

APPENDIX P

MAJOR FEDERAL REGULATIONS EFFECTING NONPOINT SOURCE POLLUTION

Clean Water Act

The Clean Water Act (CWA) (for more information see <http://www.epa.gov/region5/defs/html/caa.htm>) was passed in 1972 and signaled the creation of federal legislation to protect and restore the biological, chemical, and physical properties of the nation's water. This protection was to be achieved through legislation requiring a permit for the discharge of pollutants, the encouragement of best management practices to control pollution, and funding for the construction of sewage and wastewater treatment plants and facilities. The act was amended five years later and placed more stringent controls on the discharge of toxic materials and allowed states to assume responsibility over federal clean water programs.

The primary focus of the CWA and the 1977 amendments was the prevention of pollution discharges from point sources. In 1987 the act was again amended, this time to focus on nonpoint sources of pollution (NPS). The Section 319 Nonpoint Source Management Program was enacted to aid states, territories and tribal lands in reducing NPS. This is accomplished through technical and financial assistance, training, education, and the monitoring of projects aimed at curbing NPS. In addition, the EPA has requested that funding provided under section 106 of the act for water quality program assistance grants be used by states, territories, and tribal lands for the inclusion and development of programs that reduce NPS. In 1996, Section 319 funding was used in place of Clean Lakes Program (Section 314 Federal Water Pollution Control Act) funding to provide technical and financial assistance for restoring public lakes.

Stormwater and Erosion Control

Phase I of the USEPA's Storm Water Program (for more information see <http://www.epa.gov/owm/sw/index.htm>) was promulgated in 1990 under the CWA. Phase I relies on National Pollution Discharge Elimination System (NPDES) (for more information see <http://www.epa.gov/owm/sw/index.htm#program>) permit coverage to address storm water runoff from: (1) "medium" and "large" municipal separate storm water systems (MS4s) generally serving populations of

100,000 or greater, (2) construction activity disturbing 5 acres of land or greater, and (3) ten categories of industrial activity. In NYS NPDES permitting is under the purview of the NYSDEC, which issues a State Pollution Discharge Elimination System (SPDES) permit (for more information see Appendix I - Stormwater Management Regulations).

The Storm Water Phase II Final Rule (for more information see <http://www.epa.gov/owm/sw/phase2/>) was published on December 8, 1999. The permitting authority of the Storm Water Phase II Rule will be phased in over a 5-year period. The Phase II program expands the Phase I program by requiring additional operators of MS4s in urbanized areas and operators of small construction sites, through the use of NPDES permits, to implement programs and practices to control polluted storm water runoff.

Phase II is intended to further reduce adverse impacts to water quality and aquatic habitat by instituting the use of controls on the unregulated sources of stormwater discharges that have the greatest likelihood of causing continued environmental degradation, the environmental problems associated with discharges from MS4s in urbanized areas and discharges resulting from construction activity including lowering the construction activity threshold for a permit from 5 acres to 1 acre or more.

Additional Stormwater and Erosion Control Information (for more information see Appendix I - Stormwater Management Regulations)

Section 404 Wetlands

Section 404 of the CWA (for more information see <http://www.epa.gov/owow/wetlands/facts/fact10.html>) establishes a program to regulate the discharge of dredged and fill material into waters of the United States, including wetlands. EPA and the Army Corps of Engineers (Corps) jointly administer the program. In addition, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and State resource agencies have important advisory roles. Activities in waters of the United States that are regulated under this program include fills for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports), and conversion of wetlands to uplands for farming and forestry.

The basic premise of the program is that no discharge of dredged or fill material can be permitted if a practicable alternative exists that is less damaging to the aquatic

environment or if the nation's waters would be significantly degraded. In other words, when you apply for a permit, you must show that you have a) taken steps to avoid wetland impacts where practicable; b) minimized potential impacts to wetlands; and c) provided compensation for any remaining, unavoidable impacts through activities to restore or create wetlands.

Regulated activities are controlled by a permit review process. An individual permit is usually required for potentially significant impacts. However, for most discharges that will have only minimal adverse effects, the Army Corps of Engineers often grants up-front general permits. These may be issued on a nationwide, regional, or state basis for particular categories of activities (for example, minor road crossings, utility line backfill, and bedding) as a means to expedite the permitting process.

