

RESOLUTION NO. 531-2023, ACTING PURSUANT TO THE SUFFOLK COUNTY WATER QUALITY RESTORATION ACT, (CHAPTER 58 OF THE NEW YORK STATE LAWS OF 2023) TO CALL A PUBLIC HEARING REGARDING THE ESTABLISHMENT OF A SUFFOLK COUNTY WASTEWATER MANAGEMENT DISTRICT

WHEREAS, with a population of more than one million five hundred thousand persons, Suffolk County still relies on antiquated technology for disposal of wastewater, including more than three hundred eighty thousand cesspools and septic systems which are not designed to actively treat wastewater, more than two hundred nine thousand of which are located in environmentally sensitive areas; and

WHEREAS, Suffolk County's future well-being relies on the viability and sustainability of its water resources, as the County relies on a sole source groundwater aquifer for a supply of drinking water and is surrounded on three sides by estuaries which support a robust commercial and tourism economy; and

WHEREAS, continued reliance on antiquated technology and the lack of wastewater infrastructure throughout Suffolk County is widely recognized as a long-term threat to the County's water supply, the primary cause of degraded water quality in bays and harbors, and as a significant obstacle to sustainable economic growth which contributes to economic stagnation and constrained property values in many downtown business districts; and

WHEREAS, the need for a long-term wastewater infrastructure plan has been recognized in multiple studies and determined to be a high priority "early action" item under the New York State Long Island Nitrogen Action Plan (LINAP) initiative being managed jointly by the Long Island Regional Planning Council and the New York State Department of Environmental Conservation; and

WHEREAS, together with other government agencies, scientists and academics, and with financial support from the State of New York, the County has completed the Subwatersheds Wastewater Plan (SWP), a science-based plan which calls for the investment of \$4 billion over 50 years in new wastewater infrastructure to replace antiquated cesspools and septic systems by connecting parcels to sewers or installing innovative and alternative onsite wastewater treatment systems (I/A OWTS), which has received national recognition; and

WHEREAS, through its unanimous approval of the Findings for the SWP, via Resolution No. 215-2020, the Legislature has embraced the SWP as a long-term infrastructure plan to reverse decades of nitrogen pollution using a hybrid approach that relies on the connection of parcels to sewers where feasible and the replacement of cesspools and septic systems with I/A OWTS where sewers are not a cost-effective solution; and

WHEREAS, in addition to the SWP, multiple studies, including the Suffolk County Comprehensive Groundwater Management Plan, the IBM Corporation's Smarter Cities Challenge Program Report, and the LINAP Management Committee, have also determined that the establishment of a countywide wastewater management district is required in order to implement a long-term wastewater infrastructure plan; and

WHEREAS, by Resolution No. 20-2023, the Suffolk County Sewer Agency directed that a Map, Plan and Report be prepared to establish the countywide wastewater management district for the consideration of the Legislature; and

WHEREAS, the Suffolk County Water Quality Restoration Act (Chapter 58 of the New York State Laws of 2023) was enacted by the New York State Legislature specifically to provide authority for Suffolk County to establish a countywide wastewater management district and water quality restoration fund required to implement the long-term wastewater infrastructure plan; and

WHEREAS, with the State Legislature's adoption of Chapter 58 of the New York State Laws of 2023, Section 256-b of the NEW YORK COUNTY LAW, this Legislature, as set forth therein, is authorized to establish a countywide wastewater management district that includes both sewered and un-sewered parcels, to create zones of assessment within the district determined by, among other things, the method of treatment, and to consolidate two or more of existing County sewer districts into the countywide wastewater management district; and

WHEREAS, the Suffolk County Sewer Agency has submitted a report prepared for the establishment of a "Suffolk County Wastewater Management District" together with an estimate of the cost thereof, attached as Exhibit "A" to this Resolution; and

WHEREAS, pursuant to Section 256-b of the NEW YORK COUNTY Law, enacted pursuant to the Suffolk County Water Quality Restoration Act, upon receipt of a report, the Legislature shall call a hearing upon the proposal to establish a wastewater management district as set forth within the report prepared by the Suffolk County Sewer Agency; and

