ANTI-ENVIRONMENTAL

BY MARC HERBST

Environmental consciousness was among the many issues sweeping our nation during the Woodstock era. The social revolution movement at that time included musicians singing lyrics against environmental degradation. In particular, Joni Mitchell released the hit Big Yellow Taxi in 1970 (re-released in 2002 as a cover hit by Counting Crows), which included in its chorus, "They paved paradise and put up a parking lot."

This refrain disparaged the paving industry, implying that our workers recklessly pillage our natural resources. The perception of haphazardly blacktopping our landscape remains an unfortunate rap against the heavy and highway construction industry. Nothing is further from the truth.

The Long Island Contractors' Association and its member firms proudly work cooperatively with many environmental advocacy groups to care for our community's natural resources and protect them for future generations. We stand with our partners in supporting legislation and regulations protecting our air, land, and water. LICA's members execute preventive and remedial actions to ensure preservation is honored as a priority.

Despite Joni Mitchell's lyrical rap against paving, LICA is 1000% in favor of RAP: Recycled Asphalt Pavement. Our goal is not to pave paradise but to provide a safe, reliable infrastructure for our community in an environmentally sensitive manner. This industry also recognizes that finite aggregate resources, such as virgin sand, gravel, and crushed stone, are limited. LICA sug-



gests municipalities minimize using these resources and enact specifications for greater use of recycled materials in their product mixtures. The use of RAP is less energy-use intensive, requires fewer natural resources, and is less expensive. We recommend all Long Island municipalities standardize bid requests and call for at least 20 percent RAP in top asphalt and 30 percent RAP in base coats and binders. Neighboring New York City permits up to 40 percent RAP; we can do better. Let's care for the environment and pave the way for better roads and parking lots!

Who will be the Long Island local elected official championing standardizing the region's environmentally enhanced paving specifications? Which county executive, town supervisor, mayor, or highway superintendent? LICA will gladly support this leader in addressing this critical effort to protect our natural resources.

While we wait for a leader to accept this challenge, LICA will continue other efforts to protect our Long Island paradise. Each day our members are proudly working to prevent the seepage of harmful waste into the aquifer, maintaining quality drainage systems, shoring up our precious coastlines, repowering the future with offshore wind initiatives, pioneering environmentally sensitive mining techniques, and manufacturing innovative and alternative wastewater treatment systems to remove polluting cesspools and conventional septic systems. You cannot rap our commitment to our environment. 🌱



THE BUSINESS OF NATURE



In 1983, President Ronald Reagan said in a speech, ‘I heard someone say that a man has made at least a start in understanding the meaning of human life when he plants shade trees under which he knows he will never sit.’ For Kevin McDonald, policy advisor for the Nature Conservancy—one of the most effective and wide-reaching environmental organizations in the world—this quote would be apt if we modified it to include sewers.



The community preservation fund is a program that protects land and water resources that preserve the unique landscape of Eastern Long Island. It’s funded by a 2 percent tax paid by real estate purchasers, and over the course of its 20-year history, it has generated more than \$1.2 billion.

“We all breathe air and depend on clean water,” McDonald told *Road Warriors*. “We, our children, and our pets drink, swim and play in water—it’s an essential resource. So when you ask Long Islanders to support a proposal that will give them higher confidence about their water resources, historically, they vote yes.”

McDonald’s lifelong mission is to create and preserve a sustainable Long Island. His considerable energies lately have been focused on protecting water quality on Long Island by campaigning to pass the Suffolk County Water Quality Restoration Act. As part of a coalition that includes environmental advocates, as well as organized labor, construction professionals (including LICA) and government officials, McDonald worked to have a key funding mechanism included in Governor Hochul’s state budget. Now it goes before the Suffolk legislature, who will decide this summer whether or not to advance it as a voter referendum to be included on the ballot in November, so that voters can decide if they want it. And if history is any indication, voters on both sides of the aisle will want it.

“In a year when Trump won the entire North Fork [2016], those same towns overwhelmingly voted to extend the community preservation fund and added a new category for water quality,” McDonald explains. “The lesson is: environmental protection is a nonpartisan issue on Long Island.”

The coalition is the result of a meeting held between Long Island Federation of Labor, LICA, The Nature Conservancy, and others, coalescing around the idea that they were more effective working together. After successfully teaming up to pass environmental legislation in the past, it was a no-brainer to come together once more to help get such a consequential plan for funding and assuring water quality over the finish line. The idea is to consolidate all of Suffolk County’s twenty-seven sewer districts and create a recurring funding stream that doesn’t raise property taxes or burden homeowners with fees. It would also tap into unprecedented federal funds to implement the necessary infrastructure upgrades to protect the Long Island’s aquifers and surface waters. However, getting it through the Suffolk legislature has proven to be a serious challenge.



Long Island's Shellfish Act as Canaries in our Coalmine

McDonald first realized the enormity of Long Island's water quality issue when he and his team were working to restore hard clams to the once world-renowned Great South Bay.

Between 2002 and 2004, The Nature Conservancy acquired over 13,000 acres of underwater lands in central Great South Bay from the First Republic Corporation of America, which owned Bluepoints Oyster Company. After generations of successful operations, the parent corporation divested from its shellfish business on Long Island, due to steep declines in shellfish productivity.