Section 404(f) exempts some activities from regulation under Section 404. These activities include many ongoing farming, ranching, and silviculture practices. Farmers who own or manage wetlands are directly affected by two important Federal programs: (1) Section 404 of the CWA, which requires individuals to obtain a permit before discharging dredged or fill material into waters of the United States, including most wetlands, and (2) the Swampbuster provisions of the Food Security Act, which withholds certain Federal farm program benefits from farmers who convert or modify wetlands. Together, these two programs have helped to reduce the rate at which wetlands are converted to agriculture and other uses.

Total Maximum Daily Loads (TMDL)

Section 303(d)(1)(C) of the Clean Water Act and EPA's implementing regulations (40CFR Part 130) require states to identify those waterbodies that do not meet water quality standards after application of the technology-based effluent limitations required by the Act. The states are then required to develop a Total Maximum Daily Load (TMDL) (for more information see <http://www.epa.gov/owow/tmdl/>) analysis for the pollutants that are not meeting water quality standards in those waterbodies.

By definition, a TMDL specifies the allowable pollutant loading from all contributing sources (e.g., point sources, nonpoint sources, and natural background) at a level necessary to attain the applicable water quality standards with seasonal variations and a margin of safety that takes into account any lack of knowledge

concerning the relationship between the sources of the pollutant and water quality.

Additional TMDL Information (for more information see <http://www.dec.state.ny.us/website/dow/tmdl.html>)

Clean Water Action Plan (CWAP)

In 1997, twenty-five years after the passage of the CWA, the Clean Water Action Plan (CWAP) was launched. As part of President Clinton's Clean Water Initiative, the CWAP provides funding for programs developed by the EPA and USDA in conjunction with other federal agencies and state and local governments focusing on restoring and sustaining the quality and health of water resources. The CWAP is based upon four primary elements:

Watershed Approach – more effective means of planning and managing water resources compared to approaches based on political boundaries.

Stricter Standards – tighter controls and enforcement of NPS regulations as they relate to water quality at the federal and state levels.

Stewardship – greater public and private involvement in the planning and management of natural resources and their protection from NPS at the state and local levels.

Informed Citizens and Officials – increase the monitoring and reporting of water quality and the effects of NPS with greater involvement of state and local officials and agencies.

Safe Water Drinking Act

The Safe Drinking Water Act (for more information see <http://www.epa.gov/region5/defs/html/sdwa.htm>) was passed in 1974 to protect drinking water supplies from harmful contaminants. The legislation attempts to provide safe drinking water through primary drinking water regulations, underground injection control regulations, and protection of sole source aquifers. In 1986 the act was revised to speed up implementation and included additional provisions for regulating contaminants, filtration systems, distributions systems, and wellhead protection systems.

The Safe Water Drinking Act establishes both health-related (primary) and nuisance-related (secondary) standards for public drinking water. Under the original legislation, the EPA set primary standards for 25

contaminants. The 1986 amendments required the EPA to include an additional 48 contaminants, raising the total number of chemicals regulated in drinking water to 83.

In August 1996, the Safe Water Drinking Act was amended to include a program that requires states to monitor and evaluate the quality of sources of drinking water supplies through the Source Water Assessment Program (SWAP) (for more information see <http://www.epa.gov/safewater/sdwa/summ.html#1A>). In addition, more stringent standards for drinking water and reporting of contaminant levels by water providers to their customers were also included. Other amendments passed in 1996 included financial assistance to communities attempting to upgrade or replace existing water treatment facilities and train and certify water treatment plant operators. The 1996 amendments also granted states the authority to require public water suppliers with over 10,000 customers to annually disclose the levels of contaminants in public water.

The Safe Drinking Water Act is important in that it not only protects the water humans consume directly, but also water used for agriculture and the production of livestock. The identification and control of NPS is a major consideration in attaining the standards set by the EPA to ensure the quality of water used for drinking and agricultural purposes.

