LAID ON DESKS BY MAIL, EMAIL, AND IN MAIILBOXES 8/23/2024
GOVERNMENT SERVICES & ADMINISTATION

RESOLUTION NO. 2024156

RE: LOCAL LAW NO. 2 OF 2024 REGULATING HAZARDOUS POLLUTION SOURCES IN PROXIMITY TO PUBLIC WATER SUPPLY SOURCES, AQUIFERS AND WETLANDS

Legislators METZGER, TRUITT, D'AQUANNI, GARITO, GORMAN, MC HOUL, VERSACI, ROLISON, PAOLONI, JOHNSON, MUNN, and KEARNEY offer the following and move its adoption:

RESOLVED, that the Legislature of the County of Dutchess adopted Local Law No. 2 of 2024, which has been submitted this date for consideration by said Legislature.

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess, have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 9th day of September 2024, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 9th day of September 2024.

DUTCHESS COUNTY SEAL

LEIGH WAGER, CLERK OF THE LEGISLATURE

LOCAL LAW NO. 2 OF 2024

A LOCAL LAW REGULATING HAZARDOUS POLLUTION SOURCES IN PROXIMITY TO PUBLIC WATER SUPPLY SOURCES, AQUIFERS AND WETLANDS

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF DUTCHESS, STATE OF NEW YORK AS FOLLOWS:

SECTION 1. LEGISLATIVE INTENT.

Dutchess County has an abundance of rural and suburban areas that rely solely on public water supply wells or individual wells for clean potable water. Many of the public water supplies within the county also rely on groundwater as their sole source of drinking water. With continued population growth and development, groundwater sources are increasingly becoming vulnerable to potential contamination from hazardous pollution sources. The Dutchess County Legislature finds it necessary and appropriate to establish restrictions to protect its residents' water supply sources.

Chemical and petroleum products stored in underground storage tanks pose one of the highest risks to drinking water sources. Within Dutchess County there have been petroleum and chemical spills which have caused significant environmental damage, public health issues, abandonment of contaminated potable wells and the need for the construction of new alternative water supplies, all at massive costs to Dutchess County residents. Such contamination creates blighted areas, as contaminated properties are costly to remediate, contamination stigmatizes the area, and is an obstacle to the sale of affected properties.

Similarly, dry cleaners that use solvents on site and car wash facilities have been known sources of contamination of groundwater quality. Dry cleaners use cleaning fluids called solvents to clean clothes and other fabrics. Solvents can be a source of contamination if discharged into the groundwater through a subsurface absorption area or other means of disposal. Water run-off from commercial car washes also contains numerous hazardous substances that can contaminate groundwater. Dirty water containing soap, detergents, residue from vehicles containing gasoline, and motor oils can wash off cars and can enter the ground water by way of a subsurface absorption bed or flow to storm drains and end up in neighboring wetlands and aquifers.

It is the intent of the Dutchess County Legislature to establish restrictions to protect its residents' water supply sources by prohibiting contaminant sources, as defined in Section 3. within the separation distance outlined in Section 3 to a public water supply well, Wetland or Aquifer.

In addition, the Dutchess County Legislature intends to regulate the drilling of a public water supply well within the separation distance to the contaminant sources as defined in Section 3.

Therefore, The Dutchess County Legislature finds that, by prohibiting the use of contamination sources, as defined in Section 3. within the separation distance to any public water supply Well, Wetland or Aquifer, it will greatly reduce the risk of groundwater contamination and protect the County's drinking water supply and County residents' health.

Furthermore, The Dutchess County Legislature finds that, by regulating the drilling of public water supply wells within the separation distance to contaminant sources, as defined in Section 3 will protect the public drinking water supply and County residents' health.

SECTION 2. DEFINITIONS.

A. Definitions contained in Part 5, subpart 5-1, and any subsequent revision of the New York State Sanitary Code are adopted as part of this Chapter.

B. The terms set forth below shall have the following meanings:

AQUIFER means any water-bearing permeable geologic unit, identified, or delineated by specifically, New York State as a principal or primary aquifer or Groundwater Protection Zones or similar Regulated Groundwater Areas identified by local municipalities.

PUBLIC WATER SUPPLY WELL Any Community, Non-Community, and Non-Transient Non-Community well as defined by Part 5. Drinking Water Supplies Sub Part 5-1. Public Water Systems of the New York State Sanitary Code.

WETLANDS shall include only those wetlands designated by the New York State Department of Environmental Conservation.

SECTION 3. PROHIBITED CONDUCT.

A. Dutchess County Local Separation Requirements.

In addition to the separation requirements set forth in Table 1 of Part 5, Subpart 5-1 Standards for Water Wells - Appendix 5D of the New York State Health Department regulations, the following additional separation requirements shall be instituted and it shall be unlawful to have a contamination source(as defined in the table below) within the prescribed distances, to a well for a public water supply or to a Wetland or Aquifer

Contaminant Source	Separation Distances from Contaminant Sources (in feet)		
	Public Water Supply Well	Wetland	Aquifer
Dry-cleaning establishments performing the cleaning services on site unless all wastewater from such activity is lawfully disposed of	1,500	1,500	1,500

through a connection to a publicly owned treatment works facility			
Underground chemical or petroleum storage tanks used in commercial applications	1,500	1,500	1,500
Fill ports or piping for underground chemical or petroleum storage tanks used in commercial applications	1,500	1,500	1,500
Gasoline or diesel fueling pumps for the purpose of dispensing to individual consumers used in commercial applications	1,500	1,500	1,500
Commercial car wash unless all waste waters from such activity are lawfully disposed through a connection to a publicly owned treatment works facility	1,500	1,500	1,500
Commercial salvage operations for vehicle parts	500	500	500
Commercial production or refining of chemicals as found in Table 3, 9B, 9C and 9D of Part 5, Subpart 5-1.52 New York State Health Department regulations	500	500	500
Storage of ice control salt or products with ice control salt in it for the purpose of retail, unless such storage takes place within a weather tight water-proof structure	500	500	500

The distance shall be measured horizontally from the nearest point of the contamination source to the well.

The distance shall be measured horizontally from the nearest point of the contamination source to the nearest point of the Wetland or Aquifer.

For some contamination sources (Dry Cleaner, Carwash, Chemical Production or Refining) where there is a discharge of wastewater from such activity into a subsurface absorption bed or pit, the distance shall be measured horizontally from the nearest point of the absorption bed or pit to the well or nearest point of the Wetland or Aquifer.

Commercial Salvage operations for vehicle parts separation distance shall be measured horizontally from the nearest stored car, part of car or the car processing area to the well or nearest point of the Wetland or Aquifer.

B. Nothing in this Local Law shall be interpreted to prohibit the construction and operation of any project approved by the Dutchess County Health Department prior to the effective date of this local law.

C. Nothing in this Local Law shall be interpreted to prohibit an existing and operating facility from continuing operations.

D. If operation of any facility that has a contaminant source, as defined in Section 3 discontinues operation or is inactive for a period in excess of one (1) year the facility will need to comply with the above separation table.

E. The Department of Health, where appropriate, can issue waivers to reduce the distance between a proposed public water supply well and an existing contaminant source, as defined in Section 3. However, the applicant for the public water supply well requesting the waiver cannot provide water to the facility or property that is operating the contamination source. The applicant for the waiver must show there is no viable alternative source of water nearby. If waiver is granted, the applicant must demonstrate they have conformed to the separation distance in the table above to the greatest extent possible

F. Waivers shall not be issued for any individual or entity seeking to establish a proposed contaminant source, as defined in Section 3.

G. Nothing in this Local Law shall be interpreted to prohibit an existing community public water system, municipal water system or Dutchess County Water and Wastewater Authority owned public water supply from drilling new wells, if necessary, within an existing system. Any new wells drilled must adhere to the separation distances set forth in Section 3 to the greatest extent possible.

SECTION 4. ENFORCEMENT AND PENALTIES.

The Commissioner of the Department of Health is responsible for the enforcement of this Chapter. The Commissioner is authorized to promulgate rules and regulations and to take any and all other actions reasonable and necessary to enforce this Chapter in accordance with the authority enumerated in the Dutchess County Sanitary Code including, but not limited to, conducting inspections; investigating all claims and violations; issuing all notices and orders; conducting hearings; instituting penalties and fines; and any other processes that may be necessary in the enforcement of this Chapter.

SECTION 5. APPLICATION.

This Local Law is intended to supplement the local laws adopted by municipalities individually within Dutchess County and shall be non-exclusive and in addition to the existing local laws. To the extent that provisions of this Local Law conflict with local laws adopted by municipalities within Dutchess County this Local Law shall preempt any local laws or parts thereof in conflict with the provisions herein. To the extent that provisions of this Local Law are more stringent than state laws or requirements the provisions of this Local Law shall preempt any state laws or requirements.

SECTION 6. 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.

Section 7. SEQRA DETERMINATION

It is hereby determined. pursuant to the provisions of the State Environmental Quality Review Act, 8 NYECL Section 0101 et seq., and its implementing regulations, Part 617 of 6 NYCRR, that the adoption of this local law is a Type II Action within the meaning of Section 617.5(c)(26) and (33) of 6 NYCRR, and, accordingly, is ova class of actions which do not have a significant impact on the environment and no further review is required " 16 NYC RR Section 61 7.5(c) (26) and (33) apply to: "(26) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment" and "(33) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list"

SECTION 8. EFFECTIVE DATE.

This Local Law shall take effect on the 15th of October 2024.

FISCAL IMPACT STATEMENT

☑ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost $ _____

Total Current Year Revenue $ _____
and Source

Source of County Funds *(check one)*: ☐ Existing Appropriations, ☐ Contingency,
☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☐ Other *(explain)*.

Identify Line Items(s):

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____
Over Five Years: _____

Additional Comments/Explanation:

Prepared by: Benjamin Traudt Prepared On: 8/23/2024

LEIGH WAGER
CLERK

LAURA PHILLIPS
DEPUTY CLERK

DUTCHESS COUNTY LEGISLATURE

MEMORANDUM

TO: All Legislators

FROM: Leigh Wager, Clerk

RE: Local Law

DATE: August 23, 2024

Pursuant to Rule 4.5 I of the *Permanent Rules of the Dutchess County Legislature,* enclosed is a Local Law being introduced by Chairman Truitt entitled, "A LOCAL LAW REGULATING HAZARDOUS POLLUTION SOURCES IN PROXIMITY TO PUBLIC WATER SUPPLY SOURCES, AQUIFERS AND WETLANDS."

Please consider this law as being "Laid on the Desks". If you have any questions, please contact my office.

enclosure

22 Market Street, Poughkeepsie, NY 12601• 845-486-2100
countylegislature@dutchessny.gov
www.dutchessny.gov

SUE SERINO
COUNTY EXECUTIVE

22 Market Street
Poughkeepsie, NY 12601
Phone: 845-486-2000

RECEIVED
OCT 11 2024
By AP 12:13

MEMORANDUM

TO: Leigh Wager, Clerk, Dutchess County Legislature

FROM: Sue Serino, Dutchess County Executive

DATE: Friday, October 11, 2024

RE: Resolution 2024156: Regulating Hazardous Pollution Sources in Proximity to Public Water Supply Sources, Aquifers and Wetlands

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The above referenced Local Law was transmitted to me on September 10, 2024. Thirty days has elapsed since then, and I have taken no action. Therefore, pursuant to Dutchess County Charter, Article III, Section 3.02(i), I presume the legislation has been deemed approved and duly enacted. Kindly forward a copy of the final, adopted local law to me for our records and to transmit to the Dutchess County Department of Health for their implementation.

Please do not hesitate to contact me if you have any further questions.

Sincerely,

Sue Serino

Sue Serino
Dutchess County Executive

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
HTTPS://DOS.NY.GOV

KATHY HOCHUL
GOVERNOR

WALTER T. MOSLEY
SECRETARY OF STATE

October 29, 2024

Dutchess County Legislature
22 Market Street
Poughkeepsie, New York 12601

RE: County of Dutchess, Local Law 2 2024, filed on 10/21/2024

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492

RECEIVED
NOV 06 2024
By MB

The foregoing Resolution No. 2024156, Local Law No. 2 of 2024, A LOCAL LAW REGULATING HAZARDOUS POLLUTION SOURCES IN PROXIMITY TO PUBLIC WATER SUPPLY SOURCES, AQUIFERS AND WETLANDS, was laid on desks by mail, e-mail, and in mailboxes on August 23, 2024, and considered on September 9, 2024. Discussion proceeded as follows:

Roll call vote at that time resulted as follows:

AYES:	23	Brendli, Caswell, D'Aquanni, Drago, Faust, Garito, Gorman, Houston, House, Johnson, Kaul, Kearney, Lawler, McHoul, Metzger, Munn, Paoloni, Polasek, Rolison, Travelpiece, Truitt, Valdés Smith, and Versaci
NAYS:	0	
ABSENT:	2	Atkins and Page

Resolution adopted.

The County Executive held a public hearing on the foregoing Local Law on September 26, 2024. Pursuant to Section 3.02 (i) of the Dutchess County Charter the foregoing Resolution No. 2024156 was deemed approved and duly enacted due to the County Executive's failure to act. The effective date of the Local Law was October 21, 2024.

Government Services and Administration Roll Call

District	*Name*	*Yes*	*No*
District 7 - Hyde Park and Pleasant Valley	Truitt*		1
District 25 - Amenia, Washington, Pleasant Valley & Millbrook	Houston*		2
District 3 - LaGrange	Polasek*		3
District 16 - Fishkill and Beacon	Valdés Smith*	1	
District 9 - City of Poughkeepsie	Atkins*	2	
District 6 - Town of Poughkeepsie	Kaul	3	
District 14 - Wappinger and Town of Poughkeepsie	Versaci		4
District 17 - Town and Village of Fishkill	McHoul (C)		5
District 18 - City of Beacon and Fishkill	Page	4	
District 20 - Red Hook, Tivoli, and Rhinebeck	Munn		6
District 21 - East Fishkill	Caswell		7
District 24 - Dover and Pawling	House (VC)		8

Present: 12
Absent: 0
Vacant: 0

Resolution: ___
Motion: ✓

Total : 4 (Yes) 8 (No)
Abstentions: 0

lyrs - BA

table - Defeated

2024156
9/5/2024

Government Services and Administration Roll Call

District	*Name*	*Yes*	*No*
District 7 - Hyde Park and Pleasant Valley	Truitt*	1	
District 25 - Amenia, Washington, Pleasant Valley & Millbrook	Houston*	2	
District 3 - LaGrange	Polasek*	3	
District 16 - Fishkill and Beacon	Valdés Smith*		1
District 9 - City of Poughkeepsie	Atkins*	4	
District 6 - Town of Poughkeepsie	Kaul		2
District 14 - Wappinger and Town of Poughkeepsie	Versaci	5	
District 17 - Town and Village of Fishkill	McHoul (C)	6	
District 18 - City of Beacon and Fishkill	Page	7	
District 20 - Red Hook, Tivoli, and Rhinebeck	Munn	8	
District 21 - East Fishkill	Caswell	9	
District 24 - Dover and Pawling	House (VC)	10	

Present: 12
Absent: 0
Vacant: 0

Resolution: ✓
Motion: ____

Total : 10 (Yes) 2 (No)
Abstentions: 0

2024156 A LOCAL LAW REGULATING HAZARDOUS POLLUTION SOURCES IN PROXIMITY TO PUBLIC WATER SUPPLY SOURCES, AQUIFERS AND WETLANDS

SEPTEMBER 5, 2024

Roll Call Sheets

District	Last Name	YES	NO
District 7 - Hyde Park and Pleasant Valley	Truitt	✓	
District 25 - Amenia, Washington, Pleasant Valley & Millbrook	Houston		
District 3 - LaGrange	Polasek		
District 16 - Fishkill and Beacon	Valdés Smith		
District 9 - City of Poughkeepsie	Atkins	Absent	
District 1 - Town of Poughkeepsie	Gorman		
District 2 - LaGrange, Pleasant Valley & Town of Poughkeepsie	Travelpiece		
District 4 - Hyde Park and Town of Poughkeepsie	Lawler		
District 5 - Town of Poughkeepsie	D'Aquanni		
District 6 - Town of Poughkeepsie	Kaul		
District 8 - City and Town of Poughkeepsie	Brendli		
District 10 - City of Poughkeepsie	Johnson		
District 11 - Clinton, Pleasant Valley, and Rhinebeck	Kearney		
District 12 - East Fishkill	Metzger		
District 13 - East Fishkill and Wappinger	Paoloni		
District 14 - Wappinger and Town of Poughkeepsie	Versaci		
District 15 - Wappinger	Faust		
District 17 - Town and Village of Fishkill	McHoul		
District 18 - City of Beacon and Fishkill	Page	Absent	
District 19 - North East, Stanford, Pine Plains, Milan & Red Hook	Drago		
District 20 - Red Hook, Tivoli, and Rhinebeck	Munn		
District 21 - East Fishkill	Caswell		
District 22 - Beekman and Union Vale	Garito		
District 23 - Pawling, Beekman and East Fishkill	Rolison		
District 24 - Dover and Pawling	House		

Present:	23	**Resolution:**	✓	**Total :**	23	0
Absent:	2	**Motion:**			**Yes**	**No**
Vacant:	0			**Abstentions:**	0	

2024156 A LOCAL LAW REGULATING HAZARDOUS POLLUTION SOURCES IN PROXIMITY TO PUBLIC WATER SUPPLY SOURCES, AQUIFERS AND WETLANDS

SEPTEMBER 9, 2024