

Appendix R
Watershed Rules & Regulations

Watershed Rules and Regulations

Introduction

The New York State Public Health Law allows local water supply officials to initiate a process leading to enactment of watershed rules and regulations by the Commissioner of the State Health Department. These rules were first developed in the late 19th century to protect tributary streams and reservoirs used to supply drinking water. They were later applied to public wellfields and adjacent aquifer areas. Most of the nearly 200 public supply systems that have adopted watershed rules did so prior to 1940.

Watershed rules specify minimum linear setbacks for different uses. For example, many regulations prohibit the location of salt storage sites within 500 feet of public supply wells, reservoirs or tributary streams to reservoirs. Since 1972, setback standards have been promoted for activities involving synthetic organic chemicals; however, for this class of contaminants, a minimum distance may not be effective because of their persistence and ability to effect large areas over extended periods of time.

The limitations of existing watershed rules were documented in the 1981 NYSDOH sponsored study "Water Supply Source Protection Rules and Regulations Project." The report concludes that water supply protection regulations should be customized to the particular hydrogeologic conditions existing at the public supply wellfield or reservoir; and that the concept of minimum acceptable distance does not address the differences between types of potential contaminants such as pathogens and synthetic organic chemicals, nor the inherent characteristics of groundwater transport found in different geologic and hydrologic situations.

Watershed rules and regulations are unique in being the only controls specifically designed to protect public water supplies. These regulations are prepared jointly by the water purveyor and the NYSDOH local public health engineer. Enforcement responsibility, such as with the use of a Watershed Inspector, rests with the water purveyor, the district NYSDOH health officer, and in some cases, the city or county health department. This joint administration and enforcement is an advantage for small communities that may lack necessary resources and expertise.

Goal: Use existing watershed rules and regulations to assisting in preserving water quality in Cayuga Lake.

Recommendations:

Watershed Inspector Potential Responsibilities:

- Supervises on or more of several environmental health programs involving watershed areas, private water suppliers, private sewage disposal, bathing beaches and swimming pools, etc.

- Responsible for the inspection of the watershed and enforcement of the rules and regulations governing the watershed
- Participates in the watershed management planning process and implementation of approved practices
- Conducts air and water pollution studies and soil percolation tests
- Makes inspections and investigations and prepares reports and recommendations for protection of the environment
- Serves notice of violation of environmental rules, regulations and statutes on appropriate parties and seeks corrections of violations observed and documented
- Serves as consultant to local jurisdictions involving discussions, instructions and demonstrations
- Studies present and proposed local regulations to determine conformity with state and federal environmental laws and regulations and confers with local officials regarding regulations which do not conform
- Prepares and maintains records of activities
- Conducts educational sessions regarding the environment and its protection for citizens, agencies and municipalities
- Assists in law enforcement agencies, the Department of Environmental Conservation, and other similar agencies concerned with the protection of environment by reporting environmental violations, signing complaints, and testifying at prosecutions
- Trains Public Health Sanitarians and Environmental Health Technicians
- Performs other related tasks as directed

WATERSHED INSPECTION PROGRAM		
Approximate Annual Cost		
Budget Item	Budget Amount	Totals
<u>Personal Services</u>	32,000.00	32,000.00
<u>Other Services</u>		
Data Processing/Communication Eqpt.	2,500.00	
Training	1,000.00	
Phone	1,000.00	
Office Supplies & Copies	750.00	
Motor Eqpt. Repair/Supplies	500.00	
Gasoline	1,000.00	
Printing/Advertising	2,000.00	
Uniform Expense	400.00	
Laboratory Fee - Env. Health	1,000.00	
Field Supplies	250.00	10,400.00
<u>Fringes</u>	8,000.00	8,000.00
Total		\$50,400.00

Source: Livingston County Department of Health

Intermunicipal Agreement

An INTERMUNICIPAL AGREEMENT between the following Municipalities hereafter referred to as Municipalities, and _____, a _____, with offices at _____, hereafter referred to as the Cooperative as authorized by:

WHEREAS, the Cooperative and the Municipalities are desirous of working together to implement watershed rules and regulations for the Cayuga Lake Watershed, and

WHEREAS, the Cooperative and the Municipalities are desirous of working together to implement the Cayuga Lake Watershed Restoration and Protection Plan, and

WHEREAS, the Municipalities and the Cooperative have an interest in protecting water quality and actively participating in the Cayuga Lake Watershed Cooperative, and

WHEREAS, the Municipalities and the Cooperative recognize the benefits of cooperating to achieve improved water quality; all have agreed to enter into a cooperative effort, which shall be, The Cayuga Lake Watershed Cooperative.