Additional Information on Safe Water Drinking Act - 25 Years of the Safe Drinking Water Act: History and Trends (see <http://www.epa.gov/safewater/sdwa/trends.html>)

Coastal Zone Act

In 1990 under the Authority of Section 6217(g) of the Coastal Zone Act Reauthorization Amendments (CZARA) (for more information see <http://www.epa.gov/owow/nps/czmact.html>), the EPA issued Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters (for more information see <http://www.epa.gov/owow/nps/MMGI/>). This document is intended to serve as a compilation of technical measures that states should include in their coastal NPS control programs.

The management measures outlined therein are not designed to replace existing programs, but rather to compliment existing programs through updated

technical documentation and the introduction of newly developed management measures. Management measures are defined in the CZARA as:

economically achievable measures for the control of ... nonpoint sources of pollution, which reflect the greatest degree of pollutant reduction achievable through the application of the best available nonpoint pollution control practices, technologies, processes, siting criteria, operating methods, or other alternatives. (Section 6217(g)(5))

The guidance provided is an attempt to focus on nonpoint sources that are regarded as large contributors to reduced water quality in coastal areas. The management measures apply to five main sources of NPS that threaten water quality throughout the nation. The five main sources are:

Agricultural runoff

Urban runoff

Forestry (silviculture) runoff

Marinas and recreational boating

Hydromodification (channelization and channel modifications, dams, and streambank and shoreline erosion)

Management measures are also included for wetlands, vegetated treatment systems, and riparian areas as applicable to NPS. The EPA has recognized that the most effective means of controlling NPS include measures aimed at controlling point source pollution as well. The overlap between point and nonpoint sources is substantial in many instances.

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Also passed in 1972, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (for more information see <http://www.epa.gov/region5/defs/html/fifra.htm>) provides for the control of the distribution, sale, and use of pesticides. Enforcement is accomplished through the regulations requiring users of pesticides to register at the time of purchase. Amendments to the law now require that persons applying pesticides be certified to reduce accidents and misuses that may result in increased NPS.

APPENDIX Q

STATE AGENCIES WITH WATER RESOURCES REGULATORY AUTHORITY EFFECTING NPS

Department of State

The NYDOS, Division of Coastal Resources provides financial and technical assistance and promotes initiatives at the local, regional, and state level to protect and enhance the coastal ecosystems and economies of New York State. A large portion of the funding for the RPP is funded through the NYDOS, Division of Coastal Resources' Local Waterfront Revitalization Program. Technical assistance includes information and data on programs including CZARA, GIS data, and land use.

The NYDOS has a tremendous influence on land use regulation in New York State. While New York is a "home rule" state, the enabling legislation for the development of land use regulations and the process for developing, implementing, and appealing decisions based on them is the product of the NYSDOS.

Department of Environmental Conservation

NYSDEC is charged with conserving, improving, and protecting natural resources and the environment, and controlling water, land and air pollution, in order to enhance the health, safety and welfare of the people of the state and their overall economic and social well being. The NYSDEC attempts to reduce NPS through a number of activities including technical assistance for prevention, education, and monitoring and financial assistance for demonstration programs, improvement of existing facilities, and the construction of new ones.

The NYSDEC provides technical assistance and funding for programs aimed at preventing NPS through watershed management, dissemination of resources on best management practices, water quality monitoring, and assessing waterbodies throughout the state.

The New York Environmental Conservation Law (NYECL) contains several provisions relating to the implementation, monitoring, and enforcement of measures aimed at eliminating or reducing NPS. The NYECL establishes enforcement of penalties pertaining to the discharge of matter if such discharge violates the standards set in section 17-0101 regarding water quality and the endangerment of fisheries set in sections 17-0503, 11-1301 (1)(a), 71-01-919 (1)(b), 71-0923, and

71-0925.

Unified Watershed Assessments and Watershed Protection and Restoration Strategies

The NYSDEC has developed the Unified Watershed Assessments (UWA) (for more information see <http://www.dec.state.ny.us/website/dow/uwa/index.htm>) and Watershed Protection and Restoration Strategies (WRAPS) as a result of the federal Clean Water Action Plan (see Appendix P). Each of the watersheds within the state has been classified into one of four categories based on groundwater and surface water quality and impairments. The watersheds were then ranked according to the level of impairments and targeted for WRAPS and improvements based on these rankings.

