

Introduced by Presiding Officer on request of the County Executive

RESOLUTION NO. 408-2025, A RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS AND ISSUING AN ORDER UPON A PROPOSAL TO ESTABLISH A SUFFOLK COUNTY WASTEWATER MANAGEMENT DISTRICT PURSUANT TO THE SUFFOLK COUNTY WATER QUALITY RESTORATION ACT, (CHAPTER 58 OF THE NEW YORK STATE LAWS OF 2023, AS AMENDED BY CHAPTER 118 OF THE NEW YORK STATE LAWS OF 2024) AND TO MERGE THEREIN ALL OF THE EXISTING COUNTY SEWER DISTRICTS, AND REPEALING RESOLUTION NO. 636-2024

WHEREAS, pursuant to Section 256-b of the New York State County Law, enacted by Chapter 58 of the 2023 New York Laws, as amended by Chapter 118 of the 2024 New York Laws, the Suffolk County Sewer Agency has prepared and submitted to the Legislature of the County of Suffolk, a map, plan, report dated May 2024, including recommendations, and cost estimates thereof, pertaining to the establishment of a Suffolk County Wastewater Management District (the "District") and the merger and consolidation of all existing Suffolk County sewer districts therewith; and

WHEREAS, such map, plan, report, recommendations, and cost estimates addressed the establishment of a single Suffolk County Wastewater Management District and to merge all of the existing County sewer districts therein; and

WHEREAS, the map, plan, report, recommendations, and cost estimates that were accompanied to Suffolk County Resolution No. 501-2024 are attached to this Resolution and Order as Exhibit "A"; and

WHEREAS, Suffolk County is not financing the cost of the establishment of the proposed "Suffolk County Wastewater Management District" by the issuance of bonds, notes, certificates or other evidences of indebtedness of the County. The County will not incur any capital costs in connection with the establishment of the proposed District and therefore, will assume no new debt as a result of the establishment of the District; and

WHEREAS, pursuant to Suffolk County Resolution No. 501-2024 and New York County Law Section 256-b, enacted by Chapter of the 2023 New York Laws, as amended, the Clerk of the Legislature did duly cause a Notice of Public Hearing regarding the establishment of "Suffolk County Wastewater Management District" and the merger and consolidation of all existing Suffolk County sewer districts therewith, to be published at least once in each of the official newspapers of the County and proof thereof has been presented to the County Legislature; and

WHEREAS, pursuant to such Notice of Public Hearing, a public hearing was held by the Legislature of the County of Suffolk in Riverhead, New York in said County on June 25, 2024 at 6:30 p.m., Time; and

WHEREAS, based on its consideration of the map, plans and report including recommendations and estimate of costs and the evidence given at the public hearing held on June 25, 2024, this Legislature, via Resolution No. 636-2024, adopted findings and

determinations and issuing an order in relation to the establishment of the District as proposed, however, there was an inadvertent procedural error made subsequent to the adoption of said resolution; and

WHEREAS, this Legislature intends to adopt the findings and determinations and issue an order in relation to the establishment of the District based on the consideration of the same map, plans and report including recommendations and estimate of costs originally attached to Resolution No. 636-2024, and the evidence given at the public hearing held on June 25, 2024, in the interest of ensuring that all affected residents are on proper notice of these proceedings, and repeal Resolution No. 636-2024; and

WHEREAS, said County Legislature has duly considered the map, plan, report, recommendations and estimate of costs for the proposed “Suffolk County Wastewater Management District,” as well as the evidence given at the public hearing held on June 25, 2024, a copy of which is attached as “Exhibit A”; now therefore be it

1st **RESOLVED**, that Resolution No. 636-2024 is hereby repealed in its entirety; and be it further

2nd **RESOLVED**, that the County Legislature of the County of Suffolk, New York, as follows:

Section 1. Upon evidence presented at the aforesaid public hearing and after due consideration of the map, plan, report, recommendations and estimate of costs (the “Map, Plan and Report”) filed with the Legislature of the County of Suffolk and attached to this Resolution and Order as Exhibit “A,” it is found and determined that there is no cost related to the establishment of “Suffolk County Wastewater Management District” and the merger and consolidation of all existing Suffolk County districts therewith.

Section 2. Upon evidence presented at the aforesaid public hearing and after due consideration of the aforesaid Map, Plan and Report, it is hereby found and determined that the establishment of “Suffolk County Wastewater Management District” and the merger and consolidation of all existing Suffolk County sewer districts therewith is necessary and desirable as part of the ongoing effort by Suffolk County to combat nitrogen contamination and protect Suffolk County’s vital aquifers, surface waters, and estuaries; to address the County’s long-term wastewater infrastructure needs comprehensively by implementing recommendations set forth in the Suffolk County Subwatersheds Wastewater Plan resulting in a more efficient, integrated approach to the development of new wastewater infrastructure; and to consolidate the properties connected to existing County treatment facilities into a unified single zone of assessment streamlining the existing duplicative and varied administrative structure and thereby optimizing 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 sewer portions of the District.

