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**July 13, 2023**

**Contact:**

Reed Super, Super Law Group, reed@superlawgroup.com, (646) 345-9658

Pete Topping, Peconic Baykeeper, pete@peconicbaykeeper.org, (631)653-4804

Roger Reynolds, Save the Sound, rreynolds@savethesound.org, (860) 997-3223

David Seigerman, Save the Sound, dseigerman@savethesound.org (917) 796-6076

## **Environmental Groups Reach Court-Ordered Settlement Addressing Water Pollution from NY State Parks on Long Island**

*Agreement announced Wednesday caps 10 years of litigation to abate discharges of nitrogen, pharmaceuticals into coastal waters from state-owned sanitary systems serving millions of beach and park users*

CENTRAL ISLIP, NY – After nearly a decade in federal court, [Peconic Baykeeper](#) and [Save the Sound](#) finalized a settlement with the State of New York on the last phase of measures to reduce pollution into Long Island Sound and the Great South Bay from sanitary systems at five waterfront state parks on Long Island. The U.S. District Court for the Eastern District of New York approved the Settlement Agreement and Consent Judgment on July 12, 2023. The organizations are represented by Manhattan-based [Super Law Group](#).

The [settlement](#) ends a lawsuit filed against the New York State Office of Parks, Recreation, and Historic Preservation (State Parks) in 2013, following the organizations' notice that operation of septic tanks and cesspools in Robert Moses, Sunken Meadow, Wildwood, Heckscher, and Belmont Lake State Parks were violating three federal environmental laws: the Clean Water Act, the Safe Drinking Water Act, and the Resource Conservation and Recovery Act.

Among the violations: State Parks was operating large-capacity cesspools more than eight years after a 2005 federal ban on all such cesspools nationwide. Further, the cesspools and septic tanks in the parks released nitrogen and other pollutants into groundwater, which acts as a conduit to swiftly convey them through sandy soil and then into Long Island Sound, the Great South Bay, their tributaries, and adjacent wetlands. Excessive nitrogen can lead to low-oxygen conditions, known as hypoxia, which threaten the survival of aquatic life. Nitrogen pollution also can result in harmful algal blooms, poor water clarity, and the loss of aquatic vegetation and tidal wetlands.

"The settlement of this decade-long litigation marks a tremendous victory for Long Island's waters and the millions of recreational users that depend on them by preventing concentrated and untreated

wastewater from entering our ground and surface waters at some of our most beloved New York State Parks,” said Pete Topping, Baykeeper and Executive Director of Peconic Baykeeper. “We are also pleased that this case was a major catalyst in moving Suffolk County to begin to address Long Island’s wastewater crisis through the development and adoption of the Suffolk County Subwatersheds Wastewater Plan.”

“This litigation and ultimate settlement are a key part of Save the Sound’s decades-long strategy to rid the entire Sound of excessive nitrogen pollution,” said Roger Reynolds, senior legal director for Save the Sound. “Combined with the Long Island Nitrogen Action Plan (LINAP), stricter limits on New York City sewage treatment plants, nitrogen reduction plans for local bays and harbors in Connecticut, and the first limits on nitrogen reaching the Sound from Massachusetts sewage treatment plants, we are making real progress in eliminating the nitrogen-induced central dead zone and bringing our bays and harbors back to life. This lawsuit was key to raising the profile of the issue and spurring LINAP initiatives such as the Suffolk County Subwatersheds Wastewater Plan.”

Peconic Baykeeper and Save the Sound’s litigation spurred [parallel government enforcement](#) in 2013 and 2016 by state and federal regulators, resulting in a first phase of measures to reduce nitrogen at park facilities, an expanded investigation and closure of cesspools in parks throughout New York State, and the exploration of beneficial reuse of nutrients recovered from wastewater at the parks. In addition, while the litigation was pending, State Parks connected two of the parks (Heckscher and Belmont Lake) to a centralized sewage treatment plant to eliminate discharges to groundwater and surface waters, and installed “hold and haul” tanks at boat pump-out stations to prevent waste pumped from marine sanitation devices from reentering the recreational waters.