Priority Waterbodies List (PWL)

Section 17-0301 of the New York Environmental Conservation Law (NYECL) establishes water quality standards and classifications of waterbodies in relation to these standards also known as the Priority Waterbodies List (PWL). Section 17-0101 requires "the use of all known available and reasonable methods to prevent and control the pollution of the waters of the state" to guarantee the quality of water in New York State waterbodies meets acceptable standards based on these classifications.

For more information see Appendix L

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

The NYSDEC oversees implementation of the FIFRA (for more information see Appendix L) and groundwater protection.

State Environmental Quality Review Act (SEQRA)

The State Environmental Quality Review Act (SEQRA) (for more information see <http://www.dec.state.ny.us/website/dcs/seqr/index.html>) is a preventive measure that requires the completion of an Environmental Impact Assessment (EIA) and Environmental Impact Statement (EIS) for proposed state and local development. SEQRA requires investigation into alternative actions and the mitigation of harmful effects of the proposed development. Potential NPS can be remediated through revised design or other measures.

State Pollution Discharge Elimination System (SPDES)

In NYS, NPDES permitting is under the purview of the NYSDEC, which issues a State Pollution Discharge Elimination System (SPDES) permit.

Additional SPDES Information (see Appendix I)

Neighbor Notification Law

The Neighbor Notification Law, formally known as Chapter 285 of the Laws of 2000, added Sections 33-1004 and 33-1005 the Environmental Conservation Law. These new sections add requirements for 48 hour notice to neighbors for certain commercial lawn applications, posting of visual notification markers for most residential lawn applications, providing notice to occupants of multiple dwellings and other occupied structures, and posting of an information sign by retailers who sell general use lawn pesticides. New regulations (6 NYCRR Part 325 Section 41) to implement the Neighbor Notification Law go into effect on March 1, 2001.

The amendments to the Environmental Conservation Law and the new regulations are only effective in a County, or in New York City, that has adopted a local law to “opt into” the Neighbor Notification Law in its entirety and without any changes.

Additional Neighbor Notification Law Information (see <http://www.dec.state.ny.us/website/dshm/pesticide/neighbor.htm>)

Department of Agriculture & Markets

In addition, the NYS Department of Agriculture and Markets provides administrative support to the State Soil & Water Conservation Committee (SWCC) which

in turn provides guidance to the county Soil & Water Conservation Districts (SWCD). SWCD's receive guidance from the SWCC in administering the NYS Agricultural Nonpoint Source Abatement and Control Program and planning and implementing Agricultural Environmental Management (AEM) programs (see Appendix H). The Agricultural Nonpoint Source Abatement and Control Program funds the Graze New York Program which assists farmers in select counties to implement more intensive grazing, practices.

Department of Health

The NYS Department of Health (DOH) monitors the impacts of NPS as it relates to the health of the citizens of New York through water quality monitoring and reporting programs. The New York Public Health Law includes statutes regulating the protection of public water supplies from contaminants due to source and nonpoint source pollution including the enactment of Watershed Rules and Regulations (see Appendix R). The commissioner of the NYSDOH and commissioners of County DOH's determine violations and subsequent penalties.

The 1996 amendments to the SWDA require states to evaluate the quality of sources of public drinking water. Beginning in 1998 and continuing through 2001, the NYSDOH will administer the Source Water Assessment Program (SWAP) (for more information see <http://www.health.state.ny.us/nysdoh/water/swap.htm>) to aid local and state efforts to develop and implement strategies to protect drinking water supplies from both point and nonpoint source pollutants. Under the enabling legislation and the Source Water Assessment Program, the NYSDOH is responsible for overseeing public water supply supervision and wellhead protection among other programs.

APPENDIX R

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 well-fields 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

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

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.

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.

The Watershed Inspector will participate in the Watershed Management Planning process and implementation of approved practices.

ANNUAL BUDGET

The accounting year of the Cayuga Lake Watershed Cooperative is a calendar year beginning January 1 and ending December 31.

The first year budget and financial obligations for each municipality are outlined in Attachment _____. Financial obligation for Year 1 will be prorated.

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.

Annual payment by municipalities to the Cooperative will be made no later than February 1.

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.

All complaints received by the municipalities pertaining to violations or potential violations of the watershed should be forwarded to the Cooperative immediately.

REPORTING

Municipalities will submit to the all copies of permit applications upon receipt.