WHEREAS, it is now desired to call a public hearing pursuant to Section 256-b of the NEW YORK COUNTY Law upon the proposal to form said Suffolk County Wastewater Management District comprised of the area or areas described and defined in the report; now, therefore be it

1st **RESOLVED**, by the County Legislature of the County of Suffolk, New York, as follows:

Section 1. A meeting of the County Legislature of the County of Suffolk, New York, shall be held at the County Center in the meeting room of the County Legislature in Riverhead, New York, in said County, on the 21st day of June 2023, at 6:30 pm, for the purpose of conducting a public hearing on the establishment of the "Suffolk County Wastewater Management District," with the merger therewith of all existing Suffolk County sewer districts, and for such other action on the part of the County Legislature as may be required by law or proper in premises.

Section 2. The Clerk of said County Legislature is hereby authorized and directed to cause a notice of said public hearing to be published once in each of the official newspapers of said County, and such other newspaper as the Legislature may designate, if any, said publication to be made in each of such newspapers not less than ten, nor more than twenty days before the day set herein for said public hearing. Such notice shall be in the following form, to wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the County Legislature of the County of Suffolk, New York, will meet at the County Center in the meeting room of the County Legislature in Riverhead, New York, in said County, on the 21st day of June, 2023, at 6:30 pm, for the purpose of conducting a public hearing upon a proposal for the establishment of a "Suffolk County Wastewater Management District," with the merger therewith of all existing Suffolk County sewer districts, in substantial accordance with the report and recommendations transmitted to said County Legislature by the Suffolk County Sewer Agency, at which time and place the Suffolk County Legislature will consider such proposal and hear all parties interested therein concerning the same.

Copies of the report and recommendations for the establishment of the proposed district and merger are available in the Office of the Clerk of the County Legislature where they can be reviewed during normal business hours Monday through Friday.

Project Description

Pursuant to authority granted under the Suffolk County Water Quality Restoration Act, adopted under Chapter 58 of the 2023 Laws of New York, and amending Article 5-a of the New York County Law, the County seeks to establish a county-wide wastewater management district (the "District") to address the County's long-term wastewater infrastructure needs comprehensively by implementing the science-based recommendations set forth in the Suffolk County Subwatersheds Wastewater Plan. This action will result in a more efficient, integrated approach to the development of new wastewater infrastructure, and consolidate the County's existing sewer districts into a unified single zone of assessment, streamline the existing duplicative administrative structure, and optimize the use of the District's resources. The recommended District structure and management approach will also standardize the cost of sewer services for property owners throughout the sewered portions of the District. A separate unsewered zone of assessment will be established for parcels not connected to a County sewer district or County wastewater treatment facility, for which infrastructure improvements will instead involve the replacement of antiquated cesspools and septic systems with nitrogen reducing Innovative Alternative Onsite Wastewater Treatment Systems. Existing town and village sewer districts and systems will not be included as part of the District. As indicated herein, the District will be divided into two separate zones of assessment based on the current and intended form of wastewater treatment, either by County sewer treatment works, or by nitrogen reducing septic systems (IAOWTS), as set forth further in the "Map, Plan, Report and Recommendations for the Proposed Establishment of the Suffolk County Wastewater Management District" dated May 15, 2023 (the "Map, Plan and Report") on file with the Department of Public Works and in the office of the Clerk of the Suffolk County Legislature.

