

OWASCO LAKE WATERSHED RULES & REGULATIONS

JOINT MEETING: AUBURN CITY COUNCIL & OWASCO TOWN BOARD
MEMORIAL CITY HALL, AUBURN, N.Y. | MARCH 28, 2019

UPDATE

OWASCO LAKE WATERSHED MAP

Watershed is over 250 Square Miles

Extends to 3 Counties: Cayuga, Onondaga, Tompkins

Primary Land Use is Agriculture: Dairy & Crop

Primary Nutrient Inputs are Non-Point Source

Primary Watercourse Input is Owasco Inlet



PROJECT GOALS

Primary Goal is to Update & Revise the 1984 Watershed Rules & Regulations

- Improve, Protect and Preserve Drinking Water Quality for ~45,000 Users
- Craft Regulations that are Effective, Equitable and Enforceable
- Thoughtful and Engaged Public Participation Process

PROBLEM STATEMENT

- Impact of HABs on Drinking Water Quality and Safety
- Impacts from Disinfectant By-Products
- Overall Health & Economic Impacts
 - Good Water Quality Results in Improved Health & Economy
 - Poor Water Quality Results in Declining Health & Economy
- We are all Stewards of Water Quality for those that follow

PUBLIC HEALTH LAW ON WATERSHED RULES & REGULATIONS

- City of Auburn & Town of Owasco are the Water Purveyors
 - ~45,000 People Rely on City and Town to provide clean, potable water
- Water Purveyors Charged with Inspection & Protection
 - City, Town and County established the Owasco Lake Watershed Management Council (“OLWMC”).
 - The OLWMC Watershed Inspection Program oversees the management, inspection and protection of the watershed
 - Watershed Rules and Regulations are Adopted at Local Level & Approved at the State Level. They apply to all lands within the watershed.

WATERSHED INSPECTION STRUCTURE

Four Member Watershed Inspection Committee (“WIC”) under the OLWMC

- (2) Representatives from City of Auburn; (1) Representative from Town of Owasco; (1) from County
- Watershed Inspection Program reports to WIC
- Watershed Inspectors/Specialists inspect land use activity in the Watershed seeking compliance with all Watershed Rules & Regulations (“WSRR”)
- Watershed Inspectors have the authority to issue Notices of Violation of the WSRR

ENFORCEMENT OF WATERSHED RULES & REGULATIONS

Primary Enforcement Objective: Compliance & Corrective Actions to Protect Water Quality

- Watershed Inspectors have the authority to issue Notices of Violation of the WSRR
- Notices of Violation are shared with Watershed Inspection Committee
- Notices of Violation:
 - Require Prohibited Activity Cease
 - Require Corrective Actions if Necessary
 - Provide a Time Frame to Address and Reach Full Compliance
- Failure to Comply – Violation is Brought to County Board of Health for Hearing

CURRENT RULES & REGULATIONS

1984 Rules are Out of Date

1984 Rules do not reflect current best practices in Watershed Protection

1984 Rules do not reflect current science on HABs, nutrient loading and sediment control

1984 Rules includes Generalized Definitions that compromise enforcement

Align New Rules with Changes in Land Use, HABs Impact, New Science & Policy

Revised Rules should promote and require best management practices in Watershed Protection

Revised Rules should align and compliment current science to protect water quality impacts from HABs, Reduce Nutrient Loading from all sources and Require Best Practices in Sediment Control

A SHARED RESPONSIBILITY- ALL LAND USES ARE INVOLVED

- All Land Uses in the Watershed Can Impact Water Quality
- Everyone in the Watershed needs to be part of the Solution

KICK-OFF PROCESS 2017

- City Council Resolution May 4, 2017
- Town of Owasco Resolution May 11, 2017
- Cayuga County Resolution June 27, 2017
- KICK OFF PROCESS FROM MAY – OCTOBER 2017
- Project Website & Transparency
- General Public Meetings
 - June 2017: BOCES & Moravia Public Meetings
- Stakeholder Groups
 - September & October 2017: Agriculture & Lakeshore Owners / Lake Association
- Consultation with State Agencies
 - Meeting with NYS Ag & Markets Commissioner & Staff November 2017 – designates representative to Extended Staff Working Group
 - Outreach to NYSDEC and addition of FL Water hub representative to Extended Staff Working Group

PROJECT TEAM PREPARING THE REGULATIONS

Core Staff & Extended Staff Working Group Researched and Prepared Initial Drafts:

- Research Reviews | Best Practices
- Coordination with Steering Committee
- Input from State Agencies

- **Core Staff**
- City Municipal Utilities
- County Planning
- County Health
- **Extended Staff Working Group**
- City Municipal Utilities
- County Departments of Planning & Health
- Soil & Water Conservation District
- Watershed Inspection Program
- Cornell Cooperative Extension
- NYSDEC “Finger Lakes Hub”

PROJECT TEAM PREPARING THE REGULATIONS

Core Staff & Extended Staff

Coordinated with Steering Committee:

- Drafts presented by Extended Staff
- Review, Consider, Debate, Revise, Repeat
- Agree on Draft Regulations ready for Public Presentation and Feedback
- Receive Feedback, Assess & Summarize
- Present Final Draft & Feedback Summary to Auburn & Owasco for Consideration

- **9-Member Steering Committee**
- City of Auburn Council Representative
- Owasco Town Board Representative
- County Legislature Representatives (2)
- OLWMC Representative
- Owasco Watershed Lake Association (“OWLA”)
- Agriculture & Farm Community Representatives (2)
- County Board of Health Representative
- **Outside, Neutral Facilitator**
- Consensus Building Institute – Cambridge MA
 - Facilitators Used for NYS HABs Summit under Governor
- Listen, Engage, Cultivate Consensus w/ Steering Committee on Draft Regulations
- Facilitate Stakeholder Engagement and Public Roll-Out of Draft Regulations

OVERVIEW OF DOCUMENT

The proposed Watershed Rules & Regulations represent a Comprehensive Rewrite of the regulations adopted in 1984.

Should be viewed as a new and complete body of Watershed Rules & Regulations.

- More Restrictive but Incorporates Flexibility
- Adaptable to Conditions on the Ground

WAIVER MECHANISM

WSRR Waiver Process provides ability to adjust regulatory requirements to meet site-specific conditions in the Watershed while maintaining strict protections to water quality.

All Waivers requests are submitted in writing to the Watershed Inspection Program.

- WIP will Grant, Grant with Conditions, or Deny

Waivers may only be granted if the regulation(s) for which the waiver is being sought are not necessary to protect the water quality of Owasco Lake or its watercourses.

Violation of a Waiver nullifies the Waiver.

REGULATORY APPROACH

Proactive & Preventative vs. Reactive

- Regulations focus on preventing adverse water quality impacts, not reacting to them with violations after the damage is done.
- Some regulations mirror and support federal or state regulations – including in local WSRR allows better local oversight and enforcement.

Notification System, but Not an Approval System

A number of regulations require advance notification of activities in the Watershed that require other local approvals.

This Notification System allows the WIP to track planned and ongoing actions and prioritize oversight and assessment of those that merit close attention.

REGULATORY CATEGORIES

- General Provisions Section
 - “Rule #1” and Notification Systems
 - “No pollutant of any kind shall be discharged, deposited, or allowed to flow into Owasco Lake, a watercourse, or stormwater conveyance such as a roadside ditch.”
- Wastewater & Septic Systems
- Storage of Petroleum, Chloride Salts and Coal
- Sediment Generation and Control
- Nutrient Management

EACH SECTION ADDRESSES A WIDE RANGE OF LAND USES WITHIN THE WATERSHED – FROM RESIDENTIAL TO AG TO INDUSTRIAL

PROCESS FLOW CHART

The Public Participation and Local Adoption Phase of the WSRR Project will proceed through September 2019...

STAKEHOLDER MEETINGS:

Elected Officials

Agriculture & Farming

Lakeshore & Lake Association

GENERAL PUBLIC MEETINGS:

MAY MEETINGS AT BOCES &

MORAVIA HIGH SCHOOL

ASSESS & SUMMARIZE PUBLIC
FEEDBACK

PROVIDE FEEDBACK SUMMARY
& FINAL DRAFT TO AUBURN &
OWASCO FOR CONSIDERATION

TARGET DATES

- Stakeholder Groups for Lake Association and Agriculture were established in 2017 and have been contacted for planned April 2019 Stakeholder Meetings.
- General Public Meetings will be advertised widely in the news and media and network channels. Please help us inform the Public!
- Draft Regulations publicly available at numerous locations and via WSRR Project Website. Please help us Circulate!
- Lakeshore / Lake Association Stakeholder Meeting, Monday April 8th at Ag Museum
- Agriculture & Farming Stakeholder Meeting, Tuesday, April 9 at Ag Museum
- General Public Meeting 1 at BOCES, Wed. May 15 at 6:30 PM
- General Public Meeting 2 at Moravia HS, Thurs. May 16 at 6:30 PM
- Staff Assess & Summarize Public Feedback during June – July
- Bring Summary of Feedback and Final Draft to Auburn & Owasco Officials in August or September

ROLE OF CITY OF AUBURN & TOWN OF OWASCO ELECTED OFFICIALS

- Public Resolutions by the Auburn City Council and Owasco Town Board Requesting State Department of Health to Amend Public Health Law with New Watershed Rules & Regulations
- Draft Regulations then transmitted to NYS Dept. of Health, Bureau of Public Water Protection via the County Health Department (“Local Health Unit”)
- Target October 2019 for Finalizing Local Reviews & Approvals