The Cooperative will provide each municipality with a quarterly report which will include activities, violations, outcomes, fines, and a financial (budget) report.

AMENDMENT/EXPIRATION OF MUNICIPAL AGREEMENT

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.

The Cooperative will provide each municipality with a work plan outlining activities planning for the year on February 1 of each year.

FISCAL ADMINISTRATION

The Cooperative and municipalities will meet each February for an Annual Report and discussion of the previous and next year's activities.

EFFECTIVE DATES

WATERSHED INSPECTION PROGRAM

Approximate Annual Cost

Budget Item	Budget Amount	Totals
Personal Services	32,000.00	32,000.00
Other Services		
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
Fringes	8,000.00	8,000.00
Total		\$50,400.00

Source: Livingston County Department of Health

APPENDIX S

CAYUGA LAKE WATERSHED

Very Severe Streambank Segments/Riparian Corridors

Sub Watershed Name	Location	Tributary Miles	Stream Rank (Formula)
Big Salmon Creek	E side of Stewart Corners Rd., 75'	64.29	390.9
Big Salmon Creek	W side of Rt. 34, 200'	64.29	712.4
Big Salmon Creek	W side of Rt. 34, 200'	64.29	712.4
Cayuga Inlet	W side of Dassance Rd., 25'	83.65	354.8
Cayuga Inlet	W side of Sheffield Rd., 100'	83.65	362.4
Cayuga Inlet	100' downstream from convergence of Inlet and Enfield Creek	83.65	365.7
Cayuga Inlet	NW side of Dug Rd., 300'	83.65	381.9
Cayuga Inlet	E side of Taggert Rd., 75'	83.65	393.0
Cayuga Inlet	E side of Seven Mile Dr., 10'	83.65	393.8
Cayuga Inlet	E side of Seven Mile Dr., 350'	83.65	393.8
Cayuga Inlet	S side of Smith Rd., 50'	83.65	395.4
Cayuga Inlet	W side of Brown Rd., 200'	83.65	398.8
Cayuga Inlet	E side of Rt. 96, 75'	83.65	400.0
Cayuga Inlet	W side of Barnes Hill Rd., 50'	83.65	409.6
Cayuga Inlet	W side of Culver Rd., 150'	83.65	421.8
Cayuga Inlet	N side of Vanbuskirk Gulf Rd., 50'	83.65	430.6
Cayuga Inlet	W side of Brown Rd., 50'	83.65	434.6
Cayuga Inlet	E side of Rt. 13, 300'	83.65	435.4
Cayuga Inlet	E side of Rt. 96, 75'	83.65	435.9
Cayuga Inlet	S side of Rt. 79, 100'	83.65	439.2
Cayuga Inlet	600' upstream from railroad	83.65	443.3
Cayuga Inlet	500' upstream from railroad	83.65	443.3
Cayuga Inlet	W side of Rt. 13A, 150'	83.65	449.3
Cayuga Inlet	SE side of Town Line Rd., 300'	83.65	473.5
Cayuga Inlet	W side of Rt. 96, 75'	83.65	484.7
Cayuga Inlet	W side of Rt. 96, 25'	83.65	484.7
Cayuga Inlet	W side of Shaffer Rd., 75'	83.65	486.3
Cayuga Inlet	W side of Calkins Rd., 200'	83.65	495.1
Cayuga Inlet	SE side of Rt. 79, 200'	83.65	504.8
Cayuga Inlet	W side of Rt. 13, 100'	83.65	625.6
Cayuga Inlet	S side of Rt. 79, 200'	83.65	631.6
Cayuga Inlet	W side of Bruce Hill Rd., 200'	83.65	633.6
Cayuga Inlet	E side of Sandbank Rd., 200'	83.65	747.0
Cayuga Inlet	W side of Seely Hill Rd., 150'	83.65	902.0
Cayuga Inlet	E side of Sandbank Rd., 100'	83.65	1109.5
Cayuga Inlet	N side of Blackslee Hill Rd., 75'	83.65	1130.4
Cayuga Inlet	W side of Elm St., 100'	83.65	1315.5
Fall Creek	N side of Nye Rd., 100'	150.79	375.5
Fall Creek	E side of Youngs Rd., 200'	150.79	376.6
Fall Creek	W side of Ringwood Rd., 100'	150.79	381.4
Fall Creek	E side of Pinckney Rd., 100'	150.79	384.8
Fall Creek	N side of Cemetery Rd., 50'	150.79	397.9
Fall Creek	S side of Lake St., 100'	150.79	398.5
Fall Creek	N side of Rt. 13, 100'	150.79	400.0
Fall Creek	W side of Rt. 366, 100'	150.79	587.1
Fall Creek	E side of Atwood Rd., 100'	150.79	762.7
Sixmile Creek	At confluence of trib., about 1/4 mile into woods	80.75	375.1
Sixmile Creek	Right trib at confluence	80.75	375.1
Taughannock Creek	W side of Rt. 89, 40'	62.67	385.5
Virgil Creek	N side of Ferguson Rd. Ext., 100'	79.03	386.8

