



## Cayuga Lake Watershed Intermunicipal Organization (CWIO)

Wednesday, March 23, 2022

Held VIA ZOOM

### Minutes

Members, Associate Members, and Ex-Officio Members Present: Mike Allinger, Jackie Cassaniti, , Carolyn Greenwald, Kent Hubble, Tee-Ann Hunter, Darby Kiley, Roxy Johnston, Mary Jump, Roxanne Marino, Bob Meek, Shawn Murphy, Stephanie Redmond, Mitch Rowe, Dave Sprout, Liz Thomas,

Stakeholders, Partners, and Committee Members Present: Doug Barnes, Liz Cameron,

**Agenda item 1:** The April 27, 7:00 pm meeting will be an in-person/zoom hybrid at the Cayuga County BOCES 1879 W. Genesee St, Auburn, NY 13021 (update- this will not be in-person)

**Agenda Item 2** – Resolution to approve minutes and financial

**RESOLVED** that the CWIO approves the draft minutes of the 2/23/2022 meeting provided in the meeting package.

Moved: Liz Thomas                      Seconded: Roxy Johnston                      Vote: all ayes with one abstention due to absence from the meeting.

**RESOLVED** that the CWIO approves the financial report ending 2/28/22 with a balance of \$158,594.40

Moved: Roxy Johnston                      Seconded: Mike Allinger                      Vote: Unanimous

Resolution to pay Ian Smith in the 4<sup>th</sup> quarter of 2021 for his work on the CWIO Technical Advisory Committee, assistance in hiring a Watershed Manager, and work on projects: 6-Mile Creek, Ditch Assessment, and Covert Salt Storage.

**RESOLVED** that the CWIO authorizes payment to Hobart and William Smith Colleges for work by Ian Smith through the Finger Lakes Institute in the 4<sup>th</sup> quarter of 2021 in the amount of \$798.75.

Moved: Liz Thomas                      Seconded: Roxy Johnston                      Vote: Unanimous

**Agenda Item 3** – Watershed Manager Hiring Update

CWIO needs to decide on who will be involved in the hiring process for a Watershed Manager. A motion in February was tabled that would authorize the Executive Committee to make the detailed decisions on hiring as long as the final candidate was brought before CWIO for final approval.

Since the Park Foundation grant is being held by the Town of Ithaca, and the WM will be housed at the Finger Lakes Institute at Hobart and William Smith Colleges, the two entities are agreeing on a purchase order agreement to allow the funds to flow to HWS quarterly.

The job description approved by CWIO will be used with minor changes to fit the hiring procedures of HWS.

**Motion:** to lift the resolution proposed in February from the table

Moved: Dave Sprout

Seconded: Roxy Johnston

Vote: Unanimous

**Tabled Motion from 2/23: Authorizing the Executive Committee to Take Actions on the Hiring of a Watershed Manager**

Motion: to empower the Executive Committee to take the actions required to make a selection for a Watershed Manager on behalf of the full CWIO Membership provided that the appointment stays within the approved salary range, and that the final candidate be brought back to the whole CWIO membership for final review and approval.

Moved: Mitch Rowe

Seconded: Roxy Johnston

Vote: roll call vote: unanimous

**Agenda Item 4–Drinking Water Protection Local Law – Enfield Supervisor, Stephanie Redmond.**

The town of Enfield passed a law to protect the drinking water aquifers with the help of Steven Winkley, the Source Water Protection Specialist from the New York Rural Water Association. Enfield has no municipal water. All residents use water from wells, not the lake, making aquifer protection important. Enfield does not have zoning so the law was included in the existing site plan review for subdivision laws. The law exempts agriculture. It has been well accepted by the community. A building or business proposing water use of over 1,000 gallons/day triggers the review. This limits large water users from over-tapping ground water.

Municipalities interested in adopting drinking water protection laws should contact [Steve Winkley at NYS Rural Water Association](#)

Dave Sprout noted that the Town of Dryden also has a drinking water source protection law which they are happy to share (see link below).

**Agenda Item 5– Climate Leadership and Community Protection Act (CLCPA) – Darby Kiley, Tompkins County Planning**

Darby gave an overview of the CLCPA (aka Climate Act) which was adopted in 2019 and called for the creation of a “Climate Council”. In February 2022, the Climate Council released a preliminary summary of their [draft scoping plan https://climate.ny.gov/Our-Climate-Act/Draft-Scoping-Plan](https://climate.ny.gov/Our-Climate-Act/Draft-Scoping-Plan).

