

PROPOSED RESOLUTION NO. 166 – 2020

A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE MODIFICATION AGREEMENT TO ADMINISTRATIVE CONSENT AGREEMENT AND COOPERATIVE AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION IN RELATION TO THE BAY PARK DIVERSION PROJECT AND ADDITIONAL WORK.

WHEREAS, the New York State Department of Environmental Conservation (“DEC”) is authorized to enforce the environmental laws of New York State pursuant to Environmental Conservation Law (“ECL”), Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York (“6 NYCRR”), and orders and permits issued thereunder;

WHEREAS, Nassau County (the “County”) is a municipal corporation of the State of New York, having offices at 1550 Franklin Avenue, Mineola, New York. The County Department of Public Works is an agency of Nassau County. The County owns and is responsible for the County’s municipal wastewater treatment plants, including the Sewage Treatment Facility at Bay Park (“Bay Park WWTP”) and the Wastewater Pollution Control Plant at Cedar Creek (“Cedar Creek WWTP”);

WHEREAS, on February 11, 2018 DEC and the County entered into a consent agreement (such agreement, the “Bay Park Agreement”), including the Cooperative Agreement incorporated into the Bay Park Agreement as Exhibit 1, to establish milestones and schedules for the County to continue to repair and rebuild equipment at the Bay Park STP and tributary pump stations; implement biological nitrogen removal (“BNR”) infrastructural improvements at the Bay Park STP; abate sanitary sewer overflows in the vicinity of Barnes Avenue by redirecting wastewater flow from the Village of Hempstead (“VOH Flow Diversion”); continue to provide resiliency to ensure operational continuity at this facility during extreme storms such as Super Storm Sandy; and remove effluent from the Western Bays (“Bay Park Conveyance Project”) by conveying the Bay Park STP treated discharge through an unused, historic steel aqueduct along Sunrise Highway to the Cedar Creek WPCP for disposal through the Cedar Creek ocean outfall;

WHEREAS, the County and DEC desire to enter into a Modified Agreement (the “Modified Bay Park Agreement”) to modify the terms of the Bay Park Agreement to: (i) advance the Bay Park Conveyance Project; (ii) clarify the County’s water quality improvement obligations; and (iii) address modifications and violations of the Agreement compliance schedules and permits;

WHEREAS, the County of Nassau (the “County”) and DEC are authorized, pursuant to Article 9, Section 1 of the New York State Constitution, to enter into inter-governmental agreements; and

WHEREAS, Nassau County and DEC are mutually interested in the Bay Park Diversion Project and additional work as are more particularly set forth in the Modified Bay Park

Agreement, a copy of which agreement is on file with the Clerk of the Legislature.

NOW, THEREFORE, be it

RESOLVED, that the Nassau County Legislature hereby authorizes the County Executive to execute the Modified Bay Park Agreement, a Type II action under New York State Environmental Conservation Law §8-0105(5) and 6 NYCRR§617.5(c) (35), and to execute any and all other instruments and to take such other action as is necessary to effectuate and carry out the purposes of the Modified Bay Park Agreement.