

STRICKEN AS OF END OF YEAR

Intro. Res. No. 1729-2011
Introduced by Legislator Cilmi

Laid on Table 8/16/2011

**RESOLUTION NO. -2011, ADOPTING LOCAL LAW
NO. -2011, A CHARTER LAW TO AMEND THE DRINKING
WATER PROTECTION PROGRAM TO FUND REMEDIATION
OF CONTAMINATED COMMERCIAL SITES**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on , 2011, a proposed local law entitled, "**A CHARTER LAW TO AMEND THE DRINKING WATER PROTECTION PROGRAM TO FUND REMEDIATION OF CONTAMINATED COMMERCIAL SITES;**" now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -2011, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO AMEND THE DRINKING WATER
PROTECTION PROGRAM TO FUND REMEDIATION OF
CONTAMINATED COMMERCIAL SITES**

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that 11.75% of the revenues generated under the Suffolk County Drinking Water Protection Program are earmarked for Water Quality Protection and Restoration initiatives.

This Legislature also finds and determines that Water Quality Protection and Restoration monies, which are commonly known as Fund 477 monies, may be used to fund projects for non-point source abatement and control, aquatic habitat restoration, and pollution prevention initiatives.

This Legislature further finds and determines that a gap exists in the Water Quality Protection and Restoration Program in that monies cannot be used to investigate, test or remediate industrial and commercial sites when environmental contamination is suspected.

This Legislature determines that testing and remediating sites where environmental contamination has occurred is completely consistent with the goals and purposes of the Water Quality Protection and Restoration Program.

Therefore, the purpose of this law is to amend Article XII of the SUFFOLK COUNTY CHARTER to permit the use of Fund 477 monies to investigate, test and remediate sites where environmental contamination has occurred.

Section 2. Amendments.

Article XII of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

ARTICLE XII, Suffolk County Drinking Water Protection Program

C12-2. Programmatic expenses.

B. Water quality protection and restoration program and land stewardship initiatives.

- (1) 11.75% of the total revenues generated each calendar year to reduce or stabilize the County's general property taxes for the subsequent fiscal year by being credited to revenues in direct proportion to real property taxes assessed and collected by the County of Suffolk from parcels within the County, said revenues to be used to offset the County cost of environmental programs limited to:

- (a) Projects recommended by the Management Committee of SSER, PEP, and/or LICMP, if approved by duly enacted resolution of the County of Suffolk, for infrastructure improvements or operating expenses which may include, but not be limited to, the following:

[4] Pollution prevention initiatives:

- (b) Investigation, testing and remediation of environmental pollution at commercial and industrial sites.

Section 3. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language

___ Underlining denotes addition of new language

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: