

Public Comments/Feedback from BOCES and Moravia Public Meetings

BOCES Meeting:

- Where did the County come up with or determine the distances in the current Rules and Regs?
 - How were they developed, is it research-based?
 - Of what is included in the current Rules & Regs, how many are a problem now/ how many are being violated?
 - What is the scientific basis for separation distances specified in the WRR?
 - Are violations of the WRRs currently occurring?
 - Since the maps have not been updated since the 1960's are they going to be updated before establishing new Rules and Regs? – They should be updated as part of this process
 - Is it going to cost money to update the Rules and Regs?
 - Are you including people who drink water or recreate on lake in Steering Committee?
 - Is there an amendment process to the Rules and Regs?
 - Concern about regulations is that we understand the chemistry of the Lake.
 - How phosphorus and nitrogen work
 - The measured phosphorus levels are lower than NYSDEC would expect for the problems we are seeing. Shouldn't we know more about the chemistry causing the water quality problems before moving forward?
 - We should also look to protect intermittent streams and dry washes.
 - How does the public provide input into proposed changes to the WRR?
 - Who enforces the Rules and Regs? – Watershed Inspectors
 - Will Watershed Inspectors be allowed to go on any property?
 - Is it legal?
 - What would direct an inspector to someone's property?
 - Thoughts to be considered: Should run-off be added as a category or focus area?
 - Should poor water quality be an area under Rules and Regs?
 - We should invite scientific representatives as part of the community to the meeting.
 - In addition to the focus areas of the current WRRs, shouldn't the following also be focus areas: runoff, water quality of watercourses, pollutants of any kind?
 - Seasonal watercourses should be protected.
 - There are stakeholder meetings for input into the process. How does the general public provide input?
 - What is a watercourse? (Streams and Tributaries)
 - What is the County responsibility in enforcement?
 - Owasco Lake is only one water body in County, but has impact to Lake Ontario?
 - Do other municipalities supplying water have veto power when it comes to Rules and Regs?
 - Will ground water and drainage tiles be included in the watercourse?
 - What would prompt a watershed inspector entering a property? (response was based upon a complaint. However, the inspector has the authority and responsibilities to make regular and thorough inspections within the watershed.)
- Are we considering air quality, such as hydrogen sulfide and its impact on the lake? Heavier pollutants can settle on surface of the lake?
- Are people along the shorelines aware of the harm that fertilizers and pesticides can cause? Chemlawn is a concern.
 - We should understand how quickly runoff makes it to the lake.

- 9 element plan and TMDL- is the county looking at both?
- Will there be a public comment period?
- Is the County looking at other Watershed Rules and Regulations, in particular-Skaneateles Lake?
- Will language be included to say the Rules and Regulations will be revised by a certain date or so many years?
- Is there data for the # of septic failures or run-off issues? Is there data available on where there are problems? Shouldn't the focus be on those areas?
- Are non-agricultural animals (waterfowl) being looked into?
- Skaneateles Rules and Regs are better.
- They have divers who get weeds out.
- Is Owasco looking into abatement of weeds?
- Can county provide messaging or scripts for the public to send letters to elected officials?
- Should also look at remediation instead of just prevention such as divers pulling weeds?
- The stricter the watershed rules and regulations, the smaller the investments of money for treatment of water.
- Look at Skaneateles Lake and City of Syracuse, they spend very little to treat their water and update their facilities.
- What is the economic impact if we do not improve water quality?
- Clearly define the process of Rules and Regulations and if there is a violation, the inspectors have guidelines to follow to be consistent.
- Have a succinct document that is easy to follow and have a tool to guide inspectors and spells out what violations will be.
- What are the consequences for a violation of the WRR?
- The process by which inspectors follow-up with violations should be clear to the public, i.e. do they issue a ticket like a police officer?
- It is important to bring in scientists to this process.
- It is important for the WRR to be concise and easy to understand.
- If violations occur- do the localities enforce? Do the localities set the fine?
- Can the county set the fines for violations or are they set by the State?
- Impervious surfaces at new construction sites.
- Heat as a pollutant
- Is New York Rural Water Association involved?
- How would the 230 lakeshore property owners who draw water directly from the lake be affected/benefit from revised rules?
- How many violations specifically citing the WRR have actually been written/enforced/acted upon since 1984?
- Even though Hydraulic Fracturing is banned in NYS, should fracking wastewater be addressed in revised WRR?
- Not all BMP's for farms work and/or are advisable for all types of agriculture, e.g. organic farming
- Are lakeshore property owners allowed to use lawn fertilizers?
- Who actually writes the WRR that is sent to Albany?
- Effort should be made to incorporate municipal Comprehensive Plans and zoning regs into WRR and vice-versa.

Moravia Meeting:

- Watershed organization is to protect drinking water. What about swimming and HABs.
- Clarify: 15-20 people per group? Referring to the Stakeholder groups.
- WRR effect watershed since 1984- what has the drinking water trend been since then?
- Best practices- What is the difference between best practices and WRR?
- Clarify some other WRR have adopted best practice as rules
- Clarify authority? SL replied adopted at State Level, then adopted locally
- History feeling farm lobby so strong that whatever is done won't become enforceable.
- Have there been violations documented?
- Are the people who draw water from lake going to be considered?
- Am I allowed to put fertilizer on my garden? (Yes low/non-phosphorus)
- How do WRR impact me? In the way of property value, taxes?
- As the chair of the Scipio Planning Board I would like to see added: including WRR into zoning laws, lot of lake wells, how much is drawn? And disposal of waste.
- When material goes into stream its watercourse, is there a size factor?
- Where can I see map and/or listing?
- Is a ditch a watercourse?
- Definition of what a watercourse is? In Skaneateles RR it is defined.
- I don't see anything about riparian zones in WRR?
- It seems like compliance/enforcement has been sketchy? How has that trended since 1984, if we add more regs we are just adding more to do. (Drew spoke to W/P process, gaining ground seeing violations, addressing complaints, out in the field, approx. 50 violations in the past years, give some guidance, leeway to regs and are finding most people want to comply.)
- Making up stakeholder groups, but who is doing the actual re-writing? Are PEs involved?
- Seems inspectors have a lot of insights for clarity, how will W/P be involved in groups?
- Work at Ithaca water treatment, surprised surveyors won't have significant role in the re-write.
- Have Skaneateles rules been updated/made more modern, is that why there is more to theirs?
- What rights of landowners have to say, "I don't want to make a change, to sell water to others?"
- I'm not advocating- just wondering? (SL state judgment, water is deemed source of public water, therefore protections put in place.)
- My understanding no approvals have been made, has there been contact with NYS regarding this process?
- Is the NYS Rural Water Association involved? Are we working with them?
- My understanding is unplowed fields have weed killer, where is that going?
- Are there any other WRR that have regs at impervious surfaces and run-off?
- Is there public access to the science and scientists to see the work being done?
- Do you coordinate with FLI? (E.G. buoy in lake showing rise in Blue-green algae?)
- Dr. Halfman's research is posted on the website.
- There is a divide in ag community about what best practices are. (e.g. certified organic plows vs not)
- Are boots on ground, are people submitting questions?