"There was nothing left," McDonald remembered. "So, we set out to restore it, raising \$5 million to buy clams from Connecticut and other places and put them back. The theory was, if you have a high enough density of clams and protect them from harvest, they would spawn and repopulate. We thought that within a few years, we would see lots of thumbnail sized baby clams, and that soon the bay would be full of clams like it had been decades earlier. That was our hope. And, at first we did see some tremendous progress, but it wasn't long before the water turned brown and they almost all died."

What happened? Brown, red, mahogany tides. There was a water quality problem the scope of which no one had quite realized. Though scientists have long known that nitrogen pollution could fuel these kinds of harmful algae blooms, few acknowledged there was a nitrogen pollution problem in Great South Bay until The Nature Conservancy brought in Dr. Ivan Valiela.

A top marine biologist from Massachusetts, Dr. Valiela was able to show the significance of nitrogen loading to groundwater, seeping from on-site cesspools and septic systems, and flowing from the land into the bay.

Coincidentally, this work was completed right about the same time that an assessment of Suffolk County's sole source drinking water aquifers was showing the same signals of nitrogen pollution predicted in Valiela's models. Since then, wildlife and marine habitats have continued to suffer the multiple harmful impacts of Suffolk County's lack of wastewater infrastructure, including toxic algae blooms, hypoxia, fish kills, and poor shellfish spawning, even as evidence of where the problem was coming from continued to stack up. The problem exists not only in Great South Bay, but in nearly every surface waterbody throughout the county. This problem wasn't just affecting marine life, nitrogen pollution also had real social and economic consequences for communities and industries ranging from fishing to real estate.

While the situation was dire, the diagnosis created an opportunity for mapping out a treatment using a suite of existing approaches that had already been proven to work in other geographies.

"The only fix was to get the nitrogen reduced at its sources." McDonald approached Bob Sweeney, who was the Environmental Conservation chair in the Assembly at the time. "We told him we had to change out over 380,000 residential and non-residential onsite wastewater disposal systems with a combination of nitrogen reducing septic systems and/or sewer district expansions. A financial incentive program used previously to help residents replace old underground heating oil storage tanks had the potential to serve as a model people on Long Island were



familiar with. We also needed to find ways to drive down the costs to make it affordable.”

Sweeney questioned whether the technology existed. It did. But not in Suffolk County. To do the job, and do it correctly, it would require the county and the private sector to build the new infrastructure, train and hire new vendors, and build up a regulatory program. Then they would need to find the financing to incentivize it, anticipating that a regulatory program alone including mandates would be resisted by the public.

“Here we are ten years later,” McDonald said. “We have federal infrastructure money for improvements. We have state bond act and state budget capital money for some of the programs that are financing the septic system programs. Superstorm Sandy brought in \$300-400 million to Suffolk County to help make it more resilient. What seemed impossible initially has become possible.”

In May of this year, the New York State legislature put a bill in their budget that creates a new fund for modernizing wastewater infrastructure. It would help safeguard cleaner water for the future and stop the pollution that is currently making its way into Long Island’s bays and drinking water. It also extended the county’s Drinking Water Protection Program, which helps to protect the Pine Barrens, to 2060, conserving for generations one of the Northeast’s greatest natural treasures.

“The future of Long Island depends on us treating our water resources with the respect and value it deserves. We need a new model that honors whatever resources we use to be returned to nature as clean or cleaner than when we extracted it. Leaving land and water polluted for our future generations to deal with, that model has run out. People like to lament about the difficulties of government, but this is the kind of major financing for infrastructural upgrades that government can help unlock, and make a tremendous difference with,” McDonald said. “By committing to finance part of it locally, we can lure federal and state funds that will clean water and modernize communities at the same time, that will drive the economy, help protect Long Island’s access to clean water, restore our bays, and ultimately solve a problem the county would otherwise have to pay for itself. We are at the one-inch yard line...and all the Suffolk Legislature has to do is let the voters decide the issue this fall.”

The Unlikely Evolution of an Environmentalist

Kevin McDonald didn’t grow up hugging trees or collecting bottles for recycling. Although he enjoyed nature, he was far



Wetland Habitat on Plum Island, Photo: Marian Lindberg/The Nature Conservancy

from an advocate for its preservation. In fact, when he was in college at St. John’s University, his mind was on business.

“I thought I’d be working for IBM,” he said. However, he attended a presentation on groundwater and learned about how we live on top of the water we drink. “I was like WHAT? How is that possible? I thought about what sits on the land.”

“I knew immediately we are living on borrowed time. When the European settlers landed in Virginia, the mindset was: we are going to clear some land, grow what we can, and after we deplete it, we’ll move to another spot and grow there. That ethos of viewing land and resources as disposable is frankly still around today.”

McDonald graduated college and interned at Newsday’s budget office. The people he met there were nice enough, but he eventually thought that he would never find life fulfilling counting money for other people. He saw a job opening for an environmental group on the East End and applied for it. He wasn’t a typical candidate, but he brought a business perspective to environmental issues. It was a stark contrast from other applicants in the arena.

“If you buy into the premise that you want different people to work for you that have different points of view, well, I fit that bill,” he’d said in the interview.

