

Intro. Res. No. 1311-2018
Introduced by Legislator Spencer

Laid on Table 4/24/2018

**RESOLUTION NO. 345-2018, REAUTHORIZING AND
EXTENDING THE LONG ISLAND COMMISSION ON AQUIFER
PROTECTION AND AMENDING RESOLUTION NO. 805-2013**

WHEREAS, the Long Island Commission on Aquifer Protection (“LICAP”) was created by Resolution No. 805-2013, as amended by Resolution No. 997-2013; and

WHEREAS, LICAP has met thirty (30) times and held public hearings on eight different days since its inception; and

WHEREAS, LICAP pursuant to this Legislature’s direction, has prepared a State of the Aquifer Report (“SOTAR”) and updated it; and

WHEREAS, LICAP pursuant to this Legislature’s direction, has prepared and issued an Interim Groundwater Resources Management Plan (“IGRMP”); and

WHEREAS, LICAP voting and non-voting members considered the items to be included within the IGRMP; and

WHEREAS, the IGRMP contains recommendations for improving the quantity and quality of Long Island’s groundwater and related water resources; and

WHEREAS, this Legislature finds that LICAP, through the SOTAR, the IGRMP, its public meetings and hearings has provided valuable information and collaboration among water quality professionals, health departments, elected officials, advocates and other interested parties in Nassau and Suffolk counties; and

WHEREAS, LICAP is set to expire and terminate on December 27, 2018 unless it is reauthorized and extended by resolutions of the Suffolk and Nassau County Legislatures; and

WHEREAS, this County Legislature has determined that it is in the best interest of the County to reauthorize LICAP for five (5) years from December 27, 2018; and

WHEREAS, this County Legislature further determines that LICAP shall focus on, but not be limited to, the tasks as presented herein during its extended term; and

WHEREAS, the Soil and Water Conservation District of Nassau and Suffolk counties possess enormous knowledge and expertise about the conservation of water resources and their representatives on the LICAP board would enhance LICAP’s efforts; now, therefore be it

1st RESOLVED, that the 24th RESOLVED clause of Resolution No. 805-2013 is deleted its entirety and replaced as follows:

24th RESOLVED, that the LICAP will expire and the terms of its members will terminate five (5) years after the effective date of this resolution or the effective date of the ordinance adopted by Nassau County or on December 28, 2023, whichever date is latest, unless both counties enact a new resolution/ordinance reauthorizing LICPA and its mission; and be further

and be it further

2nd RESOLVED, that LICAP shall annually update its SOTAR by selecting topic(s) that merit further examination and providing the results of such examination in each annual SOTAR update; and be it further

3rd RESOLVED, that LICAP shall seek to establish a subcommittee to work cooperatively with the Project Management Team of the New York Long Island Nitrogen Action Plan Initiative, among other water resource protection initiatives, to identify opportunities for collaboration between the entities; and be it further

4th RESOLVED, that LICAP shall seek to expand the scope of WaterTraQ to include drinking water quality/test results information from all of Long Island's providers, including both treated and raw water results; and be it further

5th RESOLVED, that LICAP shall monitor and seek the implementation of the IGRMP's recommendations via legislative or regulatory action; and be it further

6th RESOLVED, that LICAP shall develop and implement an Island wide comprehensive public education program related to the value of water and conservation initiatives engaging all levels of government, not-for-profits, business entities and other stakeholders; and be it further

7th RESOLVED, that LICAP shall prepare and submit recommendations to the New York State Department of Environmental Conservation on opportunities to use Natural Resources Damages Funds to improve groundwater quantity and quality on Long Island; and be it further

8th RESOLVED, that LICAP shall complete the 2040 Water Resources and Infrastructure Plan and the Water Resources Opportunities Plan; and be it further

9th RESOLVED, that the 3rd RESOLVED clause of Resolution No. 805-2013 is amended as follows:

3rd RESOLVED, that the LICAP shall consist of [~~nine~~] eleven members. [~~Five~~] Seven entities shall have a permanent membership position, the Suffolk County Water Authority, the Long Island Water Conference, the Nassau-Suffolk Water Commissioner's Association [~~and~~], the Nassau and Suffolk Departments of Health and the Nassau and Suffolk Soil and Water Conservation Districts. Each entity or member may designate a representative to attend meetings and such representative shall serve at the pleasure of his or her designating entity. There shall be four appointed members, two members to be appointed from Nassau County and two members to be appointed from Suffolk County, as set forth below. A quorum of the LICAP shall consist of no fewer than [~~five~~] six voting members, which, at a minimum, must include at

least three of the permanent members and at least one such member from Nassau County and at least one member from Suffolk County; any subcommittee of the Council shall contain equal representation from each County and at least one permanent member; and be it further

and be it further

10th **RESOLVED**, that the 5th **RESOLVED** clause of Resolution No. 805-2013 is hereby amended:

5th **RESOLVED**,that the Suffolk County Executive, the Presiding Officer of the Suffolk County Legislature, the Minority Leader of the Suffolk County Legislature, the Commissioner of the Department of Public Works, the Commissioner of Parks, Recreation and Conservation, and the Commissioner of the Department of Economic Development and Planning, or their representatives, [and the Suffolk County Soil and Water Conservation District,] shall serve as ex-officio members of the LICAP, but shall not be entitled to vote, and a representative from the New York State Department of Environmental Conservation, the United States Geologic Survey and the Long Island Groundwater Research Institute shall be invited to serve as ex-officio members; and be it further

and be it further

11th **RESOLVED**, that the 10th **RESOLVED** clause of Resolution No. 805-2013 is amended as follows:

10th **RESOLVED**, that the LICAP is hereby authorized and empowered to receive and expend public and private funds, including grants from non-profit foundations, agencies, corporations, including, public benefit corporations, and private entities, contract with public corporations for in-kind services, contract with public corporations to authorize the public corporation to apply for, hold, receive and disburse funds on behalf of and at the direction of LICAP, and may apply for and accept grants, donations, subsidies, or other funding from the federal, state and local governments, and enter into contracts for and agree to accept such grants, donations or subsidies in accordance with its approved purposes and make grants to public education and/or research institutions, such funds to be used for research purposes, provided that no more than 15% of the LICAP funds are used to pay for overhead or associated costs; and be it further

and be it further

12th **RESOLVED**, the County shall annually provide to LICAP a minimum of \$50,000 to undertake the tasks set forth in this resolution; however, LICAP may only expend these funds if the amounts provided by Suffolk County and Nassau County are equal and in the event of a disparity between the annual appropriation of the two, LICAP shall terminate any agreements contingent upon LICAP's receipt of funding from each County; and be it further

13th **RESOLVED**, that the 11th **WHEREAS** clause and Subsection (e) of the 17th **RESOLVED** clause of Resolution No. 805-2013 are deleted in their entirety; and be it further

14th **RESOLVED**, that with the exception of the specific amendments herein, the terms and conditions of Resolution No. 805-2013 shall remain in full force and effect; and be it further

15th **RESOLVED**, that this resolution shall become effective upon approval and adoption of a substantially similar resolution or ordinance by Nassau; provided, however, that such a resolution or ordinance shall not be construed as “substantially similar” if it affects the power of Suffolk or its members on the LICAP, including, but not limited to, representation, voting powers or Suffolk County’s financial contribution to the LICAP; and be it further

16th **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), (21) and (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, and 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 resolution.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED: May 15, 2018

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: May 21, 2018