Comments Received via the website:

Date rec'd Saturday July 1, 2017

-I believe that elements of the Skaneateles Lake Watershed Rules and Regs should be adopted by the new Owasco Lake Rules and Regs- Here are some particular processes and procedures that might be valuable:

1. The establishment of a Whole Farm Planning Program, established by the supplier of water. This program shall be designed to implement management practices on farms in order to eliminate or minimizes sources of non-point source pollution. Under this program a specific plan is developed for each farm in accordance with the USDA-MRCS Conservation Practice Standard code NY312 (January 8, 1999) and the plan is accepted by the farmer. A copy of the plan is on file at a designated office.
2. Specific protection zones shall be designated much like Zone I, Zone II, and Zone III in the Skaneateles Lake Water Rules and Regulations (see section 131.1, Part b, numbers 57-59)
3. Copies of permits applications and notices of intent for proposed building activities that involve land or shoreline disturbance within a watershed shall be forwarded to the supplier of water, by the applicant, at the same time it is submitted to the agency having jurisdiction. Notifications shall be at the earliest stage of the application process....Where applicable, any comments by the supplier of water must be submitted with the statutory or procedural time frames of the permitting agency. Copies of all permits issued shall be sent to the supplier of water by the applicant.
4. Any person, agency, or entity preparing an environmental impact statement (draft or final) for a project or activity in specified zones (See Zones I, II III in Skan. Rules and Regs) shall file a copy with the Commissioner of Health, the Cayuga County Health Department, the Health Department of where the project or activity is proposed and the supplier of water.

Date Rec'd Wednesday July 6, 2017

1. Copies of all applications for building permits must be sent to the supplier of water by the applicant. (from Skaneateles Rules & Regs (SRR))
2. Disposal of snow or ice into the lake or watercourse is prohibited (SRR)
3. Disposal of leaves, lawn debris, or pet waste into the lake, watercourses, dry washes, or storm ditches is prohibited.
4. Human Sewage
 - a. Holding tanks shall not be installed for new construction (i.e. full-time or part-time occupancy) or for the use of an RV or other temporary structure. Holding tanks are allowed only if no other repair or replacement of an existing system is possible due to site limitations and when approved by the health department. (SRR)
 - b. All holding tanks must have an alarm to indicate when tank is 80% full. A log of dates when the tank was pumped shall be maintained by the owner. (SRR)
 - c. New construction of privies shall not be installed within a 100 ft lineal distance from a watercourse or 300 ft lineal distance from the MHW of the lake. (SRR)
 - d. Any alteration, addition or repair of an existing wastewater treatment works shall conform to Appendix 75 unless a specific waiver is granted. (SRR)

- e. No new construction or alteration, addition or change of use (for example, conversion from season to year-round residence) of existing dwellings or commercial buildings shall be undertaken, until such time as the supplier of water and the Health Department have been notified and the health department has issued an approval for the construction of a new wastewater treatment works, or issued an approval for modification of the existing wastewater treatment works, or issued a written notice indicating the acceptance of the existing wastewater treatment works. (SRR)
 - f. Burial of human sewage is prohibited within the watershed. (SRR)
5. Animal waste
- a. Areas used for the storage of non-agricultural or agricultural associated animal waste shall be in conformance with a comprehensive nutrient management plan prepared by a certified planner. (SRR)
 - b. The land application of manure shall be in conformance with a comprehensive nutrient management plan prepared by a certified planner (SRR)
 - c. Direct, unrestricted access to watercourses or the lake by livestock is prohibited.
6. Commercial Fertilizers
- a. Open storage of fertilizers is prohibited. (SRR)
 - b. Use of fertilizers must be in conformance with a comprehensive nutrient management plan prepared by a certified planner. (SRR)
 - c. The transport of open containers of fertilizers is prohibited.
7. Sediment generation and control
- a. The disturbance of the bed or banks of a stream with a classification of C is prohibited except when measures have been put in place to prevent erosion and sediment production. The proposed erosion control measures shall be in the form of written description and site plan and approved by the supplier of water.
 - b. Farm tillage practices shall be in conformance with a comprehensive nutrient management plan prepared by a certified planner. (SRR)
 - c. Land disturbing activities that expose 5000 or more square feet of soil, excluding farm tillage, are prohibited within an environmentally sensitive area unless erosion and sediment production measures have been installed. The proposed erosion control measures shall be in the form of written description and site plan and approved by the supplier of water. (SRR)
 - d. All storm water pollution prevention plans prepared under NYS SPDES general permit for storm water discharges from Construction Activity must be submitted to the supplier of water for their review and approval.
 - e. Public highway construction activity must not result in erosion and sediment production. Proposed erosion control measures shall be in the form of written description and site plan for approval by the supplier of water (SRR)
8. Impermeable surfaces
- a. Construction activities that result in the creation of 1 acre or more of impermeable surfaces must prepare a storm water pollution prevention plan that includes post-