He was hired. “I got very good at talking to elected officials and problem solving with others – my whole MO as I got older—asking where is the common ground for consensus? I believe in the power of ideas. So, if you can solve a problem cleverly, and everyone gets a really good solution, we all win. It’s not about me. It is about idea generation and creative problem solving in a way that everyone can say, ‘This works.’ And for some reason, I wasn’t too bad at that and people still allow me to do that.”

And then some. Throughout the course of his forty-year career, McDonald has been on the forefront of environmental progress,



Brown Tide in Great South Bay, Photo: Chris Gobler/The Nature Conservancy

working alongside political champions and bringing together adversaries towards positive solutions.

When asked about the specific people in the political community who went above and beyond to enact environmental change, McDonald is quick to reveal a list of whom he noted as giants.

“Tom DiNapoli in the Assembly,” he said. “He chaired the environmental conservation committee when we passed the Community Preservation Fund. He was instrumental in the Pine Barrens Protection Act. For people that know Tom, he’s just a guy trying to do his best and get stuff done. It’s not about ego or any of that stuff. He’s the quintessential person trying to do right by people. He was essential on several environmental measures. Fred Thiele was superb on a number of these issues as well. When the Community Preservation Fund was created, he said it took fourteen years to become an overnight success.

“Ken LaValle was in the middle of all of this. He is a person of principle: focused, professional, and a master of legislative accomplishments.

Between Ken, Fred, and Tom, Long Island achieved some incredible policy wins for the environment. They showed outstanding leadership. Bob Sweeney and Steve Englebright were important partners as well.”

Today

On June 22, the Suffolk County Republican caucus voted to recess the measures to the Budget and Finance Committees. They have one more chance to approve the Suffolk County Water Quality Restoration Act and place it on the ballot for voters to decide this November. The last opportunity the legislature has to do this is on July 25. At the time of this writing, we do not know if it will appear on this year’s ballot.

If you ask McDonald what gives him his greatest joy in life, his answer is two-fold: his work and his family. “I thoroughly enjoy working with people who are focused on trying to find high-quality solutions that affect real change, even if it’s not perfect. It’s done well enough where all say they got something out of it, sometimes we can get an elegant solution that changes policy for the better. The next joy is his family. Being married and having my two sons. In both cases, my sons’ have exceeded the limits of their gene pool in looks, talents and ability. We are constantly laughing.”

This isn’t to say that McDonald doesn’t feel the full weight of his tremendous responsibility.

“I drive myself hard and I am focused sharply on obtaining high quality solutions to problems. It’s not about getting my way. Still, I get frustrated when I think we are close to a solution that can change our world for the better and we can’t get quite there.” As has been the case with improving Long Island’s water quality and the challenge we face right now.

Spending the last eight years trying to pull together comprehensive legislation on our water quality has taken a toll. “I should learn that anything important takes a decade or more to do. It’s ridiculous,” he said. Turning reflective, McDonald said, “In forty years of working, I got four things done that matter in that way. How come it takes a decade? You’re really not here that long.”

If any of us could quantify the impact of McDonald’s “four things” — the passage of the Community Preservation Act 1998 — (and amended in 2016), the Pine Barrens Protection Act in 1993, the creation of the Peconic Bay National Estuary Program in 1992, and hopefully, the Water Quality Restoration Act of 2023—it would be in how the Island is greener, the water less polluted, and people from different backgrounds find a common cause for protecting the environment where they live. “I’ll look back at 40 years working on land conservation and water quality-related things and I’ll feel better that the future has been altered with the aggregate of some of these actions. I take a certain humble satisfaction knowing that future generation will have a better future because of these actions taken.”

As McDonald ushers his final push in getting the Suffolk Legislature to approve the voter referendum that will allow our region to finally do something meaningful about a water quality problem they have known about for decades, he does so with the understanding that this is for future generations, not his own. He is in essence planting trees under whose shade he will never sit.

And building toilets he may never flush. 🚽



LONG ISLAND IS AN INDUSTRY LEADER IN RECYCLED CONCRETE & ASPHALT TECHNOLOGY



We hear it all the time: our infrastructure is crumbling. This isn't hyperbole. We've seen massive collapses of bridges and tunnels and highways across the nation. It seems to be happening all at once. Why?

The answer is both complicated and stunningly simple: America is reaching her first growth spurt. While history books make it feel as though the expansion of the colonies and the American Revolution are primeval stories of a long-ago age, we are still relatively young. And our infrastructure is finally outliving its original purpose. So, what is there to be done?

Sometimes modern innovation can be found by looking into ancient civilizations.

Europe has crumbled and been rebuilt in an endless cycle since the dawn of time as we know it. The building blocks of their primary infrastructure are the remnants of their ruins. The beauty

of concrete is that it is never destroyed—it can always be reused for new use without losing its integrity. While environmental sustainability seems like a modern concept, the idea of reusing existing material is as old as dirt itself. It also solves a lot of issues: it reduces landfills and illegal sandmining, saves money, reduces carbon emissions from importing new material and exporting the old. It's a no brainer.

It turns out that it isn't quite that simple. Although recycled concrete and asphalt is regular practice overseas, this is still brand new in the United States, so by extension, in New York. Long Island is leading the nation in wash plant innovation because we are situated in a prime geographic area that lends itself to this unique practice.

