

Introduced by Presiding Officer, on request of the County Executive and Legislator Hahn

**RESOLUTION NO. 857 -2016, AUTHORIZING THE CONSTRUCTION OF A STORMWATER MITIGATION PROJECT AT LITTLE CREEK, VILLAGE OF PATCHOGUE, USING THE NEW ENHANCED SUFFOLK COUNTY WATER QUALITY PROTECTION PROGRAM FUNDS (CP 8733)**

**WHEREAS**, Local Law No. 31-2014, a Charter Law Amending the ¼% Suffolk County Drinking Water Protection Program (DWPP) for Enhanced Water Quality Protection, Wastewater Infrastructure and General Fund Property Tax Relief for Suffolk County, created the 2014 Enhanced Suffolk County Water Quality Protection Program, codified in Suffolk County Charter Article XIA; and

**WHEREAS**, Local Law No. 31-2014 was approved at a referendum in November of 2014, by Suffolk County voters; and

**WHEREAS**, the 2016 Adopted Capital Budget contains three water quality protection 2014 Referendum Capital Projects totaling \$29.4 million: CP 8732 for land purchases (\$20 million), CP 8733 for water quality projects (\$4.7 million), CP 8734 for sewer improvement projects (\$4.7 million); and

**WHEREAS**, the Legislature has determined that the Drinking Water Protection Program is essential to the well-being of the County's drinking water supply, and it is in the best interest of the County's residents to preserve the sanctity of the Program and to secure significant environmental and public health benefits; and

**WHEREAS**, Resolution No. 437-2016 appropriated \$4.7 million in serial bond proceeds for water quality protection and restoration program and land stewardship initiatives projects as set forth in the Enhanced Suffolk County Water Quality Protection Program; and

**WHEREAS**, the Village of Patchogue by Resolution No. 123-2016 committed to providing matching funds for this project in the required minimum of 50% of the total project cost; and

**WHEREAS**, Resolution No. 471-1994 as revised by Resolution No. 461-2006, established the use of a priority ranking system, implemented in the Adopted 2016 Capital Budget as the basis for funding capital projects such as this project; and

**WHEREAS**, funding is requested for this project through the New Enhanced Suffolk County Water Quality Protection Program; and

**WHEREAS**, the Village of Patchogue has requested funding that will enable them to construct a stormwater mitigation project at Little Creek; and

**WHEREAS**, the Suffolk County Water Quality Review Committee at its August 11, 2016 meeting, pursuant to Article XII of the Suffolk County Charter, has recommended funding the stormwater mitigation project at Little Creek, Village of Patchogue; and

**WHEREAS**, Little Creek is fed by groundwater and surface flows from the surrounding low lying residential areas as well as stormwater discharges from Village, Town, and County roads; and

**WHEREAS**, Little Creek is a tributary to Patchogue Bay and ultimately to the Great South Bay. These three waterbodies are described in the NYS Priority Waterbody List (PWL) with possible pollutant sources listed as urban/storm runoff and on-site septics. The Great South Bay is listed on the NYSDEC Section 303(d) list as a Class SA waterbody with nitrogen as the primary pollutant of concern; and

**WHEREAS**, currently Little Creek consists of a system of a check valve vault and three 30" high density polyethylene (HDPE) drainage pipes which serve as three separate outfalls; and

**WHEREAS**, the existing HDPE pipes pose an additional problem for natural flow into Patchogue Bay as these three large pipes are improperly pitched resulting in increased flooding upstream in the surrounding areas; and

**WHEREAS**, flooding washes sediment, debris, and pollutants into Little Creek, leading to surface and groundwater flooding in the basements of adjacent residential homes; and

**WHEREAS**, when the water table rises, residential septic systems fail resulting in raw, untreated wastes and their associated nutrients (nitrogen and phosphorus) and bacterial pathogens being discharged directly into the groundwater; and

**WHEREAS**, nitrogen pollution from septic systems and cesspools into Long Island's surface and groundwater is a significant issue that the County is working to remediate; and

