

PROPOSED RESOLUTION NO. 19- 2023

A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, ACTING THROUGH THE COUNTY'S DEPARTMENT OF PUBLIC WORKS, TO PROVIDE GRANTS TO WATER SUPPLIERS IN NASSAU COUNTY FOR THE PURPOSE OF DEFRAYING THE COSTS ASSOCIATED WITH THE TREATMENT AND REMOVAL OF CONTAMINANTS FROM THE DRINKING WATER, WHICH SHALL BE FUNDED WITH MONEYS RECEIVED BY THE COUNTY UNDER THE AMERICAN RESCUE PLAN'S CORONAVIRUS LOCAL FISCAL RECOVERY FUND AND WHICH HAVE BEEN SUPPLEMENTALLY APPROPRIATED AS PART OF THE COUNTY'S MULTI-YEAR WATER CONSERVATION AND WATER QUALITY PROTECTION INITIATIVE FOR THE PURPOSE OF MAKING NECESSARY INVESTMENTS IN DRINKING WATER INFRASTRUCTURE.

WHEREAS, the County has received funding from the Coronavirus State and Local Fiscal Recovery Funds (the "SLFRF") that were established pursuant to Subtitle M of Title IX of the American Rescue Plan Act of 2021; and

WHEREAS, the legislation establishing the SLFRF authorizes counties to use such funds, among other things, "to make necessary investments in water, sewer, or broadband infrastructure"; and

WHEREAS, the United States Department of the Treasury has published a Final Rule and guidance further detailing the permissible uses of the SLFRF moneys (the "Final Rule"); and

WHEREAS, section 35.6(e) of the Final Rule, which appears in Title 31 of the Code of Federal Regulations, provides a list of specific permissible uses of SLFRF funds to make necessary investments in infrastructure; and

WHEREAS, these enumerated uses includes "projects or activities" that would be eligible under section 603(c) of the Federal Water Pollution Control Act (33 U.S.C. 1383(c)) or section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12); and

WHEREAS, the County in Ordinance No. 63-2021 supplementally appropriated moneys from the County's SLFRF allocation to provide funding to public and/or private water suppliers to address groundwater contamination from legacy pollutants as well as emerging contaminants such as 1,4-Dioxane (the "Water Quality Protection Initiative"),

which the County's Department of Public Works has determined would be a purpose eligible for funding under the Safe Drinking Water Act; and

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue grant awards which will be exclusively provided by SLFRF moneys received by the County under the American Rescue Plan Act of 2021 to be spent in compliance with such legislation, the Final Rule, applicable federal contract provisions, and all other applicable federal law and regulation, and which have been supplementally appropriated in Ordinance No. 63-2021; and be it further

RESOLVED, that such grant awards shall be subject to terms and conditions, including compliance with all applicable reporting, recordkeeping or other requirements referenced in such funding awards letters and processed through the Boost Nassau Portal; and be it further

RESOLVED, that the County Executive is authorized to (i) execute any and all instruments, agreements, ancillary agreements, funding notices, contracts, amendments, and to take such other action as is necessary to effectuate and carry out the receipt and disbursement of such SLFRF moneys in accordance with this Resolution; and (ii) suspend any vendor disclosure requirements as necessary in order to expedite the disbursement of such SLFRF moneys; and be it further

RESOLVED, that pursuant to the provisions of SEQRA, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., the proposed action under this Resolution has been determined not to have any significant adverse impacts on the environment and no further review is required.

## **APPENDIX A**

