

Preliminary Information to Support Proposed Project Ideas for Addressing Water Quality and Habitat Protection and Restoration in the Cayuga Lake Watershed

PROPOSED PROJECT #3: Cayuga lake Watershed Rules and Regulations

1. Regulatory management

Proposed Project Location: *Please be as specific as possible.* Watershed wide.

Does project relate to/advance any existing local, regional, watershed, or statewide plans?

Cayuga Lake Watershed Restoration and Protection Plan

Landowner *Identify private or public property owner(s) and contacts if known:* NA

Issue to be addressed: Provide a description of the current site condition and issue(s) to be addressed by the proposed project i.e., streambank erosion, municipal stormwater runoff, riparian buffer needs, municipal ditching practices, etc.

The 785 square mile Cayuga Lake Watershed spans 6 counties and 44 municipalities. The lake serves as a public drinking water source to 5 villages, 1 city, 2 academic institutions and 5 towns. Cayuga Lake is an open system and is therefore subject to contamination from point and non-point sources that enter the lake via runoff into tributaries or directly to the lake itself (Cayuga Lake RPP, 2000). Responsibility for protecting Cayuga Lake as a source water is shared. The NYS Department of Health is responsible for regulating most onsite (septic) systems, enforcing water quality standards under the NYS Sanitary Code, and regulating and overseeing public water supplies. NYS Department of Environmental Conservation regulates larger domestic, commercial and municipal discharges permitted under the State Pollutant Discharge Elimination System. NYSDEC drinking water regulations address pesticide control, hazardous waste management, bulk storage of chemicals and petroleum, and the Protection of Waters permit program for stream beds and banks. Other regulations seek to minimize discharge of phosphorus and the resulting eutrophication and water quality impacts from lawn fertilizer and dishwasher detergent. Individual municipalities control land use planning and development decisions within their borders resulting in different levels of water quality protection and enforcement across the watershed.

Despite the strong home rule legal framework in New York that gives municipalities control over local land use planning and development decisions, the enactment of watershed rules and regulations by NYSDOH allows local governments to regulate certain activities occurring in other municipalities where their water sources are located. Where one community's reservoir or parts of its watershed are located in another municipality, under this extraterritorial authority, the municipality that owns the water supply can have certain inspection and enforcement powers for regulated activities in the relevant watershed.

Proposed Project or Action Describe the proposed action and anticipated outcome

The IO, multiple County DOH and Planning staff, and State DOH, DEC and DOS staff should undertake the process of developing a community supported set of watershed rules and regulations leading to the development of a watershed inspector position.

Is the proposed project or action based on standard practices typically employed for the issue at hand
Yes

Current Project Readiness *With funding, could this project be undertaken immediately; or, has any preliminary site work been undertaken (studies completed, permits obtained, designs developed, etc.); or, does this project exist as a concept only at this time?*

The Owasco Lake Watershed Rules and Regulations project provides a template that can be built upon to support an inclusive process for developing equitable watershed rules and regulations for Cayuga Lake. The Skaneateles Lake Watershed Rules and Regulations and the Owasco Lake Watershed Rules and Regulations provide to good “local” examples of R&R that can be used to help direct the Cayuga L. R&R. A lead municipality will be needed to assume responsibility for enforcing the rules and regs. As one of the largest water suppliers utilizing Cayuga Lake as its source, the City of Ithaca may have the capacity and vested interest to undertake this role. The IO is currently considering options for restructuring and could include consideration expanding its role to include watershed inspections. A template intermunicipal agreement was developed in the 2000 RPP supporting joint funding for a watershed inspector. This could be modified as needed to support a paid watershed inspection position(s) on behalf of the city of Ithaca. The inspector will be responsible for conducting watershed inspections and enforcing the R&Rs.

Approximate Project Timeframe: Three years.

Approximate Cost *estimate if known:* \$100,000 - \$150,000 (Admin and staff support ~35%/yr./3yrs)

Potential Local Match Source: Municipal and county staff time

Contact(s) for Additional Information name, phone and e-mail of person recommending the project AND if different, the name, phone and e-mail for a project contact.