Comments on this plan are due before 6/10/2022. Several sections of the scoping plan relate to water quality. Examples include:

- preserving forests/combating invasive species
- advance alternatives manure management (expand fundng, training, tech assist, etc)
- advance agricultural nutrient management
- adopt soil health practices
- Bolster local ag economies (so they can afford BMPs)
- protect and restore wetlands
- regional and county planning and technical assistance (water-aware development)
- planning assistance to municipalities – comp plans, model laws, farmland and open space protection, BMPs, etc
- develop policies, programs and decision support tools to reduce risks associated with flooding.

Bob Meek and Darby Kiley will be working on drafting comments from CWIO for their May meeting.

Another state law being considered is the [Climate and Community Investment Act](#). CWIO may want to consider commenting on this as well.

**Agenda Item 6 – Environmental Facilities Corporation (EFC) – 2022 Clean Watersheds Needs Survey**  
– Darby Kiley, Tompkins County Planning

Municipalities are being asked to provide cost estimates for their water quality infrastructure needs to the NYS Environmental Facilities Corporation by September 1, 2022. This information will be used by the EFC and the EPA to determine how much money is needed for grant and loan programs to protect watersheds. Municipalities will need to provide cost estimates with their needs. See more at <https://efc.ny.gov/needs>.

If CWIO municipalities have projects with cost estimates, make sure to submit them. If no estimates are yet completed, this summer would be the time to contact the professionals who can help with these estimates. This Needs Survey does not apply to drinking water but would apply to ditch work, retention ponds, stormwater management, salt storage, or other efforts to protect the watershed. Results of the survey will be pushed up to the federal level through the EPA to determine funding needs.

**Agenda Item 7– Drinking Water Source Protection Plans (DWSP<sub>2</sub>)** – Roxanna Johnston, City of Ithaca Watershed Coordinator/Drinking Water Lab Director

Roxy Johnston said about 30 water purveyors across the state are working on Drinking Water Source Protection Plans (DWSP<sub>2</sub>) with support from NYS Department of Health and DEC. Drinking water purveyors at Cornell, Bolton Point and the City of Ithaca are consulting with each other as they draft their separate plans. The first step is a characterization of the watershed including a map of the potential pollutants that could impact their water.

Roxy showed the map developed for the City of Ithaca’s watershed. It includes the locations of various SPDES permits and other potential contaminants in proximity to waters that flow through the watershed, land uses, slopes, unique natural areas or other aspects that relate to keeping waters clean.

Bolton Point has nearly completed their map. Each DWSP<sub>2</sub> has a stakeholder group to guide the process. The City of Ithaca stakeholders are diverse geographically and include representation from agriculture, elected officials, planners, etc each providing a unique perspective. These groups will develop prioritized goals and visions to address threats. Funding or additional staff for the implementation of these plans is not clear.

DWSP<sub>2</sub> can be used for ground or surface water protection. The information they gather and the wide stakeholder input make them good support documents for the development of Watershed Rules and Regulations. DWSP<sub>2</sub> have no regulatory authority and the implementation is completely voluntary. WRR are regulatory and can provide a minimum expectation of compliance or standards that can be met, but the two types of documents go through similar processes to develop recommendations and goals.

More information and training:

- <https://hudsonvalleyregionalcouncil.org/regional-initiatives/water/>

- <https://www.dec.ny.gov/chemical/115250.html>
- The Town of Dryden DWSP2: [http://dryden.ny.us/wp-content/uploads/2021/06/Dryden\\_DWSP2\\_Plan.pdf](http://dryden.ny.us/wp-content/uploads/2021/06/Dryden_DWSP2_Plan.pdf)

### **Agenda Item 8– Chair Report**

**Records:** Tee-Ann Hunter and Paulette Rosa are working to upgrade the CWIO records management to make it easier to access minutes, agendas, and historical documents.

**Meetings:** The next meeting will be in person at the BOCES in Cayuga County on 4/27 with Michele Wunderlich from Cayuga County Planning presenting. In September Tony Prestigiacomo from the Finger Lakes Water Hub will be speaking. Contact Liz in advance if there are questions you'd like Tony to address. Let Liz know if you have ideas for other speakers.

**Septic System Testing Program:** Seneca County's septic system testing program will fully launch on April 1, 2022. Tompkins County is looking to contract with someone to rewrite their sanitary code which has oversight of septic systems. Doug Barnes is an Environmental Health Specialist working on water resources for the Tompkins County Department of Health.

**Regional Coordination:** The Tompkins County Water Resource Council has a committee working on regional coordination and the first group they are recommending to convene are the county water quality management groups.

