

**49448**

Date: November 4, 2015

To: Board of Acquisition and Contract

From: Thomas J. Lauro, P.E., Commissioner  
Department of Environmental Facilities

Re: Authority to:

- a.) Submit a Publicly Owned Treatment Works (“POTW”) Notification Application to the New York State Department of Environmental Conservation (“DEC”), which, if accepted, will constitute an agreement between the County of Westchester (the “County”) and the DEC, pursuant to which the County’s authorized notifiers will, once each authorized notifier submits a completed Notifier Agreement to the DEC and the DEC accepts it, be able to submit information through the New York State Department of Homeland Security and Emergency Services (“DHSES”) NY-Alert system that will generate certain legally-required notifications; and
- b.) Submit a completed Notifier Agreement to the DEC for each authorized notifier, which, if accepted, will constitute an agreement between the County and the DEC, pursuant to which each of the County’s authorized notifiers will be able to submit information through the DHSES NY-Alert system that will generate the above-described notifications.

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The Sewage Pollution Right To Know Act, as codified in Environmental Conservation Law Section 17-0826-a and as may be amended from time to time, (the “SPR TK”) requires publicly owned treatment works and operators of publicly owned sewer systems to report to various entities in certain instances when untreated or partially treated sewage is released. The DEC is using the DHSES NY-Alert system in order to facilitate the provision of the required notifications. In order for the County to use the NY-Alert system, the County must first do two things: 1.) submit a POTW Notification Application to DEC, and 2.) submit a completed Notifier Agreement to the DEC for each authorized notifier.

Accordingly, authority is hereby requested from your Honorable Board for the County to:

- a.) Submit a POTW Notification Application to the DEC, which, if accepted, will constitute an agreement between the County and DEC, pursuant to which the County’s authorized notifiers will, once each authorized notifier submits a completed Notifier Agreement to the DEC and the DEC accepts it, be able to

- submit information through the DHSES NY-Alert system that will generate the notifications required under the SPRTK (the “Application”); and
- b.) Submit a completed Notifier Agreement to the DEC for each authorized notifier, which, if accepted, will constitute an agreement between the County and the DEC, pursuant to which each of the County’s authorized notifiers will be able to submit information through the DHSES NY-Alert system that will generate the above-described notifications (the “Notifier Agreements”).

The agreement resulting from the DEC’s acceptance of the Application shall commence at its inception and shall continue until such time the DEC no longer allows the County to use the DHSES NY-Alert system for the above-described purposes.

The agreements resulting from the DEC’s acceptance of the Notifier Agreements shall commence upon the DEC providing access to the specified notifiers and the notifiers accessing the DHSES NY-Alert system, and shall continue until terminated by the DEC.

The Application and Notifier Agreements will serve a public purpose by enabling the County, if the Application and Notifier Agreements are accepted by the DEC, to submit information to the DHSES NY-Alert system and use the system to provide notifications required under the SPRTK.

The goal and objective of the Application and Notifier Agreements is to enable the County, if the Application and Notifier Agreements are accepted by the DEC, to submit information to the DHSES NY-Alert system and use the system to provide notifications required under the SPRTK.

The goal and objective of the Application and Notifier Agreements is in the best interests of the County in terms of health and the environment, as it will enable the County, if the Application and Notifier Agreements are accepted by the DEC, to submit information to the DHSES NY-Alert system and use the system to provide notifications required under the SPRTK, which will ensure that all required parties receive the requisite notifications under the SPRTK.

The goal and objective of the Application and the Notifier Agreements will be tracked and monitored by the staff of the Department of Environmental Facilities.

TJL/MC/bdm/nn

## RESOLUTION

Upon a communication from the Commissioner of Environmental Facilities, be it hereby

**RESOLVED**, that the County of Westchester (the "County") is hereby authorized to,

- a.) Submit a Publicly Owned Treatment Works Notification Application (the "Application") to the New York State Department of Environmental Conservation ("DEC"), which, if accepted, will constitute an agreement between the County and the DEC, pursuant to which the County's authorized notifiers will, once each authorized notifier submits a completed Notifier Agreement to the DEC and the DEC accepts it, be able to submit information through the New York State Department of Homeland Security and Emergency Services ("DHSES") NY-Alert system that will generate the notifications required under the Sewage Pollution Right To Know Act, as codified in Environmental Conservation Law Section 17-0826-a and as may be amended from time to time, (the "Application"); and
- b.) Submit a completed Notifier Agreement to the DEC for each authorized notifier, which, if accepted, will constitute an agreement between the County and the DEC pursuant to which each of the County's authorized notifiers will be able to submit information through the DHSES NY-Alert system that will generate the above-described notifications

; and be it further

**RESOLVED**, that the agreement resulting from the DEC's acceptance of the Application shall commence at its inception and shall continue until such time the DEC no longer allows the County to use the DHSES NY-Alert system for the above-described purposes; and be it further

**RESOLVED**, that the agreement resulting from the DEC's acceptance of the Notifier Agreements shall commence upon the DEC providing access to the specified notifiers and the notifiers accessing the DHSES NY-Alert system, and shall continue until terminated by the DEC; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee be and hereby is authorized and empowered to execute any and all documents and take any actions necessary to effectuate the purposes hereof.

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Account to be  
Charged/Credited

Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars

Budget Funding Years:   N/A   Start Date: \_\_\_\_\_ End Date: \_\_\_\_\_  
(must match resolution)

Funding Source \_\_\_\_\_ Tax Dollars: \_\_\_\_\_  
State Aid: \_\_\_\_\_  
Federal Aid: \_\_\_\_\_  
(must match resolution) Other: \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/10/2015 - JOAN COCCIARDI SECRETARY