

Introduced by: Presiding Officer Richard Nicoletto, Dep. Presiding Officer Howard Kopel, Alt. Dep. Presiding Officer Denise Ford, Minority Leader Kevan Abrahams, and Legislators Siela Bynoe, Carrie Solages, Debra Mule, C. William Gaylor III, Vincent Muscarella, Ellen Birnbaum, Delia DeRiggi-Whitton, James Kennedy, Thomas McKeivitt, Laura Schaefer, John Ferrétti, Arnold Drucker, RoseMarie Walker, Joshua Lafazan and Steven Rhoads

LOCAL LAW NO: 28-2019

A LOCAL LAW TO AMEND THE NASSAU COUNTY ADMINISTRATIVE CODE TO ESTABLISH AN ANNUAL REPORT TO NASSAU COUNTY ON THE CURRENT CONDITIONS OF THE GROUND WATER AND PUBLIC WATER SUPPLY SYSTEMS

Passed by the Nassau County Legislature on November 25, 2019

Voting: ayes: 16, naves: 0, abstained: 0

Became a law on December 18, 2019 with the approval of the Deputy County Executive acting on behalf of the County Executive.

PETER J. QUINNES MINORITY COUNSEL
APPROVED AS TO FORM

BE IT ENACTED by the County Legislature of the County of Nassau as follows:

§1. A new Title I is added to Chapter IX, Department of Health, of the Administrative Code of Nassau County as follows:

Title I

Ground Water and Public Water Supply Facts Report

Section 9-26.0. Short Title.

This law shall be known as the "Ground Water and Public Water Supply Facts Report Law."

Section 9-26.1. Legislative Intent.

The Nassau County Legislature finds that over the past twenty years, significant changes have occurred in the quality and quantity of the County's ground water resources and that such changes have had an impact on the drinking water of Nassau County. The Legislature further finds that it is essential that the County and its elected officials, as well as the water supply community and members of the public, be fully aware of the changing conditions of the drinking water supply. As ground water quality declines and drinking water is further impacted, the potential for significant increases in water prices is very likely. This problem is accentuated as New York State sets maximum contaminant levels (MCLs) for emerging chemicals that are presently unregulated, but which may be strongly regulated in the future.

The Legislature finds, therefore, that information that documents and reports on the changing conditions and quality of both ground water and the public water supply is essential for the proper administration of County and municipal government and for a well-informed public. This is an on-going need that is presently not being met. Significantly, public water suppliers in Nassau County are required to collect extensive data at the wellheads of the water supply wells and report to the Nassau County Department of Health on a wide range of conditions and actions taken in order to comply with drinking water standards. The Legislature further finds that such information was routinely collected and published annually by the Nassau County Department of Health from approximately 1986 to 1999. In light of the current need of public officials and the general public to be more informed about ground water and drinking water conditions, it is necessary and proper to again collect, organize and publish an annual report similar to the Ground Water and Public Water Supply Facts for Nassau County of years past. The Legislature recognizes that the regulatory environment covering the public water supply community will become more complicated as new drinking water regulations are adopted. With approximately 50 public water supply systems serving the residents of Nassau County, it is important that the County remain up to date on the evolving compliance strategies developed by affected water supply systems. Therefore, it is the intent of the Legislature to reestablish the creation and dissemination of the annual report, Ground Water and Public Water Supply Facts for Nassau County.

The Legislature further concludes that the reestablishment of the Ground Water and Public Water Supply Facts annual report will provide an important compliment to the current Nassau County Ground Water Quality program to be conducted by the United States Geological Survey (“USGS”). The USGS program is a monitoring initiative involving the sampling of water from observational or monitoring wells placed at multiple depths at various sites throughout Nassau County, with a particular focus on contaminants of emerging concern. The purpose of the USGS program is to gain an understanding of the level of contaminants that have entered the aquifer system, and which may eventually reach the wellheads of water suppliers. In contrast, the data collected in the Ground Water and Public Water Supply Facts report is primarily derived from compliance testing of water supply wells, typically situated deeper in the aquifer system. Such compliance testing is conducted by public water suppliers in order to assess the condition of water being drawn from the aquifer and entering the public water supply. The resulting data, which is forwarded to the Nassau County Department of Health, will help detect the impact of conditions identified in the USGS monitoring program on the drinking water supply. Taken together, the two initiatives will constitute an important advance in our knowledge of the condition of the water supply and provide vital data to assist in protecting the health of the environment and of the public.