**WHEREAS**, the purpose of the project is to reconstruct the drainage system at the south end of Little Creek to improve drainage capacity; and

**WHEREAS**, a decrease in flooding and water table elevations will result in a reduced incidence of septic failure and reduced frequency of homeowners pumping water from their basements which will lead to a reduction in accidental discharge of household chemicals; and

**WHEREAS**, the increase in effective drainage pipe capacity will render Little Creek more tidally influenced; and

**WHEREAS**, this project will improve water quality in Little Creek, Patchogue Bay, and Great South Bay by preventing an estimated two tons of nitrogen from entering these estuaries each year; and

**WHEREAS**, a reduction in nitrogen entering these estuaries could lead to a reduction in harmful algal blooms; and

**WHEREAS**, improved water quality will lead to an increased number of habitats for species of Diadromous fish which has many indirect ecological benefits; and

**WHEREAS**, that the Village of Patchogue, conducted an uncoordinated environmental review in accordance with the State Environmental Quality Review Act (SEQRA), N.Y. Env'tl. Conserv. Law Art 8, and found that the proposed action constitutes an Unlisted Action and determined that the action will not have a significant adverse impact on the environment; and

**WHEREAS**, the project will be initiated within one year of the date of adoption of this Resolution; and

**WHEREAS**, the project will be completed within three years of the date of adoption of this Resolution; and

**WHEREAS**, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$250,000 in Suffolk County Serial Bonds; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that it is hereby determined that this project, with a priority ranking of sixty-nine (69), is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

**2<sup>nd</sup>** **RESOLVED**, pursuant to the new Article XIA of the Suffolk County Charter, CP 8733.310 funding shall be used for water quality protection and restoration program and land stewardship initiatives projects as set forth in Section C12-2(B) of the Suffolk County Charter, exclusive of Suffolk County personnel costs; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the County Comptroller is hereby authorized to reserve and to pay \$250,000, from the appropriated fund in capital project 525-CAP-8733.310 for the New Enhanced Suffolk County Water Quality Protection Program – 2014 Referendum, Water Quality Projects component, Section C12-2(B) of the Suffolk County Charter, for this water quality restoration project, and be it further

**4<sup>th</sup>** **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act (SEQRA), N.Y. Env'tl. Conserv. Law Art. 8, and Chapter 450 of the Suffolk County Code, has reviewed and agrees with the Village of Patchogue's SEQRA determination and hereby determines that this resolution constitutes an Unlisted Action, pursuant to Title 6 NYCRR Part 617 and Chapter 450 of the Suffolk County Code and further determines that the implementation of this action will not have a significant adverse impact on the environment for the following reasons:

1. The proposed action will not exceed any of the criteria in 6 N.Y.C.R.R. § 617.7, which sets forth thresholds for determining significant adverse impacts on the environment, as demonstrated in the Environmental Assessment Form;
2. The proposal does not 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 Code;
3. All necessary permits/approvals will be obtained from all applicable state, County, town and village regulatory agencies prior to the commencement of project construction;
4. The proposed project will improve drainage capacity at the south end of Little Creek and help reduce the potential for flooding and septic system failures adjacent to the Creek

which will improve the water quality of Little Creek, Patchogue Bay and the Great South Bay;

and be it further

**5<sup>th</sup>** **RESOLVED**, that this Legislature hereby adopts a determination of non-significance (negative declaration) and directs, in accordance with Section 450-5(C)(4) of the Suffolk County Code, the Suffolk County Council on Environmental Quality to prepare and circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution; and be it further

**6<sup>th</sup>** **RESOLVED**, that the County Executive or designee, and the Department of Economic Development and Planning, with the approval of the County Attorney, are hereby authorized and empowered to take such actions and execute such documents as may be necessary or desirable, consistent with the purposes and intent of the foregoing resolution.

DATED: October 5, 2016

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: October 20, 2016