

Steering Committee & Extended Work Group Meeting  
Friday, March 1, 2019 @ 2:30pm Chambers

Steering Committee Members Present: Greg Rejman  
Ken Post  
Leslie Baxter  
Kathleen Cuddy  
Aileen McNabb-Coleman

Extended Work Group Members Present: Eileen O'Connor  
Brian Hall  
Scott Cook  
Seth Jensen  
Drew Snell  
Doug Kierst  
Nick Colas  
Bruce Natale  
Steve Lynch

Present: PJ Emerick  
Megan Bell

The meeting began at 2:40pm.

At this meeting the group will be going through the document focusing on the highlighted changes that were requested at the previous few meetings. Most were formatting and rephrasing changes. Some areas had a fresh look and those areas will be reviewed more in-depth.

Nick shared the next steps in the process and updated the Steering Committee regarding the new facilitator. The tentative schedule for the stakeholder groups is April 8<sup>th</sup> and 9<sup>th</sup> at the Ward Ag Museum. The public meetings will be in May, hopefully again at BOCES and Moravia High School. After the stakeholder groups and the public meetings any comments or requested revisions will be brought back to the Steering Committee for discussion. Seth suggested having the City and Town officials get together to review and offer feedback on the draft as well.

The project webpage will be reviewed and made current. The county just had a web redesign so we will want to make sure all our content is still there.

Nick began walking through the draft. On the first page the Introduction has been removed and the definitions have been moved to the end of the document. The document begins with the section on application. Some of the preliminary language is content found in most of the other regulations for watersheds. It describes the areas covered and other information that the State will expect to see when they are reviewing the document. Nick shared that we will add feedback to the comments that will be coming in from the public meetings.

Next section: Inspections.

In this section some clarifying language was added and adjusted. Eileen clarified that the role of the Inspector and the Management council will be outlined in the FAQ document, as this was brought up at previous meetings. Doug shared that he believes property owners/farmers may have questions regarding who has the authority to enter their property and how they will identify themselves when entering the property.

Next section: Waivers

This section was moved up in the document, making it clear to the reader that there is a waiver process. Key point of this section is that waivers will be made based on the demonstration that this rule is not necessary to protect the quality of the water. Greg asked who will have control over the waiver process, Nick shared that type of information will be outlined in an FAQ or technical guidance style document. The Inspection Program would most likely reach out to the content expert to assist with granting the waiver. The concern may be that if the language is not incorporated in the Rules and Regulations then it is not binding and would default back to the language in the Rules and Regulations. The group discussed possibly including language offering a time frame for the waiver and whether it is transferable if the property is sold. Doug asked what the Watershed Inspection Program was. Eileen shared that it is her understanding it would be the Inspector and Supervisor and they would present the waiver to the Committee which consists of a representative from the City of Auburn, Town of Owasco and the County. Once a waiver is submitted, the Inspector would reach out to the content experts and they would offer their opinion. The Inspector would make the determination and send the letter either approving or denying the waiver. The letter would most likely include a deadline for completion if the waiver was denied. Waivers are defined in the definitions sections and are designed to be very specific.

Next section: General Provisions.

Language was inserted relating to different state laws and eliminate acronyms to make the document more understandable. The group suggested changing permitted to compliance within number 4.

On number 10 refuse should be italicized as there is a definition for that word.

Next section: Septic Systems, etc.

In number 5 a suggestion was made clarifying that there will be two bodies approving a waiver for a septic system, both the Health Department and the Watershed Inspection Program, Greg suggested stating that in the general waiver section as well.

In number 7, would have to have a holding tank for toilet or install phosphorus removal system.

In number 8, the group discussed including that the inspector should visit the site to verify that the removal is done correctly and that the inspector must be notified of removal.

Under letter C on number 9 should all information be forwarded to the inspection program or should they just remain available upon request.

In number 6, there was a change requiring notification of the intent of the rental property including dates of potential rental.

Next section 6: Pesticide Use.

No content changes just typing/formatting changes.

Next Section 7: Storage of Petroleum, etc.

There was no new content added or changed in this section.

Under letter A, in regards to bulk storage the language could be made similar to septic holding tanks and that information should be made available upon request. The group all agreed upon that and the language will be inserted. There have been courtesy notifications to the inspector and he makes the field visit to assess. He does not typically receive anything in writing.

Under non-bulk storage, should there be language regarding the removal under the new provision. The group discussed whether the inspection program should go and verify removal. The language could be as simple as "removal of any tank requires a notification to the Inspection Program.

Next section 8: Sediment Generation and Control.

Number 1 was eliminated and in relation to the deletion there was a revision to the definition of pollutant which now includes the word silt.

In number 4 regarding roadside ditch work, language was added regarding highway departments notifying the Inspection Program prior to the start of ditch scraping.

In number 2, management practices, they would have to follow DEC language which outlines professionals that are allowed to design the plans.

Under letter e, there was discussion regarding the definition of stabilized for ditches that have been scraped. The group asked Scott if the DEC defines stabilization. In the storm water management section there is a temporary stabilization definition. Seth suggested adding a section that requires Highway Superintendents to attend a sediment erosion course. There are new possible requirements coming down for Highway Superintendents. Soil and Water currently provides trainings that are available to Highway Superintendent to attend.

Next section 9: Nutrient Management.

There was some change in the wording in the beginning to read farms that are already covered under SPDES. Confined animal feeding should be changed to concentrated animal feeding. In this section small animal feeding operations were separated out. The group discussed including those farms that qualify for the ag tax exemption. The language was hard to translate into this regulation. The 7 acre number was a number that was applied frequently in farm regulations. The group also discussed defining appropriately credentialed official. Letter b was also clarified by inserting emergency provisions.

Number 2 talks about records for fertilizer activities, states rates and volumes, but also needs to include locations as well.

In the section on vegetative buffers, there was discussion regarding specific language about how this can be waived as previously stated in the earlier portion of the document.

The group discussed having a map of the watershed posted at the public meetings and stakeholder meetings.

Under number 4 the group asked if that included homeowner lawns as well. It does include homeowner lawns and it may be worth noting that in the language. Regarding Ag. Associated Waste Storage, there was a new distance and it was changed to 300ft to be consistent with NRC.

F & G was moved to an earlier section.

There was a new section F that discussed feed storage areas. Typing error was noted that Feed Storage Area is part of the definitions so it needs to be italicized.

Greg suggested noting dry hay bales in the definition or stating “if” they do not create pollution. Eliminated hay bales from the exemption under definition number 23.

Under the definitions section, number 22-farm management plan, annually updated was struck out, if activities change then needs to be updated. The group discussed and annually updated was added back in.

Under number 60, if you have your woods logged would have to notify the Inspection Program before starting. Include language for logging in the regulation and remove the second sentence.

The meeting concluded at 5:15pm. Steering Committee will be notified when public meeting dates are set and a reminder about the stakeholder meetings if they would like to attend.