

11. Regulatory Management

<u>Agricultural Practices (A)</u>	<u>Development (D)</u>	<u>On-site Wastewater Systems (O)</u>	<u>Stormwater Runoff (SR)</u>	<u>Wastewater Treatment (WW)</u>			
<u>Drinking Water (DW)</u>	<u>Tourism and Other Economic Development (T)</u>	<u>Water Quality Standards (WQS)</u>					
<u>Water Quality (WQ)</u>	<u>Exotic species (ES)</u>	<u>Fertilizers and Pesticides (F)</u>	<u>Heavy metals (H)</u>	<u>Phosphorus and Nutrient Loading (N)</u>	<u>Organic compounds (OC)</u>	<u>Pathogens (P)</u>	<u>Sediment (S)</u>
<u>Comprehensive Planning (C)</u>	<u>Education (E)</u>	<u>Economic Revitalization & Sustainability (ER)</u>	<u>Infrastructure (I)</u>				

Introduction

There are various federal regulations (see Appendix P) that provide the foundation for New York State (NYS) agencies (see Appendix Q) to develop, administer, regulate, and enforce programs that improve water quality by controlling nonpoint source pollution (NPS). In some cases these programs are then delegated by NYS to county agencies (see Appendix U). These programs involve a great deal of participation at the local level by municipal boards and elected officials, citizens, and businesses. While not always directly related to NPS, land use regulations and controls at the municipal level play an important part in controlling and reducing NPS.

One of the most powerful tools in the local government arsenal is the power to regulate the physical development of the municipality. This power is exercised through a variety of available authorizations and regulatory mechanisms. Through control of land use, each community is able to develop and display the most desirable physical features, protect the public health and welfare and environmental quality of the community. In terms of water quality, this is especially important in the area of development activity, which when left unregulated and unenforced tends to significantly increase the amount of sedimentation carried off-site to surface waters, and ultimately to Cayuga Lake.

Goals

Municipalities and counties in the Cayuga Lake Watershed, along with the IO should use federal and state programs and funding along with municipal land use controls to ensure the following:

- Land use and economic development plans, and plan implementation strategies, such as zoning are based on sound assessment of natural and environmental resources constraints.
- Development is precluded from environmentally sensitive areas in the watershed, such as stream corridors, wetlands, steep slopes, and areas having highly erosive soils.
- Effective watershed management plans, and stormwater management and erosion control programs have been adopted to protect water resources in the watershed.

Existing Measures

Federal Regulations (see Appendix P)

State Regulatory Authority (see Appendix Q)

County Regulatory Authority (see Appendix U)

Municipal Land Use Regulation & Control (analysis) (see Appendix T)

No. 11	Regulatory Management Recommendations	Related Issue(s)	Potential Responsible Org(s)	Measures/Targets	Approx Cost
A	Education				
A1	The IO along with each municipality and county agency should educate themselves about specifics of federal (see Appendix P) and state regulations (see Appendix Q), programs, and funding as they relate to nonpoint source pollution and water quality.	A, D, O, SR, WW, DW, S WQS, WQ, E	IO, C, M	Representative of each municipality attend 2-3 workshops per year	\$100/municipality/year
A2	<p>Stormwater Management & Erosion Control Phase II Regulations</p> <ul style="list-style-type: none"> All municipal elected officials, enforcement officers, highway superintendents, boards, and related professional staff should attend training on existing (Stormwater Phase I) and new (Stormwater Phase II) state and federal regulations. Municipalities covered under the new Stormwater Phase II regulations for stormwater control (Cayuga Heights (V), Dryden (T), Ithaca (C), Ithaca (T), Lansing (T), and Lansing (V)) should undergo training toward implementation. 	A, D, SR, DW, WQ, S, E	C, M	Four workshop series within one year of new state regulations	\$5,000/series
A3	Educate and train municipal decision-makers on land use regulations and controls with particular attention to stormwater management and erosion control, on-site wastewater systems, and preservation tools such as conservation easements, purchase of development rights, transfer of development rights, cluster development and open space preservation. To do this offer a series of four workshops every two years and distribute information on existing workshops.	A, D, O, SR, DW, WQ, E	RPB, C, IO	Do first series by February 2002	\$5,000/series
B	Through the enforcement and adoption of proper stormwater management, erosion, sedimentation, and wetland and riparian vegetation-clearing controls, a community can protect development from costly damage, retain valuable soils, protect water quality, and preserve aesthetics within the community.				
B1	Some municipalities in the watershed have local laws that require municipal boards to consider development impact on erosion and sedimentation (see Appendix I) through local regulatory stormwater and erosion control (see Appendix I), regulatory management of steep slopes and structural measures (see Appendix T), regulatory management of impervious surfaces (see Appendix I), regulatory management of wetlands and riparian corridors (see Appendix T), and regulatory management of open space (as an effective means to filter surface water before it reaches the	A, D, SR, DW, WQ, S, C	M, IO	All municipalities in the watershed working through the IO	-