construction storm water management practices. This plan must be submitted to the supplier of water for their review and approval.

9. Stockpiles of salts and coal are prohibited except in specifically designed structures.

Date Rec'd July 18, 2017

We NEED regulations that match Skaneateles. We should not settle for less. I care about the health of our lake and the people of Auburn.

Date Rec'd July 19, 2017

I offer, for your consideration, several additions to the presentation that Steve Lynch made. First, on the slide: FOCUS AREAS of WSR&R: I would add Tributary Sediment/Runoff as an area for focus. We must focus on the tributaries and their consequent runoff as a key influencer of lake quality. Second, on the slide: SUMMARY OF THE RULES & REGS I would add Watercourse Water Quality as an additional category. Water quality is our ultimate goal. Not having a set of Regulations specific to water quality measures and metrics skirts the issue. In addition, given the current understanding of biologically available phosphorus as a key enabler for HAB's, BAP should be considered a pollutant and indicated as such. On the slide: PUBLIC PARTICIPATION AT A GLANCE; STAKEHOLDER OUTREACH: I would add the scientific community as a key stakeholder. They must be included in any ongoing activities focused on improving the lake. In summary, we MUST look at Water Quality (the water leaving every agricultural parcel whether through tiles, ditches or tributaries) as an agricultural output and establish appropriate regulatory water quality targets, measures and metrics to protect the lake from waters originating from these sources that ultimately enter the lake.

Date Rec'd July 23, 2017

Defiantly the large farms are a huge problem. The amount of concentrated waste they are spreading on their fields is disgusting and killing the lakes. A close monitoring of this or a public hotline that we could call and have someone respond would be a good step.

Date Rec'd July 24, 2017

The rules will be updated at a minimum of every five years. An amendment process will be established so that minor corrections can be made in a timely manner.

Date Rec'd July 24, 2017

Protection zones will be established around each tributary discharging into Owasco Lake. No storage or spreading of manure will be allowed in these protection zones. Size of the protection zones to be determined. Recommendations would be at least 100 yards from the tributary.

Date Rec'd July 24, 2017

Animal waste storage and disposal shall be in conformance with the "Agricultural management practices catalogue for nonpoint source pollution prevention and water quality protection in New York State" May 1996.

Date Rec'd July 24, 2017

The Watershed Inspection Team shall be under the authority and supervision of the City of Auburn Department of Public Utilities.

Date Rec'd July 24, 2017

Given the runoff following the rainfall this summer. I believe that the Watershed Rules and Regs should prohibit ANY manure storage and spreading in the watershed-at all. Rather than spending billions to clean up the lake after it becomes unusable, let's ask for funds to develop solutions to the CAFO manure problem. Let NYS be the leader again in technology that will benefit the country. We are not the only lake with a problem. Solutions developed here can be used elsewhere. We should have the best, most comprehensive testing and R&D center here in Auburn to come up with innovative solutions. The first thing we have to do is face the problem and admit it's the manure. Would save a lot of time and the money could go to helping solve the problem.

Date Rec'd July 27, 2017

I am overjoyed to think that there are individuals who actually care health of Owasco Lake! Our lakes are gifts to all mankind. I grew up swimming and gulping water out of the lake with no repercussions from its clean waters. Today we can't even put our feet in its cesspool water quality! Thank you for your efforts.