Section 3. Upon evidence presented at the aforesaid public hearing and after due consideration of the aforesaid Map, Plan and Report, recommendations and estimate of costs, it is hereby further found and determined that establishment of “Suffolk County Wastewater Management District” and the merger and consolidation of all existing Suffolk County sewer districts therewith will not constitute an undue burden on all properties therein said District, and that no properties within said District will be excluded from the benefit of the

establishment of the District, all property and property owners within the District are benefitted thereby, and all property and property owners are included within the boundaries of the District.

Section 4. Upon evidence presented at the aforesaid public hearing and after due consideration of the aforesaid Map, Plan and Report, recommendations and estimate of costs, it is hereby further found and determined that it is in the public interest to establish the "Suffolk County Wastewater Management District" as set forth in the Map, Plan and Report, recommendations and estimate of costs, attached hereto as Exhibit "A."

and be it further

3rd **RESOLVED**, IT IS HEREBY ORDERED, by the Legislature of the County of Suffolk as follows:

Section 1. The establishment and formation of the Suffolk County Wastewater Management District, that possesses all of the powers as set forth within section 256-b of the New York County Law and as set forth within this Resolution and Order, is hereby approved and upon the effective date of this Resolution and Order shall be comprised of all lots, pieces or parcels of land as follows:

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 and attached to this Resolution and Order as Exhibit "A".

All other properties not included within the listing of properties within town sewer districts or village sewer districts, sewerage systems or service areas, as listed herein, shall be included within the boundaries of the County Wastewater Management District.

Section 2. Upon the effective date of this Resolution and Order, all 27 County sewer districts, and extensions thereof, heretofore established and formed in accordance with law, are hereby consolidated, merged, incorporated into and assumed by the Suffolk County Wastewater Management District. All maps and plans of the 27 existing County sewer districts are hereby superseded by the Map, Plan and Report hereby adopted by this Legislature and attached hereto as Exhibit "A" commencing January 1, 2026. All property, real and personal, and all other assets of each County sewer district, and extensions thereof, as well as all outstanding obligations, indebtedness and liabilities thereof, are likewise deemed or actually, as the case may be, consolidated, merged, incorporated into and assumed by the Suffolk County Wastewater Management District. All staff of each County sewer district, and extensions thereof, are transferred to and shall be the staff of the Suffolk County Wastewater Management District.

Section 3. The County Wastewater Management District shall be separated into two zones of assessment, however the ability to refer to the former County sewer districts shall remain for purposes of identifying sewer service areas, identifying capital projects, and phasing in the uniform sewer charge rates as set forth within the Map, Plan and Report attached hereto. As authorized by section 256-b of the New York County Law, enacted pursuant to Chapter 58 of the 2023 Laws of New York, as amended, one zone of assessment shall include all properties within the County Wastewater Management District that are currently connected to County sewage treatment facilities (the “Sewered Zone of Assessment” or “Assessment Zone 1”), and one that includes all other properties or parcels within the County Wastewater Management District that are not currently connected to County sewage treatment, which shall also include properties or parcels that are connected to private sewerage facilities (the “Un-sewered Zone of Assessment” or “Assessment Zone 2”).

Section 4. 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 collected as a sewer charge consistent with section 256-b and 266 of the New York County Law, as set forth in detail in the Map, Plan and Report adopted by this Legislature and attached hereto as Exhibit “A”.

Properties within the sewered 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. Within the first year after the establishment of the District, which is expected to be 2026, the estimated annual cost to the typical one family home within the sewered zone of assessment is \$661 in total. The \$661 annual fee for the typical one family home will include a \$171 contribution toward debt service and a contribution of \$490 toward operation and maintenance costs. The cost of future District improvement projects within the sewered 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 and collected as sewer rents. Properties within the unsewered 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.

Section 5. Parcels and properties that are connected to County sewage treatment facilities but located outside of the boundaries of the County Wastewater Management District will continue to be billed for the continuation of such service in accordance with the terms and condition of the agreements authorizing such connections (“Connectees”), including an additional surcharge for the administration of such agreements.

