

**RESOLUTION NO. 1183 -2013, AUTHORIZING EXECUTION  
OF A CONSENT JUDGMENT WITH THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY CONCERNING  
COUNTY UNDERGROUND STORAGE TANKS AND  
UNIVERSAL WASTE**

**WHEREAS**, it is alleged by the United States Environmental Protection Agency (EPA) that Suffolk County has violated provisions of the Solid Waste Disposal Act (42 U.S.C. Section 6901, *et seq.*) and associated regulations concerning Underground Storage Tanks (USTs) and Universal Waste; and

**WHEREAS**, it is alleged that the violations were discovered during inspections and following review of documents provided by the County to the EPA and, as a result the EPA, the United States Department of Justice, and Suffolk County have negotiated a proposed settlement, the terms of which are substantially contained in a Consent Judgment ("Consent Judgment"), attached hereto and made a part hereof as Exhibit "A"; and

**WHEREAS**, the monetary penalties that could be imposed under Federal Statute for past alleged violations, if proven, could greatly exceed Two Million Dollars (\$2,000,000) notwithstanding that the alleged violations have not contributed to any known spill or harm to the environment; and

**WHEREAS**, of the Two Million Dollar (\$2,000,000) penalty, One Million Five Hundred Thousand Dollars (\$1,500,000) shall be expended upon a Supplemental Environmental Project ("SEP") involving land acquisition which is environmentally beneficial to Suffolk County residents as it will benefit and protect the ground, drinking and surface waters of Suffolk County, and Five Hundred Thousand Dollars (\$500,000) shall be expended in payment of monetary penalties; and

**WHEREAS**, under the terms of the Consent Judgment, the County shall be responsible for all expenses necessary to fully implement the SEP, including any non-creditable expenses such as cost of title policies, appraisals and environmental audits which are estimated not to exceed \$150,000; and

**WHEREAS**, it is in the best interest of the County of Suffolk to enter into the Consent Judgment as it shall settle all of the terms and conditions in connection with the above allegations and will avoid protracted litigation and the potential for significantly greater penalties than what has been agreed to by the parties; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that the Suffolk County Executive, or his designee, is hereby authorized, empowered and directed to execute the Consent Judgment with the United States, substantially in the form submitted herewith as Exhibit "A", and to take all actions necessary to implement the Consent Judgment, subject to any necessary future approvals by the County Legislature; and be it further

**2<sup>nd</sup>** **RESOLVED**, that the execution and delivery on behalf of and in the name of the County by the County Executive, or his designee, of the Consent Judgment, as presented to the members of the Legislature at this meeting in this Resolution is hereby authorized and directed,

with such changes therein as the EPA may require, the County Executive, or his designee, may accept, and the County Attorney may approve; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the execution and delivery of such Consent Judgment shall be conclusive evidence of approval of any such changes and of the authorization and direction thereof by this Legislature; and be it further

**4<sup>th</sup>** **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that the adoption of this law is a Type II action pursuant to Title 6 NYCRR Section 617.5(c) (20), (27) and (29), since it constitutes a local legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment and a civil enforcement proceeding, including a particular course of action specifically required to be undertaken pursuant to a judgment or order. As a Type II action, the Legislature has no further responsibilities under SEQRA.

DATED: December 17, 2013

APPROVED BY:

/s/ Dennis M. Cohen  
Chief Deputy County Executive of Suffolk County

Date: December 17, 2013