Date Rec'd August 1, 2017

Good evening. I attended both the initial public meetings and I would like to express my concern regarding the proposed stakeholders. While I am encouraged by the fact that the rules and regulations are being revisited, I am concerned with the makeup of the steering committee. I truly believe that in order to have a meaningful conversation on the rules and regulations you much include representation from two key groups: 1) Local stakeholders whose number one concern is the drinking water. I understand that there are members of the committee who do drink the water; however, I feel strongly that there should be representation by people who have no other key interests (politics, farming, bureaucracy, etc.) 2) Members of the scientific community- so much work has been done in recent years on studying Owasco Lake and it is imperative that those in the scientific community who have either participated in this research or who have an understanding of it are included in this process. It is my hope that representatives of these two groups will be given an equal voice in this process. Thank you for your time and consideration.

Date Rec'd August 4, 2017

In reviewing the current Owasco Lake Watershed rules in regards to animal waste, it states the following: (7) Manure. Manure shall not be field-spread within 75 feet of the lake or watercourse unless it is plowed underground on the same day it is spread. However, in reviewing the regulations in the Skaneateles Watershed, the section on animal waste is much more in depth and stringent: (3) Animal waste storage and disposal. Areas used for the storage, stockpiling, or disposal of non-agricultural or agricultural associated animal waste shall: (i) be in conformance with the publication "Agricultural Management Practices Catalogue for Nonpoint Source Pollution Prevention and Water Quality Protection in New York State" May 1996, published by the Bureau of Water Quality Management, Division of Water, NYSDEC, 625 Broad- Way, Albany, NY 12233. The publication is available for public inspection and copying from the Bureau of Public Water Supply Protection, Flanigan Square, 547 River Street, Troy, NY 12180-2216, or (ii) conform to the plan developed by the Whole Farm Planning Program. (4) Fertilizer and manure use. (i) Open storage or fertilizers is prohibited. (ii) Use of fertilizers and land

application of manure shall: (a) be in conformance with the publication defined in subdivision (f)(3) of this section, or (b) conform to the plan developed by the Whole Farm Planning Program. (iii) Fertilizer shall not be applied in a manner or a rate which contravenes the water quality standards set forth in 6 NYCRR Parts 700-705. The new rules should, at the very least, adopt similar if not more stringent regulations for the Owasco Watershed in regards to animal waste.

Date Rec'd August 4, 2017

Submission #1:

The rules will be updated at a minimum of every five years. An amendment process will be established so that minor corrections can be made timely.

Protection zones will be established around each tributary discharging into Owasco Lake. No storage or spreading of manure will be allowed in these protection zones.

Size of the protection zones to be determined. Recommendations would be at least 100 yards from the tributary.

Animal waste storage and disposal shall be in conformance with "Agricultural Management Practices Catalogue for Nonpoint Source Pollution Prevention and Water Quality Protection in New York State" May 1996.

The Watershed Inspection Team shall be under the authority and supervision of the City of Auburn Department of Public Utilities.

Submission #2:

I attended both of the initial public meetings and I would like to express my concern regarding the proposed stakeholders. While I am encouraged by the fact that the rules and regulations are being revisited, I am concerned with the makeup of the steering committee. I truly believe that in order to have a meaningful conversation on the rules and regulations you must include representation from two key groups.

- 1) Local stakeholders whose number one concern is the drinking water. I understand that there are members of the committee who do drink the water; however, I feel strongly that there should be representation by people who have no other key interests (politics, farming, bureaucracy, etc.)
- 2) Members of the scientific community- so much work has been done in recent years on studying Owasco Lake and it is imperative that those in the scientific community who have either participated in this research or who have an understanding of it are included in this process.

It is my hope that representatives of these two groups will be given an equal voice in this process.

Thank you for your time and consideration.

Date Rec'd August 7, 2017

I have read the Skaneateles Lake Rules and Regulations and feel that anything less for Owasco Lake is unacceptable. While fewer people use Owasco Lake as a source of drinking water than Skaneateles Lake, they are no less deserving of clean water.