Source: Cayuga Lake Watershed Streambank Inventory, 2000,
Genesee/Finger Lakes Regional Planning Council

MUNICIPAL REGULATORY CONTROLS FOR WETLANDS, SHORELINE & RIPARIAN CORRIDORS

Comprehensive Plan	Zoning	Subdivision	Site Plan
City of Ithaca	Wetlands, floodplains, steep slopes or other areas not normally appropriate for building		
Town of Caroline		Establish buffers along streams and water courses, any disturbance shall be mitigated	
Town of Catherine		>100 ft. from normal high W line of any stream	
Town of Cortlandville		No development approval on uninhabitable land subject to flood	
Town of Covert		No development approval on uninhabitable land subject to flood	
Town of Danby		Wetland preservation	
Town of Dryden		Planning Board may require bank stabilization. No development approval on uninhabitable land subject to flood	
Town of Fayette		No development approval on uninhabitable land subject to flood. Wherever possible retain large trees, groves, water courses, water falls	
Town of Groton		No development approval on uninhabitable land subject to flood	
Town of Homer	Encourage to preserve	Establishment of Aquifer Protection District, including Wellhead Protection Area (Area I), Primary Aquifer Area (including Environmental Conservation Law wetlands) (Area II), and Principal Aquifer Area (including Environmental Conservation Law wetlands (area III), Tributary Watershed Area) (Area IV). Prohibited uses include pavement/impervious parking with area >12,000 sq feet in Areas I and II.	No development approval on uninhabitable land subject to flood
Town of Ithaca		Six Mile Creek Valley Conservation District: Planning Board requires adequacy --protection of wetlands, water courses. Six Mile Creek Valley Conservation District: no construction within 100yr flood area (200 ft distance) and 50ft away from centerline of area that carries water 6months a year	

	Comprehensive Plan	Zoning	Subdivision	Site Plan
Town of Lansing		Construction and development shall be adequate and in accordance with NYS Environmental Conservation Law, Article 24, Clean Water Act and US Army Corps of Engineers and EPA requirements	Planning Board decides if construction and realignment of wetland	
Town of Romulus	Least possible development on wetlands			
Town of Seneca Falls		Permitted uses on wetlands: deposit or removal of natural products by recreation or sport fishing, hunting etc., ag practice (crops, livestock), selective cutting timber. Development in accordance with PUD provisions, preserving it as open space. Special uses on wetlands: drainage, dredging, excavation, construction and reconstruction of structures, obstructions for any purpose. No permanent structure w/in 50ft of the edge of the bank of any water course	No development approval on uninhabitable land subject to flood	
Town of Spencer			Leave wetlands unaltered and protect by easements, etc	
Town of Summer Hill				Shoreline standards: on-site sewage tile system >100 feet and septic systems >50feet away from shore line (high water mark). Boat service facility including oil tanks within 100 feet of shoreline must prevent leaks, spills (raised earthen or paved berm or dike)
Town of Varick		No development approval on uninhabitable land subject to flood		
Village of Aurora		Subdivision: where vegetation has been removed or damaged		
Village of Cayuga		Lake Residential District: build 10 feet away from high water line		
Village of Dryden		All water courses adjacent to the subdivision must have erosion control. Maximum retention		
Village of Trumansburg	Protection of wetlands from destructive development			No development approval on uninhabitable land subject to flood

APPENDIX T

MODEL INTERMUNICIPAL AGREEMENT REGARDING

The Cayuga Lake Watershed Restoration and Protection Plan

THIS AGREEMENT, made _____
by and between the City of _____
and the Towns of _____
and the Villages of _____.

