

## NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the County Legislature of the County of Suffolk, New York will meet at the William H. Rogers Building in Hauppauge, New York, in said County, on April 28, 2009 at 2:30 p.m., Prevailing Time, for the purpose of conducting a public hearing upon a proposal for increases and improvements to the facilities Suffolk County Sewer District No. 21 – SUNY, in and about the Town of Brookhaven, substantially in accordance with the maps, plans, report and recommendations prepared by and filed with the Suffolk County Legislature by the Suffolk County Sewer Agency with the assistance of the County Department of Public Works, at which time and place said County Legislature will consider such proposal and hear all parties interested therein concerning the same.

### Notice of Cost

The total cost for the increase and improvement to Suffolk County Sewer District No. 21 – SUNY Phase I project is approximately \$4,000,000. The existing district is billed on a percentage of use and includes district service area components, i.e., the SUNY Stony Brook campus, Suffolk County Sewer District No. 10 – Stony Brook, Suffolk County Sewer District No. 19 – Haven Hills, and Brookhaven Sewer District No. 1. It is proposed that the project will be implemented during 2009 and that financing will be provided through the New York State Environmental Facilities Corporation (EFC). It is indicated in the map, plan and report that although a partial grant is possible, the financial impact has been prepared considering the normal EFC interest subsidy that results in the cost to the typical property for the property owners of Sewer District Nos. 10 and 19 to be \$16.68 per year.

### Project Description

The Phase I increase and improvement to Suffolk County Sewer District No. 21 - SUNY of the improvement project includes recharge and emergency electric power generation. The project elements are more fully described and defined in the aforementioned maps, plans, report and recommendations. The estimate of the cost associated with this Phase I of the increase and improvement project is approximately \$4.0 million.

A copy of the map, plan, and estimate of costs relating to said proposed increase and improvement of facilities is on file in the Office of the Clerk of said County Legislature where the same may be examined during regular business hours.

BY ORDER OF THE SUFFOLK COUNTY LEGISLATURE

Tim Laube  
Clerk of the County Legislature

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**PUBLIC NOTICE OF ADOPTION OF LOCAL LAW**

PLEASE TAKE NOTICE THAT the following is a true copy of Local Law Number 5-2009 of the County of Suffolk, which was duly passed by the County Legislature on February 3, 2009, by Resolution No.40-2009, returned unsigned by the County Executive on March 6, 2009, and filed with the Secretary of State on March 24, 2009.

**RESOLUTION NO. 40 -2009, ADOPTING LOCAL  
LAW NO. 5 -2009, A LOCAL LAW TO REDUCE THE  
USE OF FERTILIZER NEAR SURFACE WATERS IN  
SUFFOLK COUNTY**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on October 14, 2008, a proposed local law entitled, "**A LOCAL LAW TO REDUCE THE USE OF FERTILIZER NEAR SURFACE WATERS IN SUFFOLK COUNTY**"; now, therefore be it

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

**LOCAL LAW NO. 5 -2009, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO REDUCE THE USE OF FERTILIZER  
NEAR SURFACE WATERS IN SUFFOLK COUNTY**

**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 it is the policy of the State of New York to preserve and protect tidal wetlands, freshwater wetlands and surface waters in order to prevent their despoliation and destruction.

This Legislature also finds and determines that the County of Suffolk has made great strides in protecting wetlands and surface waters throughout the County not only by acquiring such wetlands and bodies of water to prevent further development, but also by funding infrastructure improvements including nonpoint source pollution abatement and aquatic habitat restoration.

This Legislature further finds and determines that overuse of fertilizers is harming freshwater and tidal wetlands and surface waters as excess nitrogen leaches out of the soil that it is applied to and enters the wetland environment.

This Legislature finds that the excess nutrients leads to depressed dissolved oxygen levels in the wetlands and surface water areas, resulting in harm to aquatic life, an increase in algal blooms and a diminishing of water clarity.

This Legislature further determines that the County of Suffolk has already taken action to help reduce the excessive use of nitrogen based fertilizers by enacting Local Law No. 41-2007, "A Local Law to Reduce Nitrogen Pollution by Reducing Use of

Fertilizer in Suffolk County," which will prevent the application of fertilizers on County owned real property, and prohibit the application of fertilizer on all other property between November 1 and April 1 every year.

This Legislature also finds that more can be done to protect the County's freshwater wetlands, tidal wetlands and surface waters from the damaging effects of excessive nitrogen and phosphorous leaching due to the overuse of fertilizers.

Therefore, the purpose of this law is to prevent the application of fertilizer within 20 feet of a freshwater wetland, tidal wetland or surface water.

## **Section 2. Amendments.**

Chapter 289 of the SUFFOLK COUNTY CODE is hereby amended as follows:

### **Chapter 289, FERTILIZER**

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### **ARTICLE II, Sales and Use**

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#### **§ 289-8. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

COMMISSIONER -- The Commissioner of the Suffolk County Department of Environment and Energy.

DEPARTMENT -- The Suffolk County Department of Environment and Energy.

ESTABLISHMENT -- A store or person located within Suffolk County that sells or offers fertilizer for sale.

FERTILIZER -- Any organic or inorganic material of natural or synthetic origin which is added to soil, soil mixtures, or solution to supplement nutrients and is claimed to contain one or more essential plant nutrients. The term "fertilizer" does not include unmanipulated animal and vegetable manure and agricultural liming materials used to reduce soil acidity.

PERSON -- Any individual, firm, partnership, corporation, company, society, association, or any organized group of persons whether incorporated or not.

SURFACE WATER -- Shall mean lakes, bays, sounds, ponds, impounding reservoirs, perennial streams and springs, rivers, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial

limits of New York State, and all other perennial bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private, but shall not include artificial ponds.

TURF -- Any area of earth principally vegetated by grass.

**§ 289-9. Prohibitions regarding application of fertilizer.**

- A.) Fertilizer shall not be applied to County-owned real property, except as authorized under § 289-14 of this article.
- B.) Fertilizer shall not be applied to any turf on any non-County owned real property [any non-County owned real property] by any person between November 1 and April 1 of every year, except as authorized by Section 8 of this law.
- C.) Fertilizer shall not be applied to any County-owned property, nor to any turf on any non-County owned real property, within twenty (20) feet of any regulated surface water, except, that this restriction shall not apply where a continuous natural vegetative buffer, at least ten (10) feet wide, separates a turf area and regulated surface water.

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**Section 3. Applicability.**

The amendments contained within this law shall take effect immediately upon 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 I action, pursuant to the provisions of Title 6 NYCRR, Part 617.4(b) and Chapter 279 of the Suffolk County Code, which project will not have a significant effect on the environment for the following reasons:

- 1.) The proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR, which sets forth thresholds for

determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;

- 2.) The proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter and the Suffolk County Code; and
- 3.) The action will have significant beneficial impacts by protecting the County's freshwater wetlands, tidal wetlands and surface waters from the damaging effects of excessive nitrogen and phosphorous contamination due to the overuse of fertilizers, while alleviating environmental and cultural eutrophication stresses to surface waters.

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.

BY ORDER OF THE SUFFOLK COUNTY LEGISLATURE  
Tim Laube, Clerk

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