

55982

DATE: March 20, 2017

TO: Board of Acquisition and Contract

FROM: Sherlita Amler, M.D.
Commissioner of Health

RE: Authorization to enter into an Interim Order with the State of New York Department of Environmental Conservation ("NYSDEC") whereby Westchester County, acting by and through its Department of Health ("WCDH"), will be authorized to continue implementation of the existing Petroleum Bulk Storage program originally delegated by NYSDEC to WCDH in 1998, subject to terms and conditions of the Interim Order

The County of Westchester, acting by and through its Department of Health (the "WCDH"), requests authorization to enter into an Interim Order ("Interim Order") with the State of New York Department of Environmental Conservation ("NYSDEC") whereby the WCDH will be authorized to continue implementation of the existing Petroleum Bulk Storage ("PBS") program originally delegated by NYSDEC to WCDH in 1998. The term of this Interim Order will be from March 9, 2017 through June 1, 2017 or the effective date of the NYSDEC publication of a final decision approving the WCDH's new PBS program, whichever is later.

In 1998 the NYSDEC delegated authority to the WCDH to implement a County PBS program established by Article XXV, entitled "Petroleum Bulk Storage Code" of the Westchester County Sanitary Code ("WC Sanitary Code"), as amended and adopted by the Westchester County Board of Health on June 19, 1997, and authorized by the NYSDEC's Order of March 23, 1998, via an executed Order on Consent.

In accordance with Article 17 of NYS Environmental Conservation Law and Title 6 NYCRR Part 613, PBS, the NYSDEC has the authority to review an application for the approval of a local law or ordinance establishing a local PBS program. In April 2016 the WCDH submitted to NYSDEC an application for the approval of a new County PBS program. The NYSDEC has since requested additional information, and expects to make a final determination by June 1, 2017. An amendment to Article XXV of the WC Sanitary Code has been approved and adopted by the Westchester County Board of Health on October 20, 2016 and is awaiting filing by NYS.

Continuance of the existing PBS program will promote the public health, environment and general welfare of County residents reducing contamination due to spills and leaks from PBS facilities.

The goals and objectives of the PBS Program are to monitor and inspect PBS facilities on a triannual basis, record inspections in a database, record and enforce violations, review and process applications for PBS facilities to prevent and minimize potential contamination and spills which can affect ground, water and air resources.

This will be accomplished by WCDH staff inspections, oversight of registrations, record keeping into a database and enforcement actions. On an annual basis, the WCDH inspects and monitors approximately 800 PBS facilities located in the county.

These goals and objectives will be tracked and monitored by the WCDH's maintenance of a specific database which is also to be provided to NYSDEC as well as an annual report to NYSDEC detailing program status, program achievements, number of violations issued, amount of penalties collected, and program improvement initiatives.

As this Interim Order does not involve procurement of any goods or services, it is exempt from the Westchester County Procurement Policy. In addition, the requirements of the Westchester County Procurement Policy were followed. The procurement is exempt under Section 3 (a) iii of the procurement policy, which provides for the exception, "transactions or contracts with the United States of America, any State Agency...". This agreement is a transaction/contract with the NYSDEC.

All other terms and conditions of the original Order on Consent shall remain the same.

Your approval of the attached resolution is respectfully requested.

SA/rr/dc
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/23/2017 - LEGAL/SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Health, be it hereby:

RESOLVED, that the County of Westchester, acting by and through its Department of Health (“WCDH”), is authorized to enter into an Interim Order (“Interim Order”) with the State of New York Department of Environmental Conservation (“NYSDEC”) whereby the WCDH will be authorized to continue implementation of the existing Petroleum Bulk Storage (“PBS”) program originally delegated by NYSDEC to WCDH in 1998 via an executed original Order on Consent, and that the term of this Interim Order will be from March 9, 2017 through June 1, 2017 or the effective date of the NYSDEC publication of a final decision approving the WCDH’s new PBS program, whichever is later; and be it further

RESOLVED, that all other terms and conditions of the original Order on Consent shall remain the same; and, be it further

RESOLVED, that the County Executive or his duly authorized designee be and hereby is authorized and empowered to execute all appropriate contracts of documents necessary to effectuate the purposes of this resolution in the manner prescribed by law.

Department of Health
 County of Westchester
 10 County Center Road, 2nd Floor
 White Plains, New York 10607
 March 20, 2017

Original Agreement \$
 First Amendment \$
 This Amendment \$ _____
 TOTAL \$

Agreement #

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub-Object	Trust Account	Dollars
		101	27	0010-8745	9161	

Budget Funding Year(s) (must match resolution)		Start Date	End Date	June 1, 2017 or effective date of NYSDEC publication of decision, whichever is later
Funding Source	2017	March 9, 2017		
	Tax Dollars	N/A		
	State Aid			
To be determined	Federal Aid			
(must match resolution)	Other			