WITNESSETH THAT:

WHEREAS, each of the parties to this agreement has formally adopted the Cayuga Lake Watershed Restoration and Protection Plan, hereafter referred to as the Plan, which will provide for the long term protection of waters of Cayuga Lake Watershed; and

WHEREAS, the parties of this agreement, desire to form and send representatives to an organization call the Cayuga Lake Watershed Intermunicipal Organization, hereinafter referred to as the IO, that will administer and oversee the continuation of the planning process and the implementation of the Plan; and

WHEREAS, the parties to this agreement desire to provide for the day to day coordination of the Plan; and

WHEREAS, the Council will have ultimate authority over all municipal contributions and the dispersal of those funds; and

WHEREAS, under Article 5-G Section 119-o of the General Municipal Law of the State of New York, municipalities have the authority to enter into intermunicipal agreements and jointly perform services regarding subjects each separately has the power to perform; and

WHEREAS, this intermunicipal agreement is voluntary and will not be construed so as to interfere with or diminish any municipal powers, authority, or regulatory authority of any of the participating municipalities.

NOW, THEREFORE, in consideration of the terms and conditions herein contained, the parties to this agreement do hereby agree as follows:

FIRST: This agreement supersedes all previous IO Cooperative Agreements

SECOND: The participating municipalities will work together cooperatively in the decision-making process and share the leadership and ownership in continuing the planning process and implementing the Plan.

THIRD: Employees or contractors hired for the performance of the work under the Plan will be hired with no discrimination by reason of race, creed, color, sex, age, physical disability, or national origin.

FOURTH: The participating municipalities will provide the necessary funding based on a formula attached in Addendum _____, by _____ date of each year to assist in continuing the planning process and implement the Plan.

FIFTH: If the IO should cease to exist the funds still available will be returned to the parties to this agreement under the same formula originally gained.

SIXTH: Through the continuation of the planning process and the implementation of the Plan the various benefits conveyed by Cayuga Lake and its watershed will be maintained or enhanced.

SEVENTH: That any party to this agreement may terminate its participation within the IO at any time but must do so by notifying within thirty (30) days all other parties in writing of the determination, reasons for the termination, and the effective date thereof. Withdrawal from the agreement by one party shall not operate to terminate the agreement, which shall continue in full force and effect with respect to all other parties.

EIGHTH: That the Bylaws of the IO may only be modified upon the consent of the IO (Addendum _____)

NINTH: This agreement shall be for a _____ year period commencing on _____ and ending on _____.

TENTH: This agreement authorizes the IO to enter into contracts within the limits of, and subject to, the appropriations provided by the participating municipalities and other available secured funding sources.

ELEVENTH: If any term or provision of this agreement or the application thereof shall, to any extent, be invalidated or unenforceable, the remainder of this agreement or the application of such term or provision, other than those to which it is held invalid or unenforceable, shall be unaffected thereby, and each term and provision of the agreement shall be valid and enforceable to the fullest extent permitted by law.

IN WITNESS WHEREOF, the following parties through their Chief Elected Officials have executed this agreement.