**Bob Brower Symposium:** This was a great set of presentations. John Halfman from the Finger Lakes Institute gave a very clear picture of his recent research on water quality and HABs. Dr. Dan Kelting presented on the impact of road salt on drinking water wells. Additional presentations were on using behavioral science to protect water, lake level management, and hemlock woolly adelgid management.

The symposium can be viewed at <https://owla.org/bbss2022/>.

**Road Salt Impacts on Water Quality:** The group discussed developing a white paper for local municipalities about why to be concerned about the salinization of the lake water and how this intersects with winter salt applications.

### **Finger Lakes Regional Watershed Associations (FLRWA) – meeting of 3/21/22**

The FLRWA meets every other month.

Global Aquatic Research is a company available to do research for listing waters as impaired. 90% of the lakes in NY don't have enough data to make a determination if it is impaired. They also spoke about the impact of bitcoin mining to the lake – primarily thermal pollution. The plant on Seneca Lake is only 40% efficient with 60% of the energy being absorbed by the lake. Discharges of up to 150 degrees are allowed in the summer and 86 degrees in the winter. This change in water temperature affects the mixing of the water strata, buoyancy, and oxygen at deeper depths.

The FLRWA state outreach committee is asking for more state funding and less restrictions on the use of [FLLOPA](#) funds, more money for SWCDs to increase staff to be able to write more grants.

**Agenda Item 4 - Committee Reports**

Executive Committee –

**Watershed Manager Hiring Process:** The process continues to move along and the job should be posted sometime in early April.

EPPOC Committee

The group continues to work on content and is still on track for a launch of the new website by the end of June.

Technical Advisory Committee

Angel Hinickle from Tompkins County Soil and Water Conservation Service attended the last TAC meeting. She has her eye on the projects on the CWIO list and how they would fit into various grant programs.

**Agenda Item 5 – General announcements**

Tee-Ann Hunter would like to get authorization from CWIO at the next meeting to launch a special committee with a focus on outreach and communications with the state. She specifically would like to reach out to state legislators. If anyone is interested in being on this committee, please let Liz or Tee-Ann know.

It was suggested that CWIO create a prioritized issues list since there are so many topics to address—one being the impact of salt in general on water, both surface and ground.

**Agenda Item 6 – Motion to adjourn**

Moved: Mitch Rowe

Submitted by Jackie Cassaniti and Liz Thomas

# TOWN OF ENFIELD LOCAL LAW NUMBER\_\_ OF 2021

## DRINKING WATER PROTECTION LAW

This local law for the Town of Enfield is hereby adopted by Resolution of the Town Board of the Town of Enfield dated \_\_\_\_\_, and reads in its entirety as follows:

### SECTION 1: SHORT TITLE

This local law shall be known as the “Drinking Water Protection Law,” or simply as the “Local Law” herein.

### SECTION 2: AUTHORITY

This Local Law is adopted pursuant to the authority and provisions of § 10 of the Municipal Home Rule Law, § 10 of the Statute of Local Governments, and Town Law Article 16.

### SECTION 3: LEGISLATIVE INTENT

The Town Board of the Town of Enfield has adopted this Local Law to advance and protect the public health, safety, and general welfare of the Town of Enfield by:

- 1) Ensuring that Town of Enfield’s residents and businesses have sustainable drinking water supplies now and for future generations by protecting individual streams, wetlands, water bodies, aquifers, and wells from contamination and excessive water withdrawals;
- 2) Protecting the quality of surface and groundwater resources that contribute to drinking water sources by identifying and mitigating the potential adverse effects of some forms of development;
- 3) Maintaining a balance between the property rights of individual landowners and the community at large that both require a safe and dependable drinking water supply.

The above are achieved through amendments to the Town’s Site Plan Review Law. These amendments pertain to development activities that have the inherent potential to contaminate or deplete water resources that supply aquifers and drinking water wells in Enfield.

### SECTION 4: DEFINITIONS

§ 1.4 of the Site Plan Review Law entitled, DEFINITIONS, shall be amended to include following terms:

**Bottled Water:** any product, including natural spring or well water taken from municipal or private utility systems or other water, distilled water, de-ionized water or any of the foregoing to which chemicals may be added, which are put into sealed bottles, packages or other containers, to be sold for domestic consumption or culinary use, involving a likelihood of such water being ingested by human beings.

**Bulk Water:** water intended for drinking water that is transported by tank trucks or water not intended for drinking or agriculture that is transported by tank trucks, tank trailers, railroad tank cars, or off-site pipelines.

**Deicing Compounds:** any bulk quantities of chloride compounds and/or other deicing compounds (e.g., urea or calcium magnesium acetate) intended for application to exterior surfaces, including mixtures of sand and chloride compounds in any proportion where the chloride compounds constitute over eight percent of the mixture. Bulk quantity of deicing compounds means any quantity, but does not include any chloride compounds in a solid form which are packaged in waterproof bags or containers which do not exceed one hundred pounds each.