"Long Island is a byproduct of the ice age," explained Todd Ruttura, President of Our Recycling in Yaphank, which houses one of the three wash plants on Long Island. Ruttura is also Presi-

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dent of Sienick Civil Construction—a sitework and excavation contractor—and President of Rock Tech Inc., a heavy haul trucking company. His companies primarily work on Long Island and in New York City, and include a quarry in Connecticut and a ready-mix concrete batch plant in Westbury. “If you look at a map of where the glacier stopped on the last ice age – I think was 20,000 years ago – it stopped at the North Shore. The glacier came down tossing and tumbling – and melted it washed all the silt into the ocean and left all the sand.”

I visited Our Recycling on a warm day in late May to understand the mechanism that breaking down, washing and recycling sand entails. The facility sits on an enormous lot out east, where complex machinery sits among mountains of various piles of different sized construction aggregate material. Todd Ruttura is young, brash and brilliant. He carries a passion for his work and the legacy of four generations of family history of doing this work. The gravel in his voice comes straight out of a DeNiro film. He wants to change the world for the better—and he just might be the guy to do it.

“In the rest of the world where they don’t have natural sand, they need to import it in order to make concrete. Here, we’re sitting on top of it.”

Ruttura gestures to a pile of material. “For the last 50 years, that’s been a waste product. Nobody can get rid of it. Our whole industry looks at that pile and says that’s a waste. They dumped it in soccer fields at Roberto Clemente Park, put it in backyards... I don’t see waste there. Sixty to seventy percent of that pile is sand and can make concrete and asphalt.”

Construction material can be recycled via wash plants which separate true waste from valuable resources, therefore only contributing what is necessary to the landfill. Wash plants are heavily regulated by the New York State Department of Environ-

mental Conservation who vets all prospective inbound material. Wash plants then safely process perfectly recyclable material that would otherwise be permanently disposed of in a landfill. According to the Posillico website, “Using the ideology of Industrial Ecology, we recycle this material into high quality saleable products. With this plant, we can reduce the unsuitable content in the raw material to approximately 15% on average, with the remaining 85% being diverted from landfill and made available as recycled sands and aggregates.”

So why aren’t recycled construction materials mandated as part of New York state’s ambitious climate goals?

I spoke to Robert Tasse, the Wash Plant Manager at Posillico, Inc, the first and biggest wash plant facility on Long Island—and North America. Posillico handles both clean and contaminated soil. They are currently getting into some new waste streams, such as street sweepings. Tasse began his career as a civil engineering intern at Posillico after college and has stayed with the company for a decade, so far. Tasse’s enthusiasm for the technology is infectious. He wears his pride in this work in every step he takes as he leads me on a tour. This plant is as sophisticated and pristine as something that works with dirt can be.

Unlike Ruttura, the Posillico plant processes contaminated soil, which effectively removes contaminants which had traditionally been a source of toxic dumping, poisoning the island’s groundwater. Or the contaminated soil would have been carted off the island to an out-of-state landfill, contributing to industrial pollution.

The Farmingdale facility is the largest of its kind in the world. It has the capacity to recycle up to 3,000 tons of soil per day while simultaneously recovering high value recyclable and saleable products, such as sand and aggregates, that meet NYSDEC remediation standards.











“Basically, we’re taking the dirt and putting it through and taking out the sand and the gravel. And that’s the main goal: to maximize how much we can recycle and minimize the waste. They then take the clean aggregate and sell it to concrete facilities.

Posillico owns two asphalt plants—one in Farmingdale and one in Holtsville. These plants are a major consumer of the sand they produce. The rest is sold to ready-mix plants and commercial concrete producers. “Instead of all of the dirt going into a landfill where it’s buried and forgotten about, we’re extracting value out of it.”

If the technology is so sensible, you may question why there isn’t more of a market for recycled aggregate.

“It’s really just a function of outdated regulations and specifications,” Tassej told me. “Sooner or later, we will need to turn to alternative raw materials for new concrete and asphalt. Not every concrete pour requires sand from natural deposits on the Island – in fact most don’t. We should be saving these resources for the most critical infrastructure projects and filling the void in the supply chain with cost-effective recycled alternatives.”

Updating those regulations to carve a pathway to making recycled sand a common practice in the construction industry will be a heavy lift. It will require educating the regulatory bodies and being a thorn in their sides until the culture shifts. This is where Todd comes in.

“The biggest problem we have is we don’t want to make actual change,” Todd says. “We just want to pretend like we are making change. The pathway to change is remove the middlemen and women who say ‘No.’”

As an example, Todd cites a recent major Long Island project where he had the idea to build a temporary on-site concrete plant. “The people in the middle didn’t want it. You can’t put a concrete site on the job, but you can have 300 trucks take the sand, truck it from western Nassau County to a sand mine, where it’s sold. They screen it, wash it, put it in a truck and send it to Queens to a concrete plant and sell it to him. Then it gets in a ready-mix truck and comes back to me.”

That doesn’t make economical, logistical or environmental sense.

