

Owasco Lake Watershed Rules and Regulations

Frequently Asked Questions
3/21/2019

FAQs regarding the revised Owasco Lake Watershed Rules and Regulations

Q1. Why are Owasco Lake Watershed Rules and Regulations being created now?

A1. The Owasco Lake Watershed Rules and Regulations to protect water quality in Owasco Lake were first created in the early 1900s following an outbreak of typhoid fever caused by contaminated drinking water. The current version of the Rules and Regulations were last updated in 1984. The existing rules and regulations are out of date or no longer relevant to current land use and water quality challenges.

Q2. What law allows for the creation and enforcement of the Owasco Lake Watershed Rules and Regulations?

A2. The authority to create and enforce rules and regulations protecting water quality is found in Article 11, Title 1, Section 1100 of the New York State Public Health Law.

Q3. How were these Rules and Regulations developed?

A3. Throughout 2017, the Cayuga County Department of Planning and Economic Development worked with the Owasco Lake Watershed Management Council to set up public meetings and focus groups to discuss revising the existing Rules and Regulations. At these meetings and after, people expressed their concerns with causes of pollution and suggestions on what should be done to prevent them. A steering committee was created to direct the process of revising the Rules and Regulations. The members of the steering committee included representatives of the City of Auburn, the Towns of Owasco and Scipio, Cayuga County legislature, the agricultural community, the Owasco Watershed Lake Association, and the Cayuga County Board of Health. Starting in the fall of 2017, staff from the Cayuga County Departments of Health and Planning and Economic Development, Cayuga County Soil and Water Conservation District, Cornell Cooperative Extension of Cayuga County, New York State Department of Environmental Conservation, City of Auburn, and Owasco Lake Watershed Inspection Program met periodically to review the existing rules and regulations of the Owasco Watershed, determine what was out of date or no longer relevant, what needed to be reworded, and what needed to be added based upon feedback received from the earlier public meetings and current problems seen in the watershed that contribute to water quality issues. The Skaneateles Lake Watershed Rules and Regulations were also reviewed by the steering committee as an example of recently updated rules and regulations that could be used as a guide. Once a draft was developed it was shared with the Steering Committee in early summer of 2018. Based upon comments received, the work group made changes to proposed rules and regulations. In the fall of 2018, the updated draft was brought back to the steering committee for a detailed review.

Comments received from that review were incorporated into the draft that is now being released to the public.

Q4. Who has the authority to enter a property for the purposes of inspection under the Rules and Regulations?

A4. The Rules and Regulations state that the officers of the City of Auburn and the Owasco Town Board or their duly appointed representatives may make inspections. The City of Auburn and Town of Owasco have appointed the Watershed Inspection Program staff as their representative with the authority to enter property to make inspections. The inspections may be announced or unannounced, but in practice, the inspectors attempt to notify the property owner at the time of the inspection. The staff of the Owasco Lake Watershed Inspection Program may not damage property or cause undue disruption to the property owner or their guests/employees while performing an inspection. The staff will have official identification with them when performing an inspection.

Q5. What authority does the watershed inspection staff have?

A5. The watershed inspection staff may make announced and unannounced visits on property within the watershed to ascertain if the rules and regulations are being followed. However, when the inspector arrives at the site, they will make an attempt to introduce themselves to anyone present at the site and explain why they are there. The staff of the Owasco Lake Watershed Inspection Program may not damage property or cause undue disruption to the property owner or their guests/employees while performing an inspection. The staff will have official identification with them when performing an inspection.

Q6. Does the watershed inspection staff need to contact me before performing an inspection?

A6. No, the watershed inspection staff does not need to contact you prior to performing an inspection on your property. However, when the inspector arrives at the site, they will make an attempt to introduce themselves to anyone present at the site and explain why they are there. The staff of the Owasco Lake Watershed Inspection Program may not damage property or cause undue disruption to the property owner or their guests/employees while performing an inspection. The staff will have official identification with them when performing an inspection.

Q7. What is the inspection process?

A7. When the inspector arrives at the site, they will make an attempt to introduce themselves to anyone present at the site and explain why they are there. The inspection process consists of observing activities occurring on the land within the watershed. The staff of the Watershed Inspection Program may not damage property or cause undue disruption to the property owner or their guests/employees while performing an inspection.

They also may not enter structures uninvited. The staff will have official identification with them when performing an inspection.

Q8. What happens if a violation is found during an inspection?

A8. The purpose of the Owasco Lake Watershed Rules and Regulations are to protect the water quality of Owasco Lake, the drinking water supply of the City of Auburn, Town of Owasco, and those municipalities that purchase water from the City of Auburn and the Town of Owasco. Compliance with these regulations will reduce the amount of pollution entering the lake. These regulations are not intended to be punitive, but rather are intended to prevent activities from occurring or stop activities that are occurring that may pollute the lake. If the Owasco Lake Watershed Inspection Program staff finds a violation of the Rules and Regulations, a notification is made to the property owner to correct the violation within a specified time period. If the violation is not corrected, the Watershed Inspection Program refers the situation to the health department of the county in which the violation occurred for enforcement.