Date Rec'd August 18, 2017

Here are my comments after review of what was received thus far and after discussion with a few local stakeholders.

- 1) The Mapping Must be updated
 - a. Consider Zones indicating offsets from the Lake and primary water courses where special regulations may apply
 - b. Incorporate a Grid Master Map with individual sheets including more detail like aerials, roads, township, soil type, topography, and mapped water courses
 - c. Include provision for Map amendment allowing the Watershed inspector and CC Planning Department to conduct annual mapping update as field conditions change
- 2) Conduct a thorough review of the Skaneateles Lake watershed rules and regulations, comparing each aspect against OLV Rules to validate and determine if a change is necessary for each section.
- 3) Include a provision requiring each town to designate (town highway superintendent maybe) an official to take the 4 hour contractor erosion and sediment control course. Record and proof of taking the class shall be submitted to the Watershed Inspector for every town. Failure to comply will result in fine.
- 4) Rather than use specific numbers for offsets of farming practices and or residential/commercial or industrial uses, refer to the specific code where said offsets apply. It might be nice to have this document reference a regulation or BMP that is ever changing as more and more documentation and study is available. That way a hard offset does not require complete revision should there be a future need to change. More detail to come on this one...
- 5) Allow Watershed Inspector to verify offsets and watercourse in the field. Sometimes a spoil pit may be in close proximity to a stream but a large physical barrier is in between. Giving the WSI the ability to waive certain offsets based on runoff flow paths may be more advantageous for landowners. The same would hold true to watercourses and watershed boundary disputes.
- 6) Any new drainage tile, alteration to roadside drains/ditches, or mechanisms to channelize, move or eliminate persistent wet spaces on private or public property in the watershed shall be approved by the WSI.
- 7) Any new development within the critical zone of the watershed (Lake Front and river zone) shall be approved by the watershed inspector as part of the building permit process in every municipality in the watershed.
- 8) Any NYSDEC SWPPP located in the watershed shall be submitted to the WSI. Erosion and Sediment Control Plan to be inclusive.
- 9) Better define "Watercourse", in fact look at all definitions to ensure accuracy and ease of understanding.
- 10) Clearly define powers and duties of WSI.
- 11) Work in language that allows the rules to incorporate recommendations and results of any future 9E or TMDL plan(s) without the need to update the regs completely.
- 12) Clearly define the Jurisdictional Process to be established for each county, Onondaga, Tompkins, and Cayuga

13) Who will be writing the regulations? I highly recommend we look to a private, professional legal or planner who specializes in special legislation and implementation of watershed rules and regulations.

14) Incorporate Whole Farm Planning Program, USDA-MRCS Conservation Practice Standard and the 590 Standards related to Federal Nutrient Management. If we believe the standards meet or exceed our goals with respect to buffers, offsets, crop management, manure management, etc. we point to it as the standard. That way as this standard changes in time, our WS rules morph with it.

15) A clear well defined and easy to follow fine/fee process for violations.

I am very interested in staying actively involved in this process. Please keep me in the loop as new milestones are met and if you would like my input or involvement along the way. These rules, after all, are developed for the purveyors of water, the City and Town of Owasco. We are both so lucky to have such a talented staff between County Planning and Health to assist us in taking the lead on this project. I am more than willing to be as involved as necessary to help make this a successful and rewarding project for all involved agencies.

Date Rec'd August 29, 2017

There really should be some consideration of a standardized building permit process within the Watershed. I believe that this is a component of the Skaneateles Lake Watershed Rules and Regulations. There is a house being constructed to the right of OYC, at the top of the hill. When I was visiting the yacht club to go kayaking, I noticed that the construction site lacked any sediment control dams. As that site has been under construction all summer, I am sure that during each significant rain event we experienced, there was run-off into the lake that could have been avoided.