

**RESOLUTION NO. 764 -2016, AUTHORIZING SUFFOLK COUNTY TO ENTER INTO AN AGREEMENT WITH NEW YORK STATE ENVIRONMENTAL AGENCIES AND SUFFOLK COUNTY LANDBANK CORPORATION**

**WHEREAS**, the Suffolk County Landbank Corporation (“SCLBC”) was established in 2013 with the intent to efficiently facilitate the return of tax-delinquent brownfield and superfund properties (“the Properties”) within Suffolk County to productive uses consistent with the comprehensive plans of the jurisdictions in which they are located; and

**WHEREAS**, the New York State Department of Environmental Conservation (“NYSDEC”) is the Executive Agency of the State of New York responsible for enforcement of the Environmental Conservation Law (“ECL”) of the State of New York and the New York State Finance Law and cleanup of contaminated properties pursuant to Article 12 of the Navigation Law; and

**WHEREAS**, chapter 845 of the Laws of 1977 created the New York Environmental Protection and Spill Compensation Fund (“Oil Spill Fund”) and assigned to the Office of State Comptroller administrative and operational responsibility for the Oil Spill Fund (“Administrator”); and

**WHEREAS**, the Administrator is empowered to settle all claims involving liability under Article 12 of the Navigation Law for all petroleum discharges; and

**WHEREAS**, the NYSDEC, OIL SPILL FUND, SUFFOLK COUNTY, and SCLBC (herein “the Parties”) have a shared interest in ensuring that any environmental issues associated with the Properties are timely and appropriately addressed in order to protect public health and the environment; and

**WHEREAS**, the Parties agree that the cooperation and sharing of information as defined in the attached Agreement (Exhibit "A" - Agreement) is in the best interest of the Parties; and

**WHEREAS**, the Parties have a shared interest in recovering costs as defined in the attached Agreement; and

**WHEREAS**, the Parties agree that Suffolk County and the SCLBC, in pursuit of their responsibilities, should not be sued by the NYSDEC as a responsible parties as that term is defined in New York State Law (ECL §27-1301 et seq. and NL Article 12) and Federal Law (42 U.S.C. § 9607(a)); now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that the County Executive, or his designee, as a representative for Suffolk County, is authorized to enter into an Agreement with the NYSDEC, OIL SPILL FUND, and SCLBC in form and substance substantially in accordance with the Agreement annexed as (Exhibit "A" - Agreement); and be it further

**2<sup>nd</sup>** **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) and (27) of Title 6 of the New York Code of Rules and Regulations (6 NYCRR) and within the meaning of Section 8-0109 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. Furthermore, in accordance with Section 1-4(A)(1)(d) of the Suffolk County Charter and Section 279-5(C)(4) of the Suffolk County Code, the Suffolk County Council on Environmental Quality is directed to prepare and circulate all appropriate notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: September 7, 2016

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: September 9, 2016