

**In Support Of The New York State Department Of Environmental Conservation Taking Over The Cost, Development, Implementation And Enforcement Of The MS4 Stormwater Management Program In Ulster County And Throughout New York State To Guarantee That The Program Is Implemented And Enforced Uniformly**

Legislators Aiello, Alfonso, Busick, Cummings, Every, Fabiano, Felicello, Gerentine, Harris, McAfee, Noonan and Roberti offer the following:

WHEREAS, the United States (US) Environmental Protection Agency (EPA) promulgated the Phase II Stormwater regulations in 1999 requiring owners and operators of small Municipal Separate Storm Sewer Systems (MS4s) in urbanized areas to obtain a permit to discharge stormwater to the waters of the United States, and

WHEREAS, the EPA requires MS4s in New York State to obtain permit coverage under the New York State Pollutant Discharge and Elimination System (SPDES) General Permit for Stormwater Discharges from MS4s (GP-02-02), and

WHEREAS, the MS4 permit requires regulated municipal MS4s to develop and fully implement a stormwater management program by 2008, and

WHEREAS, stormwater management programs must contain appropriate management practices in each of the six minimum control measures (Public Education and Outreach, Public Participation and Involvement, Illicit Discharge Detection and Elimination, Construction Site Runoff Control, Post-Construction Runoff Control and Pollution Prevention and Good Housekeeping), and

WHEREAS, to date, Phase II regulations are an unfunded mandate, and

WHEREAS, the United States EPA has estimated MS4s will spend \$3.00 - \$60.00 per capita to comply with these regulations, and

WHEREAS, to help cover basic costs, New York State has annually earmarked insufficient funding in the Environmental Protection Fund (EPF) to assist communities in the development and implementation of their MS4 programs and that EPF funding is distributed in the form of competitive grants and therefore not guaranteed to all regulated MS4 municipalities.

RESOLVED, that to guarantee that the program is implemented and enforced uniformly throughout the State, the Ulster County Legislature calls for fully funding the development, implementation and enforcement of this program and in lieu of fully funding this program that the New York State Department of Environmental Conservation (as the State Agency responsible for protecting the Environment) take over the cost, development, implementation and enforcement of this program, and

Resolution No. 69 February 22, 2007

**In Support Of The New York State Department Of Environmental Conservation Taking Over The Cost, Development, Implementation And Enforcement Of The MS4 Stormwater Management Program In Ulster County And Throughout New York State To Guarantee That The Program Is Implemented And Enforced Uniformly**

FURTHER RESOLVED, that the Ulster County Legislature supports that the New York State Department of Environmental Conservation take over the cost, development, implementation and enforcement of the MS4 Stormwater Management Programs in Ulster County and throughout New York State to guarantee that the program is implemented and enforced uniformly, and

FURTHER RESOLVED, that the Clerk of the Ulster County Legislature shall forward copies of this resolution to Governor Eliot Spitzer, New York State Comptroller's Office, Senate Majority Leader Joseph Bruno, Senate Minority Leader Malcolm Smith, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Assembly Minority Leader James N. Tedisco, New York State Senators John J. Bonacic and William J. Larkin, Jr., New York State Assemblymen Kevin A. Cahill, Clifford W. Crouch, Daniel L. Hooker and Thomas Kirwan, and the New York State Association of Counties,

and moves its adoption.

DEFEATED BY THE FOLLOWING VOTE:

AYES: 6                      NOES: 17  
(AYES: Legislators Cummings, Gerentine,  
Harris, McAfee, Noonan and Roberti)  
(Legislator Loughran left at 9:10 PM)  
(Absent: Legislators Aiello, Alfonso, Busick, Every,  
Fabiano, Felicello, Provenzano, Sheeley and  
Stoekeler)

FINANCIAL IMPACT:  
NONE

0229