In Wednesday’s settlement, State Parks agreed to install urine separation systems at the five remaining public bathrooms in the three unsewered waterfront parks (Robert Moses, Sunken Meadow, and Wildwood) to drastically reduce pollution entering groundwater and surface waters.<sup>1</sup>

Robert Moses, Sunken Meadow, and Wildwood State Parks are major waterfront parks and beach facilities that receive approximately 6 million visitors each year, and their comfort stations are subject to heavy use. The urine separation projects are expected to divert thousands of pounds of nitrogen from groundwater and surface waters to holding tanks for proper disposal and/or reuse as fertilizer. These reductions in nitrogen will move the Great South Bay and Long Island Sound closer to meeting water quality standards and reduce hypoxia and harmful algal blooms, as called for in the [Suffolk County Subwatersheds Wastewater Plan](#) and [Long Island Sound Study](#), among many other plans and policies.

Reduction of excessive nitrogen at residential and commercial septic systems in Suffolk County has been a focus of environmentalists and regulators for more than a decade — ever since Peconic Baykeeper started raising the issue in 2010, joined by many others, prompting the County Executive to famously

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<sup>1</sup> The new urine separation systems will be installed in the Field 2, 3, and 4 Comfort Stations at Robert Moses State Park, the Field 3 East Comfort Station at Sunken Meadow State Park, and the Parking Field Comfort Station (Outfall #14) at Wildwood State Park. To settle the 2016 federal enforcement that was spurred by Baykeeper and Save the Sound’s litigation, State Parks previously installed urine separation systems at the Field 5 Comfort Station at Robert Moses State Park, the Year-Round Bathroom (Field No. 1) in Sunken Meadow State Park, and the East Camp Comfort Station in Wildwood State Park.

declare nitrogen pollution “public enemy number one” for our bays, waterways, drinking supply, and wetlands. But a lesser-known aspect of Long Island’s nutrient crisis is the large volumes of nitrogen discharged from large (often massive) government-owned and operated facilities at or near our shorelines. This litigation and settlement addresses that critically important part of the overall problem.

In addition to keeping excess nutrients out of our coastal waters, diverting nitrogen from urine is also environmentally beneficial as it allows those nutrients to be [used as an agricultural resource](#).

The settlement also requires State Parks to publicize the results, logistics, and costs of the urine separation projects (including the results of any efforts to reuse urine) by posting such information on the agency’s website or otherwise. The environmental organizations specifically requested this in order to promote a pathway for other agencies, including smaller local governments, to follow toward reducing pollution from large public bathrooms near the shorelines.

Peconic Baykeeper and Save the Sound’s litigation and settlement also prevents dozens of different contaminants of emerging concern, such as pharmaceuticals and personal care products, which are present in human wastewater, from migrating from the Parks’ sanitary systems to groundwater and surface waters.

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### **About Peconic Baykeeper**

Peconic Baykeeper is a 501 (c)(3) Not-For-Profit organization dedicated to protecting and restoring Long Island’s drinkable, swimmable, and fishable waters. Established in 1998 as Long Island’s clean water advocate, Peconic Baykeeper uses science, education, and law to defend critical watershed from the Peconic Estuary through the South Shore Bays. For more information, visit [www.peconicbaykeeper.org](http://www.peconicbaykeeper.org)

### **About Save the Sound**

Save the Sound leads environmental action in the Long Island Sound region. We fight climate change, save endangered lands, protect the Sound and its rivers, and work with nature to restore ecosystems. For 50 years, we’ve been ensuring people and wildlife can enjoy the healthy, clean, and thriving environment they deserve. From our offices in Larchmont, NY and New Haven, CT, Save the Sound works for a cleaner, healthier, and more vibrant Long Island Sound. The organization’s success is based on scientific knowledge, legal expertise, and thousands of committed people teaming up to achieve results that benefit the environment for current and future generations. Learn more at [www.savethesound.org](http://www.savethesound.org).