

**RESOLUTION NO. 971-2012, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED SEWER DISTRICT NO. 3 – SOUTHWEST BERGEN POINT WASTEWATER TREATMENT PLANT OUTFALL REPLACEMENT PROJECT, TOWN OF BABYLON**

**WHEREAS**, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Sewer District No.3 – Southwest Bergen Point Wastewater Treatment Plant Outfall Replacement Project, Town of Babylon", pursuant to Section 6 of Local Law No. 22-1985 which project involves the replacement of the deteriorated section of the existing Bergen Point Wastewater Treatment Plant outfall pipe with a newly constructed lined tunnel to be installed below the bottom of the Great South Bay; and

**WHEREAS**, an Environmental Assessment Form (EAF) was prepared and submitted to the CEQ Office by the Suffolk County Department of Public Works and a presentation was made by a representative from CDM Smith and subsequently sent out to all concerned parties; and

**WHEREAS**, at its September 19, 2012 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Public Works; and

**WHEREAS**, the CEQ recommended that the above activity be considered a Type I action, pursuant to the provisions of Title 6 NYCRR, Part 617.4(b)(10) and Chapter 450 of the Suffolk County Code; and

**WHEREAS**, the CEQ has advised the County Legislature and the County Executive by memo dated September 24, 2012 of said recommendations; and

**WHEREAS**, Section 450-5(H) of the SUFFOLK COUNTY CODE requires the Presiding Officer to introduce legislation for an appropriate SEQRA determination; and

**WHEREAS**, the Suffolk County Legislature has reviewed the EAF and the CEQ recommendations; now, therefore be it

**1st RESOLVED**, that this Legislature hereby determines that the Proposed Sewer District No. 3 – Southwest Bergen Point Wastewater Treatment Plant Outfall Replacement Project constitutes a Type I action, pursuant to the provisions of Title 6 NYCRR, Part 617.4(b)(10) and Chapter 450 of the Suffolk County Code, which project will not have significant adverse impacts on the environment for the following reasons:

- 1) The proposed action will not exceed any of the criteria set forth in Title 6 NYCRR, Part 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form, the Engineering Design Report dated May 2011, additional supporting documentation submitted and the discussions and deliberations contained within the meeting records of the CEQ;

- 2) After review of an economic and environmental alternatives analysis contained within the May 2011 Engineering Design Report, the proposed alternative appears to be the least environmentally damaging practicable alternative;
- 3) Most of the construction associated with the proposed action would occur underground to avoid impacts to the Great South Bay and surrounding environments;
- 4) Access shaft construction will use ground freezing technology to further reduce impacts on the surrounding area;
- 5) The proposed alternative does not include the installation of carrier pipes and, therefore, the tunnel size could be reduced further mitigating impacts;
- 6) Impacts resulting from project implementation will be limited to short-term construction-related impacts in the previously disturbed, invasive-species dominated shaft construction areas which will be subject to an approved site restoration plan;
- 7) All work conducted will be done so in accordance with all applicable Federal, State and local permitting requirements; and
- 8) If not addressed, it is likely that the existing outfall pipe will fail and result in the discharge of treated effluent directly into the Great South Bay;

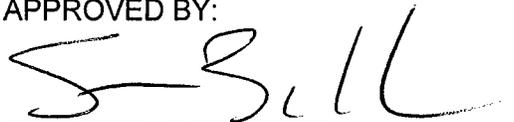
and be it further

**2nd** **RESOLVED**, that a copy of this Resolution shall be filed with the Suffolk County Clerk, the initiating unit of said project, and with the CEQ; and be it further

**3rd** **RESOLVED**, that in accordance with Section C1-4(1)(d) of the SUFFOLK COUNTY CHARTER and Section 450-5(C)(4) of the SUFFOLK COUNTY CODE, the CEQ is hereby directed to prepare and circulate a SEQRA notice of determination of non-significance in accordance with this Resolution.

DATED: **NOV 20 2012**

APPROVED BY:



County Executive of Suffolk County

Date: *12-3-2012*

SUFFOLK COUNTY  
County Legislature  
RIVERHEAD, NY



*This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on November 20, 2012 and that the same is a true and correct transcript of said resolution and of the whole thereof.*

*In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.*

*Tim Laube*

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Clerk of the Legislature

**Motion:**

Romaine, Schneiderman, Browning, Muratore, Anker  
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

**Co-Sponsors:**

Romaine, Schneiderman, Browning, Muratore, Anker  
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

**Second:**

Romaine, Schneiderman, Browning, Muratore, Anker  
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
5	Kara HAHN					
6	Sarah S. ANKER					
7	Rob CALARCO					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
15	DuWayne GREGORY				✓	
16	Steven H. STERN					
17	Lou D'AMARO					
18	William SPENCER					
14	Wayne R. HORSLEY, D.P.O.					
8	William J. LINDSAY, P.O.				✓	
	Totals	16	—		2	

MOTION
<input checked="" type="checkbox"/> Approve
Table: _____
Send To Committee
Table Subject To Call
Lay On The Table
Discharge
Take Out of Order
Reconsider
Waive Rule
Override Veto
Close
Recess
APPROVED <input checked="" type="checkbox"/> FAILED _____
No Motion _____ No Second _____

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
NOT ADOPTED

*Tim Laube*

Tim Laube, Clerk of the Legislature

Roll Call \_\_\_\_\_ Voice Vote 4