Parcels and properties that are located within the boundaries of the County Wastewater Management District that had previously received sewage treatment service pursuant to a connection agreement approved by this Legislature, shall, commencing January 1, 2026, be included within Assessment Zone 1 and treated similarly to all other properties included within Assessment Zone 1 for that particular service area, and except for any terms and conditions of each connection, by agreement or otherwise, that are necessary and proper to survive, as determined by the Administrative Head of the District, shall be deemed to be cancelled, however any requirement or obligation to pay outstanding connection fees shall survive and not be waived unless authorized by this Legislature via a duly adopted resolution.

Section 6. Subsequent to the operation of the District commencing January 1, 2026, any parcels or properties included within Assessment Zone 2, upon application and approval by the Administrative Head or as otherwise required by law, transfer to Assessment Zone 1, shall

do so upon payment of the applicable connection fee as set forth within the Suffolk County Code in effect at such time that the connection is approved.

Section 7. Use of Fund 404 ASRF to implement the phase-in of the uniform sewer charge consistent with and as set forth in more detail in the Map, Plan and Report attached hereto in Exhibit "A" is hereby authorized and permitted in each fiscal year as part of the Operating Budget. Properties or parcels located within the former Sewer District No. 3 – Southwest, as it existed on or before December 31, 2020, shall receive an additional credit from the Southwest Sewer District ASRF (Fund 405), as set forth in more detail in the Map, Plan and Report, to the extent that such funds are available and not otherwise encumbered.

Section 8 The Commissioner of Public Works shall be considered for all purposes the Administrative Head of the District and upon the effective date of this Resolution and Order, and the Suffolk County Department of Public Works and the Administrative Head of the Suffolk County Wastewater Management District are hereby authorized and directed to carry out the establishment, formation, and operation of the District, including the merger and consolidation of all county sewer districts therewith, including the execution of any and all agreements, permits and real instruments that are necessary and proper, in accordance with the Map, Plan and Report, recommendations and estimate of costs as attached hereto in Exhibit "A," such that the establishment, formation, and operation of the District shall commence on January 1, 2026. Prior to the commencement of the District, the Commissioner of Public Works in his/her capacity as the Administrative Head of all County sewer districts, shall continue to operate such districts in accordance with the New York County Law, including the initiation, continuation and completion of all projects up until and through the establishment, formation, and operation of the District.

Section 9. The Clerk of the Legislature is hereby authorized and directed to cause a certified copy of this Resolution and Order to be recorded in the Office of the Clerk of Suffolk County, New York, within ten days of the effective date of this Resolution and Order in accordance with the provisions of New York County Law Section 256-b

and be it further

4th **RESOLVED**, that this Resolution and Order authorizing the establishment and formation of Suffolk County Wastewater Management District shall not take effect until at least forty-five (45) days after its adoption, or until approved by the affirmative vote of the majority of the qualified electors who are resident of the proposed District, as defined, voting on a proposition for its approval if within forty-five days after its adoption there is filed with the Clerk of the County Legislature a petition protesting against the passage of this Resolution and Order in conformity with Section 256-b of the New York County Law; and be it further

5th **RESOLVED**, that in accordance with the provisions of Sections 101 and 102 of the New York County Law, the Clerk of the County Legislature shall, within ten days of the adoption of this resolution, shall cause a notice to be published at least once in each of the official newspapers of said County, and such other newspapers as said Legislature may designate, such notice to contain the number, date of adoption and a copy of the resolution and a statement that such resolution is subject to a referendum on motion of the Legislature or upon petition of qualified voters, in accordance with Section 101 of the New York County Law; and be it further

6th **RESOLVED**, this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution which establishes the Suffolk County Wastewater Management District constitutes a Type II action pursuant to Section 617.5(c)(26), (27), and (33) 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, and management, and as such no further SEQRA compliance is required; and

That this Legislature, being the State Environmental Quality Review Act lead agency, also hereby finds and determines that District projects will be carried out in conformance with the conditions and thresholds established in the Suffolk County Subwatersheds Wastewater Plan's Generic Environmental Impact Statement and associated Finding Statement as approved by Suffolk County Resolution No. 215-2020; and

This Legislature has determined that, pursuant to Title 6 NYCRR Section 617.10(d)(1), because District projects will be carried out in conformance with the conditions and thresholds established in the Suffolk County Subwatersheds Wastewater Plan's Generic Environmental Impact Statement, no further SEQRA compliance is required; and

This Legislature, directs the Suffolk County Council on Environmental Quality, in accordance with Section 450-5(c)(4), to prepare and circulate any appropriate notices or determinations in accordance with this Local Law.

DATED: May 6, 2025

APPROVED BY:

/s/ Edward P. Romaine
County Executive of Suffolk County

Date: May 7, 2025