Adopted from the Canandiagua Lake Watershed Intermunicipal Agreement

MUNICIPAL LAND USE REGULATION AND CONTROL IN THE CAYUGA LAKE WATERSHED

Cayuga County	Sediment & Erosion Control Laws	Other Municipal Boards and Committees	Comprehensive Plan	Subdivision Ordinance	Drainage Plan	Vegetation Retention Laws	Other Plans	Other Ordinances	Planning Board	Board of Appeals	Municipal Board	Conservation Board	Zoning
Town of Aurelius	Yes	No	No	No	No	No	No	No	Yes	Yes	Yes	No	No
Village of Aurora	Yes	Yes	Yes	No	Yes*	No	No	Yes	Yes	Yes	Yes	No	Yes
Village of Cayuga	Yes	No	Yes	No	No	No	Yes	Yes	Yes	Yes	Yes	No	No
Town of Fleming	Yes	No	Yes	No	No	No	No	No	Yes	Yes	Yes	No	No
Town of Genoa	No	No	No	No	Yes*	No	Yes	Yes	No	Yes	Yes	No	No
Town of Ledyard	Yes	No	No	No	No	No	No	Yes	Yes	Yes	Yes	No	Yes
Town of Locke	<i>Did not return survey</i>												
Town of Scipio	Yes	No	No	No	No	No	No	No	Yes	Yes	Yes	No	No
Town of Sempronius	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	No	Yes
Town of Springport	Yes	No	No	No	No	No	No	No	Yes	Yes	Yes	No	No
Town of Summer Hill	No	No	Yes	No	No	No	Yes	Yes	Yes	Yes	Yes	No	Yes
Village of Union Springs	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes	Yes	No	No
Town of Venice	No	No	No	No	No	No	No	No	No	No	Yes	No	No
<i>(Variance Board)</i>													
Cortland County													
Town of Cortlandville	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes	Yes	No	No
Town of Harford	Yes	Do not Know	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No	No
Town of Homer	Yes	Yes	Yes	No	No	No	Yes	No	Yes	Yes	Yes	No	Yes
Town of Scott	Yes	No	Yes	No	No	No	Yes	No	Yes	Yes	Yes	No	Yes
Town of Virgil	Yes	No	Yes	No	No	No	No	Yes	Yes	Yes	Yes	No	Yes
Schuyler County													
Town of Catharine	Yes	No	Yes	No	No	No	No	No	Yes	Yes	Yes	No	No
Town of Hector	No	No	No	No	No	No	No	Yes	No	No	Yes	No	Yes
Seneca County													
Town of Covert	No	No	Yes	No	No	No	No	Yes	Yes	No	Yes	No	No
Town of Fayette	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes	Yes	No	No
Village of Interlaken	No	No	No	No	No	No	No	Yes	No	No	Yes	Yes	No
Town of Lodi	No	No	No	No	No	No	No	No	Yes	No	No	No	No
Town of Ovid	No	No	No	No	No	No	No	No	No	No	Yes	No	No
Town of Romulus	No	Yes	No	No	No	No	No	Yes	Yes	No	No	No	No
Town of Seneca Falls	Yes	Yes	Yes	No	No	No	No	Yes	Yes	Yes	Yes	No	No
Town of Varick	Yes	No	Yes	No	No	No	No	Yes	Yes	Yes	Yes	No	No
Tioga County													
Town of Spencer	No	No	Yes	No	No	No	No	No	Yes	No	Yes	No	No
Tompkins County													
V of Cayuga Heights	Yes	Yes	Yes	No	No	No	No	Yes	Yes	Yes	No	No	Yes
Town of Caroline	No	No	Yes	No	No	No	No	Yes	Yes	No	Yes	No	Yes
Town of Danby	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes	Yes	No	No
Town of Dryden	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes	Yes	No	No
Village of Dryden	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes	Yes	No	No
Town of Enfield	No	No	Yes	No	No	No	No	Yes	Yes	No	Yes	No	No
Village of Freeville	Yes	Yes	Yes	No	No	No	No	Yes	Yes	Yes	Yes	No	No
Town of Groton	Yes	Yes	Yes	No	No	No	No	Yes	Yes	Yes	Yes	No	No
City of Ithaca	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes	Yes	Yes	No	Yes
<i>(Common Council)</i>													
Town of Ithaca	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Town of Lansing	Yes	Yes	Yes	No	No	No	No	Yes	Yes	Yes	Yes	No	Yes
Village of Lansing	Yes	Yes	Yes	Yes*	Yes*	Yes*	Yes	Yes	Yes	Yes	No	No	Yes
Town of Newfield	No	No	Yes	Yes	No	No	No	No	No	No	Yes	No	No
Village of Trumansburg	Yes	Yes	Yes	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Town of Ulysses	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes	Yes	No	Yes

• Part of zoning ordinance

Source: Genesee/Finger Lakes Regional Planning Council Land Use Regulation & Control Inventory (2001)

For a complete analysis of all municipal land use regulations and controls in the Cayuga Lake Watershed see the RPP On-Line at <http://www.cayugawatershed.org>