Q9. How are the Rules and Regulations enforced?

A9. The health department of the county in which the violation occurred may schedule a board of health hearing in which a hearing officer hears the allegation of violation and the property owner has an opportunity to be heard. After the hearing, the hearing officer makes a decision on whether a violation did occur, and if so, the decision may include a fine. This decision is forwarded to the county's Board of Health for their review, modification and adoption as a formal Board of Health order. The property owner has the right to attend the Board of Health meeting in which their case will be discussed. If the property owner fails to comply with the order, the county may refer the case to County court for enforcement. The alleged violator is provided with due process in all phases of this process.

Q10. How do I obtain a waiver from these requirements?

A10. The procedure to obtain a waiver from the requirements of the Owasco Lake Watershed Rules and Regulations is outlined in Section II of these rules.

Q11. What is the purpose of the waiver?

A11. The purpose of the waiver is to provide some relief for any person who experiences practical difficulties or unnecessary hardship due to the requirements of the Owasco Lake Watershed Rules and Regulations if the person is able to show that the regulation in his specific situation is not necessary to protect the water quality of Owasco Lake or its watercourses. This may be due to the characteristics of the particular property or the implementation of a practice that provides for the same water quality protection as the regulation.

Q12. What criteria is used to determine whether a waiver should be issued and who makes the decision on whether a waiver should be issued.

A12. When a waiver is requested, the Watershed Inspection Program will review the request and contact agencies who have expertise in the area from which the waiver is requested for their review and comment. For example, if it is a waiver regarding septic systems, the Watershed Inspection Program will contact the health department of the pertinent county, if the waiver is regarding an agricultural activity, the Watershed Inspection Program will contact the Soil and Water District of the pertinent county, if the waiver is regarding a petroleum storage facility or solid waste issue, the Watershed Inspection Program will contact the New York State Department of Environmental Conservation, etc. The Watershed Inspection Program will consider the request and the feedback from the topic area experts before making a decision. If the applicant is able to show that the regulation in their specific situation is not reasonably necessary to protect the water quality of Owasco Lake or its watercourses, the Watershed Inspection Program will grant the waiver. Any waivers granted will be forwarded to the Watershed Inspection Committee which is comprised of elected officials from the City of Auburn, Town of Owasco, and Cayuga County. The Watershed Inspection Committee oversees the activities of the Watershed Inspection Program.

Q13. Who is the designated representative for the health department?

A13. In Cayuga and Tompkins County, the designated representative for the Health Department is the Public Health Director. In Onondaga County, the designated representative is the Health Commissioner.

Q14. How do I find out what is or isn't a watercourse?

A14. A map showing the watercourses of the watershed can be viewed at the Cayuga County Planning and Economic Development Department office. This map is based upon the current digital Water Quality Classifications data distributed by the New York State Department of Environmental Conservation. (The Department of Environmental Conservation maintains an online application called the "Environmental Resource Mapper" that the public can use to display maps of watercourses included in the Water Quality Classification data.) However, due to storm events, floods, droughts, and human activity, watercourses can change over time, new watercourses can be created, and existing watercourses can disappear. To determine whether a depression in which water sometimes flows is a watercourse may require a field visit by the watershed inspector. Depressions that carry water only immediately (a few to several hours) after a runoff producing event are not considered to be a watercourse. The watershed inspection program's determination on what is a watercourse is final.

Q15. What is in a farm management plan?

A15. A farm management plan is a conservation plan, designed to evaluate aspects of farm production and specify conservation practices that help achieve business objectives and natural resource conservation goals. The farm management plan will incorporate farm activities involving animal manures, feed, and fertilizer in a way so that these resources are not lost from the farm into the lake, a watercourse or a roadside ditch. In addition, the farm management plan will manage soil erosion to minimize soil loss from the farm. Farm management plans include the implementation of best management practices based upon conservation practice standards developed by the United States Department of Agriculture Natural Resource Conservation Service and other science-based guidelines developed by experts in agriculture such as Cornell University.

Q16. What does it mean that Farm Management plans be available upon request?

A16. If the Watershed Inspection Staff requests to see a farm's management plan, the farm must allow the staff to see and review the document. The watershed inspection staff does not keep or maintain a copy of the farm's management plan in their offices.

Q17. Where can I learn more about how to properly dispose of unwanted materials and liquids?

A17. Information regarding proper disposal of materials can be found on the Cayuga County Planning and Economic Development website at <http://www.cayugacounty.us> or you can contact the Cayuga County Solid Waste Management Program office at 315-253-1276.

Q18. How will this document be kept current given advances in technology?

A18. The rules and regulations were prepared with the understanding that technology changes over time and therefore the naming of specific technologies was avoided in the document. If technologies are developed that improve the protection of water quality, the rules and regulations will likely accommodate their use.