



## Cayuga Lake Watershed Intermunicipal Organization

*Intermunicipal cooperation to protect the watershed*

ATTN: Sara Latessa  
NYSDEC, Division of Water  
625 Broadway, 4th Floor  
Albany, NY 12233-3505

Public Comments on the Draft ECL SPDES CAFO General Permit GP-0-22-001

February 15, 2022

Dear Ms. Latessa,

The Cayuga Lake Watershed Intermunicipal Organization (CWIO) represents municipalities within the Cayuga Lake watershed. We recognize the enormous and irreplaceable ecological, economic, and social value of Cayuga Lake, its tributaries, and its wetlands. The purpose of the intermunicipal organization is to bring the watershed municipalities together to work collectively and collaboratively on monitoring, protecting, and restoring the health of the watershed. We accomplish this through on-the-ground projects, development and application of local laws, and collaboration with local and state agencies.

While municipalities have wide jurisdiction on land uses via home rule, most agricultural practices are exempt and fall on the state government to ensure waters are protected from any negative impacts due to agricultural activities which is why careful review of the SPDES permit renewal is critical to the Cayuga Lake watershed. According to the DEC's Loading Estimate of Nutrient Sources (LENS), 80% of the phosphorus loading comes from agricultural lands<sup>1</sup> making this a very important land use to oversee.

Much of CWIO's work is prioritized based on the state recognized [Cayuga Lake Restoration and Protection Plan](#), and also the DEC's [Harmful Algal Bloom Action Plan for Cayuga Lake](#). Both these documents recommend actions that are protective of the lake, including those affecting agriculture. CWIO supports the recommendations of both these plans, and requests the DEC consider the specifics of these plans when the DEC reviews the SPDES CAFO general permit such as the following:

From the Harmful Algal Bloom Action Plan for Cayuga Lake:

- Implement runoff reduction BMPs on agricultural and non-agricultural lands to reduce nutrient runoff and soil erosion in the watershed (Priority 1 Projects pg 73)
- Implementation of cover crops on cropland that is prone to erosion and nutrient runoff when left unprotected. (Priority 1 Projects pg 73)

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<sup>1</sup> [https://www.dec.ny.gov/docs/water\\_pdf/cayugahabplan.pdf](https://www.dec.ny.gov/docs/water_pdf/cayugahabplan.pdf) (page 80)

- Field erosion control systems (grassed waterways, shaping and grading, and water and sediment control basins (WASCoBs) to promote stormwater retention and minimize concentrated runoff (e.g., rills, gullies). (Priority 1 Projects pg 73)
- Stabilization of drainage swales through establishment of vegetation and/or installation of check dams. (Priority 1 Projects pg 74)
- Installation of control facilities at the outlets of drainage swales (prior to entering the lake or tributaries) to promote sediment and nutrient capture. (Priority 1 Projects pg 74)
- Implement runoff reduction BMPs for farmsteads: roof runoff management, barnyards, laneways/access roads, and bunk silos. (Priority 1 Projects pg 74)
- Conduct a pilot test on drainage tile BMPs. (Priority 1 Projects pg 74)
- Establish vegetated riparian buffers to inhibit or reduce nutrient-rich stormwater runoff and eroded soil from reaching the lake or tributary streams.
- Implement Agricultural Environmental Management (AEM) Tier 3A Resource Management Plans to reduce sediment and nutrient runoff on crop farms and AEM Tier 3A Nutrient Management Plans (NMPs) on non-Concentrated Animal Feeding Operation (CAFO) beef/dairy operations. (Priority 1 Projects pg 74)
- Implement livestock exclusion programs to reduce livestock direct access to waterbodies. (Priority 1 Projects pg 75)
- Satellite manure storage systems to be able to efficiently recycle/incorporate manure on fields located off site from farmsteads (Priority 1 Projects pg 76)
- Manure storage and transfer lines to implement AEM Tier 3B Comprehensive Nutrient Management Plans designed to recycle manure and other farm nutrients to maximize soil health and crop uptake while minimizing runoff to Cayuga Lake) (Priority 1 Projects pg 76)
- Map field drainage tile lines (underground pipes that drain and convey excess soil and water for crop cultivation), where practical, used for agricultural purposes to build a database, conduct a pilot program to test for nutrients, and implement BMPs for tile drain water retention and treatment. This project may be led by, but not limited to, local SWCDs. (Priority 1 Projects pg 76)

#### From the Cayuga Lake Restoration and Protection Plan<sup>2</sup>:

- Work with county Soil and Water Conservation District offices and local municipalities to promote the creation and restoration of stream and lakeside buffers.(pg 19)
- Action 2: Work with municipalities, the farm community and rural landowners to advance projects that reduce property risk from stormwater while not contributing to flooding on surrounding land uses (pg 71)
- Minimize the negative impact of agriculture on the environment and reduce migration of pollutants to surface and groundwater. (pg 71)
- Help farmers establish better water storage and retention, for climate change/extreme weather events.(pg 71)

#### Additional Comments

1. CWIO supports the strong review by the DEC of low-risk fields that may be used to apply nutrients under emergency application during winter weather applications to ensure runoff does not occur into waterways. The draft permit should specify the characteristics that make a field unusable for emergency applications.
2. The draft permit specifies field setback requirements of nutrient application from down-gradient surface waters of the State. These setback requirements should also be applicable to down-gradient storm water ditches.

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<sup>2</sup> [https://www.cayugalake.org/wp-content/uploads/clwrpp\\_2017\\_final\\_4\\_30\\_17.pdf](https://www.cayugalake.org/wp-content/uploads/clwrpp_2017_final_4_30_17.pdf)

3. New structures such as waste storage lagoons should be required to maintain a minimum natural flow path of at least of 500 feet from surface waters of the state and storm water ditches.
4. Under the draft permit, if nutrients produced by a CAFO are exported to a user unaffiliated with the CAFO, there are no regulations controlling the application of the nutrients. The unaffiliated applicator should be bound by the same regulations in applying the nutrients as the CAFO that generated the nutrients.
5. CWIO encourages strict enforcement of CAFO permitting rules to ensure those who have violated the rules in the past will not do so in the future. As an organization consisting of municipalities, CWIO abides and supports open government and requests that CAFO permitting information be open to the public as well as violation reports.

In conclusion, CWIO appreciates the DEC's work on the SPDES CAFO General Permit and encourages a thorough review to align the permit with the clean water goals of plans recognized by the state and the watersheds within.

Respectfully and on behalf of the Executive Committee for the Cayuga Lake Watershed Intermunicipal Organization

*Elizabeth G. Thomas*

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