

STRICKEN AS OF 9/27/2012
AMENDED COPY AS OF 3/27/2012

Intro. Res. No. 1200-2012
Introduced by Legislator Cilmi

Laid on Table 3/13/2012

**RESOLUTION NO. -2012, TO ACCELERATE THE
EVALUATION AND REMEDIATION OF BROWNFIELDS IN
SUFFOLK COUNTY**

WHEREAS, the Department of Health Services maintains a list of tax delinquent properties that are suspected of being potential brownfields sites; and

WHEREAS, the Department of Health Services advises that there are approximately one hundred such tax delinquent properties in Suffolk County; and

WHEREAS, the Department of Health Services advises that new brownfield sites are added to the list regularly; and

WHEREAS, these potential brownfield sites remain in limbo for years at a time; the record owners have typically abandoned the properties and the County of Suffolk is unwilling to assume ownership and the large clean-up costs that could follow; and

WHEREAS, the County of Suffolk pays the property taxes on these sites while they remain in limbo; and

WHEREAS, in many cases, the County has failed to conduct a thorough investigation of these properties to determine if there is, in fact, significant contamination present; and

WHEREAS, potential contamination may pose significant threats to public health and the environment; and

WHEREAS, it is in the best interests of the County's taxpayers to undertake an intensive program to evaluate these tax delinquent properties to determine if there are, in fact, any hazardous wastes, petroleum, pollutants or contaminants on these sites; and

WHEREAS, such an investigation would allow the County to return unpolluted parcels to the tax rolls while establishing the potential costs of remediating other sites; now, therefore be it

1st RESOLVED, that the Department of Health Services is hereby authorized, empowered and directed to update their list of tax delinquent parcels that may be contaminated; and be it further

2nd RESOLVED, that the Department of Health Services is authorized, empowered and directed to access these sites and conduct the investigation and testing necessary to determine whether, and to what extent, contamination is present, subject to appropriations being made available for this purpose; and be it further

3rd RESOLVED, that in those cases where a property owner will not voluntarily allow the Department of Health Services to enter the property or where the property owner cannot be

located, the Commissioner of the Department of Health Services shall issue an Order Warrant for such access or the Department will seek a court order allowing it to access the property; and be it further

4th RESOLVED, that the Department of Health Services shall complete its investigation and inspection of these tax delinquent parcels in an expedited fashion; and be it further

5th RESOLVED, that the Department of Health Services shall report to the Legislature and the County Executive no later than one (1) year after the effective date of this resolution, on the status of their investigation, specifically reporting:

- 1) the number of parcels that the Department has investigated and tested for contamination;
- 2) those tax delinquent parcels that are not contaminated and which the County can take ownership of; and
- 3) the estimated costs to remediate tax delinquent parcels that are contaminated;

and be it further

6th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (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, and 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 resolution.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: