

## EXECUTIVE ORDER AND DIRECTIVE 12-01 Issued by ALBANY COUNTY EXECUTIVE DANIEL McCOY

**Whereas**, It is the policy of the Albany County to conserve, improve and protect the environment in order to enhance the health, safety and welfare of the people of Albany County, and

**Whereas**, It has come to the County's attention that a property located at 566 Washington Ave located in the City and County of Albany is the site of an abandoned garment dry cleaning operation, and

**Whereas**, the basement appears to contain up to four feet of water and within that water there appears to be floating and non-floating plastic drums;

**Whereas**, the dry cleaning industry employs a solvent in the cleaning process called Tetrachloroethylene (also known as Perchloroethylene, or Perc), and

**Whereas**, Perc is a significantly toxic chemical and in fact, The International Agency for Research on Cancer has classified Perc as a Group 2A carcinogen, which means that it is probably carcinogenic to humans, and it is toxic to fish, plants and other marine life, and

**Whereas,** Perc is heavier than water; thus, when Perc is spilled or leaks from a dry cleaner operation, it moves into the groundwater and continues to work its way down until it contaminates the deeper aquifers from which wells typically draw their water, and

Whereas, the owner has abandoned this property and cannot be located, and

**Whereas,** a number of potential buyers have looked at this property and have declined to purchase it for redevelopment because of its potential environmental contamination, and

**Whereas,** based upon the above facts, the County has determined that a potential public health and environmental contamination hazard may exist at 566 Washington Ave. in the City and County of Albany, and

Whereas, New York State Department of Environmental Conservation has the power and authority to enter and inspect any property or premises for the purpose of investigating

either actual or suspected sources of pollution or contamination or for the purpose of ascertaining compliance or noncompliance with any law, rule or regulation, and

**Whereas,** It is the solemn duty of the County to bring to the DEC's attention the existence of potential environmental hazards in order to protect the health and safety of the people, and

## I HEREBY ORDER AND DIRECT:

Whereas, New York State Department of Environmental Conservation ("DEC") has the power and authority to enter and inspect any property or premises for the purpose of investigating either actual or suspected sources of pollution or contamination or for the purpose of ascertaining compliance or noncompliance with any law, rule or regulation and to take whatever remedial action the circumstances then and there existing may require, and

**Whereas,** It is the solemn obligation and duty of the County to bring to the DEC's attention the existence of potential environmental contamination hazards in order to protect the health and safety of the people of Albany County, and

## I HEREBY ORDER AND DIRECT:

- (1) That on behalf of the government and the people of Albany County, the Director of Real Property Tax Service Agency together with the Albany County Attorney forward this Order and Directive and formally request and importune DEC to exercise its authority pursuant to Environmental Conservation Law § 3-301 (2)(g) to "[e]nter and inspect for the purpose of investigating ... suspected sources of pollution or contamination ..." at 566 Washington Avenue in the City and County of Albany and to take whatever remedial action the circumstances then and there existing may require; and
- (2) That the County Attorney, at the request of and under the sponsorship of County Legislator Doug Bullock and County Legislature Chairman Shawn Morse, draft a resolution seeking the same action by DEC as requested herein.

Dated: / day of April 2012

Albany, NY

Daniel McCoy

Albany County Executive