Notice of Cost

As indicated herein, the District will consist of two zones of assessment, one that includes all parcels or properties that are currently connected and will continue to be connected to County sewage treatment facilities ("sewered"), and one that includes all other areas of the County, excepting those that are excluded from the boundaries of the District by law, that are not currently connected to County sewage treatment ("un-sewered"). Parcels which are currently unsewered but will be connected to sewers in the future as a result of wastewater infrastructure improvements will be added upon connection to the sewered zone of assessment. Parcels or properties that are located within the boundaries or connected to town or village sewer districts

and sewer systems will be excluded from the countywide district. The County will not undertake any debt, financing by the issuance of bonds, notes or other evidences of indebtedness, or otherwise use any County funding for the establishment of the District, and all existing debt from all County sewer districts will be consolidated into and become the debt of the District, however, only the sewer zone of assessment will be responsible for the repayment of such debt service. Existing property and assets of the existing individual County sewer districts shall become the property of the District, and existing indebtedness shall be assumed by the District, as set forth in the Map, Plan and Report.

Upon the establishment of the District, the cost to ratepayers will be dependent on the zone of assessment within which each parcel or property is located, and will be determined on a benefit basis as set forth in the Map, Plan and Report.

Properties within the sewer zone of assessment will be responsible for the operation and maintenance costs of the District's sewer facilities, the ongoing debt service of the assumed and consolidated debt of the District, and the portion of the cost for future District improvement projects not funded by grants or other funding sources, undertaken within the sewer zone of assessment. Within the first year after the establishment of the District, which is expected to be in 2025, the estimated annual cost to the typical one family home within the sewer zone of assessment, is \$670 in total, or one single family equivalent. The \$670 annual fee for the typical one family home will include a \$196 contribution toward debt service and a contribution of \$474 toward operation and maintenance costs. A single-family equivalent ("SFE") is determined based on a property's classification code. A single-family home is assigned one SFE, a two-family home is two SFEs, and a three-family home is three SFEs, as set forth further in the Map, Plan and Report. The annual cost for other property classifications within the sewer zone of assessment, as also set forth in the Map, Plan and Report, will be determined based on actual water use in the prior year as a factor of an SFE. The cost of future District improvement projects within the sewer zone of assessment not funded by grants or other funding sources will be borne by the entire zone of assessment and the cost to ratepayers will be similarly calculated on a benefit basis. Consistent with State law, properties within the un-sewered zone of assessment will not be responsible for any operation and maintenance costs or debt service for sewers or other wastewater improvement projects within the District.

All interested parties are encouraged to appear at the public hearing. Any questions should be forwarded to Commissioner Joseph Brown, P.E. at 631-852-4205 at the Suffolk County Department of Public Works.

It is proposed that such boundaries of the County Wastewater Management District shall include all properties and parcels within the boundaries of all existing County Sewer Districts, as determined by each Sewer District's Map and Plan, including any amendments thereto and any extensions, thereto, and shall include, in addition, all other properties and parcels that are within the territorial boundaries of the County of Suffolk but are not presently within the boundaries of a County sewer district, and simultaneously, not within the boundaries of any other municipal sewer or wastewater treatment district or system. The boundaries of the County Wastewater Management District shall not include, and specifically excludes, all properties that are located within, or permitted by contract, agreement, or otherwise in accordance with law to connect to, any town sewer district or village sewer district, sewerage system or service area, or any amendments or extensions thereto, as those properties and parcels are more specifically detailed in the Map, Plan and Report on file with the Suffolk County Legislature.

All other properties and parcels not included within the listing of properties within town sewer districts or village sewer districts, sewerage systems or service areas, as listed in the Map, Plan and Report on file with the Suffolk County Legislature, shall be included within the boundaries of the County Wastewater Management District.

It is proposed that the County Wastewater Management District will be separated into two zones of assessment. As authorized by section 256-b of the New York County Law, enacted pursuant to Chapter 58 of the 2023 Laws of New York, one zone of assessment shall include all properties and parcels within the County Wastewater Management District that are currently connected to County sewage treatment facilities (“Sewered Zone of Assessment” or “Assessment Zone 1”), and one that includes all other properties and parcels within the County Wastewater Management District that are not currently connected to County sewage treatment (“Un-sewered Zone of Assessment” or “Assessment Zone 2”).

Section 3. This Resolution shall take effect immediately.

and be it further

2nd **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) 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.

DATED: June 6, 2023

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: June 12, 2023