	<p>groundwater level) (see Appendix T). Developers are often required to adopt adequate designs and measures to mitigate development impact. However, adequacy is very often not specified and for the most part the controls are not sufficient or uniform. Depending on how strict they are, mitigation measures and design standards can help to preserve and improve water quality. To deal with this priority issue all municipalities in the watershed should adopt the following:</p> <ul style="list-style-type: none"> • A uniform Stormwater Management and Erosion Control Law and enforce its performance standards (see Appendix I). • Controls for the amount and ratio of impervious surfaces (see Appendix I - municipalities with Regulatory Management of Impervious Surfaces). Considerations for each municipality should include regulations on impervious surfaces including parking areas of four or more vehicles (proper drainage and construction material (as pervious as possible) with approval of engineer) and percent of structure to parcel (agricultural and residential single < 20%, commercial and industrial < 40%, multifamily < 50%) • Cluster development (see Appendix T - Cluster Development) techniques for municipalities that are experiencing regular requests for subdivision (> 2 per year or > 10 building permits per year). This would allow for less impervious surface, more open space, and less soil loss due to disturbance and runoff. 			<p>should adopt guidelines for adopting local law within 1 year. Thereafter, the uniform Stormwater and Erosion Control Local Law should be adopted by each municipality within 5 years starting with the critical areas of defined on Table 2-2.</p>	
B2	<p>Some municipalities have local law that regulates activities in wetlands, riparian corridors, and flood plains (see Appendix S - Regulatory Controls for Wetlands, Shoreline & Riparian Corridors). Because this is a key natural erosion and sediment control all municipalities should consider Wetlands, Shoreline, & Riparian Corridor Management recommendations that require changes to local law (see Wetlands, Shoreline & Riparian Corridor Management section).</p>	A, D, SR, DW, F, H, N, OC, P, S	M, C, IO	Within 1 year	\$1,500
C	<p>Agriculture is important to the watershed. Counties and municipalities should consider agricultural programs that are both economically and environmentally sustainable. Specific recommendations include the following:</p>				
C1	<p>Counties and municipalities should consider agricultural protection and preservation (see Appendix H - Agricultural Programs) while addressing associated land conservation and water quality concerns through various county, state and federal programs such as CAFOs. IO should help to develop methods to assist in implementation of plans.</p>	A, D, T, C, ER	C, M, IO	Within 1 year	\$1,000,000
C2	<p>Municipalities should encourage alternative agricultural uses of land within comprehensive planning and zoning structure. IO will assist with guidelines for municipalities.</p>	A, D, T, C, ER	M, IO	Within 1 year	\$500
C3	<p>Municipalities should consider changes to zoning laws to allow agriculturally related business enterprises on the farm. IO will assist with identifying and developing model laws.</p>	A, T, C, ER	M, IO	Within 1 year	\$1,500

D	Municipalities, counties or a watershed-wide approach should consider open space protection . Produce a watershed open space plan including an assessment of open space resources. Develop a natural resources inventory to aid in the comprehensive planning process, development of appropriate regulations, identification of sensitive areas for development, and develop policies to protect open space and public lake access. The IO should provide available data.	D, DW, T, WQ, C, ER	IO, C	Plan and assessment within 3 years, implementation within 5 years	\$120,000
E	Local sanitary codes can be adopted to regulate on-site wastewater systems through regular inspections. Adopt County Sanitary Codes enabling On-Site Septic Inspections (see Appendix N) or adopt Municipal On-Site Wastewater Local Law (see Appendix N) that will ensure that wastes are disposed of in a manner that will not create a health hazard, adversely affect the environment, create a nuisance, or impair the enjoyment or use of property. The IO could run a fee-based program for the watershed. Municipalities would sign on to use program. Currently the only municipalities in the watershed that have an inspection program are in Cayuga County based on the <i>Sanitary Code of the Cayuga County Health District</i> .	D, O, DW, WQS, WQ, N, P, I	C, M, IO	Using existing models, reach agreement on law, guidelines and program within 1 year	\$50,000
F	All municipalities in the watershed should adopt junkyard regulations (see Appendix T - Junkyard Ordinances) or zoning regulations addressing the siting of junkyards (the Towns of Groton and Ledyard are the only municipality with a Junk Yard Ordinance) . In the absence of such local control all municipalities should apply the standards set forth in General Municipal Law §136 for automobile junkyards. IO should provide model ordinance and siting guidelines.	WQ	M	Within 1 year	\$1,500
G	The municipalities of the Cayuga Lake Watershed should sign an Intermunicipal Cooperative Agreement (see Appendix T) that acts as the basis for implementing the specific actions and recommendations of the Cayuga Lake Watershed Restoration and Protection Plan.		IO, C, M	80% of the land area in the watershed within 1 year, 100% within 5 years	\$1,500
H	The Intermunicipal Organization working with municipalities and through County Health Departments should consider adopting Watershed Rules and Regulations, which could lead to the development of a Watershed Inspector (see Appendix R) position.	DW, WQ	IO, C, M	Written within 1 year, approval of NYSDOH within 2 years	\$50,000
I	Municipalities should update or develop comprehensive plans (see Appendix T). Additionally, all municipalities should fully implement the goals and objectives outlined in their existing comprehensive plans through the use of local law such as zoning, subdivision, and site plan review (see Appendix T).	C	M	Within 5 years	-
J	Do a study that considers the economic impact of protection of water resources including the impact	E	M	Within 2 years	\$25,000

	of lakeshore properties on local tax base. In order to have useful data municipalities should code real property data for lakeshore properties.				
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