The beauty of wash plant technology is not just the facility itself, but the notion that it creates a circular economic model that is completely sustainable. For example, Our Recycling and its sister companies all feed into each other in a way that achieves construction circularity that nearly eliminates waste and drastically reduces carbon emissions. The model works to satisfy the requirements of government authorities who aim to evolve building norms and specify more low-carbon and circular solutions in their projects, from infrastructure to buildings, architects and designers who aim to specify low-carbon and circular solutions in their design, in line with today’s sustainability certifications, from LEED to BREEAM and real estate and infrastructure developers who aim to specify low-carbon and circular solutions in their procurement and building standards.

This makes sense for the industry. It makes sense for the economy. And it makes sense for the environment.

“Everyone is talking about being green and trying to figure it out how do it,” Ruttura says. “We’re doing it already right here.”

Maybe the rest of the state should follow. 🇺🇸



LOW CLEARANCE



LONG ISLAND NEEDS BILLIONS

BY KYLE STROBER

Executive Director, Association for a Better Long Island



An historic milestone occurred on November 8, 2022, when New Yorkers overwhelmingly voted to pass the \$4.2B Clean Water, Clean Air and Green Jobs Environmental Bond Act. This landmark legislation remains the largest environmental bond act in our state's history and the first since 1996. For Long Island, it could not have come at a better time.

According to a recent Moody's Analytics report, Long Island ranks fourth among major American population centers for exposure to the physical and economic risks of climate change. The report indicates that Long Island is especially at risk to severe weather events, flooding and warming temperatures. **This Bond Act specifically allocates \$1.5B to fight climate change and \$1.1B toward flood risk reduction.** Eligible projects include revitalizing waterfronts, resilient infrastructure, relocating or raising flood-prone roadways and upgrade dams, bridges, and culverts.

In addition to climate change risks cited in the Moody's report, Long Island has several other significant environmental concerns. Long Island has a sole source aquifer which requires constant protection. Between 1.4 dioxane, PFOS, PFOA and volatile organic compounds from the Bethpage Plume, our region has been fighting a battle to remove these contaminants for some time.

Furthermore, Long Island needs to expand its sewer system and finally eliminate cesspools. A sewer expansion will reduce nitrogen intrusion to our water supply and make our coastal communities more resilient from future storms. **This Bond Act specifically allocates \$650M toward water quality improvement and resiliency.** Eligible projects include upgrading wastewater infrastructure, replacing failing septic systems and lead service lines as well as municipal stormwater projects.

On April 17, 2023, Governor Hochul announced that an inter-agency working group has been formed to identify priority pro-



jects and develop a mechanism to implement the funds. A critical component to identifying priority projects will be New York State’s educational listening tour. The tour will provide opportunities to weigh in on draft criteria developed to identify potential projects.

As our region’s leading infrastructure advocates, it is critical that our organizations attend the Environmental Bond Act Educational Listening Tour event when it comes to Long Island to ensure the scientific criteria developed to identify potential projects recognizes Long Island’s strategic needs.

It doesn’t take a Moody’s Analytics report to determine that our region, a physical island, is more at risk to climate change than the vast majority of communities throughout New York State. We’ve lived through the devastation of Superstorm Sandy and have seen our drinking water assaulted by a number of contaminants. It is only fair and fitting that our region receives the lion’s share of the Clean Water, Clean Air and Green Jobs Environmental Bond Act. Let’s work together to make sure Long Island gets its billions. 📍

Kyle Strober is the Executive Director of the Association for a Better Long Island, an economic development advocacy organization.

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H2M'S WASTEWATER PROJECTS HELP CLEAN UP THE GSB

BY CHRISTOPHER WEISS

H2M architects + engineers



In November 2022, New York State passed the Clean Water, Clean Air, and Green Jobs Environmental Bond Act, providing a historic \$4.2 billion in funding for a wide range of environmental initiatives. This act is the largest environmental bond act in the State's history and aims to preserve, enhance, and restore

New York's natural resources while creating more than 84,000 local jobs.

The Environmental Bond Act generates funding through bonds, which are allocated to various environmental projects. These projects focus on improving water quality, protecting natural resources, reducing pollution, and promoting green job opportunities.

The funding allocations authorized by the Environmental Bond Act are as follows:

- \$1.5 billion for climate change mitigation, including \$500 million for electrifying school buses and \$400 million for green building projects.
- \$1.1 billion for restoration and flood risk reduction, with at least \$100 million dedicated to coastal rehabilitation, shoreline restoration, and addressing inland flooding.
- \$650 million for open space land conservation and recreation
- \$650 million for water quality improvement and resilient infrastructure, with a minimum of \$200 million for wastewater infrastructure projects and \$250 million for municipal stormwater projects.

One significant aspect of the bond act is its commitment to allocating a significant portion (at least 35% with a goal of 40%) of the funds to communities disproportionately affected by pollution and climate change. The implementation and administration of the bond act's requirements will be overseen by agencies such as the New York State Department of Environmental Conservation (DEC).

Governor Kathy Hochul recently launched an educational listening tour for the Clean Water, Clean Air, and Green Jobs Environmental Bond Act in Buffalo. This tour emphasizes the state's commitment to a collaborative and transparent process in deli-

vering the funds allocated under the act. The tour provides a platform for engaging stakeholders and gathering input from local communities.

As a leading engineering and environmental consulting firm, H2M has been actively supporting our clients in identifying eligible projects and exploring opportunities to secure funding from the \$4.2 billion available under the Environmental Bond Act.

