

Intro. Res. No. 1577-2012

Laid on Table 6/5/2012

Introduced by Legislators Romaine, Schneiderman, Muratore, Anker, Calarco, Cilmi, Hahn, Horsley, Gregory and Spencer

RESOLUTION NO. 820 -2012, ADOPTING LOCAL LAW NO. 57 -2012, A LOCAL LAW TO REQUIRE PUBLIC NOTIFICATION OF SEWAGE CONTAMINATION IN SUFFOLK COUNTY

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on June 5, 2012, a proposed local law entitled, "**A LOCAL LAW TO REQUIRE PUBLIC NOTIFICATION OF SEWAGE CONTAMINATION IN SUFFOLK COUNTY**"; now, therefore be it

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

LOCAL LAW NO. 57 -2012, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO REQUIRE PUBLIC NOTIFICATION OF SEWAGE CONTAMINATION 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 Suffolk County's sole source of drinking water comes from its underground aquifer.

This Legislature also finds and determines that the County is committed to protecting and preserving its ground and surface waters to ensure that residents have safe, clean water.

This Legislature further finds and determines that surface and groundwaters are vulnerable to contamination from the discharge of untreated or partially treated sewage and wastewater.

This Legislature finds that exposure to sewage contaminated water can cause bacteria-borne illnesses, such as pink eye, gastroenteritis, skin rashes, respiratory infections and infection of exposed cuts or wounds. Children, the elderly and individuals with compromised immune systems are at increased risk of developing such illnesses from exposure to contaminated water.

This Legislature determines that there are 23 municipal sewage treatment plants and over 180 privately owned sewage treatment plants in Suffolk County. All sewage treatment plants in Suffolk County are subject to inspection by the County Department of Health Services.

This Legislature further finds that there is no law requiring operators of private sewage treatment plants to notify the public when they discharge untreated or partially treated sewage occurrences at their plants.

This Legislature also determines that, to ensure public awareness of sewage contamination, the Department of Health Services should be notified by sewage treatment plant operators when untreated or partially treated sewage is discharged from the plant and the Department should post notifications of such incidents on its website.

Therefore, the purpose of this law is to require private sewage treatment plants to report to the Department of Health Services the discharge of untreated or partially treated sewage and to require the Department of Health Services to notify appropriate elected officials of such incidents and post reports of same online.

Section 2. Sewage Discharge Reporting Requirements.

- A. The operator of any private sewage treatment plant located in the County of Suffolk must report any discharge from their plant of untreated or partially treated sewage to the Department of Health Services within 4 hours of the occurrence and shall provide the following information to the Department:
 1. The specific location of the discharge;
 2. The volume and treated state of the discharge;
 3. The date and time of the discharge;
 4. The expected duration of the discharge, to the extent known;
 5. A description of the steps being taken to contain the discharge and the steps which will be taken to remediate any associated environmental damage, if applicable; and
 6. The reason for the discharge.
- B. The reporting sewage treatment plant shall also provide updated information regarding containment of the discharge and remediation of associated environmental damage, if applicable, to the Department of Health Services in a timely manner until the discharge is fully contained and remediated.

Section 3. Notification of Elected Officials and Public.

- A. Within 12 hours of receiving a report of sewage discharge, the Department of Health Services shall notify the County Executive and the County Legislator representing the district in which the discharge occurred.
- B. Within 24 hours of receiving a report of sewage discharge, the Department of Health Services shall post on its website a public notification of same.

Section 4. Penalties.

Violation of Section 2 of this law shall be subject to a civil penalty of up to \$1,000 for every day that a discharge goes unreported. A civil penalty shall only be assessed by the Commissioner of the Department of Health Services following a hearing and opportunity of an alleged violator to be heard.

Section 5. Rules and Regulations.

The Department of Health Services shall promulgate all rules and regulations necessary for the implementation of this law within sixty days of its filing in the Office of the

Secretary of State. All such rules and regulations shall be subject to the approval of the County Legislature.

Section 6. Applicability.

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

Section 7. 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 8. SEQRA Determination.

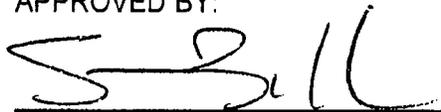
This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning 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 9. Effective Date.

This law shall take effect on the 60th day immediately subsequent to its filing in the Office of the Secretary of State.

DATED: September 13, 2012

APPROVED BY:


County Executive of Suffolk County

Date: 10.12.2012

After a public hearing duly held on September 24, 2012
Filed with the Secretary of State on November 6, 2012

AFFIDAVIT OF PUBLICATION

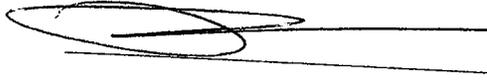
State of New York }
County of Suffolk } ss:

Phillip L. Sciarillo, of Woodbury, in Nassau County, is the
Publisher of the

Smithtown Messenger _____ Ronkonkoma Review
 Brookhaven Review _____ Medford News

a weekly newspaper published at Smithtown, Town of Smith-
town, County of Suffolk, State of New York, and annexed is a
printed copy, that has been regularly published in said newspaper
once in each week for _____ week(s), dates of
insertion being the following:

September 20, 2012



sworn to before me this 20th
day of September, 2012

Darlis C. Ward
Notary Public, State of New York
356446, Suffolk County
Expires April 14, 2014

Darlis C. Ward
NOTARY PUBLIC

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Suffolk County Legislature has passed Introductory Resolution No. 1577-2012 and presented to me for approval Local Law No. -2012, "A Local Law to Require Public Notification of Sewage Contamination in Suffolk County" which law requires the operator of any private sewage treatment plant located in the County of Suffolk to report any discharge from their plant of untreated or partially treated sewage to the Department of Health Services within 4 hours of the occurrence and the Department of Health Services must report the sewage discharge to the County Executive and County Legislator representing the district in which the discharge occurred within 12 hours, in addition to posting it on its website within 24 hours of the report. Violators of this law are subject to civil penalties.

NOTICE IS FURTHER GIVEN that the County Executive will hold a public hearing on the aforesaid Local Law at 10:00 a.m., prevailing time, on Monday, September 24, 2012, in the H. Lee Dennison Building Media Room, 100 Veterans Memorial Highway, Hauppauge, New York, at which time all interested persons will be heard.

DATED: September 17, 2012
Hauppauge
New York
STEVEN BELLONE
Suffolk County Executive
9/20/4221

1R1577

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 September 13, 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

Clerk of the Legislature

Intro. Res. 1577

Res. No. 820

September 13, 2012

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	18				

MOTION

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 FAILED _____

No Motion _____ No Second _____

RESOLUTION DECLARED

ADOPTED

NOT ADOPTED

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote