



Cayuga Lake Watershed Network
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Cayuga Lake Watershed Intermunicipal Organization (CWIO)
c/o Town of Ithaca
215 N. Tioga Street
Ithaca, NY 14850

Commissioner Basil Seggos,
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-1010

RE: Finalize the Cayuga Lake Total Maximum Daily Load (TMDL) for Total Phosphorus

The Cayuga Lake Watershed Network (the ‘Network’), the Cayuga Lake Watershed Intermunicipal Organization (CWIO) jointly request that the New York State Department of Environmental Conservation (DEC) and US Environmental Protection Agency (EPA) Region 2 finalize the Cayuga Lake Total Maximum Daily Load (TMDL) for Total Phosphorus Clean Water Plan. The finalization of the TMDL will enable municipalities to enact measures that will improve and sustain the intended uses of Cayuga Lake, protecting public health and ecosystems.

In July of 2021, Cayuga Lake stakeholders submitted comments on the draft Cayuga Lake TMDL for Total Phosphorus. Since then, there have been no formal updates on the status of this document, which should have long been serving as primary guidance for watershed management priorities and decision making given the addition of Cayuga Lake’s south end segment to the State’s 303(d) List of Impaired waterbodies in 2002 for Total Phosphorus. As stated in **40 C.F.R § 130.7 (d) (1)** *“Each State shall submit biennially to the Regional Administrator beginning in 1992 the list of waters, pollutants causing impairment, and the priority ranking including waters targeted for TMDL development **within the next two years.**”* Two decades later, there is still no finalized Cayuga Lake TMDL for Total Phosphorus.

It is critically important that the DEC and EPA prioritize and expedite finalization of the TMDL for Phosphorus for Cayuga Lake:

- **With each year that passes, Cayuga Lake faces new and compounding water quality challenges due to invasive species, aquatic weed overgrowth, climate change, increasing nutrient pollution from stormwater runoff and harmful algal blooms (HABs).** These trends threaten ecosystem health, human health, and regional economic vitality. In 2017, our lake faced the most extensive toxic HABs season recorded to date, resulting in closures of six beaches for a total of 62 beach days. In 2022, over 70 HABs were recorded between July and October, 36 with microcystin levels exceeding the NYSDEC criteria for a highly toxic bloom (≥ 20 $\mu\text{g/L}$). Also in 2022, 6 large localized or widespread blooms exceeded 2000 $\mu\text{g/L}$ (Community Science

Institute). The New York State Department of Health (NYSDOH) has set safe limits for public drinking water supplies at 0.3 ug/L and for public swimming beaches at 4.0 ug/L.

- **Finalization of the TMDL increases the likelihood of securing grant funds for projects developed in the Cayuga Lake watershed.** A TMDL is a recognized Clean Water Plan, which adds priority points to grant applications. Neighboring lakes with newly approved Nine Element plans, which also convey priority points, are already able to use the advantage in securing funding.
- **Finalization of the TMDL increases our ability to implement the DEC's Cayuga Lake HABs Action Plan recommendations.** The Cayuga Lake HABs Action Plan, which was finalized in 2018, refers to the pending TMDL as the source of detailed information on both high priority locations in the watershed and specific best management practices to reduce bioavailable phosphorus.

Cayuga Lake watershed stakeholders have spent extensive time and resources informing the development and revision of the Cayuga Lake TMDL. In 2012, monitoring was initiated by the NYS DEC to gather data to inform development of the TMDL for Phosphorus for Cayuga Lake. Lake and watershed models were produced for the DEC in 2016. Neither the pandemic nor the complexity of this TMDL explain the delay as Nine Element Plans have been started and completed for both Seneca-Keuka and Owasco Lakes during the same time frame.

The undersigned partners request that the NYS DEC complete and finalize the Cayuga Lake TMDL for Total Phosphorus.

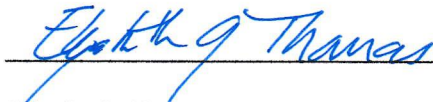
By unanimous vote in favor of the Cayuga Lake Watershed Network Board of Directors on April 12, 2023, signed on behalf of the Cayuga Lake Watershed Network



Date: 4/29/2023

Liz Kreitinger
Steward/Executive Director
Cayuga Lake Watershed Network

By unanimous vote in favor by the Cayuga Lake Watershed Intermunicipal Organization on April 26, 2023, signed on behalf of the Cayuga Lake Watershed Intermunicipal Organization



Date: 4/29/2023

Elizabeth Thomas
Chair
Cayuga Lake Watershed Intermunicipal Organization

CC: The Honorable Governor Kathy Hochul
Rosella O'Connor, US EPA
Assemblywoman Anna Kelles
Senator Lea Webb
Assemblyman Jeff Gallahan
Senator Rachel May
Assemblyman Phillip A. Palmesano
Senator Thomas O'Mara
Lisa F. Garcia, Javier Laureanol, EPA Region 2,