H2M is currently under contract on the following projects, all of which are eligible for funding from the Environmental Bond Act:

- **Incorporated Village of Patchogue Wastewater Treatment Plant Upgrade and Expansion:** A \$12 million wastewater treatment plant enhancement project with the goals of lowering nitrogen loading to the Great South Bay and increasing capacity to connect additional homes and commercial properties while eliminating existing septic systems.
- **Town of Riverhead Class A Biosolids Upgrade Project:** A \$10 million project to upgrade the Town's wastewater treatment plant's biosolids handling system to enable the reuse of biosolids locally and reduce the overall quantity of biosolids being trucked out of state, which ultimately reduces the ever-increasing cost to the residents of Riverhead.

In addition to the projects listed above, H2M looks to provide engineering services for the continued expansion of sewer systems to reduce nutrient loading to ground and surface waters and for the upgrade of treatment infrastructure to support the expansion and resiliency of sewer systems across New York.

Those projects include the East Hampton Montauk Sanitary Sewer District Creation, Kings Park Sanitary Sewer District Creation, and the Town of Smithtown Sanitary Sewer District Creation.

The Clean Water, Clean Air, and Green Jobs Environmental Bond Act in New York State will be an advantageous way for municipalities to benefit from significant funding for environmental initiatives and job creation. 🌱

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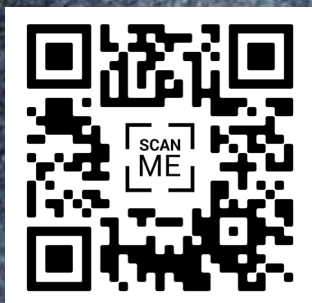
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BRING BOND ACT MONEY TO LONG ISLAND

BY VINCENT ALBANESE

Director of Policy and Public Affairs, New York State Laborers' Organizing Fund



In 2022, New Yorkers voted overwhelmingly in favor of the Environmental Bond Act, a once-in-a-generation investment to fund environmental infrastructure projects across New York. Nobody understands the need for those investments more than Long Islanders. For too long, a combination of extreme weather and outdated sewage systems have increased the risk of shore deterioration and water contamination across the Island. With billions of dollars in limbo waiting to be sent across the State, Long Island must receive its fair share to repair and support our most critical resource, water.

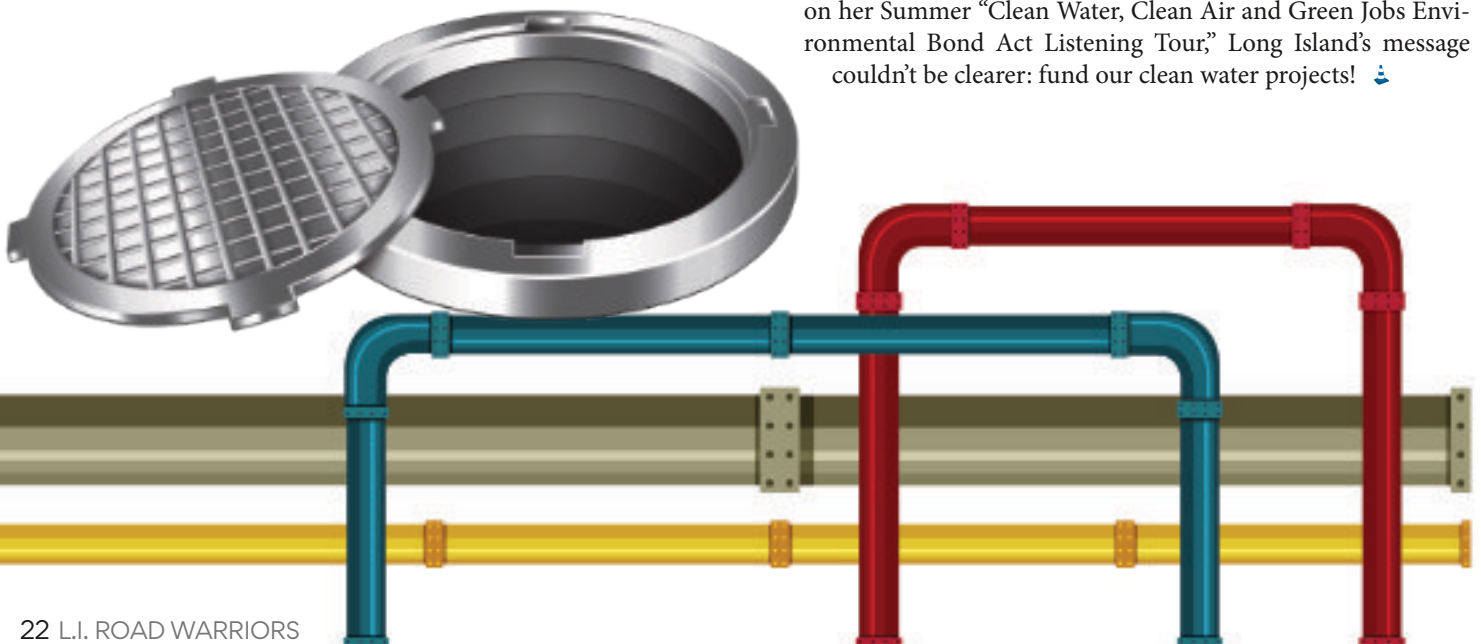
The Bond Act will provide \$4.2 billion for clean-energy projects, updates to water infrastructure, and will help mitigate flooding from superstorms, all of which are major issues on Long Island. Families in Suffolk County and beyond can no longer continue to live with decrepit septic tank systems that leak contamination into water ways, ruining our beaches and threatening sea life. Worst of all, these outdated systems threaten clean drinking water. Let's be clear; everyone deserves clean drinking water, free of any fear of contamination or discharge. These water infrastructure updates are essential to preserve Long Island's healthy water ways for future generations to come.