**Disposal:** discarding by abandonment, discharge, deposit, injection, dumping, spilling, leaking, or placing by any other means of any solid waste, petroleum, radioactive material, hazardous substance, hazardous waste, or wastewater into or onto land or a surface water body.

**Fertilizers:** any mixture generally containing phosphorus, nitrogen, and potassium which is applied to the ground to increase nutrients to plants.

**Groundwater:** water below the land surface in a saturated zone of soil or rock. This includes perched water separated from the main body of groundwater by an unsaturated zone.

**Hazardous Substance:** any substance listed as a hazardous substance in 6 NYCRR Part 597, Hazardous Substance List, or a mixture thereof. In general, a hazardous substance means any substance which: (1) because of its quantity, concentration, or physical, chemical, or infectious characteristics poses a significant hazard to human health or safety if improperly treated, stored, transported, disposed of, or otherwise managed; (2) poses a present or potential hazard to the environment when improperly treated, stored, transported, disposed of, or otherwise managed; (3) because of its toxicity or concentration within biological chains, presents a demonstrated threat to biological life cycles when released into the environment.

**Hazardous Waste:** any solid waste, defined or listed as a hazardous waste in 6 NYCRR Part 371.

**Herbicide:** Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any plant, being those substances defined as herbicides pursuant to New York State's Environmental Conservation Law (hereafter, "ECL") Section 33-0101.

**Manure:** shall mean animal feces and urine.

**Medical Waste:** a solid waste generated in the diagnosis, treatment (e.g., provision of medical services), or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biological products.

Open-Loop System: a geothermal heating and cooling system that withdraws water from an extraction well or body of water, passes the water through a heat exchange system, and discharges the temperature-altered water either into the ground in a discharge or return well or to the ground surface or into surface water.

Pesticide: any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant, being those substances refined as pesticides pursuant to ECL Section 33-0101 et seq.

Petroleum: Any petroleum-based oil of any kind which is liquid at 20 degrees Celsius under atmospheric pressure and has been refined, re-refined, or otherwise processed for the purpose of: 1) being burned to produce heat or energy; 2) as a motor fuel or lubricant; or 3) in the operation of hydraulic equipment.

Process Waste: Any waste generated by industrial, commercial, or mining operations that by virtue of some use, process, or procedure no longer meets the manufacturer's original product specifications.

Radioactive Material: any material in any form that emits radiation spontaneously.

Septage: the contents of a septic tank, cesspool, or other individual wastewater treatment work which receives domestic sewage wastes.

Sewage: the combination of human and household waste with water which is discharged to the home plumbing system.

Sludge: the solid, semi-solid, or liquid waste generated from a waste processing facility, but does not include the liquid stream of effluent.

Solid Waste: all putrescible and non-putrescible materials or substances that are discarded, abandoned, or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water treatment facilities, rubbish, tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles and offal, except where exempt from compliance with 6 NYCRR Part 360 as described in 6 NYCRR §360-1.2(a)(4).

Stormwater: rainwater, surface runoff, snowmelt, ice-melt, drainage, and related naturally occurring surface water and accumulation(s).

Toxic Substance: any chemical or mixture that may be harmful to the environment and to human health if inhaled, swallowed, or absorbed through the skin. Toxic substances are listed in the National Institute for Occupational Safety and Health Registry of Toxic Effects of Chemical Substances. This registry can be found online at: <http://www.cdc.gov/niosh/docs/97-119/pdfs/97-119.pdf>.

Wastewater: water (except stormwater) that is contaminated with pollutants and is or will be discarded.

## **SECTION 5: DEVELOPMENT AND LAND ACTIVITIES SUBJECT TO REVIEW**

The Town of Enfield Site Plan Review Law applies to certain development and land activities.

To better protect drinking water resources, § 2.1 A of the Site Plan Review Law is to be amended to require Planning Board approval of Site Plans for the following additional development and land activities:

7. Any proposed use or activity that involves a projected average daily water demand of 1,000 gallons per day or more (water usage rates can be estimated from Table B-3 of the 2014 Design Standards for Intermediate-Sized Wastewater Treatment Systems [https://www.dec.ny.gov/docs/water\\_pdf/2014designstd.pdf](https://www.dec.ny.gov/docs/water_pdf/2014designstd.pdf)).

8. Construction of any use or activity that involves the on-site disposal of solid waste, medical waste, petroleum, radioactive material, hazardous or toxic substances, hazardous waste, process wastes, including wastewater (except for the disposal of sewage through an on-site wastewater treatment system, or the agricultural use of animal manure, associated bedding material, and food processing wastes).

9. Construction of any solid waste management facility except for land application or composting facilities permitted by NYSDEC for agricultural use within an agricultural district created pursuant to New York State Agriculture and Markets Law.

10. Surface land application of septage, sewage, or sludge except where permitted by NYSDEC for agricultural use within an agricultural district created pursuant to New York State Agriculture and Markets Law.

11. Construction of any facility that receives hazardous or toxic substances, hazardous waste, medical waste, or radioactive material generated off-site for treatment, storage, or disposal.

12. Establishment of any commercial or industrial use that includes the bulk stockpiling or storage of coal, cinders, deicing compounds, hazardous substances, hazardous wastes, toxic substances, fertilizers, herbicides and/or pesticides except in packaging for individual use or resale.

13. Establishing any use or activity involving the storage of manure, except for individual household or agricultural use, or at commercial establishments in packaging for individual use or resale.

14. Water extraction for bottled and/or bulk water sales.

15. Construction of subsurface facilities for solution salt mining; open-loop geothermal heating and cooling systems; or disposal of wastes including brine, natural gas exploration and/petroleum production waste, process waste, hazardous wastes, radioactive material, and wastewater.

## **SECTION 6: GENERAL REVIEW CONSIDERATIONS**

The Planning Board's review of the materials submitted as part of a Site Plan includes various general considerations as spelled out in § 2.2 of the Site Plan Review Law. To improve the protection of drinking water resources, the relevant review consideration in this section has been amended to read as follows:

5. The impacts to or upon the quality and quantity of available groundwater resources, streams, ponds, water bodies, and wetlands at or beyond the boundaries of the proposed use.

## **SECTION 7: ADDITIONAL GENERAL STANDARDS OF REVIEW**

In reviewing a Site Plan, the Planning Board considers various general standards as listed in § 2.3 of the Site Plan Review Law. Two additional general standards of review are to be included to advance drinking water protection:

§ 2.3 of the Site Plan Review Law is to be amended to include the additional considerations:

P. The simplicity, reliability and feasibility of the control measures proposed to prevent contamination and depletion of local groundwater resources shall be considered as well as the degree of threat to water quality and quantity if such control measures fail.

Q. A water well shall be located in compliance with the provisions of Appendix 5-B of the New York State Department of Health regulations (10 NYCRR Appendix 5-B) unless an applicable waiver or variance has been issued by the New York State Department of Health or Tompkins County Health Department. This means a well shall be located where it is not subject to seasonal flooding or surface water contamination, shall be located upgradient of any potential or known source of contamination, and the minimum horizontal separation distances from potential sources of contamination listed in [Table 1 of Section 5-B.4 of Appendix 5-B of 10 NYCRR Part 5](#) shall be maintained.

## **SECTION 8: APPLICATION AND REVIEW PROCEDURES**

Applications for Site Plan review shall include a Site Plan survey together with various documents, information, and details. § 3.0 B. of the Site Plan Review Law is to be amended by requiring these additional Site Plan elements:

12. The projected average daily water demand from existing and proposed on-site wells, and their location on the site plan survey with respect to property lines, existing or proposed water bodies, roads, buildings, and potential contaminant sources as listed in [Table 1 of Section 5-B.4 of Appendix 5-B of 10 NYCRR Part 5](#).

13. The location of the premises and all features of the system necessary for the satisfactory conveyance, storage, distribution, use and disposal of stormwater, process wastes, wastewater, petroleum, hazardous substances and wastes, solid waste, and incidental wastes.

14. Spill Prevention Plan (if applicable) including: a complete description of the proposed use and operations; a list of toxic or hazardous chemicals to be used, handled, and/or stored; a description of how these chemicals will be used, handled, stored and disposed of; and

procedures for containing or cleaning up spills and notifying appropriate local and state officials.

15. A description of proposed storage facilities for hazardous wastes and provisions for the disposal of these wastes by licensed waste haulers (if applicable).

16. Location of the proposed use or activity in relation to the unconsolidated aquifers in the Enfield Creek Valley as determined by the United States Geological Survey in its Scientific Investigations Report 2019-5136.

#### **SECTION 9: SEVERABILITY**

If any clause or provision of this Local Law shall be held invalid or unenforceable by a court or tribunal of competent jurisdiction, such holding shall not affect or invalidate the remainder of this Local Law and any such invalidity or unenforceability shall be confined in its operation to the clause or provision directly involved in the controversy in which such holding shall have been rendered.

#### **SECTION 10: EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing with the New York Department of State.