Pursuant to Section 7-741 of Village Law, the Board of Trustees may enter into agreements with other municipal corporations to undertake all or a portion of the powers, functions and duties vested in the Villages.

Pursuant to Section 284 of Town Law, the Town Board may enter into agreements with other municipal corporations to undertake all or a portion of the powers, functions and duties vested in the Town.

Section 10 Municipal Home Rule Law provides in part that a Town and/or a Village may adopt and amend local laws for the protection and enhancement of its physical and visual environment, and the government, protection, order, conduct, safety, health, and well-being of persons or property therein.

Section 1100 of the Public Health Law provides that the Department of Health may make rules for the protection from contamination of any public supplies of potable water.

BACKGROUND

Cayuga Lake is situated in parts of the Counties of Cayuga, Cortland, Schuyler, Seneca, Tompkins, and Tioga. The Cities, Towns and Villages of _____, are purveyors of public water. Cayuga Lake is of high scenic, aesthetic, recreational, environmental, and economic value to residents and visitors alike. Shoreline and lake-view property tax revenues are increasingly important to the municipalities along the lake and in the watershed. Cayuga Lake, with its watershed, is a Community Resource within the meaning of Town Law Section 284 and Village Law 7-741.

PURPOSE

The purpose of the Cayuga Lake Watershed Cooperative is to protect and improve the purity of waters in the Cayuga Lake Watershed.

STAFFING

- (a) The Municipalities will contract with the Cooperative for the implementation of the Cayuga Lake Watershed Rules and Regulations, and by this agreement will financially participate in the implementation plan.

- (b) The Cooperative, through the _____ Heath Department, will hire a person who will be responsible for the inspection of the Watershed and enforcement of the Rules and Regulations governing the Cayuga Lake Watershed.
- (c) The Watershed Inspector will participate in the Watershed Management Planning process and implementation of approved practices.

ANNUAL BUDGET

- (a) The accounting year of the Cayuga Lake Watershed Cooperative is a calendar year beginning January 1 and ending December 31.
- (b) The first year budget and financial obligations for each municipality are outlined in Attachment _____. Financial obligation for Year 1 will be prorated.
- (c) On or before each August 1, the Cooperative will adopt and recommend to the municipalities a preliminary budget of income, expenses, and capital expense for the next accounting year and a similar budget for all subsequent years.
- (d) Annual payment by municipalities to the Cooperative will be made no later than February 1.
- (e) Payments made by the municipalities to the Cooperative may serve, in part and permitted by law and grant requirements, as a portion of the required local match for grants approved and coordinated by the Cooperative.

REPORTING

- (a) The Cooperative will provide each municipality with a quarterly report which will include activities, violations, outcomes, fines, and a financial (budget) report.
- (b) The Cooperative will provide each municipality with a work plan outlining activities planning for the year on February 1 of each year.
- (c) The Cooperative and municipalities will meet each February for an Annual Report and discussion of the previous and next year's activities.
- (d) All complaints received by the municipalities pertaining to violations or potential violations of the watershed should be forwarded to the Cooperative immediately.
- (e) Municipalities will submit to the _____ all copies of permit applications upon receipt.

AMENDMENT/EXPIRATION OF MUNICIPAL AGREEMENT

- (a) This agreement shall remain in effect for an initial five (5) year period. It shall commence in the _____ with an automatic five year renewal thereafter. Cancellation by any of the parties shall be by written notice delivered to all the other parties one year prior to any five year renewal date.

FISCAL ADMINISTRATION

EFFECTIVE DATES