And let's face it, Suffolk County has needed a proper sewer system for a long time. The lack of linked sewer system has halted development and hindered the local economy. Not only will investments from the Bond Act reverse negative environmental disasters and better manage wastewater discharge, but these investments will create shovel ready, good union jobs. In other words, an investment in our water infrastructure projects is an investment in peoples' livelihoods and ability to provide for their families.

The Bond Act set aside more than \$1 billion in flood reduction, dam re-construction, aquatic life repairs, and \$650 million for other aquatic improvements, but money from the Act will also protect Long Island against future storms.

Many of us remember and are still living with the devastating consequences of Hurricane Sandy, which flooded our homes, destroyed our shorelines, and contaminated our waterways. Long Island continues to be battered by extreme weather in every season—storms are getting stronger, and the threat to our beaches is continuous. Investing now will help guard the future Long Islanders deserve, one without fear of flooding, erosion, and destruction.

So, make your voices heard when Governor Hochul heads out on her Summer "Clean Water, Clean Air and Green Jobs Environmental Bond Act Listening Tour," Long Island's message couldn't be clearer: fund our clean water projects! 🇺🇸



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NO NEED TO FIGHT SEWER INFRASTRUCTURE



When I ran for office in 2020, I had no idea just how much time I would spend talking about you-know-what in public, but as the title of that beloved children’s book says so simply - “Everyone Poops.” As the representative of a North Shore district on Long Island, talking about it is part of the job.

The discussion around sewers on Long Island often revolves around Suffolk County and its residential communities. However, it’s essential to recognize that a significant portion of Nassau County’s North Shore remains unsewered. This reliance on aging septic tanks not only pollutes our beautiful beaches, bays and the Long Island Sound but also increases the economic burden on our small businesses.

Small business owners along Plandome Road in Manhasset have been particularly affected by this lack of infrastructure. They’ve struggled with the high costs of maintaining and flushing out their septic tanks, which can exceed \$65,000 per year. This financial strain is unsustainable and hampers the economic growth of our community, and threatens Manhasset’s beautiful downtown.

Fortunately the groundwork had already been laid before my tenure, and the need for sewers on Plandome Road has been acknowledged for decades. Over the past few years a coalition of business owners, government officials, environmentalists, and community members have come together to advocate for sewer implementation.

In 2017, a significant breakthrough occurred when the Manhasset Chamber of Commerce collaborated with the Great Neck Water Pollution Control District (GNWPCD) to explore the possibility of installing sewers along Plandome Road. A feasibility study was done to assess costs and available options for the GNWPCD.



Speaker Carl Heastie, Assemblywoman Gina Sillitti, and Tom Pagonis, co-owner of Louie’s Manhasset Restaurant in 2021 during the Speaker’s visit to the 16th Assembly District

In the fall of 2021, I brought the Speaker of the Assembly to Manhasset to meet with local business owners so he could understand how transformational this project would be. During last year’s budget negotiations one of my top priorities was to address this pressing issue. I successfully secured \$5 million for the GNWPCD, which marked a significant step towards realizing this project.

I was able to secure this money to move this project forward, but the success of this infrastructure project is really attributed to the overwhelming support from the community. Businesses, building owners, residents, local government officials, civic leaders, and the Chamber of Commerce played a pivotal role in initiating the feasibility study and rallying community support. Their active involvement not only made my budget push possible but successful.



Map of the Feasibility Study

Addressing the lack of sewers across Long Island is critical, and even at times contentious; the recent fight in the Suffolk County Legislature this year has shown that. It doesn’t have to be. With sufficient funding and strong community support, significant progress can be made in implementing these critical infrastructure projects that benefit all of us for generations to come. 🇺🇸



Supervisor Judi Bosworth, Speaker Carl Heastie, Assemblywoman Gina Sillitti, members of the Manhasset Chamber of Commerce, the Great Neck Water Pollution Control District, and Manhasset-Lakeville Water District during a site visit in 2021

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HIGHWAY & BRIDGE CONTRACTORS RAMP UP EMPLOYMENT, BUT CHALLENGES CONTINUE

BY DR. ALISON PREMO BLACK

Chief Economist, American Road and Transportation Builders Association

Highway and bridge contractors added 19,300 more workers to the payroll in April 2023 compared to April 2022, according to the latest employment data from the U.S. Bureau of Labor Statistics. This accounted for nearly one in 10 new jobs in the construction industry.

While the job gains are welcome news, additional data suggests construction contractors continue to have high levels of jobs openings and would be hiring more workers, if possible.

Highway & Bridge Contractor Employment

Total highway and bridge contractor employment was 367,800 in April, with 78 percent of those jobs classified as “production workers,” meaning they are non-supervisory employees working onsite.