Finally, this Legislature is mindful of the fact that potable water is essential to sustain human life and society and that the public's right to know the condition of this vital resource is beyond dispute. The publication of the Ground Water and Public Water Supply Facts Report will permit the public to exercise this right by providing an easily accessible compilation of data on the status of the public water supply. It is the judgment of the Legislature that as the central repository of water quality data, the Nassau County Department of Health is the most appropriate body to compile such report.

Section 9-26.2. Definitions.

As used in this title:

- A. "Ground Water Contamination Plume" shall mean an area of degraded ground water in an aquifer resulting from migration of a contaminant from a contamination source.
- B. "Department" shall mean the Nassau County Department of Health.
- C. "MCL" shall mean Maximum Contaminant Level.
- D. "Maximum Contaminant Level" shall mean the maximum permissible level of a contaminant in water, which is delivered to any user of a public water system by the United States Environmental Protection Agency pursuant to the federal Safe Drinking Water Act, 42 USC § 300f et seq. or by the New York State Department of Health pursuant to Title 10, Part 5, Subpart 5-1 of the New York Codes, Rules and Regulations or other applicable law.
- E. "RCRA" shall mean the federal Resource Conservation and Recovery Act, 42 U.S.C. ch. 82 § 6901 et seq.
- F. "RCRA site" shall mean a property currently being regulated through the RCRA program which regulates the generation, transport and disposal of hazardous materials and hazardous wastes.
- G. "Report" shall mean the report referred to in Section 9-26.3 of this title.
- H. "Voluntary remediation sites" shall mean contaminated properties regulated by a program established for environmental cleanup and safe brownfield development by the New York State Department of Environmental Conservation and the New York State Department of Health.

Section 9-26.3. Annual Report on Ground Water and Public Water Supply Facts for Nassau County.

- A. The Department shall annually prepare and release a report presenting a compilation of current Nassau County ground water and public water supply information for each reporting year. The report shall be entitled “Ground Water and Public Water Supply Facts for Nassau County”. The report shall be issued no later than July 31 of each year. Such report shall be based on data collected during the preceding calendar year and the title of the report shall so indicate.
- B. The information in the report should follow the table of contents format of earlier versions. At a minimum, the data contained in the reports shall include, but not be limited to, the following:
1. A summary of findings;
 2. Details concerning the state of the Nassau County ground water system including recent findings from such studies as the Long Island Sustainability Study and the Long Island Nitrogen Action Plan or other similar studies;
 3. Details concerning the public water supply systems including all types of water treatment technologies currently employed, water pumpage data, compliance with any pumpage limitations, and water infrastructure details, including but not limited to such items as the number of water tanks, miles of water mains, and similar components of water infrastructure;
 4. Details concerning water quality monitoring of public water supply wells and MCL requirements including contaminants tested for and detected, MCL compliance, and treatment facilities monitoring;
 5. Details of raw water quality and recent trends of note for major pollutants detected in the raw ground water;
 6. Details of programs and activities that may increase recharge of the aquifer;
 7. Details on the ground water quality in water supply wells, including, but not limited to, abandoned wells and restricted wells, and the impact of major, known ground water contamination plumes placing water supply wells at risk;

8. Details regarding the control of pollution sources, including sites within state or federal superfund programs, RCRA sites, petroleum spills, and Brownfields and any other voluntary remediation sites; and
 9. Additional information that from time to time may be pertinent to the informational intent of this program or provides a description of trends or changes over time.
- C. In the first report issued under this new program, the Department shall determine those topics for which it would be valuable to summarize changes in trends or changes over time since the last report in 1999.
- D. The report shall be delivered to the County Executive and the Presiding Officer and Minority Leader and shall be posted on the Department's website.

§2. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

§3. SEQRA Determination. This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(24), (26), (27) and/or (33) of Title 6 of the New York Code of Rules and Regulations (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, management and information collection.

§4. Effective Date. This local law shall take effect immediately.

APPROVED



County Executive

DATE 10/18/19