- New production workers for highway and bridge construction sites accounted for eight out of 10 new jobs in April.
- The six percent increase in April employment outpaced job growth in the broader economy (+2.7%); general construction (+2.6%); manufacturing (+1.7%); transportation and warehousing (+1.7%); and retail trade (+0.3%).
- Highway and bridge contractors increased average hourly wages by five percent, which was in line with wage gains in the broader economy (+5.1%) and other major industries.

Industry employment is one indicator of real growth in transportation construction activity.

As more projects get underway, contractors need more workers in the office and on the jobsite. Employment is expected to ramp up further over the summer construction season as businesses add more seasonal workers.



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Working Longer Hours

One sign of the higher demand for workers is the amount of time existing employees spend on the jobsite. Highway and bridge contractor employees worked an average of 43.7 hours per week in April, compared to 41.6 hours in April 2022. This additional 2.1 hours is twice as much time as put in by general construction workers (+1 hour) and private sector employees overall (+.09 hours).

The number of weekly hours worked was also up for utility system contractors (+2.2 hours); roofing contractors (+3 hours); and oil and gas pipeline construction (+5.6 hours).

Overall, highway and bridge contractor employees worked about 15.7 million hours per week in April, up from an average of 14.5 million hours per week in April 2022, an increase of 8.3 percent.

More Jobs Available

The number of unfilled job openings in the construction industry stood at 438,000 in April, one of the highest monthly levels. This means there are still more open jobs than workers to fill them.

Construction unemployment remains very low at 3.5 percent, indicating most workers looking for a construction job have found one.

Construction Materials, and Planning & Design Firms

April employment was also up across major industries that supply goods, services, and materials for transportation construction compared to a year ago:

- Cement and Concrete manufacturers added 8,300 jobs.
- Cement and concrete pipe manufacturers added 3,800 jobs.
- Employment was up by 4,500 jobs for ready-mix concrete suppliers.
- Construction machinery manufacturers added 5,299 jobs.
- Architectural, engineering, and related services increased employment by 79,300 workers, for total employment levels of 1.65 million.

April wages were up five percent for architectural and engineering firms and increases ranged from 1.4 to 1.8 percent for other major supplier industries.

These industries are expected to continue to add jobs in the next few months as highway and bridge construction work continues to grow.





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SUPREME COURT RULING MARKS VICTORY, BUT BATTLE CONTINUES

BY RICH JULIANO

General Counsel, American Road and Transportation Builders Association

President John F. Kennedy is credited with saying, “Victory has a thousand fathers, but defeat is an orphan.” Sure enough, we celebrated an early Father’s Day here in Washington on May 25, courtesy of the U.S. Supreme Court.

Undoubtedly, the Court’s ruling that the Environmental Protection Agency (EPA) exceeded its authority in developing new wetlands regulations is a major win for the transportation construction industry. It means EPA will need to rewrite its “Waters of the United States” (WOTUS) rule, which has risked permitting delays for transportation projects.

The favorable outcome in *Sackett vs. EPA* resulted from many years of partnership, perseverance and member support. Since 2005, ARTBA has advocated tirelessly for reasonable Clean Water Act (CWA) jurisdiction through multiple administrations. Our federal district court litigation began eight years ago, with the National Stone, Sand & Gravel Association (NSSGA) joining us in the legal trenches as part of a multi-industry coalition.

At issue in *Sackett* was whether the agency could require a permit for any area with a “significant nexus” to a navigable waterbody, such as a river, lake or stream. The EPA never defined “significant nexus,” causing confusion for the entire transportation construction industry. The Court called the “significant nexus” test “particularly implausible” and held the EPA has “no statutory basis to impose it.”

In our brief to the Court, ARTBA and NSSGA critiqued the “significant nexus” test, noting it has “no inherent limiting principles” and empowers federal agencies to assert federal jurisdiction “well beyond the limits set by Congress.”

ARTBA and NSSGA maintained that defining WOTUS in such an expansive way improperly creates permit obligations for features such as roadside ditches, which serve the necessary safety function of collecting water during and after rain events. This type of overregulation serves only to delay critical infrastructure improvements and increases costs without providing demonstrable environmental benefits.

In its efforts to build projects safely and efficiently, *Sackett* is a victory for the industry, but it is by no means the end of the fight. In April, a North Dakota federal court temporarily blocked the WOTUS rule from taking effect in 24 states while it considers the case brought by ARTBA and its allies. With the clarity provided by the *Sackett* decision in hand, our coalition plans to ask the lower court to vacate the rule, since it is now legally invalid. We will continue advocating for a clear, common-sense definition of the CWA’s reach.

Finally, there are true “fathers” (and “mothers”) within ARTBA who deserve special recognition for this achievement. Several members and chapters have supported our “Transportation Makes America Work!” (TMAW) program and provided the resources for ARTBA to help lead this coalition. And on a personal note, the *Sackett* ruling came as our colleague Nick Goldstein wrapped up nearly 19 years leading our association’s regulatory and litigation efforts. While Nick is headed to federal service at the Small Business Administration’s Office of Advocacy, his legacy at ARTBA is secure, in no small part because of his leadership in “parenting” better WOTUS policy. 🙏



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